

LAWS

of the

STATE OF UTAH, 1967

Passed by

REGULAR SESSION

of the

THIRTY-SEVENTH LEGISLATURE

Convened at the Capitol in the City of Salt Lake

January 9, 1967

And Adjourned Sine Die on

March 9, 1967

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AUTHENTICATION

State of Utah }
Office of Secretary of State } ss.

THIS IS TO CERTIFY that the acts and resolutions published in this volume beginning at Page One and ending Page Six Hundred Fifty-Three, are each full, true and correct copies of the originals, passed at the Regular Session of the Thirty-seventh Legislature of the State of Utah, as they appear of record in the Office of the Secretary of State;

That the Regular Session of the Thirty-seventh Legislature of the State of Utah, was convened at the Capitol in the city of Salt Lake, January 9, 1967 and adjourned sine die on the 9th day of March, 1967.

That all the acts and resolutions passed at said Regular Session and printed herein were officially published on or before the 9th day of May, 1967.



IN TESTIMONY WHEREOF, I have hereunto set my hand as Secretary of State, and affixed the Great Seal of the State of Utah, at Salt Lake City, this 16th day of May, 1967.

Lyndel Miller

Secretary of State

LAWS
of the
STATE OF UTAH, 1967

Passed at the
THIRTY-SEVENTH REGULAR SESSION
of the Legislature

**ABSTRACTORS AND ABSTRACTS
OF TITLE**

CHAPTER 1

S. B. No. 143

(Passed February 17, 1967. In effect July 1, 1967)

ABSTRACT COMMISSION FUND

An Act Amending Sections 1-1-5 and 1-1-7, Utah Code Annotated 1953, Relating to the Abstract Commission; Providing for the Deposit of Fees and Moneys Received by the Abstract Commission in the General Fund Providing for Submission by the Commission of a Budget and for Expenses to be Paid From an Appropriation and for a Limitation Upon Expenditures; Providing for a Change in the Biennial Report of the Commission; Providing for Transfer of the Balance in the Abstract Commission Fund as of July 1, 1967, to the General Fund and for an Effective Date.

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

Section 1. Section Amended.

Section 1-1-5. Utah Code Annotated, is amended to read as follows:

1-1-5. Fees—Funds Deposited In General Fund.

All fees and moneys received under the provisions of this act shall be deposited with the state treasurer to the credit of the general fund.

The director shall prepare and submit to the governor, to be included in his budget to be submitted to the legislature, a budget of the requirement for the expenses of the commission and for administration of this act for the biennium next following the convening of the legislature; provided, that no more than 90 per cent of the amount of fees collected in each fiscal year or the legislative appropriation, whichever is less, shall be expended for the purposes of this act.

Section 2. Section Amended.

Section 1-1-7, Utah Code Annotated 1953, is amended to read as follows:

1-1-7. Biennial Report To Governor.

Said board shall make a biennial report to the governor, which report shall contain a full statement of its doings and proceedings and such

recommendations as to it may seem proper for the better carrying out of the intents and purposes of this act.

Section 3. Transfer to General Fund.

The unexpended balance in said abstract commission fund as of July 1, 1967 shall be transferred to the unappropriated surplus account of the general fund.

Section 4. Effective Date.

This act shall take effect July 1, 1967.

Approved March 21, 1967.

AGRICULTURAL DEPARTMENT IN GENERAL

CHAPTER 2

H. B. No. 52

(Passed February 16, 1967. In effect May 9, 1967)

UTAH SEED ACT

An Act Amending Sections 4-2-2, 4-2-3, 4-2-4, 4-2-5, 4-2-6, 4-2-7, and 4-2-12, Utah Code Annotated 1953, as Amended by Chapter 2, Laws of Utah 1963, and Enacting Section 4-2-13, Utah Code Annotated 1953, Relating to Labeling, Testing, Sale, Offering for Sale, or Transporting for Sale, Agriculture, Vegetable, Flower and Tree and Shrub Seeds: To Prevent the Misrepresentation Thereof, to Regulate the Production, Inspection, Testing, Labeling, Sealing and Sale of Foundation, Registered and Certified Seed.

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

Section 1. Sections Amended.

Sections 4-2-2, 4-2-3, 4-2-4, 4-2-5, 4-2-6, 4-2-7, and 4-2-12, Utah Code Annotated 1953, are amended to read:

4-2-2. Definitions.

When used in this act—

(1) The term "person" shall include any individual, partnership, corporation, company, society, or association.

(2) The term "agricultural seeds": shall include the seeds of grass; forage, range, cereal, fiber crops, sugar beet seeds, seed potatoes, and any other kinds of seed commonly recognized within this state as agricultural or field seeds, and mixtures of such seeds, except the labeling of seed potatoes which shall be prescribed under the rules and regulations of this act.

(3) The term "vegetable seeds" shall include the seeds, plants, bulbs, and ground stock of those crops which are grown in gardens or on truck farms and are generally known and sold under the name of vegetable seeds, plants, bulbs, and ground stocks in this state; except the labeling of plants, bulbs, and ground stocks which shall be prescribed under the rules and regulations of this act.

(4) The term "weed seeds" shall include the seeds of all plants generally recognized as weeds within this state, and shall include noxious-weed seeds.

(5) Noxious-weed seeds shall be those declared noxious by the state board of agriculture after public hearing following due public notice.

(6) The term "labeling" includes all labels, and other written, printed, or graphic representations, in any form whatsoever, accompanying and pertaining to any seed plants, bulbs, or ground stock whether in bulk or in containers, and includes representations on invoices, bills and letterheads.

(7) The term "advertisement" means all representations, other than those on the label, disseminated in any manner or by any means, relating to seeds, plants, bulbs, or ground stocks within the scope of this act.

(8) The terms "foundation seed," "registered seed," and "certified seed," means seed that has been produced and labeled in accordance with the procedures and in compliance with the rules and regulations of an officially recognized seed certifying agency approved and accredited in this state.

(9) "Board" means the state board of agriculture.

(10) The term "stop sale" means an administrative order provided by law, restraining the sale, use, disposition, and movement of a definite amount of seed

(11) The term "seizure" means the legal process carried out by court order against a definite amount of seed.

(12) The term "kind" means one or more related species or subspecies which singly or collectively is known by one common name, for example: corn, oats, alfalfa, and timothy.

(13) The term "variety" means a subdivision of a kind characterized by growth, yield, plant, fruit seed, or other characteristics, by which it can be differentiated from other plants of the same kind.

(14) The term "Hybrid" means the first generation seed of a cross produced by controlling the pollination and by combining (1) two or more inbred lines; (2) one inbred or a single cross with an open-pollinated variety; or (3) two varieties or species, except open-pollinated varieties of corn (*Zea mays*). The second generation and subsequent generations from such crosses shall not be regarded as hybrids. Hybrid designations shall be treated as variety names.

(15) The term "lot" means a definite quantity of seed identified by a lot number or other mark, every portion or bag of which is uniform within recognized tolerances for the factors which appear in the labeling.

(16) The terms "pure seed," "germination," and other seed labeling and testing terms of common usage shall be defined as in the rules for seed testing published by the Association of Official Seed Analysts, effective July 1, 1955, and subsequently amended.

(17) The term "treated" means that the seed has received an effective application of a substance or method designed to reduce, control, or repel certain disease organisms, fungi, insects or other pests attacking the seed or seedlings growing therefrom, or has received some other treatment to improve its planting value.

(18) The term "tree and shrub seeds" includes seeds of woody plants commonly known and sold as tree and shrub seeds in this state.

(19) The term "flower seeds" includes seeds of herbaceous plants grown for their blooms, ornamental foliage, or other ornamental parts, and commonly known and sold under the name of flower seeds in this state.

4-2-3. Labeling or Tagging Seed.

Each container of agricultural, vegetable, flower and tree and shrub seed which is sold, offered for sale, or exposed for sale, or transported for sale within this state for sowing purposes shall bear thereon or have attached thereto in a conspicuous place a plainly written or printed label or tag in the English language, giving the following information:

(1) For agricultural seeds —

(a) Commonly accepted name of (i) kind, or (ii) kind and variety, of each agricultural seed component in excess of 5 per cent of the whole, and the percentage by weight of each in the order of its predominance provided, that if any such component is one which the board has determined, in the rules and regulations under this act, is generally labeled as to variety the label shall bear, in addition to the name of the kind, either the name of such variety or the statement "Variety Not Stated." And provided further, that in the case of any such component which is a hybrid seed it shall, in addition to the above requirements, be designated as hybrid seed on the label. Where more than one component is required to be named, the word "mixture" or the word "mixed" shall be shown conspicuously on the label.

Exception is made to rye grain only, which shall be named if found in any amount, giving the percentage by weight or the number of rye seeds found per pound. The word "mixture" or the word "mixed" is not required if the rye grain found is less than 5 per cent of the whole.

(b) Lot number or other lot identification

(c) Origin, if known, or alfalfa, red clover, and field corn. If the origin is unknown, that fact shall be stated.

(d) Percentage by weight of all weed seeds.

(e) The name and rate of occurrence per pound of each kind of noxious-weed seed for which tolerance is permitted.

(f) Percentage by weight of agricultural or crop seeds other than those required to be named on the label.

(g) Percentage by weight of inert matter.

(h) For each named agricultural seed:

(A) Percentage of germination, exclusive of hard seed,

(B) Percentage of hard seed, if present,

(C) Total germination and hard seed,

(D) The calendar month and year the test was completed to determine such percentages.

(i) Name and address of the person who labeled said seed, or who sells, offers, or exposes said seed for sale within this state.

(2) For seed mixtures for lawn and/or turf purposes in containers of 50 pounds or less:

(a) The word "mixed" or "mixture."

(b) The headings "fine-textured grasses" and "coarse kinds" in 8-point or larger type on a contrasting background and thereunder in tabular form in uniform size type no larger than the heading nor smaller than 8-point.

(A) Commonly accepted name in order of its predominance, of the kind or the kind and variety of each agricultural seed present in excess of 5 per cent of the whole and determined to be a "fine-textured grass" or a "coarse kind" in accordance with the rules and regulations under this act.

(B) Percentage by weight of pure seed of each agricultural seed named.

(C) For each agricultural seed named under (A) above: (i) Percentage of germination, exclusive of hard seed, (ii) Percentage of hard seed, if present, (iii) Calendar month and year the test was completed to determine such percentages.

(c) The heading "other ingredients", and thereunder in type no larger than the heading, nor smaller than 8-point type:

(A) Percentage by weight of all weed seeds,

(B) Percentage by weight of agricultural seeds or crop seeds other than those required to be named on the label,

(C) Percentage by weight of inert matter.

(d) Lot number or other lot identification.

(e) Name and rate of occurrence per pound of each kind of noxious weed seed for which tolerance is permitted.

(f) Name and address of the person who labeled said seed, or who sells, offers, or exposes said seed for sale within this state.

(g) Net weight.

(3) For vegetable seeds, in containers of one pound or less —

(a) Name of kind and variety of seed.

(b) For seeds which germinate less than the standard last established by the state board of agriculture under this act;

(A) Percentage of germination, exclusive of hard seed;

(B) Percentage of hard seed, if present;

(C) The calendar month and year the test was completed to determine such percentages;

(D) The words "Below Standard" in not less than 8-point type; and

(c) Name and address of the person who labeled said seed, or who sells, offers, or exposes said seed for sale within this state.

(4) For vegetable seeds in containers of more than one pound —

(a) The name of each kind and variety present in excess of 5% and the percentage by weight of each in order of its predominance.

(b) Lot number or other lot identification.

(c) For each named vegetable seed:

(A) The percentage of germination, exclusive of hard seed,

(B) The percentage of hard seed, if present,

(C) The calendar month and year the test was completed to determine such percentages.

(d) The name and rate of occurrence per pound of each kind of noxious weed seed for which tolerance is permitted.

(e) Name and address of the person who labeled said seed, or who sells, offers or exposes said seed for sale within the state.

(f) The labeling requirements for vegetable seeds in containers of more than one pound shall be deemed to have been met if the seed is weighed from a properly labeled container in the presence of the purchaser.

(5) For flower seeds in packets prepared for use in home flower gardens or household plantings or flower seeds in pre-planted containers, mats, tapes, or other planting devices:

(a) For all kinds of flower seeds:

(A) The name of the kind and variety or a statement of type and performance characteristics as prescribed in the rules and regulations promulgated under the provisions of this act.

(B) The calendar month and year seed was tested or the year for which the seed was packaged.

(C) The name and address of the person who labeled said seed, or who sells, offers, or exposes said seed for sale within this state.

(b) For seeds of those kinds for which standard testing procedures are prescribed and which germinate less than the germination standard last established under the provisions of this act:

(A) The percentage of germination exclusive of hard seed, and,

(B) The words "BELOW STANDARD" in not less than 8-point type.

(c) For seeds placed in a germination medium, mat, tape, or other device in such a way as to make it difficult to determine the quantity of seed without removing the seeds from the medium, mat, tape, or device, a statement to indicate the minimum number of seeds in the container.

(6) For flower seeds in containers other than packets prepared for use in home flower gardens or household plantings and other than preplanted containers, mats, tapes, or other planting devices:

(a) The name of the kind and variety or a statement of type and performance characteristics as prescribed in the rules and regulations promulgated under the provisions of this act.

(b) The lot number or other lot identifications.

(c) The calendar month and year that the seed was tested, or the year for which the seed was packaged.

(d) The name and address of the person who labeled said seed or who sells, offers, or exposes said seed for sale within this state.

(e) For those kinds of seeds for which standard testing procedures are prescribed:

(A) The percentage of germination exclusive of hard seed,

(B) The percentage of hard seed, if present.

(7) For tree and shrub seeds:

(a) Common name of the kind of seed,

(b) The scientific name of the genus and species to which the kind belongs and for those kinds which belong to subspecies, the name of the subspecies.

(c) Lot number or other lot identification.

(d) The specific locality (State and County in the United States or nearest equivalent political unit in case of foreign countries) in which seed was collected.

(e) For forest tree seed, the elevation to the nearest 500 feet above sea level at which the seed was collected.

(f) The calendar year in which the seed was collected for those kinds of seed for which standard testing procedures are not prescribed.

(g) The name and address of the person who labeled said seed or who sells, offers, or exposes said seed for sale within the state,

(h) For those kinds of seed for which standard testing procedures are prescribed:

(A) Percentages by weight of pure seed,

(B) Percentage of germination exclusive of hard seed,

(C) Percentage of hard seed, if present, and

(D) Calendar month and year seed was tested to determine the above percentages.

4-2-4. Certain Sales Declared to be Unlawful.

(1) It shall be unlawful for any person to sell, offer for sale, or expose for sale, or transport for sale, any agricultural, vegetable, flower or tree and shrub seeds within this state —

(a) Unless the test to determine the percentage of germination required by section 4-2-3, shall have been completed within a 9-month period, exclusive of the calendar month in which the test was completed, immediately prior to sale, exposure for sale, or offering for sale or transportation.

(b) Not labeled in accordance with the provisions of this act, or have a false or misleading labeling.

(c) Pertaining to which there has been a false or misleading advertisement.

(d) Containing noxious-weed seeds, subject to tolerance and methods of determination prescribed in the rules and regulations under this act.

(2) It shall be unlawful for any person within this state —

(a) To detach, alter, deface, or destroy any label provided for in this act or the rules and regulations made and promulgated thereunder, or to alter or substitute seed, in a manner that may defeat the purposes of this act.

(b) To disseminate any false or misleading advertisement concerning agricultural, vegetable, flower and tree and shrub seeds in any manner or by any means.

(c) To hinder or obstruct in any way any authorized person in the performance of his duties under this act.

(d) To fail to comply with a "stop-sale" order or to move or otherwise handle or dispose of any lot of seed held under a "stop-sale" order or tags attached thereto except with express permission of the enforcing officer, and for the purpose specified thereby.

4-2-5. Exemptions From Provisions of Chapter.

(1) The provisions of sections 4-2-2 and 4-2-3, shall not apply —

(a) To seed or grain not intended for sowing purposes.

(b) To seed in storage in, or consigned to, a seed cleaning or processing establishment for cleaning or processing; provided, that any labeling or other representation which may be made with respect to the uncleaned or unprocessed seed shall be subject to this act.

(c) To any carrier in respect to any seed transported or delivered for transportation in the ordinary course of its business as a carrier; provided, that such a carrier is not engaged in producing, processing, or marketing agricultural, vegetable, flower, or tree and shrub seeds subject to the provisions of this act.

(2) No person shall be subject to the penalties of this act for having sold or offered or exposed for sale in this state any agricultural, vegetable, flower, or tree and shrub seeds, which were incorrectly labeled or represented as to kind, variety, type, or origin, which seeds cannot be identified by examination thereof, unless he has failed to obtain an invoice, genuine grower's declaration or other labeling information and to take such other precautions as may be reasonable to insure the identity to be that stated.

4-2-6. Enforcement of Act — Powers and Duties of State Board of Agriculture.

The state board of agriculture or its authorized agents shall exercise the following powers and duties in the enforcement of this act.

(1) To sample, inspect, make analysis of, and test agricultural, vegetable, flower and tree and shrub seeds held for planting or transported, sold, or offered or exposed for sale within this state for sowing purposes, at such time and place and to such extent as it may deem necessary to determine whether said agricultural, vegetable, flower and tree and shrub seeds, are in compliance with the provisions of this act, and to notify promptly the person who transported, sold, offered or exposed the seed for sale, of any violation.

(2) To prescribe and, after public hearing following due public notice, to adopt rules and regulations governing the methods of sampling, inspecting, analysis, tests, and examination of agricultural, vegetable, flower and tree and shrub seeds, and the tolerance to be followed in the administration of this act, which shall conform to the provisions of the Federal Seed Act as nearly as practical, and such other rules and regulations as may be necessary to secure efficient enforcement of this act.

(3) To enter upon any public or private premises during regular business hours in order to have access to seeds subject to the act and the rules and regulations thereunder.

(4) To issue and enforce a written or printed "stop-sale" order to the owner or custodian of any lot of agricultural, vegetable, flower and tree and shrub seed which the board finds in violation of any of the provisions of this act, or rules and regulations promulgated thereunder, which order shall prohibit further sale processing and movement of such seed, except on approval of the enforcing officer, until such officer has evidence that the law has been complied with: and he has issued a release from the "stop-sale" order of such seed, provided that in respect to seeds which have been denied sale, processing and movement, as provided in this paragraph; the owner or custodian of such seed shall have the right to appeal said order to a court of competent jurisdiction in the locality in which the seeds are found, praying for a judgment as to the jurisdiction of said order and for the discharge of such seed from the order prohibiting the sale, processing and movement in accordance with the findings of the court: and provided further, that

the provisions of this paragraph shall not be construed as limiting the right of the board to proceed as authorized by other sections of this act.

(5) To establish and maintain or make provision for seed testing facilities, to employ qualified persons, and to incur such expenses as may be necessary to comply with these provisions.

(6) To make or provide for making purity and germination tests of seeds for farmers and dealers; to prescribe rules and regulations governing sampling and testing; and to fix and collect charges for the services.

(7) To designate the weeds and seeds which shall be considered noxious within this state; to determine the tolerance for noxious weed seed and other weed seed permitted to be sold under the provisions of this act.

(8) To cooperate with the United States department of agriculture and other agencies in seed law enforcement.

4-2-7. Seizure of Noncomplying Seeds.

Any lot of agricultural, vegetable, flower and tree and shrub seed not in compliance with the provisions of this act shall be subject to seizure on complaint of the state board of agriculture to a court of competent jurisdiction in the locality in which the seed is located. In the event that the court finds the seed to be in violation of this act and orders the condemnation of said seed, it shall be devitalized, processed, destroyed, relabeled or otherwise disposed of in compliance with the laws of this state: provided, that in no instance shall the court order such disposition of said seed without first having given the claimant an opportunity to apply to the court for the release of said seed or permission to process or relabel it to bring it into compliance with this act.

4-2-12. Prohibited Conditions—False Terms.

No persons shall use orally or in writing, relative to any agricultural, vegetable, flower and tree and shrub seeds, as defined in this act, sold, advertised, exposed or offered for sale, for propagation or planting in this state, the term "foundation," "registered," or "certified" alone (along) with other words, or shall so use any other term or form of words which suggests that seed has been certified or registered by an inspection agency duly authorized by any state, or that there has been registration or certification, or either, or shall use any tags similar to registration or certification tags, unless such seeds have in fact been registered or certified by an officially recognized seed certifying agency approved and accredited in this state.

Section 2. Section Enacted.

Section 4-2-13, Utah Code Annotated 1953, is enacted to read:

4-2-13. Records to be Kept.

Each person whose name appears on the label as handling agricultural, vegetable, flower, tree and shrub seeds, subject to this act, shall keep for a period of two years complete records of each lot of agricultural, vegetable, flower, and tree and shrub seed handled and keep for one

year a file sample of each lot of seed after final disposition of said lot. All such records and samples pertaining to the shipment or shipments involved shall be accessible for inspection by the board of agriculture or its authorized agents during customary business hours.

Approved February 27, 1967.

CHAPTER 3

H. B. No. 95

(Passed March 9, 1967. In effect January 1, 1968)

INSECTICIDES, FUNGICIDES AND RODENTICIDES

An Act Amending Sections 4-4-15, 4-4-16, 4-4-17, 4-4-18, 4-4-19, 4-4-20, 4-4-22, 4-4-23 and 4-4-28, Utah Code Annotated 1953, and Enacting a New Section to be Known as Section 4-4-29, Utah Code Annotated 1953, Relating to the Application of Economic Poisons, Licensing of Pest Control Operators and Providing for Dissemination of Information Related to Safe Use of Economic Poisons: Providing an Effective Date.

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

Section 1. Sections Amended.

Sections 4-4-15, 4-4-16, 4-4-17, 4-4-18, 4-4-19, 4-4-20, 4-4-22, 4-4-23 and 4-4-28, Utah Code Annotated 1953, are amended to read:

4-4-15. Definitions.

For the purposes of this act:

(a) "economic poison" means, but is not limited to, (1) any substance or mixture of substances intended to prevent, destroy, control, repel, or mitigate any insect, rodent, nematode, snail, slug, fungus, bacteria, weed, and any other form or plant or animal life or virus, except virus on or in living man or other animal, that may infest, infect, or be detrimental to vegetation, man, animal, structure, or household or be present in any environment or which the commissioner may declare to be a pest, and (2) any substance or mixture of substances intended to be used as a plant regulator, defoliant or desiccant, and (3) any spray adjuvant, such as a wetting agent, spreading agent, deposit builder, adhesive, emulsifying agent, deflocculating agent, water modifier, or similar agent with or without toxic properties of its own, intended to be used with any other economic poison as an aid to the application or effect thereof, and sold in a package or container separate from that of the economic poison with which it is to be used.

(b) The term "custom applicator" means any individual who, in this state, by contract or otherwise, applies by aerial, ground, or hand equipment, economic poisons for hire or compensation in excess of \$50.00 per year

(c) The term "pest control operator" shall mean an individual engaged in the business of structural pest control, commercial extermination or fumigation, or in any other service involving the use of economic poisons or other chemicals in this state for the control, eradication, miti-

gation, or prevention of pests, rodents, termites, and other anthropods in houses and buildings for hire or compensation in excess of \$50.00 per year.

(d) The term "insect" means any of the numerous small invertebrate animals generally having the body more or less obviously segmented, for the most part belonging to the class Insecta, comprising six-legged, usually winged forms, as, for example, beetles, bugs, bees, and flies, and to other allied classes of anthropods whose members are wingless and usually have more than six legs; as for example, spiders, mites, ticks, centipedes, and wood lice.

(e) The term "fungi" means all non-chlorophyll-bearing tallophytes (that is, all non-chlorophyll-bearing plants of a lower order than mosses and liverworts) as, for example, rusts, smuts, mildews, molds, yeasts, and bacteria, except those on or in living man or other animals.

(f) The term "weed" means any plant which grows where not wanted.

(g) The term "person" means any individual, firm, partnership, association, corporation, company, joint stock association, or body politic, or any organized group of persons whether incorporated or not; and includes any trustee, receiver, assignee, or other similar representative thereof.

(h) The term "board" means the board of agriculture.

(i) The term "aircraft" means any contrivance now known or hereafter invented, used or designed for navigation of, or flight in, the air.

(j) The term "ground equipment" means any machine or device (other than aircraft), for use on land or water, designed for, or adaptable to use in applying economic poisons as sprays, aerosols, dusts, or fog, or in other forms.

4-4-16. Restrictions—Fungicides

No custom applicator or pest control operator shall apply economic poisons unless the application of economic poisons conforms to regulations prescribed by the board.

4-4-17. License Required—Application for License.

(a) No custom applicator or pest control operator shall engage in the application of economic poisons within this state at any time without a license issued by the board. Application for a license shall be made in writing to the board on a designated form obtained from the state department of agriculture. A listing of each spraying or dusting machine or device which will be used by the custom applicator or pest control operator, identified and described as required by regulation of the board, shall accompany each application for a license.

(b) The board may require the applicant for license to show, upon examination, that he possesses adequate knowledge concerning the proper use and application of economic poisons and the dangers involved and precautions to be taken in connection with their application.

(c) If the board finds the applicant for license qualified, the board shall issue a license, for such period as it may by regulation prescribe, to perform custom application of economic poisons within this state. The license may restrict the applicant to the use of a certain type or

types of equipment or materials if the board finds that the applicant is qualified to use only such type or types. If a license is not issued as applied for, the board shall inform the applicant in writing of the reasons therefor.

(d) Each applicant for license to apply economic poisons shall pay an annual license fee of five dollars (\$5.00) before the license shall be issued. All such fees shall be paid to the state board of agriculture and deposited with the state treasurer in the economic poisons fund which funds shall be used for carrying out the provisions of this act. Each license shall expire on December 31st of the year of its issuance. The holder of a license may renew such license for the next registration period upon payment of the fees specified in this section and upon qualifying to any other conditions specified by the board.

Custom applicators and pest control operators employed by a governmental agency must qualify for a license to apply economic poisons within the state as herein set forth but such governmental agency or its employees shall not be required to pay the license fee in performing the official duties of the agency.

(e) The board may suspend, pending inquiry, for not longer than ten days, and, after opportunity for a hearing, may revoke the provisions of any license issued under this section, if it finds that the licensee is no longer qualified, has engaged in fraudulent business practices in the custom application of economic poisons, or has made any custom application in a faulty, careless, or negligent manner, or has violated any of the provisions of this act or regulations made thereunder.

(f) The board may issue a license without examination to a non-resident who is licensed in another state substantially in accordance with the provisions of this act.

(g) Any person aggrieved by any action of the board may obtain a review thereof by filing in the district court within 30 days of notice of the action a written petition praying that the action of the board be set aside. A copy of such petition shall forthwith be delivered to the board, and within 30 days thereafter the board shall certify and file in the court a transcript of any record pertaining thereto, including a transcript of evidence received, whereupon the court shall have jurisdiction to affirm, set aside or modify the action of the board, except that the findings of the board as to the facts, if supported by substantial evidence, shall be conclusive.

4-4-18. Inspection of Equipment.

The board may provide for inspection of any aircraft, ground equipment, or of any device or apparatus used for custom application of economic poisons and may require proper repairs or other changes before its further use for custom application.

4-4-19. Board to Issue Regulations—Methods.

The board shall have authority to issue regulations after public hearings to carry out the provisions of this act and may prescribe materials or methods to be used and prohibit the use of materials or methods in application of economic poisons, to the extent necessary to protect health or property, and to prevent injury, by reason of the

drifting, washing or application of such materials, to desired plants or animals (including pollinating insects and aquatic life) on property other than that owned or leased by the person for whom the materials are supplied.

The board shall have power to prescribe regulations pertaining to certain areas or sections of the state when particular problems affecting such local areas may require special consideration. In case such local or sectional regulation may be deemed necessary, public hearings affecting the area shall be held prior to formulation of the regulations at some convenient locality within the area. The board shall serve adequate notice of all such sectional hearings by utilizing any or all effective means available within the area, including the posting of such notice in at least three public places not less than three days before the date of the hearing.

The board may also prescribe regulations pertaining to one or more crops or other factors within a localized area, which regulations need not necessarily affect other crops or factors.

No regulation shall be adopted without first providing adequate hearing opportunities to representatives of the particular industry in the area affected in a manner as herein specified.

In issuing such regulations, the board shall give consideration to pertinent research findings and recommendations of other agencies of this state or of the federal government.

4-4-20. Records and Reports.

The board may by regulation, require any applicant of economic poisons to maintain such records and furnish reports giving such information with respect to particular applications of economic poisons and such other relevant information as the board may deem necessary.

4-4-22. Publication of Information—Warnings.

(a) The board may publish information regarding injury which may result from improper application or handling of economic poisons and methods and precautions designed to prevent such injury.

(b) The board shall be required to publish by bulletin or other effective means, rules and regulations related to this act affecting application of economic poisons which have been declared to be hazardous and injurious to public health and property by the board.

4-4-23. Application of Poison.

It shall be unlawful for any custom applicator or pest control operator to use or apply an economic poison in a manner other than as specified on the label of the economic poison.

4-4-28. Board to Provide Information to Public.

The board shall be empowered to provide through appropriate informational media, a comprehensive educational program to inform the public, including applicators of economic poisons, concerning the nature and value of economic poisons, the necessity for their safe use in accordance with their labels, and the health hazards involved in their misuse.

Section 2. Section Enacted.

Section 4-4-29, Utah Code Annotated 1953, is enacted to read.

4-4-29. Severability Clause.

If any provision of this act is declared unconstitutional, or the applicability thereof to any person or circumstance is held invalid, by a court of competent jurisdiction, the constitutionality of the remainder of the act and the applicability thereof to other persons and circumstances shall not be affected thereby.

Section 3. Effective Date.

This act shall become effective January 1, 1968.

Approved March 21, 1967.

CHAPTER 4

H. B. No. 36

(Passed February 15, 1967. In effect May 9, 1967)

NOXIOUS WEEDS

An Act Repealing Sections 4-5-12, 4-5-13, 4-5-14, 4-5-15, and 4-5-16, Utah Code Annotated 1953, Relating to the Issuance and Revocation of Permits for the Commercial Operation of Farm Machinery; To the Removal of Noxious Weed Seeds From Said Machinery Before Operating on a Public Highway; To Enforcement Powers of the Utah State Board of Agriculture; To the Penalty for Operating Without a Permit.

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

Section 1. Sections Repealed.

Sections 4-5-12, 4-5-13, 4-5-14, 4-5-15 and 4-5-16, Utah Code Annotated 1953, are hereby repealed.

Approved February 17, 1967.

CHAPTER 5

H. B. No. 26

(Passed February 9, 1967. In effect May 9, 1967)

CERTIFICATION OF STALLIONS AND JACKS

An Act Repealing All of Chapter 10 of Title 4, Utah Code Annotated 1953, Relating to the Examination, Enrollment and Certification of Stallions and Jacks by the State Board of Agriculture and the Procedure Therefore; To the Payment of Fees; To the Establishment of Liens on Mares and Foals, and to the Penalty Imposed for Non-compliance With Said Act.

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

Section 1. Chapter Repealed.

All of Chapter 10 of Title 4, Utah Code Annotated 1953, is hereby repealed.

Approved February 16, 1967.

CHAPTER 6

H. B. No. 123

(Passed February 28, 1967. In effect May 9, 1967)

UTAH LIVESTOCK BRAND ACT

An Act Amending Section 4-13-20, Utah Code Annotated 1953, Requiring the Livestock Brand Board and the Board of Agriculture to Promulgate Regulations to Verify the Ownership of All Unmarked and Unbranded Non-Dairy Livestock Offered for Sale.

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

Section 1. Section Amended.

Section 4-13-20, Utah Code Annotated 1953 is hereby amended to read as follows:

4-13-20. Live Animal Inspection.

Live animal inspection consists of the examination of livestock, during daylight for brands and marks. The inspector shall issue a certificate showing the brands and marks discovered by the inspection. The livestock brand board, in cooperation with the board of agriculture, shall promulgate reasonable regulations to require the inspector to ascertain and verify the true ownership of all non-dairy cattle and calves which are not marked and branded with the mark and brand of the person claiming to be the owner thereof. If any livestock bears a brand and mark other than the recorded brand and mark of the person presenting the same for inspection, the inspector may demand that he be shown a bill of sale, certificate of inspection, or other proof of ownership to said livestock. The inspector shall make a record showing the number, sex, breed, brand and marks of each animal inspected, name of owner or claimant, consignor and consignee. It is unlawful to remove any animal and substitute another therefor, or add other animals or take animals away from any lot of livestock for which the inspector has issued a certificate for shipment or slaughter except as provided for by regulation of the board.

Approved March 2, 1967.

CHAPTER 7

H. B. No. 169

(Passed February 28, 1967. In effect May 9, 1967)

LIVE ANIMAL INSPECTION

An Act Enacting Section 4-13-20.5, Utah Code Annotated 1953, Making It Unlawful to Slaughter Any Cattle or Calves or Horses, Which Have Not Been Brand Inspected.

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

Section 1. Section Enacted.

Section 4-13-20.5, Utah Code Annotated 1953, is enacted to read:

4-13-20.5. Live Animal Brand Inspection.

It is unlawful for any licensed slaughterer to slaughter any cattle, or

calves, or horses, which have not been brand inspected and which do not carry brand inspection certificate at time of slaughter; provided, that the board may issue special regulations; covering inspection.

Approved March 2, 1967.

CHAPTER 8

H. B. No. 245

(Passed March 9, 1967. In effect May 9, 1967)

BEDDING AND FURNITURE INSPECTION

An Act Amending Sections 4-28-10, 4-28-11, 4-28-14, 4-28-16, 4-28-22, 4-28-26, 4-28-28 and 4-28-30, Utah Code Annotated 1953, as Enacted by Chapter 7, Laws of Utah 1959; Sections 4-28-2, 4-28-18, 4-28-19, 4-28-20, and 4-28-21, Utah Code Annotated 1953, as Enacted by Chapter 7, Laws of Utah 1959, as Amended by Chapter 12, Laws of Utah 1961; Sections 4-28-20.5, 4-28-21.5, 4-28-22.5, and 4-28-28.5, Utah Code Annotated 1953, as Enacted by Chapter 12, Laws of Utah 1961; Enacting New Sections 4-28-42 and 4-28-43, Utah Code Annotated 1953; Relating to Bedding and Furniture Inspection; to Clarify Labeling and Tagging Requirements; Defining "Tag," "Label," and "Labeling"; Providing for License Suspension and Revocation Proceedings.

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

Section 1. Sections Amended.

Sections 4-28-10, 4-28-11, 4-28-14, 4-28-16, 4-28-22, 4-28-26, 4-28-28 and 4-28-30, Utah Code Annotated 1953, as enacted by Chapter 7, Laws of Utah 1959; Sections 4-28-2, 4-28-18, 4-28-19, 4-28-20 and 4-28-21, Utah Code Annotated 1953, as enacted by Chapter 7, Laws of Utah 1959, as amended by Chapter 12, Laws of Utah 1961; Sections 4-28-20.5, 4-28-21.5, 4-28-22.5 and 4-28-28.5, Utah Code Annotated 1953, as enacted by Chapter 12, Laws of Utah 1961, are amended to read:

4-28-2. Definitions.

As used in this act:

(1) The word "person" means individual, copartnership, association, firm, auctioneer, trust, and corporation, and the agents, servants and employees of any of them.

(2) The word "sell" or any of its variants includes any of, or any combination of, the following: sell, offer or expose for sale, barter, trade, deliver, give away, rent, consign, lease, possess with intent to sell or dispose of in any other commercial manner; but does not include any judicial, executor's, administrator's, or guardian's sale. The possession of any article of bedding, furniture or filling materials, as herein defined, by any maker, or dealer, or his agent or servant in the course of business, shall be presumptive evidence of intent to sell.

(3) The word "bedding" means any quilted pad, packing pad, mattress pad, hammock pad, mattress, comforter, quilt, sleeping bag, box spring, studio couch, pillow or cushion made of leather, cloth of any material, which is stuffed or filled in whole or in part with concealed

material, and which is sold or offered for sale for sleeping or reclining purposes.

(4) The words "upholstered furniture" mean any furniture, including children's furniture, movable or stationary, which is made or sold with cushions or pillows loose or attached, or is itself stuffed or filled in whole or in part with any material, hidden or concealed by fabric or any other covering including cushions or pillows, belonging to or forming a part thereof, together with the structural units, the filling material and its container and its covering which can be used as a support for the body of a human being, or his limbs and feet when sitting or resting in an upright or reclining position.

(5) The words "filling material" mean cotton, wool, kapok, feathers, down, hair, or any other material, or any combination thereof, loose or in batting, pads, or any other prefabricated form, concealed or not concealed, to be used or that could be used in articles of bedding or upholstered furniture.

(6) The word "new" means any article or material which has not been previously used for any purpose.

(7) The words "second-hand" mean any article or material or portion thereof, of which prior use has been made. Any article of bedding and/or furniture is second-hand, if it contains any second-hand material in whole, or in part.

(8) The words "manufacture," "making," "make," or "made" include altering, repairing, finishing, or preparing articles of bedding or upholstered furniture or filling material for sale, made out of either new or second-hand material.

(9) The word "shoddy" means garnetted or shredded clippings when made in whole or in part from old or worn rags, clothing or second-hand fabrics.

(10) The word "department" means the state department of agriculture of the State of Utah.

(11) The word "manufacturer" means a person who, either by himself or through employees or agents, makes for the purpose of sale any article or upholstered furniture or bedding in whole or in part, or who does the upholstering or covering of any structural unit thereof, using either new or second-hand material.

(12) The word "wholesaler" means a person who sells any article or thing to another for the purpose of resale, but shall not include an affiliate or a subsidiary corporation where the ownership is identical, and which is the exclusive sales outlet of such a manufacturing plant.

(13) The words "repairer" and "renovator" mean a person who repairs, makes over, recovers, restores, renovates, or renews upholstered furniture or bedding for a consideration.

(14) The words "supply dealer" mean a person licensed by the department to manufacture, process or sell at wholesale any felt, batting, pads or other filling, loose in bags, in bales, or in containers, concealed or not concealed, to be used or that could be used in articles of bedding or upholstered furniture.

(15) The word "retailer" means a person who sells any article of

upholstered furniture or bedding or filling material to a consumer or user of the article as purchased.

(16) The word "annually" or any of its variants, means that period beginning January first of each year and ending December thirty-first of the same year, or any unexpired portion of that period.

(17) The words "owner's own material" mean any article or material belonging to any person for his own or his tenant's use that is sent to any manufacturer, repairer or renovator to be repaired or renovated or used in repairing or renovating.

(18) The word "board" means the Utah state board of agriculture.

(19) The word "nonresident" means a person who is not a resident of the state of Utah at the time he engages in business in the state of Utah as licensed by this act.

(20) The term "tag" for the purposes of this act shall mean a card, flap or strip to be attached to upholstered furniture, bedding or filling material for the purpose of bearing the label information which is required by section 4-28-20 of this act.

(21) The term "label" means a display of written, printed, or graphic matter upon the immediate container of any article of bedding or upholstered furniture or on or attached to the article itself.

(22) The term "labeling" means all labels and other written, printed, or graphic matter (a) upon an article or any of its containers or wrappers or (b) accompanying such article.

(23) Whenever in this act the singular is used, the plural shall be included and where the masculine gender is used, the feminine and neuter shall be included.

4-28-10. Supply Dealer's License.

Every person manufacturing, processing or selling at wholesale any felt, or batting pads or other filling material loose in bags, in bales or containers for use in bedding or upholstered furniture, and every person engaged in the manufacture of materials, which is used as a component part of bedding or upholstered furniture, unless he holds a manufacturer's license shall procure annually a supply dealer's license from the department bearing a serial number assigned by it.

4-28-11. License for Each Firm Name.

Every person doing business under more than one firm name is subject to the license provisions for each firm name.

4-28-14. Old Material Must be Designated.

No person shall sell, representing it to be new material, any old or second-hand hair, down, feathers, wool, cotton, kapok, or other material used for filling articles of bedding and/or upholstered furniture.

4-28-16. Use of Unsanitary Material Forbidden.

No person shall use in the making, repair or renovating of any article of bedding or furniture any material:

- (1) that contains any bugs, vermin, or filth;
- (2) that is unsanitary;
- (3) that contains burlap, or other material, that has been used for baling.

4-28-18. Changing of Tags Forbidden.

It shall be unlawful to use any false or misleading statement, term, or designation on said tag. When the label contains descriptive statements of the filling material, frame, cover, and style of the article to which it is attached, such descriptive statements must, in fact, be true statements. Filling material shall be described by true name and grade. When more than one kind or grade is described in a mixture, the component parts shall be listed in order of their predominance. Labels required on every article of bedding or upholstered furniture or filling material which contains all new material covered by this act shall be securely attached to the article or filling material at the factory or shop in a position where they can be conveniently examined. It shall be unlawful for any person except the purchaser for his own use, to remove, deface or alter, or to attempt to remove, deface or alter such tag or the statement of filling materials made thereon.

4-28-19. Materials Must be Tagged.

No person shall make, repair, renovate, process, prepare, sell at wholesale or retail or otherwise, offer for sale, display, or deliver any article or upholstered furniture or bedding or any filling material in prefabricated form, or loose in bags or containers, if made of new or second-hand material concealed by fabric or any other covering, unless such material is plainly and indelibly stamped or tagged with a tag or other marking as provided in this act.

4-28-20. Size, Lettering and Contents of Required Labels.

There shall be a tag attached to all articles of upholstered furniture or bedding or filling material regulated by this act except as provided in section 4-28-21 and this tag shall be not less than six square inches in size and shall be plainly and indelibly stamped, or printed, in the English language, and with the words, "All New Material," "Second-Hand Material," or "Owner's Own Material," as the case may be. The serial number of the person manufacturing the said article, as issued by the department, shall appear on said tag. The material from which furniture and bedding tags are made shall be a cloth fabric or other material of good quality approved by the department. Tags on articles manufactured wholly of new material shall be white in color. Tag on articles manufactured in whole or in part of second-hand material shall be red in color. Tags for "Owner's Own Material" shall be green in color. Color of ink on tags shall be black.

4-28-20.5. Printing on One Side of Label.

The information required by this act shall be printed on one side of the tag only and no mark, label, printed matter, illustration, sticker, advertising matter, or any other device shall be placed upon the tags in such a way as to cover the required information.

4-28-21. Rubber or Stencil Permitted.

A rubber stamp or stencil may be used in lieu of a tag on articles with slip seat covers having a smooth backing on which the imprint can be legibly and indelibly stamped, and on suitable surfaces of bales

or containers of felt, batting pads or other filling material used or to be used in articles of bedding or upholstered furniture.

4-28-21.5. Second-Hand Material Label.

The repairer or renovator of any second-hand upholstered furniture or bedding or filling material which is subsequently sold shall affix the "Second-Hand Material" tag. Retailers of second-hand upholstered furniture or bedding or filling material which is not repaired or renovated, but offered for sale shall affix the "Second-Hand Material" tag, which shall be approved by the department.

4-28-22. All Sales Must be Properly Tagged.

A person shall not make, process, prepare, felt or sell, directly or indirectly, at wholesale or retail or otherwise, any filling material or other component parts to be used or that could be used in upholstered furniture or bedding, unless such material is plainly tagged as described in the preceding sections.

4-28-22.5. Owner's Material Label.

Every person who repairs or renovates upholstered furniture or filling material for the owner, for his own or a tenant's use, shall securely affix, immediately upon arrival at his place of business, the "owner's material" tag which shall be a tag of identification showing the owner's or dealer's name, address and the date upon which it was received. This tag shall remain affixed until the article is in the process of repair or renovation and shall be reattached to the article immediately after this process of repair or renovation is completed.

4-28-26. Second-Hand Articles From Outside State.

Second-hand upholstered furniture or bedding, or second-hand filling to be used, or that could be used in upholstered furniture or bedding, received from outside of Utah shall be tagged as required herein, and shall comply with all of the provisions of this act before it is accepted, sold, or delivered either directly or indirectly by any person.

4-28-28. Labeling Foreign-Made Articles.

Responsibility for tagging of untagged foreign-made upholstered furniture or bedding in compliance with the requirements of this act, shall rest with the person selling such merchandise in Utah.

4-28-28.5. Tag-Affixed to Condemned Material.

There shall be a tag affixed to any article of condemned upholstered furniture or bedding, or any material by an inspector and it shall be a red tag and shall contain such information as may be required by the department.

4-28-30. "Unit of Offense" Defined.

The unit for a separate and distinct offense in violation of this act is each and every article of improperly tagged or untagged upholstered furniture or bedding or filling material made, repaired, re-covered, renovated, sterilized, sold, exposed or offered for sale, delivered, consigned, rented or possessed with intent to sell contrary to the provisions of this act.

Section 2. Sections Enacted.

Sections 4-28-42 and 4-28-43, Utah Code Annotated 1953, are enacted to read:

4-28-42. Revocation of Registration or License.

The state board of agriculture, in addition to other remedies provided in this chapter, shall have the authority to suspend or revoke any registration or license required by the provisions of this chapter for the violation of any provisions of this chapter or any rules or regulations made and promulgated thereunder; provided, that any such revocation or suspension shall become effective ten days after the licensee is notified of said action by certified mail, except that within ten days after receipt of the notice of revocation or suspension, the licensee may request in writing a hearing before the board to show cause why the revocation or suspension shall not ensue. Should such a request be made the board shall conduct a hearing within ten days. The board shall keep a full and complete record of such hearing and shall make and enter its findings, conclusions, and decisions thereon and shall mail a copy thereof, by certified mail to the licensee.

4-28-43. Savings Clause.

If any of the provisions of this act are determined to be unconstitutional, all the remaining provisions shall be given full force and effect, as fully as if the part or parts so determined to be unconstitutional had not been included in this act.

Approved March 16, 1967.

AGRICULTURAL DEPARTMENT — MARKETING

CHAPTER 9

H. B. No. 37

(Passed February 16, 1967. In effect May 9, 1967)

MILK CONTROL ACT

An Act Repealing All of Chapter 2 of Title 5, Utah Code Annotated 1953, Relating to Marketing of Milk and Milk Products.

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

Section 1. Chapter Repealed.

All of Chapter 2 of Title 5, Utah Code Annotated 1953, is hereby repealed.

Approved February 20, 1967.

CHAPTER 10

H. B. No. 35

(Passed February 15, 1967. In effect May 9, 1967)

MILK AND CREAM MARKETING ACT

An Act Repealing All of Chapter 3 of Title 5, Utah Code Annotated

1953, Relating to the Regulation and Distribution of Fluid Milk and Cream.

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

Section 1. Chapter Repealed.

All of chapter 3 of Title 5, Utah Code Annotated 1953, is hereby repealed.

Approved February 17, 1967.

CHAPTER 11

S. B. No. 50

(Passed February 9, 1967. In effect May 9, 1967)

AGRICULTURAL FAIR TRADE ACT

An Act Amending Section 5-4-6, Utah Code Annotated 1953, by Deleting Subsections 4 and 5 Thereof Relating to the Sale of Agricultural Products; Removing the Prohibitions on Selling These Products at Less Than Cost Plus Six Per Cent and Giving Away Items in Connection With Such Sales.

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

Section 1. Section Amended.

Section 5-4-6, Utah Code Annotated 1953, is amended to read as follows:

5-4-6. Unfair Practices—Defined.

It shall be unlawful for any person engaged in the production, processing, handling, marketing, sale or distribution of agricultural products or commodities to engage in or employ practices in the course thereof, which are unfair, discriminatory or injurious to the producers of such or similar products, or to the consumers generally thereof, by any act, conduct, representation, method of competition or agreement, directly or indirectly, such as:

1. Discrimination in price between different producers of agricultural commodities of like grade and quality.

2. Use deceptive, inaccurate, or unauthorized brands, labels, containers or weight or grade designations of agricultural products or commodities.

3. Make, or use, or permit the use of any false, fraudulent or misleading statements, representations, advertisements or designations by work, act, make, publication, stencil or label concerning the character, kind, grade, quality, condition, degree of maturity, or state or county of origin of any agricultural products or commodity.

4. After the grade of any particular agricultural product has been established as herein provided for, then in any and all advertisements, notices, signs or announcements wherein the price of such product is mentioned, to fail to specify in such advertisement, notice, sign or announcement the grade thereof in as prominent a manner as the price is displayed or announced.

Approved February 15, 1967.

BANKS AND BANKING

CHAPTER 12

S. B. No. 18

(Passed February 15, 1967. In effect May 9, 1967)

STATE BANKING DEPARTMENT

An Act Amending Section 7-1-1, Utah Code Annotated 1953, as Amended by Chapter 7, Laws of Utah 1963, Relating to the State Banking Department; Providing for Changing Its Name to the Department of Financial Institutions and Changing the Name of Its Chief Officer to Commissioner of Financial Institutions.

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

Section 1. Section Amended.

Section 7-1-1, Utah Code Annotated 1953, as amended by Chapter 7, Laws of Utah 1963, is amended to read as follows:

7-1-1. Department of Financial Institutions.

(1) There shall be a state department of financial institutions which shall have charge of the execution of the laws of this state relating to banks and other financial institutions subject to this title and relating to the businesses conducted by each.

(2) The chief officer of the state department of financial institutions shall be the commissioner of financial institutions who shall be appointed by the governor by and with the consent of the senate. He shall hold office for the term of four years and until his successor is appointed and qualified, but he shall be subject to removal at the pleasure of the governor.

(3) The commissioner of financial institutions shall be a resident of this state and a citizen of the United States and shall have had sufficient experience in banking in an executive or administrative capacity or as an employee of a state or federal bank supervisory agency to demonstrate his qualifications and fitness to perform the duties of his office.

(4) The salary of the commissioner of financial institutions shall be fixed by the governor in accordance with standards adopted by the department of finance, and in addition thereto he may be allowed actual traveling expenses necessarily incurred in attending to official business. He shall qualify by taking the constitutional oath of office and by giving to the state a bond in such amount and in such form as shall be prescribed by the department of finance, conditioned for the faithful performance of his duties. The premiums on such bond shall be paid by the state.

Section 2. Definitions.

Whenever reference is made in this title, or any other law to the "state banking department", such reference shall be construed to mean the department of financial institutions.

Section 3. Commissioner of Financial Institutions.

Whenever reference is made in this title or any other law to the

“bank commissioner”, such reference shall be construed to mean the commissioner of financial institutions.

Approved February 28, 1967.

CHAPTER 13

S. B. No. 172

(Passed February 17, 1967. In effect July 1, 1967)

FEES—PAYMENT TO STATE TREASURER

An Act Amending Section 7-1-11, Utah Code Annotated 1953, Relating to Fees and Funds of the State Banking Department; Providing for Deposit of All Unexpended Balances and All Fees of the Banking Department in an Account in the General Fund Rather Than the Financial Institutions Fund; Providing for a Reversion Annually of Ten Per Cent of Fees Collected to the Unappropriated Surplus of the General Fund; Providing for the Department to Submit a Budget, for Appropriations to Cover Its Expenses and for a Limitation Upon Expenditures; and Providing an Effective Date.

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

Section 1. Section Amended.

Section 7-1-11, Utah Code Annotated 1953, is amended to read as follows:

7-1-11. Fees—Payment to State Treasurer.

Unexpended balances and all fees accruing to the banking department as hereinbefore provided in this act shall be paid by the bank commissioner into the state treasurer monthly, and shall constitute a separate account within the general fund. No part of such account shall revert to the general fund except that 10% of the fees collected shall revert to the general fund unappropriated surplus annually as compensation for general government and administrative costs. The banking department shall prepare and submit to the governor, to be included in his budget to the legislature, a budget of the requirements in carrying out the provisions of law for the biennium next following the convening of the legislature; provided, the department shall not be permitted to expend in excess of 90 per cent of the amount of the unexpended balances and fees collected under this act in each fiscal year of the biennium or the legislative appropriation, whichever is less.

Section 2. Effective Date.

This act shall take effect July 1, 1967.

Approved March 21, 1967.

CHAPTER 14

S. B. No. 17

(Passed February 9, 1967. In effect May 9, 1967)

COMMERCIAL AND SAVINGS BANKS—CASH RESERVES

An Act Enacting Section 7-3-36.1, Utah Code Annotated 1953, Relating

to Bank Reserves and Providing for Computation on a Bi-Weekly Average Basis.

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

Section 1. Section Enacted.

Section 7-3-36.1, Utah Code Annotated 1953, is enacted to read as follows:

7-3-36.1. Bank Reserves Computation.

The amount of the money reserves required by sections 7-3-33, 7-3-34, 7-3-35 and 7-3-36 shall be computed on the basis of average daily deposits covering bi-weekly periods or such shorter periods as the state bank commissioner may by regulation prescribe.

Approved February 15, 1967.

CHAPTER 15

H. B. No. 7

(Passed January 27, 1967. In effect May 9, 1967)

CREDIT INFORMATION EXCHANGE

An Act Providing for the Report of Bank Credit Information and the Exchange of Such Information Between Financial Institutions.

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

Section 1. Minimize Number of Bad Checks.

The substantial financial loss to the State and to trade and commerce within this state resulting from checks returned unpaid by the drawee bank requires concerted effort by financial institutions to attempt to minimize the number of such checks. The legislature finds that to facilitate such concerted effort adequate protection against liability of the participating financial institutions is necessary.

Section 2. Disclosing Identity.

Any commercial, national, or state bank doing business in the state may report to any other bank, financial institution, or credit reporting agency that an unsatisfactory demand deposit account has been closed out, and the identity of the depositor.

Section 3. No Liability for Error.

Any commercial, national, or state bank making any report or communication of information authorized by this act shall not be liable to any person for disclosing such information to any recipient authorized under the provisions of this act, or for any error or omission in such report or communication.

Section 4. Exchange of Information.

One or more commercial, national, or state banks may jointly agree with one or more other banks or other financial institutions for the reciprocal exchange of any information authorized to be reported by the provisions of this act. Such reciprocal exchange of information or the acts or refusals to act of one or more recipients because of such

information shall not constitute a boycott or blacklist, or otherwise be a basis for liability to any person on the part of any participant in the reciprocal exchange of information authorized by this act.

Section 5. Definitions.

As used in this act:

- (1) the term "financial institution" means any institution subject to the supervision of the state banking department;
- (2) the term "credit reporting agency" shall include any cooperative credit reporting agency maintained by an association of financial institutions or one or more associations of merchants.

Approved January 31, 1967.

CHAPTER 16

S. B. No. 21

(Passed February 24, 1967. In effect May 9, 1967)

CREDIT FOR DEMAND ITEMS

An Act Enacting Section 7-3-63 Relating to the Preservation of Bank Records and Directing the Bank Commissioner to Issue Regulations With Respect Thereto.

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

Section 1. Section Enacted.

Section 7-3-63 is enacted to read:

7-3-63. Preservation of Bank Records.

(a) Every state bank shall retain its business records for such periods as may be prescribed by the bank commissioner in accordance with the terms of this section.

(b) The bank commissioner shall from time to time issue regulations classifying all records kept by state banks and prescribing the period for which records of each class shall be retained. Such regulations may from time to time be amended or repealed. Prior to issuing any such regulation the bank commissioner shall consider:

(1) Actions at law and administrative proceedings in which the production of bank records might be necessary or desirable.

(2) State and federal statutes of limitation applicable to such actions or proceedings.

(3) The availability of information contained in bank records from other sources.

(4) Such other matters as the bank commissioner shall deem pertinent in order that his regulations will require banks to retain their records for as short a period as is commensurate with the interests of bank customers and shareholders and of the people of this state in having such records available.

(c) Any bank may dispose of any record which has been retained for the period prescribed by the bank commissioner for retention of records of its class, and shall thereafter be under no duty to produce such record in any action or proceeding and shall incur no liability to any person by reason of such disposition.

(d) Any bank may cause any or all records at any time in its custody to be reproduced by the microphotographic process and any reproduction so made shall have the same force and effect as the original thereof and be admitted in evidence equally with the original.

(e) To the extent that they are not in contravention of any law of the United States, the provisions of this section shall apply to all banks having a place of business in this state.

Approved February 28, 1967.

CHAPTER 17

S. B. No. 44

(Passed March 8, 1967. In effect May 9, 1967)

CREDIT UNIONS

An Act Amending the Credit Union Act by Amending Sections 7-9-5, Utah Code Annotated 1953, Section 7-9-10, Utah Code Annotated 1953, as Amended by Chapters 19 and 20, Laws of Utah 1961, Sections 7-9-11, 7-9-12, 7-9-13, 7-9-22 and 7-9-23, Utah Code Annotated 1953, as Amended by Chapter 16, Laws of Utah 1959, as Amended by Chapter 20, Laws of Utah 1961, Section 7-9-16, Utah Code Annotated 1953, as Amended by Chapter 20, Laws of Utah 1961, Section 7-9-18, Utah Code Annotated 1953, as Amended by Chapter 16, Laws of Utah 1959, Section 7-9-27, Utah Code Annotated 1953, as Enacted by Chapter 16, Laws of Utah 1959, as Amended by Chapter 20, Laws of Utah 1961, and Enacting Section 7-9-29, Utah Code Annotated 1953; Providing for Restricted Use of Name "Credit Union"; Removal of Oath of Office of Directors and Officers, Creation of Office of Secretary, Powers of Directors, Credit Committee and Approving of Loans, Supervisory Committee and Confirmation of Accounts, Investments, Authority of Loan Officer and Membership Officer, Guaranty Fund and Special Reserve; Suspension and Liquidation, Mergers, and Joint Ownership Accounts.

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

Section 1. Section Amended.

Section 7-9-5, Utah Code Annotated 1953, is amended to read as follows:

7-9-5. Restricted Use of Name "Credit Union".

No person, partnership, association or corporation, except corporations formed under the provisions of this chapter or under the federal credit union act and excepting the Utah credit union league and its credit union chapters, shall hereafter transact business under any name or title which contains the two words "credit union". Any person, partnership, association or corporation using a name or title containing the words "credit union", except as authorized in this chapter, shall be guilty of a misdemeanor.

Section 2. Section Amended.

Section 7-9-10, Utah Code Annotated 1953, as amended by Chapter 19 and 20, Laws of Utah 1961, is amended to read as follows:

7-9-10. Election Board of Directors.

At annual meetings the members shall elect from their number a board of directors of not less than five members and a credit committee of not less than three members. All members of the board of directors and credit committees shall hold office for such terms as the by-laws prescribe. No person shall be a member of more than one committee except as provided in section 7-9-11 (12), and no director shall be eligible for the credit committee unless the total membership is so small as to require it.

Section 3. Section Amended.

Section 7-9-11, Utah Code Annotated 1953, as amended by Chapter 16, Laws of Utah 1959, as amended by Chapter 20, Laws of Utah 1961, is amended to read as follows:

7-9-11. Powers of Directors—Duties—Limit of Loans.

At their first meeting the board of directors shall elect a president, and a vice president who shall be members of the board. They shall also elect a secretary and a treasurer who may or may not be members of the board of directors. The officers, so elected, shall be the executive officers of the corporation. The executive officers shall have the power to act for and on behalf of the entire board in such matters as the board may delegate and as provided in the by-laws. The board of directors shall have the general management of the affairs, funds and records of the credit union and shall meet as often as may be necessary.

It shall be their special duty: (1) To act upon application for membership. (2) To act upon the expulsion of members. (3) To fix the amount of surety bond which shall be required of each officer having custody of funds. (4) To determine the rate of interest which shall be allowed on deposits. (5) To determine the rate of interest which shall be charged on loans. (6) To lend money to or borrow money from financial institutions and other credit unions and to pledge security for such borrowing. (7) To fill vacancies in the board of directors or in the credit committee, or in the supervisory committee until the election and qualification of officers to fill such vacancies. (8) To fix the amount of the entrance fee. (9) To declare dividends and the amount thereof. (10) To make recommendation to meetings of the members relative to amendments to the articles of incorporation, and to transact any other business of the credit union. (11) To fix the maximum amount which may be loaned to any one member; provided, that the maximum so fixed shall not exceed \$200 or fifteen per cent of the capital, surplus, and capital notes from the Utah central credit union; these capital notes not to exceed \$5,000 in any one credit union after its capital and surplus and capital notes have reached \$2,000. In no case shall the loans outstanding at any time to any one member exceed the sum of \$6,000 unless that portion in excess of \$6,000 is secured in full by share savings in the credit union until the credit union's capital and surplus equals \$2,000,000. After the credit union's capital and surplus equals \$2,000,000, the board of directors may approve a loan limit which will provide that the total loan to any one member at any one time may be increased by 1/20th of 1 per cent of the increase in the credit union's capital and

surplus during the preceding dividend periods, plus the amount secured in full by share savings in the credit union. (12) Within 30 days following the annual meeting of the members, the board of directors shall appoint a supervisory committee of not less than three members. One member of the board of directors, except the treasurer, may be appointed to the supervisory committee. Employees of the credit union may not be appointed to the supervisory committee. Appointees to the supervisory committee shall hold office until the next annual meeting of the members and until successors are appointed. Removal from office shall be as provided in section 7-9-13 of this act.

Section 4. Section Amended.

Section 7-9-12, Utah Code Annotated 1953, as amended by Chapter 16, Laws of Utah 1959, as amended by Chapter 20, Laws of Utah 1961, is amended to read as follows:

7-9-12. Credit Committee to Approve Loans.

The credit committee shall approve every loan or advance made to members by the credit union, and shall approve in writing all withdrawals of obligated members. Every application for a loan shall be made in writing and shall state the purpose for which the loan is desired and the indorsement or security offered. No loan shall be made unless the credit committee is satisfied that it promises to benefit the borrower, nor unless it has received the unanimous approval of those members of the committee who were present when it was considered, and in no case except with the approval of a quorum of the committee, except as provided in section 7-9-18. No loan of more than \$1,500 in excess of the amount of the book value of shares or deposits owned by the member desiring the loan shall be made to any member unless that part of the loan in excess of \$1,500 is secured by such security as the credit committee may, in the given case, deem adequate. No member of the credit committee, executive officers or board of directors shall either directly or indirectly become a surety for any loan or advance made by the credit union after its second annual meeting.

Section 5. Section Amended.

Section 7-9-13, Utah Code Annotated 1953, as amended by Chapter 16, Laws of Utah 1959, as amended by Chapter 20, Laws of Utah 1961, is amended to read as follows:

7-9-13. Loans—Credit Committee—Officers—Directors.

It shall be the responsibility of the supervisory committee: (1) To make or cause to be made an examination of the affairs of the credit union at least once every six months, which examination shall include an inspection of its books, securities, cash, accounts, and loans. (2) To ascertain that actions of the board of directors and credit committee are in conformity with this act and the by-laws of the credit union. (3) To make a written report to the board of directors of its findings following each examination. (4) To make or cause to be made a request for confirmation of all members' account balances not less often than once in every two years, said members' accounts to be verified against the records maintained by the treasurer.

The supervisory committee shall act upon every application for a loan approved by the credit committee to be made to any member of the credit committee, executive officers of board of directors or employees of the credit union in excess of \$300 over and above their shares account and shall act on all withdrawals of obligated members of the credit committee, executive officers or board of directors and employees. Such loans must be approved by a majority of the supervisory committee.

The supervisory committee shall have the power, by unanimous vote of the entire committee called for the purpose, to suspend any officer, any director, or any or all members of the credit committee, or by a majority vote to call a general meeting of the membership of the credit union when it is considered necessary to do so because of the violation of this act, or the by-laws of the credit union, or malfeasance or maladministration in office. Within twenty days after the suspension of any officer, director, or member of the credit committee, the supervisory committee shall conduct the special meeting and present the matter to the membership of the credit union. At the special meeting the members may sustain the action of the supervisory committee and remove such suspended officer or officers permanently, or elect new officers to fill said vacancies, or reinstate said officer or officers.

The bank commissioner shall have the power to remove any or all members of the supervisory committee when they fail to meet their responsibilities as outlined in this act. The board of directors shall fill vacancies created by such removal.

Section 6. Section Amended.

Section 7-9-16, Utah Code Annotated 1953, as amended by Chapter 20, Laws of Utah 1961, is amended to read as follows:

7-9-16. Restricted Use of Assets—Rights of Members.

The capital, deposits and surplus funds of the corporation shall be either lent to the members for such purposes and upon such indorsements or security and such terms as the by-laws shall provide, or, in the absence of any provisions in the by-laws, as the credit committee shall approve, or may be deposited to the credit of such corporation in insured savings banks or trust companies or commercial banks incorporated under the laws of this state, or in national banks located herein or in insured savings and loan or building and loan associations, or invested in other liquid securities such as would be legal investments for funds of decedents' estates or trusts, or may be loaned to other credit unions or personal credit banks on proper security, or invested in the stock, debentures, or certificates or indebtedness of corporations or associations which provide their services exclusively to credit unions, such investments limited, however, to ten per cent of the amount transferred to the guaranty fund and special reserve for bad loans each dividend period. The rate of interest charged by the credit unions shall not exceed one per cent per month upon the unpaid balance. The members shall always have first call upon the funds of the corporation for loans.

Section 7. Section Amended.

Section 7-9-18, Utah Code Annotated 1953, as amended by Chapter 16, Laws of Utah 1959, is amended to read as follows:

7-9-18. Officer Compensation.

No member of the board of directors or of the credit committee or supervisory committee shall receive any compensation for his services as a member thereof. However, any member of any credit union who may incur any expense or perform any service authorized by the board of directors may be compensated for such expense or service in such amount as the board of directors may deem just; provided, however, that all such items shall be available for review at the annual meeting of members for their inspection.

The board of directors shall have the power to appoint a treasurer and such other administrative and operating personnel as may be necessary for the efficient administration of the credit union and to determine the compensation of such appointees.

When recommended by the credit committee, the board of directors may appoint and provide for the compensation of one or more loan officers and such assistants as may be necessary and to determine their compensation. Loan officers shall act under the supervision and direction of the credit committee. The loan officer may authorize loans and approve withdrawals of obligated members without a special meeting of the credit committee but only within written rules and regulations established by the unanimous action of the credit committee. All such loans and withdrawals shall be reviewed by the credit committee during one of its regular meetings. The treasurer may be appointed as a loan officer.

A membership officer appointed by the board from among the members of the credit union, other than the treasurer, an assistant treasurer, or a loan officer, may be authorized by the board to approve applications for membership under such conditions as the board may prescribe; except that such membership officer so authorized shall submit to the board at each monthly meeting a list of approved or pending applications for membership received since the previous monthly meeting, together with such other related information as the by-laws or the board may require.

Section 8. Section Amended.

Section 7-9-22, Utah Code Annotated 1953, as amended by Chapter 16, Laws of Utah 1959, as amended by Chapter 20, Laws of Utah 1961, is amended to read as follows:

7-9-22. Guaranty Fund.

Commencing December 31, 1967, immediately before payment of the dividend and at the close of every dividend period thereafter there shall be set apart as a part of the guaranty fund ten per cent of the net income, after deducting the amount paid in interest refunds to borrowers as provided in section 7-9-21. Said fund shall belong to the credit union and shall be used to meet contingencies or losses in its business. All entrance fees shall be added to the guaranty fund. Upon

recommendation of the board of directors the members at an annual meeting or at a special meeting called for the purpose may increase, and, whenever said fund equals or exceeds ten per cent of the amount of the capital stock actually paid in, may decrease the proportion of earnings required by this section to be set apart as a guaranty fund. Whenever the guaranty fund is less than the total of loans classified as doubtful and loss in the report of the banking department as of their last examination of the credit union, there shall be set apart an additional five per cent of net income into a special reserve for bad loans at the close of each dividend period and before payment of the dividend. At the close of any dividend period where the conditions requiring the establishment of the special reserve as required by this section no longer exist, the board of directors may transfer this special reserve to the guaranty fund or to undivided earnings, or in any combination to both accounts as the board of directors may determine.

Section 9. Section Amended.

Section 7-9-23, Utah Code Annotated 1953, as amended by Chapter 16, Laws of Utah 1959, as amended by Chapter 20, Laws of Utah 1961, is amended to read as follows:

7-9-23. Dissolution—Disposition of Assets.

(1) If it shall appear that any credit union is bankrupt or insolvent, or that it has wilfully violated any of the provisions of this act, or is operating in an unsafe or unsound manner, the bank commissioner shall issue an order temporarily suspending the credit union's operations for not less than thirty days nor more than sixty days. The board of directors shall be given notice by certified or registered mail of such suspension which notice shall include a list of the reasons for such suspension, and/or a list of the specific violations of this act.

Upon receipt of such suspension notice, the credit union shall immediately cease all operations. The directors of the credit union shall then file with the bank commissioner a reply to the suspension notice, request a hearing to present a plan of corrective actions proposed if they desire to continue operations, or request that the credit union be declared insolvent and a liquidating agent appointed. If the credit union fails to answer the suspension notice or request a hearing with the bank commissioner, he may then revoke the credit union's charter, appoint a liquidating agent and liquidate the credit union in accordance with this section. The bank commissioner may appoint Utah central credit union or Utah credit union league as liquidating agent.

(2) At a meeting especially called to consider the matter, a majority of the entire membership may vote to dissolve the credit union, provided a copy of the notice was mailed to the members of the credit union at least ten days prior thereto. Any member not present at such meeting may, within the next twenty days vote in favor of dissolution by signing a statement in form approved by the bank commissioner and such vote shall have the same force and effect as if cast at such meeting. A member not voting within the twenty-day period shall be deemed to be in favor of the dissolution. The credit union shall thereupon immediately cease to do business except for the purposes

of liquidation, and the president and secretary shall, within five days following such meeting, notify the bank commissioner of intention to liquidate and shall include a list of the names of the directors and officers of the credit union together with their addresses.

(3) If the bank commissioner, after issuing notice of suspension and providing an opportunity for a hearing, rejects the credit union's plan to continue operations, the bank commissioner may issue a notice of involuntary liquidation and appoint a liquidating agent. The bank commissioner may appoint Utah central credit union or Utah credit union league as liquidating agent. The credit union may request a stay of execution of such action by appealing to the appropriate court of the jurisdiction in which the credit union is located. Involuntary liquidation may not be ordered prior to following the suspension procedures outlined in this section.

(4) The credit union shall continue in existence for the purpose of discharging its debts, collecting and distributing its assets, and doing all acts required in order to wind up its business and may sue and be sued for the purpose of enforcing such debts and obligations until its affairs are fully adjusted. The board of directors, or in the case of involuntary dissolution, the liquidating agent shall use the assets of the credit union to pay: first, expenses incidental to liquidation including any surety bond that may be required; second, any liability due non-members. Assets then remaining shall be distributed to the members proportionately to the shares held by each member of the date dissolution was voted.

As soon as the board or the liquidating agent determines that all assets from which there is a reasonable expectancy of realization have been liquidated and distributed as set forth in this section, they shall execute a certificate of dissolution on a form prescribed by the bank commissioner and file same with the secretary of state who shall, after filing or recording and indexing forward same to the bank commissioner, whereupon such credit union shall be dissolved.

Section 10. Section Amended.

Section 7-9-27, Utah Code Annotated 1953, as enacted by Chapter 16, Laws of Utah 1959, as amended by Chapter 20, Laws of Utah 1961, is amended to read as follows:

7-9-27. Merger of Unions.

Any credit union may, with the approval of the bank commissioner merge with another credit union under the existing charter of the other credit union, pursuant to any plan agreed upon by the majority of the board of directors of each credit union joining in the merger, and approved by the affirmative vote of a majority of the members of each credit union present at meetings of the members duly called for such purpose. After agreement by the directors and approval by the members of each credit union, the president and secretary of each credit union shall execute a certificate of merger, which shall set forth all of the following:

(1) The time and place of the meeting of the board of directors at which the plan was agreed upon;

- (2) The vote in favor of adoption of the plan;
- (3) A copy of the resolution or other action by which the plan was agreed upon;
- (4) The time and place of the meeting of the members at which the plan agreed upon was approved;
- (5) The vote by which the plan was approved by the members.

Such certificates and a copy of the plan of merger agreed upon shall be forwarded to the bank commissioner, certified by him, and returned to the merging credit unions within thirty days.

Upon any such merger so effected, all property, property rights, and interest of the merged credit union shall vest in the surviving credit union without deed, endorsement or other instrument of transfer, and all debts, obligations and liabilities of the merged credit union shall be deemed to have been assumed by the surviving credit union under whose charter the merger was effected.

This section shall be construed, whenever possible, to permit a credit union chartered under any other act to merge with one chartered under this act, or to permit one chartered under this act to merge with one chartered under any other act.

Section 11. Section Enacted.

Section 7-9-29, Utah Code Annotated 1953, is enacted to read as follows:

7-9-29. Joint Ownership Accounts.

When deposits or share account is opened in any credit union in the name of two or more persons, whether minor or adult, in such form that the moneys in the account are payable to either of the survivor or survivors then such accounts and all additions thereto shall be the property of such persons as joint tenants. The moneys in such account may be paid to or on the receipt or withdrawal order of any one of such persons during their lifetimes or to or on receipt or withdrawal order of any one of the survivors of them after the death of any one or more of them upon presentation of the pass or account book or other evidence of ownership as required by the articles or by-laws of the credit union. The opening of the account in such form shall, in the absence of fraud, or undue influence, be conclusive evidence in any action or proceedings to which either the credit union or the surviving party or parties is a party, of the intention of all of the parties to the account to vest title to such account and the additions thereto in such survivor and survivors. By written instructions given to the credit union by all the parties to the account, the signatures of more than one of such persons during their lifetime or of more than one of the survivors after the death of any one of them may be required on any receipt, or withdrawal order, in which case the credit union shall pay the moneys in the account only in accordance with such instructions, but no such instructions shall limit the right of the survivor or survivors to receive the money in the account.

Payment of all or any of the moneys in such account as provided in the preceding paragraph of this section shall discharge the credit union from liability with respect to the moneys so paid, prior to receipt by

the credit union of a written notice from any one of them directing the credit union not to permit withdrawals in accordance with the terms of the account or the instructions. After receipt of such notice a credit union may refuse, without liability to honor any receipt, or withdrawal order on the account pending determination of the rights of the parties. No credit union paying any survivor in accordance with the provisions of this subsection shall thereby be liable for any estate, inheritance or succession taxes which may be due this state.

The pledge to a credit union of all or part of a share account in joint tenancy signed by that person or those persons who are authorized in writing to make withdrawals from the account shall, unless the terms of the deposit and share account provide specifically to the contrary, be a valid pledge and transfer to the credit union of that part of the account pledged, and shall not operate to sever or terminate the joint and survivorship ownership of all or any part of the account.

Any credit union may issue deposit or share accounts in the name of one or more persons with the provision that upon the death of the owner or owners thereof the proceeds thereof shall be the property of the person or persons designated by the owner or owners and shown by the record of such credit union, but such proceeds shall be subject to the debts of the decedent and the payment of Utah inheritance tax, if any, provided, however, that six months after the date of the death of the owner the receipt or acquittances of the person so designated shall be a valid and sufficient release and discharge of such credit union for the delivery of such share account or the payment so made.

Approved March 14, 1967.

CHAPTER 18

H. B. No. 70

(Passed February 17, 1967. In effect May 9, 1967)

PAWN BROKERS—CHARGES AND RATES

An Act Establishing Charges and Rates for Pawnbrokers and Second Hand Dealers Dealing in Pledged Property.

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

Section 1. Rates and Charges of Pawnbrokers.

All licensed pawnbrokers and other persons dealing in second hand goods who accept such goods as pledged property for loans may charge for redemption of pledged property by the pledgor a sum not to exceed five per cent per month on the loaned amount on all sums up to and including fifty dollars, and three per cent per month upon all sums in excess of fifty dollars; provided that the pledgee shall in any event be entitled to a minimum charge of one dollar.

Approved February 27, 1967.

CEMETERIES

CHAPTER 19

S. B. No. 145

(Passed February 17, 1967. In effect July 1, 1967)

REGULATORY FEES AND CHARGES—DEPOSIT

An Act Amending Section 8-4-6, Utah Code Annotated 1953, as Enacted by Chapter 11, Laws of Utah 1955; Providing for the Deposit of Regulatory Fees and License Charges Assessed by the Cemetery Board in the General Fund of the State; Providing for a Limitation on Expenditures Made From Such Fees and for Transfer of Balance in Cemetery Fund on July 1, 1967, to General Fund; and Providing an Effective Date.

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

Section 1. Section Amended.

Section 8-4-6, Utah Code Annotated 1953, as enacted by Chapter 11, Laws of Utah 1955, is amended to read as follows:

8-4-6. Deposit of Fees.

(a) In making such examination the board (1) shall have free access to the books and records relating to the endowment care fund, their collection and investment and the number of graves, crypts and niches under endowment care, (2) shall inspect and examine the endowment care funds to determine their condition and the existence of the investments, (3) shall ascertain if the cemetery authority has complied with all the laws applicable to endowment care fund.

(b) Each cemetery authority in charge of cemetery endowment care funds shall file with the board annually on or before the 30th day of June, a written report on forms prescribed by the board setting forth: (1) the number of square feet of grave space and the number of crypts and niches sold or disposed of under endowment care:

(1) By specific periods as set forth in the form prescribed.

(2) The amount collected and deposited in the endowment care fund segregated as to the amounts for crypts, niches and grave space by specific periods as set forth either on accrual or cash basis at the option of the cemetery authority.

(3) A statement showing separately the total amount of endowment care funds invested in each of the investments authorized by law and the amount of cash on hand not invested, which statement shall actually show the financial condition of the funds. The report shall be verified by the president or vice-president and one other officer of the cemetery corporation and shall be certified by the accountant, auditor or person preparing the same.

(c) The board shall examine the reports filed with it as to their compliance with the requirements of the law. Applications in writing for a certificate of authority shall be made by all cemetery authorities, whether operating as endowment or non-endowment care fund cemeteries, to the department of registration accompanied by the regulatory charge provided for in this title. Such application must show that the

cemetery authority owns or is actively operating a cemetery which is subject to the provisions of this title.

(d) Such applications shall be referred to the board, who may require such proof as it deems advisable concerning the compliance by such applicants to all the laws, rules, regulations, ordinances and orders applicable to it. Any cemetery authority who shall fail to pay the regulatory charges provided for under this act shall be referred to the board for its investigation and report.

(e) The board shall conduct examinations at the request of the director or upon their own motion to ascertain the qualifications, fitness and compliance under the terms of this act and shall submit to the director in writing their findings and conclusions.

(f) With any recommendation of the cemetery board to the director to revoke or refuse a certificate to any cemetery authority or any annual renewal thereof, it shall be the duty of the board to submit therewith in writing its findings, reasons and conclusions. It shall be the duty of the board to make reports to the director of conduct or conditions existing on the part of a certificate holder justifying revocation or suspension of his or its right to a certificate. All provisions of Title 58, U. C. A. 1953, applicable to reports, investigations and examinations by the director; the revocation and suspension of licenses; rights to, and methods of calling and conducting, and all rights and powers relative to, hearings before the department; and the rules of procedure and appeal as set forth in said title, shall apply to all requirements of this act.

(g) The regulatory charges for cemetery certificates at all periods of the fiscal year are the same as provided in this act. All regulatory charges are payable at the time of the filing of the application and in advance of the issuance of the certificates. All certificates shall be issued for the fiscal year and shall expire at midnight the 30th day of January of each fiscal year. Failure to pay the regulatory charge prior to January 1, 1956, and prior to the first day of February for any succeeding year automatically shall suspend the certificate of authority. Such certificate may be restored upon payment to the department of registration of all prescribed charges.

(h) Every cemetery authority, including both endowment and non-endowment care fund cemeteries, shall pay for each cemetery operated by it, an annual regulatory charge not to exceed \$25.00 to be fixed by the department, which charges shall be deposited in the cemetery fund. Upon payment of said charges and compliance with the act, the department shall issue a certificate of authority.

(i) It shall be a misdemeanor for any cemetery authority to make any interment without a valid, subsisting and nonsuspended certificate of authority. Each interment shall be a separate violation.

(j) Upon violation of any of the provisions of this act, the director may revoke or suspend the certificate of authority of any cemetery authority.

(k) All regulatory fees and annual license charges collected under the provisions of this act shall be paid at least once a month to the state treasurer to be credited to the general fund. The expenses of the

cemetery board and the expenses incurred in enforcing and administering this act shall be provided for by legislative appropriation from the general fund. The board shall prepare and submit to the governor, to be included in his budget to be submitted to the legislature, a budget of the requirements for the administrative expenses of the board in carrying out the provisions of law for the biennium next following the convening of the legislature; provided, that notwithstanding the amount of the appropriation the cemetery board shall not be permitted to expend in excess of 90 per cent of the amount of fees collected in each fiscal year.

Section 2. Transfer to General Fund.

The unexpended balance in said cemetery fund as of July 1, 1967 shall be transferred to the unappropriated surplus account of the general fund.

Section 3. Effective Date.

This act shall take effect on July 1, 1967.

Approved March 21, 1967.

CITIES AND TOWNS

CHAPTER 20

H. B. No. 79

(Passed March 7, 1967. In effect May 9, 1967)

CHANGE OF CLASS

An Act Amending Sections 10-1-1 and 10-1-2, Utah Code Annotated, 1953, as Amended by Chapter 13, Laws of Utah 1957, Relating to the Circumstances Under Which Cities and Towns Change Classification and Providing That Cities of the Second Class Attaining a Population of 100,000 or More Shall Become Cities of the First Class; Providing That Cities of the Third Class Shall Become Cities of the Second Class When They Attain a Population of 60,000 or More; and Providing That the Secretary of State Shall Certify the Attained Populations of Municipalities to the Governor for Purposes of Implementing Proclamation by the Governor Declaring Such Change of Classification.

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

Section 1. Section Amended.

Section 10-1-1, Utah Code Annotated 1953, as amended by chapter 13, Laws of Utah 1957, is amended to read:

10-1-1. Classes of Cities—Towns.

The municipal corporations referred to in this title now existing or hereafter organized, shall be divided into cities of the first class, cities of second class, cities of the third class and towns. Those cities having one-hundred thousand or more inhabitants shall be cities of the first class, those cities having sixty thousand and less than one-hundred thousand inhabitants shall be cities of second class, and those cities having eight hundred and less than sixty thousand inhabitants shall be

cities of the third class, and all incorporated communities of less than eight hundred inhabitants shall be classed as towns; provided, that this section shall not have effect to lower the class of any city now existing.

Section 2. Section Amended.

Section 10-1-2, Utah Code Annotated 1953, as amended by Chapter 13, Laws of Utah 1957, is amended to read:

10-1-2. Change of Class.

Whenever any city of the second class shall have attained the population of 100,000 or more, or any city of the third class shall have attained a population of 60,000 or more, or any town shall have obtained the population of 800 or more, as ascertained and determined by a national or state census, it shall be the duty of the secretary of state to certify such fact to the governor. Upon receipt of such certificate the governor shall declare by public proclamation such city or town to be a city of the first, second, or third class, as the case may be, and such city or town thus changed will be governed by the provisions of this title applicable to cities of the class to which such city or town has been changed.

Approved March 10, 1967.

CHAPTER 21

H. B. No. 23

(Passed February 17, 1967. In effect May 9, 1967)

ORDINANCES — WHEN EFFECTIVE

An Act Amending Section 10-6-12, Utah Code Annotated 1953, as Amended by Chapter 16, Laws of Utah 1953 and Chapter 13, Laws of Utah 1955, Relating to the Manner in Which Ordinances Become Effective; Requiring Their Publication or Posting to Permit the Adoption of Housing Codes, Other Rules and Regulations Published in Code Book Form to be Adopted by Reference.

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

Section 1. Section Amended.

Section 10-6-12, Utah Code Annotated 1953, is amended to read:

10-6-12. Ordinances—When Effective.

All ordinances before taking effect shall be deposited in the office of the city recorder or town clerk, and published at least once in some newspaper published within the municipality, or if there is no newspaper published therein, then by posting in three public places therein; provided, that whenever a revision is made and the revised ordinances are published by authority of the governing body no further publication shall be deemed necessary; and provided further, that ordinances establishing rules and regulations for the construction of buildings, the minimum standards that must be met to qualify a house or building for human habitation or occupancy, the installation of plumbing, the installation of electric wiring or other related or similar work, and

rules and regulations controlling traffic and relating to the prevention of fires within their corporate limits and other rules and regulations relating to municipal functions and controls where such rules and regulations have been printed as a code in book form, may be adopted and shall take effect without further publication or posting thereof, if reference is made to such code, and not less than three copies of such code shall have been filed for use and examination by the public in the office of the recorder or clerk of such city or town prior to the adoption of such ordinance by the board of commissioners, city council or town trustees. Ordinances shall not go into effect until the twentieth day after their publication or posting, nor until the thirtieth day after their final passage; but shall go into effect at the expiration of such twentieth day after publication or posting, or such thirtieth day after such final passage, or whichever of said days is the most remote from the final passage of such ordinance. Ordinances, if so provided therein, may take effect at a later date. Measures necessary for the immediate preservation of the peace, health or safety of the municipality may, if so provided in the ordinance, take effect at an earlier date. The city recorder or town clerk shall record all resolutions and ordinances in a book kept for that purpose, together with the affidavit of publication by the publisher or his agent, or, if posted, with the certificates of the due posting thereof; and said book, or a certified copy of the ordinances and affidavit of publication or posting, under the seal of the municipality, shall be received as evidence in all courts and places without further proof, or if printed in book or pamphlet form by authority of the governing body, they shall be so received.

Approved February 27, 1967.

CHAPTER 22

H. B. No. 51

(Passed February 14, 1967. In effect May 9, 1967)

TREATMENT OF ALCOHOLICS, ETC.

An Act Amending Section 10-8-47, Utah Code Annotated 1953, Relating to the Powers and Duties of Cities and Allowing Cities to Provide for Court Supervised Civil Treatment of Alcoholics, Narcotic Addicts and Other Persons Addicted to Drugs or Intoxicants Who Cannot Rationally Control Their Behavior.

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

Section 1. Section Amended.

Section 10-8-47, Utah Code Annotated 1953, is amended to read as follows:

10-8-47. Treatment of Alcoholics.

They may prevent intoxication, fighting, quarreling, dog fights, cock fights, prize fights, bullfights, and all disorderly conduct and provide against and punish the offenses of assault and battery and petit larceny; they may restrain riots, routs, noises, disturbances or

disorderly assemblies in any street, house or place in the city; they may regulate and prevent the discharge of firearms, rockets, powder, fireworks or any other dangerous or combustible material; they may provide against and prevent the offense of obtaining money or property under false pretenses, and the offense of embezzling money or property in all cases where the money or property embezzled or obtained does not exceed in value the sum of \$50 and may prohibit the sale, giving away or furnishing of intoxicating liquors or narcotics; or of tobacco to any person under twenty-one years of age; cities may by ordinance provide for the treatment of alcoholics, narcotic addicts and other persons who are addicted to the use of drugs or intoxicants such that they substantially lack the capacity to control their use of such drugs or intoxicants, and judicial supervision may be imposed as a means of effecting their rehabilitation.

Approved February 20, 1967.

CHAPTER 23

H. B. No. 20

(Passed February 6, 1967. In effect May 9, 1967)

DOGS—LICENSING

An Act Amending Section 10-8-65, Utah Code Annotated 1953, Relating to the Control, Licensing, Impounding and Disposal of Dogs and Providing That Cities May Sell or Otherwise Dispose of Dogs.

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

Section 1. Section Amended.

Section 10-8-65, Utah Code Annotated 1953, is amended to read:

10-8-65. Licensing of Dogs—Disposal.

They may license, tax, regulate or prohibit the keeping of dogs, and authorize the destruction, sale or other disposal of the same when at large contrary to ordinance.

Approved February 9, 1967.

CHAPTER 24

H. B. No. 18

(Passed February 22, 1967. In effect May 9, 1967)

STATEMENT OF FINANCIAL CONDITION

An Act Amending Section 10-10-75, Utah Code Annotated 1953, Relating to the Publication in Newspapers by Cities of a Summary Statement of Their Financial Condition and Results of Operations Providing That Said Publication Be a Summary Statement of All Operating Funds of the City and That Said Publication Occur On or Before the First Monday in October.

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

Section 1. Section Amended.

Section 10-10-75, Utah Code Annotated 1953, as enacted by Chapter 24, Laws of Utah 1961, is amended to read:

10-10-75. Statement of Financial Condition.

The city auditor in cities having an auditor, and in all other cities the city recorder, shall prepare and publish, on or before the first Monday in October of each year, in some newspaper having general circulation in the city, a summary statement of the financial condition of all operating funds of the city, and of all the revenues and expenditures in said funds for the previous year.

Approved February 28, 1967.

CHAPTER 25

H. B. No. 17

(Passed February 14, 1967. In effect May 9, 1967)

FISCAL YEARS—DEFINITION

An Act Providing That the Fiscal Year of Towns Shall Be from July 1 through June 30 of Each Year.

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

Section 1. Section Enacted.

From the effective date of this act through December 31, 1967, the fiscal year of towns shall continue to be the calendar year of 1967. From January 1, 1968 through June 30, 1968, the fiscal year of towns shall be January 1 through June 30, 1968. From July 1, 1968 and thereafter the fiscal year of towns shall begin July 1 and end June 30 of each year.

Approved February 17, 1967.

**CITIES AND TOWNS —
BONDS AND WARRANTS**
CHAPTER 26

S. B. No. 65

(Passed February 24, 1967. In effect May 9, 1967)

CLUBS—LICENSING AND REGULATION

An Act Amending Section 11-10-1, Utah Code Annotated 1953, As Enacted by Chapter 24, Laws of Utah 1959, Relating to Licensing and Regulation of Establishments, Associations and Corporations That Allow Consumption and Possession of Liquor on Their Premises.

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

Section 1. Section Amended.

Section 11-10-1, Utah Code Annotated 1953, as enacted by Chapter 24, Laws of Utah 1959, is amended to read as follows:

11-10-1. Licensing of Clubs—Local Control.

Cities and towns within the corporate limits, and counties outside of corporate cities and towns shall license all establishments, associations and corporations, that operate a club, business or association which allows the customers, members or guests to possess or consume liquor on the premises, provided the license does not permit the licensee, operator or employee of either to hold, store, or possess liquor on the premises. However, nothing in this section shall be construed to prevent persons other than the licensee, operator or employees of either, from possessing and consuming, but not storing, liquor on the premises, except as otherwise provided for by statute.

Approved March 4, 1967.

CHAPTER 27

H. B. No. 24

(Passed February 14, 1967. In effect May 9, 1967)

OFFICERS AND EMPLOYEES—QUALIFICATION

An Act Amending Chapter 13 of Title 11, Utah Code Annotated 1953 So As to Add Thereto a New Section 11-13-22 Relating to Qualifications of Officers or Employees Performing Services Pursuant to Interlocal Cooperation Act Agreements.

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

Section 1. Section Enacted.

A new section to be known as 11-13-22, Utah Code Annotated 1953 is added to Chapter 13 of Title 11 to read:

Section 11-13-22. Employee—Officer Qualifications.

Other provisions of law which may require an officer or employee of a public agency to be an elector or resident of the public agency or to have other qualifications not generally applicable to all of the contracting agencies in order to qualify for said office or employment shall not be applicable to officers or employees who hold office or perform services for more than one public agency pursuant to agreements executed under the provisions of the interlocal cooperation act.

Approved February 17, 1967.

CHAPTER 28

H. B. No. 156

(Passed March 9, 1967. In effect May 9, 1967)

UTAH MUNICIPAL BOND ACT

An Act Amending the Utah Municipal Bond Act by Amending Sections 11-14-1, 11-14-4, 11-14-5, 11-14-6, 11-14-11, 11-14-14, 11-14-17, 11-14-23 and 11-14-27, Utah Code Annotated 1953, As Enacted by Chapter 41, Laws of Utah 1965, Relating to Bonds of Cities, Towns, Counties, School Districts Improvement Districts, Other Political Subdivisions and Other Entities; Providing for Application of the Act

to Water Conservancy Districts and Metropolitan Water Districts, for Election Hours at and Times of Holding of Bond Elections, for Appointment of Alternate Election Officials, for the Qualifications of Voters at Bond Elections, the Determination of Such Qualifications and Prescribing Form of Oath, for the Supplying and Disposition of Oaths, Ballots, Ballot Boxes and Other Supplies and Equipment Used at Bond Elections, for the Issuance of Combined Bond Issues, for the Effect of Findings by the Canvassing Board at Bond Elections, for Making the Provisions of Section 11-14-3, Utah Code Annotated 1953, Applicable to All Bond Elections and Bonds of the Entities Enumerated in Section 11-14-27, Utah Code Annotated 1953, for the Validation of Bond Elections Conducted and Bonds Issued Prior to the Effective Date of This Act, for Technical Corrections to the Utah Municipal Bond Act by Correcting Omissions, Spelling and Deleting References to the County Service Area Act and for a Severability Clause.

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

Section 1. Sections Amended.

Sections 11-14-1, 11-14-4, 11-14-5, 11-14-6, 11-14-11, 11-14-14, 11-14-17, 11-14-23 and 11-14-27, Utah Code Annotated 1953 as enacted by Chapter 41, Laws of Utah 1965, are amended to read:

11-14-1. Definitions.

The term "municipality," for the purpose of this act shall include cities, towns, counties, school districts, improvement districts operating under authority of Chapter 6 of Title 17 of the Utah Code Annotated 1953, metropolitan water districts operating under authority of Chapter 8 of Title 73 of the Utah Code Annotated 1953 and water conservancy districts operating under authority of Chapter 9 of Title 73 of the Utah Code Annotated 1953, but not including the state of Utah and its institutions. Any municipality may, in the manner and subject to the limitations and restrictions contained in this act, issue its negotiable bonds for the purpose of paying all or part of the cost of acquiring, improving or extending any one or more improvements, facilities or property which such municipality is authorized by law to acquire, and may also issue such bonds for the acquisition of an interest in any one or more or combination of the following types of improvements, facilities or property to be owned jointly by two or more municipalities, or for the improvement or extension of any such jointly owned facility or property:

(1) Public buildings of every nature, including without limitation, offices, courthouses, jails, fire, police and sheriffs' stations, detention homes and any other buildings to accommodate or house lawful activities of a municipality;

(2) Waterworks, irrigation systems, water systems, dams, reservoirs, water treatment plants and any other improvements, facilities, or property used in connection with the acquisition, storage, transportation and supplying of water for domestic, industrial, irrigation, recreational and other purposes and preventing pollution of the same;

(3) Sewer systems, sewage treatment plants, incinerators and other improvements, facilities or property used in connection with

the collection, treatment and disposal of sewage, garbage or other refuse;

(4) Drainage and flood control systems, storm sewers and any other improvements, facilities or property used in connection with the collection, transportation or disposal of water;

(5) Recreational facilities of every kind, including without limitation, athletic and play facilities, playgrounds, athletic fields, gymnasiums, public baths, swimming pools, camps, parks, picnic grounds, fair grounds, golf courses, zoos, boating facilities, tennis courts, auditoriums, stadiums, arenas and theaters;

(6) Convention centers, sports arenas, auditoriums, theaters and other facilities for the holding of public assemblies, conventions and other meetings;

(7) Roads, bridges, viaducts, tunnels, sidewalks, curbs, gutters, and parking buildings, lots and facilities;

(8) Airports, landing fields, landing strips and air navigation facilities;

(9) Educational facilities, including without limitation, schools, gymnasiums, auditoriums, theaters, museums, art galleries, libraries, stadiums, arenas and fair grounds;

(10) Hospitals, convalescent homes, homes for the aged or indigent.

Any such improvement, facility or property need not lie within the limits of the municipality. Such cost may include the cost of equipment and furnishings for such improvements and facilities or property and may include all costs incident to the authorization and issuance of such bonds, including engineering, legal and fiscal advisers' fees and including, as to bonds payable in whole or in part from operating revenues as distinguished from taxes, interest to accrue on the bonds during the period to be covered by the construction of the improvement, facility or property and for six months thereafter. Where the bonds are payable solely from the revenues derived from the operation of revenue-producing facilities, the governing body may provide for the use of bond proceeds to establish a reserve fund sufficient to pay the maximum amount of principal and interest estimated to fall due on the bonds in any future twelve-months period.

11-14-4. Election Procedures.

The governing body shall designate the voting places to be used, fix the hours during which the polls are to be open if the election is a special election, which hours at such special election shall be those provided by law for the conduct of biennial statewide general elections, shall cause to be provided the necessary ballot boxes, ballots, paraphernalia, equipment and supplies needed for the election as determined by the governing body, and unless the election officials to serve at each voting place are otherwise appointed under the provisions of general law, shall appoint three election officials and may appoint one or more alternate election officials, who shall be qualified electors of the municipality or other entity calling the election, to serve at each voting place, such alternates to so serve in case of the absence for any cause of the designated election officials. A bond election may be held and the proposition for the issuance of bonds may be submitted at any gen-

eral, primary or other election held in the municipality or other entity calling the bond election, or at a special election called for the purpose and any such special election may, but need not, be held on the same day as any other election; provided, a bond election conducted by water conservancy district shall not be conducted on the same day as a primary or general election. Where a bond election is being held on the same day as any other election held in the municipality or entity calling the bond election or in some part of such municipality or entity, the election officials serving for the other election may also serve as election officials for the bond election. Voting or election precincts or districts may be combined for purposes of bond elections and the governing body may designate such voting places as it considers best suited, so long as no voter is required to vote outside the county in which he resides.

11-14-5. Qualified Electors at Bond Elections.

The words "qualified electors of the municipality as shall have paid a property tax therein in the year preceding such election" as used herein shall have the same meaning as do the same words appearing in section 3 of article XIV of the Utah Constitution. Election officials conducting bond elections and county officials whose duty it may be to supply records to such election officials for use in determining voters' qualifications shall interpret the aforesaid words in the light of the following instructions:

(a) A qualified elector shall be deemed to have paid the required property tax in the municipality or other entity so proposing to issue the bonds if he owns any property therein, title to which is held in his name, and he has paid any property tax thereon during the twelve months preceding the election.

(b) The spouse of any person mentioned in sub-paragraph (a) shall not be deemed to have paid a property tax unless such spouse can qualify independently under the terms of sub-paragraph (a).

A person whose name appears on the official assessment and tax rolls of the county or counties in which the municipality or entity is located as having paid a tax on property in the municipality or entity during the twelve-month period immediately preceding the bond election shall prima facie be considered to have paid the property tax required to qualify him to vote in the election.

11-14-6. Elections—Registration Lists—Challenges.

(1) Prior to a bond election, the registration lists to be used may be checked against the official assessment and tax rolls of such county or counties and the names of the electors shown on the registration lists who appear after such checking to have so paid such property tax may be indicated in some convenient manner on the registration lists and such indication shall also be prima facie evidence of the status of the elector as a property taxpayer, but the failure so to mark the registration lists shall not be considered an irregularity or ground for invalidating the bond election.

(2) A qualified elector applying for a ballot at a bond election who exhibits to the election officials a tax receipt reflecting that he owns property located in the municipality or other entity calling the election,

title to which is held in his name, on which a property tax was paid during the twelve months preceding the bond election shall be permitted to vote, and such tax receipt shall be prima facie evidence of the status of the elector as a property taxpayer.

(3) A qualified elector applying for a ballot at a bond election who takes an oath under penalty of perjury sworn to before one of the election officials that he owns property located in the municipality or other entity calling the election, title to which is held in his name, on which he paid a property tax during the twelve months preceding the bond election shall be permitted to vote, and such oath shall be prima facie evidence of the status of such elector as a property taxpayer.

(4) The qualifications as a registered taxpaying elector of any person applying for a ballot at a bond election may be challenged for cause by any one or more of the election officials or by any other person at the time the ballot is applied for, but notwithstanding any challenge hereunder, any such person shall receive a ballot and be permitted to vote if (1) such person is shown on the registration lists as a registered voter in the municipality or other entity calling the bond election, and (2) such person takes an oath sworn to before one of the election officials that he is a qualified elector of such municipality or entity and owns any property therein, title to which is held in his name, and he has paid a property tax thereon during the twelve months preceding the bond election.

(5) The oath referred to in subparagraphs (3) and (4) may, but need not, be in substantially the following form:

ELECTOR'S OATH

STATE OF UTAH }
COUNTY OF }

The undersigned, having been first duly sworn upon oath, deposes and says under the pains and penalties of perjury, as follows:

That I am a citizen of the United States and have been so for not less than ninety (90) days; that I am of lawful voting age; that I am now and have been a resident of the State of Utah for not less than one (1) year, of County for not less than four (4) months, and of the voting district or precinct of the (municipality or other entity calling the bond election) in which I am offering to vote for not less than sixty (60) days; that I am a duly registered voter of County and I am a qualified voter of and reside within the confines of (municipality or other entity calling the bond election), that I own property located in (municipality or other entity calling the bond election), title to which is held in my name, and that I paid a property tax thereon during the twelve months preceding this election; and that I have not previously voted at the bond election being held on this day of, 19..... in (municipality or other entity calling the bond election).

.....
Signature of Elector ..

.....
Address of Elector

I, the undersigned, Judge of election, hereby certify that the person whose signature appears above, signed the foregoing statement on this day of, 19....., immediately after I administered to him an oath in the following words:

You do solemnly swear (or affirm) that you have read the oath to which you are about to subscribe your signature and that the facts recited therein are true and correct, so help you God (or under the pains and penalties of perjury).

.....
Judge of Election”

Each election official is expressly authorized to administer such oath.

(6) In the case of challenges made pursuant to subparagraph (4), the election officials shall keep a list of the names of each person challenged, the grounds for the challenge, and whether such person was permitted to vote. Such list shall be made in duplicate and the duplicate list shall be made available to the governing body when it canvasses the election results.

(7) No bond election shall be held invalid on the grounds that unqualified voters voted unless it shall be shown by clear and convincing evidence in a contest filed prior to the expiration of the period in which bond election contest may be filed that unqualified voters in sufficient numbers to change the result voted at the bond election. When the election results are canvassed such canvass shall show separately the number of votes which were challenged and the number of challenged voters who were permitted to vote, but the votes cast by such voters shall be accepted as having been legally cast for purposes of determining the outcome of the election, unless the court in a bond election contest shall find otherwise.

11-14-11. Election Counting—Canvass—Returns Declared.

Immediately after the closing of the polls the judges of the election shall proceed to count and canvass the ballots cast and make returns thereof to the governing body. The governing body shall not later than ten days after the election meet and canvass the returns. The oaths taken pursuant to subparagraphs (3) or (4) of 11-14-6 and the ballots and ballot boxes shall be held in safekeeping in the manner and for the period provided by law with respect to ballots for other elections. The canvass of the election returns shall be made in public and at its conclusion the governing body shall make an official finding as to the total number of votes cast, the number of affirmative votes, the number of negative votes, the number of mutilated ballots and the number of challenged voters as above required, and shall declare the bond proposition to have carried or lost. Such findings shall be incorporated in the official minutes of the governing body, and it shall not be necessary to file any statement or certificate of such results or affidavit with respect to the facts pertaining to the election nor pertaining to the indebtedness and valuation of the municipality with the county clerk or with any other official. The determination of the governing body that a majority of such qualified electors of the municipality as shall have paid a property tax therein in the year preceding the election, voting on the proposition, have

assented to the issuance of the bonds, shall be conclusive in any action or proceeding involving the validity of the election or determination or declaration of the result thereof instituted after the expiration of the period provided in 11-14-12 for the filing of actions coontesting the validity of bond elections and after the date of delivery of and payment for any part of the bonds.

11-14-14. Bonds—Types—Exemptions.

Bonds issued hereunder shall be authorized by resolution of the governing body, shall be fully negotiable for all purposes, may be made registrable as to principal alone or as to principal and interest, shall mature at such time or times not more than forty years from their date, shall bear interest at such rate or rates not greater than six per cent per annum, shall be payable at such place or places, shall be in such form, shall be executed in such manner, may be made redeemable prior to maturity at such times and on such terms, shall be sold in such manner and at such prices, either at, in excess of or below the face value thereof, not resulting in a net interest cost of more than six per cent per annum computed to maturity, and generally shall be issued in such manner with such details as may be provided by resolution. Bonds voted for different purposes by separate propositions at the same or different bond elections may in the discretion of the governing body be combined and offered for sale as one issue of bonds. The resolution providing for such combination and the printed bonds for the combined issue shall separately set forth the amount being issued for each of the purposes provided for in each proposition submitted to and approved by the electors. If the municipality shall have retained a fiscal agent to assist and advise it with respect to such bonds and the fiscal agent has received or is to receive a fee for such services, the bonds may be sold to such fiscal agent but only if such sale is made pursuant to a sealed bid submitted by the fiscal agent at an advertised public sale. All bonds issued hereunder and interest thereon shall be exempt from taxation in this state.

11-14-17. Bonds—Provisions—Records—Authorization.

To the extent constitutionally permissible, municipalities may pledge as an additional source of payment for their general obligation bonds all or any part of revenues from the operation of revenue-producing facilities or may issue bonds payable solely from such revenues. Any resolution authorizing bonds to which such revenues are pledged may contain such covenants with the future holder or holders of the bonds as to the management and operation of the affected facilities, the imposition and collection of fees and charges for commodities and services furnished thereby, the disposition of such fees and revenues, the issuance of future bonds, the creation of future liens and encumbrances against such facilities, the carrying of insurance, the keeping of books and records, the deposit and paying out of revenues and bond proceeds, the appointment and duties of a trustee, and other pertinent matters as may be deemed proper by the governing body. Where the revenue so pledged involves either sewer or water revenues or both sewer and water revenues, provision may be made

for charges for sewer services and water services to be billed in a single bill and for the suspension of water or sewer services, or both, to any customer who shall become delinquent in the payment of charges due for either. Provision may be made for the securing of such bonds by a trust indenture, but no such indenture shall convey, mortgage or create any lien upon property of the municipality. Either the bond resolution or such trust indenture may impose in the holders of the bonds full rights to enforce the provisions thereof, and may include terms and conditions upon which the holders of the bonds or any pro-portion of them, or a trustee therefor, shall be entitled to the appointment of a receiver who may enter and take possession of the facility or facilities, the revenues of which are so pledged, and may operate and maintain them, prescribe charges and collect, receive and apply all revenues therefrom arising in the same manner as the municipality itself might do.

11-14-23. Exemption From Application of Act.

This act shall not apply to bonds issued by the state of Utah, to bonds or obligations payable solely from special assessments levied on benefited property and to bonds or obligations issued in anticipation of the collection of taxes where the entire issue matures not later than one year from the date of the issue.

11-14-27. Application of Act.

Sections 11-14-4, 11-14-5, 11-14-6, 11-14-7, 11-14-8, 11-14-9, 11-14-12, 11-14-15, and 11-14-18 shall apply to all bond elections and to all bonds issued by any city, town, county, school district, improvement district under chapter 6 of Title 17, water conservancy district, metropolitan water district and, except as otherwise provided in section 11-14-23, by any other taxing district or governmental entity whether or not the bonds are issued pursuant to authority granted by this act and, as to matters provided in section 11-14-18, this act shall apply to all bonds issued and outstanding at the time this act takes effect as well as to bonds issued after this act takes effect.

Section 2. Provisions of This Act Controlling.

This act shall be applicable to bonds issued under the Utah municipal bond act and to the extent that any one or more provisions of this act shall be in conflict with any other law or laws, the provisions of this act shall be controlling.

Section 3. Severability Clause.

If any one or more sentences, clauses, phrases, provisions or sections of this act or the application thereof to any set of circumstances shall be held by final judgment of any court of competent jurisdiction to be invalid, the remaining sentences, clauses, phrases, provisions and sections hereof and the application of this act to other sets of circumstances shall nevertheless continue to be valid and effective, the legislature hereby declaring that all provisions of this act are severable.

Section 4. Validation of Bonds.

All bond elections conducted and all bonds voted at such elections

by any municipality prior to the effective date of this act and all proceedings had in the authorization and issuance thereof are hereby validated, ratified and confirmed and all such bonds which have heretofore been issued are declared to constitute legally binding obligations in accordance with their terms. Nothing in this section shall be construed to affect or validate any bonds, the legality of which is being contested at the time this act takes effect.

Approved March 21, 1967.

CHAPTER 29

S. B. No. 187

(Passed March 9, 1967. In effect May 9, 1967)

INDUSTRIAL DEVELOPMENT ACT

An Act Relating to Industrial Development; Providing for the Acquisition, Purchase, Construction, Reconstruction, Improvement, Betterment and Extension of Industrial Facilities by Municipalities or Counties for Prescribed Uses and Purposes; Providing for the Issuance of Revenue Bonds with Limited Liabilities, for Security of Same and for the Payment of the Principal and Interest on Such Bonds.

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

Section 1. Utah Industrial Development Act.

This act shall be known and may be cited as the "Utah Industrial Facilities Development Act" and shall be for the purpose of achieving greater industrial development in the state of Utah.

Section 2. Definitions.

As used in this act:

(1) "Municipality" means any incorporated city or town in the state, including cities or towns operating under home rule charters;

(2) "Project" means any land, building or other improvement, and all real and personal properties, including, but not limited to, machinery and equipment deemed necessary in connection therewith, whether or not now in existence or under construction which shall be suitable for manufacturing, warehousing, commercial or industrial purposes; "provided, however, that the term "project" shall not include any property, real or personal or mixed, for the purpose of the construction, re-construction, improvement, or maintenance of a public utility as defined in section 54-2-1, Utah Code Annotated 1953;"

(3) "Governing body" means the board or body in which the general legislative powers of the municipality or county are vested;

(4) "Mortgage" means a mortgage, trust deed, or other security device.

Section 3. Powers—Authority.

In addition to any other powers which it may now have, each municipality and each county shall have, without any other authority, the power:

(1) To acquire, whether by construction, purchase, devise, gift, exchange or lease, or any one or more of such methods, and to construct, reconstruct, improve, maintain, equip and furnish one or more projects, which shall be located within this state, and which may be located within or partially within, such municipality or county;

(2) To lease to any person, firm, partnership or corporation, engaged in business for a profit, either public or private, any or all of its projects for such rentals and upon such terms and conditions as the governing body may deem advisable and as shall not conflict with the provisions of this act;

(3) To issue revenue bonds for the purpose of defraying the cost of acquiring, constructing, reconstructing, improving, maintaining, equipping or furnishing any project or projects and secure the payment of such bonds as provided in this act, which revenue bonds may be issued in one or more series or issues where deemed advisable, and each such series or issue may contain different maturity dates, interest rates, priorities on revenues available for payment of such bonds and priorities on securities available for guaranteeing payment thereof, and such other differing terms and conditions as are deemed necessary and are not in conflict with the provisions of this act;

(4) To grant options to renew any lease with respect to any project and to grant options to buy any project at such price as the governing body may deem desirable; to sell and convey any real or personal property acquired as provided by subsection (1) of this section, at public or private sale, and make such order respecting the same as may be deemed conducive to the best interests of the municipality or county, such sale or conveyance to be subject to the terms of any lease but to be free and clear of any other encumbrance.

No municipality or county shall have the power to operate any project referred to in this section, as a business or in any other manner except as the lessor of same, nor shall it have any power to acquire any such project, or any part of it, by condemnation, "No municipality or county shall have the power under this act to acquire or lease projects, or issue revenue bonds for the purpose of defraying the cost of any project or part thereof, used for telecommunication facilities, the generation, transmission, or distribution of electric energy beyond the project site or the production, transmission, or distribution of natural gas."

Section 4. Bonds—Negotiable Instruments.

(1) All bonds issued by a municipality or county under this act shall be limited obligations of the municipality or county. Bonds and interest coupons issued under this act shall not constitute nor give rise to a general obligation or liability of the municipality or county or a charge against its general credit or taxing powers. Such limitation shall be plainly stated upon the face of such bonds.

(2) The bonds referred to in subsection (1) of this section may be authorized by resolution of the governing body, and may:

- (a) Be executed and delivered at any time and from time to time;
- (b) Be in such form and denominations;
- (c) Be of such tenor;

- (d) Be in registered or bearer form either as to principal or interest or both;
- (e) Be payable in such installments and at such time or times as the governing body may deem advisable;
- (f) Be payable at such place or places either within or without the state of Utah;
- (g) Bear interest at such rate or rates, payable at such place or places, and evidenced in such manner;
- (h) Be redeemable prior to maturity, with or without premium; and
- (i) Contain such other provisions not inconsistent with this act as shall be deemed for the best interests of the municipality or county and provided for in the proceedings of the governing body under which the bonds shall be authorized to be issued.

(3) Any bond issued under this act may be sold at public or private sale in such manner and at such time or times as may be determined by the governing body to be most advantageous. The municipality or county may pay all expenses, premiums and commissions which the governing body may deem necessary or advantageous in connection with the authorization, sale, and issuance of such bonds from the proceeds of the sale of such bonds or from the revenues of the project or projects.

(4) All bonds issued under this act and all interest coupons applicable thereto shall be construed to be negotiable instruments, despite the fact that they are payable solely from a specified source.

Section 5. Principal and Interest of Bonds.

(1) The principal of and interest on any bonds issued under this act:

- (a) Shall be secured by a pledge and assignment of the revenues out of which such bonds shall be made payable;
- (b) May be secured by a mortgage covering all or any part of the project;
- (c) May be secured by a pledge and assignment of the lease of such project; and
- (d) May be secured by such other security device as may be deemed most advantageous by the governing body issuing the bonds.

(2) The proceedings under which the bonds are authorized to be issued under this act and any mortgage given to secure the same may contain any agreements and provisions customarily contained in instruments securing bonds, including, without limiting the generality of the foregoing, provisions respecting:

- (a) The fixing and collection of rents for any project covered by such proceedings or mortgage;
- (b) The terms to be incorporated in the lease of such project;
- (c) The maintenance and insurance of such project;
- (d) The creation and maintenance of special funds from the revenues of such projects; and

(e) The rights and remedies available in the event of a default to the bondholders or to the trustee under a mortgage, all as the governing body shall deem advisable and as shall not be in conflict with the provisions of this act; except that in making any such agreements

or provisions a municipality or county shall not have the power to obligate itself except with respect to the project and the application of the revenues from it and shall not have the power to incur a general obligation or liability or a charge upon its general credit or against its taxing powers.

(3) The proceedings authorizing any bonds under this act and any mortgage securing such bonds may provide that, in the event of a default in the payment of the principal of or the interest on such bonds or in the performance of any agreement contained in such proceedings or mortgage, such payment and performance may be enforced by the appointment of a receiver with power to charge and collect rents and to apply the revenues from the project in accordance with such proceedings or the provisions of such mortgage.

(4) Any mortgage made under this act to secure bonds issued under it may also provide that, in the event of a default in the payment thereof or the violation of any agreement contained in the mortgage, the mortgage may be foreclosed or otherwise realized on in any manner now or hereafter permitted by law. Such mortgage may also provide that any trustee under such mortgage or the holder of any of the bonds secured by such mortgage may become the purchaser at any foreclosure sale if the highest bidder. No breach of any such agreement shall impose any general obligation or liability upon a municipality or county or any charge upon their general credit or against their taxing powers.

Section 6. Bonds—Refunding.

Any bonds issued under this act and at any time outstanding may at any time and from time to time be refunded either in advance or by exchange by a municipality or county by the issuance of its refunding bonds in such amount as the governing body may deem necessary. Any such refunding may be effected whether the bonds to be refunded shall have then matured or shall thereafter mature, either by sale of the refunding bonds and the application of the proceeds from same to the payment of the bonds to be refunded by such refunding bonds or by exchange of the refunding bonds for the bonds to be refunded by such refunding bonds. Any refunding bonds issued under this act shall be subject to the provisions contained in section 4 of this act and may be secured in accordance with the provisions of section 5 of this act.

Section 7. Proceeds—Sale of Bonds.

The proceeds from the sale of any bonds issued under this act shall be applied only for the purposes for which the bonds were issued; but any accrued interest and premium received upon any such sale shall be applied to the payment of the principal of or the interest on the bonds sold, and if for any reason any portion of such proceeds shall not be needed for the purposes for which the bonds were issued, then such unneeded portion of such proceeds shall be applied to the payment of the principal of or the interest on such bonds.

Section 8. Cost of Project.

The cost of acquiring or improving any project shall be deemed to include the following:

(1) The actual cost of acquiring or improving real estate;

(2) The actual cost of enlarging, constructing, reconstructing, improving, maintaining, equipping or furnishing all or any part of a project which may be constructed, including architects' or engineers' fees; and

(3) All expenses in connection with the authorization, sale and issuance of the bonds to finance such acquisition or improvement, enlargement, construction, reconstruction, improvement, maintenance, equipping or furnishing, including legal fees, financial advisors fees and printing costs and the interest on such bonds for a reasonable time prior to construction, during construction, and for a reasonable period of time after completion of construction.

Section 9. No Commingling of Funds.

No part of the proceeds received from the sale of any bonds issued under this act, of any revenues derived from any project acquired or held under this act, or of any interest realized on moneys received under this act shall be commingled by the county or municipality with other funds of such county or municipality.

Section 10. Property Exempt From Taxes.

All property acquired or held by the county or municipality under this act is declared to be public property used for essential public and governmental purposes; and all such property and bonds issued under this act and the income from them are exempt from all taxes imposed by the state of Utah, any county, any municipality, or any other political subdivision of the state. This exemption shall not extend to the interests of any private person, firm, association, partnership, corporation or other private business entity in such property or in any other property such business entity may place upon or use in connection with any project, all of which shall be subject to the provisions of section 59-13-73 and all other applicable laws, nor to any income of such private business entity, which, except as provided in this section for such bonds and the income from them, shall be subject to all applicable laws regarding the taxing of such income.

Section 11. Act Not Limited.

Neither this act nor anything contained in it shall be construed as a restriction or limitation upon any powers which a county or municipality might otherwise have under any laws of this state.

Section 12. Bonds Are Legal Securities.

Bonds issued under this act are hereby made securities in which all public officers and public bodies of the state and its political subdivisions, all insurance companies, credit unions, building and loan associations, trust companies, banking associations, investment companies, executors, administrators, trustees and other fiduciaries, pension, profit-sharing and retirement funds may properly and legally invest funds, including capital in their control or belonging to them. Such

bonds are hereby made securities which may properly and legally be deposited with and received by any state or municipal officer or any agency or political subdivision of the state for any purpose for which the deposit of bonds or obligations of the state is now or may hereafter be authorized by law.

Section 13. Bonds Not Limited.

The state of Utah does hereby pledge to and agree with the holders of any bonds issued under this act and with those parties who may enter into contracts with any county or municipality under this act, that the state will not alter, impair or limit the rights thereby vested until the bonds, together with applicable interest, are fully met and discharged and such contracts are fully performed. Nothing contained in this act shall preclude such alteration, impairment or limitation if and when adequate provision shall be made by law for the protection of the holders of the bonds or persons entering into contracts with any county or municipality. Each county and municipality is authorized to include this pledge and undertaking for the state in such bonds or contracts.

Section 14. Exempt from Provisions of Code.

Bonds issued under this act are exempt from the provisions of the Uniform Commercial Code, Title 70A.

Section 15. Not Limited in Bidding.

The provisions of the various laws of the state of Utah and the rules or ordinances of the county or municipality which would otherwise require public bidding in respect to the acquisition, construction, reconstruction, improvement, maintenance, equipping and furnishing of a project shall have no application to same.

Section 16. Savings Clause.

If any provision of the act, or the application of any provision to any person or circumstance is held invalid, the remainder of this act shall not be affected thereby.

Approved March 21, 1967.

COUNTIES

CHAPTER 30

H. B. No. 285

(Passed March 9, 1967. In effect May 9, 1967)

CARE OF INDIGENTS

An Act Enacting a New Section 17-5-55.5, Utah Code Annotated 1953, Relating to the Care of the Medically Indigent; Providing That Counties Pay a Minimum Sum into a Central Fund to be Used to Provide for Hospital and Medical Care for the Medically Indigent of Every County.

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

Section 1. Section Enacted.

Section 17-5-55.5, Utah Code Annotated 1953, is enacted to read:

17-5-55.5. Care of Indigents.

Each and every county commission shall appropriate from the general funds of the county an amount of money not to exceed the equivalent of a $\frac{1}{2}$ mill levy which, in its judgment, based upon historical experience and projected need as determined in consultation with the state department of public welfare, shall be equal to one-third ($\frac{1}{3}$) of the anticipated annual costs of medical treatment and hospitalization for the medically indigent, but in no event shall such annual appropriation be less than one hundred dollars (\$100.00). Monies so appropriated shall be deposited with the state treasurer who shall credit the same to a hospital and medical care account.

Eligibility requirements for hospital and medical care shall be determined by the state department of public welfare and shall be uniform for all counties. Payment for such care shall be made by the department or division of state government administering the public assistance act of 1961 upon notification to the county in which the indigent resides for whom payment is being made and the county commissioners agree. Disbursement from the hospital and medical care account shall be made only for costs accrued in excess of care limits otherwise established for the care of such patients by the state department or division administering the public assistance act of 1961.

Approved March 21, 1967.

CHAPTER 31

S. B. No. 89

(Passed March 9, 1967. In effect May 9, 1967)

COUNTY-WIDE HEALTH DISTRICTS

An Act Relating to Health Districts; Providing for the Incorporation, Government and Management of County-wide Health Districts; Authorizing Such Districts to Incur Bonded Debt, Fixing Their Powers and Duties and the Performance of Certain Functions Relating to Such District, and Providing for Taxation of Property Therein and for the Acquisition and Control of Real and Personal Property.

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

Section 1. County-Wide Health Districts Act.

This act shall be known as the "County-wide health districts act."

Section 2. Definitions.

As used in this act:

- (1) "Municipality" means any incorporated city and town within a county.
- (2) "Health council" and "council" means the health council created under section 17 of this act.

(3) "Public corporation" means the United States, or any public agency thereof, or the state or any political district or subdivision thereof.

Section 3. Districts—Independent Entity.

County-wide health districts may be organized under this act for the purpose of providing health services and regulations covering the county as a whole so as to bring about uniform health standards and requirements and to avoid duplication of facilities and double taxation. When so incorporated they shall have and exercise such powers as are expressly granted in this act together with such powers as are reasonably implied from it and necessary and proper to carry out the objects and purposes described. Each district, when so incorporated, shall be a separate and independent political corporate entity.

Section 4. How Organized.

Such county-wide health district shall be organized and incorporated in the following manner:

The board of county commissioners may pass an ordinance declaring that the public convenience and necessity require the incorporation of county-wide health district, which ordinance shall state:

(1) That it is proposed to incorporate a county-wide health district under this act;

(2) That the district is to be county-wide in its area and in the scope of its jurisdiction; and

(3) The name of the proposed district.

Section 5. Duties of County Clerk.

It shall be the duty of the county clerk, upon such ordinance becoming effective, to forthwith transmit a certified copy of it by registered mail to the chief executive officer or mayor of each municipality in the county.

Section 6. Approval or Rejection of Ordinance.

Within 60 days after the receipt by the municipality of a certified copy of such ordinance, the legislative body of such municipality shall by order either approve or reject such ordinance without alteration or amendment. In the event the legislative body of any municipality shall fail to act upon such ordinance within such period of 60 days after receipt of said certified copy, such municipality shall be deemed to have rejected said ordinance. In the event that more than one-third of the municipalities in the county shall reject the ordinance no further proceedings shall be had to organize the district and no such district may be organized under this act.

Section 7. Certified Copy.

Upon approval or rejection of the ordinance by a municipality the clerk of the municipality shall immediately forward to the county clerk a certified copy of the resolution approving or rejecting the ordinance.

Section 8. Creating Health District.

If the ordinance is approved by $\frac{2}{3}$ of all municipalities in the county, the legislative body of the county shall call and provide for the hold-

ing of an election for ratification or rejection of the proposal to create such health district. This election shall be held concurrently with a county-wide general election at which the electors residing in the entire county shall be entitled to vote.

Section 9. Election.

This election shall be called by ordinance by the board of county commissioners. Such ordinance shall specify election districts, election judges and polling places, and all procedures shall coincide with those of the general election. The board of county commissioners shall provide the necessary ballots.

Section 10. Notice of Election.

The board of county commissioners shall cause the ordinance calling for such election to be published once at least ten days before the date of the election in a newspaper of general circulation printed and published in the county. No other or further notice need be given.

Section 11. Ballots.

The ballot used at such election shall contain the words "shall a county-wide health district be created under the provisions of Chapter ..., Laws of Utah" and the word "yes" and "no" accompanied by voting squares opposite so that any elector may record his vote for or against the proposal.

Section 12. Canvas of Ballots.

The ballots cast at the election shall be counted by the board of county commissioners at a meeting to be held within five days after such election, and such board shall canvass the returns and declare the result of the election.

Section 13. Certification of Election.

If the majority of the votes cast at the election is in favor of the creation of the health district, the board of county commissioners shall forthwith certify to the secretary of state the proceedings had, together with the result of the election. The secretary of state shall, within five days after receipt of this certificate, issue to the board of county commissioners a certificate of incorporation reciting that the district has been duly incorporated according to the laws of the state of Utah. The incorporation of the district shall be and become effective from the date of the issuance of such certificate of incorporation, and such district shall upon such issuance become vested with all of the rights, privileges and powers provided for in this act.

Section 14. Contestability of Incorporation.

The validity of the incorporation of any such district shall be incontestable in any suit or proceeding which shall not have been commenced within three months from the date of the issuance of the certificate of incorporation; and no invalidity or irregularity in any proceeding which does not substantially and adversely affect the interest of the electors or citizens of the district, or any municipality therein, shall be held to invalidate the incorporation of any such district.

Section 15. Powers of District.

Any district incorporated as provided in this act shall have the power :

- (1) To have perpetual succession.
- (2) To sue and be sued in all actions and proceedings in all courts and tribunals of competent jurisdiction.
- (3) To adopt a corporate seal and alter it at pleasure.
- (4) To take by grant, purchase, bequest, devise, gift or lease, and to hold, enjoy, dispose of property, both real and personal, within or without the health district necessary or convenient to the full exercise of its powers; and also to acquire, construct or operate, control and use any and all works, facilities, equipment, fixtures and means necessary or convenient to the exercise of its powers, both within and without the district, and to do and perform all things necessary or convenient to the full exercise of the powers granted by this act.
- (5) To borrow money, incur indebtedness and to issue bonds and other obligations; but no district shall issue bonds to the payment of which the full faith and credit of such district are pledged which in the aggregate shall exceed two per cent of 100 per cent of the reasonable, fair, cash value of the taxable property within the county, computed from the last equalized assessment roll for county purposes prior to the issuance of such bonds. Contracts and agreements with the United States of America shall not come within the limitations of this subsection.
- (6) To fix and determine the funds required for district purposes of every nature, to apportion and charge the same against the area of the district and to apportion the same equitably over the area of the district.
- (7) To levy and collect taxes for the purpose of carrying on the operations and pay the obligations of the district; but the taxes levied for administering the district and maintaining and operating its properties shall not exceed 2 mills on the assessed valuation of the taxable property in the district. The taxes levied to pay principal and interest on the bonds of the district and to pay indebtedness to the United States of America shall not be subject to the foregoing limitation. Taxes levied for the payment of principal and interest on bonds of the district shall be levied for that specific purpose, and the proceeds from such taxes shall be applied solely to the payment of such principal and interest and such levies, being separate and special levies, and shall not be subject to any priorities in favor of obligations of the district in existence at the time such bonds are issued.
- (8) To join with one or more other corporations, public or private, for the purpose of carrying out any of its powers and for that purpose to contract with such other corporation or corporations.
- (9) To enter into contracts, employ and retain personal services and employ persons; to create, establish and maintain such offices and positions as shall be necessary and convenient for the transaction of the affairs of the district; and to appoint such officers, agents and employees therefor as shall be found by the health council to be necessary and convenient.

Section 16. Additional Powers.

Any such health district shall also have the following additional powers and duties:

- (1) To protect and promote the health of the people.
- (2) To enforce state health laws, regulations and standards.
- (3) To investigate and control the causes of epidemic, infectious, communicable, and other diseases affecting the public health.
- (4) To establish, maintain and enforce isolation and quarantine, and in pursuance thereof, and for this purpose only, to exercise such physical control over property and over the persons of the people as the department may find necessary for the protection of the public health.
- (5) To enforce rules, regulations and standards adopted by the health council.
- (6) To establish, maintain, or make available, chemical, bacteriological and biological laboratories; and to conduct such laboratory investigations and examinations as may be deemed necessary or proper for the protection of the public health.
- (7) To develop and carry out reasonable health programs, not inconsistent with law, that may be deemed necessary or desirable for the protection of the public health and the control of disease.
- (8) To close theatres, schools and other public places and to forbid gatherings of people when necessary to protect the public health.
- (9) To abate nuisances when necessary for the purposes of eliminating sources of filth and infectious and communicable diseases affecting the public health.
- (10) To make any necessary sanitary and health investigations and inspections on its own initiative, or in cooperation with the state department of health, as to any matters affecting the public health.
- (11) To cooperate with the state department of health in all matters pertaining to the public health and in the administration of state health laws.
- (12) To accept, use and administer, if deemed desirable, all federal, state or private donations or grants of funds, property, services, or materials for public health purposes; and to make such agreements, not inconsistent with law, as may be required as a condition precedent to receiving such donations or grant.
- (13) To establish, maintain or participate in a merit or civil service system of personnel administration.
- (14) To provide, equip and maintain suitable offices and all necessary facilities for the proper administration and operation of the health department.
- (15) To exercise incidental powers necessary to carry out the provisions and purposes of this act.
- (16) To issue from time to time such orders as may be necessary to carry out the provisions and purposes of this act.
- (17) To appoint and prescribe the duties of a full-time health officer who shall be a licensed medical doctor in the state of Utah. The health officer shall be the administrator and executive officer of the district and shall devote full time to the duties of his office. He shall, without additional compensation or payment of fees provided by law,

act as the local registrar of vital statistics for the entire county. In the absence or disability of the health officer, or in the event of a vacancy in that office, the health council shall appoint an acting health officer. The health officer may be removed for cause by the health council. A hearing shall be granted if requested.

Section 17. Health Council—Appointment—Duties.

All powers, privileges and duties vested in or imposed upon any district incorporated under this act shall be exercised and performed by and through a health council, except that the exercise of any and all executive administrative powers may be by the health council delegated and redelegated to an executive committee or committees comprised of members of the health council or to the health officer appointed by the council.

The health council shall consist of members living within the health district, to be appointed as follows: the governing body of each incorporated city and town within the county, being a population of less than 40,000 persons according to the latest United States census, shall appoint one person; the governing body of each incorporated city or town having a population in excess of 40,000, according to the latest United States census, shall appoint one person for each 40,000 population, or fraction thereof above such number; and board of county commissioners for the county shall appoint one person for each 40,000 population, or fraction thereof of the unincorporated area above such number.

The county commissioners of any county, or counties, in which the health district is formed, shall, after the appointments have been made by the incorporated areas, appoint sufficient additional licensed medical doctors of the state of Utah, each living within said health district, to bring the total number of licensed medical doctors of the state of Utah who are members of the health council, to at least one-third of the total number of members appointed to the council. Of the total number of members of the council so appointed, at least one-third shall be licensed medical doctors and at least one member shall be a licensed dentist of the state of Utah. Upon initial appointment one-third of the persons so appointed to the council shall hold office for two years, one-third for four years and one-third for six years, the applicable terms of office to be determined by casting lots. Thereafter persons appointed to the health council shall be appointed for a term of 6 years. As the population of any city or town increases beyond the above-stated limits such city or town shall appoint the number of persons designated under the proper population category. Administrative city or county officials appointed to the council may not serve beyond their administrative term of office. Vacancies from any cause shall be filled by the same agency which made the original appointment and shall be for the unexpired term.

The affirmative vote of members representing more than 50% of the total number of votes of all members shall be necessary and shall be sufficient to carry any order, resolution or ordinance coming before the council. Immediately upon first convening, the council shall elect from its membership a chairman, vice-chairman and a secretary who

shall serve for a period of two years, or until sooner recalled or resigning, or until his successor shall be elected and qualified. The council shall also appoint a treasurer of the district. All money received for the district shall be remitted to the district treasurer and shall not be used for any purpose except that of the district. Funds of the district shall be drawn upon by the authorized officers of the district upon presentation of properly authenticated vouchers of the health council. All money collected by the district shall be deposited in authorized depositories as authorized by the health council.

Section 18. Powers.

The health council shall have the following powers:

(1) To fix the time and place at which its regular meetings shall be held which shall be held at least monthly and shall provide for the calling and holding of special meetings.

(2) To make and pass ordinances, resolutions and make rules and regulations pertaining to the public health and necessary for the government and management of the affairs of the district, for the execution of the powers vested in the district and for carrying into effect the provisions of this act. On all ordinances the roll shall be called and the ayes and naves recorded. Resolutions, rules and regulations may be adopted by voice vote, but on demand of any member the roll shall be called. All ordinances before taking effect shall be deposited in the office of the council and published at least once in a newspaper published within the county having general circulation, or if there is no newspaper published therein, then by posting in three public places therein. Ordinances shall not go into effect until the 20th day after their publication or posting, nor until the 30th day after final passage, but shall go into effect at the expiration of such 20th day after publication or posting or such 30th day after such final passage, or whichever of such days is most remote from the final passage of such ordinance. Ordinances may take effect at a later date if a later date is provided in such ordinances. The measures necessary for the immediate preservation of the peace, health or safety of the district may, if so provided in the ordinance, take effect at an earlier date. The secretary of the council shall record all resolutions and ordinances, rules and regulations in a book kept for the purpose together with the affidavit of publication by the publisher or his agent, or, if posted, with the certificate of the due posting thereof, and this book, or a certified copy of the ordinance, affidavit of publication or posting under the seal of the district, shall be received as evidence in all courts and places without further proof, or, if printed in a book or pamphlet from by authority of the council, they shall be so received.

(3) To fix the location of all offices and health centers and facilities of the district.

(4) To create any and all branch offices, employ necessary employees, establish the duties and compensation of all officers and employees and prescribe the terms and conditions of their employment, and to require and fix the amount of all official bonds necessary for the protection of the funds and property of the district.

(5) To provide for the lettering of contracts for the purchase of equipment, supplies and materials and facilities and for the construction of necessary buildings and work to the lowest responsible bidder, after publication of notices inviting bids at least once and not less than ten days prior to the expiration of the period within which bids shall be received, subject also to the right of the council to reject any and all proposals.

Section 19. Bond Election.

Whenever the health council of any district incorporated under this act shall, by ordinance adopted by a vote of a majority of the aggregate number of votes of all the members of the health council, determine that the interest of the district and the public interest or necessity demand the acquisition, construction, or completion of any improvement, works or facility, or the making of any contract with the United States or other persons or corporations, or the incurring of any preliminary expense, necessary or convenient to carry out the objects or purposes of the district by which an indebtedness or obligation shall be created to satisfy which shall require a greater expenditure than the ordinary annual income and revenue of the district shall permit, the health council may order the submission of the proposition of incurring such obligation or bonded or other indebtedness, for the purposes set forth in the ordinance, to such qualified electors of such district as shall have paid a property tax in the year preceding such election at an election held for that purpose. Any election held for the purpose of submitting any proposition or propositions of incurring such obligation or indebtedness may be held separately, or may be consolidated or held concurrently with any other election authorized by law at which such qualified electors of the district shall be entitled to vote. The declaration of public interest or necessity required by this section and the provision for the holding of such election may be included within a single ordinance, which ordinance, in addition to such declaration of public interest or necessity, shall recite the objects and purposes for which the indebtedness is proposed to be incurred, the estimated amount of preliminary expenses, the amount of the principal of the indebtedness to be incurred and the maximum rate of interest to be paid on such indebtedness, which rate shall not exceed six per cent per annum payable semiannually. Such ordinance shall also fix the date upon which such election shall be held, the manner of holding the same and the method of voting for or against incurring the proposed indebtedness. Such ordinance shall also fix the compensation to be paid the officers of the election, shall designate the precincts and polling places and shall appoint for each polling place from among the electors of the voting district the officers of such election, which officers shall constitute a board of election for each polling place. The description of voting districts may be made by reference to any order or orders of the board of commissioners of the county in which the health district is situated, or by detailed description of such precincts. Precincts established by the boards of commissioners of the county, to a number not exceeding six, may be consolidated for special elections held hereunder. In the event any such election shall

be called to be held concurrently with any other election or shall be consolidated herewith, the ordinance calling the election hereunder need not designate precincts or polling places or the names of officers of election, but shall contain reference to the act or order calling such other election and fixing the precincts and polling places and appointing election officers therefor.

Section 20. Canvass of Election.

The respective election boards shall conduct the election in their respective precincts in the manner prescribed by law for the holding of general elections and shall make their returns to the secretary of the health district. At any regular or special meeting of the health council held not earlier than five days following the date of such election, the returns thereof shall be canvassed and the results declared. In the event that any election held under this act shall be consolidated with any primary or general election and the proposition to be submitted at that time shall be printed upon a ballot containing other propositions, the returns of the election held under this act shall be made with the returns of the primary or general election to the board of commissioners or other bodies whose duty it shall be to canvass the returns of same, and the results of the election held under this act shall be canvassed at the time and in the manner provided by law for the canvass of the returns of such primary or general election. It shall be the duty of such canvassing body or bodies to promptly certify and transmit to the health council of the district a statement of the result of the vote upon the proposition submitted. Upon receipt of such certificates, it shall be the duty of the health council to tabulate and declare the results of the election held.

Section 21. Publication of Election.

The ordinance provided for in section 19 of this act shall be published once, at least ten days before the date of the election called by it, in a newspaper of general circulation published within the district, and where no newspaper is published within the district, the ordinance shall be posted in three public places within the district at least ten days before the date of the election called by it. No other or further notice of such election or publication of the names of election officers or of the precincts or polling places need be given or made.

Section 22. Approval of Ordinance.

In the event that it shall appear from the returns of such election that a majority of the qualified electors of such district who shall have voted on any proposition submitted at such election voted in favor of such proposition, the district shall be authorized to incur such indebtedness or obligation, enter into such contract, and issue and sell such bonds of the district, all for the purposes and objects provided for in the proposition submitted at such election and in the ordinance regarding it, in the amount so provided that at a rate of interest not exceeding the rate recited in such ordinance.

Section 23. Refunding of Bonds.

Any health district may issue its general obligation bonds for the

acquisition, construction, purchase or improvement of any properties necessary or desirable in carrying into effect the powers which the district is granted under this act. Such bonds shall be payable from the proceeds of taxes, and the full faith and credit of the district shall be pledged to the payment of its bonds. Taxes shall be levied fully sufficient to pay principal and interest on said bonds. Refunding bonds may be issued without an election. There may be paid from bond proceeds all legal, engineering and fiscal agent expenses reasonably incurred in connection with the authorization and issuance of the bonds, the acquisition, improving or extension of the improvements, and interest to accrue on the bonds during the period to be covered by the construction, improvement or extension of the improvements, and for twelve months thereafter. All bonds shall be fully negotiable, shall bear not to exceed six per cent interest and shall mature in such series and within such times as the health council may provide in its resolution authorizing the issuance of the bonds. Such bonds may be made redeemable in advance of maturity at such times and with such premiums as may be provided in such resolution.

It may be provided in the resolution authorizing any such bonds that such resolution shall be once published in a newspaper having a general circulation in the district. For a period of thirty days after the date of such publication, any person in interest shall have the right to contest the legality of such resolution, the bonds proposed to be issued, and any of the provisions made for the security and payment of any such bonds. After such time no one shall have any cause of action to contest the regularity, formality, or legality of such resolution, bonds, or provisions for any cause whatsoever. Any such resolution and all of its provisions as well as the bonds to be issued under it, may, in the discretion of the health council, be validated in the manner and with the effect provided in section 27 of this act for the validation of bonds and contract obligations of the district.

Any bonds of the district may be refunded pursuant to resolution of the health council, or bonds may be issued in part for refunding and in part for improvement purposes. Refunding bonds so issued shall be payable from the same sources as were the bonds refunded by them, and the foregoing provisions of this section shall be applicable to the authorization and issuance of such bonds. Refunding bonds so issued may be sold or may be exchanged for the bonds to be refunded. If sold, the proceeds of sale may be escrowed for the payment of the bonds to be refunded in such manner as may be provided in the resolution authorizing the refunding bonds. No bonds may be so refunded unless they either mature or are callable for redemption under their terms within twelve months from the date of issuance of the refunding bonds or unless their holders voluntarily surrender them for exchange or payment.

Section 24. Validation of Bonds.

In case any such officers, whose signatures or countersignatures appear on the bonds or coupons, shall cease to be such officer before the delivery of such bonds to the purchaser, such signatures or countersignatures shall nevertheless be valid and sufficient for all purposes,

the same as if they had remained in office until the delivery of such bonds.

Section 25. Sale of Bonds.

Bonds issued under this act shall be sold in such manner and for such price as may be determined by the health council, but no bonds shall be sold at a price which results in an interest cost in excess of six per cent per annum, computed to maturity according to standard tables of bond values. Temporary or interim bonds or certificates in any denomination desired may be issued after the sale of bonds pending the execution and availability of the definitive bonds.

Section 26. Bond Fund.

Such bonds may be issued and sold by the health council as they shall determine, and the proceeds from such bonds, excepting premiums and accrued interest, shall be placed in the treasury of the health district to the credit of the proper improvement fund, and shall be applied exclusively to the purposes and objects mentioned in the applicable ordinance; but the interest on such bonds accruing during the construction period and for one year afterwards shall be deemed to be a construction cost within the meaning of the purposes and objects mentioned in such ordinance, and such interest may be paid from the proceeds of the sales of such bonds. Premiums and accrued interest shall be placed in the fund to be applied to the payment of interest on and the retirement of the bonds so sold.

Section 27. Contesting—Validity Bond Election.

The health council may, within ninety days from the date of the election authorizing the issuance of bonds, the making of any contract, or the incurring of any contract obligation or indebtedness in the name of the district bring an action in the district court of the county to determine the validity of any such bonds, contract, contract obligation, or indebtedness and the sufficiency of the provisions for the collection of an annual tax sufficient to pay the interest on and the principal of such bonded or other indebtedness as such interest and principal shall fall due and/or to constitute a sinking fund for the payment of principal on or before maturity. Such action shall be in the nature of a proceeding in rem, and jurisdiction of all parties interested may be had by publication of summons for at least once a week for three weeks in some paper of general circulation published in the county where the action is pending, such paper to be designated by the court having jurisdiction of the proceedings. Jurisdiction shall be complete within ten days after the full publication of such summons in this manner. Anyone interested may at any time before the expiration of such ten days appear and by proper proceedings contest the validity of such bonds, contract or contract obligation, or indebtedness and the sufficiency of the provisions for the collection of such annual tax. Such action shall be speedily tried and judgment rendered declaring such bonds, contract or contract obligation, or indebtedness to be valid or invalid, and declaring the provisions for the collection of an annual tax for such purposes, to be sufficient or insufficient. Either party may have the right to appeal to the Supreme Court at any time within

thirty days after the rendition of such judgment, which appeal must be heard and determined within three months from the time of taking such appeal. After the expiration of ninety days from the date of the election authorizing the making of such contract or contracts, the issuance of bonds, or the incurring of other obligation or indebtedness, no action may be brought to contest or question the validity of such bonds, contract, obligation, or indebtedness and proceedings in relation to same or the sufficiency of the provision for the collection of an annual tax sufficient to pay the interest on and the principal of such indebtedness, as they fall due and/or to constitute a sinking fund for the payment of principal on or before maturity. If there be more than one action or proceeding involving the validity of any such bonds, indebtedness or contract, or the sufficiency of the provision for the collection of an annual tax sufficient for such purposes, they shall be consolidated and tried together. The court hearing any proceeding or action inquiring into the regularity, legality or correctness of the proceedings leading up to the making of such contract or contracts, the incurring of such indebtedness or issuance of bonds, the validity of such bonds or the sufficiency of such provision for the collection of an annual tax must disregard any error, irregularity or omission which does not effect the substantial rights of the parties to such action or proceeding. The rules of pleading and practice provided by the Utah Rules of Civil Procedure, which are not inconsistent with the provisions of this act, are applicable to all actions or proceedings provided in this act. The motion for a new trial of any such action or proceeding must be heard and determined within ten days from the filing of the notice of intention. The costs on any proceeding or action provided for in this act may be allowed and apportioned between the parties or taxed to the losing party, in the discretion of the court.

Section 28. Coupon Bonds.

Coupon bonds issued under this act, at the request of the holder, may be registered as to principal and interest in the holder's name on the books of the treasurer of the district, and the coupons surrendered and the principal and interest made payable only to the registered holder of the bond. For that purpose the treasurer of the district shall detach and cancel the coupons and shall endorse a statement on the bonds that the coupons sheet issued with them has been surrendered by the holder and the coupons canceled by such treasurer, and that the principal and the semiannual interest are to be paid to the registered holder, or order, by draft, check or warrant drawn payable at a place of payment specified in the bond. After such registration no transfer shall be valid unless made on such treasurer's books by the registered holder, or by his attorney duly authorized, and similarly noted on the bond. After such registration the principal and interest of such bond shall be payable only to the registered owner. Bonds registered under this section, may, with the consent of the district and the holders of the bonds, be reconverted into coupon bonds at the expense of the holder of same, and again reconverted into registered bonds from time to time, as the health council of the district and the holders of the bonds may determine. In converting coupon bonds into

registered bonds, coupon bonds may be exchanged for registered bonds of \$100 each, or multiples thereof, but not exceeding \$50,000 each, in which event new registered bonds shall be issued at the expense of the holder. Coupon bonds may be exchanged for other coupon bonds of \$100 each, or multiples thereof, but not exceeding \$50,000 each, in which event new coupon bonds shall be issued at the expense of the holder.

Section 29. Bond Conversion.

For each conversion or reconversion of a coupon or registered bond, the treasurer of the district shall be entitled to charge and collect such fee as the health council of the district may prescribe from time to time.

Section 30. Bonds Legal Investments.

All bonds issued by any county-wide health district under this act shall be legal investments for all trust funds, and for the funds of all insurance companies, banks, both commercial and savings and trust companies, and for the state school funds, and for all sinking funds under the control of the state treasurer, and whenever any moneys or funds may by law be invested in, or loaned upon the security of, bonds of cities, cities and counties, counties, or school districts in the state of Utah, such moneys or funds may be invested in, or loaned upon the security of, the bonds of such county-wide health districts; and whenever bonds of cities, cities and counties, counties, or school districts, by law may be used as security for the faithful performance or execution of any court or private trust or of any other act, bonds of such county-wide health district may be so used.

Section 31. Certification of Valuations.

Immediately after equalization and not later than the 1st day of August of each year, it shall be the duty of the auditor of the county to prepare and deliver to the secretary of the district a certificate showing the assessed valuation of all property within the district lying in the county.

Section 32. Set Tax Levies.

On or before the Friday preceding the 2nd Monday of August the health council of the district shall by resolution determine the amount of money necessary to be raised by taxation during the fiscal year beginning the 1st day of January next preceding and shall fix the rate of taxation of the area of the district, designating the number of mills upon each one hundred dollars assessed valuation of taxable property in such area and shall levy a tax accordingly:

(1) Sufficient to meet interest and sinking fund requirements on and/or any payment to principal of outstanding bonded and other indebtedness of the district; and sufficient to meet the payment of the principal and interest on any refunding bonds, or on any bonds the issuance of which may have been authorized as provided in this act, and which bonds have not been sold but which, in the judgment of the health council, will be sold prior to the time when money will be available from the next subsequent tax levy, and in case such bonds are not so issued and sold or such tax for any other reason is not required for such purpose, the tax so levied shall be applied to the

payment of interest and/or principal on any refunding bonds, or on any bonds authorized as provided in this act then outstanding or subsequently issued and/or sold; or on any contract or other indebtedness; and

(2) Sufficient for all other district purposes.

Section 33. Certification of Levies.

Upon receipt by the county auditor of a certified copy of the health district's statement showing the tax rate to be applied to assessed property in the county, it shall be the duty of the county officers to collect taxes for the benefit of the district at the rate so specified. The taxes so levied shall be computed and collected at the time and in the manner required by law for the computation and collection of taxes for county purposes; and the property subject to such tax shall be subject to the same penalties for delinquency and the same provisions of law relating to the sale of property for non-payment of county taxes and redemption shall apply to such tax. When so collected, such taxes shall be paid over to the treasurer of the district.

Section 34. Apportionment of Taxes—Liens.

Whenever any real property situated in the health district and upon which a tax has been levied as provided in this act shall be sold for taxes and shall be redeemed, the money paid for such redemption, except advertising costs, shall be apportioned and paid in part to such district in the proportion which the tax due to such district shall bear to the total tax for which such property shall have been sold. All taxes levied under this act shall be a lien upon the property upon which levied, and the enforcement of the collection of such tax shall be had in the same manner and by the same means as is or shall be provided by law for the enforcement of liens for state and county taxes, and all the provisions of law relating to the enforcement of such taxes are hereby made a part of this act so far as applicable.

Section 35. No Direct Interest in Contracts.

Except as provided in this act, no member of the health council or any other officer or employee of the district shall in any manner be interested, directly or indirectly, in any contract awarded or to be awarded by the health council, or made or to be made by such officer or employee pursuant to discretionary authority vested in him, or in the profits to be derived therefrom. Despite the fact that such member or other officer or employee of the district may be a stockholder or bondholder or director or other officer or employee of a corporation contracting with the district, contracts may be made with such corporation for its general benefit unless such director or officer or employee of the district shall own or control, directly or indirectly, stock or bonds to an amount exceeding five per cent of the total amount of the stock or bonds, respectively, of such contracting corporation issued and outstanding. For any violation of this section such member or other officer or employee of the district shall be deemed guilty of a misdemeanor; and conviction for same shall work a forfeiture of his office or employment, and he shall be punished by a fine not ex-

ceeding \$500, or by imprisonment in the county jail not exceeding six months, or by both such fine and imprisonment.

Section 36. Council Recall.

Every member of the health council of a county-wide health district formed under this act shall be subject to recall for cause by the governing body of the appointing municipality or county which appointed him, and any member may resign from the health council and any office held by him in the district.

Section 37. Changes by Ordinance.

All matters and things necessary for the proper administration of the affairs of the health district which are not provided for in this act shall be provided by the health council of the district by ordinance.

Section 38. Ordinance—Validity.

Any action required by this act to be done by resolution may be done, with equal validity, by ordinance.

Section 39. Yearly Budget.

There shall be prepared an adequately publicized yearly budget by the health district; that a hearing shall be provided wherein the public affected by this act shall have the opportunity of approving or making objections to such budget and further provide that a yearly audit of the activities of the said health district shall be made by a licensed firm of certified public accountants which audit shall be available at the hearing hereinabove set forth.

Section 40. Fiscal Year.

The fiscal year of any district incorporated under this act shall commence on the 1st day of January of each year and shall continue until the close of the 31st day of December. As promptly as shall be possible after the close of each fiscal year, it shall be the duty of the secretary of the district to prepare and submit to the chief executive officer of each municipality within the district and to the chairman of the board of county commissioners a statement of revenues and expenditures in such detail as shall be prescribed by the health council.

Section 41. County Attorney—Duties.

The county attorney shall represent the district and its health council and officers in all matters relating to the affairs of the district and in the enforcement of its ordinances, rules, regulations and standards in unincorporated areas. Each incorporated municipality shall provide legal counsel to represent the district within its incorporated area.

Section 42. Effective Dates.

All ordinances, rules, regulations and standards heretofore adopted and in force by any city or town in the county, or by the county itself, shall be operative until such ordinances, rules, regulations and standards have been specifically changed or made ineffective by the health council by proper ordinance.

Approved March 21, 1967.

CHAPTER 32

S. B. No. 115

(Passed March 9, 1967. In effect July 1, 1967)

SALARIES OF OFFICERS

An Act Amending Section 17-16-14, Utah Code Annotated 1953, as Amended by Chapter 28, Laws of Utah 1953, As Amended by Chapter 37, Laws of Utah 1957, As Amended by Chapter 31, Laws of Utah 1961, As Amended by Chapter 33, Laws of Utah 1965; Providing for Changes in the Salaries of Certain County Officials; and Providing an Effective Date.

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

Section 1. Section Amended.

Section 17-16-14, Utah Code Annotated 1953, as amended by Chapter 28, Laws of Utah 1953, as amended by Chapter 37, Laws of Utah 1957, as amended by Chapter 31, Laws of Utah 1961, as amended by Chapter 33, Laws of Utah 1965, is amended to read:

17-16-14. Annual Salaries of Officers.

The annual salaries of the officers of all counties in the state shall be fixed by the respective boards of county commissioners at not to exceed the following amounts; provided, further that no county officer holding two or more offices by election or appointment shall receive an annual salary in excess of the amount set forth in this act.

	Class 1	Class 2	Class 3	Class 4	Class 5	Class 6
Commissioners (each)	10500	10500	4500	3300	2400	2000
Sheriff	10000	10000	8000	7000	7000	7000
Assessor	10000	10000	8000	6000	6000	6000
Clerk	10000	10000	8000	6000	6000	6000
Recorder	10000	10000	8000	6000	6000	6000
Treasurer	10000	10000	8000	6000	6000	6000
Attorney	10000	10000	8000	6000	6000	6000
Surveyor	10000	10000	6500	3850	3300	
Auditor	10000	10000	6500			

Section 2. Effective Date.

This act shall take effect on July 1, 1967.

Approved March 21, 1967.

CHAPTER 33

S. B. No. 53

(Passed February 24, 1967. In effect May 9, 1967)

COUNTY RECORDER—ENDORSEMENTS ON DOCUMENTS

An Act Amending Section 17-21-12, Utah Code Annotated 1953, Relating to Recording of Instruments by the County Recorder and Providing That Recording Data May Be Noted Any Place on the Instrument and Eliminating Marginal Notations upon the Record.

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

Section 1. Section Amended.

Section 17-21-12, Utah Code Annotated 1953, is amended to read:

17-21-12. Endorsement on Documents.

When any instrument, paper or notice authorized by law to be filed or recorded is deposited in the recorder's office for record the recorder must endorse upon the same its proper number, the time when it was received, noting the year, month, day, hour and minute of its reception and the amount of fees for recording, and must record the same without delay, together with the acknowledgements, proofs and certificates written upon or annexed to the same, with the plats, surveys, schedules and other papers thereto annexed, in the order received, and must note on the instrument for record the exact time of its reception.

Approved February 28, 1967.

CHAPTER 34

S. B. No. 43

(Passed March 9, 1967. In effect May 9, 1967)

COUNTY SERVICE AREA ACT

An Act Amending Sections 17-29-3, 17-29-10, 17-29-13, 17-29-14, 17-29-16, 17-29-18, 17-29-21, 17-29-22, 17-29-23 and 17-29-24, Utah Code Annotated 1953, As Enacted by Chapter 28, Laws of Utah 1957, As Amended by Chapter 34, Laws of Utah 1961, Sections 17-29-4, and 17-29-6, Utah Code Annotated 1953, As Enacted by Chapter 28, Laws of Utah 1957, Sections 17-29-26 and 17-29-27, Utah Code Annotated 1953, As Enacted by Chapter 34, Laws of Utah 1961, Sections 17-29-7 and 17-29-17, Utah Code Annotated 1953, As Enacted by Chapter 28, Laws of Utah 1957, As Amended by Chapter 34, Laws of Utah 1961, As Amended by Chapter 30, Laws of Utah 1963, Section 17-29-5, Utah Code Annotated 1953, As Enacted by Chapter 28, Laws of Utah 1957, As Amended by Chapters 27 and 28, Laws of Utah 1959, As Amended by Chapter 34, Laws of Utah 1961, As Amended by Chapter 30, Laws of Utah 1963, Section 17-29-9, Utah Code Annotated 1953, As Enacted by Chapter 28, Laws of Utah 1957, As Amended by Chapter 27, Laws of Utah 1959, As Amended by Chapter 34, Laws of Utah 1961, Section 17-29-10.1, Utah Code Annotated 1953, As Enacted by Chapter 34, Laws of Utah 1961, Section 17-29-11, Utah Code Annotated 1953, As Enacted by Chapter 28, Laws of Utah 1957, As Amended by Chapter 30, Laws of Utah 1963; Relating to the County Service Area Act; Providing for the Creation, Purposes, Operation and Dissolution of County Service Areas; Setting Forth the Procedure for Establishing and Objecting to County Service Areas and Providing for Public Hearings Thereon; Providing for the Levy of Property Tax or a User Service Charge, or a Combination Thereof; Providing for the Establishment of a Board of Trustees As the Governing Body of Each County Service Area Created Hereunder; Establishing a Debt Limit

and Procedure for Creating Indebtedness; Repealing Section 17-29-19, Utah Code Annotated 1953; As Enacted by Chapter 28, Laws of Utah 1957.

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

Section 1. Section Amended.

Section 17-29-3, Utah Code Annotated 1953, as enacted by Chapter 28, Laws of Utah 1957, as amended by Chapter 34, Laws of Utah 1961, is amended to read as follows:

17-29-3. Creation of County Service Area.

Whenever an unincorporated area in a county requires one or more of the following extended services which are not provided on a county-wide basis: extended police protection; structural fire protection; culinary or irrigation water retail service; water conservation; local park, recreation or parkway facilities and services; cemeteries; public libraries; sewers, sewage and storm water treatment and disposal; flood control; garbage and refuse collection; street lighting; airports, planning and zoning; local streets and roads; curb, gutter and sidewalk construction and maintenance; mosquito abatement; health department services; hospital service, such services may be supplied by a county service area. If the provision of said services shall require the issuance of bonds or the creation of long term obligations said services may be supplied by means available at law as herein provided.

Section 2. Section Amended.

Section 17-29-4, Utah Code Annotated 1953, as enacted by Chapter 28, Laws of Utah 1957, is amended to read as follows:

17-29-4. Establishment of County Service Area—When.

A county service area shall be established if:

1. The board of county commissioners determines that such service should be provided on an extended basis within an unincorporated area in the county; or
2. Such services are requested in a petition for the initiation of proceedings for the formation of a county service area or for the furnishing of additional types of service within an unincorporated area in the county.

Section 3. Section Amended.

Section 17-29-5, Utah Code Annotated 1953, as enacted by Chapter 28, Laws of Utah 1957, as amended by Chapters 27 and 28, Laws of Utah 1959, Chapter 34, Laws of Utah 1961, and Chapter 30, Laws of Utah 1963, is amended to read as follows:

17-29-5. Area Included In County Service Area.

A county service area may consist of all or any part or parts of any unincorporated area of one county. County service areas may overlap if the service area which overlaps is entirely within the boundaries of the service area which it overlaps, provided not more than two (three, if one is county-wide) service areas occupy the same area in the county and no overlapping areas may perform the same services. All parts

of a county service area need not be contiguous. Proceedings for the establishment of such an area may be commenced at any time and shall be instituted by the board of county commissioners when:

1. The majority of the board of county commissioners vote in support of a resolution made by a member of that board, describing the boundaries of the territory proposed to be included in the area and specifying the type or types of extended county services already provided or to be provided; or

2. A petition is filed with the county clerk, requesting the institution of such proceedings signed by not less than ten per cent of the taxpayers owning real property which is located in the territory proposed to be included within the area. The petition may consist of any number of separate instruments; or

3. A petition is filed with the county clerk, requesting the institution of such proceedings signed by not less than ten per cent of the qualified voters residing in the territory proposed to be included within the area. The petition may consist of any number of separate instruments.

The aforesaid resolution or the petition and all separate instruments related thereto, must describe the boundaries of the proposed area with definiteness and certainty.

Section 4. Section Amended.

Section 17-29-6, Utah Code Annotated 1953, as enacted by Chapter 28, Laws of Utah 1957, is amended to read as follows:

17-29-6. Resolution by County—Contents.

Within one month after the resolution has passed or the petition mentioned in section 17-29-4 has been filed with the county clerk, the board of county commissioners shall pass a resolution (1) describing the boundaries of the proposed territory, (2) stating the type or types of services proposed to be provided, (3) stating the name proposed for the area in substantially the following form: "(Name of County) County Service Area No.," (4) stating that a tax sufficient to pay for all such services which are furnished on an extended basis will be annually levied upon all taxable property within such area or that a service charge will be collected from the users of such services within the area, or by a combination of the property tax and the service charge, (5) fixing a time and place for a public hearing on the establishment of the area which shall be not less than thirty nor more than sixty days after the adoption of the resolution mentioned in this section, and (6) providing that all interested persons who desire to object shall be heard at that time and place.

Section 5. Section Amended.

Section 17-29-7, Utah Code Annotated 1953, as enacted by Chapter 28, Laws of Utah 1957, as amended by Chapter 34, Laws of Utah 1961, and Chapter 30, Laws of Utah 1963, is amended to read as follows:

17-29-7. Publication.

The county clerk shall publish a copy of the resolution mentioned in section 17-29-6 in at least one newspaper of general circulation

published in the county, or if no newspaper of general circulation is published in the county, then it shall be published in a newspaper of general circulation in the area. Such resolution shall be published at least once a week during four consecutive weeks, the first publication to be not more than sixty days nor less than twenty-eight days prior to the time stated in said resolution for the public hearing. It shall not be necessary that said resolution be published on the same day of the week in each of four calendar weeks, but not less than twenty days shall intervene between the first publication and the last publication. If one of the services to be afforded by the area shall consist of the making of improvements to streets, roads or alleys through lighting, curbing, guttering, surfacing, sidewalk construction or other street improvements, a copy of such resolution shall be mailed not less than fifteen days prior to the date fixed for such hearing to each owner of property whose property will be subject to taxation to pay part of the cost of such improvement. It shall be deemed sufficient compliance with the requirement for mailing if such notice is mailed to each person listed on the current county tax roll as the owner of property in the proposed county service area subject to taxation.

Section 6. Section Amended.

Section 17-29-9, Utah Code Annotated 1953, as enacted by Chapter 28, Laws of Utah 1957, as amended by Chapter 27, Laws of Utah 1959, and Chapter 34, Laws of Utah 1961, is amended to read as follows:

17-29-9. Protests against Establishment.

If property owners owning taxable property in the proposed service area with an assessed value in excess of forty per cent of the assessed value of all the taxable property within the proposed service area, or if persons constituting and consisting of forty per cent of the qualified voters of the territory proposed to be included within the area file written protests within thirty days after the conclusion of the hearing, against the establishment of the county service area or against the specified type or types of extended service within the area, the board shall in the former instance abandon the proposed establishment of the county service area, and in the latter instance eliminate those types of service objected to from the ordinance finally establishing the area. A protest filed by a corporation owning property in the proposed service area shall be sufficient if signed by any officer or duly authorized agent of the corporation. For purposes of this section, the assessed value of the property of the protestants as well as the assessed value of the property within the proposed service area shall be determined from the last assessment roll for county taxes completed prior to the conclusion of the hearing.

Section 7. Section Amended.

Section 17-29-10, Utah Code Annotated 1953, as enacted by Chapter 28, Laws of Utah 1957, as amended by Chapter 34, Laws of Utah 1961, is amended to read as follows:

17-29-10. Determination of Area and Services.

When the board of county commissioners determines to establish the

area, it shall by ordinance so declare and finally determine and establish the boundaries of the county service area, which shall not exceed the territory proposed, designate the types of service to be performed therein, and set forth in detail whether the services are to be paid for by a property tax or service charge or a combination of both. Such ordinance may contain any changes the board of county commissioners deem equitable and necessary including the reduction of the boundaries of the service area and elimination of one or more of the types of service proposed. Any aggrieved property owner or person qualified to vote who has filed a written protest within the time provided in section 17-29-9 may appeal to the district court from the decision of the board of county commissioners so establishing such county service area. Such appeal shall be filed within thirty days after the effective date of the ordinance establishing the district. Upon petition by the property owner or person qualified to vote made within the time for filing protests as provided in section 17-29-9, land shall be excluded from the county service area if such land is contiguous to other land not included in the area, and if the board of county commissioners finds that such land will not benefit from any of the types of extended services proposed to be provided within the county service area. Such land may be included at the request of the owner. The board of county commissioners shall not include types of services not specified in the resolution or petition referred to in section 17-29-5.

Section 8. Section Amended.

Section 17-29-10.1, Utah Code Annotated 1953, as enacted by Chapter 34, Laws of Utah 1961, is amended to read as follows:

17-29-10.1. Board of Trustees—Appointment—Terms—Qualifications.

The governing body of each county service area created hereunder shall consist of a board of trustees, created in one of the following ways:

1. The county commissioners of the initiating county may in the initial resolution creating the district declare that the county commissioners of said county shall act as the trustees of the district created thereby and shall constitute all of the trustees thereof; and thereupon and thereafter the duly elected and qualified county commissioners of said county shall act as the said trustees of the said district and shall have all the powers, authority and responsibility vested in the trustees under this act, and may, if they so desire, utilize any existing county offices, officers, or employees for the purposes of the district, when in the opinion of the said commissioners, it would be advisable so to do; provided, however, that the district shall be charged by the commissioners and shall pay to the county treasurer for the general fund of the county, a reasonable amount for the services rendered for the district by the county officers, offices and employees so used other than the county commissioners.

2. Upon a petition, signed by at least 10 per cent of persons eligible to vote in any district created under this act being filed with the board of county commissioners, 30 days prior to the date set for the bond election, or 90 days prior to the date set for succeeding elections, requesting that an election for trustees be held the board of

county commissioners shall be required to proceed with the election in the manner hereinafter provided.

3. The board of county commissioners of the initiating county may in the initial resolution creating the district, appoint a board of trustees to serve until the election and qualifications of the successors as hereafter provided.

An election of the elective member or members of the board of trustees shall be held at the time of holding the bond election.

A member of the board of trustees shall be a taxpayer and a qualified voter in the district. At any time within 30 days after the board of trustees has entered an order calling the bond election, but not less than 15 days next preceding the day of election, any owner of real property or a person qualified to vote in said district may file with the county clerk a signed statement announcing that he or she is a candidate to be one of the first elected trustees of the district. The board of trustees in calling the bond election shall provide a separate ballot on which shall appear the names of the candidates and shall leave blanks in which the voters may write in additional name or names. Each voter at the election shall be entitled to vote for three persons. The three persons receiving the highest number of votes at the election shall constitute the members of the board of trustees. As a member of the board of trustees, each representative shall be entitled to vote on all questions, orders, resolutions and ordinances coming before the board.

The terms of the members of the board of trustees after the first election as provided herein shall run for two, four and six years from the first Monday in January next following the first election held in the district. Initial terms shall be selected by lot, and shall be apportioned in such manner that as nearly as may be one-third of the board will serve for two years, one-third for four years, and one-third for six years. Thereafter, except for appointments made to fill unexpired terms, the term of each member shall be six years.

In voting on the question of the issuance of the proposed bonds, none but such qualified voters as shall have paid a property tax in the district in the year next preceding the election shall be permitted to vote, but in voting on the election of trustees all qualified voters in the district shall be permitted to vote.

Following the election of the first trustees any elected trustee or trustees shall be elected at an election held on the first Wednesday in December next preceding the expiration of the term of office of an incumbent elected trustee and each trustee so subsequently elected shall serve for a term of six years and until his successor is elected and has qualified. Each such trustee shall take office on the first Monday in January next following his election. After the first election, elections for members of board of trustees shall be held on the first Wednesday in December in each succeeding two years after the first election.

The election shall be called and conducted, and the canvass of returns shall be made, and the qualifications of electors shall be as provided in the general registration election laws, except as in this chapter

provided. The polling places shall be fixed by the board of trustees. It shall be necessary for each candidate, or at least five citizens in behalf of a candidate, to file with the clerk of the board of trustees not less than fifteen days next preceding the day of election a signed statement announcing that he or she is a candidate. Appointments of judges of election shall be made by the board of trustees at any convenient time prior to the day of election. The board of trustees shall furnish to the judges of election at every voting place a sufficient number of ballots for election purposes and shall exercise all such powers relative to the election of trustees as are conferred upon the board of county commissioners in other elections, so far as conformable with this chapter. All lawful and necessary expenses of the election shall be paid by the district; provided, however, the county clerk shall furnish without expense to the district at least five days prior to the day of election a certified copy of a list of registered voters residing in the district outside of any municipality or incorporated area. Each trustee shall take the oath of office and shall give such bond as may be at that time required by laws for members of the board of county commissioners, and all laws pertinent to the qualification and giving and filing of oaths and bonds of members of the board of county commissioners shall be applicable to the trustees of the district.

The trustees initially appointed shall meet immediately after their appointment, shall qualify as trustees, and shall organize as a board through the election of one of their members as chairman and through the appointment of a clerk and a treasurer, or a clerk-treasurer. All vacancies of elected trustees in office shall be filled by the board of county commissioners. Appointees shall hold office for the unexpired term of the trustee whom he replaces.

Section 9. Section Amended.

Section 17-29-11, Utah Code Annotated 1953, as enacted by Chapter 28, Laws of Utah 1957, as amended by Chapter 30, Laws of Utah 1963, is amended to read as follows:

17-29-11. Extension or Discontinuance of Services.

After the establishment of a county service area, the types of services provided may be extended by using the procedure mentioned in this chapter for the creation of the district, with appropriate changes in the wording of the required instruments. The board of county commissioners shall have authority to cause to be discontinued any services for which a county service area has been created or may dissolve any county service area if such area has no bonds or other indebtedness outstanding.

Section 10. Section Amended.

Section 17-29-13, Utah Code Annotated 1953, as enacted by Chapter 28, Laws of Utah 1957, as amended by Chapter 34, Laws of Utah 1961, is amended to read as follows:

17-29-13. Tax Rates.

Each year prior to the time the board of county commissioners fixes and levies taxes for county purposes, the board of trustees of each

service area within the county shall fix the rate of county service area taxes or charges or combination thereof and shall certify such rate to the board of county commissioners. The tax levy rate so certified for any service area shall not in any year exceed 5 mills on each dollar of valuation of taxable property located in the service area.

Section 11. Section Amended.

Section 17-29-14, Utah Code Annotated 1953, as enacted by Chapter 28, Laws of Utah 1957, as amended by Chapter 34, Laws of Utah 1961, is amended to read as follows:

17-29-14. Levy and Collection of Tax.

The tax as fixed by the board of trustees shall be levied and collected as with other taxes levied and collected by the county. All tangible property located within the service area not exempt from ad valorem property taxation under the Constitution and laws of Utah shall be subject to such tax. Any service charge fixed by the board of trustees shall be collected in the manner prescribed by the board of trustees.

Section 12. Section Amended.

Section 17-29-16, Utah Code Annotated 1953, as enacted by Chapter 28, Laws of Utah 1957, as amended by Chapter 34, Laws of Utah 1961, is amended to read as follows:

17-29-16. Annexation of Other Areas.

Whenever the services of the type being provided within a county service area should be provided in any other unincorporated portion of the county whether contiguous to the existing area or not, the board of county commissioners may annex that territory to the area in the manner provided by this chapter for the formation of a new service area in such territory with such changes as are necessary to make the proceeding germane to the proposed action without denying any person his substantive rights.

Section 13. Section Amended.

Section 17-29-17, Utah Code Annotated 1953, as enacted by Chapter 28, Laws of Utah 1957, as amended by Chapter 34, Laws of Utah 1961, and Chapter 30, Laws of Utah 1963, is amended to read as follows:

17-29-17. Transfer of Areas to Cities.

Whenever any territory in a county service area is subsequently included within an incorporated city or town, that territory is forthwith excluded from the county service area upon the date of its inclusion in such city or town. Upon the exclusion of such territory, all unencumbered funds standing to the credit of the county service area upon the date of the exclusion shall be divided between the incorporated area and the county service area in proportion to the assessed value of the taxable property of the territory excluded and the portion remaining. The unencumbered funds are the sums of money, uncollected taxes, and other uncollected accounts due such county service area, in excess of an amount sufficient to pay all claims. If at the time of the exclusion of any such territory from a county

service area the county service area has outstanding indebtedness payable from taxes, such exclusion shall not relieve the excluded territory from liability for the payment of taxes for such indebtedness and such territory shall continue to be subject to the annual levy of taxes for the payment of principal of and interest on such indebtedness in the same manner and to the same extent as it would have been so subject had it not been excluded.

Section 14. Section Amended.

Section 17-29-18, Utah Code Annotated 1953, as enacted by Chapter 28, Laws of Utah 1957, as amended by Chapter 34, Laws of Utah 1961, is amended to read as follows:

17-29-18. Abandonment of County Service Area.

If the board of trustees does not levy any county service area taxes or service charges or furnish any extended county services, and no county service area funds are expended within an area for three consecutive years, the county service area shall be deemed to be abandoned unless there is any unpaid indebtedness or general obligation or revenue bonds outstanding against the service area. Upon the abandonment of the area, any surplus county service area funds shall revert to the county general fund.

Section 15. Section Amended.

Section 17-29-21, Utah Code Annotated 1953, as enacted by Chapter 28, Laws of Utah 1957, as amended by Chapter 34, Laws of Utah 1961, is amended to read as follows:

17-29-21. Power to Incur Indebtedness—Limitations.

Indebtedness on a county-wide basis, incurred for the purpose of supplying such services as may be authorized by this act, not exceeding in the aggregate, with all other county indebtedness, 2 per cent of 100 per cent of the reasonable fair cash value of all the taxable property in the county, as computed from the last equalized assessment roll for state and county purposes prior to the incurring of such indebtedness may be incurred by the county. Indebtedness which is payable from revenues to be derived from the operation of the facilities of the area or from taxes on property within the area for benefits conferred thereon or for services rendered or a combination thereof, may be incurred, which indebtedness shall not be included as indebtedness of the county for the purpose of computing county-wide indebtedness. The proposition to incur county-wide indebtedness when the total county debt, as determined after adding such debt, exceeds the county taxes for the current year must be submitted to the vote of the qualified electors of the county who have paid a property tax in the year preceding such election and a majority of those voting thereon must vote in favor of incurring such debt.

The proposition to incur indebtedness payable solely from taxes levied on or service charges payable by persons residing in the county service area, when such indebtedness is for a term exceeding one year, must be submitted to a vote of the qualified electors in the county service area who have paid a property tax in the year preceding

such election and a majority of those voting thereon must vote in favor of incurring such debt.

Section 16. Section Amended.

Section 17-29-22, Utah Code Annotated 1953, as enacted by Chapter 28, Laws of Utah 1957, as amended by Chapter 34, Laws of Utah 1961, is amended to read as follows:

17-29-22. Proposal to Incur Indebtedness—Origin—Notice—Election.

A proposal to incur indebtedness which would cause the total county debt to exceed the county taxes for the current year or which would not be payable within one year, as the case may be, may be originated by a majority vote of the board of trustees or by petition of not less than 100 property owners or 10 per cent of all the property owners, whichever is lesser, who own property within the county service area or by petition of not less than 10 per cent of all the qualified voters residing in the county service area. Such proposal shall specify the particular purpose of which the indebtedness is to be created, the amount in money of bonds which it is proposed to issue and the name and number of the county service area. After such proposal has been made, the board of trustees as expeditiously as possible, shall adopt a resolution fixing a time and place at which the proposal shall be heard, which time shall be not less than thirty nor more than sixty days after the date of adoption of the resolution. The board of trustees shall forthwith issue a notice of the time and place of hearing, which notice shall state that all persons who own property in the service area when the debt is payable solely from within the county service area or all persons residing in the county when the debt is countywide have the right to appear at such hearing and contend for or protest against the incurrence of the debt and the holding of a bond election. If the service area shall have theretofore issued bonds, such notice shall include a statement of the amount of outstanding bonds of the service area and shall indicate whether the bonds are general obligations of the county or are payable solely from within the county service area. The board of trustees shall cause the notice to be published once a week during four consecutive weeks in a newspaper of general circulation in the county, the first publication to be not more than sixty days nor less than twenty-eight days prior to the date of the hearing. It shall not be necessary that said notice be published on the same day of the week in each of four calendar weeks, but not less than twenty days shall intervene between the first publication and the last publication. At the time and place set for the hearing of the petition, or upon a subsequent date fixed at the original hearing the board of trustees shall proceed to hear the proposal and all matters in respect to a bond election. If upon the hearing of the proposal the board of trustees shall find that due notice has been given and that the services under discussion would be for the benefit of all taxable property situated in the service area, then the board shall make and cause to be entered of record upon its minutes an order so finding, and shall proceed to call the bond election and, if a majority of those voting, vote in the affirmative, to issue the bonds

in the manner hereinafter provided. The board shall have authority to reduce the amount in money of the bonds named in the petition. If written protests are filed prior to the date fixed for the original hearing, signed by property owners owning taxable property in the service area with an assessed value in excess of forty per cent of the assessed value of all the taxable property within the service area, according to the last assessment roll for county taxes completed prior to the holding of the election or by forty per cent of all the qualified voters residing in the county service area or by forty per cent of all the qualified voters residing in the county, the board shall not have authority to proceed with the calling of the election, and no new petition for a bond election in said service area shall be entertained for a period of twelve months thereafter. If written protests are filed and the board of trustees shall determine that the protests so filed represent less than the 40 per cent required a resolution or finding in writing of the board calling the election shall so recite and such recital shall be conclusive. The provisions of this section and of section 17-29-7 with regard to publication of notice in a newspaper may be carried out concurrently.

Section 17. Section Amended.

Section 17-29-23, Utah Code Annotated 1953, as enacted by Chapter 28, Laws of Utah 1957, as amended by Chapter 34, Laws of Utah 1961, is amended to read as follows:

17-29-23. Resolution Calling Election.

If under the foregoing provisions the board is authorized to call an election on the issuance of the bonds, the board shall adopt a resolution directing that an election be held in the county or service area, as the case may be, for the purpose of determining whether bonds in the amount, for the purpose, and with the maximum interest rate and maturity specified in the resolution, shall be issued. A proposition for issuing general obligation bonds and a proposition for issuing revenue bonds, or any combination thereof, may be submitted at the same election. The resolution calling the election shall be adopted, and notice of the election shall be given. In voting on the question of the issuance of the proposed bonds, none but such qualified voters as shall have paid a property tax in the county or service area, as the case may be, in the year next preceding the election shall be permitted to vote. The voters' qualifications shall be determined, the election shall be held, and the results thereof canvassed in the manner, at the time and in all other respects in accordance with the general election laws of Utah except as otherwise provided in this act and except that the following shall apply to such elections:

(a) No special registration of voters shall be held and the official register last made or revised shall constitute the official register for any election under this act except that any person desiring to vote who is not otherwise registered and who makes an affidavit to any of the judges of election stating his qualifications shall thereby be registered for that election.

(b) It shall not be necessary to keep the polls open at any such election more than five consecutive hours at any time between the hours of 7:00 o'clock a.m. and 8:00 o'clock p.m. of the day of the election.

(c) The entire service area or any portion thereof designated by the board of trustees may constitute a voting precinct as set forth in the notice of election.

(d) One polling place shall be designated for each voting district and an elector shall vote only at the polling place for the voting district in which he resides.

(e) The officers of election at each polling place shall consist of three judges appointed by the board of trustees, one of whom shall be designated and shall act as clerk. Their compensation shall be determined and fixed by the board of trustees. The appointment of such judges shall be made by the board of trustees at any convenient time prior to the day of the election.

(f) Notice of the election shall state the date of the election, the time when polls shall be open, the polling place or places, the proposition or propositions to be voted upon including a statement of the amount of the bonds to be issued, the purpose or purposes for which the bonds are to be issued stated in general terms and the maximum interest rate and maximum maturity date such bonds are to bear. The notice shall be in such form as may be prescribed by the board of trustees. Such notice shall be published in a newspaper of general circulation in the service area at least four times once a week during four consecutive weeks, the last publication to be made during the seven days immediately prior to the election. It shall not be necessary that said notice be published on the same day of the week in each of four calendar weeks. In addition, said notice shall be posted at least twenty days prior to the election in at least five public places in each voting district established by the board of trustees. No other notice of said election need be given.

(g) The ballot shall be furnished at the expense of the service area and shall be in such form as the board of trustees prescribe. It shall be sufficient if the ballot contains a brief statement of the proposition or propositions to be voted on and the words "For the issue of bonds: Yes. No."

(h) The returns of the election shall be canvassed and the results thereof declared within five days following the date of the election at a regular or special meeting of the board of trustees.

Section 18. Section Amended.

Section 17-29-24, Utah Code Annotated 1953, as enacted by Chapter 28, Laws of Utah 1957, as amended by Chapter 34, Laws of Utah 1961, is amended to read as follows:

17-29-24. Favorable Vote—Issuance of Bonds—Financing.

If a majority of the qualified electors voting thereon shall vote in favor of incurring the indebtedness as proposed, the board of trustees shall proceed to issue the bonds in the amount of money specified or such lesser amount as it may determine. The bonds shall be issued for

the purpose or purposes provided in the voted proposition which may be for the acquisition, construction, or installation of any facility or property, including water and water rights, required or deemed necessary to supply any of the extended services referred to in section 17-29-3 or any part or combination thereof, or for maintaining, repairing, improving and extending any such facility or property or combination thereof, or for maintaining, repairing, improving and extending any such facility or property or combination of facilities and property. The proceeds of the bonds may also be used for the payment of all legal, engineering and fiscal agent expenses reasonably incurred in connection with the construction, installation, improving, maintaining, repairing and extending of any such facilities or property and with the authorization and issuance of the bonds.

Improvements in county service areas may be financed either entirely from ad valorem taxes or entirely from revenue of all or part of the facilities and property of said service area or in whole or in part from both ad valorem taxes and operating revenues. All bonds of the service area which are not payable solely from the revenues of the service area or from taxes proportionately levied on property benefited by the improvements shall be the general obligations of the county and the full faith, credit and resources of the county shall be pledged for the payment thereof. Regardless of any limitations contained elsewhere in the laws of Utah and this act including section 17-29-13 it shall be the duty of the board of trustees to cause taxes to be levied annually on all taxable property in the service area in the manner provided in section 17-29-13 but without regard to the limitation on rate therein set forth which will be fully sufficient (a) to pay the interest on such indebtedness as it falls due, and (b) to constitute a sinking fund for the payment of the principal thereof within the time for which such bonds are issued.

The board of trustees shall provide by resolution for the issuance and disposal of such bonds; provided, that no such bonds shall be sold for less than their face value or at a price which will result in a net interest cost to the service area of more than six per cent per annum computed to maturity according to said tables of bond values. The bonds may be sold at public or private sale. The bonds may be made redeemable in advance of maturity at such times and with such premium as may be provided in the ordinance. Water or sewer bonds may be issued for a period not exceeding forty years; other bonds may be issued for a period not exceeding twenty years. Such bonds may be either serial or term bonds and may be in registered or coupon form.

If the board of trustees does not issue the full amount of the bonds stated in the proposition approved by the electors, all or any part of the remainder so authorized may be issued at any time not later than three years after the date of the election at which such proposition was approved.

Section 19. Section Amended.

Section 17-29-26, Utah Code Annotated 1953, as enacted by Chapter 34, Laws of Utah 1961, is amended to read as follows:

17-29-26. Property and Bonds Exempt from Taxation.

The effectuation of the authorized purposes of service areas organized under this act will be in all respects for the benefit of the people of this state residing within the service area, for the increase of their commerce and prosperity, and for the improvement of their health and living conditions; and since essential government functions will be performed in effectuating said purposes, no general ad valorem taxes shall be levied upon any property acquired or used by or in such service area and the bonds issued in conjunction with any service area, their transfer, and the income therefrom, shall at all times be free from taxation by the state of Utah, or any subdivision thereof, except for inheritance taxes.

Section 20. Section Amended.

Section 17-29-27, Utah Code Annotated 1953, as enacted by Chapter 34, Laws of Utah 1961, is amended to read as follows:

17-29-27. Reorganization of County Service Areas.

Any service area organized and in existence on the effective date of this amendatory act may be reorganized by the appointment by the board of county commissioners of a board of trustees as provided in section 17-29-10.1. The board of county commissioners after such reorganization shall declare the service area reorganized by resolution, which resolution shall be published at least once in a newspaper of general circulation in the service area. On and after the date of such publication said existing service area shall be deemed reorganized with all the rights, privileges and powers and subject to all the limitations, restrictions, liabilities and duties of service areas which are organized after the effective date of this amendatory act.

Section 21. Section Repealed.

Section 17-29-19, Utah Code Annotated 1953, as enacted by Chapter 28, Laws of Utah 1957, is hereby repealed.

Section 22. Savings Clause.

If any provision of this act, or the application of any provision to any person or circumstance is held invalid, the remainder of this act shall not be affected thereby.

Approved March 21, 1967.

ELECTIONS**CHAPTER 35**

H. B. No. 138

(Passed March 9, 1967. In effect May 9, 1967)

JUDGES ELECTION

An Act Amending Section 20-1-7, Utah Code Annotated 1953, Relating to the Selecton of Justices of the Supreme Court and Judges of the District Courts; Enacting New Sections 20-1-7.1 Through and Including 20-1-7.9, Utah Code Annotated 1953, Providing for the Creation

of Judicial Selection Commissions to Nominate Such Justices and Judges; for the Appointment by the Governor of One of the Persons So Nominated and for the Election or Confirming Elections by the Voters of Any Person so Nominated; and Repealing Section 20-3-5, Utah Code Annotated 1953, as Amended by Chapter 33, Laws of Utah 1963, and Sections 20-3-6 and 20-3-7, Utah Code Annotated 1953.

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

Section 1. Section Amended.

Section 20-1-7, Utah Code Annotated 1953, is amended to read:

20-1-7. Executive and Judicial Officers.

If a vacancy occurs in the office of secretary of state, state auditor, state treasurer, attorney general, superintendent of public instruction, or district attorney, the governor shall appoint a person to hold the office until the election and qualification of a successor to fill the vacancy, which election shall take place at the next succeeding general election, and the person so elected shall hold the office for the remainder of the unexpired term.

Section 2. Section Enacted.

Section 20-1-7.1, Utah Code Annotated 1953, is enacted to read:

20-1-7.1. Selection of Judges.

Except as otherwise provided in this act, justices of the supreme court and judges of the district courts shall be selected, and a vacancy in any such office be filled, by appointment by the governor of one of three persons nominated in the manner provided in this act by the appropriate judicial nominating commission for the office to be filled, but persons so appointed shall be subject to election by the voters at the time and in the manner provided in this act.

Section 3. Section Enacted.

Section 20-1-7.2, Utah Code Annotated 1953 is enacted to read:

20-1-7.2 Judicial Nominating Commission.

Judicial nominating commissions are created as follows: (a) a supreme court nominating commission, whose duty shall be the nomination of justices of the supreme court and (b) a district court nominating commission for each judicial district, whose duty shall be the nomination of judges of the district court in each such judicial district.

Section 4. Section Enacted.

Section 20-1-7.3, Utah Code Annotated 1953, is enacted to read:

20-1-7.3. Judicial Nominating Commission—Membership Appointment.

(a) Each judicial nominating commission shall have seven members: The chief justice of the supreme court, one commissioner chosen by the senate, one commissioner chosen by the house of representatives, two commissioners chosen by the governor and two commissioners chosen by the Utah State Bar Association. Commissioners shall be citizens of the United States and residents of Utah. Commissioners appointed to the district court nominating commissions shall be resi-

dents of the judicial district to be served by the commission to which they are appointed. The commissioners initially chosen by the Senate shall be of the same political party as the governor and the commissioners initially chosen by the house of representatives shall be of a different political party than the governor. Thereafter, as the terms of the commissioners expire, the senate and the house of representatives shall choose new commissioners who are a different political party than the incumbents previously chosen by such respective branches of the legislature. The two commissioners appointed by the governor to each judicial nominating commission shall be of different political parties and none of the commissioners appointed by the governor shall be members of the Utah State Bar. The two commissioners chosen by the Utah State Bar Association shall be of different political parties.

If any appointing authority fails to exercise its power to appoint the commissioners authorized by this act, the commissioners who have been appointed, including the chief justice, shall have the authority to act as a commission under all provisions of this act.

(b) The terms of office of the commissioners first appointed shall expire on March 1, 1971, and their successors shall be appointed for terms of four years each. All commissioners shall serve until their successors have been duly appointed and qualified. Commissioners may not succeed themselves in office. Vacancies in the office of the commissioners shall be filled by the body who chose the commissioner whose office is vacated. If a vacancy occurs in the office of a commissioner chosen by the senate or by the house of representatives and the legislature is not in session at the time or fails to act to fill such vacancy, the president of the senate and the speaker of the house of representatives shall act for their respective branches of the legislature in filling such vacancy. The person who is appointed to fill a vacancy in the office of commissioner other than a vacancy caused by expiration of the term shall be of the same political party and shall serve for the unexpired term of his predecessor in office.

Section 5. Section Enacted.

Section 20-1-7.4, Utah Code Annotated 1953 is enacted to read:

20-1-7.4. Chairman—Secretary of Commission.

The chief justice of the supreme court shall be the chairman and the clerk of the supreme court shall be the secretary of each judicial nominating commission. If the chief justice is unable for any reason to convene a judicial nominating commission as provided in Section 20-1-7.6 or to act as chairman of any such commission, the justice of the supreme court who is entitled to succeed him as chief justice shall act for him.

Section 6. Section Enacted.

Section 20-1-7.5, Utah Code Annotated 1953 is enacted to read:

20-1-7.5. Expenses of Commission.

Neither the chairman, the secretary, nor any of the commissioners of a judicial nominating commission shall receive any compensation for their services on such commission, but each shall be entitled to be

paid by the state for their actual and necessary expenses incurred in the performance of their duties.

Section 7. Section Enacted.

Section 20-1-7.6, Utah Code Annotated 1953 is enacted to read:

20-1-7.6. Vacancies—How Filled.

(a) If a vacancy occurs or is about to occur in the office of a justice of the supreme court or a judge of any district court, the chief justice shall, as soon as practicable, convene the appropriate judicial nominating commission for the office to be filled. Not later than 45 days after such notification, such commission shall certify to the governor a list of three persons having the qualifications required by law to fill such office, who are willing to serve and who possess the ability, temperament, training, and experience which fits them for such office as determined by at least a majority of the members of the commission.

Any nominating commission may meet from time to time and make or cause to be made such investigation of prospective candidates as the commission may deem advisable. No member of a judicial nominating commission shall be named on a list certified by such commission during his term of office and within six months after he vacates such office or his term expires.

(b) The governor shall forthwith appoint one of the three persons named on the list of nominees to fill such office. If the appropriate judicial nominating commission has failed to certify such a list to the governor before the expiration of the 45 day period provided in subsection (a) of this section, the governor may appoint any person who has the qualifications for such office required by law, except a member of such commission.

(c) In the event the governor fails to appoint one of the three persons named on the list within 30 days after he has received the list, the chief justice of the supreme court shall forthwith appoint one of the persons named on the list to fill such office.

(d) Subject to the appointee being retained in the office by the voters as provided in section 20-1-7.7, the person appointed pursuant to this section shall serve for the unexpired term of his predecessor in office or shall serve for the full term of office provided by law in case the appointment is to fill a vacancy in the office of a justice or judge whose term has expired or is to fill a vacancy created by the establishment of a new judicial office.

Section 8. Section Enacted.

Section 20-1-7.7, Utah Code Annotated 1953 is enacted to read:

20-1-7.7. Candidates—Filings—Qualifications.

(a) Any justice of the supreme court or judge of any district court who is appointed by the governor to such office after this act takes effect shall hold the office until the election and qualification of a successor to fill the vacancy, which election shall take place at the next succeeding general election, and the person so elected shall hold the office of the remainder of the unexpired term. If the appointee so desires to retain such office he shall file a declaration of candidacy

with and pay a filing fee of \$10 to the secretary of state during the month of June prior to such general election.

(b) If a declaration of candidacy is so filed by any such justice or judge, any qualified member of the bar desiring to become a candidate for such office may also file a declaration of candidacy with and pay a filing fee of \$10 to the secretary of state prior to 5:00 p.m. on the second Friday of July prior to such general election, which declaration shall specify the justice or judge against whom the declarant is a candidate and shall state declarant's age, legal residence and the period of his residence in the state of Utah, or in the case of candidates for district judge, the period of his residence in the judicial district in which he seeks election.

(c) Promptly after the second Friday in August prior to such general election, the secretary of state shall certify the names of the justices of the supreme court so declaring their candidacy and members of the bar who are candidates for such office to the county clerk of each county of the state, shall certify the names of the district judges so declaring their candidacy to the county clerk of each county in the judicial district in which the judge so declaring holds office and shall certify the names of each member of the bar so declaring his candidacy for the office of district judge to the county clerk of each county in the judicial district in which he is a candidate. The county clerks to whom such certificates are sent by the secretary of state shall provide separate ballots without any political party or any partisan designation entitled "Judicial Election Ballot." If a member of the bar has filed a declaration of candidacy for the office of any such justice or judge, the ballot shall contain with respect to such justice or judge (1) the names of the candidates for such office with the incumbent judge named first and designated "Judge (insert name) incumbent" and the other candidates for such office in alphabetical order of surnames, with the given name of such other candidates to the left of the surname, and (2) a blocked-off space opposite each name where the voter shall place "X" to represent his or her choice of the candidate for such office. If a justice or judge and more than one member of the bar file a declaration of candidacy for the same office, a primary election as well as a general election shall be held. If a primary election is held the ballots shall be entitled "Judicial Nomination Ballot" and shall contain only the names of the candidates for the office for which a primary election is required. The two candidates who receive the greatest number of votes at the primary election shall be qualified for the general election.

(d) If no member of the bar has filed a declaration of candidacy for such office then at the general election the ballots shall contain as to each justice of the supreme court or judge of a district court to be voted on in said county the following question: Shall (name of justice or judge) be retained in the office of (name of office, such as "Justice of the Supreme Court of Utah" or "Judge of the District Court of the Third Judicial District")? Yes () No ().

(e) In cases where one or more members of the bar have filed a declaration of candidacy against a justice or judge who has filed a declaration of candidacy, then (1) if all such candidates die, resign or

become disqualified prior to the general election, a vacancy shall occur in such office and such vacancy shall be filled in the manner provided in Section 20-1-7.6, (2) if one or more candidates die, resign or become disqualified prior to the general election leaving only one candidate remaining, such candidate shall be issued a certificate of election to serve until the next general election at which time such candidate shall, if he desires to retain such office, file and run for the unexpired term of such office in the manner provided in this section. (3) if one or more candidates die, resign or become disqualified prior to the general election leaving two or more candidates remaining, the remaining candidates shall run for election in the manner provided in this section. In any case, the name or names of the candidates who so die, resign, or become disqualified shall be removed from the ballots if practicable.

(f) Any person entitled to vote at a primary election or a general election in a county in which a justice or judge is to be voted upon shall be given a judicial nominating ballot at the same time and manner as he is given a primary election ballot and shall be given a judicial election ballot at the same time and manner as he is given a general election ballot and shall be required to return to the election judges and deposit in the ballot box such ballots, except as otherwise provided in this section. Judicial nominating and election ballots shall be prepared, handled and counted and the results certified and canvassed at the time and in the manner provided by law for general election ballots and the elections provided for in this section shall be governed by the laws relating to primary and general elections as the case may be, except as otherwise provided in this act.

(g) If the question on the ballot as to the justice or judge is answered "yes" on a majority of the judicial election ballots cast, or if an incumbent justice or judge receives the greater number of votes at a general election when a member of the bar runs against him, such justice or judge shall be elected (1) for the remainder of the term of office to which he was appointed by the governor, or (2) for the term of office provided by law if he is running to succeed himself in office after the expiration of his term. If a member of the bar who runs against any such justice or judge receives the greater number of votes at the general election, such candidate shall be elected for the same term that the justice or judge against whom he ran would have been elected had such justice or judge been elected. In cases where a member of the bar does not run against a justice or judge and the question on the ballot as to such justice or judge is not answered "yes" on a majority of the ballots cast, such justice or judge shall not be elected, a vacancy shall occur in such office as of the first Monday in January following such general election and such vacancy shall be filled in the manner provided in Section 20-1-7.6. Any justice or judge not elected shall not be eligible for appointment to the office for which he was defeated until after the expiration of the term of office for which he was defeated.

(h) Notwithstanding anything contained in this section, if H. B. 258 introduced in the 37th legislature or any other act becomes law and provides for a single ballot for elections, then the provisions of

such single ballot act shall prevail over the provisions of this act requiring separate judicial ballots.

Section 9. Section Enacted.

Section 20-1-7.8, Utah Code Annotated 1953 is enacted to read:

20-1-7.8. Candidates—Restrictions.

Each justice of the supreme court, judge of a district court or candidate for either of such offices is prohibited (a) from using in his efforts to retain or obtain such office any political party designation, reference or description, (b) from making any contributions to any political party or organization engaged in any political activity, and (c) from holding any office in any political party or organization engaged in any political activity.

Section 10. Section Enacted.

Section 20-1-7.9, Utah Code Annotated 1953 is enacted to read:

20-1-7.9. Savings Clause.

If any provisions of this act, or the application of any provisions to any persons or circumstances, is held invalid, the remainder of this act shall not be affected thereby.

Section 11. Sections Repealed.

Section 20-3-5, Utah Code Annotated 1953, as amended by Chapter 33, Laws of Utah 1963, and sections 20-3-6 and 20-3-7, Utah Code Annotated 1953, are repealed.

Approved March 21, 1967.

CHAPTER 36

S. B. No. 1

(Passed February 1, 1967. In effect May 9, 1967)

REGISTRATION

An Act Amending Sections 20-2-5, 20-2-9, 20-2-11, 20-2-16, 20-3-19, 20-3-21, and 20-3-24, Utah Code Annotated 1953, as Amended by Chapter 36, Laws of Utah 1965 and Repealing Section 20-2-30, Utah Code Annotated 1953, as Enacted by Chapter 36, Laws of Utah 1965, Relating to Registration for Voting and Providing That Voters Shall Not be required to Register and Vote in the Primary Election as Members of a Political Party.

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

Section 1. Sections Amended.

Sections 20-2-5, 20-2-9, 20-2-11, 20-2-16, 20-3-19, 20-3-21, and 20-3-24, Utah Code Annotated 1953 as amended by Chapter 36, Laws of Utah, 1965 are hereby amended to read:

20-2-5. Books—Supplies—Official Registers.

Each board of county commissioners must provide for the registration agents in their respective counties, when and where required, all proper

and necessary books and stationery to carry out the provisions of this chapter. They must furnish to each registration agent a bound book, prepared for the alphabetical entry of names, which shall be known as the official register, and it must be ruled in columns of suitable dimensions to provide for the following entries opposite the name of each elector, to wit: date of registration; name of elector; column for writing "voted"; age of elector; where born; location of residence, including street number, and number of room where party resides in a building the rooms of which are numbered; certificate of naturalization exhibited, or a certified copy thereof; the post-office address.

20-2-9. Entries in Official Register.

Registration agents must enter in the official register under the proper heading the date of registration; the names alphabetically arranged according to surnames, with the first or given name in full; the age and nativity of the elector, together with the location of his residence as directed in Section 20-2-5, and when the person so registered is of foreign birth, the fact of the exhibition of, or failure to exhibit, his certificate of naturalization, or a certified copy thereof, must be noted in the column provided for that purpose; which list, when made as in this section required, is known as the official register of electors of their respective districts. If any person fails or refuses to give his residence with the particularity required in this chapter, he must not be registered; provided that should any person applying to be registered refuse to give his age when requested to do so by the registration agent, it shall be sufficient to entitle him to registration, if he takes and subscribes the registration oath required by Section 20-2-11, and in such case the registration agent must enter in the proper column the fact that such person will be twenty-one years of age or upwards on the day of election.

20-2-11. Registration Oath.

Every person applying to be registered must before he is entitled to have his name registered take and subscribe the following oath or affirmation, which must be administered by the registration agent: I do solemnly swear (or affirm) that I am a citizen of the United States and shall have been such for ninety days prior to the election on the day of, 19.....; that I shall have attained the age of twenty-one years, and shall have been a resident of the state of Utah one year, and of the county of four months, and of the precinct of in said county for sixty days at the time of the election on the day of, 19.....; and that I now reside in election district No. so help me God (or under the pains and penalties for perjury). The registry books and lists must be open at any reasonable time for inspection by any person.

20-2-16. Official Register—Compilation.

When the registering of voters on the third Tuesday prior to any general election shall have been completed, each registration agent must within three days prepare, and cause to be written or printed, a

full, complete and true list of all the names on the official register for his district, alphabetically arranged according to surnames, with places of residence; the same to be verified by his oath and posted in some public and conspicuous place within his district, there to remain until the close of registration on the first Tuesday or the first Wednesday, as the case may be, prior to the day of election. When the registration of electors shall be finally closed each registration agent must with all reasonable expedition prepare, and cause to be written or printed, a full, complete and corrected list of all the names on his official register, alphabetically arranged, commencing with the surname of each elector, together with the residence of each, which he must certify under oath and cause to be posted, within three days after the close of registration, in a public and conspicuous place within 200 feet of the polling place within his district, there to remain until the closing of the polls on election day. Each registration agent must prepare and deliver personally to one of the judges of election in his district, at the time not later than the day next preceding that on which any general or municipal election is to be held, a full, complete and true copy of his official register, verified by his oath.

20-3-19. Official Primary Ballots.

It shall be the duty of the county clerk of each county to provide all official printed ballots to be used at the primaries. Such official ballots shall be printed on official paper furnished in the manner provided for in general elections. The names of all candidates who have complied with this act relating to nominations shall be printed on the ballot under their party designation; provided, there is a contest for such nomination.

The ballots shall be printed in substantially the same form as those used in general elections. The candidates of each party shall all be listed in one or more columns under their party name and emblem as provided herein. The names of candidates of all parties and independent candidates shall be printed on the same ballot, but under their party designation, and every ballot shall be folded and perforated so as to separate the candidates of one party from those of the other parties and so as to enable the elector to separate the part of said ballot containing the names of the party of his choice from the remainder of the ballot. The side edges of all ballots shall be perforated so that the outside sections of said ballots, when detached, shall be similar in appearance to inside sections when detached.

After marking his ballot the elector shall detach the part of the ballot containing the names of the candidates of the party he has voted from the remainder of the ballot and shall fold the same so that its face shall be concealed, and shall deposit the same in the ballot box as provided in this act. The remainder of the ballot, containing the names of the candidates of the party or parties the elector did not vote, shall be folded in like manner by the elector who shall thereupon deposit the same in a separate ballot box to be marked and designated as blank ballot box. Immediately after the canvass, the judges of election shall, without examination, destroy the tickets deposited in the blank ballot box.

Across the top of the ballot shall be printed in black-faced type, not smaller than twenty-four point, the words, "Official Primary Ballot." Beneath this shall be printed, in not smaller than eighteen point type, the name of the county, precinct and district wherein such ballot is to be used, together with the date of the primary election.

At least three-eighths of an inch below the name of the county and precinct; as aforesaid, and the date of the primary, shall be printed in not smaller than ten point black-faced type, double leaded, the following: Instructions to Voters: To vote for a candidate place a cross (X) in the square at the right of the name of the person for whom you desire to vote and in no other place. Do not vote for any candidate listed under more than one party or group designation.

The "Instructions to Voters" shall be separated from the lists of candidates and the designation of the several officers for which nominations are to be made by one light and one heavy line or rule.

The names of the candidates shall be grouped according to the office for which they are candidates and the names in each group shall be placed with the surnames first and arranged as provided in section 20-3-20. Each group shall be preceded by the designation of the office for which the candidates seek nomination, and the words, Vote for one, or Vote for two or more, according to the number to be elected to such office at the ensuing general election. Such designation of the office for which nominations are to be made and of the number of candidates to be nominated shall be printed in heavy faced type, not smaller than eight point. The word or words designating the office shall be printed flush with the left-hand margin, and the words, Vote for one, or Vote for two or more, as the case may be, shall extend to the extreme right of the column. The designations of office and the directions for voting shall be separated from the names of the candidates by a light line.

The names of the candidates shall appear on the ballot in heavy faced type not smaller than ten point, between lines or rules, three-eighths of an inch apart. To the right of the names of the candidates shall be printed a light square.

Each group of names of candidates shall be separated from the succeeding group by one light and one heavy line or rule.

20-3-21. Polls—Instructions to Electors.

When an elector enters the polls to vote at a primary election, the election officers shall hand him a ballot containing the names of the candidates of all groups and parties provided herein and at the same time shall instruct him to vote for the candidates of only one party or group and show him how to separate the ticket he votes from the remainder of the ballot. The elector shall then vote according to law.

20-3-24. Qualifications of Voters—Official Registers.

Qualifications and regulations of voters at primary elections shall be subject to the same tests and governed by the same provisions of law and rules and regulations as are prescribed for general elections, and the same officers who prepare and furnish registers for general elections shall prepare and furnish them for use at primary elections.

It shall be the duty of the proper officers to furnish a certified copy of the register for use at primary elections, which said register shall show the names of all voters entitled to vote at such primary election. Said register shall be made by taking the names of all voters on the register on the fifth day preceding the primary election.

Section 2. Section Repealed.

Section 20-2-30, Utah Code Annotated 1953, as enacted by Chapter 36, Laws of Utah 1965, is hereby repealed.

Approved February 8, 1967.

CHAPTER 37

H. B. No. 27

(Passed February 3, 1967. In effect May 9, 1967)

REGISTRATION LISTS POSTING

An Act Amending Section 20-2-16, Utah Code Annotated, 1953, as Amended by Chapter 36, Laws of Utah 1965; Section 20-3-19, Utah Code Annotated, 1953, as Amended by Chapter 36, Laws of Utah 1965; Section 20-14-9, Utah Code Annotated, 1953, Relating to Elections and Providing for the Posting of Registration Lists, Elimination of Voting Instructions on Primary Ballots and the Filing of Candidates Statement.

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

Section 1. Section Amended.

Section 20-2-16, Utah Code Annotated, 1953, as amended by Chapter 36, Laws of Utah 1965, is amended to read:

20-2-16. Certified Registration List to be Posted.

When the registering of voters on the third Tuesday prior to any general election shall have been completed, each registration agent must within three days prepare, and cause to be written or printed, a full, complete and true list of all the names on the official register for his district, alphabetically arranged according to surnames, with places of residence, and the same to be verified by his oath and posted in some public and conspicuous place within his district, there to remain until the close of registration on the first Tuesday or the first Wednesday, as the case may be, prior to the day of election. When the registration of electors shall be finally closed each registration agent must with all reasonable expedition prepare, and cause to be written or printed, a full, complete and corrected list of all the names on his official register, alphabetically arranged, commencing with the surname of each elector, together with the residence of each, which he must certify under oath and cause to be posted outside at the office of the Registration Agent, within three days after the close of registration, in a conspicuous place, there to remain until 9:00 p.m. on the Monday immediately preceding the election. Thereafter the registration agent shall post the said list in a public and conspicuous place which shall be within 200

feet of the polling place, no later than 7:00 a.m. on election day, there to remain until the closing of the polls.

Each registration agent must prepare and deliver personally to one of the judges of election in his district, at a time not later than the day next preceding that on which any general or municipal election is to be held a full, complete and true copy of his official register, verified by his oath.

Section 2. Section Amended.

Section 20-3-19, Utah Code Annotated, 1953 as amended by Chapter 36, Laws of Utah 1965 is amended to read:

20-3-19. Official Primary Ballots—Voting.

It shall be the duty of the county clerk of each county to provide all official printed ballots to be used at the primaries. Such official ballots shall be printed on official paper furnished in the manner provided for in general elections. The names of all candidates who have complied with this act relating to nominations shall be printed on the ballot under their party designation; provided, there is a contest for such nomination.

The ballots shall be printed in substantially the same form as those used in general elections. The candidates of each party shall all be listed in one or more columns under their party name and emblem as provided herein. The candidates of each party and independent candidates shall be printed on separate ballots.

After marking his ballot the elector shall fold the ballot so that its face shall be concealed and shall deposit the same in the ballot box as provided in this act.

Across the top of the ballot shall be printed in black faced type, not smaller than twenty-four point, the words, "Official Primary Ballot." Beneath this shall be printed, in not smaller than eighteen point type the name of the county, precinct and district wherein such ballot is to be used, together with the date of the primary election.

The names of the candidates shall be grouped according to the office for which they are candidates and the names in each group shall be placed with the surnames first and arranged as provided in Section 20-3-20. Each group shall be preceded by the designation of the office for which the candidates seek nomination, and the words, Vote for one, or Vote for two or more, according to the number to be elected to such office at the ensuing general election. Such designation of the office for which nominations are to be made and of the number of candidates to be nominated shall be printed in heavy-faced type, not smaller than eight point. The word or words designating the office shall be printed flush with the lefthand margin, and the words, Vote for one, Vote for two or more, as the case may be, shall extend to the extreme right of the column. The designations of office and the directions for voting shall be separated from the names of the candidates by a light line.

The names of the candidates shall appear on the ballot in heavy faced type not smaller than ten point, between lines or rules, three-

eighths of an inch apart. To the right of the names of the candidates shall be printed a light square.

Each group of names of candidates shall be separated from the succeeding group by one light and one heavy line or rule.

Section 3. Section Amended.

Section 20-14-9, Utah Code Annotated, 1953, is amended to read:

20-14-9. Statement of Disbursements—Filing.

Every candidate who is voted for at any primary or general election, and the secretary of every personal campaign committee, and the secretary of every party committee, and the secretary of every other political committee, shall file a financial statement, verified upon the oath of such candidate, or upon the oath of the secretary of such committee, as the case may be, 14 days prior to any primary or general election; accurately reflecting all disbursements and any express or implied obligation to make a disbursement for political purposes and also on the second Friday following any general or primary election which statement shall cover all transactions not accounted for and reported upon in the statement theretofore filed. The final statement shall contain a summary of the preceding statements, and shall summarize the items theretofore reported under the provisions of this chapter.

The statement of any candidate and the statement of his personal campaign committee shall be filed with the filing officer of such candidate. The statement of every state committee, and of every congressional committee, and of every committee of a district comprising several counties shall be filed with the secretary of state. The statement of every other party committee shall be filed in the office of the county clerk of the county, recorder of the city or clerk of the town within which such disbursements were made.

Approved February 9, 1967.

CHAPTER 38

H. B. No. 258

(Passed March 9, 1967. In effect May 9, 1967)

BALLOTS

An Act Amending Section 20-3-5, Utah Code Annotated 1953, as Amended by Chapter 33, Laws of Utah 1963, Section 53-2-3, Utah Code Annotated 1953, as Amended by Chapter 25, Laws of Utah 1953, and Chapter 87, Laws of Utah 1965, and Section 53-5-8, Utah Code Annotated 1953, as Enacted by Chapter 16, Laws of Utah 1953 and as Amended by Chapter 86, Laws of Utah 1963, Providing for a Single Ballot for All Primary and General Elections.

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

Section 1. Section Amended.

Section 20-3-5, Utah Code Annotated 1953, as amended by Chapter 33, Laws of Utah 1963, is amended as follows:

20-3-5. Justice of Supreme Court—District Judges—Filing.

At the expiration of the term of a justice of the Supreme Court or judge of the district court, any member of the bar desiring to become a candidate for such vacancy during the month of June prior to the general election at which the vacancy is to be filled must file with the secretary of state a declaration of his candidacy for such office, in substantially the following form:

State of Utah, County _____, I, _____, being first duly sworn, say that I reside at _____ Street, City of _____, County of _____, State of Utah; that I am a qualified voter; that I am a candidate for nomination to the office of _____, which office is now held by Judge _____ and is to be voted upon at the primary election to be held on Tuesday, the _____ day of _____, 19____. I hereby request that my name be printed upon the judicial primary ballot for nomination by such primary election for such office.

(Signed) _____

Official character of officer taking oath

(a) In any election at which two or more judges or justices of any court are to be voted for or elected for the same term, it shall be deemed that there are as many separate judicial offices to be filled as there are judges or justices of the court to be elected. The secretary of state shall designate each separate office by a distinguishing number not greater than the total number of offices and shall relate the number to the incumbent judge. The designation shall remain the same for all purposes of both primary and general election and shall be used on all nomination papers, certificates of nomination, ballots, certificates of election, and all election papers referring to the office. After election and the issuance of the certificates of election, the designating number shall have no further significance.

(b) Candidates shall pay to the filing officer the fee provided by section 20-3-14, Utah Code Annotated 1953, for such filing.

(c) Candidates for the vacancy at both the primary election for nomination and the general election shall have their names placed on the ballot to be used at the primary election and the general election. The names of the candidates for each designated office shall be placed on the ballot for the primary and general election in the alphabetical order of the surnames, with the given name of each candidate to the left of the surname, provided, however, that an incumbent judge who is a candidate for retention in office for another term shall be named first upon both the primary and general ballot and shall be designated "Judge (insert his name), incumbent." Candidates for elections to judicial office shall be named on the ballot with a nonpartisan designation.

(d) The ballot shall show thereon opposite the name of each candidate a blocked off space as follows, and the voter in casting his or her vote shall place an "x" in the space so blocked which shall represent

his or her choice of candidate appearing on said ballot for each designated office. The county clerks shall prepare for submission to the voters the ballots herein described. There shall be qualified for the general election the two candidates who have received the greatest number of votes at the primary election.

(e) Any candidate for the office of justice of the Supreme Court or judge of the district court may withdraw as such candidate upon filing with the secretary of state at any time prior to July 10th a withdrawal properly verified before a notary public. In the event any person files as a candidate and does not withdraw as herein provided, his name shall be placed on the ballot as such candidate. In the event there are only two to be selected for any office after withdrawals if any are deducted, the candidates who have not withdrawn shall become the nominees, and it shall not be necessary to place their names upon the primary ballot. Such persons shall be issued certificates of nomination by the secretary of state, and their names shall be placed on the judicial selection ballot for the general election. If only one candidate files for any specific office, such person shall forthwith be issued a certificate of election for the ensuing term by the secretary of state. All applications of persons for nomination for the office of justice of the Supreme Court and judge of the district court must be filed with and received by the secretary of state not later than 5:00 o'clock p.m. on the last day on which the filing may be made under this section.

Section 2. Section Amended.

Section 53-2-3, Utah Code Annotated 1953, as amended by Chapter 25, Laws of Utah 1953, and Chapter 87, Laws of Utah 1965, is amended as follows:

53-2-3. Regional Convention of School Districts.

On the first Wednesday of March, 1954, and every four years thereafter the secretary of state shall call regional conventions in regional school districts number 4, 6, and 1. On the first Wednesday of March, 1956, and every four years thereafter the secretary of state shall call a regional convention in regional school districts numbers 5, 2, and 7. On the first Wednesday of March, 1958, and every two years thereafter the secretary of state shall call a regional convention in regional school district number 3. He shall fix the hour and place of each said conventions, which shall be not less than thirty days nor more than ninety days from the time the said convention is called. He shall appoint a temporary chairman for each convention and at the conclusion of each convention shall certify the name of each and every candidate for the state board of education as may be nominated at said convention.

Each regional district convention shall nominate at least two candidates for each membership in the state board of education to which the particular regional school district is entitled as hereinafter specified. In making such nominations the convention shall give consideration only to the merits and fitness and such nomination shall be made irrespective of occupation, party affiliation, religion, race or sex.

On or before the last Wednesday of June of the year in which a member or members of the state board of education are to be elected as hereinafter provided, any qualified person residing in the districts from which a member or members of the state board of education are to be elected, may be nominated for election as a member of the state board of education upon filing with the secretary of state a petition of nomination signed by not less than one hundred qualified and registered electors residing within said election district. On or before July fifth following the receipt of such petition or petitions the secretary of state shall certify to the clerk of each county within the said election district the names of the persons who have qualified for nomination for election to the state board of education. It shall be the responsibility of each county to print or cause to be printed the primary ballot of that county which will include the names of those running for the school board.

There shall be elected at the regular primary election in each election district in which a term of office has expired nominees equal to two times the number of expired terms. The elections shall be conducted as a part of the regular primary election with the same judges of election, the same constables, and the same polling places, and shall be included on the single ballot with a nonpartisan designation. Within ten days following the election, each board of county commissioners shall canvass the returns of said election. Immediately following such canvass the clerk of each county shall certify to the secretary of state the number of votes cast within that county for each person nominated as a candidate for election as a member, or members of the state board of education in the November election.

The secretary of state shall not later than twelve days after any primary compile the returns for all candidates and shall make out and file in his office a statement thereof.

The candidates who receive the highest vote at the regular primary election shall be declared to be the nominees in the November election.

On or before September 25th following the regular primary election the secretary of state shall certify to the clerk of each county within said election district the names of the persons who were nominated in the primary election for election to the state board of education. It shall be the responsibility of each county to print or cause to be printed the ballot for the general election containing all candidates of interest to such county who are running for office.

Section 3. Section Amended.

Section 53-5-8, Utah Code Annotated 1953, as enacted by Chapter 16, Laws of Utah 1953, and as amended by Chapter 86, Laws of Utah 1963, is amended as follows:

53-5-8. Posting—Notice of Nomination.

At least ninety days preceding the day of election provided for in section 53-5-7 the clerk of the local board of education shall cause to be posted in at least three conspicuous places within the school representative precinct or municipal ward and cause to be published in at

least one issue of a newspaper of general circulation common to the area, a notice that nominations in writing must be filed with the clerk of the board of county commissioners by a candidate, or by at least five citizens on behalf of a candidate, not less than thirty days preceding the day of election. This notice shall also contain information as to the time and the place of the election. Appointment of judges, except where combined with municipal elections, shall be made by the board of county commissioners prior to the day of election. The board of county commissioners shall exercise all such powers relative to elections of local boards of education as are conferred by law for other elections so far as conformable with this chapter. In cases where elections are combined with municipal elections the returns for local school board elections shall be filed with the board of county commissioners by the judges of election.

Approved March 21, 1967.

CHAPTER 39

S. B. No. 185

(Passed March 9, 1967. In effect May 9, 1967)

CONSTITUTIONAL AMENDMENT

An Act Amending Section 20-3-41, Utah Code Annotated 1953, Relating to Proposed Constitutional Amendments; Providing for the Designation of Number and Title by the Legislative Council and Enacting New Sections Relating to the Dissemination and Release by the Legislative Council of Information with Respect to Proposed Constitutional Amendments; and Providing Authorization for Expenditure of Legislative Appropriations.

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

Section 1. Section Amended.

Section 20-3-41, Utah Code Annotated 1953, is amended to read:

20-3-41. Amendments—Order of Presentation.

Whenever a proposed constitutional amendment or other question, except the incurring of a bonded indebtedness, is to be submitted to the people for a popular vote at any general election, the legislative council shall designate such amendment or question by number and order of presentation on the ballot and also by title which shall cover the subject matter of the amendment or question to be submitted and shall deliver such designations to the secretary of state. The secretary of state shall, not less than twenty-five days before the election, certify the same to the county clerk of each county, and the county clerk of each county shall cause to be printed both the number and the title of the proposition or question to be submitted upon the ballot to be used on election day, and on the sample ballots, and publish the same as provided for by law.

Section 2. Public Information Concerning Amendments.

In addition to the duties of the secretary of state as provided by law and during the six-months period immediately preceding any general

election at which amendments to the Utah constitution will appear on the ballot, it shall be the duty of the legislative council to disseminate to the public information with respect to said amendments.

The manner in which information relating to constitutional amendments is disseminated may include, but shall not be limited to: (1) The publication and distribution of information describing the constitutional amendments and stating the reasons why they were proposed by the legislature; and, (2) The release of information to news media.

Section 3. Funds for Dissemination of Information.

Funds for the dissemination and release of information by the legislative council relating to proposed constitutional amendments shall be provided by appropriations to the legislative council.

Approved March 21, 1967.

FEES

CHAPTER 40

H. B. No. 307

(Passed March 2, 1967. In Effect May 9, 1967)

INTERPRETERS FEES

An Act Amending Section 21-5-17, Utah Code Annotated 1953, Providing for a Registry of Interpreters, Their Duties, Selection and Compensation.

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

Section 1. Section Amended.

Section 21-5-17, Utah Code Annotated 1953, is amended to read:

21-5-17. Interpreters—Fees.

Interpreters and translators, including those skilled in foreign languages and communication with the deaf, shall be allowed such compensation for their services as the court may allow, to be taxed and collected as other costs.

Approved March 7, 1967.

FIDUCIARIES AND TRUSTS

CHAPTER 41

H. B. No. 177

(Passed March 9, 1967. In effect May 9, 1967)

PREARRANGED FUNERAL PLANS

An Act Amending the Prearranged Funeral Plans Act Relating to Trust Funds, Providing for Them to be Kept in the State of Utah, and Providing Supervision by the Securities Commission of the State of Utah, and Amending Sections 22-4-1, 22-4-3, Utah Code Annotated 1953, As Enacted by Chapter 39, Laws of Utah 1955, and Amending

Sections 22-4-2 and 22-4-4, Utah Code Annotated 1953, As Enacted by Chapter 39, Laws of Utah 1955, and Amended by Chapter 45, Laws of Utah 1957; and Adding Proposed Additional Sections 22-4-8, 22-4-9, 22-4-10, 22-4-11, and 22-4-12, Utah Code Annotated 1953.

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

Section 1. Section Amended.

Section 22-4-1, Utah Code Annotated 1953, as enacted by Chapter 39, Laws of Utah 1955, is amended to read as follows:

22-4-1. 75% of All Funds are Trust Funds.

At least 75% of any payment of money made to any person, firm or corporation upon any agreement or contract, or any series or combination of agreements or contracts, including 75% of all money paid directly or indirectly and 75% of all securities delivered under such agreement or under any agreement collateral thereto such as membership fees, dues, participation arrangements, and sales commissions, which has for a purpose the furnishing or performing of funeral services, under a prearranged funeral plan, or the furnishings or delivery of any personal property, merchandise, or services of any nature, but excluding cemetery lots, vaults, mausoleum crypts, niches, cemetery burial privileges, and cemetery space, in connection with the final disposition of a dead human body, for future use at a time determinable by the death of the person or persons for whose benefit any such agreement has been made and whose body or bodies are to be disposed of, such deceased person to be known in this act as the decedent beneficiary, shall be held in trust funds, and said trust shall be maintained in the state of Utah and held intact until the contract for which it was paid is fulfilled according to its terms, and the person, partnership, association or corporation receiving said payments is hereby declared to be a trustee thereof. Any withdrawal of trust funds shall be determined by the agreement or contract and shall be released according to the provisions of section 22-4-4 of this act.

Section 2. Section Amended.

Section 22-4-2, Utah Code Annotated 1953, as enacted by Chapter 39, Laws of Utah 1955, as amended by Chapter 45, Laws of Utah 1957, is amended to read:

22-4-2. Deposit of Trust Funds.

All such trust funds shall be deposited in the name of the trustee, as trustee, within thirty (30) days after receipt thereof, with a bank or trust company authorized to do business in the state of Utah, and shall be held in trust, in the state of Utah, subject to the provisions of this act. Said deposit shall be deemed a trust deposit, and the depository bank or trust company shall have all the rights and authority to invest and use said funds as are usually exercised with trust deposits and shall further be obligated to the payment of the net earnings of said trust deposit as provided for in section 22-4-4. The trustee at the time of making deposit shall furnish to the depository the name of each payor, or contracting party, the name of the decedent beneficiary, and the amount of payment on each such account for which deposit is being made.

Section 3. Section Amended.

Section 22-4-3, Utah Code Annotated 1953, as enacted by Chapter 39, Laws of Utah 1955, is amended to read:

22-4-3. Trustee—Duties.

The trustee shall keep a record of all such agreements which record shall contain the name and address of the payor, the date and the amount of each payment made, the date and amount of each withdrawal and to whom paid, and the name of the bank or trust company depository.

Within thirty (30) days after the first transaction and deposit required to be made under this act the trustee shall make his first report to the director of the securities commission of the state of Utah, and he shall thereafter make semi-annually certified reports of all such transactions to said director. All such reports shall set forth in detail the information contained in the records required to be kept by the trustee aforesaid, plus any other information required by the director. The said director may audit such accounts or any part thereof, and shall have the full right of inspection at any time he deems it advisable. The trustee shall make available to said director for examination, inspection or auditing, all records pertaining to said accounts.

Section 4. Section Amended.

Section 22-4-4, Utah Code Annotated 1953, as enacted by Chapter 39, Laws of Utah 1955, and amended by Chapter 45, Laws of Utah 1957, is amended to read:

22-4-4. Payments—Funds—How Dispersed.

All payments and amounts so deposited, with all earnings and interest thereon, shall not be withdrawn until the death of the sole or one of the beneficiaries, provided that said funds plus all interest and earnings shall be released to the payor originally paying said funds under the purchase agreement, and said payor shall be entitled to receive the same or any part thereof, at any time prior to the death of any beneficiary, upon demand upon said bank or trust company, and upon surrender of any pass book evidencing same.

Release of funds plus interest is subject to and conditioned upon the following in regards to the income from any corpus which is deposited: (a) The expense of administering the trust; (b) The income on the corpus shall also be used to establish a reserve of not to exceed 10% of the corpus as a revocation fee in the event of cancellation on the part of the beneficiary prior to the maturity of the contract.

None of the trust corpus shall be used for payment of any commission, membership fee, or dues except that the revocation fee herein mentioned and any bank or trust company, trust administration costs may be satisfied if said trust at the time of its withdrawal does not contain sufficient interest to cover these expenses.

Section 5. Section Enacted.

Section 22-4-8, Utah Code Annotated 1953, is enacted to read:

22-4-8. Securities Commission to Supervise Sales.

It shall be the duty of the securities commission and the securities commissioner of the state of Utah to supervise sales under this act.

The securities commissioner may promulgate such rules and regulations as may be reasonably necessary for the effective administration of and not inconsistent with the provisions of this chapter.

Section 6. Section Enacted.

Section 22-4-9, Utah Code Annotated 1953, is enacted to read:

22-4-9. Licenses—Renewals—Funds—Accounting.

1. (1) No prearranged contract seller or agent shall accept any funds without first securing from the securities commissioner a license to accept funds. Application for license shall be in writing, signed by the applicant, and duly verified on forms furnished by the securities commissioner. Each application shall contain at least the following information:

(2) The full name and address, both residence and place of business, of the applicant and every member, officer and director thereof, and if the applicant is a firm, partnership or association, so state and give the names of the principal officers.

2. Every license so issued by the securities commissioner shall be renewed annually and the securities commissioner shall issue a license upon receipt of the application together with a \$25.00 fee for the contract seller and a \$10.00 fee for each agent unless the information contained in said application is false, or the representations of such application are not true, or that the applicant is insolvent or is not duly authorized to transact business in the state of Utah, or has been convicted of fraud or any crime involving misappropriation or abuse of funds or misrepresentation of a business contract.

3. The licensee shall keep accurate accounting books and records in this state of all transactions and copies of all contracts, dates, and amount of payments made thereon and the address of the contract buyer, the name of the decedent to each contract, and the name of the trustee holding the trust funds received under such contract, and shall make an annual report concerning such information as hereinafter provided. Every annual report shall be accompanied by a fee of \$10.00.

4. The licensee shall make all books and records pertaining to the trust funds available to the securities commissioner for examination. The securities commissioner or a qualified person designated by him may, not more frequently than once in a calendar year unless pursuant to order of court or for good cause shown during ordinary business hours, examine the books, records, and accounts of the licensee with respect to the funds received by said licensee, and for that purpose may require the attendance of and examine under oath all persons whose testimony he may require.

5. The cost of the examination of the books and records of the preneed contract seller shall be borne by said contract seller.

Section 7. Section Enacted.

Section 22-4-10, Utah Code Annotated 1953, is enacted to read:

22-4-10. Annual Report—Trustees—Trust Funds.

Each contract seller shall file an annual report with the securities commissioner on or before July 1st of each year in such form as the

securities commissioner may require, stating the name of the trustees with which it has trust funds on deposit and the amount remaining on deposit in the trust fund, on the preceding April 30 or such other annual reporting period as the securities commissioner may establish. Any contract seller which has discontinued the sale of contracts but which still has outstanding contracts shall not be required to obtain a renewal of its license, but it shall continue to make annual reports to the securities commissioner until all such contracts have been fully performed by it.

Section 8. Section Enacted.

Section 22-4-11, Utah Code Annotated 1953, is enacted to read:

22-4-11. Contract Provision—Seller—Funeral Director.

If someone other than the contract seller is to perform the service, the contract must be accompanied by a copy of the written agreement between the contract seller and the person licensed as a funeral director in the state of Utah, to perform the service, which agreement provides for the performance of such services at the price agreed upon. Except in case of default or cancellation, the contract shall contain no provision limiting the liability of the contract seller to less than furnishing the goods and services expressed in the contract.

Section 9. Section Enacted.

Section 22-4-12, Utah Code Annotated 1953, is enacted to read:

22-4-12. Filing Contract.

The pre-need or prearranged funeral contract seller shall file with the securities commission a copy of each form of pre-need contract sold by said seller, and each buyer of such contract shall receive a duplicate of the original of the contract as executed between the contract seller and the contract buyer.

Contracts must contain the words "NOT INSURANCE" in bold face type on the face of each contract. The contract must further state the name and address of the principal office of the person licensed by the state of Utah who will perform the services provided or must have appended to it a copy of an agreement between said contract seller and the person licensed to perform the service who agrees to provide such service if not provided by the contract seller.

Approved March 21, 1967.

FISH AND GAME

CHAPTER 42

S. B. No. 154

(Passed February 17, 1967. In effect July 1, 1967)

LICENSES TO HUNT, TRAP OR FISH

An Act Amending the Fish and Game Code by Amending Sections 23-2-10, 23-2-17, 23-4-7, 23-4-8, 23-10-1, 23-10-6 and 23-10-7, Utah Code Annotated 1953, as Enacted by Chapter 39, Laws of Utah 1953, Section 23-2-18, Utah Code Annotated 1953, as Enacted by Chapter 39, Laws

of Utah 1953, as Amended by Chapter 44, Laws of Utah 1965, Section 23-2-20, Utah Code Annotated 1953, as Enacted by Chapter 39, Laws of Utah 1953, as Amended by Chapter 49, Laws of Utah 1961, as Amended by Chapter 35, Laws of Utah 1963, Section 23-6-6, Utah Code Annotated 1953, as Enacted by Chapter 39, Laws of Utah 1953, as Amended by Chapter 47, Laws of Utah 1957; Relating to Moneys Received and Expended Under the Code; Providing for Creation of the Fish and Game Account Within the General Fund and for the Deposit of Certain Moneys Received Under the Code in Such Account Rather Than the Fish and Game Fund; Providing for Certain Expenditures to be Paid Out of Appropriations to the Department of Fish and Game Rather Than the Fish and Game Fund; and Providing for an Effective Date.

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

Section 1. Section Amended.

Section 23-2-10, Utah Code Annotated 1953, as enacted by Chapter 39, Laws of Utah 1953, is amended to read as follows:

23-2-10. Execution of Surety Bonds.

The fish and game commissioners, the state fish and game director, and each deputy shall execute and deliver to the state a surety company bond in such form and in such amounts as the department of finance shall determine. All of said bonds shall be conditioned upon the faithful performance of their respective duties and the premium on the same shall be paid by the state out of the legislative appropriations of the department.

Section 2. Section Amended.

Section 23-2-17, Utah Code Annotated 1953, as enacted by Chapter 39, Laws of Utah 1953, is amended to read as follows:

23-2-17. Commission to Prepare Budget.

The fish and game commission shall prepare and submit to the governor, to be included in his budget to be submitted to the legislature, a budget of the requirements for salaries and wages, office expenses, travel, equipment, repairs and contingent expenses to be paid from the fish and game account in the state's general fund in carrying out the provisions of law for the biennium next following the convening of the legislature.

Section 3. Section Amended.

Section 23-2-18, Utah Code Annotated 1953, as enacted by Chapter 39, Laws of Utah 1953, as amended by Chapter 44, Laws of Utah 1965, is amended to read as follows:

23-2-18. Convert Funds to General Fund.

The state auditor and director of finance shall at the close of the biennium convert into the fish and game account in the general fund all unexpended balances of the fish and game fund not legally obligated by contract.

Section 4. Section Amended.

Section 23-2-20, Utah Code Annotated 1953, as enacted by Chapter 39, Laws of Utah 1953, as amended by Chapter 49, Laws of Utah 1961, as amended by Chapter 35, Laws of Utah 1963, is amended to read as follows:

23-2-20. Establishing Fish and Game Fund—Duties.

A fish and game account within the state's general fund is hereby established, and all moneys collected from the sale of licenses, and all the net moneys collected from fines and forfeitures, and such other moneys as may be received under any provision of this Code shall be paid into said fund to the credit of the fish and game account as provided in this Code. All moneys credited to said account shall be deposited in the state treasury and shall be drawn upon for the payment of salaries and expenses and other expenditures authorized in this Code upon authorization by the commission, with the consent of the governor. Prior to the purchase of any real property held in private ownership the department of fish and game shall first submit such proposition to the county commission in a regular open public meeting in the county wherein the property is located, and shall by contractual agreement with the county commission agree to pay annually an amount of money in lieu of real property taxes to the county. The department shall further by contractual agreement with the county commission in which any property previously acquired from private ownership and now owned by the department is located, agree to pay annually an amount of money in lieu of fish and game fine money, previously paid to the county, which annual payment shall be equal to the amount which the real property taxes on such department owned property would be if said property would have remained in the private ownership. The payments herein provided for will not exceed what the regularly assessed real property taxes would be if said land had remained in private ownership; and such payments in lieu of taxes or fine money shall not include any amount for buildings, installations, fixtures, improvements or personal property located upon the land and constructed or acquired by the department after it acquired the land.

The commission shall be empowered to record titles to real estate received or purchased as provided in this Code in the name of the Utah state department of fish and game, and shall have authority with the consent of the board of examiners to dispose of such properties by sale, exchange, barter or trade when such properties are no longer needed for fish and game purposes or when other properties having greater use for fish and game purposes are to be received in exchange. All records and other instruments pertaining to properties owned or acquired under this Title shall be kept in the offices of the department.

Section 5. Section Amended.

Section 23-4-7, Utah Code Annotated 1953, as enacted by Chapter 39, Laws of Utah 1953, is amended to read as follows:

23-4-7. Funds Placed in General Fund.

When big game animals are doing actual damage to farms or other property, the fish and game director may authorize the killing of such

animals, and the carcasses, heads and hides of big game animals so killed shall be sold or otherwise disposed of for the best interests of the state, and the money derived from the sale thereof shall be placed in the fish and game account in the general fund.

Section 6. Section Amended.

Section 23-4-8, Utah Code Annotated 1953, as enacted by Chapter 39, Laws of Utah 1953, is amended to read as follows:

23-4-8. Big Game Animal Damage—Monies in General Fund.

Whenever big game animals are damaging crops on or from cleared and planted land, the owner of such crops shall immediately notify the fish and game department, or the local warden, that big game animals are destroying such crops. Upon being notified of such damage, the fish and game department shall forthwith remove, as far as possible such big game animals. In the event such removal is not accomplished forthwith, and it becomes necessary for the landowner to kill big game animals to protect crops on or from cleared and planted land, he may do so after having first notified the fish and game department of the necessity of killing such animals and shall immediately after making the kill notify the game warden. The carcass of any animal so killed shall become the property of the fish and game department and shall be disposed of for the best interests of the state and any and all money derived from sales of such carcasses, hides and heads shall be placed in the fish and game account in the general fund.

Whenever big game animals or game birds have damaged or destroyed crops on or from cleared and planted land, the fish and game department may pay to the landowner for the actual damage not to exceed \$200.00 yearly; provided, the owner notifies the fish and game department of the damage within 48 hours after the damage is discovered. The appraisal of the damage shall be made by the landowner and the fish and game department as soon thereafter as possible. If the landowner and the fish and game department are unable to agree on the fair and equitable damage they shall call upon a third party, consisting of one or more persons acquainted with the crops concerned and the type of game animals or birds doing the damage, to appraise such damage; provided, that if the provisions herein relating to damage claims are in conflict with the requirements of the federal Pittman-Robertson Act or the rules and regulations issued thereunder, then the provisions hereof relating to damage claims shall be null and void.

Section 7. Section Amended.

Section 23-6-6, Utah Code Annotated 1953, as enacted by Chapter 39, Laws of Utah 1953, as amended by Chapter 47, Laws of Utah 1957, is amended to read as follows:

23-6-6. Control of Fur-bearing Animals—Monies to General Fund.

It shall be unlawful for any person to trap, snare, shoot, capture or kill, or attempt to trap, snare, shoot, capture or kill in any manner whatsoever, any otter, mink, marten or beaver until such time as the commission shall provide an open season for the taking of fur-bearing animals; provided, however, that when it is apparent that beaver are

doing damage to, or are a menace to private property, canal banks, irrigation structures, or other man-made waterways during the closed season, any landowner, tenant, or employee of said landowner or tenant, may request a permit from representative of the Utah state department of fish and game to kill or trap or cause to be killed or trapped the beaver so involved. Upon such request the representative of the department shall issue said permit to the owner, tenant or employee. Beaver so taken may be destroyed or possessed and sold if properly tagged.

Provided further, that authorized members of the department may take beaver at any time to properly manage or control beaver populations. Pelts from beaver so taken shall be sold or otherwise disposed of for the best interest of the state and the money derived from the sale thereof shall be placed to the credit of the fish and game account in the general fund.

Any person trapping beaver shall notify the conservation officer in the district where the pelts were taken and shall furnish an affidavit, giving his name, residence, license, or permit number, the date and place of capture, and the number of beaver so taken, and if the conservation officer is satisfied of the legal taking of the same, he shall attach a numbered tag to each pelt covered by the affidavit. Charge for the tags shall be determined by the commission and indicated in the proclamation governing the taking of beaver.

Beaver legally taken, possessed, and tagged may be bought, sold, or transported within the state of Utah. Skins or furs of fur-bearers shall not be transported, carried or shipped in any manner from the state without first obtaining a shipping permit from the department. Application for the transporting or shipping of beaver skins shall show the number on the tag attached to said beaver skins.

It shall be unlawful for any person to remove any tag from any beaver skin, or to buy, sell or transport untagged beaver skins, or fail to have tags attached to beaver skins as herein provided within fifteen (15) days of the expiration date of the open season.

Section 8. Section Amended.

Section 23-10-1, Utah Code Annotated 1953, as enacted by Chapter 39, Laws of Utah 1953, is amended to read as follows:

23-10-1. Arrests, Seizures, and Sales at Public Auction—Proceeds to General Fund.

The fish and game commission, the state fish and game director and the deputies and wardens shall enforce the provisions of this Code, and for such purposes they shall have the same power, and shall follow the same procedure in making arrests, and in the handling of prisoners and the general enforcement of this Code, as other peace officers. They shall seize all furs, fish and game when taken or held in violation of law, may open, enter and examine motor cars, trucks, vehicles, packs, outhouses, boxes, barrels, hunting camps and where game is processed and stored, where the state fish and game commission, the state fish and game director, warden or any deputy has reason to believe game, fur or fish taken or held in violation of law may be found, and may seize any furs, fish or game unlawfully taken or held; provided, that

a dwelling house actually occupied shall not be entered or searched without a search warrant. All furs, fish and game seized pursuant to this Code shall be sold or otherwise disposed of to the best interests of the state, excepting however, that migratory wildfowl may not be sold but may be given to an eleemosynary institution or for other charitable purposes, and the proceeds of such sales shall be deposited in the fish and game account in the general fund.

Be it further provided that all seines, guns, nets, tackles, powder, explosives, lime, poison, drugs, chemicals, shocking devices, traps and snares used for or in the unlawful taking of furs, fish or game of any kind found in the possession of or used by any person unlawfully taking or transporting furs, fish or game of any kind, shall be seized by the officers making the arrest, and upon a finding by the court that they were used in the unlawful taking or transportation of furs, fish or game, the same shall be confiscated and after having been held by the fish and game commission for a period of six months, shall be sold at public auction by the fish and game commission, and the proceeds therefrom conveyed into the fish and game account in the general fund.

Section 9. Section Amended.

Section 23-10-6, Utah Code Annotated 1953, as enacted by Chapter 39, Laws of Utah 1953, is amended to read as follows:

23-10-6. Proceeds to General Fund.

Any person who has in his possession any game, game fish or game bird, or the skin of any fur-bearing animal, unlawfully taken, is guilty of a misdemeanor; and all furs, game, game fish or game birds or any part thereof unlawfully taken, unlawfully held, shipped, or consigned for shipment, may be seized by the fish and game commission, the state fish and game director or its deputies and wardens, and sold, and the proceeds deposited in the fish and game account in the general fund, excepting that migratory wildfowl may not be sold, but may be given to an eleemosynary institution or for other charitable purposes. The possession of any game animal, game fish or game bird, or any part thereof, taken during the time or period within which the taking, killing or possession of the same is prohibited, shall be prima facie evidence of guilt.

Section 10. Section Amended.

Section 23-10-7, Utah Code Annotated 1953, as enacted by Chapter 39, Laws of Utah 1953, is amended to read as follows:

23-10-7. Prosecution—Expenses—Court Costs.

All necessary expenses incurred in transporting and keeping a prisoner arrested under this Code shall be paid out of the state fish and game legislative appropriation. All necessary expenses incurred in transporting and keeping a prisoner arrested under this Code may be added to the court costs in the case.

Section 11. Effective Date.

This act shall take effect July 1, 1967.

Approved March 21, 1967.

CHAPTER 43

S. B. No. 8

(Passed February 2, 1967. In effect May 9, 1967)

PRIVATE FUR FARMS

An Act Amending Section 23-6-8, Utah Code Annotated 1953, as Enacted by Chapter 39, Laws of Utah 1953, and Amended by Chapter 47, Laws of Utah, 1957, Relating to Private Fur Farms; Providing That This Section Shall Not Apply to Private Fur Farms of Mink and Chinchilla Which Were Not Acquired as Wild Animals in the State of Utah.

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

Section 1. Section Amended.

Section 23-6-8, Utah Code Annotated 1953, as enacted by Chapter 39, Laws of Utah 1953, and amended by Chapter 47, Laws of Utah 1957, is amended to read as follows:

23-6-8. Establishment of Private Fur Farms.

It shall be lawful for residents to establish and maintain private fur farms and sell or dispose of fur-bearing animals and furs reared by them upon such farms. Any person, establishing such farm, shall make application in writing to the commission describing such farm and location thereof, setting forth the kind or kinds of animals which it proposes to rear and the commission shall issue such person a permit without charge to establish such farm.

It is provided that receipts must be issued by the vendor to the vendee in any case where fur-bearing animals or furs shall change ownership by virtue of this section and both the vendor and vendee shall produce such receipt or evidence of legal transaction upon request by the state fish and game commission, the state fish and game director, or any employee of the fish and game department or other person authorized to enforce the fish and game laws.

This section shall not apply to private fur farms established and maintained for rearing domesticated, privately owned mink or chinchilla which were not acquired as wild animals in the state of Utah.

Approved February 10, 1967.

CHAPTER 44

H. B. No. 108

(Passed March 1, 1967. In effect April 16, 1967)

LICENSE FEES

An Act Amending Sections 23-7-5, 23-7-6 and 23-7-7, Utah Code Annotated 1953; as Enacted by Chapter 39, Laws of Utah 1953; Section 23-7-12, Utah Code Annotated 1953, as Enacted by Chapter 39, Laws of Utah 1953, as Amended by Chapter 35, Laws of Utah 1959; Sections 23-7-13, 23-7-15, 23-7-16, 23-7-17 and 23-7-18, Utah Code Annotated 1953; as Enacted by Chapter 39, Laws of Utah 1953; and Section 23-7-22, Utah Code Annotated 1953, as Enacted by Chapter 39, Laws of Utah 1953; and Repealing Section 23-7-8, Utah Code Annotated 1953;

as Enacted by Chapter 39, Laws of Utah 1953, as Amended by Chapter 36, Laws of Utah 1963; and Repealing Section 23-7-11, Utah Code Annotated 1953, as Enacted by Chapter 39, Laws of Utah 1953, as Amended by Chapter 50, Laws of Utah 1961; and Enacting New Sections to be Known as Sections 23-7-8 and 23-7-11, Utah Code Annotated 1953, Relating to Hunting, Fishing, and Guide License Fees Charged to Residents and Non-Residents of the State of Utah, and Providing an Effective Date.

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

Section 1. Section Amended.

Section 23-7-5, Utah Code Annotated 1953, as enacted by Chapter 39, Laws of Utah 1953, is amended to read:

23-7-5. Combination License.

A resident of the age of 16 years or older upon payment of the sum of \$10.00, may receive a license to angle for fish, hunt for small game and deer.

Section 2. Section Amended.

Section 23-7-6, Utah Code Annotated 1953, as enacted by Chapter 39, Laws of Utah 1953, is amended to read:

23-7-6. Fishing Licenses for Residents 16 Years and Over.

A resident of the age of 16 years or over, upon payment of the sum of \$5.00 may receive a license to angle for fish.

Section 3. Section Amended.

Section 23-7-7, Utah Code Annotated 1953, as enacted by Chapter 39, Laws of Utah 1953, is amended to read:

23-7-7. Fishing Licenses for Residents Between Ages 12 to 16 Years.

A resident of the age of 12 and under the age of 16 years, upon payment of \$2.00, may receive a license to angle for fish.

Section 4. Section Amended.

Section 23-7-8, Utah Code Annotated 1953, as enacted by Chapter 39, Laws of Utah 1953, as amended by Chapter 36, Laws of Utah 1963, is repealed and re-enacted to read:

23-7-8. Fishing Licenses for Disabled Persons.

(a) A resident who is blind, paraplegic, or otherwise permanently disabled, upon furnishing satisfactory proof of such fact, may receive for a fee of 50¢ a permanent license to angle for fish.

(b) The commission may permit persons committed to the custody of the Utah state training school in American Fork, or other similar institutions, to fish without any license, provided that (1) the institution involved shall notify the commission in writing of the time and place such persons will be fishing; (2) that such persons shall be properly supervised by representatives of the institution while fishing; and (3) that such persons shall be subject to all other laws, rules and regulations governing fishing.

Section 5. Section Amended.

Section 23-7-11, Utah Code Annotated 1953, as enacted by Chapter 39, Laws of Utah 1953, as amended by Chapter 50, Laws of Utah 1961, is repealed and re-enacted to read:

23-7-11. Temporary Fishing License for Nonresident.

A nonresident, upon paying the sum of \$2.50, may receive a license to angle for fish for a period of two days from and including the day of issuance of the license.

A nonresident, upon paying the sum of \$5.00, may receive a license to angle for fish for a period of five days from and including the day of issuance of the license.

Section 6. Section Amended.

Section 23-7-12, Utah Code Annotated 1953, as enacted by Chapter 39, Laws of Utah 1953, as amended by Chapter 35, Laws of Utah 1959, is amended to read:

23-7-12. Fishing Licenses for Nonresidents.

A nonresident, of the age of 12 years or over, upon paying the sum of \$15.00, may receive a license to angle for fish. A nonresident under the age of 12 years may angle for fish without a license provided he is accompanied by a person licensed to angle for fish and the number of fish caught by the nonresident is included in the limits of the licensed angler.

Section 7. Section Amended.

Section 23-7-13, Utah Code Annotated 1953, as enacted by Chapter 39, Laws of Utah 1953, is amended to read:

23-7-13. Hunting License for Residents 16 Years and Over.

A resident of the age of 16 years or over, upon paying the sum of \$5.00 may receive a license to hunt for deer.

Section 8. Section Amended.

Section 23-7-15, Utah Code Annotated 1953, as enacted by Chapter 39, Laws of Utah 1953, is amended to read:

23-7-15. Game Bird License—Age 12 to 16 Years.

A resident of the age of 12 and under the age of 16 years, upon paying the sum of \$2.50 may receive a license to hunt small game, provided a person of 12 years and under 16 years of age must be accompanied by a person over the age of majority while hunting. No person under the age of 12 years shall hunt for small game with any weapon.

Section 9. Section Amended.

Section 23-7-16 and 23-7-17, Utah Code Annotated 1953, as enacted by Chapter 39, Laws of Utah 1953, is amended to read:

23-7-16. Game Bird License—16 Years and Over.

A resident of the age of 16 years or over, upon paying the sum of \$4.50 may receive a license to hunt small game.

23-7-17. Nonresident License to Hunt Deer.

A nonresident 16 years or over, upon paying the sum of \$50.00 may receive a license to hunt for deer.

Section 10. Section Amended.

Section 23-7-18, Utah Code Annotated 1953, as enacted by Chapter 39, Laws of Utah 1953, is amended to read:

23-7-18. Nonresident License to Hunt Game Birds.

A nonresident, 12 years or over, upon paying the sum of \$20.00 may receive a license to hunt small game.

Section 11. Section Amended.

Section 23-7-22, Utah Code Annotated 1953, as enacted by Chapter 39, Laws of Utah 1953, is amended to read:

23-7-22. Guide Permits.

A resident, having the qualifications for a guide as prescribed in Section 23-9-2, upon the payment of \$20.00 shall be licensed as a guide.

A nonresident having qualifications for a guide as prescribed in Section 23-9-2, upon payment of \$150.00 shall be licensed as a guide.

Effective date of this shall be April 16, 1967.

Approved March 7, 1967.

BOARD OF FORESTRY AND FIRE CONTROL

CHAPTER 45

S. B. No. 67

(Passed February 15, 1967. In effect May 9, 1967)

CAMP FIRES

An Act Enacting Section 24-2-6.5, Utah Code Annotated 1953, Relating to Dangerous or Unattended Campfires; Providing that One Kindling a Dangerous Campfire or Leaving a Campfire Unattended is Guilty of a Misdemeanor.

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

Section 1. Section Enacted.

Section 24-2-6.5, Utah Code Annotated 1953, is enacted to read:

24-2-6.5. Camp Fires—Unattended.

Any person or persons who shall kindle a campfire in any hazardous location or leave a campfire unattended shall be deemed guilty of a misdemeanor. A campfire shall include all fires used for the purpose of cooking, heating, warming, lighting, branding, or general pleasure and enjoyment in the outdoors, whether within a fireplace or not. A hazardous location is any area where there is combustible vegetation: grass, brush, trees, leaves, pine needles, duff, or other materials, which are closer than three feet from the outside perimeter of a campfire. A campfire shall be deemed unattended when any flame, live coals, or embers remain and the person or persons responsible for the fire have left the immediate vicinity. Leaving the immediate vicinity shall mean leaving the proximity of the fire either in distance or time that would preclude prompt suppression action by said person or persons. Any such campfire which escapes and spreads to the surrounding vegetation: grass, brush, trees, leaves, pine needles, duff, or other materials, will be prima facie proof that this statute has been violated.

Approved February 27, 1967.

HEALTH

CHAPTER 46

S. B. No. 95

(Passed March 9, 1967. In effect May 9, 1967)

ALCOHOL IN PERSONS KILLED ON HIGHWAYS

An Act Amending Section 26-15-4, Utah Code Annotated 1953, as Enacted by Chapter 42, Laws of Utah 1953; Providing that the State Board of Health May Establish Procedures for Acquiring Information Regarding the Presence of Alcohol in Persons Killed on Highways.

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

Section 1. Section Amended.

Section 26-15-4, Utah Code Annotated 1953, as enacted by Chapter 42, Laws of Utah 1953, is amended to read:

26-15-4. Procedure for Determining Presence of Alcohol.

The state department of health shall have and exercise the following powers and duties in addition to all other powers and duties imposed on it by law:

(1) To exercise all the administrative authority heretofore vested in the state board of health.

(2) To protect and promote physical and mental health of the people.

(3) To administer and enforce state health laws, regulations and standards.

(4) To investigate and control the causes of epidemic, infectious, communicable and other disease affecting the public health, and to provide for the detection, reporting, prevention, and control of communicable, infectious, acute, chronic, or any other disease or health hazard considered dangerous or important or which may affect the public health.

(5) To establish, maintain and enforce isolation and quarantine, and in pursuance thereof, and for this purpose only, to exercise such physical control over property and over the persons of the people as the department may find necessary for the protection of the public health.

(6) To develop and carry out reasonable health programs, not inconsistent with law, that may be deemed necessary or desirable for the protection of the public health and the control of disease.

(7) To close theatres, schools and other public places and to forbid gatherings of people when necessary to protect the public health.

(8) To abate nuisances when necessary for the purpose of eliminating sources of filth and infectious and communicable diseases affecting the public health.

(9) To make any necessary sanitary and health investigations and inspections in cooperation with the local health department as to any matters affecting the public health.

(10) Establish, maintain laboratories and make available laboratory services through purchase of such services from other approved laboratories and conduct research and such other laboratory investigations

and examinations as it may deem necessary or proper for the protection of the public health.

(11) Make, approve and establish standards for diagnostic tests for communicable and infectious diseases by any laboratories operated or maintained by any county, city, institution, person, firm or corporation, and require such laboratories to conform thereto.

(12) To establish and maintain chemical laboratory and engineering facilities to meet the needs for conducting field investigations and laboratory analyses in the study of occupational health hazards and air pollution.

(13) To cooperate with the Utah state industrial commission to conduct studies of occupational health hazards and occupational diseases arising in and out of the course of employment in industry, and make recommendations for the elimination or reduction of such occupational health hazards.

(14) To receive funds which may be made available from the federal government for health purposes, and to receive and use for local health services and other public health purposes such funds as counties, school districts and other similar appropriating bodies or agencies or other nonpublic agencies and individuals may contribute in support of local health services and other public health programs.

(15) To provide for the bonding of those employees in the department whose duties and functions indicate or require bonding for the faithful performance of duties, in such form and in such amounts as shall be determined by the department or required under the laws of the state. Such bonds shall be paid as an operating expense of the state department of health and shall be filed with the state department of finance.

(16) To continue the use of the official seal, the impression and description of which are on file in the office of the secretary of state. Copies of its records and proceedings and copies of documents and papers in its possession may be authenticated with the seal of the department, attested by the state director of public health, and when so authenticated shall be received in evidence to the same extent and effect as the originals.

(17) To disseminate public health information and promote for the general public, information in all matters pertaining to public health; purchase, print, publish, and distribute free or at cost documents, reports, bulletins and health informational materials relating to the prevention of disease and the promotion of the health of the state.

Departmental collections of monies for the distribution of documents, reports, bulletins and health informational materials relating to the prevention of disease and the promotion of health of the people of the state, shall remain in the department to be used to replace said materials.

(18) To investigate the causes of maternal and infant mortality.

(19) To establish and appoint as may be deemed necessary or advisable special advisory committees to advise and confer with the department concerning the public health. Members of any special advisory committee shall serve without compensation but may be allowed actual

and necessary travel and subsistence expenses when in attendance at meetings away from their places of residence.

(20) To hold hearings, administer oaths, subpoena witnesses and take testimony in all matters relating to the exercise and performance of the powers and duties vested in or imposed upon the department.

(21) a. To establish and enforce minimum sanitary standards for:

(a) The collection, treatment and distribution of drinking water including sanitary supervision, regulation and control of the construction, extension, operation and maintenance of public water supply collection, treatment and distribution systems and approval of plans covering the construction and extension of such systems.

(b) The quality of water supplies to the public and as to the quality of the effluent of sewerage systems, sewage treatment plants and trade wastes discharged upon the land or into the surface or ground waters.

(c) The collection, treatment and disposal of sewage, industrial wastes and garbage and refuse including sanitary supervision, regulation and control of the construction, extension, operation and maintenance of sewage collection, treatment and disposal system of garbage refuse disposal systems, and approval of plans covering the construction and extension of such systems.

(d) The protection of water sheds used for public water supplies.

(e) The prevention of the pollution of any waters.

(f) The operation and maintenance of orphanages; boarding homes; summer camps for children; lodging houses; hotels; tourist and trailer camps; service stations, restaurants and all other places where food is handled, sold, or served to the public; public conveyances and stations; schools publicly or privately owned and operated; factories; private sanatoria; barber shops, beauty shops; physicians' offices; dentists' offices; workshops, industrial, labor or construction camps, recreational resorts and camps; swimming pools; public baths and bathing beaches; state, county or municipal institutions including hospitals and other buildings, centers and places used for public gatherings; and for the regulation of any other conditions and facilities in public buildings and grounds.

b. Nothing herein provided shall extend, supersede or modify authority vested by law in the water pollution board.

(22) To establish, maintain and enforce a procedure requiring that the bodies of adult pedestrians and all drivers of motor vehicles killed in highway accidents be examined for the presence and concentration of alcohol; to provide the commissioner of public safety with statistics reflecting the results of the examinations on a monthly basis; to provide adequate safeguards so that information derived from the examinations is used for no other purpose than the compilation of statistics authorized herein.

Approved March 21, 1967.

CHAPTER 47

S. B. No. 36

(Passed March 8, 1967. In effect May 9, 1967)

AIR POLLUTION CONTROL

An Act Relating to Air Pollution Control; Providing for the Creation in the State Department of Health of the Air Conservation Council for the State of Utah and Empowering It to Act in the Control, Abatement and Prevention of Air Pollution; and Repealing Section 76-43-2.1, Utah Code Annotated 1953, as Enacted by Chapter 188, Laws of Utah 1963.

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

Section 1. Air Conservation Act.

This act shall be known and may be cited as the "Air Conservation Act."

Section 2. Definitions.

As used in this act:

(1) "Air contaminant" means any particulate matter or any gas, vapor, suspended solid or any combination thereof, excluding steam and water vapors.

(2) "Air contaminant source" means any and all sources of emission of air contaminants whether privately or publicly owned or operated.

(3) "Air pollution" means the presence in the ambient air of one or more air contaminants in quantities, or characteristics and under conditions and circumstances, and of a duration sufficient to cause or contribute to injury to human, plant, or animal life or health or to property or which unreasonably interfere with the enjoyment of life or use of property, as determined by the standards, rules and regulations adopted by the air conservation council.

(4) "Ambient air" means the surrounding or outside air.

(5) "Person" means any individual, public or private corporation, partnership, association, firm, trust, estate, the state or any department, institution, bureau, or agency thereof, any municipal corporation, county, city and county, or other political subdivision of the state, or any other legal entity whatsoever which is recognized by the law as being subject to rights and duties.

(6) "Facility" means machinery, equipment, structures or any part or accessories thereof, installed or acquired for the primary purpose of controlling or disposing of air pollution. It does not include an air conditioner, fan or other similar facility for the comfort of personnel.

(7) "Board" means the state board of health.

(8) "Department" means the state department of health.

(9) "Director" means the state director of public health.

(10) "Council" means the air conservation council.

(11) "Executive secretary" means the executive secretary of the council.

Section 3. Department of Health to Administer Act.

The department shall have the responsibility for the administration of this act, including the acceptance and administration of grants from the federal government and from other sources, public or private, to carry out the functions of this act. Upon the request of the council or the executive secretary, the department shall provide professional, technical and clerical staff and field and laboratory services pursuant to the limitation of funds available to the department for air pollution matters. Nothing in this act shall impair the responsibilities and powers of the board.

Section 4. Air Conservation Council—Membership.

There is hereby created within the department an air conservation council comprised of nine members, one of whom shall be the director, or his duly designated representative from the department, and eight of whom shall be appointed by the governor with the advice and consent of the senate. The appointed members shall all be knowledgeable of air pollution matters and shall be:

- (1) A practicing physician and surgeon licensed in Utah not connected with industry.
- (2) A registered professional engineer who is not with industry.
- (3) A representative of municipal or county government.
- (4) A representative of agriculture.
- (5) A representative of the mining industry.
- (6) A representative of manufacturing.
- (7) A representative of the fuel industry.
- (8) A representative of the public experienced in air pollution matters.

No more than four of such appointed members shall belong to the same political party.

The appointed members shall each serve for a four year term, except that of the eight members first appointed, four such members shall serve respective first terms of two years each. There shall be no limitations on the number of terms any appointed members of the council may serve. The council shall elect annually a chairman and vice-chairman from its members.

Section 5. Duties and Powers of Council.

The council shall have the following duties and powers:

- (1) To promulgate, adopt, amend and repeal rules and regulations regarding the control, abatement, and prevention of air pollution from all sources and the establishment of the maximum quantity of air contaminants that may be emitted by any air contaminant source.
- (2) To establish air quality standards, on a regional basis where applicable.
- (3) To require persons engaged in operations which result in air pollution to file periodic reports containing information relating to the rate, period of emission and composition of the air contaminant.
- (4) To hold hearings, compel the attendance of witnesses and require the production of documents and other evidence, administer oaths

and take testimony, and receive pertinent and relevant proof as it deems necessary, proper or desirable to effectively discharge its duties and responsibilities.

(5) To cause the institution of legal proceedings to secure compliance to this act.

(6) To settle or compromise any civil action initiated to compel compliance with this act and any rules and regulations promulgated under this act.

(7) To grant variances only for such period and under such conditions as the council may specify if it is determined that compliance will result in an arbitrary and unreasonable taking of property or in the practical closing of any lawful business without sufficient corresponding benefit to the people.

The board may amend or modify any action of the council or executive secretary only where the board deems such amendment or modification necessary for the protection of the public health.

Any rules, regulations or standards adopted and promulgated under this section shall be consistent with provisions of federal laws, if any, relating to control of motor vehicles or motor vehicle emissions.

Section 6. Meetings—Quorum—Notices.

The council shall meet at least quarterly, and special meetings may be called by the chairman upon his own initiative, upon the request of the executive secretary, or upon the written request of three members of the council. Three days notice shall be given each member of the council prior to any meeting. Seven members shall constitute a quorum, and a majority vote of such quorum is needed for any determination by the council, except as otherwise provided in this act.

Section 7. Expenses of Council.

The appointed members of the council shall each be paid their actual and necessary expenses incurred in the performance of their respective duties and a per diem allowance as approved by the board of examiners. Neither the director nor any other member on the public payroll on a full-time basis shall receive further compensation for their services on the council.

Section 8. Executive Secretary—Appointment—Duties.

The executive secretary shall be appointed by the council with the approval of the director, and shall serve under the direction of the council.

The executive secretary shall have the following duties:

(1) To develop programs for the prevention, control and abatement of new or existing pollution of the air resources of the state.

(2) To advise, consult, and cooperate with other agencies of the state, the federal government, other states and interstate agencies, and with affected groups, political subdivisions, and industries in furtherance of the purposes of this act.

(3) To employ such full time employees as may be necessary to carry out this act.

(4) To authorize any employee or representative of the department to enter at reasonable time and upon reasonable notice in or upon public

or private property for the purposes of inspecting and investigating conditions and plant records concerning possible air pollution.

(5) To encourage, participate in, or conduct studies, investigations, research and demonstrations relating to air pollution and causes thereof as deemed advisable and necessary for the discharge of duties assigned under this act, including the establishment of inventories of pollution sources.

(6) To collect and disseminate information relating to air pollution and the prevention, control and abatement thereof.

(7) To enforce rules and regulations and standards as adopted or revised by the council through the issuance of orders which may be subsequently amended or revoked. Such order may include, but not be limited to: (a) prohibiting or abating discharges of wastes into the air resources of the state; (b) requiring the construction of new control facilities or any parts thereof or the modification, extension or alteration of existing control facilities or any parts thereof, or the adoption of other remedial measures to prevent, control or abate air pollution.

(8) To review plans, specifications or other data relative to pollution control systems or any part of such systems provided in this act.

(9) To exercise all incidental powers necessary to carry out the purposes of this act, including, but in no way limited to, certification to any state or federal authorities for tax purposes only of the fact of construction, installation, or acquisition of any facility, land, building, machinery or equipment or any part of same, in conformity with this act.

(10) To cooperate with any person in studies and research regarding air pollution and its control, abatement and prevention.

(11) To represent the state with the specific concurrence of the director in all matters pertaining to interstate air pollution, including interstate compacts and other similar agreements.

Section 9. Violation—Penalties.

(1) It shall be unlawful and constitute a misdemeanor for each day of violation, for any person to cause air pollution of any air resources of the state as defined in section 2 of this act.

(2) It shall be unlawful and constitute a misdemeanor for each day of violation; (a) for any person to increase the volume or strength of any air contaminant in excess of the permissive discharges specified under any existing rule, or standard without first submitting to the executive secretary such plans, specifications and other information necessary to carry on the increased activity; (b) for any person to construct, install or operate any new contaminant source without first submitting in a report to the executive secretary such information relative to the source as the council shall require.

(3) The executive secretary shall provide for a review of such plans, specifications and information and shall advise as to their adequacy. Nothing in this act shall be construed to authorize the executive secretary, the council, the director, the department or the board to specify the type, design, method of installation or type of construc-

tion of any equipment which is integrated into the manufacturing process or registration or licensing thereof.

Section 10. Council to Adopt Rules and Standards.

The council, in adopting standards of quality for ambient air, shall conduct public hearings for this purpose. Notice of any public hearing for the consideration, adoption, or amendment of air quality standards shall specify the locations to which the proposed standards shall apply and the time, date and place of such hearing. Such notice shall be published at least twice in any newspaper of general circulation in the area affected and shall be mailed at least twenty days before such public hearing to the chief executive of such political subdivision of the area affected and to such other persons as the executive secretary has reason to believe will be affected by such classification and setting of such standards. The adoption of air quality standards or any modification or changes thereof shall be effectuated by an order of the executive secretary, following formal action of the council with respect to such standards. Such order shall be published in a newspaper of general circulation in the area affected.

Section 11. Violation—Grounds—Hearings—Notices.

(1) Whenever the executive secretary determines there are reasonable grounds to believe that there has been a violation of any of the provisions of this act, he shall by conference, conciliation, and persuasion endeavor to eliminate the violation. If such attempts to mediate the violation fail, he shall with the approval of the council give written notice to the alleged violator or violators specifying the cause of complaint. Such notice shall require that the matters complained of be corrected or the alleged violator appear before the council at a time and place specified in the notice, and answer the charges made.

(2) The council shall afford an opportunity for a fair hearing to the alleged violator or violators at the time and place specified in the notice or any modification of it. On the basis of the evidence produced at the hearing, the council shall make findings of fact and conclusions of law and shall recommend such order as in its opinion will best further the purposes of this act. The executive secretary shall give written notice of such order to the alleged violator and to such other persons as shall have appeared at the hearing and made written requests for notice of the order. The order shall become final and binding on all such parties 30 days after the service of it on them, unless prior to that time an application for rehearing has been filed, during which time the order shall stand suspended until such application is granted or denied. If any application for a rehearing is granted, the council shall forthwith proceed to hear the matter with all dispatch and shall determine the same within 30 days after final submission. If such determination is not made within a 30-day period it may be taken by any party to the rehearing that the order involved is affirmed. If, after such rehearing and consideration of the facts including those arising since the making of the order, the council shall be of the opinion that the original order or any part of it is in any respect unjust, unreasonable or unwarranted, or should be changed, the council shall cause the order to be abrogated, changed or modified. The order of

the executive secretary, as recommended by the council upon an application for or after a rehearing, shall become final and binding upon all parties after the service of same unless an appeal is taken in accordance with section 12 of this act.

If application for rehearing is denied, the applicant shall have thirty days from the date of the entry of the order denying rehearing in which to comply with this original order.

(3) Except as otherwise expressly provided, any notice, order or other instrument issued by or under authority of the executive secretary may be served on any person affected by it personally and proof of such service shall be made in like manner as in case of service of a summons in a civil action, such proof to be filed in the office of the executive secretary; or such service may be made by mailing a copy of the notice, order or other instrument by registered or certified mail, directed to the person affected at his last known post office address, and proof of such service may be made by the affidavit of the person who did the mailing, filed in the office of the executive secretary. Every certificate or affidavit of service made and filed as herein provided shall be prima facie evidence of the facts contained therein, and a certified copy thereof shall have like force and effect.

(4) The hearings provided for in this act shall be conducted by the council, at a regular or special meeting, or by any examining officer designated by the council. All decisions shall be rendered by a majority vote of or a quorum of the council. A record or summary of the proceedings of such hearing shall be taken together with findings of fact and conclusions of law. In any such hearing a person designated by the executive secretary shall have the power to administer oaths, examine witnesses and issue in the name of the executive secretary notice of the hearings or subpoenas requiring the testimony of witnesses and the production of evidence relevant to any matter involved in such hearing. Witnesses who are subpoenaed shall receive the same fees and mileage as in civil actions. In case of contumacy or refusal by any person to obey notice of hearing or subpoena issued under this section, any district court shall have jurisdiction, upon application of the executive secretary, to issue an order requiring such person to appear and testify or produce evidence as the case may require, and any failure to obey such order of the court shall be punished by such court as contempt.

Section 12. Orders Subject to Judicial Review.

All final orders or determinations of the council or the executive secretary are subject to judicial review. Such review may be secured by any person adversely affected, by such person filing a petition in a district court of Utah within 30 days after the date of the final order or determination provided said person made an appearance at the hearing held before the council as to which the final order or determination was made or was not served with notice of such hearing, if notice were required by the provisions of this act. The petition shall be served upon the executive secretary and shall state the grounds upon which review is sought. With his answer the executive secretary shall submit to the reviewing court the original or certified copy of the

entire record of the proceedings under review. The reviewing court shall review the law and may affirm, reverse or modify the order or determination as to which judicial review was sought. Findings of fact by the council shall be final if supported by competent evidence. A further right of judicial review exists to the Supreme Court.

Section 13. Injunctive Relief.

Upon failure to comply with an order within thirty days, commencing on the first day after expiration of the time fixed for compliance, after exhaustion of administrative and/or judicial review, the council is authorized to initiate through its executive secretary an action for such injunctive relief as may be appropriate. The attorney general shall bring such actions on request. A bond shall not be required, and the defendant or defendants failure to comply with the order shall be deemed presumptive of irreparable harm.

Section 14. Penalty for Violations.

Failure to comply with the terms of the injunction shall be deemed prima facie evidence of contempt which shall be punishable as for other civil contempts, except legal entities shall be punished by the imposition of a penalty in the amount of \$1,000 per day for each day of contempt.

Section 15. Civil and Criminal Remedies Apply.

(1) Existing civil or criminal remedies for any wrongful action which is a violation of any part of the law are not excluded by this act.

(2) Persons other than the state or the council do not acquire actionable rights by virtue of this act.

(3) The liabilities imposed for violation of this act are not imposed for any violation caused by an act of God, war, strike, riot or other catastrophe.

Section 16. Information Confidential.

No information relating to secret processes or methods of manufacture or production shall be disclosed at any public hearing or otherwise, and all such information shall be kept confidential. Any member of the council, or any state employee, who is convicted of willful disclosure or conspiracy to disclose such confidential information to any person other than one entitled to the information under this act is guilty of a felony and shall forfeit his appointment.

Section 17. Political Subdivision Empowered to Act.

Any political subdivision of the state is empowered to enact and enforce ordinances to control air pollution which are consistent with this act.

Section 18. Political Subdivisions—May Make Agreements.

Any political subdivision of the state may enter into and perform with other political subdivisions of the state or with the department such contracts and agreements as they deem proper for establishing, planning, operating, and financing of air pollution program. Such agreements may provide for an agency to supervise and operate an air pollution program and may prescribe, subject to the approval of

the council, its powers and duties and fix the compensation of the agency's members and employees.

Section 19. Savings Clause.

If any provision of this act, or the application of any provision to any person or circumstance, is held invalid, the remainder of this act shall not be affected thereby.

Section 20. Section Repealed.

Section 76-43-2.1, Utah Code Annotated 1953, as enacted by Chapter 188, Laws of Utah 1963, is hereby repealed.

Approved March 14, 1967.

CHAPTER 48

H. B. No. 137

(Passed March 7, 1967. In effect May 9, 1967)

IONIZING RADIATION

An Act Relating to the Public Health in Recognition of the Potential Dangers from Exposure to Ionizing Radiation; Providing for the Adoption of Necessary Rules and Regulations; Providing Powers and Duties in the State Department of Health for a Radiation Control Program; and Providing Authorization for the Governor to Enter into Agreements with the Federal Government with Respect to Certain Responsibilities Concerned with Ionizing Radiation Within the State.

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

Section 1. Radiation Control Act.

This act shall be known as the "Radiation Protection Act."

Section 2. Rules and Regulations.

The state board of health shall have the power to require the registration of ionizing radiation sources and to adopt necessary rules and regulations to carry out the provisions of this act for controlling exposure to harmful ionizing radiation.

Section 3. Department of Health to Enforce Act.

The state department of health shall establish, carry out and enforce a radiation control program pursuant to rules and regulations adopted by the state board of health, and any federal-state agreement provided for in Section 4 of this act.

Section 4. Governor Authorized to Enter into Agreements.

(a) The governor, on behalf of this state, is authorized to enter in agreements with the federal government providing for discontinuances of certain of the federal government's responsibilities with respect to sources of ionizing radiation and the assumption thereof by the state.

(b) Any person who, on the effective date of an agreement under subsection (a) above, possesses a license issued by the federal government shall be deemed to possess the same pursuant to a license issued

under this act which shall expire either 90 days after receipt from the state department of health of a notice of expiration of such license, or on the date of expiration specified in the federal license, whichever is earlier.

Section 5. Enforcement of Act.

Enforcement of this act shall be in accordance with the rules, regulations and codes of the state board of health and of the state industrial commission.

Approved March 10, 1967.

HIGHWAYS

CHAPTER 49

H. B. No. 99

(Passed March 1, 1967. In effect May 9, 1967)

B AND C ROADS—FUNDS—CONSTRUCTION

An Act Providing for the Letting of Contracts for the Construction of Class B and C Roads, and Defining Construction and Maintenance.

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

Section 1. Letting of Contracts.

The county commissioners of the counties with respect to class B roads, and the governing officials of the cities and towns with respect to class C roads shall cause to be made plans, specifications, and estimates preparatory to the construction of any project on a class B or C road; the estimated cost of which for any one project exceeds \$25,000.00 for labor and materials. All such projects in excess of \$25,000.00 shall be performed under contract to be let to the lowest responsible bidder. Whenever the estimated cost of the construction shall exceed the sum of \$25,000.00 for labor and materials, the same shall not be so divided as to permit the construction in several parts, except by contract. The advertisement on bids for such work shall be published in a newspaper of general circulation in the county in which such work is to be performed at least once a week for three consecutive weeks, or if there is no such newspaper, then after posting such notice for at least twenty days in at least five public places in the county. Sealed bids shall be received by the commissioners or governing officials, as the case may be, and opened at the time and place designated in the advertisement, and the contract awarded; provided, that the county commissioners or governing officials, as the case may be, shall have the right to reject any and all bids; provided further, that the person, firm or corporation to whom any such contract is awarded shall be subject to all the provisions of Sections 14-1-5 to 14-1-9 inclusive, of the Utah Code Annotated 1953.

Section 2. Definitions.

Construction is defined as that work which would apply to (1) any new road bed either by addition to existing systems or relocation or change of grade of existing roads; (2) re-surfacing of existing roadways with more than a 2" blanket; (3) new structures or replacement

of existing structures except the replacement of drainage pipe; or (4) any single project of improvement to an existing bridge or roadway, the estimated cost of which exceeds \$25,000.00 for labor and materials.

Maintenance is defined as (1) the reworking of an existing surface by the application of up to and including 2" blanket; (2) the installation or replacement of signs, signals, safety devices, guard rails, seal coats and culverts. In general terms, maintenance shall mean the keeping of a road facility in a safe and usable condition to which it has previously been constructed or improved.

Where the estimates of a qualified engineer referred to in Section 1 are substantially lower than any responsible bid received or in the event no bids are received, the counties or cities may perform the work by force account.

Approved March 7, 1967.

CHAPTER 50

H. B. No. 134

(Passed February 16, 1967. In effect May 9, 1967)

CLASS B ROAD FUNDS—NATIONAL FORESTS

An Act Amending Section 27-12-22, Utah Code Annotated 1953, as Enacted by Chapter 39, Laws of Utah 1963, Providing for the Use of Class B Road Funds on Public Roads Located Within National Forests.

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

Section 1. Section Amended.

Section 27-12-22, Utah Code Annotated 1953, as enacted by Chapter 39, Laws of Utah 1963, is amended to read:

27-12-22. County Roads—Class B Roads.

All public roads and streets within the state not designated as state highways which are situated outside of incorporate cities and towns and such roads and streets situated within incorporated cities and towns that have been designated as county roads and those public roads located within a national forest and constructed and/or maintained by the county under agreement with the appropriate federal agency, shall be known as county roads and shall be under the jurisdiction and control of the county commissioners of the respective counties. County roads shall also be known as class B roads. Such roads shall be constructed and maintained by or under the authority of the county commissioners of the respective counties from funds made available for that purpose, and the county commissioners shall have authority to expend or by contract cause to be expended such funds as are allocated to each county from the state road fund under rules mutually adopted by county commissioners and the state road commission. The amount used annually from the state road funds for this purpose, together with such other amounts from federal, county or other sources as may be made available shall constitute the funds to be spent in constructing and maintaining class B roads.

When in the opinion of the county commissioners the funds available for road purposes from sources other than the levy made against tangible property are adequate to properly construct and maintain the class B roads, such county may cease making a levy for county road purposes, or, at its option, may use any portion of the class B road funds provided by this act for the construction and maintenance of class A state roads by cooperative agreement with the state road commission.

Approved February 27, 1967.

CHAPTER 51

S. B. No. 94

(Passed March 8, 1967. In effect May 9, 1967)

REGULATION OF ROADSIDE ADVERTISING

An Act Providing for the Regulation of Roadside Advertising Along the Interstate and Primary Systems; Restricting Locations; Requiring Permits; Acquisition; Penalties.

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

Section 1. Utah Outdoor Advertising Act.

This act shall be known and may be cited as the "Utah Outdoor Advertising Act."

Section 2. Regulation of Outdoor Advertising.

The regulation of outdoor advertising adjacent to any state highway included in the national system of interstate and primary highways is hereby declared necessary to promote the public safety, health, welfare, convenience and enjoyment of public travel, to protect the public investment in such highways, to preserve the scenic beauty of lands bordering on such highways, and to insure that information in the specific interest of the traveling public is presented safely and effectively, recognizing that both the convenience of travel and the interests of the economy as a whole require a reasonable freedom to advertise.

It is the intention of the legislature in this act to provide a statutory basis for the reasonable regulation, but not the prohibition, of outdoor advertising consistent with customary use, zoning principles and standards, and the public policy relating to area adjacent to the interstate and primary systems declared by Congress in Title 23 of the United States Code.

Furthermore, the legislature is cognizant, in enacting this act, of the problems attending the adoption of an agreement between the federal government and this state concerning the standards and criteria for the size, lighting and spacing of outdoor advertising, and the criteria for unzoned commercial or industrial zones or areas, as contemplated in the Federal Highway Beautification Act of 1965. It is, therefore, the intent of the legislature to provide by this act the means by which this state can negotiate such an agreement without depriving its citizens of grants-in-aid available for the development of highways within this state.

Section 3. Definitions.

As used in this act:

- (1) "Commission" means the Utah state road commission.
- (2) "Interstate system" means that portion of the national defense system of interstate and defense highways located within this state as may now or hereafter be so officially designated by the commission and approved by the Secretary of Commerce pursuant to Title 23, United States Code.
- (3) "Primary system" means that portion of connected main highways located within this state as may now or hereafter be so officially designated by the commission and approved by the Secretary of Commerce pursuant to Title 23, United States Code.
- (4) "Outdoor advertising" means any outdoor sign, display, light, device, figure, painting, drawing, message, plaque, poster, billboard, or other thing which is designed, intended or used to advertise or inform, any part of the advertising or information contents of which is visible from any place on the main-traveled way of the interstate or primary systems.
- (5) "Safety rest area" means an area or site established and maintained within or adjacent to the right-of-way by or under public supervision or control, for the convenience of the traveling public.
- (6) "Information center" means an area or site established and maintained at safety rest areas for the purpose of informing the public of places of interest within the state and providing such other information as the commission may consider desirable.
- (7) "Traveled way" means the portion of the roadway for the movement of vehicles, exclusive of shoulders and auxiliary lanes.
- (8) "Main traveled way" means the through traffic lanes exclusive of frontage roads, auxiliary lanes, and ramps.
- (9) "Erect" means to construct, build, raise, assemble, place, affix, attach, create, paint, draw, or in any other way bring into being or establish.
- (10) "Maintain" means to allow to exist, subject to the provisions of this act.

Section 4. Limits of Signs from Highways.

- (1) No outdoor advertising shall be erected or maintained within 660 feet of the nearest edge of the right-of-way, and visible from the main-traveled way, of the interstate or primary systems, except:
 - (a) Directional and other official signs and notices authorized or required by law, including, but not limited to, signs and notices pertaining to natural wonders and scenic and historic attractions, informational or directional signs regarding utility service, emergency telephone signs, buried or underground utility markers and above ground utility closures.
 - (b) Signs, displays and devices advertising the sale or lease of property upon which they are located.
 - (c) Signs, displays and devices advertising activities conducted on the property upon which they are located.

(d) Signs, displays and devices located in areas which are zoned as industrial or commercial under authority of law.

(e) Signs, displays and devices located in unzoned industrial or commercial areas as determined from actual land uses and defined by regulations promulgated by the commission.

(2) Outdoor advertising authorized under subsections (1) (a), (1) (d), and (1) (e) of this section shall conform with standards contained and shall bear permits required in regulations promulgated by the commission under this act.

Section 5. Minimum Standards—Zones—Sizes.

The minimum standards and criteria for the size, lighting and spacing of outdoor advertising, and the criteria for unzoned commercial or industrial zones or areas within the controlled area along the interstate and primary systems designated in section 4 of this act shall conform to those promulgated and submitted by the Secretary of Commerce to the Congress of the United States on or about January 10, 1967, and any amendments of same, and the governor in behalf of this state shall make an agreement with the secretary embodying such standards and criteria. This agreement shall incorporate to the extent possible the following exceptions to such federal standards by reason that these exceptions constitute "customary usage" in this state as contemplated by the Highway Beautification Act of 1965:

(1) Unzoned commercial or industrial areas: (a) Including as an unzoned commercial or industrial area, those areas located within the approaches to incorporated and unincorporated cities and towns which are zoned or unzoned and are determined by the appropriate local zoning authority to be reasonably suited for outdoor advertising, and those lands occupied by the regularly-used buildings, parking lots, storage or processing areas of one or more separate and distinct commercial and/or industrial activities located on the same side of the highway and, if two or more, lying not more than 1,000 feet apart; and

(b) the lands lying between such activities, if any, and those lands along the highway for a distance of 1,000 feet, immediately adjacent to the outermost or end activity or activities regardless of the highway frontage occupied; and

(c) those lands directly opposite on the other side of the highway to the extent of the dimensions set forth herein.

(2) Sign size: (a) No sign face shall exceed the following limits:

(i) Maximum area — 1000 square feet

(ii) Maximum length — 60 feet

(b) No more than two facings visible and readable from the same direction on the main traveled way may be erected on any one sign structure. Whenever two facings are so positioned, neither shall exceed 325 square feet.

(c) That double-faced, back-to-back and V-type signs shall be considered as a single sign or structure.

(3) Sign spacing: (a) No new sign shall be erected adjacent to an interstate or freeway closer than 500 feet to an existing off-premise

sign unless separated therefrom by a building, or other enclosed structure.

(b) No new sign shall be erected adjacent to a primary highway closer than 150 feet to an existing off-premise sign unless separated therefrom by a building, or other enclosed structure, or highway or roadway.

(c) Signs may not be located within 500 feet of any of the following which are adjacent to the highway; unless such signs are in an incorporated area:

- (i) Public parks
- (ii) Public forests
- (iii) Public playgrounds
- (iv) Scenic areas designated as such by the state highway department or other state agency having and exercising such authority.

(d) No sign may be located on an interstate highway or freeway within 500 feet of an interchange, or intersection at grade, or rest area (measured along the interstate highway or freeway from the sign to the nearest point of the beginning or ending of pavement widening at the exit from or entrance to the main traveled way).

Section 6. Commission to Make Regulations.

The commission is authorized to make and promulgate regulations consistent with, but no more restrictive than:

(1) The public policy of this state as declared in section 2 of this act.

(2) The Federal Highway Beautification Act of 1965.

(3) The minimum national standards promulgated by the secretary, and any amendments to same, pursuant to Title 23, United States Code with respect to:

(a) Standards and criteria for size, lighting and spacing of outdoor advertising, and the criteria for unzoned commercial or industrial zones or areas within the controlled area along the interstate and primary systems, subject to the provisions contained in the agreement to be executed by the governor of this state as provided in section 5 of this act.

(b) Outdoor advertising at safety rest areas and information centers.

(c) Directional and other official signs and notices.

Section 7. Permits—Required.

Within 90 days after the effective date of this act no outdoor advertising authorized by subsections (1) (a), (1) (d), and (1) (e), of section 4 shall be maintained without a permit. Applications for permits shall be made to the commission on forms furnished by it, which may require reasonable information to be furnished, including a statement that the owner or occupant of the land has consented to the erection or maintenance of the sign or signs thereon. A permit must be obtained for each advertising structure and the application for such permit must be accompanied by an initial fee of two dollars.

Permits shall be for the calendar year, shall be assigned a permit number, and shall be renewed annually upon payment of one dollar

per permit without the filing of a new application; but the first renewal shall not be due until January 1, 1969. Fees shall not be prorated for fractions of the year. Advertising copy may be changed at any time without the payment of an additional fee.

The commission shall issue with each new permit, a permanent identification tag not larger than six square inches, which tag the permittee shall affix to the sign.

Notwithstanding the foregoing provisions of this section, the commission must issue permits and identification tags, upon application and payment of the requisite fee, for any structure lawfully in existence on the day prior to the effective date of this act, and the permits shall thereafter be renewed for such period of time as is prescribed in section 10 of this act, unless the structure is removed under sections 9 or 11 of this act.

Section 8. Revocation of Permits.

When the commission determines a false or misleading statement has been made in the application for a permit or that the structure for which the permit was issued is not in a reasonable state of repair, is unsafe or is otherwise in violation of this act and the rules promulgated under it, the commission shall notify the holder of the permit in writing, by certified or registered mail, of the violation and specify that remedial action must be taken within thirty days or the permit will be revoked and action for removal of the sign commenced as provided in section 9 of this act.

Section 9. Unlawful Acts.

The following outdoor advertising is deemed unlawful:

- (1) When erected after the effective date of this act contrary to the provisions of this act or the regulations promulgated under it; or
- (2) When a permit is not obtained as prescribed in this act; or
- (3) When a permittee fails to comply with a notice of violation as provided in section 8 of this act.

The commission shall give notice in writing, by certified or registered mail, of its intention to remove advertising deemed unlawful to both the owner or occupant of the land on which such advertising is located and the owner of the advertising structure, if the latter is known, or if unknown, by posting notice in a conspicuous place on said structure. Within fifteen days after such notice is mailed or posted, the owner of the land or the structure may make written request for a hearing before the commission to show cause why the structure should not be removed. Should a request be made the commission shall conduct a hearing within thirty days. The commission shall keep a full and complete record of such hearing and shall make and enter its findings, conclusions and decisions in the matter and shall mail copies of the same by certified or registered mail to the owner of the land and the structure.

The decision of the commission may be appealed to the district court in the county in which the structure is located. The court shall sustain the decision of the commission if the same is supported by substantial evidence as shown by the records, exhibits and transcripts.

The commission shall forward its records, exhibits and transcripts to the district court having jurisdiction within 30 days after receiving notice of such appeal.

In the event a hearing before the commission is not requested, or if there is no appeal taken from the commission's decision at such hearing, or if the commission's decision is affirmed on appeal, the commission shall immediately remove the offending outdoor advertising. The owner of the structure and the owner or occupant of the land shall be jointly and severally liable for the costs of such removal. The commission shall incur no liability for causing this removal.

Section 10. Effective Date for Old Signs.

Any outdoor advertising lawfully in existence along the interstate or the primary systems on the effective date of this act and which is not then in conformity with its provisions may not be required to be removed until December 31, 1972, except for violations of section 8 or pursuant to the provisions of section 11.

Section 11. Acquisition of Properties.

(1) The commission is hereby empowered and authorized to acquire by gift, purchase, agreement, exchange or eminent domain, any existing outdoor advertising and all property rights pertaining to same which were lawfully in existence on the effective date of this act, and which by reason of this act and the regulations promulgated under it become nonconforming. Eminent domain shall be exercised in accordance with the provisions of Chapter 34 of Title 78.

(2)(a) Just compensation shall be paid for outdoor advertising and all property rights pertaining to same which are acquired by eminent domain. For the purposes of this act, just compensation shall be deemed to include, but not be limited to, severance damage, taking into consideration the unique nature of outdoor advertising as affected by this act, as well as the right of the land owner to erect and maintain sign structures on his property.

(b) Despite any contrary provision in this act, no sign shall be required to be removed unless at the time of removal there are sufficient funds, from whatever source, appropriated and immediately available to this state with which to pay the just compensation required under this section, and unless at such time the federal funds required to be contributed to this state under Section 131 of Title 23, United States Code, have been appropriated and are immediately available to this state.

Section 12. Penalty for Violation.

Any person who violates any provision of this act is guilty of a misdemeanor.

Section 13. Attorney General—Taking of Appeals.

The attorney general may take such appeals as are provided for in Section 131, Title 23, United States Code.

Section 14. Savings Clause.

If any provision of this act, or the application of any provision to any person or circumstance, is held invalid, the remainder of this act shall not be affected thereby.

Approved March 16, 1967.

CHAPTER 52

H. B. No. 142

(Passed March 8, 1967. In effect May 9, 1967)

REGULATION OF JUNKYARDS ON INTERSTATE SYSTEMS**An Act Providing for the Regulation of Junkyards Along the Interstate and Primary Systems; Restricting Locations; Licensing; Screening; Acquisition; Penalties.***Be it enacted by the Legislature of the State of Utah:***Section 1. Utah Junkyard Control Act.**

This act shall be known and may be cited as the "Utah Junkyard Control Act."

Section 2. To Protect Public Investment.

The regulation of junkyards in areas adjacent to any state highway included in the national system of interstate and primary highways is hereby declared in the public interest and necessary to promote the public safety, health, welfare, convenience and enjoyment of public travel, to protect the public investment in public highways, and to preserve and enhance the scenic beauty of lands bordering on such highways.

Section 3. Definitions.

As used in this act:

(1) "Junk" means old or scrap copper, brass, rope, rags, batteries, paper, trash, rubber debris, waste, or junked, dismantled, or wrecked automobiles, or parts thereof, iron, steel, and other old or scrap ferrous or nonferrous material.

(2) "Junkyard" means any place, establishment or business maintained, used or operated for storing, keeping, buying or selling junk, or for the maintenance or operation of an automobile graveyard, and the term includes garbage dump and sanitary fills.

(3) "Automobile graveyard" means any establishment or place of business which is maintained, used or operated, for storing, keeping, buying, or selling wrecked, scrapped, ruined or dismantled motor vehicles or motor vehicle parts.

(4) "Interstate system" means that portion of the national defense system of interstate and defense highways located within this state as may now or hereafter be so officially designated by the commission and approved by the secretary pursuant to Title 23, United States Code.

(5) "Primary system" means that portion of connected main highways located within this state as may now or hereafter be so officially designated by the commission and approved by the secretary pursuant to Title 23, United States Code.

(6) "Commission" means the Utah state road commission.

Section 4. License Required.

No person shall establish, operate or maintain a junkyard, any portion of which is within 1,000 feet of the nearest edge of the right of way of any interstate or primary highway, without obtaining a license to do so from the commission.

Section 5. Commission to Issue Licenses.

The commission shall have the sole authority to issue licenses for the establishment, maintenance and operation of junkyards within the limits defined in this act, and shall charge therefor a fee of ten dollars payable annually in advance. All licenses issued under this section shall expire on the first day of January following the date of issue. Licenses may be renewed from year to year upon payment of the requisite fee. Proceeds from such fees shall be deposited with the state treasurer for credit to the state highway fund.

Section 6. Licenses—Exceptions.

No license shall be granted for the establishment, maintenance or operation of a junkyard within 1,000 feet of the nearest edge of right-of-way of any highway on the interstate or primary systems except:

(1) Those which are screened by natural objects, plantings, fences or other appropriate means so as not to be visible from the main-traveled way of the system, or otherwise removed from sight.

(2) Those located within areas which are zoned for industrial use under authority of law.

(3) Those located within unzoned industrial areas, which areas shall be determined by actual land uses and defined by regulations promulgated by the commission.

(4) Those which are not visible from the main-traveled way of the system.

Section 7. Screening of Existing Junkyards.

Any junkyard lawfully in existence of the effective date of this act which is located within 1,000 feet of the nearest edge of the right-of-way and visible from the main-traveled way of any highway on the interstate or primary system shall be screened, if considered feasible, by the commission. The screening shall be at locations on the right-of-way or in areas outside the right-of-way acquired for such purposes, so as not to be visible from the main-traveled way of the interstate or primary systems.

Section 8. Commission to Promulgate Rules and Regulations.

The commission shall have the authority to promulgate rules and regulations governing the location, planting, construction and maintenance, including the materials used, in screening junkyards as required under provisions of this act.

Section 9. Right to Acquire by Commission.

When the commission determines that the topography of the land adjoining the interstate and primary systems will not permit adequate screening of such junkyards or that screening would not be economically feasible, the commission shall have the authority to acquire by gift, purchase, exchange or eminent domain, such interests in lands as may be necessary to secure the relocation, removal or disposal thereof.

When the commission determines that it is in the best interests of the state, it may acquire such lands, or interests in lands, as may be necessary to provide adequate screening of such junkyards.

Damages resulting from any taking of property in eminent domain shall be ascertained in the manner provided by law.

Section 10. Abatement of Nuisance.

The establishment, operation or maintenance of any junkyard contrary to the provisions of this act is a public nuisance, and the commission, with the advice of the attorney general, may apply to the district court of the county in which the junkyard is located for an injunction to abate the nuisance.

Section 11. Commission—Regulations—Agreements.

The commission may:

(1) Promulgate regulations it deems necessary to implement and enforce provisions of this act.

(2) Enter into agreements with the secretary pursuant to Title 23, United States code, and any amendments thereto, relating to the control of junkyards in areas adjacent to the interstate and primary systems, and to take action in the name of the state to comply with the terms of the agreements.

Section 12. More Restrictive Ordinance or Regulations Affect.

Nothing in this act shall affect the provisions of any lawful ordinance or regulation which is more restrictive than the provisions of this act.

Section 13. Violation—A Misdemeanor.

A person who violates any provision of this act or regulation of the commission made and promulgated under this act is guilty of a misdemeanor.

Section 14. Savings Clause.

If any provision of this act, or the application of any provision to any person or circumstance, is held invalid, the remainder of this act shall not be affected thereby.

Approved March 13, 1967.

CHAPTER 53

S. B. No. 24

(Passed February 17, 1967. In effect May 9, 1967)

FEDERAL SAFETY ACT—COMPLIANCE WITH

An Act Providing for Compliance by the State with Requirements of the Federal Highway Safety Act of 1966.

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

Section 1. Governor Empowered to Coordinate Act.

The governor, in addition to other duties and responsibilities conferred upon him by the constitution and laws of the state of Utah is hereby empowered to contract and to do all other things necessary in behalf of the state to secure the full benefits available to this state under the Federal Highway Safety Act of 1966, and any amendments thereto, and in so doing, to cooperate with the federal and state agencies, agencies private and public, interested organizations, and with individuals, to effectuate the purposes of that enactment, and any and all subsequent amendments thereto. The governor shall be the official

having the ultimate responsibility for dealing with the United States government with respect to programs and activities pursuant to the Federal Highway Safety Act of 1966, and any amendments thereto. To that end he shall be responsible for activities of any and all departments and agencies of this state and its subdivision, relating thereto. He may designate an appropriate person, commission or board to assist him in coordinating the activities and programs contemplated under this subsection.

Section 2. Legislature Authorizes Political Subdivisions.

The legislature of the state of Utah hereby authorizes the political subdivisions of this state to participate in the state highway safety program as contemplated by the Federal Highway Safety Act of 1966, and any amendments thereto, and to do all things necessary to secure benefits available under that act.

Approved February 27, 1967.

CHAPTER 54

H. B. No. 259

(Passed March 9, 1967. In effect May 9, 1967)

DESIGNATION OF STATE HIGHWAYS

An Act Amending Sections 27-12-31, 27-12-36, 27-12-37, 27-12-38, 27-12-39, 27-12-40, 27-12-41, 27-12-46, 27-12-47, 27-12-48, 27-12-50, 27-12-51, 27-12-52, 27-12-53, 27-12-56, 27-12-61, 27-12-63, 27-12-65, 27-12-66, 27-12-67, 27-12-68, 27-12-69, 27-12-70, 27-12-72, 27-12-73, 27-12-75, 27-12-76, 27-12-78, 27-12-79, 27-12-84, 27-12-85, Utah Code Annotated 1953, as Enacted by Chapter 39, Laws of Utah 1963, as Amended by Chapter 51, Laws of Utah 1965; and Amending Sections 27-12-42, 27-12-54, and 27-12-58, Utah Code Annotated 1953, as Enacted by Chapter 39, Laws of Utah 1963, Relating to the Master State Highway Plan to Provide Changes in Routes of Certain Highways; Adding Routes 58, 97, 103, 105, 138, 161, 173, 177, 205, 220, 240, 267 and 276; Deleting Routes 30, 38, 49-A, 163, 174, and 202.

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

Section 1. Sections Amended.

Sections 27-12-31, 27-12-36, 27-12-37, 27-12-38, 27-12-39, 27-12-40, 27-12-41, 27-12-46, 27-12-47, 27-12-48, 27-12-50, 27-12-51, 27-12-52, 27-12-53, 27-12-56, 27-12-61, 27-12-63, 27-12-65, 27-12-66, 27-12-67, 27-12-68, 27-12-69, 27-12-70, 27-12-72, 27-12-73, 27-12-75, 27-12-76, 27-12-78, 27-12-79, 27-12-84, and 27-12-85, Utah Code Annotated 1953, as enacted by Chapter 39, Laws of Utah 1963, as amended by Chapter 51, Laws of Utah 1965; and amending sections 27-12-42, 27-12-54, and 27-12-58, Utah Code Annotated 1953, as enacted by Chapter 39, Laws of Utah 1963, are amended to read:

27-12-31. State Highways—Routes 1 to 5.

The following named roads are designated as state highways:

(a) Route 1. From the Utah-Arizona state line near St. George through or near Provo, Salt Lake City, Ogden and Tremonton to the

Utah-Idaho state line south of Malad, Idaho, (traversing all completed projects on interstate route 15).

(b) Route 2. From the Utah-Nevada state line at or near Wendover through or near Salt Lake City, to the Utah-Wyoming state line southwest of Evanston, Wyoming, (traversing all completed projects on interstate route 80).

(c) Route 3. From the Utah-Idaho state line near Snowville to a point on route 1 (interstate route 15) near Elwood; thence from another point on route 1 (interstate route 15) near Roy to route 2 (interstate route 80) near Echo, (traversing all completed projects on interstate route 80N).

(d) Route 4. From route 1 (interstate route 15) at Cove Fort through or near Richfield, Salina, and Green River to the Utah-Colorado state line west of Grand Junction, Colorado, (traversing all completed projects on interstate route 70).

(e) Route 5. From a junction with route 2 (interstate route 80) near the mouth of Parleys Canyon southeast of Salt Lake City, southwesterly near the south city limits of Murray, junctioning with route 1 (interstate route 15); thence northwesterly, northerly and easterly to a junction with route 1 (interstate route 15) north of Salt Lake City, (traversing all completed projects on interstate route 215 & 415).

27-12-36. State Highways—Routes 26 to 29.

The following named roads are designated as state highways:

(a) Route 26. From Holden on route 1 northwesterly via Harding to Delta; thence northerly via Lynndyl and Tintic Junction to Eureka, thence easterly via Elberta, Goshen, Santaquin, Payson, Salem and Spanish Fork to Moark Junction on route 8.

(b) Route 26-A. From route 1 (interstate route 15) northerly to Santaquin on route 26.

(c) Route 27. From the Utah-Nevada state line easterly via Hinckley and Delta to route 26.

(d) Route 28. From Gunnison on route 11 northerly to Levan on route 1.

(e) Route 29. From Ephraim on route 11 easterly via Orangeville Junction to Castle Dale Junction on route 10.

27-12-37. State Highways—Routes 31 to 35.

The following named roads are designated as state highways:

(a) Route 31. From Fairview on route 32 southeasterly to Huntington on route 10.

(b) Route 32. From Pigeon Hollow Junction on route 11 northerly via Mt. Pleasant and Fairview to Thistle on route 8.

(c) Route 3. From Castlegate on Route 8 northeasterly to Duchesne on route 6.

(d) Route 34. From interstate route 15 south of St. George northerly to route 1 in St. George.

(e) Route 35. From route 2 (interstate route 80) via Wanship, Peoa, Kamas and Tabiona to route 87 north of Duchesne.

27-12-38. State Highways—Routes 36 to 40.

The following named roads are designated as state highways:

(a) Route 36. From Tintic Junction on route 26 via Vernon, St. John Station, Stockton and Tooele to Lake Point Junction on route 2 (interstate route 80).

(b) Route 37. From Sunset on route 106, thence west to south of Hooper, then northerly to Hooper via Kanerville, thence easterly via Hooper Junction and Twenty-fourth Street in Ogden to route 203.

(c)

(d) Route 39. From route 84 easterly via Twelfth Street in Ogden, Ogden Canyon and Huntsville to Woodruff on route 16.

(e) Route 40. From Kanerville on route 37 northerly to Plain City.

27-12-39. State Highways—Routes 41 to 45.

The following named roads are designated as state highways:

(a)

(b) Route 42. From the Utah-Idaho state line near Strevell, Idaho, easterly via Snowville; thence southerly to route 3 (interstate route 80N).

(c) Route 43. From the Utah-Wyoming state line about six and one-half miles west of Manila easterly via Manila to the Utah-Wyoming state line about three miles east of Manila.

(d) Route 44. From Vernal on route 6 northerly via Greendale Junction and Sheep Creek to Manila on route 43.

(e) Route 45. From the Utah-Colorado state line northerly via Bonanza to route 6 at Powder Springs Wash east of Vernal.

27-12-40. State Highways—Routes 46 to 50.

The following named roads are designated as state highways:

(a) Route 46. From LaSal Junction on route 9 easterly via LaSal to the Utah-Colorado state line.

(b) Route 47. From the Utah-Arizona state line northerly via Mexican Hat, Bluff, and Blanding to Monticello on route 9.

(c) Route 48. From the north limits of Bingham, via Copperton to North Holden Street in Midvale; thence north via North Holden Street and 700 West Street to 7200 South Street; thence east to route 271.

(d) Route 49. From Lagoon Junction on route 1 northerly via Fruit Heights to Kendall Junction on route 3 (interstate route 80N).

(e)

(f) Route 50. From route 122 east of Hiawatha northerly to Wattis.

27-12-41. State Highways—Routes 51 to 55.

The following named roads are designated as state highways:

(a) Route 51. From Sage Creek Junction on route 16 easterly to the Utah-Wyoming state line.

(b) Route 52. From route 114 easterly to Olmstead on route 7.

(c) Route 53. From route 8 at Wellington northerly to route 6 west of Myton.

(d) Route 54. From Tropic Junction on route 12 via Tropic, Cannonville, Henrieville, Escalante, Boulder, Grover and Teasdale to route 24.

(e) Route 55. From Cedar Breaks Junction on route 14 to the south boundary of Cedar Breaks National Monument.

27-12-42. State Highways—Routes 56 to 60.

The following named roads are designated as state highways:

(a) Route 56. From the Utah-Nevada state line easterly via Modena, Newcastle and Iron Mountain to Cedar City on route 1.

(b) Route 57. From route 10 northerly via Orangeville to Orangeville Junction on route 29.

(c) Route 58. From route 1 (interstate route 15) northerly via Kanarrville to route 1 (interstate route 15).

(d) Route 59. From the Utah-Arizona state line northwesterly to Hurricane on route 17.

(e) Route 60. From Riverdale Junction on route 106 easterly to route 49.

27-12-46. State Highways—Routes 76 to 80.

The following named roads are designated as state highways:

(a)

(b) Route 77. From route 1 (interstate route 15) west of Springville east via Fourth South Street to route 8 in Springville.

(c) Route 78. From Orem on route 8 easterly to route 7.

(d) Route 79. From route 84 easterly via Thirty-first Street and Patterson Street in Ogden to route 106.

(e) Route 80. From route 1 (interstate route 15) near Point of the Mountain east via American Fork Canyon and Alpine to route 7 in Provo Canyon.

27-12-47. State Highways—Routes 81 to 85.

The following named roads are designated as state highways:

(a) Route 81. From route 1 (interstate route 15) north of Riverside east to Fielding; thence south to route 154.

(b) Route 82. From 300 East Street in Tremonton on route 3 north to Garland; then easterly to route 84.

(c) Route 83. From Corinne on route 84 westerly to Lampo Junction; then northerly via Thiokol to the Howell Interchange on route 3 (interstate route 80N).

(d) Route 84. From route 106 in Roy northerly via Hot Springs, Willard, Perry, Brigham City, Corinne, Bear River City, Elwood, Haws Corner, Riverside; thence east to route 1 (interstate route 15).

(e) Route 85. From route 1 (interstate route 15) south of Brigham; thence easterly via Brigham Canyon, Wellsville, Logan, Smithfield and Richmond to the Utah-Idaho state line near Franklin, Idaho.

27-12-48. State Highways—Routes 86 to 90.

The following named roads are designated as state highways:

(a) Route 86. From route 6 one and one-tenth miles southeast of Bridgeland, northerly via Bridgeland to route 87.

(b) Route 87. From route 6 in Duchesne northerly; thence easterly via Altamont; then southeasterly via Upalco; thence east to route 6 southwest of Roosevelt.

(c) Route 88. From Ouray northerly via Leota and Randlett to Ft. Duchesne on route 6.

(d)

(e) Route 90. From Portage easterly to an interchange on route 1 (interstate route 15).

27-12-50. State Highways—Routes 96 to 100.

The following named roads are designated as state highways:

(a) Route 96. From Clear Creek via Scofield to route 8 near Colton.

(b) Route 97. From route 106 in Roy east via 5600 South Street to Hill Air Force Base north gate.

(c) Route 98. From route 56 between Newcastle and Modena northerly to Beryl.

(d) Route 99. From Delta on route 27 northerly and westerly to Sugarville.

(e) Route 100. From Flowell easterly to route 1 at Fillmore.

27-12-51. State Highways—Routes 101 to 105.

The following named roads are designated as state highways:

(a) Route 101. From Wellsville on route 23 easterly to Hyrum; thence northerly to route 85 in Logan.

(b) Route 102. From Haws Corner on route 84 easterly to Deweyville on route 69.

(c) Route 103. From route 106 in Clearfield easterly via 600 North Street in Clearfield to Hill Air Force Base main gate.

(d) Route 104. From route 84 easterly via Wilson Lane to route 37 in Ogden.

(e) Route 105. From route 1 (interstate route 15) east via Parrish Lane in Centerville to route 106.

27-12-52. State Highways—Routes 106 to 110.

The following named roads are designated as state highways:

(a) Route 106. From route 1 (interstate route 15) near Orchard Drive northerly via Parkin Overpass, Second West Street and Fourth North Street in Bountiful; thence northerly via Centerville, Farmington, Kaysville, Layton, Roy and Ogden to Hot Springs on route 84.

(b) Route 107. From local road west of West Point easterly via West Point to route 106 in Clearfield.

(c) Route 108. From Layton on route 232 west to Syracuse; thence north into Weber County; thence northeasterly to route 37.

(d) Route 109. From a point four miles west of Layton easterly to Layton on route 106.

(e) Route 110. From a point two miles west of Kaysville east to route 106 in Kaysville; thence easterly to route 49.

27-12-53. State Highways—Routes 111 to 115.

The following named roads are designated as state highways:

(a) Route 111. From route 201 northeast of Magna southeasterly via Bacchus, Lark, Herriman and Riverton to Draper.

(b) Route 112. From Tooele on route 36 northeasterly to a point east of Grantsville on route 138.

(c) Route 113. From route 7 in Charleston northerly to Midway; thence easterly to route 6 in Heber.

(d) Route 114. From route 8 in Provo westerly via Center Street to Vineyard Road; thence northerly via Lakeview, Vineyard and Geneva to route 8 south of Pleasant Grove.

(e) Route 115. From route 6 in Payson northerly to Benjamin; thence easterly to route 156 and route 26 in Spanish Fork.

27-12-54. State Highways—Routes 116 to 120.

The following named roads are designated as state highways:

(a) Route 116. From the forks of Maple Canyon southeasterly to Freedom on route 117, thence easterly to route 11 in Moroni; thence easterly to route 32 in Mt. Pleasant.

(b) Route 117. From Fountain Green on route 11 southerly via Freedom, Wales and Chester to Spring City; thence northeasterly to route 32.

(c) Route 118. From route 11 in Joseph easterly to Monroe; thence north to route 258 between Central and Elsinore.

(d) Route 119. From Richfield on route 11 easterly to route 24 at Kings Meadow Canyon.

(e) Route 120. From the Utah-Nevada state line easterly via Terry's Ranch to route 18 in Enterprise.

27-12-56. State Highways—Routes 126 to 130.

The following named roads are designated as state highways:

(a) Route 126. From Greenville northerly to route 21 west of Beaver.

(b) Route 127. From the north end of Antelope Island easterly to route 108 in Syracuse.

(c) Route 128. From Moab on route 9 northeasterly along south bank of Colorado River to Dewey; thence northerly to Cisco on route 4.

(d) Route 129. From route 21 westerly along township line to southeast corner of section 31, Township 28 South, Range 10 West; thence northerly along section line four and one-half miles to route 21 east of railroad crossing at Milford.

(e) Route 130. From a point three miles north of Cedar City on route 1 to 21 north of Minersville.

27-12-58. State Highways—Routes 136 to 140.

The following named roads are designated as state highways:

(a) Route 136. From route 259 east of Kanab northerly via Johnson Canyon and Alton to route 11 at Alton Junction.

(b) Route 137. From route 11 in Gunnison easterly to Mayfield; thence northerly to route 11.

(c) Route 138. From route 2 (interstate route 80) southeasterly via Grantsville to Mills Junction on route 36.

(d) Route 139. From Consumers easterly to route 8 near Spring Glen.

(e) Route 140. From route 27 east of Hinckley southerly to Deseret; thence easterly via Oasis to route 26 in Harding.

27-12-61. State Highways—Routes 151 to 155.

The following named roads are designated as state highways:

(a) Route 151. From Hailstone on route 6 easterly to Francis on route 35.

(b) Route 152. From route 181 in Salt Lake City southeasterly via Highland Drive to Seventieth South Street; thence easterly via Big Cottonwood Canyon to Brighton, including Brighton Loop; thence easterly via Guardsman Pass to route 224 near the Summit-Wasatch county line.

(c) Route 153. From Beaver on route 1 easterly via Puffer Lake to Junction City on route 11.

(d) Route 154. From route 82 near Garland northeasterly to Riverside road; thence easterly to Collinston on route 69.

(e) Route 155. From route 10 in Huntington northeasterly to Cleveland; thence northerly to route 10 at Washboard Junction.

27-12-63. State Highways—Routes 161 to 165.

The following named roads are designated as state highways:

(a) Route 161. From route 4 (interstate route 70) at Cove Fort northwesterly to route 1 (interstate route 15).

(b) Route 162. From Eden Junction on route 39 northerly to Liberty; thence northerly via Avon to route 101 in Hyrum.

(c)

(d) Route 164. From route 1 (interstate route 15) southwest of Spanish Fork easterly to route 26 one-half mile south of Spanish Fork.

(e) Route 165. From the forest boundary northerly to the Utah-Wyoming state line approximately one and one-half miles east of Summit-Daggett County line.

27-12-65. State Highways—Routes 171 to 175.

The following named roads are designated as state highways:

(a) Route 171. From route 111 at Eighty-fourth West and Thirty-fifth South Streets easterly via Thirty-fifth South and Thirty-third South Streets to Wasatch Boulevard.

(b) Route 172. From route 65 in Emigration Canyon to Pinecrest.

(c) Route 173. From route 68 easterly via 5300 South Street in Murray to route 271.

(d)

(e) Route 175. From route 106 in Ogden north via Grant Avenue and Twenty-first Street to route 106.

27-12-66. State Highways—Routes 176 to 180.

The following named roads are designated as state highways:

(a) Route 176. From route 171 at Thirty-third South Street in Salt Lake County northerly via Second West Street to route 267 at North Temple Street.

(b) Route 177. From route 68 easterly via 9000 South Street to route 271.

(c) Route 178. From route 36 in Tooele easterly to International Smelter.

(d) Route 179. From Bauer easterly to route 36 south of Tooele.

(e) Route 180. From route 1 (interstate route 15) southeast of American Fork northerly via Fifth East Street to route 8 in American Fork.

27-12-67. State Highways—Routes 181-A to 184-A.

The following named roads to and on the grounds of state institutions are designated as state highways:

(a) Route 181-A. 1.

2. From 500 South Street north via Guardsman Way to the Peripheral Road.

3. From Fifth South Street northerly via Fifteenth East Street; thence easterly and southerly via the completed portion of the Peripheral Road to Wasatch Drive; thence westerly via Hemstead Road and the Peripheral Road to Fifteenth East Street.

4. From Peripheral Road near Campus Drive northwesterly via Wasatch Drive to a junction with the Peripheral Road near the north property line of the University of Utah.

(b) Route 182-A. From route 8 in Price north to College of Eastern Utah.

(c)

(d) Route 184-A. Weber State College on route 203 in Ogden.

1. Campus South Road from route 203 (Harrison Boulevard) easterly to stadium parking lot.

2. Campus Cross Road east of Harrison Boulevard between Campus South Road and North Road.

3. Campus North Road from route 203 easterly to Country Hill Drive.

4. From route 203 easterly via 41st Street to Taylor Avenue.

27-12-68. State Highways—Routes 181 to 185.

The following named roads to state institutions, including the principal roads on the grounds of the institutions named, are designated as state highways:

(a) Route 181. From route 171 at Thirty-third South Street northerly via Thirteenth East Street to South Temple Street in Salt Lake City; thence westerly via South Temple to State Street.

(b) Route 182. From route 106 in Ogden east via Twentieth Street to Institute for Deaf and Blind; thence east to Harrison Boulevard on route 203.

(c) Route 183. From route 235 to the State Industrial School in Ogden.

(d) Route 184. From route 271 at North Temple and State Streets in Salt Lake City northerly via State Street to the State Capitol; thence westerly via Second North and northerly via Columbus Street and Victory Road to route 271 at Beck Street.

(e) Route 185. From route 74 near American Fork east via the State Training School to route 146.

27-12-69. State Highways—Routes 186 to 190.

The following named roads to state institutions including the principal roads on the grounds of the institutions named, are designated as state highways:

(a) Route 186. From route 5 (interstate route 215) easterly via Fourth South, Tenth East and Fifth South Streets and the State University in Salt Lake City to route 2 (interstate route 80) near the mouth of Parleys Canyon.

(b) Route 187. The State Prison near route 1 in Salt Lake County.

(c) Route 188. 1. From Seventh North Street south via Ninth East Street to Sixth North Street; thence west via Sixth North Street to Eighth East Street; thence south and east via the Peripheral Road to 950 East Street; thence easterly via 550 North Street to Eleventh East Street.

2. From Ninth East Street east via 600 North Street to Eleventh East Street.

3. From route 85 north via Ninth East Street to the Peripheral Road.

4. From route 85 north via Eleventh East Street to Seventh North Street.

(d) Route 189. From route 11 in Ephraim easterly via First North Street to Fourth East Street; thence south to Center Street; thence west to route 11, providing a peripheral road around Snow College.

(e) Route 190. From route 1 in Cedar City westerly via Center Street to Eighth West Street; thence south to Second South Street; thence East to Third West Street; thence north to Center Street, providing a peripheral road around the College of Southern Utah.

27-12-70. State Highways—Routes 191 to 195.

The following named roads are designated as state highways:

(a)

(b)

(c) Route 193. From Clearfield on route 106 east via south entrance to Hill Air Force Base to route 49.

(d) Route 194. From route 11 at Fifth South Street in Richfield easterly and northerly via Fifth South and First East Streets to route 11.

(e) Route 195. From route 2 (interstate route 80) in Salt Lake City north via Twenty-third East Street to route 186.

27-12-72. State Highways—Routes 201 to 205.

The following named roads are designated as state highways:

(a) Route 201. From route 2 (interstate route 80) at Lake Point Junction east via Twenty-first South Street through Salt Lake City to route 2 (interstate route 80) near the mouth of Parleys Canyon.

(b)

(c) Route 203. From route 3 (interstate route 80N) near Uintah, northerly via Harrison Boulevard in Ogden to Second Street; thence west to Army Supply Depot.

(d) Route 204. From route 106 north via Wall Avenue in Ogden to route 106.

(e) Route 205. From route 104 easterly via Twenty-first Street in Ogden to route 204.

27-12-73. State Highways—Routes 206 to 210.

The following named roads are designated as state highways:

(a) Route 206. From route 109 north on a section line dividing sections 23, 24, 13, and 14, Township 4 North, Range 2 West to route 108 in Clearfield.

(b) Route 207. From Rainbow northeasterly to route 45.

(c) Route 208. From route 6 approximately six miles east of Fruitland northerly to route 35 near Tabiona.

(d) Route 209. From route 88 approximately three miles west of Leota; thence northerly to route 6.

(e) Route 210. From route 152 at Seventieth South Street southeasterly via Twentieth East Street and Little Cottonwood Canyon to Alta.

27-12-75. State Highways—Routes 216 to 220.

The following named roads are designated as state highways:

(a) Route 216. From route 53 near Myton southeasterly about seven miles to Castle Peak gilsonite mines.

(b) Route 217. From Benson Ward L.D.S. Church southeasterly via Logan airport to route 85 two miles north of north city limits of Logan.

(c) Route 218. From route 23 east of Newton easterly to route 85 in Smithfield.

(d) Route 219. From the junction with the roads to Milton and Richville easterly via the high school; thence northerly across Weber River to the post office on the main street of Morgan.

(e) Route 220. From route 113 south of Midway southerly; thence northerly to a point on Snake Creek, excluding that portion within the Uinta National Forest; thence southeasterly to route 224 north of Midway.

27-12-76. State Highways—Routes 221 to 225.

The following named roads are designated as state highways:

(a) From route 87 in Altamont north to Altonah.

(b) Route 222. From route 7 southeasterly to Wallsburg.

(c) Route 223. From route 6 northwesterly and northeasterly to Keetley; thence easterly to route 6 at Keetley Junction.

(d) Route 224. From 113 in Midway northerly via Empire Canyon and Park City to route 248 near Park City north city limits.

(e) Route 225. From route 1 (interstate route 15) east via Burke Lane to route 106 in Farmington.

27-12-78. State Highways—Routes 231 to 235.

The following named roads are designated as state highways:

(a)

(b) Route 232. From route 106 in Layton north to route 193 at the south entrance to Hill Air Force Base.

(c) Route 233. From route 8 in Pleasant Grove north via Main Street; thence northwesterly to route 8.

(d) Route 234. From route 26 in Payson east via Eighth South Street; thence north via Main Street to route 26.

(e) Route 235. From route 106 in Ogden north to North Ogden; thence northwesterly via Pleasant View to route 106 near the Box Elder-Weber county line.

27-12-79. State Highways—Routes 236 to 241.

The following named roads are designated as state highways:

(a) Route 236. From route 10 north of Huntington northerly to route 122 near Hiawatha.

(b)

(c)

(d) Route 239. From route 2 (interstate route 80) in Parleys Canyon northerly to route 65.

(e) Route 240. From route 27 in Hinckley south via Main Street one mile; thence east to route 140.

(f) Route 241. From route 35 at Woodland southeasterly on south side of Provo River to route 35 near Stewart's Ranch.

27-12-84. State Highways—Routes 262 to 266.

The following named roads are designated as state highways:

(a) Route 262. From a point on route 47 approximately eleven miles north of Bluff easterly and southerly to a point near the San Juan River Bridge; thence southeasterly via Aneth to the Utah-Colorado state line.

(b) Route 263. From two blocks east of Glenwood City Center west and north to route 119.

(c) Route 264. From the Red Wash Oil Field Housing development, northerly to route 6 near Jensen.

(d) Route 265. From route 114 near Twelfth South Street in Orem, easterly and southeasterly to route 7 in Provo.

(e) Route 266. From route 68 on Forty-seventh South Street north-easterly and easterly to route 71 at Forty-fifth South Street.

27-12-85. State Highways—Routes 267 to 280.

The following named roads are designated as state highways:

(a) Route 267. From route 2 (interstate route 80) east via North Temple Street in Salt Lake City to route 271.

(b) Route 268. From route 1 (interstate route 15) easterly via Fifth North Street in Salt Lake City to route 271.

(c) Route 269. From route 1 (interstate route 15) easterly via Sixth South Street to First West Street in Salt Lake City, providing one-way eastbound traffic; and from another connection with route 1 (interstate route 15) easterly via Fifth South Street in Salt Lake City to route 176, providing one-way westbound traffic.

(d) Route 270. From route 1 (interstate route 15) north and easterly to route 176 at West Temple Street in Salt Lake City.

(e) Route 271. From route 1 (interstate route 15) at Draper Cross Roads northerly via Murray and Salt Lake City to route 1 (interstate route 15) at Becks interchange.

(f) Route 276. From the withdrawn area of Lake Powell Recreation Area near Bullfrog Basin northerly following the new alignment resulting from the construction of projects EDA 08-1-00125 to route 95.

(g) Route 277. From route 259 near Glen Canyon City northeasterly to the Lake Powell withdrawn area.

(h) Route 278. From Dead Horse Point easterly to route 279 near Day Canyon.

(i) Route 279. From the Potash Plant north along the Colorado River to route 9 north of Moab.

(j) Route 280. From route 2 (interstate route 80) near the south limits of Coalville easterly to Main Street in Coalville.

Approved March 21, 1967.

CHAPTER 55

S. B. No. 140

(Passed February 17, 1967. In effect July 1, 1967)

HIGHWAY CONSTRUCTION—BUDGETARY ACCOUNTS

An Act Amending Sections 27-12-126, 27-12-127, and 27-12-128, Utah Code Annotated 1953, as Enacted by Chapter 39, Laws of Utah 1963, Relating to the State Road Commission and Providing for the Establishment of Budgetary Accounts within the Highway Construction and Maintenance Fund and an Account for Allocations to Class B and C Roads and Providing an Effective Date.

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

Section 1. Section Amended.

Section 27-12-126, Utah Code Annotated 1953, as enacted by Chapter 39, Laws of Utah 1963, is amended to read as follows:

27-12-126. Budget—Transfer Fund Balances.

The amount designated by the legislature, out of which the items budgeted shall be paid, shall be established in appropriation and allotment accounts within the highway construction and maintenance fund. At the close of the biennium all unexpended balances remaining in the accounts so budgeted shall be closed to the fund balance account of the highway construction and maintenance fund.

Section 2. Section Amended.

Section 27-12-127, Utah Code Annotated 1953, as enacted by Chapter 39, Laws of Utah 1963, is amended to read as follows:

27-12-127. Use on B and C Roads.

There is appropriated to the uses of state road commission from the motor vehicle registration revenue in the highway construction and

maintenance fund annually, all money in said revenue in excess of the expenses of administering the registration of motor vehicles as provided in section 41-1-141, Utah Code Annotated 1953, for use on class B and class C roads.

Section 3. Section Amended.

Section 27-12-128, Utah Code Annotated 1953, as enacted by Chapter 39, Laws of Utah 1963, is amended to read as follows:

27-12-128. Distribution—B-C Road Funds.

The state auditor shall, on the first day of March of each year, transfer the amount herein appropriated from the motor vehicle registration revenue to be distributed as follows: \$2,000,000.00 to be entered in a special account to be known as the class "B" and class "C" roads account and the balance of said revenue to be distributed seventy-five percent (75%) to said class "B" and class "C" roads account and twenty-five percent (25%) to the highway construction and maintenance fund. The funds in said class "B" and class "C" roads account shall be expended under the direction of the state road commission in such manner as the legislature shall provide.

Section 4. Effective Date.

This act shall take effect upon July 1, 1967.

Approved March 3, 1967.

INSURANCE

CHAPTER 56

S. B. No. 41

(Passed February 16, 1967. In effect May 9, 1967)

INSURANCE DEPARTMENT—RECORDS

An Act Amending Section 31-2-4, Utah Code Annotated 1953, Sections 31-14-1 and 31-17-10.5, Utah Code Annotated 1953, as Enacted by Chapter 45, Laws of Utah, and Sections 31-17-10, 31-17-16, 31-17-24, 31-17-28, and 31-31-2, Utah Code Annotated 1953, as Amended by Chapter 45, Laws of Utah 1963, and Enacting Section 31-17-50.5, Utah Code Annotated 1953, Providing for Retaining and Destruction of Records in Insurance Commissioner's Office, Expiration and Renewal of Agent's Certificate of Appointment, Filing Fees, Solicitors' Qualifications and Authority, Minimum Requirements for Organization of Mutual Benefit Association, and Fines in Lieu of Revocations and Suspensions of Agents' Licenses.

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

Section 1. Sections Amended.

Section 31-2-4, Utah Code Annotated 1953, sections 31-14-1 and 31-17-10.5, Utah Code Annotated 1953, as enacted by Chapter 45, Laws of Utah 1963, and sections 31-17-10, 31-17-16, 31-17-24, 31-17-28, and 31-31-2, Utah Code Annotated 1953, as amended by Chapter 45, Laws of Utah 1963, are hereby amended to read as follows:

31-2-4. Nature of Commissioner Office—Records as Public Writings— Destruction of Obsolete Records.

The office of the commissioner shall be a public office, and the records, books, and papers thereof or on file therein shall be public writings of the state, open to the inspection of the public, and subject to other statutory provisions and such rules as the commissioner shall make for their safe keeping.

The commissioner of insurance may order the destruction of such records and papers as otherwise provided by law.

31-14-1. Fees.

The commissioner shall collect in advance the following fees for:

Filing all necessary papers for original entry to do business in the state of Utah, including original certificate of authority	\$150.00
Continuation of certificate of authority (annual)	25.00
Reinstatement of certificate of authority	50.00
Filing of amended certificate of authority	10.00
Filing of amendments to articles of incorporation, charter or bylaws	10.00
Filing annual statement and report of Utah business	50.00
Preparing synopsis and certification of annual statement	5.00
Filing application for stock solicitation permit	15.00
Issuing stock solicitation permit	10.00
License to solicit under stock solicitation permit, each	5.00
Filing any power of attorney, document or paper not otherwise provided herein	1.00
Copy of papers filed in department, per page	.25
Affixing commissioner's seal and certifying any paper	1.00
Agent's license, or renewal, per year or fraction thereof, each	5.00
Nonresident agent's license, or renewal, per year or fraction thereof, each	10.00
Appointment certificate of agent, or renewal, per year or fraction thereof, each	2.00
Solicitor's license, or renewal, per year or fraction thereof, each	3.00
Broker's license, resident or nonresident, or renewal, per year or fraction thereof, each	100.00
Surplus line broker's license, or renewal, per year or fraction thereof, each	25.00
Adjuster's license, or renewal, per year or fraction thereof, each	10.00
Accepting service of legal process	2.00
Examination for agent's, solicitor's, broker's or adjuster's license, \$5.00 per class of insurance; maximum for any one examination	10.00

31-17-10. Appointment of Agent by Insurer.

(1) Each insurer on appointing an agent in this state shall file notice thereof in duplicate with the commissioner on forms as prescribed and furnished by him, and shall pay the fee therefor as provided in section 31-14-1 of this code. If then licensed, or as soon as licensed, the commissioner shall mail one copy of the appointment to the agent.

(2) Each such appointment shall continue in force until:

(a) the commissioner notifies the insurer that the agent's license is terminated or revoked; or

(b) the appointment is revoked by the insurer by written notice of revocation filed with the commissioner on forms as prescribed and furnished by him, and by written notice to the agent (no fee shall be charged for filing notice of revocation); or

(c) the insurer fails to renew the appointment as required by paragraph (3) of this section.

(3) Each such appointment shall expire as at 12:01 o'clock a.m. on the first day of June of the following calendar year unless prior thereto the insurer has filed with the commissioner its renewal of the appointment into the ensuing twelve month period and has paid the renewal fee as provided in section 31-14-1 hereof. Prior to such first day of June the insurer shall file with the commissioner a statement listing all its agency appointments in this state which are to be so renewed, and listing separately all its agency appointments in this state not to be renewed. As to each such appointment not to be renewed, the insurer shall at the same time file with the commissioner proof, in form as prescribed by him, that the insurer has given notice to the agent that the appointment will not be renewed.

31-17-10.5. Appointment of Firm or Corporation as Agent.

(1) An insurer may appoint a firm or corporation as its agent but on the written notice shall designate each individual who is to exercise the powers to be conferred by the appointment upon such firm or corporation, and only the persons so designated may exercise such powers. The commissioner shall require each such designated individual to be properly qualified with a license.

(2) An appointment certificate shall not be issued to an agent, firm or corporation unless the individual or individuals have qualified to write all the kinds of insurance which are authorized and actually being written in this state by the insurer making such appointment. The commissioner may waive the requirements of this subsection if he finds that the method of operation of the insurer will preclude the solicitation by the agent, firm or corporation of a kind of insurance for which the agent, firm or corporation is not qualified.

31-17-16. Expiration of License—Continuation—Renewal.

(1) Agents', brokers', solicitors' and adjusters' licenses shall expire as at 12:01 a.m. o'clock on the first day of April next following date of issuance unless the licensee prior thereto has filed with the commissioner, on forms prescribed and furnished by him, a request for continuation of such license for an ensuing twelve month period. Such request must be accompanied by payment of the renewal fee as provided in section 31-14-1.

(2) Subject to the right of the commissioner to suspend, revoke or refuse to continue any license as provided in this code, such license may be continued into another twelve month period. An agent shall make and file renewal request on behalf of his solicitors.

(3) If request and fee for renewal of license is filed with the commissioner prior to expiration of the existing license, the licensee may

continue to act under such license, unless sooner revoked or suspended, until the issuance or renewal license or until the expiration of five days after the commissioner has refused to renew the license and has mailed notice of such refusal to the licensee.

(4) If request and fee for renewal of the license is not filed with the commissioner prior to the expiration of the existing license, the licensee shall pay to the commissioner and the commissioner may collect double the regular license fee during the first 30 days or less of delinquency. For all delinquencies extending more than 30 days, in addition to payment of double the regular license fee, the licensee shall be re-examined in all classes of insurance for which license renewal is requested. This subsection shall not be considered to exempt a person from a penalty provided by law for transacting business without a valid and subsisting license or effect the commissioner's right, at his discretion, to consider the delinquent application as one for a new license.

31-17-24. Solicitor's License—Qualification of Applicant.

The commissioner shall license as a solicitor an individual only who meets the following requirements:

- (1) Is a resident of this state.
- (2) Is to represent and be employed by but one licensed agent.
- (3) Has passed any examination as required under section 31-17-44.
- (4) Is otherwise qualified under this code.
- (5) Is above 21 years of age.

31-17-28. Scope and Operation of Solicitor's License—Dual Licensing—Powers of Solicitor.

(1) A solicitor's license shall not cover life insurance nor any kind of insurance for which the agent by whom he is employed is not then licensed.

(2) A solicitor shall not have power to bind an insurer upon or with reference to any risk or insurance contract, or to countersign insurance contracts.

(3) Any individual while licensed as a solicitor shall not be licensed as an agent or broker.

31-31-2. Requirements of Certificate of Authority—Benefit Fund—Fees.

Any mutual benefit association shall not receive a certificate of authority from the commissioner of insurance, nor shall such association issue any certificate of membership, until a minimum of 300 persons have applied in writing to said association for membership and benefits therein, or until \$200,000 of insurance benefits, exclusive of amounts in excess of \$3,000 per policy, have been applied for, and until said association has on deposit in a bank or trust company, authorized to do business in this state, an amount which shall be known as a benefit fund, and which shall be equal to, and not less than \$1 for each \$1,000 of maximum insurance in force in the association; said benefit fund shall not be less than the largest benefit to be paid by the association to any one member, and in no case shall the said benefit fund be less than \$500; provided, that said benefit fund, in the case of a new association, shall be determined on the basis of the maximum insurance in force as re-

ported in the last annual statement of the association to the commissioner of insurance except in cases where the association suffers material membership losses during the year. No benefit to any one member in an association shall exceed the sum of \$3,000, except as provided in section 31-31-11. All associations now authorized to do business in this state shall have a period of 180 days from the effective date of this chapter in which to comply with the above provisions, and in the event of failure to comply therewith, shall submit to revocation of its authority to do business. No money, membership fees, dues, assessments, or contributions shall be collected from prospective members by any officers, employees, agents, or organizers of such association until the bonds provided for in the next succeeding section have been executed as provided for.

Section 2. Section Enacted.

Section 31-17-50.5, Utah Code Annotated 1953, is enacted to read as follows:

31-17-50.5 Hearings—Suspension—Levy of Fine.

After hearing and in addition to or in lieu of the suspension, revocation, or refusal to renew a license, the commissioner may levy a fine upon the licensee of not less than \$25 and not more than \$299. The order levying the fine shall specify the period within which the fine shall be fully paid, which period may not be less than 15 or more than 30 days from the date of the order. Upon failure to pay the fine when due, the commissioner shall revoke the license of the licensee if not already revoked.

Approved March 4, 1967.

CHAPTER 57

H. B. No. 56

(Passed March 9, 1967. In effect May 9, 1967)

CAPITAL FUNDS REQUIRED

An Act Amending Section 31-11-1, Utah Code Annotated 1953, as Amended by Chapter 45, Laws of Utah 1963, Relating to Required Paid-in Capital and Surplus.

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

Section 1. Section Amended.

Section 31-11-1, Utah Code Annotated 1953, as amended by Chapter 45, Laws of Utah 1963, is hereby amended to read as follows:

31-11-1. Stock Companies—Right to Transact Business Here—Required Paid-in Capital and Surplus.

(1) Stock insurers may transact kinds of insurance in this state upon qualifying therefor and by having paid-in capital and surplus represented by admitted assets, as follows:

	Minimum Capital Required	Minimum Surplus Required
(a) Life Insurance	\$200,000.00	\$500,000.00
(b) Disability Insurance	\$200,000.00	\$500,000.00
Life and Disability Insurance	\$200,000.00	\$500,000.00
(c) Property Insurance	\$200,000.00	\$500,000.00
(d) Marine and Transporta- tion Insurance	\$200,000.00	\$500,000.00
(e) Casualty Insurances:		
(a) Vehicle only	\$200,000.00	\$500,000.00
(b) General casualty	\$300,000.00	\$500,000.00
(c) General casualty without workmen's compensation	\$200,000.00	\$450,000.00
(f) Suretyship Insurances:		
(a) Surety	\$300,000.00	\$500,000.00
(b) Bail bonds only	\$100,000.00	\$300,000.00
(g) Title Insurance: In accordance with the provisions of chapter 25 of this code.		
(h) All types of insurance, except life and title	\$400,000.00	\$600,000.00

(2) Capital and surplus requirements are based upon all the kinds of insurance transacted by the insurer in any and all areas in which it operates or proposes to operate, whether or not only a portion of such kinds are to be transacted in this state.

(3) (a) An insurer holding a valid certificate of authority to transact insurance in this state immediately prior to the effective date of this act may continue to be authorized to transact the same kinds of insurance as permitted by such certificate of authority by maintaining thereafter unimpaired not less than the same amount of paid-in capital stock as required under the laws of this state for such authority in force immediately prior to such effective date, and as if such laws had continued in force; except that in no case shall any such insurer be thereby required to have and maintain a larger amount of capital and surplus than a like insurer transacting the same kinds of insurance and formed under this code.

(b) Such an insurer shall not hereafter be granted authority to transact any other or additional kind of insurance unless it then fully complies with the requirements as to capital and surplus, as applied to all the kinds of insurance it then proposes to transact, as provided under subsection (1) of this section.

Approved March 13, 1967.

CHAPTER 58

S. B. No. 16

(Passed February 16, 1967. In effect May 9, 1967)

DOMESTIC LIFE INSURERS—INVESTMENTS

An Act Enacting Section 31-13-31, Utah Code Annotated 1953, Relating To Investments by Domestic Life Insurers; Permitting Domestic Life Insurers to Establish Separate Accounts to Fund Individual or Group Contracts and Providing for Investment of Funds Under Separate Accounts in Any Class of Investments Authorized for Life Insurers, Including Common Stock, for Variable Benefits and for Regulation by the Commissioner.

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

Section 1. Section Enacted.

Section 31-13-31, Utah Code Annotated 1953, is enacted to read as follows:

31-13-31. Establishment of Separate Accounts—Classes of Investments—Variable Benefits—Regulation by Commissioner.

(1) Any domestic life insurance company may establish one or more separate accounts, and may allocate to such separate account or accounts, any amount paid to the company which is to be applied under the terms of an individual or group contract to provide benefits payable in fixed or in variable dollar amounts or in both.

(2) The amounts allocated to each such account and accumulations thereon, may be invested and reinvested in any class or investments authorized for domestic life insurance companies in this chapter without regard to those requirements placing limitations on the percentage of its assets or surplus that a company may invest in any one class of investments, except that the insurer may not exceed the limitations stated in Section 31-13-4.

(3) The income, if any, and gains and losses, realized or unrealized, on each account shall be credited to or charged against the amounts allocated to such account in accordance with such contract, without regard to other income, gains or losses of the company.

(4) The assets in the separate account shall be valued in accordance with the rules of the National Association of Insurance Commissioners committee on valuation of securities. If said committee has not furnished a value for stocks on a desired valuation date, then current market value shall be used.

(5) If the contract provides for payment of benefits in variable amounts it shall contain a statement of the essential features of the procedures to be followed by the company in determining the dollar amount of such variable benefits. Any such contract or any certificate issued thereunder shall state that such dollar amount may decrease or increase and shall contain on its first page a statement that the benefits thereunder are on a variable basis.

(6) To the extent that the company's reserve liability with regard to (a) benefits guaranteed as to amount and duration, and (b) funds guaranteed as to principal amount or stated rate of interest is main-

tained or guaranteed in any separate account, a portion of the assets of such separate account at least equal to such guaranteed liability reserve shall be invested in accordance with this chapter, exclusive of subsection (2) of this section, or the company shall maintain a separate surplus account at least equal to 50% of such guaranteed liability. Such separate surplus account or accounts, shall be invested in accordance with this chapter exclusive of subsection (2) of this section.

(7) Amounts allocated to a separate account in the exercise of the power granted by this section shall be owned by the company, and the company shall not be, or hold itself out to be, a trustee with respect to such amounts.

(8) The commissioner shall have the sole authority to regulate the issuance and sale of such contracts and to issue such reasonable rules and regulations as may be necessary to carry out the purposes and provisions of this section.

Approved February 27, 1967.

CHAPTER 59

S. B. No. 122

(Passed March 1, 1967. In effect May 9, 1967)

AUTOMOBILE LIABILITY INSURANCE— UNINSURED MOTORIST COVERAGE

An Act Providing That No Policy of Automobile Liability Insurance May Be Issued or Renewed Which Does Not Provide Uninsured Motorist Coverage.

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

Section 1. Policy Must Provide Uninsured Motorist Coverage.

Commencing on July 1, 1967, no automobile liability insurance policy insuring against loss resulting from liability imposed by law for bodily injury or death or property damage suffered by any person arising out of the ownership, maintenance or use of a motor vehicle, shall be delivered, issued for delivery, or renewed in this state, with respect to any motor vehicle registered or principally garaged in this state, unless coverage is provided in such policy or a supplement to it, in limits for bodily injury or death set forth in section 41-12-5, under provisions filed with and approved by the state insurance commission for the protection of persons insured thereunder who are legally entitled to recover damages from owners or operators of uninsured motor vehicles and hit-and-run motor vehicles because of bodily injury, sickness or disease, including death, resulting therefrom. The named insured shall have the right to reject such coverage, and unless the named insured requests such coverage in writing, such coverage need not be provided in a renewal policy or a supplement to it where the named insured had rejected the coverage in connection with a policy previously issued to him by the same insurer.

Approved March 8, 1967.

CHAPTER 60

S. B. No. 116

(Passed March 9, 1967. In effect May 9, 1967)

SETTLEMENT OF LIABILITY INSURANCE CLAIMS

An Act Relating to Settlement of Claims Under Liability Insurance Policies and Providing That Such Settlement Shall Not Be Construed as an Admission of Liability.

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

Section 1. Settlement of Claim.

No settlement or partial settlement of a claim against any insured under a liability insurance policy shall be construed as an admission by either the insured or the insurer of liability of the insured with respect to any claim arising from the same event or set of facts whether the settlement is made by the insured, the insurer or any other person on behalf of the insured or the insurer.

Approved March 16, 1967.

INTOXICATING LIQUORS

CHAPTER 61

S. B. No. 186

(Passed March 8, 1967. In effect May 9, 1967)

LIQUOR CONTROL COMMISSION

An Act Repealing and Reenacting Section 32-1-5, Utah Code Annotated 1953, Enacting Section 32-1-5.5, Utah Code Annotated 1953, and Amending Section 32-1-29, Utah Code Annotated 1953, as Amended by Chapter 53, Laws of Utah 1953, as Amended by Chapter 48, Laws of Utah 1959; Relating to the Utah Liquor Control Commission; Providing for the Expiration of the Terms of Office of the Present Liquor Control Commission and a Reconstitution of this Commission; Providing for the Organization of the Liquor Control Commission and for its Powers; Providing for a Director of the Liquor Control Commission as its Administrative Head; Providing for a Change in the Amount of Operating Capital for the Commission; and Repealing Sections 32-1-17 and 32-1-18, Utah Code Annotated 1953.

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

Section 1. Section Amended.

Section 32-1-5, Utah Code Annotated 1953, is repealed and reenacted to read as follows:

32-1-5. Liquor Control Commission—Organization—Powers—Terms—Appointment.

(1) Upon approval of this act the terms of office of the present liquor control commission shall expire. Thereafter the liquor control commission shall be comprised of seven members appointed by the governor, with the advice and consent of the senate. Not more than four members can be of the same political party. The members shall be representative of all areas of the state with not more than two mem-

bers being appointed from any one judicial district; and at least two members of the commission shall be experienced in multiple outlet merchandising. Four members shall be appointed for terms ending March 1, 1969, and three members shall be appointed for terms ending March 1, 1971. Thereafter all appointments shall be for terms of four years. Vacancies occurring by reason of death, resignation, or other cause, shall be filled by the appointment of another person by the governor, with the advice and consent of the senate, for the unexpired term of the person in whose office a vacancy has occurred and shall be from the same judicial district as the person whose office became vacant.

(2) Every member shall receive a per diem allowance as established by the board of examiners and all actual and necessary expenses incurred in carrying out his official duties.

(3) The commission shall organize itself and shall select one of its members to serve as its chairman. The commission shall meet at least once every month. It may hold other meetings at such times and places as shall be scheduled by it in formal sessions or as shall be called by the chairman. Any four commissioners shall constitute a quorum for the transaction of business.

(4) Each member of the commission shall qualify by taking the constitutional oath of office and by giving a bond for faithful performance of his duties in such form and in such amount as shall be determined by the department of finance, the premium of which shall be paid by the state.

(5) The commission shall be responsible for establishing the policy of the commission and for providing generally the supervision of enforcement of the Liquor Control Act and for such other duties as the legislature shall assign to it.

Section 2. Section Enacted.

Section 32-1-5.5, Utah Code Annotated 1953, is enacted to read as follows:

32-1-5.5. Commission to Employ a Director.

The commission shall employ with the approval of the governor a director of the liquor control commission. The director shall be the executive and administrative head of the liquor control commission and shall carry out the policy of the commission. The director shall be a person qualified in administration and knowledgeable by experience and training in the field of merchandising and shall possess such other qualifications as may be prescribed by the commission. He shall qualify by taking the constitutional oath of office and by giving a bond for the faithful performance of his duties in such form and in such amount as the department of finance shall determine.

The commission shall fix the compensation of the director with the approval of the board of examiners, and he shall be paid his expenses actually and necessarily incurred while engaged in the performance of his official duties in such office.

Section 3. Section Amended.

Section 32-1-29, Utah Code Annotated 1953, as amended by Chapter 53, Laws of Utah 1953, as amended by Chapter 48, Laws of Utah 1959, is amended to read as follows:

32-1-29. Commission to Fix Operating Capital by Resolution.

The commission shall by resolution fix, from time to time, the maximum amount of its operating capital which may be invested in any kind and brand of alcoholic beverages and the maximum amount of such operating capital which may be invested in alcoholic beverages of all kinds and brands. Any member of the commission or officer or employee of it who shall cause the commission to incur an obligation for alcoholic beverages in excess of the maximum so fixed for any kind or brand or in excess of the maximum amount so fixed to be invested in alcoholic beverages of all kinds and brands, shall, where payment in excess of such amounts has been made by the commission, respond personally to the state on demand by the attorney general for the cost of the excess of alcoholic beverages for which such payment has been made and upon failure of said person to remit within 30 days after demand, the attorney general shall bring an action against said person and his bondsmen for such excess. In determining whether such order is excessive, the amount thereof shall be added to the cost of all alcoholic beverages of the kind or brand, or of all kinds and brands, as the case may be, on hand at the time such order shall be given, and shall be added to the amount of all outstanding unfilled orders.

Section 4. Sections Repealed.

Sections 32-1-17 and 32-1-18, Utah Code Annotated 1953, are hereby repealed.

Approved March 16, 1967.

CHAPTER 62

S. B. No. 164

(Passed February 17, 1967. In effect July 1, 1967)

LIQUOR CONTROL COMMISSION—ADMINISTRATION

An Act Amending Section 32-1-24, Utah Code Annotated 1953, as Amended by Chapter 48, Laws of Utah 1959, Relating to the State Liquor Control Fund; Providing for an Appropriation to Cities, Incorporated Towns and Counties from Net Profits Earned from Sale of Liquors Deposited in the General Fund, Rather Than from the Liquor Control Fund; Providing a Limitation Upon Such Appropriation; and Providing an Effective Date.

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

Section 1. Section Amended.

Section 32-1-24, Utah Code Annotated 1953, as amended by Chapter 48, Laws of Utah 1959, is amended to read as follows:

32-1-24. Liquor Control Fund—Appropriation to Cities, Towns, Counties—Transfer to General Fund.

All moneys received by the commission in the administration of this act, including advertising, shall be paid to the state treasurer and

credited to a special fund to be known as the liquor control fund; and on the first day of October, 1947, and on the first day of each April, and October thereafter, or within thirty days after each of such dates, a sum of money equal to the amount of the net profit earned from the sale of liquors during the preceding six-month period, as certified by the state auditor, shall be made available for transfer by the proper fiscal officers from the liquor control fund to the state general fund. The legislature shall provide an appropriation from the general fund to cities, incorporated towns, and counties in an amount not exceeding \$1,000,000. The amount of this transfer shall be computed in the following manner: in the event that net profit earned from the sale of liquors during any one calendar year beginning January 1, 1967, and each year thereafter shall exceed the sum of \$2,500,000 then all of such net profit in excess of \$2,500,000 not exceeding \$1,000,000 shall be made available to cities, incorporated towns and counties.

It shall be the duty of the liquor control commissioners to operate the business of the commission in such manner that a sum of money equal to the amount of the net profits earned for each six-months period will be available to the state treasurer for transfer as in this section required. Should such commissioners fail to make such sums of money available for transfer, as in this section required, the commissioners responsible for such failure shall be guilty of a misdemeanor.

Section 2. Effective Date.

This act shall take effect on July 1, 1967.

Approved March 21, 1967.

CHAPTER 63

S. B. No. 33

(Passed January 27, 1967. In effect May 9, 1967)

SUPPLYING ALCOHOLIC BEVERAGES TO MINORS

An Act Amending Section 32-7-15, Utah Code Annotated 1953, Relating to the Purchase by or Possession by a Person Under the Age of Twenty-one Years of Age of Alcoholic Beverages.

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

Section 1. Section Amended.

Section 32-7-15 Utah Code Annotated 1953, is amended to read as follows:

32-7-15. Supplying Alcoholic Beverages to Minors.

Alcoholic beverages shall not be given, sold, or otherwise supplied to or be purchased by or possessed by any person under the age of twenty-one years, but this shall not apply to the supplying of liquor to such person for medicinal purposes only by the parent or guardian of such person or to the administering of liquor to such person by a physician in accordance with the provisions of this act.

Approved February 3, 1967.

LABOR IN GENERAL**CHAPTER 64**

S. B. No. 195

(Passed March 8, 1967. In effect May 9, 1967)

PAYMENT OF WAGES—REGULAR PAY DAYS

An Act Amending Section 34-10-4, Utah Code Annotated 1953; Relating to Payment of Employees and Regular Paydays; Providing That Payments to Employees Made by Orders, Checks, or Drafts Be Freely Negotiable and Payable in Cash.

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

Section 1. Section Amended.

Section 34-10-4, Utah Code Annotated 1953, is amended to read as follows:

34-10-4. Regular Pay Days—Statement of Regular Deductions.

Every employer shall pay to his employees the wages earned semi-monthly or twice during each calendar month, on days to be designated in advance by the employer as the regular payday; provided, that the employer shall pay for services rendered during each semimonthly period within ten days after the close of such period; provided, that when the semimonthly payday shall fall on Saturday or Sunday, or legal holiday, payment of wages earned during the semimonthly period shall be made on the day preceding such Saturday or Sunday, or legal holiday. Whenever the employer hires his employees on a yearly salary basis, then said employer may pay the employee on a monthly scale, said wages shall be paid by the seventh of the month following the month for which services were rendered. He shall pay such wages in full, in lawful money of the United States, or checks on banks convertible into cash on demand at full face value thereof.

No person, firm or corporation or agent, or officer thereof, shall issue in payment of wages due or to become due or as an advance on wages to be earned, for services performed or to be performed within this state, any order, check or draft, unless it is negotiable and payable in cash, on demand, without discount, at a bank, the name and address of which must appear on the instrument.

If any deduction is made from any wages paid, the employer shall, either semimonthly or monthly at the employer's option, furnish the employee with a statement showing the total amount of each deduction, provided that only one total need be shown to include all standing deductions of fixed amounts, unless otherwise agreed by employer and employee.

Approved March 21, 1967.

LABOR—INDUSTRIAL COMMISSION**CHAPTER 65**

S. B. No. 247

(Passed March 8, 1967. In effect July 1, 1967)

COMPENSATION—TEMPORARY DISABILITY

An Act Amending Sections 35-1-65, 35-1-66, 35-1-67 and 35-1-68, Utah Code Annotated 1953, as Amended by Chapter 57, Laws of Utah 1955, as Amended by Chapter 62, Laws of Utah 1957, as Amended by Chapter 55, Laws of Utah 1959, as Amended by Chapter 71, Laws of Utah 1961, as Amended by Chapter 49, Laws of Utah 1963, as Amended by Chapter 68, Laws of Utah 1965; Relating to Workmen's Compensation; Providing For Increased Benefits and For an Effective Date.

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

Section 1. Sections Amended.

Sections 35-1-65, 35-1-66, 35-1-67 and 35-1-68, Utah Code Annotated 1953, as amended by Chapter 57, Laws of Utah 1955, as amended by Chapter 62, Laws of Utah 1957, as amended by Chapter 55, Laws of Utah 1959, as amended by Chapter 71, Laws of Utah 1961, as amended by Chapter 49, Laws of Utah 1963, as amended by Chapter 68, Laws of Utah 1965, are amended to read as follows:

35-1-65. Temporary Disability—Amount of Payments.

In case of temporary disability, the employee shall receive sixty per cent of his average weekly wages so long as such disability is total, not to exceed a maximum of \$44 per week and not less than a minimum of \$25 per week, plus \$3.60 for a dependent wife and \$3.60 for each dependent minor child under the age of eighteen years, up to and including four such minor children, or a maximum of \$62 in case of a dependent wife and four or more such minor dependents; provided that where the wage earned at the time of injury is less than \$25 per week, the amount of wages earned shall be the amount of compensation to be paid. In no case shall such compensation continue for more than six years from the date of the injury or exceed \$13,728 in the case of no dependent wife or minor children, as herein defined, or \$13,728 plus \$3.60 per week for a dependent wife and \$3.60 per week for each dependent minor child, as herein defined, up to a maximum of four such minor children or a maximum payment of \$19,344.

35-1-66. Partial Disability—Scale of Payments.

Where the injury causes partial disability for work, the employee shall receive, during such disability and for a period of not to exceed six years from the date of the injury, a weekly compensation equal to sixty per cent of the difference between his average weekly wages before the accident and the weekly wages he is able to earn thereafter, but not more than \$44 per week, and in addition thereto \$3.60 for a dependent wife and \$3.60 for each dependent minor child under the age of eighteen years, up to and including four, or a maximum of \$62 per week in the case of a dependent wife and four or more such dependent minor children.

In case the partial disability begins after a period of total disability, the period of total disability shall be deducted from the total period of compensation.

In no case shall the weekly payments continue after the disability ends, or the death of the injured person.

In the case of the following injuries the compensation shall be sixty per cent of the average weekly wages, but not more than \$44 per week plus \$3.60 for a dependent wife, as herein defined and \$3.60 for each dependent minor child under the age of eighteen years, up to a maximum of four such dependent minor children, or a maximum of \$62 per week in case of a dependent wife and four or more such dependent minor children, to be paid weekly for the periods stated against such injuries respectively, and shall be in addition to the compensation hereinbefore provided for temporary total disability, to wit:

For loss of:

One arm at or near shoulder	200 weeks
One arm at elbow	180 weeks
One arm between the wrist and the elbow	160 weeks
One hand	150 weeks
One thumb and the metacarpal bone thereof	60 weeks
One thumb at the proximal joint	30 weeks
One thumb at the second or distal joint	20 weeks
One first finger and the metacarpal bone thereof	30 weeks
One first finger at the proximal joint	20 weeks
One first finger at the second joint	15 weeks
One first finger at the distal joint	10 weeks
One second finger and the metacarpal bone thereof	30 weeks
One second finger at the proximal joint	15 weeks
One second finger at the second joint	10 weeks
One second finger at the distal joint	5 weeks
One third finger and the metacarpal bone thereof	20 weeks
One third finger at the proximal joint	12 weeks
One third finger at the second joint	8 weeks
One third finger at the distal joint	4 weeks
One fourth finger and metacarpal bone thereof	12 weeks
One fourth finger at the proximal joint	9 weeks
One fourth finger at the second joint	6 weeks
One fourth finger at the distal joint	3 weeks
One leg at or near the hip joint as to preclude the use of an artificial limb	180 weeks
One leg at or above the knee where stump remains sufficient to permit the use of an artificial limb	150 weeks
One leg between the knee and ankle	140 weeks
One foot at the ankle	125 weeks
One great toe with the metatarsal bone thereof	30 weeks

One great toe at the proximal joint	15 weeks
One great toe at the second joint	10 weeks
One toe other than the great toe with the metatarsal bone thereof	12 weeks
One toe other than the great toe at the proximal joint	6 weeks
One toe other than the great toe at the distal joint	3 weeks

In the above cases permanent and complete loss of use shall be deemed equivalent to loss of the member or part thereof.

One eye by enucleation	120 weeks
Total blindness of one eye	100 weeks

For any other disfigurement or the loss of bodily function not otherwise provided for herein, such period of compensation as the commission shall deem equitable and in proportion as near as may be to compensation for specific loss as set forth in the schedule in this section but not exceeding in any case two hundred weeks.

The amounts specified in this section are all subject to the limitations as to the maximum weekly amount payable as specified in this section, and in no event shall more than a total \$12,400 be required to be paid.

35-1-67. Permanent Total Disability—Amount of Payments—Vocational Rehabilitation—Procedure and Payments.

In cases of permanent total disability the award shall be sixty per cent of the average weekly wages for five years from date of injury, and thereafter forty-five per cent of such average weekly wages, but not to exceed a maximum of \$44 per week and not less than \$25 per week, plus \$3.60 for a dependent wife and \$3.60 for each dependent minor child under the age of eighteen years up to a maximum of four such dependent minor children; provided, however, that in no case of permanent total disability shall the employer or its insurance carrier be required to pay more than \$19,344; and provided further, that a finding by the commission of permanent total disability shall in all cases be tentative and not final until such time as the following proceedings have been had:

Where the employee has tentatively been found to be permanently and totally disabled, it shall be mandatory that the industrial commission of Utah refer such employee to the division of vocational rehabilitation under the state board of education for rehabilitation training and it shall be the duty of the commission to order paid to such vocational rehabilitation division, out of that special fund provided for by section 35-1-68, Utah Code Annotated, 1953, as amended, subdivision 1, not to exceed \$830 for use in the rehabilitation and training of such employee; the rehabilitation and training of such employee shall generally follow the practice applicable under section 35-1-69, Utah Code Annotated, 1953, as amended, and relating to the rehabilitation of employees having combined injuries. If and when the division of vocational rehabilitation under the state board of education certifies to the industrial commission of Utah in writing that such employee has fully co-operated with the division of vocational rehabilitation in its efforts to rehabilitate him, and in the opinion of the division the em-

ployee may not be rehabilitated, then the commission shall order that there be paid to such employee weekly benefits at the rate of forty-five per cent of his average weekly earnings, but not to exceed \$44 per week, out of that special fund provided for by section 35-1-68, Utah Code Annotated, 1953, as amended, for such period of time beginning with the time that the payments (as in this section provided) to be made by the employer or its insurance carrier terminate and ending with the death of the employee. No employee, however, shall be entitled to any such payments if he fails or refuses to co-operate with the division of vocational rehabilitation as set forth herein.

The division of vocational rehabilitation shall, at the termination of the vocational training of the employee, certify to the industrial commission of Utah the work the employee is qualified to perform, and thereupon the commission shall, after notice to the employer and an opportunity to be heard, determine whether the employee has, notwithstanding such rehabilitation, sustained a loss of bodily function.

The loss or permanent and complete loss of use of both hands or both arms, or both feet or both legs, or both eyes, or of any two thereof, shall constitute total and permanent disability, to be compensated according to the provisions of this section and no tentative finding of permanent total disability shall be required in such instances; in all other cases, however, and where there has been rehabilitation effected but where there is some loss of bodily function, the award shall be based upon partial permanent disability.

In no case shall the employer be required to pay compensation for any combination of disabilities of any kind including loss of function, in excess of \$19,344.

35-1-68. Injury Causing Death—Burial Expenses—Filing Claim For Compensation Within One Year—Payment When No Dependents—Special Fund—Payments to Dependents.

In case injury causes death within the period of six years, the employer or insurance carrier shall pay the burial expenses of the deceased as provided herein, and further benefits in the amounts and to the persons as follows:

(1) If there are no dependents, the employer and insurance carrier shall pay into the state treasury the sum of \$5,000. Any claim for compensation must be filed with the commission within one year from the date of the death of the deceased, and, if at the end of one year from the date of the death of the deceased, no claim for compensation shall have been filed with the commission, the said sum of \$5,000 shall be paid at that time into the state treasury by the employer or the insurance carrier. Such payment shall be held in a special fund for the purposes provided in this title; the state treasurer shall be the custodian of such special fund, and the commission shall direct the distribution thereof.

(2) If there are wholly dependent persons at the time of the death, the payment shall be sixty per cent of the average weekly wage, but not to exceed a maximum of \$44 per week plus \$3.60 for a dependent wife and \$3.60 for each dependent child, to continue for the remainder of the period between the date of the death and not to exceed six years

after the date of the injury, and shall not amount to more than a maximum of \$13,728 nor less than a minimum of \$25; provided that if the deceased had a dependent wife or minor children wholly dependent upon him at the time of death then said limit of \$13,728 shall be increased by \$1,123.20 for a dependent wife and \$1,123.20 for each dependent minor child up to four wholly dependent minor children or a maximum of \$19,344 in case of a dependent wife and four or more wholly dependent minor children.

(3) If there are partly dependent persons at the time of the death, the payment shall be sixty per cent of the average weekly wage, but not to exceed the maximum of \$44 per week, to continue for all or such portion of the period of six years after the date of injury as the commission in each case may determine and shall not amount to more than a maximum of \$12,400. The benefits provided for in this subdivision shall be in keeping with the circumstances and conditions of dependency existing at the date of injury, and any amount awarded by the commission under this subdivision must be consistent with the general provisions of this title.

(4) If there are wholly dependent persons and also partially dependent persons at the time of death, the commission may apportion the benefits as it deems just and equitable; provided, that the total benefits awarded to all parties concerned shall not exceed the maximum provided for by law.

Section 2. Effective Date.

This act shall take effect July 1, 1967.

Approved March 15, 1967.

CHAPTER 66

H. B. No. 11

(Passed March 7, 1967. In effect May 9, 1967)

RECORD AND REPORTS OF ACCIDENTS

An Act Amending Sections 35-1-97 and 35-1-98, Utah Code Annotated 1953, Providing That Copies of Reports and Correspondence Regarding Employees' Accidents Shall Be Furnished to Such Employee.

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

Section 1. Section Amended.

Section 35-1-97, Utah Code Annotated 1953, is amended to read:

35-1-97. Record and Reports of Accidents.

Every employer shall keep a record of all injuries, fatal or otherwise, received by his employees arising out of or in the course of their employment. Within a week after the occurrence of an accident resulting in personal injury a report thereof shall be made in writing to the commission upon blanks to be procured from the commission for that purpose. A copy of the report mailed to the commission shall be given to the employee. Such report shall contain the name and nature of the business of the employer, the location of his establishment or place of work, the name, address and occupation of the injured employee, and shall state

the time, the nature and cause of injury, and such other information as may be required by the commission. Any employer who refuses or neglects to make any report required by this section is guilty of a misdemeanor and shall be punished by a fine of not more than \$500.00 for such an offense.

Section 2. Section Amended.

Section 35-1-98, Utah Code Annotated 1953, is amended to read:

35-1-98. Control of Physician.

All physicians and surgeons attending injured employees shall comply with all of the rules and regulations, including the schedule of fees for their services, adopted by the commission, and shall make reports to the commission at any and all times as required by it as to the condition or treatment of any injured employee, or as to any other matters concerning cases in which they are employed. A copy of the first report shall be mailed to the injured employee. Any physician or surgeon who refuses or neglects to make any report required by this section is guilty of a misdemeanor and shall be punished by a fine of not more than \$500.00 for such offense.

Approved March 10, 1967.

CHAPTER 67

S. B. No. 246

(Passed March 8, 1967. In effect July 1, 1967)

OCCUPATIONAL DISEASE—BENEFITS

An Act Amending Sections 35-2-15 and 35-2-56, Utah Code Annotated 1953, as Amended by Chapter 59, Laws of Utah 1955, as Amended by Chapter 63, Laws of Utah 1957, as Amended by Chapter 56, Laws of Utah 1959, as Amended by Chapter 72, Laws of Utah 1961, as Amended by Chapter 50, Laws of Utah 1963, as Amended by Chapter 70, Laws of Utah 1965; Relating to Occupational Diseases and Providing for Increased Benefits.

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

Section 1. Sections Amended.

Sections 35-2-15 and 35-2-56, Utah Code Annotated 1953, as amended by Chapter 59, Laws of Utah 1955, as amended by Chapter 63, Laws of Utah 1957, as amended by Chapter 56, Laws of Utah 1959, as amended by Chapter 72, Laws of Utah 1961, as amended by Chapter 50, Laws of Utah 1963, as amended by Chapter 70, Laws of Utah 1965, are amended to read as follows:

35-2-15. Benefits—Amounts—Permanent Total Disability—Vocational Rehabilitation—Procedures and Payments—Temporary Total Disability—Death—Dependents—Medical, Hospital and Burial Expenses.

The benefits to which a disabled employee or his dependents shall be entitled under this act shall be based upon his average weekly wage computed under the formula set forth in section 35-1-75, Utah Code Annotated 1953, as amended, and are to be limited as follows:

(a) In cases of permanent total disability the award shall be sixty per cent of the average weekly wages for a period of not to exceed five years, beginning with the date total disability began, and thereafter forty-five per cent of such average weekly wages, but not to exceed a maximum of \$44 per week and not less than \$25 per week, plus \$3.60 for a dependent wife and \$3.60 for each dependent minor child under the age of eighteen years up to a maximum of four such dependent minor children; provided, however, that in no case of permanent total disability shall the employer or its insurance carrier be required to pay more than \$19,344; and provided, further, that a finding by the commission of permanent total disability shall in all cases be tentative and not final until such time as the following proceedings have been had:

Where the employee has tentatively been found to be permanently and totally disabled, as in this section provided, it shall be mandatory that the industrial commission of Utah refer such employee to the division of vocational rehabilitation under the state board of education for rehabilitation training and it shall be the duty of the commission to order paid to such vocational rehabilitation division, out of that special fund provided for by section 35-1-68, Utah Code Annotated 1953, as amended, subdivision 1, not to exceed \$830 for use in the rehabilitation and training of such employee; the rehabilitation and training of such employee shall generally follow the practice applicable under section 35-1-69, Utah Code Annotated 1953, as amended, and relating to the rehabilitation of employees having combined injuries. If and when the division of vocational rehabilitation under the state board of education certifies to the industrial commission of Utah in writing that such employee has fully co-operated with the division of vocational rehabilitation in its efforts to rehabilitate him, and in the opinion of the division the employee may not be rehabilitated, then the commission shall order that there be paid to such employee weekly benefits at the rate of forty-five per cent of his average weekly earnings, but not to exceed \$44 per week, out of that special fund provided for by section 35-1-68, Utah Code Annotated 1953, as amended, for such period of time beginning with the time that the payments (as in this section provided) to be made by the employer or its insurance carrier terminate and ending with the death of the employee. No employee, however, shall be entitled to any such payments if he fails or refuses to co-operate with the division of vocational rehabilitation as set forth herein.

The division of vocational rehabilitation shall, at the termination of the vocational training of the employee, certify to the industrial commission of Utah the work the employee is qualified to perform, and thereupon the commission shall, after notice to the employer and an opportunity to be heard, determine whether the employee has notwithstanding such rehabilitation, sustained a loss of bodily function.

In no case shall the employer be required to pay compensation for any combination of disabilities of any kind including loss of function, in excess of \$19,344.

(b) In cases of temporary total disability the award shall be sixty per cent of the average weekly wages as determined under section 35-1-75, Utah Code Annotated 1953, as amended, but not to exceed a maximum of \$44 per week and not less than \$25 per week, plus \$3.60 for

a dependent wife, and \$3.60 for each dependent minor child under the age of eighteen years up to a maximum of four such dependent minor children, such payment to be made for a period not exceeding 52 weeks; in the event total disability continues in excess of 52 weeks, then the commission shall apply the rehabilitation provisions of this section hereinabove set forth.

(c) In case of death those persons who were wholly dependent upon the employee at the time of death shall be entitled to and shall receive the difference, if any, between \$13,728 and the amounts the employer may have paid to the employee on account of permanent total, total temporary and partial permanent disability provided that if the deceased had a dependent wife or minor children wholly dependent upon him at the time of death, then said limit of \$13,728 shall be increased by \$1,123.20 for a dependent wife and \$1,123.20 for each such dependent minor child up to four wholly dependent minor children or a maximum of \$19,344 in case of a dependent wife and four wholly dependent minor children; the payments to the dependents to be made at the same weekly rate as the payments made to the deceased employee immediately preceding his death. If the dependents of the deceased were but partially dependent upon him at the time of death, then the compensation payable shall be in such amount and at such times as the commission may determine but shall not exceed two-thirds of the amount that would have been payable (as in this paragraph provided) if the dependents had been wholly dependent at the time of death.

(d) In the event the employee becomes totally disabled from an occupational disease, the employer shall furnish and pay for such medical service, hospitalization and medicines as may be reasonably required, but not to exceed the sum of \$1,283.33; except that in special cases of prolonged hospitalization the commission may, in its discretion, increase the amount to a maximum of \$2,500.

(e) In case death results from such occupational disease the employer shall pay not to exceed \$525 burial expenses.

35-2-56. Partial Permanent Disability From Occupational Disease— Imposition of Liability—Determination of Disability—Medical Panel— Rehabilitation—Benefits.

I. There is imposed upon the employer a liability for the payment of benefits, as hereinafter provided, to every employee who becomes partially and permanently disabled and such disability is primarily caused or contributed to by a disease or injury to health arising out of or in the course of employment, subject however to the following conditions:

(a) No compensation shall be paid when the last day of injurious exposure of the employee to the hazards of the occupational disease shall have occurred prior to July 1, 1941.

(b) No compensation shall be paid unless such partial disability results within two years prior to the day upon which claim for such compensation was filed with the industrial commission of Utah.

(c) No compensation shall be paid unless the partial disability results within two years of the last day in which the employee was exposed to the occupational disease.

(d) The time limit prescribed by paragraphs (b) and (c) shall not apply in the case of an employee whose disablement was due to occupational exposure to ionizing radiation; provided, that a claim for such compensation shall be filed within one year after the date upon which the employee first suffered incapacity from the exposure to radiation and either knew or in the exercise of reasonable diligence should have known that the occupational disease was caused by his present or prior employment.

II. It is recognized that the measurement of partial permanent disability is a highly technical and difficult task and should be placed in the hands of physicians specially trained for the care and treatment of the occupational disease involved, and that particularly in cases of silicosis such determination should be by physicians limiting largely their practice to diseases of the chest; that the measurement of the extent of such disability should not be determined by physicians in general practice nor by laymen. Where a claim for compensation based upon partial permanent disability due to an occupational disease is filed with the commission, the commission shall appoint an impartial medical panel to consist of not less than three physicians specializing in the treatment of the disease or condition involved in the claim, and such medical panel shall make such study, take such X-rays and perform such tests as the panel may determine and certify to the commission the extent, if any, of the permanent disability of the claimant from performing work for remuneration or profit, and whether the sole cause of such partial permanent disability, in the opinion of the panel, results from the occupational disease and whether any other cause or causes have aggravated, prolonged, accelerated or in anywise contributed to the disability, and if so, the extent (in percentage) to which such other cause or causes has so contributed to the disability. The report of the panel shall be made to the commission in writing and shall be in substantially the following form:

REPORT OF MEDICAL PANEL

Partial Permanent Disability Cases

To the Industrial Commission of Utah
State Capitol Building
Salt Lake City, Utah

Re: _____, Claimant

Claim No. _____

The medical panel, composed of the undersigned physicians, has completed its study and examination of the above named claimant with respect to the measurement of the ability of the claimant to perform physical labor* (but without regard to the education, experience or training of the claimant) and on the assumption that the normal person functions at 100%, finds as follows:

	Percentage	Percentage
(1) Extent of Permanent Partial Disability from all causes (if any)	-----	-----
** (2) Specific causes of such disability:		
a. Occupational Disease (if any)	-----	
Name of Occupational disease		

b. Other diseases or injuries	-----	
Names of such diseases or injuries		

c. Other contributing factors	-----	

TOTAL	-----	-----
Dated	, 19.....	

	(Medical Panel)	

*Sec., 1949 Session Laws Utah, defines partial permanent disability as: "Partial permanent disability," as herein used, is defined as that pathological condition directly resulting from an occupational disease and causing substantial physical impairment, evidenced by objective medical and clinical findings readily demonstrable, and which has reduced the earning capacity of the employee, excluding, however, total disability cases.

**The sum of the percentage under (2) a, b, and c should equal the percentage of (1) and the commission shall promptly distribute by mail full copies of such report to the claimant, employer against whom compensation is claimed and the insurance carrier. Thereafter any such party shall have ten days to object, in writing, to such report, and if no objections are filed with the commission within such period, the percentage of partial disability caused solely by the occupational disease and so certified by the medical panel shall be deemed accepted. The expense of such study and certification shall be deemed accepted. The expense of such study and certification shall be paid out of the fund provided for by 35-1-68, Utah Code Annotated 1953, as amended and such study and certification shall be a part of the record. If objections to such report are filed, then it shall be the duty of the commission to determine the percentage of such partial permanent disability after formal hearing, and at such formal hearing the party objecting must show by the weight of the evidence the extent of such claimed partial permanent disability and on appeal the evidence shall be reviewed as in equity cases, notwithstanding section 35-2-38, Utah Code Annotated 1953.

III. Where an employee has been found to be partially and permanently disabled by reason of an occupational disease, as in this section provided, and the commission further finds that the employee is unable

to obtain employment in his usual trade or occupation, or on application of either the employee or employer the commission finds that it is to the best interest of the employee so partially and permanently disabled by reason of an occupational disease that he no longer works at his usual trade or occupation, then it shall be the duty of the commission to order that there be paid to the division of vocational rehabilitation of the state board of education out of that special fund provided for by section 35-1-68, Utah Code Annotated 1953, as amended, subdivision 1, not to exceed \$880 for use in the rehabilitation and training of such employee, such rehabilitation to be directed and controlled by such division of rehabilitation acting in conjunction with the industrial commission of Utah and shall generally follow the practice applicable under section 35-1-69, Utah Code Annotated 1953, as amended, and relating to the rehabilitation of employees having combined injuries.

IV. The benefits imposed upon the employer and to which an employee found, as in this section above provided, to be partially permanently disabled, shall be entitled under this act, are limited to the following:

During those weeks in which the employee is actively in training under the division of rehabilitation, as in this section above referred to, the employee shall receive \$44 per week for not to exceed 20 weeks, or a total of \$880 such payment to be made at four-week intervals and upon the filing with the commission at two-week intervals of a certificate by the division of rehabilitation that the employee is co-operating with such division, in his rehabilitation training.

At the termination of such training in rehabilitation, the employee shall be paid \$23.50 a week at four-week intervals until such time as the total payments so made, plus the weekly payments received by the employee during rehabilitation training, equals a sum equivalent to that amount determined under the following formula:

By applying the percentage of partial permanent disability resulting from the occupational disease and determined by the medical panel (or in case of formal hearing, then by the commission) to the amount of \$5,275. For example: Assume a finding by the medical panel that the employee has sustained partial permanent disability from an occupational disease to the extent of twenty per cent loss of bodily function. Twenty per cent of \$5,275 equals \$1,055. The amount payable would therefore be:

20 weeks rehabilitation	\$ 880
Balance at intervals of 4 weeks	175
	\$1,055
TOTAL	\$1,055

Notwithstanding anything hereinabove provided, payments for partial permanent disability shall not exceed in any one case an aggregate of \$5,275 and all payments so made shall be credited to the employer and deducted from any award which might ultimately be made should the employee subsequently become totally and permanently disabled.

Section 2. Effective Date.

This act shall take effect July 1, 1967.

Approved March 15, 1967.

CHAPTER 68

S. B. No. 156

(Passed February 17, 1967. In effect July 1, 1967)

STATE INSURANCE FUND—ADMINISTRATION

An Act Amending Section 35-3-1, Utah Code Annotated 1953, Relating to the State Insurance Fund and Providing for the Submission of a Budget for the Administrative Costs of the State Insurance Fund to the Governor and the Legislature; Providing an Effective Date.

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

Section 1. Section Amended.

Section 35-3-1, Utah Code Annotated 1953, as amended, is amended to read as follows:

35-3-1. State Insurance Fund—Purpose—Liability of State Limited—Must Submit Budget to Governor.

There shall be maintained a fund, to be known as the state insurance fund, for the purpose of insuring employers against liability for compensation based upon compensable accidental injuries and against liability for compensation on account of occupational diseases, and of assuring to the persons entitled thereto the compensation, provided by law. Such fund shall consist of all premiums and penalties received and paid into the fund, of property and securities acquired by and through the use of moneys belonging to the fund, and of interest earned upon money belonging to the fund and deposited or invested as herein provided. There shall be no liability on the part of the state beyond the amount of such fund. Such fund shall be applicable to the payment of losses sustained on account of insurance, to the payment of compensation, and to the payment of salaries and other expenses charged against it in accordance with the provisions of this title. The administrative expenses required in administering this act shall be provided for by legislative appropriation from the resources of the state insurance fund. The commission shall prepare and submit to the governor, to be included in his budget to the legislature, a budget of the requirements in carrying out the provision of law for the biennium next following the convening of the legislature. In the conduct and administration of the business of said fund the commission of finance may appoint with the approval of the governor, a manager, and may employ accountants, inspectors, attorneys, physicians, investigators, clerks, stenographers, and such other experts and assistants as it deems advisable.

Section 2. Effective Date.

This act shall take effect July 1, 1967.

Approved March 21, 1967.

CHAPTER 69

H. B. No. 158

(Passed March 9, 1967. In effect May 9, 1967)

BOILER INSPECTION LAW

An Act Providing for the Safe Construction, Installation, Repair, Use and Operation of Boilers and Pressure Vessels, Except Those Under Federal Control and Certain Others; Providing for Inspection of Boilers, Inpection Fees to be Charged, and Enforcement of Safety Rules and Regulations Adopted by Industrial Commission Who Shall Administer Act and Have Supervision Thereof; Providing Penalties for Violation of Act; Repealing Sections 35-7-1, 35-7-2, 35-7-3 and 35-7-4, Utah Code Annotated 1953 and Substituting in Lieu Thereof This Act.

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

Section 1. Boiler Inspection Act.

This act shall, except as otherwise provided herein, cover all boilers and pressure vessels used in industrial or manufacturing establishments, business establishments, saw mills, construction jobs and every place where workmen or the public may be exposed to the risks thereof. This act shall not apply to:

- a. Boilers subject to inspection, control or regulation under or pursuant to the terms of any law or regulation of the U. S. Government or any of its agencies.
- b. Air tanks located on vehicles used for transporting passengers or freight.
- c. Pressure vessels operated entirely full of water or other liquid which is not materially more hazardous than water, provided the temperature of the vessel contents does not exceed 150° F.
- d. Water heater tanks of the type commonly known as domestic water heaters.
- e. Pressure vessels meeting the requirements of the Interstate Commerce Commission for shipment of liquids or gases under pressure.
- f. Boilers and pressure vessels which are excluded from the Boiler and Pressure Vessel Code published by the American Society of Mechanical Engineers.

Section 2. Standards.

For the purposes of this act the standards for the design and construction of new boilers and new pressure vessels shall be the latest applicable provisions of the Boiler and Pressure Vessel Code published by the American Society of Mechanical Engineers. This act shall not be construed as preventing the construction and use of boilers or pressure vessels of special design, subject to approval of the Utah industrial commission, provided such special design provides a level of safety equivalent to that contemplated by the Boiler and Pressure Vessel Code of the American Society of Mechanical Engineers. Boiler and pressure vessels, including existing boilers and pressure vessels, shall be maintained in safe operating condition for the service involved.

Section 3. Annual Inspections.

On and after July 1, 1967, each boiler used or proposed to be used within this state, except boilers exempt under Section 1 of this act, shall be thoroughly inspected internally and externally, annually (except as otherwise herein provided), while not under pressure, by the industrial commission or by inspectors approved and deputized by said commission as to its safety of construction, installation, condition, and operation. If at any time a hydrostatic test shall be deemed necessary by the industrial commission to determine the safety of a boiler, the same shall be made at the direction of the commission, allowing a reasonable time for owner or user to comply. Not more than 14 months shall elapse between internal inspections of boilers, except not more than 30 months between internal inspections of large power boilers (those operated and monitored continuously with adequate maintenance, combustion, and water controls). The industrial commission may extend the inspection interval in writing when proper evidence has been presented as to method of operation, performance records and water treatment. All low pressure boilers (steam 15 pounds per square inch pressure and water 60 pounds per square inch pressure, maximum) shall be internally and externally inspected at least biennially where construction will permit. Boilers inspected by deputized inspectors employed by insurance companies, if made within the time limits herein provided, shall be considered to meet the provisions of this act if reports of such inspections are filed with the industrial commission within 30 days after such inspection, and if such boilers are certified by such inspectors employed by insurance companies as being safe to operate for the purpose for which they are being used; and such inspection and filing of such report with the industrial commission shall exempt such boiler or boilers from inspection fees herein provided.

If a boiler shall, upon inspection, be found to be suitable and to conform to the rules and regulations of the industrial commission, the inspector shall issue to such owner or user an inspection certificate.

The industrial commission may at any time suspend an inspection certificate when in its opinion the boiler for which it was issued may not continue to be operated without menace to the public safety or when the boiler is found not to comply with the safety rules of the commission. Such suspension of an inspection certificate shall continue in effect until such boiler shall have been made to conform to the safety rules of the industrial commission and a new certificate is issued.

Inspectors deputized or employed by the industrial commission under this act shall meet at all times nationally recognized standards of qualifications of fitness and competence for such work.

Section 4. Inspection Fees.

The owner or user of a boiler required by this act to be inspected shall pay to the secretary of the industrial commission such fees for inspec-

tion or charges for permits to operate as set by the industrial commission. Such fees shall not exceed \$20 per boiler. The secretary of the industrial commission shall pay all sums so received to the treasurer of the state of Utah.

Section 5. Effective Date—Violation a Misdemeanor.

On and after July 1, 1967, it shall be unlawful for any person, firm, partnership or corporation to operate a boiler or pressure vessel to which this act applies in violation of this act. Such violation shall constitute a misdemeanor on the part of the owner, user or operator thereof, and be punishable for a fine not exceeding \$100 or imprisonment not to exceed 90 days or both, at the discretion of the court.

Section 6. Sections Repealed.

Section 35-7-1, 35-7-2, 35-7-3 and 35-7-4, Utah Code Annotated 1953, are hereby repealed.

Approved March 14, 1967.

LEGISLATURE

CHAPTER 70

S. B. No. 54

(Passed March 9, 1967. In effect May 9, 1967)

LEGISLATIVE COUNCIL TAX REVISION COMMITTEE

An Act Relating to Taxation; Providing for the Creation of a Tax Revision Committee of the Utah Legislative Council.

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

Section 1. Tax Revision Committee.

There is hereby created a tax revision committee of the legislative council composed of nine members to be appointed and to consist of the following: two members of the senate appointed to the legislative council tax subcommittee; two members of the house appointed to the legislative council tax subcommittee; one member of the senate appointed at large by the president of the senate; one member of the house appointed at large by the speaker of the house; and three members appointed by the governor. Of those members of the committee appointed by the governor, one member shall be appointed from the Tax Section of the Utah State Bar Association, one member shall be appointed from the membership of the Utah Association of Certified Public Accountants or Utah Society of Public Accountants and one member shall be a qualified economist. The chairman of the state tax commission, or his designated representative, shall be an ex-officio member of the committee. Any vacancies in the committee membership appointed by the governor shall be filled by the governor.

Section 2. Meetings—Regulations—Advisory Committees.

Such committee shall meet upon call of the legislative council at the state capitol within sixty days after appointment and organize by selecting one of its members as chairman, and may by rule provide for meet-

ings, create subcommittees, and otherwise regulate organization and procedure. The committee shall confer with advisory committees of the Utah Bar, State Association of Certified Public Accountants and the Utah Society of Public Accountants.

Section 3. Duties of Committee.

Such committee is charged with the following duties as a supplement to and as a part of the duties of the legislative council as enumerated and defined in Section 36-4-2, Utah Code Annotated 1953, as amended:

(1) To investigate and study the tax structure of the state of Utah with particular reference and priority to individual income taxes, inheritance taxes, franchise taxes and other taxes, as they relate to the total impact of taxation on the economy of Utah;

(2) To collect, compile, calculate and analyze statistical information as affecting the taxation of all property or other types of wealth and income, within the state with the view of affecting a more equitable distribution of the tax burden and to prepare bills provided therefor;

(3) To study the advisability or feasibility of coordinating the Utah income tax act with the Internal Revenue Code as adopted by the United States Government, of changing the Utah franchise tax act to a corporation income tax act, of coordinating the Utah inheritance tax act with the federal estate tax act and of adopting any other legislation designed to more equitably distribute the tax burden among the various citizens of the state of Utah;

(4) To study the advisability and feasibility of the multi-state tax compact as developed by the Council of State Governments.

(5) To make progress reports to the legislative council and to report to the governor not later than October 1, 1968, its findings and conclusions, and its recommendations as to changes in the taxation of incomes or franchises and other types of property within the state, and to provide the elective members of the legislature, not later than November 15, 1968, with bills designed to provide a more equitable distribution of the tax burden.

Section 4. Powers and Authority.

The committee shall have power and authority to employ experts, investigators, stenographers, attorneys or other clerical help and may keep all records and prepare any proposed legislation that it may deem advisable.

Section 5. Reimbursement of Necessary Expenses.

Members of the committee shall receive or be reimbursed for necessary expenses incurred in the discharge of their duties.

Approved March 21, 1967.

CHAPTER 71

S. B. No. 183

(Passed March 8, 1967. In effect May 9, 1967)

LEGISLATIVE COUNCIL—DUTIES

An Act Amending Section 36-4-2, Utah Code Annotated 1953, as Amended by Chapter 4, Laws of Utah 1966, Second Special Session, and Section 36-4-12, Utah Code Annotated 1953; Relating to the Legislative Council and its Duties and Providing Per Diem for the Members.

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

Section 1. Sections Amended.

Section 36-4-2, Utah Code Annotated 1953, as amended by Chapter 4, Laws of Utah 1966, Second Special Session and Section 36-4-12, Utah Code Annotated 1953, are amended to read:

36-4-2. Duties of Council.

It shall be the duty of the council:

(1) To collect information concerning the government and general welfare of the state, examine the effects of previously enacted statutes and recommend amendments thereto, and deal with important issues of public policy and questions of state-wide interest.

(2) To prepare a legislative program in the form of bills or otherwise, as in its opinion the welfare of the state may require, to be presented at the next session of the legislature, with recommendation for order of consideration by the legislature.

(3) To investigate and study the possibilities for consolidations in the state government, the elimination of all unnecessary activities and of all duplication in office personnel and equipment, and the coordination of departmental activities; and to investigate methods of increasing efficiency and of effecting economies.

(4) To investigate and study the possibilities of reforming the system of local government with a view to simplifying the organization of government.

(5) To cooperate with the legislative, executive and judicial departments of state government in devising means of enforcing the law and improving legislative enactment.

(6) To take over and perform the duties of the interstate cooperation commission.

(7) To employ necessary professional assistance to conduct in-depth studies in areas assigned to it.

(8) To enjoy every additional power and to perform every labor or function assigned to it by joint resolution of the legislature.

36-4-12. Per Diem Allowance.

Members of the council and the chairman and vice-chairman and members of any sub-committee appointed by the council thereto shall be paid a per diem of \$25 per day and be reimbursed for actual expenses incurred while attending said session.

Approved March 21, 1967.

CHAPTER 72

S. B. No. 182

(Passed March 8, 1967. In effect May 9, 1967)

JOINT BUDGET AND AUDIT COMMITTEE

An Act Amending Section 7, Chapter 5, Laws of Utah 1966, Second Special Session; Relating to the Joint Budget and Audit Committee and the Legislative Analyst and His Duties; Providing for a Per Diem and Expenses of the Members of the Committee.

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

Section 1. Section Amended.

Section 7, Chapter 5, Laws of Utah 1966, Second Special Session, is amended to read:

Section 7. Duties of Legislative Analyst.

The duties of the legislative analyst shall be:

(1) To review in detail the executive budget before the convening of each regular legislative session and be prepared to report to the legislature each state agency's justification for each item or program appearing in the executive budget;

(2) To prepare cost estimates on all proposed bills which anticipate government expenditures;

(3) To prepare a review and analysis of revenue estimates for existing and proposed revenue acts;

(4) To report any instances in which the administration may be failing to carry out the expressed intent of the legislature.

(5) To call attention to each proposed new service contained in the governor's budget;

(6) To point out each item in the budget which has been denied previously by the legislature;

(7) To propose and analyze proposed statutory changes to effect operational economies or more effective administration;

(8) To conduct organizational and management improvement studies consistent with responsibilities assigned to the joint budget and audit committee by Section 3 of Chapter 5, Laws of Utah 1966, Second Special Session;

(9) To recommend areas and methods for research studies to be undertaken by the administration or the legislative council;

(10) To prepare, following each session of the legislature, a summary showing the effect of the final legislative program on the financial condition of the state;

(11) To assist in prescribing the format for the presentation of the governor's budget so as to facilitate program review of all state expenditures.

Section 2. Per Diem Allowance.

Members of the committee shall be paid a per diem of \$25 per day and shall be reimbursed for actual and necessary expenses incurred while attending committee meetings.

Section 3. Savings Clause.

If any provision of this act, or the application of any provision to any person or circumstance is held invalid, the remainder of this act shall not be affected thereby.

Approved March 16, 1967.

CHAPTER 73

S. B. No. 181

(Passed March 8, 1967. In effect May 9, 1967)

LEGISLATIVE LEGAL SERVICES COMMITTEE

An Act Amending Section 3 of Chapter 7, Laws of Utah 1966, Second Special Session; Relating to the Legislative Legal Services Committee and the Legal Advisor and His Duties; Providing for Per Diem and Expenses of the Members of the Committee.

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

Section 1. Section Amended.

Section 3 of Chapter 7, Laws of Utah 1966, Second Special Session, is amended to read as follows:

Section 3. Duties of Legal Advisor.

(1) The legal advisor shall prepare or assist in the preparation of legislative measures when requested to do so by a member or a member elect of the legislature, both between and during legislative sessions.

(2) Bills or resolutions may be deposited at any time with the legal advisor for filing with the legislature at its next session. Upon deposit of a bill or resolution the legal advisor shall give it a number and make such changes in the form of the same as may be necessary to comply with the constitution, laws and existing rules of the legislature. The legal advisor shall also mail a copy of each such bill or resolution to each member of the legislature and to each member-elect.

(3) The legal advisor shall give such legal advice and assistance concerning any measure before the legislature as circumstances permit when requested to do so by any member or member elect of the legislature or any of its committees or conference committees.

(4) The legal advisor shall prepare a digest of the contents of each bill introduced in the legislature, and maintain a file of such digests for future reference.

(5) The legal advisor shall formulate plans for the revision, clarification, classification, arrangement, codification, annotation and indexing of the Utah statutes, and shall submit to each regular session of the legislature a report concerning these matters, including proposed bills to effectuate his recommendations.

Section 2. Per Diem Allowance.

Members of the committee shall be paid a per diem of \$25 per day and shall be reimbursed for actual and necessary expenses incurred while attending committee meetings.

Section 3. Savings Clause.

If any provision of this act, or the application of any provision to any person or circumstance is held invalid, the remainder of this act shall not be affected thereby.

Approved March 21, 1967.

CHAPTER 74

H. B. No. 201

(Passed March 9, 1967. In effect May 9, 1967)

JOINT INVESTIGATING COMMITTEE

An Act Providing for the Appointment of a Joint Investigating Committee by the Legislature, and Providing for the Hiring of Necessary Assistants, and Providing an Appropriation.

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

Section 1. Joint Investigating Committee Created.

There is created a joint investigation committee of the legislature of the state of Utah consisting of four members appointed by the senate from its membership and four members of the house of representatives from its membership. Two members from each major political party shall be appointed by each house upon recommendations of each party caucus. In the event of a vacancy on the committee said vacancy shall be filled by appointment by the presiding officer in the house in which such vacancy occurs, upon recommendation of a caucus of the same political party in which the vacancy occurs. The chairman of the committee shall be chosen from and by the members of the committee. Said committee shall meet in the state capitol not later than thirty days after the effective date of this act, for the purpose of effecting its organization and prescribing rules and regulations to carry out the purpose and intent of this act. The terms of the committee members shall expire upon the convening of the next regular session of the legislature.

Section 2. Duties of Committee.

It shall be the duty of the committee:

- (1) To investigate any complaint, or allegation of wrong doing, malfeasance, misfeasance, or nonfeasance on the part of any state official, employee or department;
- (2) To conduct hearings and to give all interested parties an opportunity to appear and testify concerning the operation of state government, and to make reports and recommendations to the legislature concerning their findings;
- (3) To employ such investigators and stenographic reporters and clerical help as shall be necessary;
- (4) To meet at least once in each quarter year in open session, with notice thereof to be given by publication in a newspaper having statewide circulation, at least 20 days prior to the date and time of such meeting;
- (5) To meet at such additional times as may be necessary either in open session, or in executive session to consider and receive evidence which may be presented to the committee, or which has been presented at hearings, and to deliberate and make recommendation to the Legislature;
- (6) To cooperate with the Legislative Council and the Legislative Budget Audit Committee in its investigations;
- (7) To enjoy every additional power and to perform every labor or function assigned to it by joint resolution of the legislature.

Section 3. Powers of Committee.

In the discharge of any investigation, or in the conduct of any hearing, the committee shall have the authority to administer oaths, issue subpoenas, compel the attendance of witnesses and the production of any papers, books, accounts, department records, documents and testimony, and to cause the deposition of witnesses, either residing within or without the state, to be taken in the manner prescribed by law for taking depositions in civic actions in the district courts. In case of disobedience on the part of any person to comply with any subpoena issued in behalf of the committee, or on the refusal of any witness to testify to any matters regarding which he may be lawfully interrogated, it shall be the duty of the district court of any county, or of the judge thereof, on application of a member of the committee, to compel obedience by proceedings for contempt, as in the case of disobedience of the requirements of a subpoena issued from such court or a refusal to testify therein. Witnesses appearing before the committee other than state employees, shall receive witness fees and mileage as provided by law for attendance before the district courts of the state.

Section 4. Meetings—Quorum.

The committee shall meet as often as necessary, and, at least once each quarter year as provided in Section 1, and a majority of the members shall constitute a quorum and a majority thereof shall have authority to act.

Section 5. Committee to Appoint Investigator.

The committee shall appoint its own investigator, or investigators, who shall be trained and experienced as investigators, and shall be employed on a full or part time basis, and paid a salary and expenses to be determined by the committee. The committee may employ other agencies which specialize in investigative work, and said investigators, or agencies shall be chosen without reference to party affiliation, and solely on the ground of fitness and qualification to perform the duties of office.

Section 6. Committee to Prepare Report.

The committee shall prepare a report in writing to the Legislature, which may be confidential, or partly confidential as determined by the committee, until the Legislature has received such report, and determined whether it should be released in whole or in part to the general public.

Section 7. Recommendations.

The committee report shall contain recommendations to the Legislature regarding the improvement of state government and the various agencies investigated, and may also contain specific recommendations and suggestions regarding possible legal action or actions to punish wrong doing, or to clarify possible legal questions.

Section 8. Per Diem Allowance.

Members of the committee shall be paid for their actual and necessary expenses incurred in the performance of their official duties plus a per diem allowance of \$25.00.

Section 9. Savings Clause.

If any part of this Act shall be found to be unconstitutional, such finding shall in no wise affect those sections, parts, or portions not held to be unconstitutional.

Approved March 9, 1967 — Overrode Veto of Governor.

CHAPTER 75

S. B. No. 102

(Passed March 9, 1967. In effect May 9, 1967)

LEGISLATIVE AREA

An Act Amending Section 36-5-1, Utah Code Annotated 1953, as Enacted by Chapter 6, Laws of Utah 1966, Second Special Session, Relating to the Legislative Area at the Capitol and Increasing the Size Thereof.

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

Section 1. Section Amended.

Section 36-5-1, Utah Code Annotated 1953, as enacted by Chapter 6, Laws of Utah 1966, Second Special Session, is amended to read as follows:

36-5-1. Legislative Area Defined.

The legislative area at the capitol, including the chambers, lounges, committee rooms, adjacent hallways and utility space, the senate and house galleries together within the enclosed hallways and offices adjacent to the senate gallery with all rooms between them, and office space, and facilities for the leadership and minority party, is reserved for the use and occupancy of the legislature and its committees and for legislative functions. The joint legislative operations committee shall designate the use which may be made of such legislative area.

Approved March 16, 1967.

LIBRARIES
CHAPTER 76

S. B. No. 160

(Passed February 17, 1967. In effect July 1, 1967)

**STATE LIBRARY COOPERATION—BEQUESTS, GIFTS AND
ENDOWMENTS—FEES**

An Act Amending Section 37-4-7, Utah Code Annotated 1953, as Enacted by Chapter 68, Laws of Utah 1957; Providing for the Deposit of Gifts, Funds and Proceeds Received by the Utah State Library in the General Fund of the State; and Providing an Effective Date.

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

Section 1. Section Amended.

Section 37-4-7, Utah Code Annotated 1953, as enacted by Chapter 68, Laws of Utah 1957, is amended to read as follows:

37-4-7. Duties—Powers—Transfer to General Fund.

The Utah state library is hereby empowered:

1. To co-operate with other state or national libraries or library agencies;

2. To co-operate with the federal government or agencies thereof in accepting federal aid whether in the form of funds or otherwise; and

3. To receive bequests, gifts and endowments of money and to deposit such funds with the state treasurer to be placed in the general fund as restricted revenue of the Utah state library; provided, that said funds shall be held in the general fund for the purpose, if any, specifically directed by the donor thereof.

4. To receive bequests, gifts and endowments of property to be held, used, or disposed of, with the approval of the state finance commission, unless otherwise directed by the donor. Any interest or proceeds realized from the use or disposition of property shall be deposited in the general fund of the state as restricted revenue of the Utah state library or for purposes as specifically directed by the donor.

All fees paid to the library and collections made due to damaged books or through sale or exchange of books and other materials shall be deposited in the general fund of the state as restricted revenue of the Utah state library.

Section 2. Effective Date.

This act shall take effect on July 1, 1967.

Approved March 14, 1967.

MILITIA AND ARMORIES

CHAPTER 77

S. B. No. 170

(Passed February 17, 1967. In effect July 1, 1967)

FINES—DISPOSITION OF

An Act Amending Sections 39-1-42 and 39-1-48, Utah Code Annotated 1953, and Section 39-2-7, Utah Code Annotated 1953, as Amended by Chapter 65, Laws of Utah 1953; Providing for the Deposit of Fines Collected by the National Guard in the General Fund; Providing for the Adjutant General to Submit Budgets for Expenses of the Department and for Appropriations to Cover Such Expenses; Providing a Limitation That the National Guard May Spend in a Fiscal Year and for the Transfer of the Balance in the Military Fund as of July 1, 1967, to the General Fund; and Providing an Effective Date.

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

Section 1. Section Amended.

Section 39-1-42, Utah Code Annotated 1953, is amended to read as follows:

39-1-42. Fines to General Fund.

All fines collected under the provisions of this chapter and the regulations governing the national guard of the United States, unless their disposition is otherwise provided for by law, shall be paid to the state treasurer for the credit of the general fund of the state.

Section 2. Section Amended.

Section 39-1-48, Utah Code Annotated 1953, is amended to read as follows:

39-1-48. Disposition of Fines.

Arms, ordnance, quartermaster's stores, camp equipment and other military property, whether the property of the United States or of this state, for the purpose of this section shall be deemed the property of the state, and shall be used only in the discharge of military duties. Any member of the national guard who embezzles, misapplies, disposes of, secrets, removes, and retains in his possession without authority, or who willfully injures or destroys such property, or fails to produce the same or its equivalent when so ordered, is guilty of a misdemeanor and subject to trial by court-martial, or by any civil court in any county where the accused may be found; and shall be fined in a sum double the value of the property involved, together with the cost of prosecution, and in default of payment thereof, shall be imprisoned not less than one nor more than three months in the jail of the county where the offense was committed, or where the court is held. Any person not a member of the national guard, who knowingly and willfully receives in pawn or pledge, or who purchases or otherwise acquires, or has in his possession and refuses upon demand to deliver, any such property is guilty of a misdemeanor, and upon conviction by any civil court of competent jurisdiction shall be punished by a fine not exceeding \$299 or by imprisonment not to exceed three months in the county jail, or by both such fine and imprisonment. No exemption shall be allowed on execution issued for the collection of such fines.

Section 3. Section Amended.

Section 39-2-7, Utah Code Annotated 1953, as amended by Chapter 65, Laws of Utah 1953, is amended to read as follows:

39-2-7. Budget to be Submitted to Governor.

For the use of the state armory board, and for the purpose of the payment of rentals for armories, and for the purpose of paying interest on any sum borrowed by said board for the erection of armories, and for the purpose of the construction of new armories or other military facilities, the adjutant general shall prepare and submit to the governor, to be included in his budget to be submitted to the legislature, a budget of the requirements for the expenses of the department in carrying out the provisions of law for the biennium next following the convening of the legislature; provided, that the national guard shall not be permitted to expend in excess of 90 percent of the amount of fees collected or the amount of the appropriation whichever is less, in each fiscal year.

Section 4. Transfer to General Fund.

The unexpended balance in said military fund as of July 1, 1967 shall be transferred to the unappropriated surplus account of the general fund.

Section 5. Effective Date.

This act shall take effect July 1, 1967.

Approved March 21, 1967.

MINES AND MINING**CHAPTER 78**

S. B. No. 171

(Passed February 17, 1967. In effect July 1, 1967)

OIL AND GAS CONSERVATION FUND—ASSESSMENTS

An Act Amending the Oil and Gas Conservation Act by Amending Section 40-6-14, Utah Code Annotated 1953, as Enacted by Chapter 65, Laws of Utah 1955, as Amended by Chapter 78, Laws of Utah 1961; Providing for the Abolishment of the Oil and Gas Conservation Fund and the Deposit of Oil and Gas Assessments Previously Directed Into the Oil and Gas Conservation Fund Into the General Fund; Providing for the Oil and Gas Conservation Commission to Submit a Budget, for Appropriations to Cover Its Expenses and for a Limitation Upon Expenditures; Providing for a Transfer of the Balance in the Oil and Gas Conservation Fund as of July 1, 1967, to the General Fund; and Providing an Effective Date.

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

Section 1. Section Amended.

Section 40-6-14, Utah Code Annotated 1953, as enacted by Chapter 65, Laws of Utah 1955, as amended by Chapter 78, Laws of Utah 1961, is amended to read as follows:

40-6-14. Monies to General Fund—Assessments—Delinquent Assessments—Exemptions.

For the purpose of paying the expenses of administration of this act, there is hereby levied and assessed on the market value at the well of all oil and gas produced and saved, sold or transported from the premises in Utah where produced a charge not to exceed two mills on the dollar value. The commission shall by order fix the amount of such charge in the first instance and may, from time to time, reduce or increase the amount thereof; provided, that the charge fixed by the commission shall not exceed the limit hereinabove prescribed. It shall be the duty of the commission to provide for the collection of such assessments. All monies so collected shall be remitted to the state treasurer for deposit in the state's general fund.

The commission shall prepare and submit to the governor, to be included in his budget to the legislature, a budget of the requirements for administrative expenses in carrying out the provisions of law for the biennium next following the convening of the legislature; provided, the commission shall not be permitted to expend in excess of 90 percent of the fees collected in each fiscal year or the legislative appropriation, whichever is less.

The persons owning an interest (working interest, royalty interest, payments out of production, of any other interest) in the oil and gas, or in the proceeds thereof, subject to the charge hereinabove provided for shall be liable for such charge in proportion to their ownership at the time of production. The charge so assessed and fixed shall be payable monthly and the sum so due shall be remitted to the commission on or before the thirtieth (30th) of the month next following

the month in which the charge accrued, by the producer on behalf of himself and all other interested persons. Any such charge not paid within the time herein specified shall carry a penalty of five percent (5%) and shall bear interest at the rate of one percent (1%) per month from the date of delinquency until paid, and such charge together with the interest shall be a lien upon the oil or gas against which the same is levied and assessed. The person remitting the charge as herein provided is hereby authorized, empowered and required to deduct from any amounts due the persons owning an interest in the oil and gas or in the proceeds thereof at the time of production a proportionate amount of such charge before making payment to such persons.

This section shall apply to all lands in the state of Utah, anything in section 40-6-11 of this act to the contrary notwithstanding; provided, however, that there shall be exempted from the charge hereinabove levied and assessed the following, to wit:

(1) The interest of the United States of America and the interest of the state of Utah and the political subdivisions thereof in any oil or gas or in the proceeds thereof.

(2) The interest of any Indian or Indian tribe in any oil or gas or in the proceeds thereof produced from land subject to the supervision of the United States.

(3) Oil or gas used in producing or drilling operations or for repressuring or recycling purposes.

Section 2. Surplus Account to General Fund.

The unexpended balance in said oil and gas conservation fund as of July 1, 1967, shall be transferred to the unappropriated surplus account of the general fund.

Section 3. Effective Date.

This act shall take effect on July 1, 1967.

Approved March 21, 1967.

MOTOR VEHICLES

CHAPTER 79

S. B. No. 142

(Passed February 17, 1967. In effect July 1, 1967)

REGISTRATION FEES—DEPOSIT

An Act Amending Section 41-1-141, Utah Code Annotated 1953, as Amended by Chapter 66, Laws of Utah 1955, as Amended by Chapter 80, Laws of Utah 1961; Providing for the Deposit of Motor Vehicle Registration Fees to the Credit of the Highway Construction and Maintenance Fund; Providing an Effective Date.

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

Section 1. Section Amended.

Section 41-1-141, Utah Code Annotated 1953, as amended by Chapter 66, Laws of Utah 1955, as amended by Chapter 80, Laws of Utah 1961, is amended to read as follows:

41-1-141. Highway Construction and Maintenance Fund—Budget.

All fees received and collected under the provisions of this act shall be transmitted daily to the state treasurer.

All fees paid for registration or transfer of registration of vehicles and motorcycles and all registration fees based on the gross laden weight of the vehicles shall be placed to the credit of the highway construction and maintenance fund.

All other fees shall be placed to the credit of the highway construction and maintenance fund. The expenses of the commission in enforcing and administering this act shall be provided for by legislative appropriation from the revenues of the highway construction and maintenance fund. The commission shall prepare and submit to the governor, to be included in his budget to the legislature, a budget of the requirements in carrying out the provisions of law for the biennium next following the convening of the legislature.

Section 2. Effective Date.

This act shall take effect on July 1, 1967.

Approved March 3, 1967.

CHAPTER 80

S. B. No. 148

(Passed February 17, 1967. In effect July 1, 1967)

DISPOSITION OF DRIVER EDUCATION TAX

An Act Amending Section 41-1-146, Utah Code Annotated 1953, as Enacted by Chapter 72, Laws of Utah 1957, and Sections 53-14-13, 53-14-15, 53-14-16, 53-14-17 and 53-14-19, Utah Code Annotated 1953, as Enacted by Chapter 97, Laws of Utah 1957; Relating to the Automobile Driver Education Tax; Providing for the Deposit of Such Tax in an Account Within the Uniform School Fund and for the Usage, Disbursement and Allotment of Same; Providing for Changes in the Sources of Payment of Expenses of Collecting This Tax and of Costs of the Driver Education Program; Providing an Effective Date; and Repealing Section 53-14-18, Utah Code Annotated 1953, as Enacted by Chapter 97, Laws of Utah 1957.

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

Section 1. Section Amended.

Section 41-1-146, Utah Code Annotated 1953, as enacted by Chapter 72, Laws of Utah 1957, is amended to read as follows:

41-1-146. Disposition of Driver Education Taxes.

All of said automobile driver education taxes received and collected pursuant to the foregoing provisions of law shall be transmitted daily to the state treasurer and shall be placed to the credit of an account to be known as the automobile driver education tax account within the uniform school fund.

The necessary expenses of the state tax commission incurred in the administration and collection of said tax shall be paid from it legislative

appropriation in the general fund, which fund shall be reimbursed by a transfer for said expenses from the legislative appropriation of the uniform school fund.

Section 2. Section Amended.

Section 53-14-13, Utah Code Annotated 1953, as enacted by Chapter 97, Laws of Utah 1957, is amended to read as follows:

54-14-13. School Districts Having Driver Education Classes—Reimbursement—Funds—Amounts.

The state superintendent of public instruction shall on or before the September 1st following the school year during which it was expended or may at earlier intervals during said school year, reimburse each local school district which applies therefor and that maintains automobile driver education classes which conform to the regulations and standards prescribed by the state board of education for its actual cost of providing the behind-the-wheel and observation training incidental to said classes. The reimbursement amount shall be paid out of the "automobile driver education tax account" in the uniform school fund and shall not exceed \$30.00 per student who completes such a standard driver education course during the school year. In the event that the amount of money available for said purpose in the automobile driver education tax account at the end of any school year is less than the total of said reimbursable costs, the superintendent of public instruction shall reimburse said local school districts up to the amount of money available in said account and shall allocate it to each school in the same proportion that its reimbursable costs bear to the total reimbursable costs of all school districts eligible therefor.

Section 3. Section Amended.

Section 53-14-15, Utah Code Annotated 1953, as enacted by Chapter 97, Laws of Utah 1957, is amended to read as follows:

53-14-15. Promotion of Establishment of Automobile Driver Education Classes.

The superintendent of public instruction shall promote the establishment and maintenance of the automobile driver education classes in the local school districts. For that purpose, the state board of education may employ such personnel as may be necessary to give full effect to this program. The cost incurred by the state board of education for this purpose shall be paid from the legislative appropriation to the state board of education made from the automobile driver education tax account in the uniform school fund.

Section 4. Section Amended.

Section 53-14-16, Utah Code Annotated 1953, as enacted by Chapter 97, Laws of Utah 1957, is amended to read as follows:

53-14-16. Appropriation of Funds from Automobile Driver Education Tax Fund.

There is appropriated to the state board of education from the automobile driver education tax account annually all of the money in said account in excess of the expenses of administering the collection of the

automobile driver education tax for use and distribution in the administration and maintenance of the automobile driver education classes and program as above provided by local school districts and the state department of education.

Section 5. Section Amended.

Section 53-14-17, Utah Code Annotated 1953, as enacted by Chapter 97, Laws of Utah 1957, is amended to read as follows:

53-14-17. Transfer of Funds.

The state auditor shall, on the first day of June, 1958, and on the first day of June each year thereafter, set up in allotment accounts the amount herein appropriated from the automobile driver education tax account for expenditure under the direction of the state board of education, as above provided.

Section 6. Section Repealed.

Section 53-14-18, Utah Code Annotated 1953, as enacted by Chapter 97, Laws of Utah 1957, is hereby repealed.

Section 7. Section Amended.

Section 53-14-19, Utah Code Annotated 1953, as enacted by Chapter 97, Laws of Utah 1957, is amended to read as follows:

53-14-19. Advisory Board.

The governor shall appoint an advisory board composed of seven members from among groups or individuals who are concerned with problems of traffic safety and driver education. These board members shall be appointed for two year terms. The terms of office shall commence July 1 and end June 30. The first term shall commence July 1, 1967.

The advisory board shall advise the state board of education in the formulation of policies related to the administration of the driver education program.

The members of the advisory board shall receive reimbursement for their necessary expenses as determined and defined by the state board of education.

Section 8. Effective Date.

This act shall take effect upon July 1, 1967.

Approved March 14, 1967.

CHAPTER 81

S. B. No. 47

(Passed March 9, 1967. In effect January 1, 1968.)

CHAUFFEURS AND MOTORCYCLE LICENSES

An Act Amending Sections 41-2-1 and 41-2-6, Utah Code Annotated 1953, and Enacting Section 41-2-11.5, Utah Code Annotated 1953; Redefining "Chauffeur" and Defining "Motorcycle," Requiring Special License Examinations for Chauffeurs Operating Vehicles in Excess of 10,000 Pounds and for Motorcycle Operators, with an Effective Date of January 1, 1968.

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

Section 1. Sections Amended.

Sections 41-2-1 and 41-2-6, Utah Code Annotated 1953, are amended to read:

41-2-1. Definitions.

The following words and phrases when used in this act shall, for the purpose of this act, have the meaning respectively ascribed to them in this section except in those instances where the context clearly indicates a different meaning:

(a) "Vehicle." Every device in, upon or by which any person or property is or may be transported or drawn upon a public highway, excepting devices moved by human power or used exclusively upon stationary rails or tracks.

(b) "Motor Vehicle." Every vehicle which is self-propelled and every vehicle which is propelled by electric power obtained from overhead trolley wires, but not operated upon rails.

(c) "Farm Tractor." Every motor vehicle designed and used primarily as a farm implement for drawing plows, mowing machines and other implements of husbandry.

(d) "Person." Every natural person, firm, copartnership, association or corporation.

(e) "Owner." A person who holds the legal title of a vehicle or in the event a vehicle is the subject of an agreement for the conditional sale or lease thereof with the right of purchase upon performance of the conditions stated in the agreement and with an immediate right of possession vested in the conditional vendee or lessee, or in the event of mortgagor of a vehicle is entitled to possession, then such conditional vendee or lessee or mortgagor shall be deemed the owner for the purpose of this act.

(f) "Operator." Every person, other than a chauffeur, who is in actual physical control of a motor vehicle upon a highway.

(g) "Chauffeur." Every person who is employed by another for the principal purpose of driving a motor vehicle, every person who drives a school bus transporting school children or nursery school children or any motor vehicle when in use for the transportation of persons or property for compensation and every person who is employed by another for the principal purpose of driving a motor vehicle, operating any motor vehicle or combination of vehicles having a combined gross laden weight in excess of 10,000 pounds.

(h) "Nonresident." Every person who is not a resident of this state and who has not sojourned or engaged in any gainful occupation in this state for an aggregate period of sixty days in the preceding twelve months.

(i) "Street or Highway." The entire width between property lines of every way or place of whatever nature when any part thereof is open to the use of the public, as a matter of right, for purposes of vehicular traffic.

(j) "Department." The division of drivers' licenses and accident records of the department of public safety.

(k) "School Bus." Every motor vehicle owned by a public or governmental agency and operated for the transportation of children to or from school or privately owned and operated for compensation for the transportation of children to or from school.

(l) "Suspension" — means that the licensee's privilege to drive a vehicle is temporarily withdrawn.

(m) "Revocation" — means that the licensee's privilege to drive a vehicle is terminated. A new license may be obtained only as permitted by law.

(n) "Cancellation" — means that a license which was issued through error or fraud or for which necessary consent has been withdrawn is terminated. A new license may be obtained only as permitted by law.

(o) "License" — means the privilege to operate a motor vehicle over the highways of this state.

(p) "License Certificate" — means the evidence of the privilege to operate a motor vehicle over the highways of this state.

(q) "Motorcycle." Every motor vehicle, except farm tractors, designed to travel on not more than three wheels in contact with the ground.

41-2-6. Examination of Applicants—Chauffeur's License.

(a) The department shall appropriately examine each applicant according to the class of chauffeur's license applied for and may impose such rules and regulations for the exercise thereof as it may deem necessary for the safety and welfare of the traveling public. Upon issuing a chauffeur's license the department shall indicate on the license certificate the class of license so issued.

(b) No person who is under the age of twenty-one years shall drive any school bus transporting school children or nursery school children or any motor vehicle when in use as a contract or common carrier of persons or property, nor in any event, until he has been licensed as a chauffeur for one or more of such purposes and the license certificate so indicates. The department shall not grant a chauffeur's license for any such purpose unless the applicant has had at least one year of driving experience prior thereto and has filed with the department one or more certificates signed by a total of at least three responsible people to whom he is well known certifying as to his good character and habits and the department is fully satisfied as to the applicant's competency and fitness to be so licensed. It shall be a misdemeanor for any person to drive a vehicle as a chauffeur under any classification of license unless he is licensed under that classification.

Section 2. Section Enacted.

Section 41-2-11.5, Utah Code Annotated 1953, is enacted to read:

41-2-11.5. Motorcycle Operators License.

The department shall require that any person, before operating any type of motorcycle which is required by law to be registered and licensed by the state of Utah as a motor vehicle upon a street or highway in this state, shall, 30 days after issuance of a learner's permit, possess an operator's or chauffeur's license and, in addition, shall pass an

examination on motorcycle operation as required by the department of public safety and show that he has the physical qualifications to operate a motorcycle in a manner so as not to jeopardize the safety of himself or other persons or property. The department shall indicate on the operator's or chauffeur's license certificate of such licensee that he is so qualified to operate a motorcycle. It shall be a misdemeanor for any person to operate a motorcycle in this state unless he is licensed to do so.

Section 3. Effective Date.

This act shall take effect January 1, 1968.

Approved March 16, 1967.

CHAPTER 82

S. B. No. 46

(Passed March 9, 1967. In effect July 1, 1967)

OPERATORS LICENSES

An Act Amending Sections 41-2-10, 41-2-11, 41-2-12, 41-2-14, 41-2-15, and 41-2-21, Utah Code Annotated 1953, Section 41-2-5, Utah Code Annotated 1953, as Amended by Chapter 68, Laws of Utah 1955, as Amended by Chapter 78, Laws of Utah 1965, Section 41-2-8, Utah Code Annotated 1953, as Amended by Chapter 82, Laws of Utah 1961, Section 41-2-12.1, Utah Code Annotated 1953, as Enacted by Chapter 73, Laws of Utah 1957, Section 41-2-13, Utah Code Annotated 1953, as Amended by Chapter 68, Laws of Utah 1963; Enacting Section 41-2-13.1, Utah Code Annotated 1953, and Repealing and Re-enacting Section 41-2-16, Utah Code Annotated 1953, as Re-enacted by Chapter 70, Laws of Utah 1955, as Amended by Chapter 74, Laws of Utah 1957, as Amended by Chapter 83, Laws of Utah 1961; Relating to Operators' and Chauffeurs' Licenses; Providing for Pictures on All Licenses, Increasing Fees for Original, Renewal and Duplicate Licenses and for Record Searches, Requiring Completion of Driver Training for All First Time Licensees, Terminating Good-Until-Revoked Licenses, Requiring Re-examination for Renewal, and Making Duration of Licenses Four Years; and Providing an Effective Date.

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

Section 1. Section Amended.

Section 41-2-5, Utah Code Annotated 1953, as amended by Chapter 68, Laws of Utah 1955, as amended by Chapter 78, Laws of Utah 1965, is amended to read as follows:

41-2-5. Persons to Whom License Shall Not Be Issued.

(1) An operator's license shall not be granted to any person under the age of sixteen years, and a chauffeur's license shall not be granted to any person under the age of eighteen years. Neither an operator's nor chauffeur's license shall be granted to any person who has not completed a course in driver training approved by the commissioner of public safety, but this prohibition shall not apply to persons who have been issued such licenses before the effective date of this act nor to

persons sixteen years of age or older making application for license who have been issued a valid operator's or chauffeur's license in another state or country.

(2) The department shall not issue an operator's or chauffeur's license certificate to any person whose license, either as an operator or chauffeur has been suspended during the period of such suspension. The department shall not again grant a license nor issue a license certificate to any person whose privilege has been revoked, except as provided in 41-2-21.

(3) The department shall not grant an operator's or chauffeur's license to any person who it has determined is an habitual drunkard, is a habitual user of narcotic drugs, or is a habitual user of any other drug to a degree which renders him incapable of safely driving a motor vehicle.

(4) No operator's or chauffeur's license shall be granted to any person who has previously been adjudged to be afflicted with or suffering from any mental disability or disease and who has not at the time of application been restored to competency by the methods provided by law.

(5) The department shall not grant an operator's or chauffeur's license to any person when in the opinion of the department such person is afflicted with or suffering from such physical or mental disability or disease as will serve to prevent such person from exercising reasonable and ordinary control over a motor vehicle while operating the same upon the highways, nor shall a license be granted to any person who is unable to understand highway warning or direction signs in the English language.

(6) No operator's or chauffeur's license shall be granted to any person who is required by this act to take an examination, unless such person shall have successfully passed such examination.

Section 2. Section Amended.

Section 41-2-8, Utah Code Annotated 1953, as amended by Chapter 82, Laws of Utah 1961, is amended to read as follows:

41-2-8. Application for Operator's or Chauffeur's License.

(1) Application for an original operator's or chauffeur's license shall be made upon a department form by any person who does not hold a valid Utah operator's or chauffeur's license certificate and who wishes to be licensed to drive in the state. An original application shall be accompanied by a fee of \$5.00, which shall entitle the applicant to not more than three attempts to pass the examination within six months of the date of the application, to an instruction permit if needed, and, when the examination is passed, to an original license, which shall expire on the birth date of the applicant in the fourth year following the year of issuance of the license. Under no condition shall there be any refund of the fee paid.

(2) If the applicant for an original chauffeur's license is already licensed as an operator, his operator's license certificate shall be surrendered before the chauffeur's license is issued.

(3) Every original application shall state under oath the full name, date of birth, sex, and residence address of the applicant, and briefly describe the applicant, and shall state whether the applicant has heretofore been licensed as an operator or chauffeur, and, if so, when and by what state or country, and whether any such license has ever been suspended or revoked, or whether an application has ever been refused, and, if so, the date of and reason for such suspension, revocation, or refusal, and such other information as the department shall require.

(4) Whenever an application is received from a person previously licensed in another state, the department shall request a copy of the operator's record from such other state. When received, the operator's record shall become a part of the operator's record in this state with the same force and effect as though entered on the operator's record in this state in the original instance.

Section 3. Section Amended.

Section 41-2-10, Utah Code Annotated 1953, is amended to read as follows:

41-2-10. Application of Minor—Liability of Person Signing Application.

(1) The application of any person under the age of eighteen years for an instruction permit or operator's license shall be signed and verified before a person authorized to administer oaths by the father, mother or guardian of the applicant, or, in the event there is no father, mother, or guardian having custody of such minor, then by some responsible person who is willing to assume the obligation imposed under this act upon a person signing the application of a minor.

(2) Any negligence or willful misconduct of a minor under the age of eighteen years when driving a motor vehicle upon a highway shall be imputed to the person who has signed the application of such minor for a permit or license, which person shall be jointly and severally liable with such minor for any damages caused by such negligence or willful misconduct (except as otherwise provided in the next succeeding subsection).

(3) In the event a minor deposits or there is deposited upon his behalf proof of financial responsibility in respect to the operation of a motor vehicle owned by him, or if not the owner of a motor vehicle, then with respect to the operation of any motor vehicle, in form and in amounts as required under the motor vehicle financial responsibility laws of this state, then the department may accept the application of such minor when signed by one parent or the guardian of such minor, and while such proof is maintained such parent or guardian shall not be subject to the liability imposed under the preceding subsection of this section.

(4) Any person who has signed the application of a minor for a license may thereafter file with the department a verified written request that the license of said minor so granted be cancelled. Thereupon the department shall cancel the license of said minor and the person who signed the application of such minor shall be relieved from the liability imposed under this act by reason of having signed such application on account of any subsequent negligence or willful misconduct of such minor in operating a motor vehicle.

(5) The department upon receipt of satisfactory evidence of the death of the person or persons who signed the application of a minor for a license shall cancel such license and shall not issue a new license until such time as a new application, duly signed and verified, is made as required by this act. This provision shall not apply in the event the minor has attained the age of eighteen years.

Section 4. Section Amended.

Section 41-2-11, Utah Code Annotated 1953, is amended to read as follows:

41-2-11. Examination of Applicants.

(1) The department shall examine every applicant for an operator's or chauffeur's license, including a test of the applicant's eyesight by the department or by the applicant furnishing to the department a certificate from a person engaged in the practice of medicine and surgery and the treatment of human ailments, or in the practice of optometry as defined under Chapters 12 and 16, respectively, of Title 58, showing his vision corrected or uncorrected, to be 20/40 or better, and of his ability to read and understand highway signs regulating, warning and directing traffic, his knowledge of the traffic laws of this state and such further physical and mental examination as the department finds necessary to determine the applicant's fitness to operate a motor vehicle safely upon the highways, and as to whether any facts exist which would bar the issuance of a license under section 41-2-5. Such test shall also include an actual demonstration of the applicant's ability to exercise ordinary and responsible control in the operation of a motor vehicle.

(2) Upon application for renewal of any operator's or chauffeur's license the department shall cause each applicant to be re-examined as upon application for an original license as provided above, although the department may, in proper cases, waive that portion of the test designed to demonstrate the applicant's ability to exercise ordinary and reasonable control in the operation of a motor vehicle.

Section 5. Section Amended.

Section 41-2-12, Utah Code Annotated 1953, is amended to read as follows:

41-2-12. Records to be Filed—Suitable Indices Kept.

(1) The department shall file every application for a license received by it and shall maintain suitable indices containing:

(a) All applications denied and on each thereof note the reason of such denial;

(b) All applications granted; and

(c) The name of every licensee whose license has been suspended or revoked by the department and after each such name note the reasons for such action.

(2) The department shall also file all accident reports and abstracts of court records of convictions received by it under the laws of this state and in connection therewith maintain convenient records or make suitable notations in order that an individual record of each licensee

showing the convictions of such licensee and the traffic accidents in which he has been involved shall be readily ascertainable and available for the consideration of the department upon any application for renewal of license and at other suitable times.

(3) Any peace officer shall have the authority to make notations of traffic violations of which he is a witness and shall forward a record of all such notations to the department to be copied on the application of the licensee.

Section 6. Section Amended.

Section 41-2-12.1, Utah Code Annotated 1953, as enacted by Chapter 73, Laws of Utah 1957, is amended to read as follows:

41-2-12.1. Fee for Making Report.

The drivers' license division of the department of public safety shall collect a fee of one dollar for searching the drivers' license files and making a report when requested by any person or company for a report on the driving record of any person licensed as an operator or chauffeur in the state of Utah.

Section 7. Section Amended.

Section 41-2-13, Utah Code Annotated 1953, as amended by Chapter 68, Laws of Utah 1963, is amended to read as follows:

41-2-13. Licenses Issued to Operators and Chauffeurs — Temporary Licenses.

(1) The department shall issue to every person privileged to drive as an operator, an operator's license certificate, and to every person privileged to drive as a chauffeur, a chauffeur's license certificate. Any person privileged to drive as a chauffeur shall not be required to procure an operator's license, but no person shall drive any motor vehicle as a chauffeur unless licensed as a chauffeur.

(2) Every such license certificate shall bear thereon the social security number and/or the distinguishing number assigned to the licensee, the name, age and residence address of the licensee, a brief description of the licensee for the purpose of identification, a photograph of the licensee and a photograph or other facsimile of the licensee's signature. The license shall be of an impervious material, resistant to wear, damage and alteration. The size, form and color of said license shall be as prescribed by the commissioner of public safety and the commissioner may prescribe the issuance of a special type limited license as authorized in section 41-2-18 (d). In addition, the commissioner may in his discretion authorize the issuance of renewed or duplicate driver licenses without pictures in instances where the applicants are not then living within the boundaries of the state of Utah.

(3) The department, upon determining after an examination that an applicant is mentally and physically qualified to be granted a license, may issue to such a person a receipt for the fee which shall serve as a temporary license certificate allowing him to operate a motor vehicle while the department is completing its investigation and determining all of the facts bearing upon whether he is entitled to be licensed. Such receipt must be in his immediate possession while operating a motor

vehicle, and it shall be invalid when the applicant's license certificate has been issued or for good cause the privilege has been refused. The department shall indicate on such receipt a date after which it ceases to be valid as a license certificate.

(4) The department will, when issuing to any person under 21 years of age, issue to all such persons who have qualified an instruction permit or a temporary permit which is plainly printed with the word "minor," or an operator's or chauffeur's license of a special color not used for issue to persons 21 years of age or over.

Section 8. Section Amended.

Section 41-2-14, Utah Code Annotated 1953, is amended to read as follows:

41-2-14. Duplicate License Certificate.

In the event that an operator's or chauffeur's license certificate issued under the provisions of this act shall be lost, stolen, or destroyed, the person to whom the same was issued may obtain a duplicate thereof upon furnishing proof satisfactory to the department that such license certificate has been lost, stolen or destroyed and upon payment of a fee of \$3.00. In the event that the department is advised that an operator's or chauffeur's license certificate has been lost, stolen or destroyed, the same shall forthwith be void.

Section 9. Section Amended.

Section 41-2-15, Utah Code Annotated 1953, is amended to read as follows:

41-2-15. License to be Signed and Carried.

The licensee shall have his license in his immediate possession at all times when driving a motor vehicle and shall display the same upon demand of a justice of peace, a peace officer or a field deputy or inspector of the department. It shall be a defense to any charge under this subsection that the person so charged produce in court an operator's or chauffeur's license theretofore issued to such person and valid at the time of his arrest.

Section 10. Section Enacted.

Section 41-2-13.1, Utah Code Annotated 1953, is enacted to read as follows:

41-2-13.1 Notify Department of Change of Address.

Whenever any person after applying for or receiving an operator's or chauffeur's license shall move from the address named in such application or in the license issued to him such person shall within 10 days thereafter notify the department in writing of his new address and of the number of any license then held by him.

Section 11. Section Amended.

Section 41-2-16, Utah Code Annotated 1953, as re-enacted by Chapter 70, Laws of Utah 1955, as amended by Chapter 74, Laws of Utah 1957, as amended by Chapter 83, Laws of Utah 1961, is hereby repealed and is re-enacted to read as follows:

41-2-16. License Renewals—Effective Dates—Fees—To Vehicle Control Account.

(1) Every operator's or chauffeur's license renewed after June 30, 1967 shall expire on the licensee's birth date in the fourth year following the year of issuance of such license, and no new license shall be issued to any person after the expiration of his license until he has again passed the examinations specified in section 41-2-11 (1) and has paid the required fee. Any operator's license granted without specific expiration date, heretofore designated as good-until-revoked license, shall expire on the date last stamped by the department upon such license and may be renewed as any other operator's license referred to in this chapter for the applicable period of time set forth above.

(2) The holder of a valid license may secure a renewal thereof by making application at any time within six months before such license expires, by passing the examination specified in section 41-2-11 (2) and by paying a fee of \$5.00 except for those 65 years of age and over a fee of \$3.00. Upon the payment of such fee and the passing of such examinations, the department shall issue a new license to such holder. Chauffeurs' licenses may be renewed as operators' licenses.

(3) All operators' and chauffeurs' license fees, whether for original, renewed or duplicate license certificates, shall be transmitted monthly to the state treasurer and placed in an account to be known as the vehicle control account. The vehicle control account or so much thereof as may be necessary, shall be used by the department in paying the expenses it may incur in carrying out the provisions of this act. The department shall establish the necessary files, application blanks, license certificate blanks and clerical help to put into effect the provisions of this act.

(4) Utah operators' and chauffeurs' licenses held by persons ordered to active duty in any of the armed forces of the United States shall be honored as valid until ninety days after the person has been discharged or has left the service, unless such license is suspended or revoked for cause by the department.

(5) All operators' and chauffeurs' licenses in effect as of the effective date of this act unless expressly otherwise provided herein, shall continue in force and effect for the period for which such license was issued.

Section 12. Section Amended.

Section 41-2-21, Utah Code Annotated 1953, is amended to read as follows:

41-2-21. New License After Revocation.

(1) Any person whose license has been revoked under this act shall not be entitled to apply for or receive any new license until the expiration of one year from the date such former license was revoked or longer as provided in sections 41-2-18 and 41-2-19. Licenses which have been revoked may not be renewed, but application for a new license must be filed as provided in section 41-2-8, and a license so issued shall be subject to all of the provisions of an original license. The department shall not grant the license until an investigation of the character,

abilities and habits of the driver has been made to indicate whether it will be safe to again grant him the privilege of using the highways.

(2) Any resident or nonresident whose operator's or chauffeur's license to operate a motor vehicle in this state has been suspended or revoked as provided in this act shall not operate a motor vehicle in this state under a license, permit, or registration certificate issued by any other jurisdiction or otherwise during such suspension or after such revocation until a new license is obtained when and as permitted under this act.

Section 13. Effective Date.

This act shall become effective on July 1, 1967.

Approved March 21, 1967.

CHAPTER 83

H. B. No. 126

(Passed March 20, 1967. In effect May 9, 1967)

VIOLATION OF OPERATORS LICENSE ACT

An Act Amending Sections 41-2-29 and 41-2-30, Utah Code Annotated 1953, Relating to Violations of the Operators and Chauffeurs License Act and Providing That Such Violations Shall Be Misdemeanors.

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

Section 1. Sections Amended.

Sections 41-2-29 and 41-2-30, Utah Code Annotated 1953, are amended to read:

41-2-29. Violation a Misdemeanor.

(a) It shall be a misdemeanor for any person to violate any of the provisions of this act unless such violation is by this act or other law of this state declared to be a felony.

(b) Unless another penalty is in this act or by the laws of this state provided, every person convicted of a misdemeanor for the violation of any provisions of this act shall be punished by a fine of not more than \$299 or by imprisonment of not more than six months, or by both such fine and imprisonment.

41-2-30. Penalty for Violations.

Any person convicted of a violation of section 41-2-28 shall be punished by imprisonment in the county or municipal jail for a period of not more than six months and there may be imposed in addition thereto a fine of not more than \$299.

Approved February 27, 1967.

CHAPTER 84

S. B. No. 23

(Passed February 27, 1967. In effect May 9, 1967)

COMMERCIAL DRIVER TRAINING SCHOOLS

An Act Requiring the Licensing of Commercial Driver Training Schools and of Instructors and Authorizing the Commissioner of Public Safety to Adopt Regulations in Connection Therewith.

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

Section 1. Definitions.

As used in this act:

(1) "Commercial driver training school" or "school" means a business enterprise conducted by an individual, association, partnership, or corporation for the education and training of persons, either practically or theoretically, or both, to operate or drive motor vehicles and/or to prepare an applicant for an examination given by the State for an operator's or chauffeur's license or learner's permit, and charging a consideration or tuition for such services.

(2) "Instructor" means any person, whether acting for himself as operator of a commercial driver training school or for any such school for compensation, who teaches, conducts classes of, gives demonstrations to, or supervises practice of persons learning to operate or drive motor vehicles or preparing to take an examination for an operator's or chauffeur's license or learner's permit, and any person who supervises the work of any other such instructor.

(3) "Commissioner" means the commissioner of public safety.

Section 2. Adopt Regulations—Enforce Article.

(1) The commissioner shall adopt and prescribe such regulations concerning the administration and enforcement of this article as are necessary to carry out the intent of this article and to protect the public. The commissioner or his authorized representative shall inspect the school facilities and equipment of applicants and licensees and examine applicants for instructor's licenses.

(2) The commissioner shall administer and enforce the provisions of this article, and may call upon the state superintendent of public instruction for assistance in developing and formulating appropriate regulations.

Section 3. Commercial Driver Training Schools.

(1) No commercial driver training school shall be established nor any such existing school continue on or after July 1, 1967, unless such school applies for and obtains from the commissioner a license in the manner and form prescribed by the commissioner.

(2) Regulations adopted by the commissioner shall state the requirements for a school license, including requirements concerning locations, equipment, courses of instruction, instructors, previous records of the school and instructors, financial statements, schedule of fees and charges, character and reputation of the operators and instructors, insurance in such sum and with such provisions as the commissioner deems necessary to protect adequately the interests of the public, and such other matters as the commissioner may prescribe for the protection of the public.

Section 4. Commissioner May License and Issue Regulations.

(1) No person shall act as an instructor on or after July 1, 1967, unless such person applies for and obtains from the commissioner a license in the manner and form prescribed by the commissioner.

(2) Regulations adopted by the commissioner shall state the requirements for an instructor's license, including requirements concern-

ing moral character, physical condition, knowledge of the courses of instruction, motor vehicle laws and safety principles and practices, previous personnel and employment records, and such matters as the commissioner may prescribe for the protection of the public.

Section 5. Licenses Expiration Date—Fees.

All licenses shall expire on the last day of the calendar year and may be renewed upon application to the commissioner as prescribed by his regulation. Each applicant for an original or renewal school license fee shall be accompanied by a fee of \$25.00 and each application for an original or renewal instructor's license shall be accompanied by a fee of \$5.00. The license fees collected under this article shall be placed in a fund to be designated the "Commercial Driver Training Law Fund" and shall be used under the supervision and direction of the director of finance for the administration of this article. No license fee shall be refunded in the event that the license is rejected, suspended or revoked.

Section 6. Commissioner May Suspend License of School.

The commissioner may cancel, suspend, revoke, or refuse to issue or renew a school or instructor's license in any case where he finds the licensee or applicant has not complied with, or has violated any of the provisions of this article or any regulation adopted by the commissioner hereunder. Any cancelled, suspended or revoked license shall be returned to the commissioner by the licensee, and its holder shall not be eligible to apply for a license under this article until six months have elapsed since the date of such suspension or revocation.

Section 7. Exceptions to Act.

The provisions of this article shall not apply to any person giving driver training lessons to schools or classes conducted by colleges, universities, and high schools for regularly enrolled full time students as a part of the normal program for such institutions.

Section 8. Classes in Driver Education.

Local boards of education, with the consent of the commissioner of public safety, are hereby authorized to conduct classes in driver education for adult members of the district in those areas of the state where no commercial driver training course is available, and are authorized to charge a fee for such training, not to exceed the cost for said training.

Section 9. Violation—Penalty—Fine.

Violation of any provision of this article or any regulation promulgated pursuant hereto shall constitute a misdemeanor and any person, firm, or corporation upon conviction therefor shall be punished by a fine of not more than \$299.00 or imprisonment for not more than six months, or by both such fine and imprisonment.

Approved March 1, 1967.

DEALERS AND SALESMEN**CHAPTER 85**

S. B. No. 114

(Passed March 9, 1967. In effect May 9, 1967)

MOTOR VEHICLE DEALERS ADMINISTRATOR—POWERS

An Act Amending Section 41-3-8, Utah Code Annotated 1953, as Amended by Chapter 80, Laws of Utah 1961, Empowering the Motor Vehicle Dealers Administrator to Bring an Action to Enjoin Any Persons Defined in the Motor Vehicle Dealers and Salesmen Act from Continuing Violations or Their Doing or Engaging in Any Actions in Violation of This Act.

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

Section 1. Section Amended.

Section 41-3-8, Utah Code Annotated 1953, as amended by Chapter 80, Laws of Utah 1961, is amended to read as follows:

41-3-8. Administrator's Powers and Duties.

The administrator acting under the direction and supervision of the Utah state tax commission is hereby charged with the administration of this act and for the purpose of administering this act the administrator shall have the following powers and duties:

(1) From time to time to promulgate, amend, and repeal such reasonable rules and regulations, not inconsistent with this act and the laws of the state of Utah, as he shall deem necessary, to carry out the purposes of this act.

(2) To employ, subject to the laws of the state of Utah, such clerks, deputies, and assistants as he may consider necessary to discharge the duties imposed upon him by this act and to designate the duties of such clerks, deputies, and assistants.

(3) To issue, and, for reasonable cause shown, to refuse to issue to any applicant therefor, any license authorized by this act; provided, however, that the administrator shall not refuse to issue to any applicant therefor, other than a partnership or corporation, any license provided for herein if such applicant shall have complied with the terms and provisions of this act and the rules and regulations promulgated by the administrator pursuant to the authority herein conferred upon him relating to the conduct of the type of business for which application for a license is made, unless it shall first be made to appear that the applicant was previously the holder of a license hereunder which was revoked or suspended, as is in this act more specifically provided for, which license in the case of revocation was never reissued by the administrator, or which in the case of suspension was never reinstated, or unless the applicant, though never licensed under the terms and provisions of this act, has been convicted in a court of record in this state of the violation of some one or more of the terms and provisions of this act or of a rule or regulation promulgated by the administrator under the authority herein conferred upon him; and further provided, that if the applicant for a license be a partnership or a corporation, the administrator may refuse to issue a license to such applicant where

he determines: (a) That one or more of the partners, if the applicant be a partnership, or one or more of the stockholders or officers of the corporation, if a corporation be the applicant, was previously the holder of a license, issued under the authority of this act, which was revoked or suspended, which license in the case of revocation was never reissued or in the case of suspension was never reinstated or that one or more of such partners, stockholders, or officers, as the case may be, though not previously the holder of a license, was convicted in a court of record in the state of Utah of a violation of one or more of the terms and provisions of this act or of a rule or regulation promulgated by the administrator under the authority herein conferred upon him; and (b) That by reason of the facts and circumstances touching the organization, control, and management of the partnership or corporation business is likely that the policy of such business will be directed, controlled, or managed by individuals who, by reason of their conviction of a violation of the provisions of this act, would be ineligible for a license and that by licensing such corporation or partnership the purposes of this act would likely be defeated.

(4) For just cause shown, to revoke, or to suspend on such terms and conditions and for such period of time as to the administrator shall appear fair and just, any license or licenses issued under and pursuant to the terms and provisions of this act; provided, however, that no such license shall be revoked or suspended except that it shall first be shown that the licensee has been duly convicted by a court of competent jurisdiction of this state of the violation of one or more of the terms and provisions of this act, or of a rule or regulation promulgated by the administrator under the power and authority herein conferred upon him; and further provided that nothing contained in this act shall be construed to deprive the administrator of the power to suspend or revoke any license pending an appeal from such judgment of conviction or a review thereof by a proper writ.

(5) He shall have the power on his own motion and he shall upon the sworn complaint of any person investigate any suspected or alleged violation by any licensee hereunder of any of the terms and provisions of this act or of any rule or regulation promulgated by the administrator under the authority herein conferred upon him.

(6) To prescribe the forms subject to the approval of the attorney general of the state of Utah to be used for applications for licenses to be issued under the terms and provisions of this act and to require of such applicants, as a condition precedent to the issuance of such license, such information touching on and concerning the applicant's fitness to be licensed hereunder as he may consider necessary; provided, however, that every application for a new motor vehicle dealer's license, used motor vehicle dealer's license, manufacturer's license, transporter's license or wrecker's license shall contain in addition to such information as the administrator may require, a statement of the following facts:

(a) The name and residence address of the applicant and the trade name, if any, under which he intends to conduct his business; and if the applicant be a copartnership, the name and residence address of each member thereof, whether a limited or general partner, and the name under which the partnership business is to be conducted; and

if the applicant be a corporation, the name of the corporation and the name and address of each of its principal officers and directors.

(b) A complete description, including the city, town, or village with the street and number, if any, or if located outside of any of the foregoing, a general description so that location can be properly determined, of the principal place of business and such other and additional place or places of business as shall be operated and maintained by the applicant in conjunction with the principal place of business.

(c) If the application be for a new motor vehicle dealer's license, the name or names of the new motor vehicle or vehicles that the applicant has been enfranchised to sell or exchange and the name or names and address of the manufacturer or distributor who has enfranchised the applicant.

(d) The names and addresses of the persons, if any, who shall act as salesmen under the authority of the license, if issued.

(7) To adopt a seal with the words "Motor Vehicle Dealer's Administrator, State of Utah," and such other devices as the administration may desire engaged thereon, by which he shall authenticate the acts of his office.

(8) To require that a licensee's principal place of business and such other sites, equipment or locations as may be operated and maintained by such licensee in conjunction with his business have erected or posted thereon such signs or devices providing information relating to the licensee's name, the location and address of such licensee's principal place of business, the type of license held by the licensee and the number thereof, as the administrator shall consider necessary to enable any person doing business with such licensee to identify him properly; and for this purpose to determine the size and shape of such signs or devices, the lettering thereon, and other details thereof, and to prescribe rules and regulations for the location thereof.

(9) To provide for regular meetings of the advisory board, to be held not less frequently than quarter-annually, and from time to time to call special meetings thereof; provided, that notices of all regular and special meetings of the advisory board shall by the administrator be mailed to all members thereof at the last known address of each, not less than five days prior to the date on which such meetings shall be held.

(10) To investigate and whenever he shall believe from evidence satisfactory to him that any person, firm, or corporation has violated or is continuing to violate this act or any rule or regulation promulgated under the authority of this act, he may, in addition to any other remedies provided for in this act, bring an action in the name and on behalf of the state of Utah against such person, firm, or corporation to enjoin them from their continuing such violation or their doing or engaging in any actions in further violation of this act or any such rule or regulation.

Approved March 21, 1967.

CHAPTER 86

S. B. No. 173

(Passed February 17, 1967. In effect July 1, 1967)

ADVISORY BOARD—DEPOSIT OF FEES

An Act Amending Section 41-3-9, Utah Code Annotated 1953, as Amended by Chapter 80, Laws of Utah 1961, as Amended by Chapter 81, Laws of Utah 1965, and Section 41-3-14, Utah Code Annotated 1953, Relating to the Motor Vehicle Business Administration, Its Funds, Expenditures and Regulation of Motor Vehicle Dealers and Salesmen; Providing for the Deposit of Motor Vehicle Dealers' and License Fees in the General Fund Rather Than the Motor Vehicle Administrator's Fund; Providing for the Submission of a Budget and for an Appropriation to Cover Expenses and for a Limitation Upon Expenditures; Providing an Effective Date and Repealing Section 41-3-1, Utah Code Annotated 1953.

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

Section 1. Section Amended.

Section 41-3-9, Utah Code Annotated 1953, as amended by chapter 80, Laws of Utah 1961, as amended by Chapter 81, Laws of Utah 1965, is amended to read as follows:

41-3-9. Advisory Board — Creation and Composition — Meetings — Quorum—Duties—Election—Voting.

1. There is hereby created an advisory board, to consist of five members to be appointed from among the licensed motor vehicle manufacturers, distributors, factory branch and distributor branch representatives, dealers of new and used motor vehicles, motor vehicle wreckers, and motor vehicle transporters, which shall assist and advise with the administrator in the administration and enforcement of this act. The governor shall appoint all members thereof. Of the members first appointed the term of one shall expire July 1, 1950, and the term of one shall expire July 1, 1951, and the term of one shall expire July 1, 1952, and the term of one shall expire July 1, 1953, and the term of one shall expire July 1, 1954. Their successors shall be appointed for a term of five years; each advisory board member shall hold office until his successor is appointed and qualified. Three members of the advisory board shall be selected from new motor vehicle dealers and one from used motor vehicle dealers and one from the manufacturers, transporters, and wreckers, as defined in this act. The members of the advisory board shall be entitled to be compensated at the rate of \$15.00 per day for the days actually attending meetings and carrying on official work of the advisory board, but in no event shall they be entitled to receive more than twelve days' pay in any one fiscal year. They shall also be entitled to their reasonable traveling expenses incurred in the performance of their duties. A majority of the members of the advisory board shall constitute a quorum, the presence of which at any meeting thereof duly called by the administrator shall have full and complete power to act upon and resolve in the name of the board any matter, thing or question referred to it by the administrator, or which, by reason of any provisions of this act, it has power to determine.

2. The advisory board shall on the first day of each July, or as soon thereafter as is practicable, elect a chairman, vice-chairman, secretary and assistant secretary from among its members, who shall hold office until their successors are elected. As soon as the board shall elect its officers, as herein provided, the secretary so elected shall certify the results of such election to the administrator. The chairman shall preside at all meetings of the board and the secretary shall make a record of the proceedings thereof which shall be preserved in the office of the administrator. If the chairman be absent from any meeting of the advisory board, his duties shall be discharged by the vice-chairman, and if the secretary be absent therefrom, his duties shall be discharged by the assistant secretary. All members of the advisory board shall be entitled to vote on any question, matter or thing which properly comes before it.

Section 2. Section Amended.

Section 41-3-14, Utah Code Annotated 1953, is amended to read as follows:

41-3-14. Disposition of Fees—General Fund—Budget.

All such fees shall be paid over to the state treasurer who shall credit the same to the general fund. The commission shall prepare and submit to the governor, to be included in his budget to the legislature, a budget of the requirements for administrative expenses in carrying out the provisions of law for the biennium next following the convening of the legislature; provided, that the motor vehicle dealers administration shall not be permitted to expend in excess of 90 percent of the fees collected under this act in each year of the biennium or the legislative appropriation whichever is less.

Section 3. Section Repealed.

Section 41-3-1, Utah Code Annotated 1953, is hereby repealed.

Section 4. Effective Date.

This act shall take effect July 1, 1967.

Approved March 21, 1967.

CHAPTER 87

S. B. No. 112

(Passed March 8, 1967. In effect May 9, 1967)

VIOLATION BY DEALER LICENSEE

An Act Amending Section 41-3-23, Utah Code Annotated 1953, as Amended by Chapter 80, Laws of Utah 1961, as Amended by Chapters 81 and 82, Laws of Utah 1965; Making It Unlawful to Knowingly Advertise That No Down Payment Is Required in Connection with the Sale of a Motor Vehicle When in Fact a Down Payment Is Required and the Buyer is Advised or Induced to Finance Such Down Payment by a Loan.

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

Section 1. Section Amended.

Section 41-3-23, Utah Code Annotated 1953, as amended by Chapter 80, Laws of Utah 1961, as amended by Chapters 81 and 82, Laws of Utah 1965, is amended to read as follows:

41-3-23. Prohibited Acts or Omissions—Violation by Licensee.

(a) It shall be unlawful and a violation of this act for the holder of any license issued under the terms and provisions hereof:

(1) To intentionally publish, display or circulate any advertising which is misleading or inaccurate in any material particular or which misrepresents any of the products sold, manufactured, handled or furnished by a licensee.

(2) To violate any of the terms and provisions of this act or any of the rules and regulations promulgated by the administrator under the authority herein conferred upon him.

(3) To knowingly purchase, sell, transport, dismantle or otherwise acquire, dispose of or handle a stolen motor vehicle.

(4) To violate any law of the state of Utah now existing or hereafter enacted respecting commerce in motor vehicles or any lawful rule or regulation respecting commerce in motor vehicles promulgated by any licensing or regulating authority now existing or hereafter created by the laws of the state of Utah.

(5) To engage in business as a new motor vehicle dealer or used motor vehicle dealer or to act as a motor vehicle salesman without having in force and effect a good and sufficient bond with corporate surety as hereinbefore provided.

(6) For any licensed new motor vehicle dealer, used motor vehicle dealer, manufacturer, or wrecker to engage in the business for which such licensee is licensed without at all times maintaining a principal place of business as required by this act.

(7) For any licensee hereunder to engage in a type of business respecting the selling or exchanging of new or new and used motor vehicles for which he is not licensed.

(8) For any licensee hereunder to dismantle or wreck any motor vehicle without first obtaining a dismantling permit as required in section 41-1-79 of the motor vehicle act.

(9) For any licensed new motor vehicle dealer or used motor vehicle dealer to fail to give notice of sales or transfers as required in section 41-7-73 of the motor vehicle act.

(10) To advertise or otherwise represent, or knowingly to allow to be advertised or represented, on his behalf or at his place of business, that no down payment is required in connection with the sale of a motor vehicle when a down payment is in fact required and the buyer is advised or induced to finance such down payment by a loan in addition to any other loan financing the remainder of the purchase price of the motor vehicle.

(b) Every licensee (except salesmen) shall maintain a record in form as prescribed by the administrator of:

(1) Every motor vehicle which is bought, or exchanged by the licensee or which is received or accepted by the licensee for sale or exchange;

(2) Every used part or used accessory which is bought or otherwise acquired.

(3) Every motor vehicle which is bought or otherwise acquired and wrecked or dismantled by the licensee.

Every such record shall state the name and address of the person to whom any such vehicle or motor vehicle body, chassis or motor vehicle engine was sold or otherwise disposed of. Every such record shall be open to inspection by any peace officer, or officer or employee of the department during reasonable business hours.

(c) It shall be unlawful and a violation of this act, for a manufacturer of motor vehicles, distributor, distributor branch or factory branch, or other representative thereof to either induce or attempt to induce by means of coercion, intimidation, or discrimination any motor vehicle dealer:

(1) To accept delivery of any motor vehicle or vehicles, parts, or accessories therefor, or any other commodity or commodities including advertising material which shall not have been ordered by said motor vehicle dealer.

(2) To order or accept delivery of any motor vehicle with special features, appliances, accessories, or equipment not included in the list price of said motor vehicle as publicly advertised by the manufacturer thereof.

(3) To order from any person, firm, association, corporation, or trust, any parts, accessories, equipment, machinery, tools, appliances, or any commodity whatsoever.

(4) To enter into any agreement with such manufacturer, distributor, distributor branch or factory branch, or representative thereof, or to do any other act unfair to said dealer by threatening to cancel any franchise or contractual agreement existing between such manufacturer, distributor, distributor branch or factory branch, and said dealer.

(5) To refuse to deliver to any motor vehicle dealer having a franchise or contractual arrangement for the retail sale of new and unused motor vehicles sold or distributed by such manufacturer, distributor, distributor branch or factory branch, any motor vehicle, publicly advertised for immediate delivery within sixty (60) days after such dealer's order shall have been received.

(6) To unfairly, without due regard to the equities of said dealer and without just provocation, cancel the franchise of any motor vehicle dealer. The nonrenewal of a franchise or selling agreement without just provocation or cause shall be deemed an evasion of this paragraph and shall constitute an unfair cancellation.

(d) It shall be unlawful for any agent, as defined herein, to negotiate in any way for the sale, purchase, order or exchange of three or more vehicles for any other person or persons in any 12 month period.

Approved March 14, 1967.

TRAFFIC RULES AND REGULATIONS**CHAPTER 88**

H. B. No. 217

(Passed March 9, 1967. In effect May 9, 1967)

ALCOHOLIC CONTENT OF BLOOD

An Act Amending Section 41-6-43, Utah Code Annotated 1953, as Amended by Chapter 75, Laws of Utah 1957, to Provide That Local Authorities May by Ordinance Make it Unlawful to Drive While Under the Influence of Any Drug Which Makes a Person Incapable of Safely Operating a Motor Vehicle; Section 41-6-44, Utah Code Annotated 1953, as Amended by Chapter 75, Laws of Utah 1957, to Provide That a Person Having More Than 0.08 Percent Alcohol in His Blood Is Presumed to Be Guilty of Driving While Under the Influence of Intoxicating Liquor, and That a Police Officer May Arrest Upon Probable Cause; and Amending Section 41-6-44.10, Utah Code Annotated 1953, as Enacted by Chapter 80, Laws of Utah 1957, as Amended by Chapter 65, Laws of Utah 1959, to Provide That Arresting Officer May Determine Test to Be Given, That the Arresting Officer Must Advise the Person Arrested of His Rights, and Providing Civil or Criminal Immunity for Persons Who Administer Tests.

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

Section 1. Section Amended.

Section 41-6-43, Utah Code Annotated 1953, as amended by Chapter 75, Laws of Utah 1957, is amended to read:

41-6-43. Powers of Local Authorities.

(a) Local authorities may by ordinance provide that it shall be unlawful for any person who is under the influence of intoxicating liquor or is an habitual user or under the influence of any narcotic drugs or any other drug to a degree which renders him incapable of safely driving a vehicle to drive or be in actual physical control of any vehicle, and provide penalties therefor as a first offense consistent with Section 41-6-44.

(b) Local authorities may also by ordinance provide that any person who drives any vehicle in willful or wanton disregard for the safety of persons or property is guilty of reckless driving, and provide penalties therefor as a first offense consistent with Section 41-6-45.

Section 2. Section Amended.

Section 41-6-44, Utah Code Annotated 1953, as amended by Chapter 75, Laws of Utah 1957, is amended to read:

41-6-44. Driving While Under Influence of Intoxicating Liquor or Drugs—Narcotics—Punishment—Revocation of License.

(a) It is unlawful and punishable as provided in subdivision (d) of this section for any person who is under the influence of intoxicating liquor to drive or be in actual physical control of any vehicle within this state.

(b) In any criminal prosecution for a violation of subdivision (a) of this section relating to driving a vehicle while under the influence

of intoxicating liquor, the amount of alcohol in the person's blood at the time alleged as shown by chemical analysis of the person's blood, urine, breath, or other bodily substance shall give rise to the following presumptions:

1. If there was at that time 0.05 per cent or less by weight of alcohol in the person's blood, it shall be presumed that the person was not under the influence of intoxicating liquor;

2. If there was at that time in excess of 0.05 per cent but less than 0.08 per cent by weight of alcohol in the person's blood, such fact shall not give rise to any presumption that the person was or was not under the influence of intoxicating liquor, but such fact may be considered with other competent evidence in determining the guilt or innocence of the person;

3. If there was at the time 0.08 per cent or more by weight of alcohol in the person's blood, it shall be presumed that the person was under the influence of intoxicating liquor;

4. The foregoing provisions of this subdivision shall not be construed as limiting the introduction of any other competent evidence bearing upon the question whether or not the person was under the influence of intoxicating liquor.

(c) It is unlawful and punishable as provided in subdivision (d) of this section for any person who is an habitual user of or under the influence of any narcotic drug or any other drug to a degree which renders him incapable of safely driving a vehicle to drive or be in actual physical control of a vehicle within this state. The fact that any person charged with a violation of this subsection is or has been entitled to use such drug under the laws of this state shall not constitute a defense against any charge of violating this subsection.

(d) Every person who is convicted of a violation of this section shall be punished by imprisonment for not less than thirty days nor more than 6 months, or by a fine of not less than \$100 nor more than \$299, or by both such fine and imprisonment; provided that in the event such person shall have inflicted a bodily injury upon another as a proximate result of having operated said vehicle in a reckless or negligent manner or with a wanton or reckless disregard of human life or safety, he shall be punished by imprisonment in the county jail for not more than one year, and, in the discretion of the court, by a fine of not more than \$1,000.

(e) A peace officer may, without a warrant, arrest a person for a violation of this section when such violation is coupled with an accident or collision in which such person is involved and when such a violation has in fact been committed, although not in his presence, when the officer has reasonable cause to believe that the violation was committed by such person.

The department shall revoke the operator's or chauffeur's license of any person convicted under this section.

Section 3. Section Amended.

Section 41-6-44.10, Utah Code Annotated 1953, as enacted by Chapter 80, Laws of Utah 1957, and amended by Chapter 65, Laws of Utah 1959, is amended to read:

41-6-44.10. Chemical Tests—Alcoholic Content of Blood—Refusal to Allow—Revocation of License—Who May Give Tests.

(a) Any person operating a motor vehicle in this state shall be deemed to have given his consent to a chemical test of his breath, blood or urine for the purpose of determining the alcoholic content of his blood, provided that such test is administered at the direction of a peace officer having reasonable grounds to believe such person to have been driving in an intoxicated condition. The arresting officer shall determine within reason which of the aforesaid tests shall be administered. If such person has been placed under arrest and has thereafter been requested to submit to any one of the above chemical tests and refuses to submit to such chemical test, the test shall not be given and the arresting officer shall advise the person of his rights under this section. Within twenty days after receiving an affidavit from the arresting officer to the effect that such person has refused a chemical test the department shall notify such person of a hearing before the department. If at said hearing the department determines that the person was granted the right to submit to a chemical test and without reasonable cause refused to submit to such test, or if such person fails to appear before the department as required in said order, the department shall revoke, for one year, his license or permit to drive. Any person whose license has been revoked by the department under the provisions of this section shall have the right to file a petition within thirty days thereafter for a hearing in the matter in the district court in the county wherein such person shall reside, and such court is hereby vested with jurisdiction and it shall be its duty to set the matter for trial de novo upon ten days' written notice to the department and thereupon to take testimony and examine into the facts of the case and to determine whether the petitioner's license is subject to revocation under the provisions of this act.

(b) Upon the request of the person who was tested, the results of such test shall be made available to him.

(c) Only a physician, registered nurse, practical nurse or duly authorized laboratory technician, acting at the request of a police officer can withdraw blood for the purpose of determining the alcoholic content therein. This limitation shall not apply to the taking of a urine or breath specimen. Any physician, registered nurse, practical nurse or duly authorized laboratory technician who, at the direction of a peace officer, draws a sample of blood from any person whom the peace officer has reason to believe is driving in violation of this chapter, or hospital or medical facility at which such sample is drawn, shall be immune from any civil or criminal liability arising therefrom, provided such test is administered according to standard medical practice.

(d) The person tested shall be permitted to have a physician of his own choosing administer a chemical test in addition to the one administered at the direction of the peace officer.

Approved March 21, 1967.

CHAPTER 89

H. B. No. 86

(Passed February 16, 1967. In effect May 9, 1967)

MINIMUM SPEED REGULATIONS

An Act Amending Section 41-6-49, Utah Code Annotated 1953, as Amended by Chapter 71, Laws of Utah 1955, Relating to Minimum Speed Requirements.

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

Section 1. Section Amended.

Section 41-6-49, Utah Code Annotated 1953, as amended by Chapter 71, Laws of Utah 1955, is amended to read:

41-6-49. Minimum Speed Regulations.

(a) No person shall drive a motor vehicle at such a slow speed as to impede or block the normal and reasonable movement of traffic except when reduced speed is necessary for safe operation or because upon a grade or in compliance with law.

(b) Whenever the state road commission or local authorities within their respective jurisdictions determine on the basis of an engineering and traffic investigation that slow speeds on any part of a highway consistently impede the normal and reasonable movement of traffic the commission or such local authority may determine and shall post a minimum speed limit below which no person shall drive a vehicle except when necessary for safe operation or in compliance with law.

Approved February 20, 1967.

CHAPTER 90

H. B. No. 141

(Passed March 8, 1967. In effect May 9, 1967)

MATERIALS ON HIGHWAYS

An Act Amending Section 41-6-114, Utah Code Annotated 1953, as Amended by Chapter 71, Laws of Utah 1955, as Amended by Chapter 79, Laws of Utah 1957, to Include Private and Federal Lands; Designating Enforcement Officers.

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

Section 1. Section Amended.

Section 41-6-114, Utah Code Annotated 1953, as amended by Chapter 71, Laws of Utah 1955, as amended by Chapter 79, Laws of Utah 1957, is amended to read:

41-6-114. Destructive Materials on Highways—Designating Enforcement Authority.

(a) It shall be unlawful for any person to throw, deposit, or discard, or to permit to be dropped, thrown, deposited, or discarded upon any public road, highway, park, recreation area or other public or private land, any glass bottle, glass, nails, tacks, wire, cans, barbed wire, boards, trash or garbage, or any other substance which would

or could mar or impair the scenic aspect or beauty of such land in the state of Utah whether under private, state, county, municipal, or federal ownership without the permission of the owner, or person having control or custody of the land.

(b) Any person who drops, throws, deposits, or discards, or permits to be dropped, thrown, deposited or discarded, upon any public road, highway, park, recreation area or other public or private land any destructive, injurious or unsightly material shall immediately remove the same or cause it to be removed.

(c) Any person removing a wrecked or damaged vehicle from a public road, highway, park, recreation area or other public or private land shall remove any glass or other injurious substance dropped upon the road or highway or in the park, recreation area or other public or private land from such vehicle.

(d) It shall be unlawful to throw any lighted material from a moving vehicle.

(e) Every state fish and game conservation officer, police officer of incorporated cities and towns, sheriffs and their deputies, deputy state fire wardens and other officers of the state of Utah, within their jurisdiction shall enforce the provisions of this section.

Approved March 13, 1967.

CHAPTER 91

H. B. No. 110

(Passed February 17, 1967. In effect May 9, 1967)

LIGHTING EQUIPMENT ON MOTOR VEHICLES

An Act Amending Section 41-6-119, Utah Code Annotated 1953, as Amended by Chapter 78, Laws of Utah, 1957, to Provide for the Emission of a White Light Only on Motor Vehicle Headlights.

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

Section 1. Section Amended.

Section 41-6-119, Utah Code Annotated 1953, as amended by Chapter 78, Laws of Utah 1957, is amended to read:

41-6-119. Lighting Equipment Required.

(a) Every motor vehicle other than a motorcycle or a motordriven cycle shall be equipped with at least two head lamps with at least one on each side of the front of the motor vehicle, which head lamps shall comply with the requirements and limitations set forth in this act.

(b) Every motorcycle and every motor-driven cycle shall be equipped with at least one and not more than two head lamps which shall comply with the requirements and limitations of this act.

(c) Every head lamp upon every motor vehicle, including every motorcycle and every motor-driven cycle, shall emit a white light.

(d) This section shall not be construed to prohibit the use of additional fog lamps as provided in section 41-6-131 (b).

Approved February 27, 1967.

CHAPTER 92

S. B. No. 121

(Passed March 7, 1967. In effect May 9, 1967)

SIGNAL LIGHTS ON VEHICLES

An Act Amending Section 41-6-140, Utah Code Annotated 1953, as Re-enacted by Chapter 71, Laws of Utah 1955, as Amended by Chapter 86, Laws of Utah 1961, Relating to Signal Lights on Vehicles and Machinery on Highways; Providing for the Usage of Red Signals by Certain Types of Vehicles or Machinery and Restricting the Use of White Light Signals to Fire Department Equipment.

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

Section 1. Section Amended.

Section 41-6-140, Utah Code Annotated 1953, as re-enacted by Chapter 71, Laws of Utah 1955, as amended by Chapter 86, Laws of Utah 1961, is amended to read as follows:

41-6-140. Lamps—Restrictions—Types of Vehicles—Fire Departments.

(1) Any lighted lamp or illuminating device upon a motor vehicle other than head lamps, spot lamps, auxiliary lamps, or flashing turn signals, emergency vehicle warning lamps, school bus warning lamps, snow removal machinery and other work-vehicle warning lamps, which project a beam of light of an intensity greater than 300 candlepower, shall be so directed that no part of the high-intensity portion of the beam will strike the level of the roadway on which the vehicle stands at a distance of more than seventy-five feet from the vehicle.

(2) No person shall drive or move any vehicle or machinery upon any highway with any lamp or device thereon displaying a red light visible from directly in front of the center thereof, but this restriction shall not apply to authorized emergency vehicles, school buses, or snow removal or other authorized work equipment who are authorized to display alternating flashing red light signals.

(3) The use of flashing, rotating, revolving or oscillating white light signals on any vehicle or machinery upon any highway visible from the front of such vehicle or machinery are prohibited except on apparatus of duly-constituted paid or volunteer fire departments and other emergency vehicles or machinery of a paid or volunteer fire department; but this restriction shall not apply to any vehicle or machinery where such white light signals are used as a means of indicating a right or left turn.

Approved March 10, 1967.

CHAPTER 93

H. B. No. 77

(Passed February 14, 1967. In effect May 9, 1967)

LIGHTING DEVICES ON MOTOR VEHICLES

An Act Amending Section 41-6-142, Utah Code Annotated 1953, as Amended by Chapter 71, Laws of Utah 1955, Relating to the Standards and Specifications for Lighting Devices Used on Motor Vehicles.

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

Section 1. Section Amended.

Section 41-6-142, Utah Code Annotated 1953, as amended by Chapter 71, Laws of Utah 1955, is amended to read:

41-6-142. Commission Authorized to Approve Lighting Devices—Standards and Specifications.

(1) The state road commission is authorized to approve or disapprove lighting devices, and to issue and enforce regulations establishing standards and specifications for the approval of such lighting devices, their installation, adjustment and aiming, and adjustment when in use on motor vehicles. Such regulations shall correlate with and, so far as practicable, conform to the then current standards and specifications of the Society of Automotive Engineers, American Association of Motor Vehicle Administrators or any other nationally recognized or approved association applicable to such equipment.

(2) The state road commission is required to approve or disapprove any lighting device, of a type which approval is specifically required in this act, within a reasonable time after such device has been submitted.

(3) The state road commission is further authorized to set up the procedure which shall be followed when any device is submitted for approval.

(4) The state road commission upon approving any such lamp or device shall issue to the applicant a certificate of approval together with any instructions determined by it.

(5) The state road commission shall publish lists of all lamps and devices by name and type which have been approved by it.

Approved February 17, 1967.

CHAPTER 94

H. B. No. 76

(Passed February 14, 1967. In effect May 9, 1967)

BRAKE EQUIPMENT

An Act Amending Section 41-6-144, Utah Code Annotated 1953, as Re-enacted by Chapter 71, Laws of Utah 1955, as Amended by Chapter 87, Laws of Utah 1961, Relating to Brake Requirements for Motor Vehicles.

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

Section 1. Section Amended.

Section 41-6-144, Utah Code Annotated 1953, as re-enacted by Chapter 71, Laws of Utah 1955, as amended by Chapter 87, Laws of Utah 1961, is amended to read:

41-6-144. Brake Equipment—Requirements—Performance.

(a) The following brake equipment is required:

(1) Every motor vehicle, other than a motorcycle or motor driven cycle, when operated upon a highway, shall be equipped with brakes

adequate to control the movement of and to stop and to hold such vehicle, including two separate means of applying the brakes, each of which means shall be effective to apply the brakes to at least two wheels. If these two separate means of applying the brakes are connected in any way, they shall be so constructed that failure of any one part of the operating mechanism shall not leave the motor vehicle without brakes on at least two wheels.

(2) Every motorcycle, or motor-driven cycle, when operated upon a highway, shall be equipped with at least one brake, which may be operated by hand or foot.

(3) (a) Every trailer or semi-trailer of a gross weight of less than 2000 pounds, need not be equipped with brakes.

(b) Every trailer or semi-trailer of a gross weight of 3000 pounds or more, when operated upon a highway, shall be equipped with brakes adequate to control the movement of and to stop and to hold such vehicle, and so designed as to be activated by the driver of the towing vehicle.

(c) Every trailer or semi-trailer of a gross weight of 3000 pounds or more, shall be equipped with brakes adequate to control the movement of and to stop and to hold, and so designed and connected that in case of an accidental break-way of the towed vehicle, the brakes shall be automatically applied.

(4) Every motor vehicle, operated upon the highways shall be equipped with brakes acting upon all wheels except any motorcycle or motor driven cycle, and except any truck-tractor having three or more axles need not have brakes on the front wheels.

(5) Every motor vehicle and combination of vehicles, except motorcycles and motor-driven cycles, shall be equipped with parking brakes adequate to hold the vehicle on any grade on which it is operated, under all conditions of loading on a surface free from snow, ice, or loose material. The parking brakes shall be capable of being applied in conformance with the foregoing requirements by the driver's muscular effort or by spring action or by equivalent means. Their operation may be assisted by the service brakes or other source of power, provided that failure of the service brake actuation system or other power assisting mechanism will not prevent the parking brakes from being applied in conformance with the foregoing requirements. The parking brakes shall be so designed that when once applied they shall remain applied with the required effectiveness despite exhaustion of any source of energy or leakage of any kind. The same brake drums, brake shoes and lining assemblies, brake shoe anchors and mechanical brake shoe actuation mechanism normally associated with the wheel brake assemblies may be used for both the service brakes and the parking brakes. If the means of applying the parking brakes and the service brakes are connected in any way, they shall be so constructed that failure of any one part shall not leave the vehicle without operative brakes.

(6) The brake shoes operating within or upon the drums on the vehicle wheels of any motor may be used for both service and hand operation.

(b) Performance ability of brakes. Every motor vehicle or combination of vehicles, at any times and under all conditions of loading,

upon application of the service (foot) brake, shall be capable of (1) developing a braking force that is not less than the percentage of its gross weight tabulated herein for its classification, (2) decelerating to a stop from not more than 20 miles per hour at not less than the feet per second tabulated herein for its classification, and (3) stopping from a speed of 20 miles per hour in not more than the distance tabulated herein for the classification, such distance to be measured from the point at which movement of the service brake pedal or control begins. Tests for deceleration and stopping distance shall be made on a substantially level (not to exceed plus or minus one per cent grade), dry, smooth, hard surface that is free from loose materials.

	Stopping distance in feet	Deceleration in feet per second	Equivalent braking force in percentage of vehicle or com- bination weight
Passenger vehicles not including busses	25	17	53.0%
Single or combination units of an actual gross weight of less than 10,000 pounds....	30	14	43.5%
Single units of an actual gross weight of 10,000 pounds or more	40	14	43.5%
All other vehicles or combi- nations of vehicles of an actual gross weight of 10,000 pounds or more	50	14	43.5%

(7) Pole trailers and house moving dollies are exempt from the provisions of being equipped with brakes as required in this section.

(8) Motor vehicles defined as "Utah Horseless Carriages" in section 41-1-131 of the Utah Code are exempt from the provisions of this act.

Approved February 17, 1967.

CHAPTER 95

H. B. No. 124

(Passed March 9, 1967. In effect January 1, 1968)

INSPECTION OF MOTOR VEHICLES

An Act Amending Section 41-6-158, Utah Code Annotated 1953, as Amended by Chapter 78 Laws of Utah 1957, and Section 41-6-161, Utah Code Annotated, 1953, as Amended by Chapter 78 Laws of Utah 1957 and Chapter 88 Laws of Utah 1961, Relating to Motor Vehicle Inspection Certificates and Increasing the Fee to Be Charged for Such Certificates.

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

Section 1. Section Amended.

Section 41-6-158 Utah Code Annotated 1953, as amended by Chapter 78, Laws of Utah 1957, is amended to read as follows:

41-6-158. Periodical Inspection Required.

(a) The department shall at least once each year, but not more frequently than twice each year, require that every motor vehicle, trailer, semi-trailer and pole trailer registered in this state be inspected and that an official certificate of inspection and approval be obtained for each such vehicle.

Such inspections shall be made and such certificates obtained with respect to the mechanism, brakes and equipment of every such vehicle as shall be designated by the department.

The department is hereby authorized to make necessary rules and regulations for the administration and enforcement of this section and to designate any period or periods of time during which owners or drivers of any vehicles, subject to this section, shall display upon such vehicles certificates of inspection and approval duly issued for such vehicle either upon the lower right hand corner of the windshield thereof when required or upon such vehicle in such position as to be visible from the outside.

(b) The department may authorize the acceptance in this state of a certificate of inspection and approval issued in another state having an inspection law similar to this act and may extend the time within which a certificate shall be obtained by the resident owner of a vehicle which was not in this state during the time an inspection was required.

(c) It shall be unlawful for any person to drive a vehicle registered in this state upon any street or highway without displaying the safety inspection sticker during the time designated by the department.

Section 2. Section Amended.

Section 41-6-161, Utah Code Annotated 1953, as amended by Chapter 78, Laws of Utah 1957, and Chapter 88, Laws of Utah 1961, is amended to read as follows:

41-6-161. Permits Not Transferable—Certificate of Inspection.

(a) No permit for an official station shall be assigned or transferred or used at any location other than therein designated and every said permit shall be posted in a conspicuous place at the location designated.

(b) The person operating an official inspection station shall issue a certificate of inspection and approval upon an official form to the owner of a vehicle upon inspecting such vehicle and determining that its equipment required hereunder is in good condition and proper adjustment, otherwise no certificate shall be issued. When required by the department a record and report shall be made of every inspection and every certificate so issued.

(c) A certificate of inspection and approval may be issued free of charge or a fee of \$2.25 may be charged for an inspection and issuance of such certificate. A charge of 25 cents shall be assessed by the department for each inspection certificate issued by the department. Receipts from such charges shall be deposited in the general fund to be appropriated by the legislature. Official inspection stations may return unused inspection certificates in a quantity of ten or more and shall be reimbursed by the department for the cost therefor.

This act shall become effective January 1, 1968.

Approved March 14, 1967.

MOTOR FUELS**CHAPTER 96**

H. B. No. 8

(Passed February 20, 1967. In effect June 1, 1967)

MOTOR FUEL TAX

An Act Amending Section 41-11-6, Utah Code Annotated 1953, as Amended by Chapter 84, Laws of Utah 1965; Relating to the Motor Fuel Tax; to Place the Legal Incidence of the Tax Upon the Refiner or Distributor; to Provide That Sales of Motor Fuels to Governmental Units Shall Be Exempt From Taxation Only When Sold in Lots of One Thousand Gallons or More; to Place Motor Fuel Tax Refunds, on Fuel Used for Non-Highway Agricultural Purposes, on a Calendar Year Basis; to Delete the Two Per Cent Deduction From Refunds; and to Provide for Deductions From Refunds at the Rates Set Forth in the State and Local Sales and Use Tax Laws.

Section 1. Section Amended.

Section 41-11-6, Utah Code Annotated 1953, as amended by Chapter 84, Laws of Utah 1965, is amended to read:

41-11-6. Tax on Fuels—Exemptions—Duty of Distributor and Dealer—Tax—Refund of Tax—False Claims—Penalty—Notice to Debtor.

(1) There is hereby levied and imposed a tax of six cents per gallon upon the sale or use of all motor fuels sold, used or received for sale or use in this state, except that upon all gasoline or special fuel sold at airports exclusively for the use of airplanes there is hereby levied and imposed an excise tax of four cents per gallon, excepting such motor fuels sold or used in this state as have been manufactured within the state of Utah from coals, oil shales, rock asphalts, bituminous sands, solid hydrocarbons of Utah, and such motor fuels as are or have been brought into this state and sold in original packages as purely interstate commerce sales and except sales to the United States government and its agencies, and to municipalities, counties, school districts, and every other arm or branch of the Utah state government, in quantities as to each sale of one thousand gallons or more, provided, however, that any person who shall purchase and use within the state of Utah any motor fuel for the purpose of operating, running or propelling stationary farm engines and self-propelled farm machinery used solely for non-highway agricultural uses, and who shall have paid the tax on such motor fuel as provided by this section, shall be entitled to a refund of such tax subject to the conditions and limitations as hereinafter provided. Producers, refiners and/or distributors shall compute the tax on the amount of motor fuel produced, purchased, received or refined in this state, and all distributors shipping motor fuels into this state shall compute the tax on the total amount of motor fuels received for sale or used in this state; provided however that licensed distributors under this act may sell motor fuel to other licensed distributors hereunder without the payment or collection of the tax thereon and in which event the licensed distributor making such sale or sales shall report the same to the state tax commission in his monthly report of sales as provided under section 41-11-7 of this act and the licensed

distributor receiving said motor fuel shall be liable for the tax thereon as provided by this act, and shall report the receipt of said motor fuel to the state tax commission and pay the tax thereon as prescribed by this act. If any motor fuels have been purchased outside of this state and brought into this state in original packages for a distributor for the use of the consumer, then such tax shall be imposed upon the use of such fuels. It is the purpose and intent of this chapter to impose and levy said tax upon the sale or use of motor fuels as defined in this chapter whether such fuels are used in motor vehicles or for other purposes, and by whomsoever sold or used, including the United States government, its divisions and agencies, and including municipalities, counties, school districts and every other arm or branch of the state government in quantities as to each sale of less than one thousand gallons.

Every distributor and retail dealer of motor fuels defined in this act shall add the amount of the taxes levied and assessed by this chapter to the price of such motor fuels, and this provision shall in no way affect the method of collection of said taxes as specified in this chapter.

(2) Every person, firm or partnership desiring to qualify for refund under the provisions of this act shall apply in writing to the state tax commission upon a form to be prescribed by it for a permit to obtain a refund in accordance with the provisions hereof.

Such original application, to receive a permit for refund of motor fuel tax, shall contain: (1) the name of applicant; (2) his address; (3) location and number of acres owned and operated and location and number of acres rented and operated, the latter of which must be verified by affidavit from the legal owner; (4) number of acres planted to each crop, type of soil and whether irrigated or dry; and (5) make, size, and power rating of each piece of equipment using motor fuel. When applicant is an operator of self-propelled or tractor pulled farm machinery with which he works for hire doing custom jobs for other farmers, said application shall include such information as the state tax commission requires in relation thereto and shall all be contained in and be considered part of said original application. The applicant shall also file with the application for a permit a certificate of the county assessor showing each piece of equipment using motor fuel. This original application and all information contained therein shall constitute a permanent file in the name of the applicant with the state tax commission.

Any person claiming the right to a refund of such state excise tax must file, by April fifteenth of each year, a claim with the state tax commission for the claimed refund for the next previous calendar year, provided, that all claims filed for the first period under this act as amended shall be due before June 30, 1967, and shall cover the period from July 1, 1966 to December 31, 1966. The claim shall state the name and address of the claimant; the number of gallons of motor fuels purchased for agricultural non-highway uses, and the amount paid therefor; the applicant shall further support his claim by submitting the original invoice or copy of the original invoice. Except during the 1966 transition from fiscal to calendar year basis, no more than one claim for tax refund may be filed annually by each user of refund gasoline.

(3) Upon approval by the state tax commission of such claim for refund, the state treasurer shall make payment of the amount found to be justly due as a refund to the claimant, provided, however, that there shall be deducted from the gross amount of each refund claim approved for payment that percentage, as cost of administration, which the actual cost of administration of this act bears to the total amount refunded as based upon the annual average administrative costs of refunds made, as experienced during the two years immediately prior to the year during which the refund is claimed, which amount so deducted shall be credited to the state tax commission as cost of administration. Such payment of claim shall be made within ninety days after claim due date of each year, provided that no refund shall be paid on any claim of less than \$10.00. The total amount of refunds shall be paid from motor fuel taxes.

(4) The state tax commission shall have the power to put into effect all necessary rules and regulations for filing, and enforcing the provisions of this act, examining claims, to prescribe forms for making claims, and to refuse to accept as evidence of purchase or payment any instruments which show alteration or which fail to indicate the quantity of the purchase, the price of the motor fuel, a statement that it is purchased for purposes other than transportation, and the date of purchase and delivery. When the state tax commission is not satisfied with the evidence submitted in connection with the claim, or when it deems the evidence of use insufficient to enable it to determine that the claimant is entitled to a refund, it may reject such claim or it may require additional evidence.

(5) If any person having filed an original application for permit for refund and a claim for refund, and having presented all evidence required by the state tax commission feels aggrieved by the decision of the commission, such person may apply to the commission for a hearing by petition in writing within thirty days after all or part of his claim is denied, and said petition shall set forth the reasons why such hearing should be granted and why the amount claimed should be granted. The state tax commission as soon as practicable shall set the matter for hearing and notify the petitioner of the time and place fixed by the commission for such hearing. After such hearing, the state tax commission may make such order in the matter as may appear just and lawful and shall furnish a copy of such order to the petitioner.

(6) Any person who shall make any false claim or report or statement either as claimant, agent, or creditor, with intent to defraud or secure a refund to which the claimant is not entitled, shall be guilty of a misdemeanor, and the state tax commission shall initiate the filing of a complaint for alleged violations of this act. In addition to the foregoing penalty such person shall not for a period of five years thereafter be entitled to receive any refund as a claimant or as a creditor of a claimant for refund.

(7) Any notice required to be mailed to the debtor under the provisions of this act, if mailed to him at his last known address as shown on the records of the state tax commission shall be sufficient for the purposes of this act.

(8) If any section, sentence, clause or phrase in this act shall for any reason be judicially declared to be unconstitutional or void, such decision shall not invalidate the remaining portions of this act.

Section 2. Effective Date.

This act shall take effect June 1, 1967.

Approved February 28, 1967.

CHAPTER 97

S. B. No. 28

(Passed February 24, 1967. In effect July 1, 1967)

MOTOR FUEL TAX RETURNS

An Act Amending Section 41-11-7, Utah Code Annotated 1953, as Amended by Chapter 67, Laws of Utah 1953, Relating to the Motor Fuel Tax; Providing for Deletion of the Requirement That Returns Be Notarized.

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

Section 1. Section Amended.

Section 41-11-7, Utah Code Annotated 1953, as amended by Chapter 67, Laws of Utah 1953, is amended to read as follows:

41-11-7. Monthly Report of Sales.

Every distributor of motor fuel shall render to the state tax commission on or before the twenty-fifth day of each month, on forms prescribed, prepared and furnished by it, a statement signed by a responsible representative of the distributor, the signature of whom need not be notarized but when signed shall be deemed made under oath, of the number of gallons of motor fuel sold, used or received for sale or use by him or them during the preceding calendar month, and such other information incidental to the enforcing of this act as the state tax commission may require, and shall contain an itemized account of the date and quantities of motor fuel sold, used or received for sale or use, stating separately the sales made in interstate commerce and those made in broken packages. Bills shall be rendered to all purchasers of motor fuel by distributors and retail dealers in motor fuel as herein defined.

A penalty of ten dollars shall be imposed for failure to file a statement as provided.

Section 2. Effective Date.

This act shall take effect on July 1, 1967.

Approved February 28, 1967.

CHAPTER 98

H. B. No. 46

(Passed March 9, 1967. In effect July 1, 1967)

TAX ON MOTOR FUEL USED IN BOATS

An Act Amending Section 41-11-11, Utah Code Annotated 1953, as Amended by Chapter 67, Laws of Utah 1953, as Amended by Chapter 83, Laws of Utah 1957, as Amended by Chapter 91, Laws of Utah 1961, and 73-18-22, Utah Code Annotated 1953, as Enacted by Chapter 124, Laws of Utah 1959, as Amended by Chapter 170, Laws of Utah 1961, Relating to the Tax on Motor Fuel Used in Motor Boats and Receipts Under the State Boating Act: Providing for the Deposit of Tax and Receipts in the General Fund and Redetermining the Amount of Motor Fuel Consumed Annually by Each Motor Boat, and Providing an Effective Date.

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

Section 1. Section Amended.

Section 41-11-11, Utah Code Annotated 1953, as amended by Chapter 67, Laws of Utah 1953, as amended by Chapter 83, Laws of Utah 1957, as amended by Chapter 91, Laws of Utah 1961, is amended to read as follows:

41-11-11. Tax Payable Monthly—Creation of Aeronautics Fund— Airports—Reports and Returns.

Said excise tax shall be due and payable by the distributor on or before the twenty-fifth day of each month to the state tax commission for all sales made and for each and every gallon of motor fuel used during the preceding month. The state tax commission shall receipt distributor therefor and shall pay the same to the state treasurer promptly as collected. Of the money so received the state treasurer shall:

(a) At the beginning of each fiscal year place an amount equal to the amount received upon the sale or use of motor fuel used in motor boats registered during the previous calendar year under the provisions of the State Boating Act and as shall be determined by the state tax commission, in the boating account in the general fund of the state.

(b) Place an amount equal to the amount received upon the sale or use of motor fuel used or manufactured for use in aircraft in a special fund to be known as the aeronautic fund to be expended under the supervision of the state road commission or such other commission or public authority as may hereafter be created, having within its jurisdiction the supervision and regulation of aeronautics in this state, for the construction, improvement, operation and maintenance of publicly owned airports in this state and for the promotion of aeronautics in this state, and for the payment of the costs and expenses of said commission in administering the provisions of this act or other law conferring upon it the duty of regulating and supervising aeronautics in this state. The amount to be expended on account of each such airport to be seventy-five percent of that proportion of the tax allocated to the aeronautic fund as the amount of fuel delivered at such airports for use in aircraft bears to the total amount of fuel delivered at all such airports for such use. The remaining twenty-five percent shall be

expended as the commission, or other designated authority may determine for the promotion, supervision and regulation of aeronautics and for construction, improvement, and maintenance of airports in the state. The state tax commission shall require such reports and returns for distributors, retail dealers and users as will enable it to allocate the revenue to be credited to the aeronautics fund as aforesaid and the sources of the same. Any unexpended amount remaining to the account of any airport on the first days of January, April, July and October shall be paid to the public authority operating such airport to be used to defray operating expenses of such airport. The state treasurer shall place the remainder thereof to the credit of a fund for the payment of interest and sinking fund charges on state road bonds until such funds shall contain an amount which added to any other fund available for the payment of interest and sinking fund charges on state road bonds will be sufficient to pay all interest and sinking fund charges on state road bonds which shall become due during the calendar year. The state treasurer shall credit the balance of the receipt from said excise tax during the remainder of the calendar year to the credit of the state highway construction and maintenance fund.

Section 2. Section Amended.

Section 73-18-22, Utah Code Annotated 1953, as enacted by Chapter 124, Laws of Utah 1959, as amended by Chapter 170, Laws of Utah 1961, is amended to read as follows:

73-18-22. Funds Collected—Special Boating Account.

All fees, fines, donations, and all moneys collected by the commission or agencies designated to act for the commission shall be deposited in the boating account in the general fund of the state. The state park and recreation commission shall prepare and submit to the governor, to be included in his budget to be submitted to the legislature, a budget of the requirements for the administration of this act and the development and operation of launching ramps, floating docks, parking lots, toilets and other facilities used in the act of boating or its regulation, to be paid from the boating account in the general fund of the state in carrying out the provisions of the law for the biennium next following the convening of the legislature. This section shall not be construed to mean these are the only funds which may be appropriated by the legislature for expenditure by the commission for the administration of this act or the development and operation of boating facilities.

Section 3. Balance Transfer to General Fund.

The state auditor and director of finance shall at the close of the biennium convert into the boating account in the general fund of the state all unexpended balances of the boating fund not legally obligated by contract.

Section 4. Effective Date.

This act shall take effect on July 1, 1967.

Approved March 14, 1967.

CHAPTER 99

S. B. No. 27

(Passed February 24, 1967. In effect July 1, 1967)

MOTOR FUEL TAX—MONTHLY REPORTS

An Act Amending Sections 41-11-53, 41-11-55 and 41-11-56, Utah Code Annotated 1953, Relating to the Special Fuel Tax; Deleting Requirements That Monthly Reports Be Notarized and Applying the Same Penalties on Users, as on User-Dealers, for Failing to File Reports; Providing an Effective Date.

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

Section 1. Section Amended.

Section 41-11-53, Utah Code Annotated 1953, is amended to read as follows:

41-11-53. Signed Monthly Reports.

Each user on or before the twenty-fifth day of each and every month, shall file on forms prescribed by the commission a report, signed by the user, or his responsible representative, the signature on which need not be notarized but when signed shall be deemed made under oath, showing the amount of fuel purchased and the amount of fuel used during the preceding calendar month by such user in this state and such other information as the commission may require to carry out the purposes of this act. A penalty of ten dollars shall be imposed upon special fuel users failing to file reports as provided herein for each report not filed, regardless of the imposition of other penalties under this act.

Section 2. Section Amended.

Section 41-11-55, Utah Code Annotated 1953, is amended to read as follows:

41-11-55. Monthly Reports Required—Penalty.

Each user-dealer shall, on or before the twenty-fifth day of each and every month, file on forms prescribed by the commission a report, signed by the user-dealer or his responsible representative, the signature on which need not be notarized but when signed shall be deemed made under oath, showing the amount of fuel sold during the preceding calendar month and such other information as the commission may require to carry out the purposes of this act. Such report must be accompanied by a remittance payable to the commission for the amount of excise tax due hereunder.

A penalty of \$10.00 for each required report shall be imposed upon each licensee and bonded user-dealer failing to file any report as prescribed herein regardless of the imposition of other penalties under this act.

Section 3. Section Amended.

Section 41-11-56, Utah Code Annotated 1953, is amended to read as follows:

41-11-56. Failure to Pay Tax—Penalty.

If any user or user-dealer fails or refuses to pay the special fuel tax when the same has become delinquent, all licenses or permits issued to him under the provisions of sections 41-11-51 or 41-11-52 of this act shall automatically be revoked and there shall be imposed a penalty of twenty-five per cent of the amount of the tax. The amount of such tax with the penalty shall bear interest at the rate of one-half of one per cent per month or fraction thereof from the date of delinquency until paid.

Section 4. Effective Date.

This act shall take effect on July 1, 1967.

Approved March 14, 1967.

CHAPTER 100

H. B. No. 61

(Passed February 3, 1967. In effect May 9, 1967)

FINANCIAL RESPONSIBILITY ACT—EXEMPTIONS

An Act Amending Section 41-12-6, Utah Code Annotated 1953, as Amended by Chapter 70, Laws of Utah 1953, by Adding a New Subsection to Provide for an Additional Exemption to the Security and Suspension Requirements of the Financial Responsibility Act.

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

Section 1. Section Amended.

Section 41-12-6, Utah Code Annotated 1953, as amended by Chapter 70, Laws of Utah 1953, is amended to read:

41-12-6. Exceptions to Financial Responsibility Act.

The requirements as to security and suspension in section 41-12-5 shall not apply:

(1) to the operator or the owner of a motor vehicle involved in an accident wherein no injury or damage was caused to the person or property of any one other than such operator or owner;

(2) to the operator or the owner of a motor vehicle legally parked at the time of the accident;

(3) to the owner of a motor vehicle if at the time of the accident the vehicle was being operated without his permission, express or implied, or was parked by a person who had been operating such motor vehicle without such permission; nor

(4) if, prior to the date that the commission would otherwise suspend license and registration or nonresident's operating privilege under section 41-12-5, there shall be filed with the commission evidence satisfactory to it that the person who would otherwise have to file security has been released from liability or been finally adjudicated not to be liable or has executed a duly acknowledged written agreement providing for the payment of an agreed amount in installments, with respect to all claims for injuries or damages resulting from the accident.

(5) to the driver of any emergency vehicle acting in the line of duty at the time of the accident.

(6) to the driver of a motor vehicle owned by the United States, this state, or any political subdivision of this state or municipality thereof, if driving such vehicle with the permission of the owner.

(7) to the operator or the owner of a motor vehicle legally stopped at a stop sign, traffic signal or at the direction of a police officer at the time of the accident.

Approved March 10, 1967.

DEPARTMENT OF PUBLIC SAFETY

CHAPTER 101

S. B. No. 106

(Passed March 9, 1967. In effect May 9, 1967)

HIGHWAY PATROL—STRENGTH

An Act Relating to the State Highway Patrol to Provide a Statutory Basis for Maintaining the Field Strength of the Highway Patrol Predicated on the Ratio of Field Personnel to Vehicles Registered in the State.

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

Section 1. Ratio of Field Personnel to Registered Vehicles.

The department of public safety is hereby directed to provide by June 30, 1967 one highway patrolman in the field, including field supervisors, for each 4,200 vehicles registered within this state as shown on the records of the state tax commission computed by deducting all transfers of registration from the gross registration. By June 30, 1968, the department of public safety shall provide one highway patrolman in the field, including field supervisors, for each 4,000 vehicles registered in the state as shown on the records of state tax commission as of December 31, 1967; and at each succeeding fiscal year-end thereafter, the department of public safety shall provide one patrolman in the field, including field supervisors, for each 3,800 vehicles registered in the state as of December 31 of each succeeding year.

Approved March 17, 1967.

CHAPTER 102

H. B. No. 78

(Passed February 23, 1967. In effect May 9, 1967)

PUBLICATION OF DRIVER LICENSING LAWS

An Act Providing for the Printing and Distributing of Highway, Traffic, and Driver Licensing Laws by Director of Public Safety.

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

Section 1. Publication of General Highway, Traffic and Driver Licensing Laws.

(1) The director of public safety shall, as soon as practicable after each regular session of the legislature, compile an edition of the general

highway, traffic, and driver licensing laws of the state. Such edition shall include such laws as may have been enacted or amended by the most recent session of the legislature.

(2) The department of finance is authorized and directed to print a quantity of such compiled highway, traffic, and driver licensing laws sufficient to distribute copies to all state, county, and local enforcement agencies, courts, legislators, and other agencies as necessary. A fee may be assessed for each copy of such compilation issued by the department.

Approved February 28, 1967.

CHAPTER 103

S. B. No. 66

(Passed March 8, 1967. In effect July 1, 1967)

PEACE OFFICERS TRAINING ACADEMY

An Act Providing for the Training of Peace Officers Within This State Prior to Permanent Appointment and the Establishment of a Training Academy; Establishing Minimum Standards for Peace Officers; Creating a Division of Peace Officer Training in the Department of Public Safety and a Council on Peace Officer Training; and Providing an Effective Date.

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

Section 1. Division of Peace Officer Training.

To better promote and insure the safety and welfare of the citizens of this state in their respective communities and to provide for more efficient and professional law enforcement by establishing minimum standards and training for peace officers throughout the state, concurrently with the reorganization of the public safety services of this state, there is hereby created a division of the state department of public safety to be known as the division of peace officer training which shall be administered by a director acting under the supervision and control of the commissioner of public safety.

Section 2. Appointment of Director.

The governor, upon recommendation of the council on peace officer training and the commissioner of public safety, and with the advice and consent of the senate, shall appoint a director of the state division of peace officer training who shall serve at the pleasure of the governor.

Section 3. Director—Appointment Deputies—Other Personnel.

The director shall be a full time officer of the state and shall have the authority to appoint such deputies, consultants, clerks and other employees as may be authorized from eligible lists supplied by the state merit system.

Section 4. Powers and Duties.

The powers and duties of the director of the division of peace officer training, which shall be exercised with the advice of the council on peace officer training, shall include the following:

(1) To initiate a survey relating to the establishment and operation of a Utah state peace officer training academy.

(2) To promulgate standards for the certification of a peace officer training academy; to certify an academy meeting the prescribed requirements; and to subsequently revoke certification for cause.

(3) To establish minimum requirements for the certification of training academy instructors and to issue appropriate certificates to such instructors.

(4) To provide for the issuance of appropriate certificates to those peace officers completing the basic training programs offered by the peace officer's training academy.

(5) To consult and cooperate with academy administrators and instructors for the continued development and improvement of the basic training programs provided by the academy and for the further development of advanced in-service training programs.

(6) To consult and cooperate with state institutions of higher learning to develop specialized courses of study for peace officers in the areas of police science, police administration, criminology, social sciences and other related disciplines.

(7) To consult and cooperate with other departments and agencies concerned with peace officer training.

(8) To perform such other acts as may be necessary or appropriate to develop peace officer training programs within the state.

(9) To report to the council on peace officer training at regular meetings of the council and at such other times as he may be required.

(10) To make recommendations to the commissioner, governor and the legislature from time to time concerning peace officer standards and training.

Section 5. Advisory Council—Approval Basic Course.

The director shall prepare not later than August 1st of each year a written schedule of subject material and the scheduled instructors for each subject and the time and place for each subject presentation. The basic course shall not be less than 200 hours in length and shall consist of 150 hours of required subjects and 50 hours of elective subjects, all of which shall be appropriate for the basic training of peace officers in the techniques of law enforcement. This material shall be presented to the advisory council. The subject material, instructors and schedules shall be approved or disapproved by a majority vote of the advisory council before September 1st of each year and if disapproved, the proposal shall be revised and again presented to the advisory council for their review in a like manner.

Section 6. Applicant Qualifications.

Every applicant for admission to the basic class for peace officers conducted by the peace officer training academy shall meet the following standards and requirements before being admitted:

(1) United States citizenship.

(2) Minimum age of 21 years at the time of his appointment as a peace officer.

(3) Fingerprinting and search of local, state and national fingerprint files to determine whether applicant has a criminal record.

(4) Shall not have been convicted of a crime for which he could have been punished by imprisonment in a federal penitentiary or state prison, or any other crime involving moral turpitude.

(5) Be the holder of a high school diploma or furnish evidence of successful completion of an examination indicating an equivalent achievement.

(6) Good moral character as determined by a background investigation.

(7) Free of any physical, emotional or mental conditions which might adversely affect his performance of duty as a peace officer.

(8) Successful passing of an oral interview examination by the hiring agency.

Section 7. Prior Training Certificates—Definitions.

Notwithstanding any provisions of any general special or local law or charter to the contrary, no person shall after July 1, 1968, receive an original appointment on a permanent basis as a peace officer of any law enforcement unit in this state unless such person has previously been awarded a certificate by the commissioner of public safety, attesting to his satisfactory completion of an approved peace officer basic training program; and every person who is appointed on a temporary basis, or for a peace officer of any law enforcement unit in this state, shall forfeit his position as such unless he previously has satisfactorily completed, or within eighteen months from the date of his appointment satisfactorily completes, a peace officer basic training school for officers and is awarded a certificate attesting thereto.

(1) "Peace officer" means a town marshal, a member of the highway patrol, sheriff's office, police force or other organization of a law enforcement unit who is responsible for the prevention and detection of crime and the enforcement of the general criminal laws of the state or ordinances of a county, city or town, but shall not include any person serving as such solely by virtue of his occupying any other office or position; nor shall such term include an elected sheriff of a county.

(2) "Law enforcement unit" means any public agency having general police power and charged with making arrests in connection with enforcement of the criminal statutes and ordinances of this state or any county, city or town.

Section 8. Waiver of Requirements.

The director may, with the concurrence of a majority of the members of the council, waive the basic peace officer training program and certify those applicants who can pass a written and oral examination prepared and administered by the director which attests to the applicant's ability in law enforcement. The applicant shall also furnish evidence of having satisfactorily completed a basic peace officer training program which in the commissioner's opinion is comparable to that proposed by this law before such waiver shall be granted.

Section 9. Minimum Standards.

The minimum standards set forth in this act concerning peace officer qualifications and training shall in no way be deemed to preclude counties, cities or towns from establishing standards higher than the minimum standards contained in this act.

Section 10. Requirements—Civil Service—Merit System.

Nothing in this act shall be construed to except any peace officer from the provisions or requirements of civil service or merit systems.

Section 11. Council on Peace Officer Training Established.

A council on peace officer training is hereby established to serve as an advisory board to the director of the division of peace officer training on matters relating to peace officer standards and training. The council shall consist of nine members as follows:

(1) One person shall be appointed by the governor from each of the categories next listed. A vacancy in any of these categories caused by the expiration of a term of office or otherwise shall be filled by the governor from the same category in which the vacancy occurs:

- (a) incumbent mayors
- (b) incumbent county commissioners
- (c) incumbent sheriffs
- (d) incumbent police chiefs

(2) One officer from the Federal Bureau of Investigation appointed by the governor upon the recommendation of said agency.

(3) Three persons selected at large by the governor.

(4) The attorney general of the state of Utah.

Section 12. Terms of Council.

The eight members of the council appointed by the governor shall be appointed for terms of four years; except that of the members first appointed, four shall be appointed for two year terms to expire on June 30, 1969, and four shall be appointed for four year terms to expire on June 30, 1971. Any member may be reappointed for additional terms.

Section 13. Termination of Council Membership.

Any member of the council appointed by the governor from the categories listed in subsections 11(1) or 11(2) of this act shall immediately upon the termination of his holding such office or employment cease to be a member of the council.

Section 14. Council to Choose Officers—Meetings.

The council shall select a chairman and a vice-chairman from among its members. Five members of the advisory council shall constitute a quorum. The governor shall summon the council to its first meeting. Subsequent meetings may be called by the chairman or the commissioner and shall be called by the chairman upon the written request of five members, but in no event shall there be less than two meetings per year. Meetings shall be held at such places as are determined by the director.

Section 15. Per Diem Allowance.

Members of the council appointed at large shall receive a per diem allowance as approved by the board of examiners. All members shall

be reimbursed for their actual and necessary travel expenses incurred in the performance of their official duties. For purposes of compensation, attendance at meetings of the council shall be deemed performance by a member of the duties of his local or state governmental employment.

Section 16. Council Membership Restrictions.

Membership on the council shall not disqualify any member from holding any public office or employment nor shall he forfeit any such office or employment by reason of his appointment hereunder notwithstanding the provisions of any general, special or local law, ordinance or city charter.

Section 17. Council to Advise Director.

The council is vested with the responsibility and duty to advise the director with respect to:

(1) The approval, or certification thereof, of any peace officer training academy or academies established in the state.

(2) Minimum courses of study, attendance requirements, and the equipment and facilities to be required at peace officer training academies.

(3) Minimum qualifications for instructors at peace officer training academies.

(4) The minimum basic training requirements which peace officers shall complete before receiving certification, and time within which such basic training must be completed following their employment by a law enforcement unit.

(5) Categories or classifications of advanced in-service training programs and minimum courses of study and attendance requirements with respect to such categories or classifications.

Section 18. Additional Duties.

The council may in addition:

(1) Recommend the studies, surveys and reports to be made by the director concerning the implementation of the objectives and purposes of this act.

(2) Make recommendations and report to the commissioner of public safety and the governor from time to time.

(3) Perform such other acts as may be necessary or appropriate to carry out duties of the council as set forth in this act.

Section 19. Stake Peace Officers' Training Fund.

There is hereby created in the state treasury, a state peace officer's training fund, which is established without regard to fiscal years, for course administration, instruction, research and other purposes set forth in this act.

Section 20. Council May Accept Donations.

The council may accept any donations, contributions, grants or gifts from private individuals or foundations or the federal government; and the proceeds shall become the property of the state of Utah, shall be deposited with the state treasurer, and are hereby appropriated to

the Utah state peace officer's training fund for carrying out the provisions of this act.

Section 21. Savings Clause.

If any provisions of this act, or the application of any provision to any person or circumstance, is held invalid, the remainder of this act shall not be affected thereby.

Section 22. Effective Date.

This act shall take effect on July 1, 1967.

Approved March 17, 1967.

CHAPTER 104

H. B. No. 2

(Passed February 28, 1967. In effect May 9, 1967)

LICENSE PLATES AND PARKING FOR DISABLED PERSONS

An Act Relating to License Plates and Parking for Vehicles Owned, Operated and Used by Disabled Persons.

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

Section 1. Certification of Disabled Person—Plate or Decal.

Any person who has lost, or has lost the use of, both legs, or is so severely disabled as to be unable to ambulate without the aid of a wheel chair or other mechanical device, and who makes application to the department of motor vehicles on a form prescribed and furnished by said department may be entitled to a distinctive license plate or decal upon presenting to said department acceptable medical proof certifying that the applicant is currently and permanently disabled. Such proof may be a properly certified document issued by the Veterans' Administration, by a duly licensed orthopedist, or such other medical agency or authority as the department may prescribe. A disabled person qualifying under this act may register only one motor vehicle, and such a distinctive license plate or decal shall be issued for that vehicle only and shall be nontransferable and shall be issued for one year.

Section 2. Disabled Person Allowed to Park Without Charge.

Any disabled person qualifying under this act shall be allowed to park his passenger motor vehicle for reasonable periods without charge in metered parking zones notwithstanding any other state or municipal ordinance or parking restriction.

Section 3. Revocation of Privilege—Hearing.

Any disabled person who abuses the rights and privileges conferred under Section 2 of this act or allows individuals not disabled to use the parking privileges herein provided for without paying for such parking privileges may have his distinctive license plate or decal revoked after suitable notice and hearing has been given him by the director of the department of motor vehicles, such hearing subject to review by the district court of the county wherein the disabled person resides.

Approved March 2, 1967.

PENSIONS
CHAPTER 105

H. B. No. 45

(Passed February 16, 1967. In effect May 9, 1967)

COST OF LIVING ADJUSTMENT—POLICE PENSION

An Act Enacting a New Section, 49-5-4, Utah Code Annotated 1953, Providing for a Cost of Living Adjustment Benefit, at the Option of the City, for Persons Retired and Eligible for a Monthly Pension from the Police Pension Fund.

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

Section 1. Section Enacted.

Section 49-5-4, Utah Code Annotated 1953, is enacted to read:

49-5-4. City Commissioner or Councilman May Adopt Cost of Living Benefit for Retired Person.

The commissioners or city councilmen of the city may, in their discretion and at their option, adopt a plan to allow any person who qualifies under this chapter and whose rights to a pension became effective on or before May 13, 1957, to receive a cost of living adjustment in their monthly retirement allowance; provided, however, that the adjustment allowed be a percentage, not to exceed one hundred percent, of such sum as would restore the full purchasing power of each person's original unmodified pension allowance as it was in the calendar year in which the retirement giving rise to such pension occurred.

The amount necessary to restore the full purchasing power of the original unmodified pension allowance shall be computed from the consumers price index published by the United States bureau of labor statistics.

Adjustments may be effective as of the date of this act or at any subsequent date set by the city commission or city council; a city may choose to pay any percent of the maximum amount provided that such percentage be paid to all qualified persons equally.

Approved February 21, 1967.

CHAPTER 106

S. B. No. 205

(Passed March 8, 1967. In effect July 1, 1967)

PUBLIC EMPLOYEES RETIREMENT SYSTEM

An Act Creating the Utah State Retirement System by Repealing Sections 53-29-1 Through 53-29-36, Utah Code Annotated 1953, of the Utah School Employees' Retirement Act and Sections 49-1-32 Through 49-1-73, Utah Code Annotated 1953, of the Utah Public Employees' Retirement Act and Creating a Retirement System in Lieu Thereof; Providing for State Retirement Policies and for the Administrative Officer and Board; Providing for the Payment of Retirement, Disability, Death and Other Benefits for the Officers and Employees of the State of Utah, Its Educational Institutions and for the Cities,

Counties, and Other Political Subdivisions Thereof; Creating a Retirement Fund; Requiring Contributions Thereto by Employees and Their Employing Units; Transferring the Members, the Retirants, the Assets, Liabilities and Functions of the Terminated Utah School Employees' Retirement System and the Utah Public Employers' Retirement System to the Retirement System and Fund Created by This Act; Establishing a Voluntary Savings Fund to Permit Members to Make Additional Deposits to Increase Their Annuity at Retirement; Establishing an Annuity Fund into Which Employers May Make Deposits on Behalf of Eligible Employees Under a Tax-Sheltered Annuity Program; Providing for Immediate Coverage for Public Employees and Officers for Whom Retirement Coverage Is Not Otherwise Provided, and Directing That Social Security Coverage Be Secured for Such Employees, If Not, Otherwise Covered; Providing for An Appropriation of \$50,000 from the General Fund for Pensions During 1967; and Providing An Effective Date.

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

Section 1. Utah State Retirement Act.

This act shall be known and may be cited as the Utah State Retirement Act. Among the purposes of the act is to establish a state policy in the development, maintenance and administration of a retirement system covering public employees. The 37th Legislature of the state of Utah hereby declares that it is and shall be the state policy: that the employer contribution shall be of equal amount to the contribution paid by the member of the retirement system created by this act; that contributions shall be taken on total salaries and earnings in covered employment of all member participants; and that the rate of employer contribution to the retirement fund under this act and that of the member shall be five percent each, under the conditions herein established.

It shall be state policy herein established by the legislature to place upon the participating employers and members, acting with the Utah state retirement board, the responsibility of maintaining the retirement system, created under the Utah state retirement act, on an actuarially funded and sound basis within the framework of the retirement act provisions hereafter created.

It shall be state policy hereby executed by the legislature of the state of Utah to designate the executive officer of the Utah state retirement board as the state retirement administrator to administer this system through the Utah state retirement office, under the policies and regulations promulgated by the Utah state retirement board. The legislature of the state of Utah reserves to itself and to its successors the right to amend or terminate this act and the retirement system herein created.

Section 2. Purpose of Act.

The purpose of this act, further, is to terminate the Utah school employees' retirement system and the Utah public employees' retirement system and to create and establish a consolidated retirement system which will provide a uniform system of membership; retirement requirements; contributions and benefits for public employees and their employers, thereby enabling such employees to provide for themselves and their dependents in case of old age, disability and death; and effecting

economy and efficiency in the public service by furnishing an orderly means whereby such employees who have become aged or otherwise incapacitated may without hardship or prejudice be retired from active service by their employers.

Section 3. Repealing Prior Acts—Rights of Retired Persons.

(a) Subject to the other provisions of this act Sections 1 through 36, Chapter 29 of Title 53, Utah Code Annotated 1953, as amended, designated as the Utah School Employees' Retirement Act, is repealed as of midnight, June 30, 1967.

(b) Subject to the other provisions of this act, Sections 32 through 73, Chapter 1 of Title 49, Utah Code Annotated 1953, as amended, designated as the Utah Public Employees' Retirement Act, is repealed as of midnight, June 30, 1967.

(c) Any person who prior to said repeal date has retired and is receiving or is eligible to receive a retirement allowance pursuant to either repealed chapter shall continue to receive or be entitled to receive said allowance to the same extent and in the same manner as though said chapters had not been repealed. If any such person shall have elected to take his retirement allowance under one of the options of such chapters, his beneficiary or estate shall receive or be entitled to receive, upon death of the retirant, any allowance or benefit prescribed by the option under which the member retired.

(d) Any person or estate who prior to said repeal date is receiving or is eligible to receive an allowance, death benefit or other proceeds as a beneficiary or otherwise under the provisions of such chapters shall continue to receive or be entitled to receive said amounts as provided under said chapters.

(e) Any person who prior to said repeal date has retired for disability and is receiving or is eligible to receive benefits pursuant to such chapters shall continue to receive or be entitled to receive said benefits for so long as he continues to qualify therefor in the same manner as if such chapters had not been repealed. At such time as he shall cease to qualify for said disability benefits, his benefits shall cease and, as to him, said chapters shall no longer be effective; provided, however, that if his disqualification arises out of his being found re-employable and he refuses reinstatement to a position of the same class, he shall be entitled to the rights of withdrawal of his remaining contributions after the deduction of all annuity payments from his accumulated contributions as they stood at the time of his retirement.

(f) In no event shall any services performed by a member of either terminated retirement system after said repeal date constitute the basis for the provision of any benefits under or contributions into either terminated retirement system.

(g) All accumulated contributions of members and retirants and all remaining accumulated contributions of any employer should in both the Utah public employees' retirement fund and the Utah school employees' retirement fund shall be set aside in a trust fund to be known as the Utah state employees' retirement fund as herein created. Said fund shall be administered, invested and controlled in the same manner as is hereafter provided.

(h) All employing units covered by the terminated system as herein defined shall be covered and shall participate in the Utah state retirement system beginning as of the effective date of this act.

Section 4. Records—Assets—Liabilities—Transfers.

All records, assets and liabilities of the terminated Utah public employees' retirement system and the Utah public employees' retirement fund, as created by Chapter 100, Laws of Utah 1961, as amended, and all records, assets and liabilities of the terminated Utah school employees' retirement system and the Utah school employees' retirement fund, as created by Chapter 29, Title 53, Utah Code Annotated 1953, are hereby transferred to the Utah state retirement system and the Utah state employees' retirement fund, created herein. Such records and assets shall be held by the Utah state retirement board and used for the purposes specified by the provisions of this act.

Section 5. Transfer of Utah School Employees—Date.

All members of the Utah school employees' retirement system, as created by Chapter 29, Title 53, Utah Code Annotated 1953, and all members of the Utah public employees' retirement system, as created by Chapter 1, Title 49, Utah Code Annotated 1953, together with the credit for creditable service rendered up to the effective date of this act and standing to their credit as of June 30, 1967, are hereby transferred to membership status with the same service credit in the Utah state retirement system created by this act. Nothing in this act shall be deemed to diminish, reduce or abrogate any benefits, rights or claims accrued to the credit of a transferred member which were standing to his credit on the termination date of the retirement system in which he held membership, except as herein provided by section 25.

Section 6. Definitions.

Unless a different meaning is plainly required by the context, the following words and phrases as used in this act shall have the following meanings:

(1) "Retirement system" or "system" shall mean the Utah state retirement system created by this act.

(2) "Department" shall mean any department, office, board, commission, instrumentality or other agency of the state of Utah.

(3) "Educational institution" shall mean a political subdivision or instrumentality of the state or of a political subdivision or of a combination thereof primarily engaged in educational activities or the administration or servicing thereof, including but not limited to the state board of education and any instrumentality thereof, any institution of higher learning and its branches, any school district and instrumentality thereof, vocational and technical schools, and any consolidation or any entity arising out of a consolidation agreement thereof.

(4) "Political subdivision" means any political subdivision of the state, including but not limited to educational institutions, cities, towns, counties, leagues or associations thereof or associations of the Utah public employees, but only if such subdivision is a juristic entity which is legally separate and distinct from the state and only if its employees are not by virtue of their relations to such entity employees of the state

or one of its departments. The term shall include special districts or authorities created by the legislature or by local governments such as, but not limited to, mosquito abatement districts, sewer or water districts, water associations and companies, libraries, and any consolidation or any entity arising out of a consolidation agreement of said political subdivisions. It shall include the Utah state retirement office created by Chapter 74, Laws of Utah 1963, as amended.

The term shall include any agency, association or organization financed in whole or in part by public funds, providing such entity is not covered by some other public or private retirement system, excluding social security. Public funds shall be deemed to mean funds derived from public taxes or public revenue either directly or indirectly, dues or contributions paid or donated by the membership of the organization, used to finance an activity whose objective is to improve on a non-profit basis the governmental, educational and social programs and systems of the State or its political subdivisions generally. Such organizations shall be accepted as political subdivision entitled to participation under the provisions of this act at the discretion of the board upon application for coverage of their employees hereunder.

(5) "Employer" or "employing unit" shall mean any department, educational institution or political subdivision for which any employee or member performs services subject to the provisions of this act.

(6) "Employee" or "regular employee" shall mean any regular full-time employee whose term of employment for an employer contemplates continued employment during a calendar or school year and who performs covered service for one or more employers. It shall mean, also, an officer, elective or appointive, but excluding any member of the Utah legislature if he should choose to be excluded, who receives as compensation from an employer \$30 or more per month. An appointive officer shall mean a person appointed to a position for a definite and fixed term of office by official and duly recorded action of the governing body of a covered unit.

(7) "Regular full-time employee," in qualifying for membership in the system, shall mean an employee whose employment normally requires 30 hours or more per week, or a person employed in a position requiring 20 hours or more per week for a minimum period of nine consecutive months except as may be modified by the board. It shall include a teacher who teaches half-time or more. Full-time students or the wife of a full-time student and persons employed in a trainee relationship may be excluded from coverage by regulation of the board. Credit for service shall be granted in proportion to the work performed under such rules as the board shall adopt.

(8) "Member" shall mean any person included in the membership of the retirement system as provided herein. A member who has received no compensation as defined in this section for a period longer than four months shall be deemed to be an inactive member.

(9) "Board" or "retirement board" shall mean the Utah state retirement board created by Chapter 74, Laws of Utah 1963, as amended.

(10) "Retirement office" shall mean the retirement office created by Chapter 74, Laws of Utah 1963, as amended.

(11) "Administrator" or "executive officer" shall mean the executive director appointed by the Utah state retirement board as provided by Chapter 74, Laws of Utah 1963, as amended.

(12) "Retirement fund" shall mean the Utah state employees' retirement fund provided for herein.

(13) "Termination date" shall mean midnight June 30, 1967.

(14) "Terminated funds" shall mean the Utah school employees' retirement fund and the Utah public employees' retirement fund, both terminated by this act.

(15) "Terminated systems" shall mean the Utah school employees' retirement system and the Utah public employees' retirement system, both terminated by this act.

(16) "Service" or "covered service" shall mean service rendered to an employer for compensation which is included in computations relating to membership status or benefit rights under this act. The term shall not include services rendered by an employee which are included in retirement computations relating to benefit rights under the provisions of other retirement, annuity or pension systems to which a department of the state of Utah or a political subdivision has made or is required to make contributions on behalf of any employee other than the terminated retirement systems, the Social Security Act, pension systems which provide only hospitalization and surgical benefits and term life insurance benefits to retired employees. In no case shall a retirement allowance or other benefit be granted under this act which is based upon the same service as has been the basis for retirement benefits under some other Utah public retirement system.

(17) "Current service" shall mean covered service rendered on or after July 1, 1967.

(18) "Prior service" shall mean service rendered prior to July 1, 1967 which is creditable in the system herein created.

(19) "Years of service" or "service years" shall mean the number of periods, each to consist of twelve full months or as determined by the board, whether consecutive or not, during which an employee performed services for an employer or employers, including such time as the employee was absent on a paid leave of absence granted by an employer or absent in the service of the United States government on military duty as hereinafter provided. For a teacher, school administrator or other contract employee of an educational institution not less than nine months of full-time service shall constitute a service year. Members shall be credited with any fractions of years of service to which they may be entitled.

(20) "Compensation," "salary" or "wages" shall mean the total amount of payments made by an employer to an employee for services rendered to the employer, including, but not by way of limitation, all salary, wage and overtime payments, but excluding the monetary value of remuneration paid in kind, such as residence or use of equipment and all contributions made by an employer under this plan or under any other employee benefit plan maintained by an employer for the benefit of a participant.

(21) "Final average salary" shall mean the rate of the average highest annual compensation payable to a member for any five consecutive years of the last ten years of participating service immediately preceding retirement or the termination of employment. If participating service is less than five years, then final average salary shall mean the average annual compensation paid to the member during the full period of participating service. It shall not include for any member compensation received for either part-time or special service rendered in conjunction with full-time employment unless contributions have been paid on compensation received for such additional service. The final average salary shall be limited in the computation of that part of a member's prior service retirement allowance based on service rendered during a period when the said member received employer contributions on a portion of his compensation from an educational institution toward the payment of the premium required on a retirement annuity contract with the Teachers' Insurance and Annuity Association of America or with any other public or private system, organization or company to \$4,800. "Average final monthly salary" shall mean one-twelfth of the final average salary.

(22) "Participating service" shall mean service rendered during which a person was a member of this system as well as either of the terminated systems during which he was paid compensation upon which member contributions were taken.

(23) "Refund" shall mean a termination of service and the application for and receipt of a member's accumulated contributions by the terminated member. A "withdrawal of contributions" shall mean the application for and receipt of the balance of the member's accumulated contributions from the terminated Utah teachers' retirement system without a termination of service as permitted in the Utah School Employees' Retirement Act in 1953.

(24) "Payroll" shall include register, warrants and any other documents upon which all persons receiving salary payments are listed.

(25) "Retirement" shall mean withdrawal from active service with a retirement allowance granted under the provisions of this act.

(26) "Actuarial equivalent" shall mean a benefit of equal value when computed upon the basis of such mortality tables as shall be adopted by the retirement board and regular interest.

(27) "Regular interest" shall mean interest compounded annually at such rate as shall have been adopted by the retirement board in accordance with the provisions of this act.

(28) "Contributions" shall mean the contributions by both the employing units and the members into the retirement fund.

(29) "Accumulated contributions" of a member shall mean the sum of the contributions made by or on behalf of a member and standing to the credit of his individual account together with regular interest thereon.

(30) "Beneficiary" shall mean any person entitled to receive a retirement allowance or any other benefit provided herein.

(31) "Disability" shall mean the total and permanent incapacity of a member to perform the usual duties of his employment with an

employer. Such incapacity shall be deemed to exist when a physician or a board of physicians appointed by the board certify that upon the best medical information such disability will be of an extended and indefinite duration.

(32) "Retirant" shall mean a retired member who is receiving retirement benefits.

(33) "Normal retirement age" shall mean the attained age of 65 years.

(34) Ages of both members and beneficiaries used in the calculations of allowances shall be taken to the next lower completed quarter year.

(35) "Annuity" shall mean annual payments for life derived from the accumulated contributions of the member.

(36) "Pensions" shall mean annual payments for life derived from contributions made by the state of Utah or by employers.

(37) "Allowance" and "retirement allowance" shall mean the "annuity" plus the "pensions." The retirement allowance shall be computed and paid on a monthly basis.

(38) Words used in the masculine gender shall include the feminine and neuter genders. Singular number shall include the plural, and plural shall include the singular.

(39) "Effective date" shall mean 12:01 A.M. July 1, 1967.

Section 7. Creation of Utah State Retirement System.

A retirement system is hereby created for employees of the state of Utah, its educational institutions and its political subdivisions as herein defined commencing at 12:01 A.M. on July 1, 1967 which shall be known as the Utah state retirement system.

It is hereby declared to be the policy of the legislature that this act be liberally construed so that the benefits and protections as herein provided shall be extended as broadly as reasonably possible.

Section 8. Utah State Employees' Retirement Fund.

A fund is hereby created and established to be known as the Utah state employees' retirement fund which shall be deemed to be a trust fund created solely for the purpose of paying the benefits herein provided and the costs of administering this act. It shall consist of the money and assets transferred into it from the terminated systems as above provided, of all the money paid into it in accordance with the provisions of this act, whether in the form of cash, securities or other assets, and of money received from any other source. The Utah state retirement board shall serve as trustee of the fund. Custody, management and investment of the fund shall be as set forth in the Utah state retirement office act, Chapter 9, Title 49, Utah Code Annotated 1953, as amended, except as otherwise provided herein.

Payment of retirement rolls, refunds, death settlements, investments, administrative and other expenses as provided by this act or by the Utah state retirement office act shall be made only upon the approval of the executive officer of the board or his duly designated representative who is authorized to act in his behalf.

Section 9. Retirement Board—Powers—Duties—Adopt Rules and Regulations—Make Studies—Hearings.

The retirement system and retirement fund shall be administered by the Utah state retirement office, created by Chapter 74, Laws of Utah 1963, as amended.

The retirement board through its executive officer shall exercise the powers and perform the duties conferred on it by this act, and in addition thereto:

(a) Shall credit contributions of members, retirants, beneficiaries and other system accounts with interest at the rate adopted in accordance with the provisions of subsection (b) of this section.

(b) Shall from time to time, upon the recommendation of the consulting actuary, adopt an interest rate, mortality tables and such other tables as are necessary to the administration of the system.

(c) Shall keep in convenient form such records and accounts as may be necessary in the administration of the system, and data for investigation of its experience and its actuarial valuation, including but not limited to individual records containing the following:

(1) The total accumulated contributions of all members and of each individual member.

(2) The total accumulated contributions of retired persons, less annuity payments made.

(3) The total accumulated contributions of employing units held for the benefit of members on account of current service rendered.

(4) The total accumulated contributions of employing units held for the benefit of members on account of prior service rendered.

(5) All other accumulated contributions of employing units held to meet the obligations for benefits that have been granted.

(6) The annual compensation of each member.

(d) Shall from time to time, but at least every six years, and in cooperation with the legislative council, make an actuarial investigation into the mortality, service and other experience of the members and beneficiaries of the system, actuarially value the assets and liabilities of the administered funds and accounts, determine the rate of interest being earned by the funds, and, based upon all such determinations and factors, including items requested by the legislative council, and shall confer with the council and report findings of the investigation, with recommendations, and shall recommend to the legislature any changes in the rate of contribution or benefits that shall be deemed necessary to the security of the system. Costs of such an investigation as well as all actuarial consulting and other service shall be paid from the interest earnings of the fund.

(e) Shall fix the minimum time per day, per month and per year upon the basis of which one year of service and proportionate parts thereof shall be credited toward qualification for retirement. Service amounting to nine-tenths of one year shall be deemed to constitute a year of service credit in the computation of a retirement benefit. Service shall be computed by school or fiscal years and not by calendar years, but portions of years served shall be accumulated and counted as service provided that all of the service rendered in any one school or fiscal year shall not count for more than one year, except that any member of either the Utah public employees' retirement system or the Utah school em-

ployees' retirement system who, as of the effective date of this act, shall have accrued and had standing to his account service credits in both systems based on different service shall continue to be eligible to receive credit and benefits for such service providing it is not forfeited by a refund. The retirement allowance based upon service credit accrued from less than full-time service shall be computed by using the retirement benefit formula set forth in the terminated retirement system in which the service was rendered.

(f) May subpoena witnesses and compel their attendance to testify before it, and each member and the secretary of the board may administer oaths and affirmations to witnesses and others transacting business of the retirement system.

(g) Shall regulate the duties of employing units and other public authorities that are imposed upon them by this act and shall, among other things, specify the time, place and manner in which contributions shall be withheld and paid and reports it deems necessary to the administration of this chapter.

(h) Shall adopt such rules and regulations not inconsistent with the provisions of this act as may be necessary in the management of said system and to carry out the purposes of this act, and shall perform any and all other acts and have all such powers as are necessary for the administration of the retirement system.

(i) The retirement board shall serve as an appeal board and shall have the power and authority to hear and determine all facts pertaining to applications for benefits under the retirement system and all matters pertaining to the administration thereof. If it shall be impracticable for the executive officer of the board to determine from the records or other information available the length of service, compensation or age of any member, the said officer may estimate, for the purpose of any determination required to be made, any such factor. Notwithstanding any decision of the board on an appeal by a member, a member may challenge the decision of the board and appeal such decision to a district court of the state of Utah.

Nothing contained in this act shall require the observance in any hearing of the board of formal rules of pleading or evidence.

Section 10. Participation in System—How Covered.

Any employing unit in existence which has excluded itself from coverage as permitted in the terminated Utah public employees' retirement act shall continue to be excluded unless and until an application for coverage under this system is received as hereafter provided. Any new employing unit which may come into existence after the effective date of this act, which engages employees to perform covered services, may become participants in the retirement system, except as limited herewith. Employing units may become participants in the system effective the day following (a) the extension of social security coverage to said employing unit, (b) the denial of such coverage by the social security director or (c) the election of the employing unit by action of its governing body not to seek such social security coverage.

A department or division of state government which was not covered by the Utah public employees' retirement act effective July 1, 1961 but

which was subsequently covered effective July 1, 1963 may by application to the Utah state retirement board arrange for and receive service credit for its employees for service rendered during the period July 1, 1961 through June 30, 1963 upon such terms as are mutually agreed upon by the department or division and the board.

Section 11. Political Subdivisions May Apply for Admission.

Any political subdivision which is not covered by the system on the effective date may by resolution of its governing body apply for admission to the system.

Any organization or agency supported in whole or in part by Utah public funds which is not or may not prior to application have been covered by this act may by resolution of its governing body apply for admission to the system. Upon approval of the retirement board, said organization or agency shall become a participant in the system provided that the retirement board and the political subdivision, or the organization or agency referred to immediately above, shall agree upon (a) the terms pursuant to which its employees shall become members of the system, such as the effective date of coverage, (b) the amount of prior service credit with which they may be credited, if any, (c) the amount of any contributions in addition to regular contributions that will be required to provide any prior service credits or retroactive current service credits from either the employing unit or its employees, and (d) the manner in which retroactive current or prior service credits may be established, if any.

Section 12. Employee Membership—Eligibility.

All employees as defined in section 6 who perform covered services for any employing unit, except as excluded by section 14, shall become members of the retirement system as follows:

(a) Every employee who is employed to perform covered services for a department, educational institution or political subdivision on or after July 1, 1967 shall become a member of the system effective on the date of his employment.

(b) Each employee engaged in performing covered services for a political subdivision on the date it becomes a participant in the system pursuant to the provisions of section 11 shall become a member of the system as of the date of coverage. Each new employee of said covered unit shall thereafter become a member of the system effective on the date of his employment.

(c) Employees of the retirement office itself shall be entitled to membership, and any employer costs in connection with such membership shall be a part of the cost of administration.

Section 13. Transfers.

The employment transfer of any member from one department, educational institution or covered political subdivision to another participating unit shall not cause the employee to lose active membership status in the system nor shall such a transfer be deemed a termination of employment as a prerequisite to qualifying for a refund of contributions.

Section 14. Employees—Exclusion from System.

The following employees shall be excluded from membership in the retirement system:

(a) Every employee whose employment status is temporary in nature due to the nature or the type of work to be performed. If the term of employment exceeds four months, then for such employee a regular full-time status shall be assumed, and he shall be enrolled in the system effective on the first day of the month of or following the month in which he begins his fourth month of employment, whichever is earlier. If the same employee, previously terminated prior to enrollment as a member, is again employed within three months of termination by the same employer, he shall be immediately enrolled as a member if his work constitutes full-time as defined herein.

(b) School employees who are normally students and are normally enrolled more than half time as a student in an educational institution.

(c) Every employee who is the holder of a retirement annuity contract with the Teachers' Insurance and Annuity Association of America or with any other public or private system, organization or company shall be excluded from participating in the system as a contributing member during any period in which he has received or elects to receive contributions toward the premiums required thereon from his employing unit on compensation as defined in section 6 (20) of this chapter. Every such employee, upon the cessation of such employer contributions, shall forthwith become a contributing member.

(d) Every employee serving as an exchange employee from outside the State.

(e) Members of the Utah legislature who file a formal request to be excluded from coverage.

Section 15. Data to Be Furnished—Confidential—Exception.

Every member and beneficiary shall be subject to all of the provisions of this act and to all rules and regulations adopted by the retirement board pursuant thereto. Each member and beneficiary shall furnish to the retirement office such information affecting his status as a member or beneficiary of the system as the administrator may require, including (a) date of birth, (b) all service previously rendered by him in a status requisite for service credit in the retirement system under the provisions of this act, (c) the name and address and relationship to the member of any beneficiaries under the retirement system who may be entitled to receive benefits thereunder, and (d) such other information or evidence as the board may require.

All data filed by any member or beneficiary with the retirement office shall be confidential, and information contained in any record pertaining to individual data shall be divulged by any official or employee of the office, but such information shall be used for the sole purpose of carrying into effect the provisions of this act. Such record shall not be open to inspection to any person except the retirement board, the employees of the retirement office, the employing unit, and any person authorized by the legislature.

Section 16. Current Service Credit.

Each member of the retirement system who performs covered services on and after July 1, 1967 shall receive current service credit therefor.

Section 17. Prior Service Credit—Allowances.

Credit for prior service shall be granted to employees who become members of this system on or after July 1, 1967 as follows:

(a) Members of the terminated Utah public employees' retirement system shall be granted prior service credit for covered service rendered between July 1, 1961 and June 30, 1967 which was standing to their credit as of June 30, 1967. In addition, members shall be granted credit for any creditable service rendered prior to June 1, 1961 if they meet either of the following two requirements:

(1) Had qualified for such prior service credit by meeting the requirements for prior service credit as defined and established by the terminated Utah public employees' retirement act excepting public school service and had not taken a refund of contributions paid to the Utah public employees' retirement system, or

(2) Had accrued a minimum of one year of current service credit as defined by the terminated act cited above and had not taken a refund of contributions paid to the Utah public employees' retirement system. Former members of the Utah public employees' retirement system who return to covered service shall be given the option of redepositing their refund and if such redeposit is made shall receive credit for past service as set forth in section 25 of this act.

(b) Members of the terminated Utah school employees' retirement system shall be granted prior service credit for covered service which was standing to their credit as of June 30, 1967 or which will be credited to their account at the completion of any redeposits which are in the process of being completed as of the termination date of the Utah school employees' retirement act. Additionally, they shall receive credit for any creditable non-school public service they may have rendered prior to July 1, 1961, upon payment of such contributions and interest as determined by the retirement board, providing that this credit if purchased does not result in a duplication of benefits based on the same service. Former members of the Utah school employees' retirement system who return to covered service shall be given the option of redepositing their refunds or withdrawal and if such a redeposit is made shall receive credit for past service as set forth in section 25 of this act.

Section 18. Service Credit Provisions—Inactive Status.

In the establishment of service credits, the following provisions shall apply:

(a) Each person who is retired either as a service retirant or disability retirant under the provisions of the preceding terminated retirement systems shall be granted, upon termination of said retired status for the purpose of resuming service for an employing unit, the same service credit that he was granted under the system from which he retired.

(b) Each member who is not in an active status on the effective date because of sickness, injury, leave of absence, including service in the

armed forces of the United States, termination of employment, or because he is in process of transfer from one employing unit to another shall be deemed to be in employment and a member of the system as of July 1, 1967, for the purpose of establishing membership status.

(c) No service credit for the purpose of computing the amount of his retirement allowance shall be given to any member for services performed during any period in which his employing unit has contributed or contributes all or part of the premiums upon a retirement annuity contract, based on compensation of the member as defined in the terminated Utah school employees' retirement system, with the Teachers' Insurance and Annuity Association of America or with any other private organization or company; however, such period of service, not to exceed four years, may be credited to said member for the purpose of determining his years of service in establishing his eligibility to retire.

(d) No service credit for the purpose of computing the amount of his retirement allowance shall be given to any member for the period during which he was on leave of absence without compensation, except as hereinafter provided for a contributing member on military leave of absence.

(e) Any member upon terminating his services with any covered unit shall by leaving his accumulated contributions in the fund be deemed to be in the status of "inactive member." As an inactive member his accumulated contributions shall be credited with regular interest. No service credit for any purpose shall be given to him for the period during which he was in such inactive status.

Section 19. Military Service Credits.

A member is absent on military service when he or she is absent from duty in a status requisite for membership in this system by reason of and for the period of an official call to service in the armed forces or women's auxiliary thereof of the United States. His period of military service shall be deemed to have terminated 90 days after the date on which he shall have the right of release from such service or from the hospital in the event of military service which caused disability without intervening employment, or after the beginning of the subsequent fiscal year if the member is a non-school employee or the next school year if the member is a school employee, whichever is greater. Any such member so absent may contribute to this system, either during said member's absence in military service or upon his return to a status requisite for membership, at the time and in whatsoever manner is or might be prescribed and provided for by the board, amounts equal to the contributions which should have been made by such member to the system on the basis of such member's compensation earnable at the commencement of the member's absence if such member had remained in active membership status. If the member does so contribute, he shall receive therefor on the retirement system records in the same manner as if the member had not been absent from membership status. Whenever a member elects to contribute and does contribute under this section, the same contribution shall be made by the last employing unit in respect to such absence that would have been made if the member had not been absent as herein provided. Credit for military service shall not be

granted if it serves as a basis for receiving a federal pension other than social security.

Contributions covering military service shall be paid by July 1, 1968, or within five years after a member returns from military service to covered employment, whichever date is later, providing, however, that payment for such service credit must be made prior to retirement if such service is used in the calculation of the member's retirement allowance.

Section 20. Actuarial Basis—Contribution Rates Employees.

The system shall be maintained on a financially and actuarially sound basis by means of contributions made jointly by the employing units and by the active members of the system.

(a) Each member of the system shall make the following contribution to the retirement fund, such contributions to be deducted from monthly salary payments by his employer and paid by it to the retirement fund: Effective July 1, 1967, the contribution rate shall be four percent (4%) of compensation; effective July 1, 1969, the contribution rate shall be four and one-quarter percent ($4\frac{1}{4}\%$) of compensation; effective July 1, 1971, the contribution rate shall be four and one-half percent ($4\frac{1}{2}\%$) of compensation; effective July 1, 1973, the contribution rate shall be four and three-quarters percent ($4\frac{3}{4}\%$); and effective July 1, 1975, the contribution rate shall be five percent (5%) of compensation.

All member contributions shall be credited by the retirement office to the account of the individual in the fund. Said amount together with regular interest thereon shall be held in trust for the payment of the benefits provided for herein to the member or his beneficiaries.

Each member shall be deemed to consent to the deduction from his compensation of the contribution provided for herein. The payment of said compensation less said payroll deductions shall be deemed a full and complete payment of the salary of said employee.

(b) Commencing with the effective date of its participation as an employer under the provisions of this act, each employing unit shall contribute to the retirement fund monthly a matching amount equal to the contributions made to the fund by all its covered employees as required in (a) above.

Section 21. Employer Contributions—Adjustments—Refunds.

The employer contributions and the member contributions withheld as above provided shall be paid to the fund in such manner and at such times as the board may by regulation prescribe.

Any employing unit which fails to withhold the amount of any employee contributions as above provided shall nevertheless be required to pay the amount of such employee contribution together with the matching employer contribution to the retirement fund, if necessary out of its own funds.

If an employing unit does not make the payments required by this act at the time or times due, there shall be added as part of the amounts due, excepting as to corrections in the amounts of contributions arising out of error in computation, interest at the rate of six percent per year,

provided, however, that the board may forgive all or any part of such interest if the board finds there was extenuating circumstances surrounding said delinquencies.

If more or less than the correct amount of contributions required by this act is deducted with respect to any payment of compensation, the employer is authorized to make the necessary adjustment without interest in connection with subsequent payment of compensation, or such adjustment may be made by direct cash payments between the member and the employer. The retirement office may refund any overpayment of contributions made to it on behalf of any member.

Section 22. Records—Reports—Penalties.

Each employing unit shall maintain such records and file such reports relating to compensation, employees, service and other factors relating to the proper administration of this act as the board may by regulation prescribe.

A penalty of one-quarter of one percent of the covered unit's last annual employer contribution to the system may be assessed by the board for each week a required annual report of members' earnings and contributions is delinquent beyond a 60-day grace period from the end of the fiscal reporting year adopted by the board.

Section 23. Termination of Membership—Death—Retirement.

If a member shall die or be retired, or if he shall apply for and receive a refund of his accumulated contributions upon termination of service in a status requisite for membership, he shall thereupon cease to be a member.

Section 24. Withdrawal of Contributions.

If a member shall for any cause, except retirement, permanent or temporary disability or death, cease to be employed in covered services for an employer he may:

(a) By written request directed to the retirement office receive a refund of all his accumulated contributions, less a withdrawal fee the amount of which the retirement board shall establish by regulation for the purpose of reimbursing its administrative fund for the cost entailed by said withdrawal. In the event of such election, a terminating employee upon later re-employment by an employer under the provisions of this act, unless he redeposits his refund as herein permitted, shall be treated as a new employee and his service history and benefit rights shall then be based upon current services from the date of said re-employment in covered services.

(b) Leave his account in the fund intact. In the event of such election, a terminating employee shall retain status as a member of the system, excepting for the lack of contributions paid into the fund by him or on his behalf. In the event of his re-employment by an employer for services covered by this act, his service history and benefit rights shall be based upon the prior service credit and current service credit accredited to him at the time of his most recent termination of employment, as well as upon the current service credit that he acquires as the result of his re-employment.

Upon the attainment of retirement age, an inactive member shall have the same rights to receive retirement benefits, if eligible therefor, as any active employee member.

Section 25. Former Member—Redeposit of Contributions.

A former member of this system or the terminated systems who withdrew his accumulated contributions upon a previous termination of employment and who returns to covered employment in a status prerequisite for membership may redeposit the accumulated contributions withdrawn, together with interest charged from the date of refund through the month of payment at rates compounded annually as set forth in section 26. If a redeposit is made, that portion of the member's service credit upon which contributions were made and during which the member had made contributions on compensation received shall be restored to his account providing total payment is made prior to retirement, and for members who retire after June 30, 1972, payment is made no later than four years prior to retirement.

A member of the terminated public employees' retirement system who had rendered covered service in the terminated Utah teachers' retirement system or the terminated Utah school employees' retirement system, but who had forfeited such service by taking a refund, shall be granted credit for said service if a redeposit is made as immediately above provided. A member of the terminated Utah school employees' retirement system who had rendered service in the terminated Utah public employees' retirement system but who had forfeited such service by taking a refund shall be granted credit for said service if a redeposit is made as above provided. In no case shall service credit be granted in this system which has been forfeited by a refund or withdrawal from one of the terminated systems unless a redeposit is made as herein permitted.

A decision to redeposit must be filed by the member with the retirement office within 60 days of the date of his re-employment; otherwise he shall be re-entered as a new member without previous service credit.

A member may redeposit his previous refund and interest charges in on lump sum or he may redeposit the amount of his refund and interest charges in monthly installments within 24 months of the starting date of re-employment in amounts mutually agreed upon by the employer, the member and the administrator. After two years from the date of re-employment, a redeposit, including interest charges, may be made in one lump sum only, but there shall be assessed a delayed redeposit fee amounting to five dollars or two percent of the amount of the accumulated contributions as they were at the time of withdrawal, whichever is greater. Such fee shall be waived until July 1, 1968, after which it shall be assessed on redeposits made under the conditions specified and shall be credited to the retirement office administrative account. Credit for past service shall not be restored to the member's account until the refund, interest and other charges, if any, have been paid in full.

Section 26. Rate of Interest on Redeposits.

The rate of interest charged on redeposits of refunds or withdrawals or delinquent contributions shall be as follows:

From and including July 1, 1937, through June 30, 1961, the rate shall be two and one-half percent; from July 1, 1961, through June 30, 1965, the rate shall be three percent; from July 1, 1965, through December 31, 1965, the rate shall be three and one-half percent; and thereafter the rate shall be equal to the effective yield, rounded off to the nearest whole or quarter percent rate, which has been earned by the Utah state retirement fund at the end of each preceding calendar year, as determined by the administrator and approved by the board.

Section 27. Death Benefits—Amounts Payable.

Upon the receipt of acceptable proof of death of a contributing member before the effective date of his retirement, except as provided in section 33 or otherwise in this section, or after the date of retirement but under circumstances which require it by the provisions of section 34 to be treated as the death of a member before retirement, the following death benefits shall be paid to the beneficiary or beneficiaries if such is the spouse of the member, if living, otherwise to any living children under the age of 21 and to any handicapped child or children regardless of age:

(a) The accumulated contributions, including interest of the deceased member; plus

(b) An amount equal to 50% of the final average salary of the deceased member. In no event shall the amount of said death benefit be less than \$600 and the accumulated contributions of the deceased member, except for:

(1) A person who entered covered employment at age 65 or later. This deceased member's benefit shall be a refund of his accumulated contributions or \$600, whichever is larger.

(2) A deceased member who has as his beneficiary or beneficiaries no spouse or dependent children under the age of 21 or handicapped child or children regardless of age. This deceased member's death benefit shall be a refund of his accumulated contributions or \$600, whichever is larger.

(c) The foregoing part of the death benefit as provided in (b), based upon the member's past compensation, shall not be paid to the beneficiary of an inactive member unless the death of the member occurs either: (1) within a period of 120 calendar days after the last day of service for which said person received compensation; (2) while said person is still physically or mentally incapacitated from performance of his duties, provided that such incapacity has been continuous since the last day of service for which he received compensation, or (3) said person is on military leave and has elected to remain in active contributing membership status as provided in section 19 of this act; providing that in no case shall such part of the death benefit as cited in this paragraph be paid to any beneficiary other than the spouse of the member, child or children under the age of 21 or a handicapped child or children regardless of age.

(d) The death benefit for an inactive member, except as otherwise provided in (c) above, shall be a return of the deceased member's accumulated contributions only.

(e) A member, or his beneficiary after death of the member, may elect, by a written document filed with the retirement office, to have the death benefit paid in monthly installments, fixed in number or amount, but not involving life contingencies, subject to such rules as the board may adopt. Regular interest shall be credited on the unpaid balance of such benefit.

Payment of the foregoing death benefits by the retirement office shall be deemed to be a full acquittance of a beneficiary's claim against the system, and the said system shall not be liable for any further or additional claims or assessments on behalf of the deceased member.

Section 28. Disability Benefits—Requirements.

A member shall be entitled to receive disability benefits upon approval of the retirement board after medical examination if the following requirements have been met:

(a) Said member has completed and has standing to his credit ten or more years of service on the date of disability retirement.

(b) Said member, within two years after last rendering covered service, and whose covered employment was terminated due to a physical or mental condition existing at the time of termination, has been examined by one or more physicians or surgeons selected by the board pursuant to the request of his employer, said member or person acting on his behalf or of the board.

(c) Said medical examination and such other evidence as may be available shows to the satisfaction of the administrator that said member is physically or mentally incapable of the performance of the usual duties of his employment and should be retired and the administrator so recommends to the board.

The board shall obtain and pay from the interest earnings of the fund for such medical services and advice as may be necessary to carry out the provisions of this section.

Section 29. Disability Retirement Plans Available.

The disability retirement plans available to members of the system are four in number. Plan number one is as follows, with plans number two, three and four set forth in section 34: A member granted retirement for disability as above provided shall receive a retirement allowance which shall consist of an annuity, a pension based on his prior service and a pension based on his current service, the total of which shall equal 90% of what a service retirement allowance would be based on his years of service and final average monthly salary disregarding the reduction of benefits because of retirement before age 65, if the member is under age 60. If he is age 60 or over the benefit shall be 80% of the aforesaid possible service retirement allowance. If the retirement allowance is less than 25% of the member's final average monthly salary, he shall receive a supplemental current service pension equal to nine-tenths of one percent of his final average monthly salary if he is under age 60, or if age 60 or over he shall receive a supplemental current service pension equal to eight-tenths of one percent of his final average monthly salary multiplied by the number of future years which said member could have worked from date of retirement to age 65 had he not become disabled. Such service shall be credited on a working

day basis. In no event may the total disability retirement benefit exceed 25% of the member's final average monthly salary if future service credit is used. The minimum monthly total disability retirement allowance shall not be less than 10% of the member's final average monthly salary.

If the retired member qualifies for workmen's compensation, he shall have his disability retirement pension reduced by the monthly amounts received from workmen's compensation. When the payments received from workmen's compensation are terminated, suspended or discontinued, the retirant's pension shall be restored. In the event the retirant receives a lump-sum settlement from workmen's compensation, his retirement pension shall be suspended until the suspended pension payments equal in total amount one-half of the lumpsum settlement and, thereupon, the pension shall be reinstated.

Section 30. Require Medical Examinations for Disability.

(a) The retirement board may, at its pleasure and upon the recommendation of the administrator, require any retirant who has been retired for disability and who has not attained the age of 60 years, to undergo medical examination, such examination to be made by a physician or surgeon, appointed by the retirement board, at the place of residence of said beneficiary or other place mutually agreed upon. Upon the basis of such examination, the board shall determine whether said disabled retirant is still incapacitated, physically or mentally, for service as a teacher or as a nonteaching employee. If the board shall determine that said retirant is not so incapacitated, his retirement allowance shall be cancelled and he shall be reinstated forthwith to a position of the same class as that held by him when retired for disability. If any employing unit is unable to so reinstate him, the board shall continue the disability retirement allowance of the retirant until such time as employment is available.

(b) Should a retirant after retirement for disability, either under this system or the preceding terminated systems, re-enter the service and be eligible for membership in the retirement system, his retirement allowance shall be cancelled and he shall immediately become a member of the retirement system. His individual account shall be credited with an amount which shall be the actuarial equivalent, at the time of such re-entry, based on a disabled life, of that portion of his retirement allowance which was derived from his accumulated contributions, but such amount shall not exceed the amount of his accumulated contributions as it was at the time of his retirement. Each member shall receive credit for the service which he had standing to his account at the time of his retirement.

(c) Should the retirement allowance of any disabled retirant be cancelled for any cause other than re-entrance into service, he shall be paid his accumulated contributions less the amounts prescribed by paragraph (e) of this section.

(d) Should any person retired for disability engage in a gainful occupation prior to attaining age 60, the administrator shall reduce the amount of his retirement benefit to an amount which, when added to the compensation earned monthly by him in such occupation, shall not exceed the amount of the final average monthly salary on the basis of

which his current service retirement benefit was determined. Should the earning capacity of such retirant be further altered, the administrator may further alter his retirement benefit as provided in the sentence immediately preceding. In no event, however, may his retirement benefit be reduced below that portion of his allowance derived from his own accumulated contributions. When said retirant reaches age 60, his retirement allowance shall be made equal to the amount upon which he was originally retired and shall not again be modified for any cause.

(e) Should any member retired for disability refuse under age 60 to submit to medical examination, his retirement allowance may be discontinued until his withdraw of such refusal, and should such refusal continue for one year his disability status may be cancelled and he shall constitute a terminated member. His accumulated contribution account shall be the actuarially equivalent on the date of his change of status based on a disabled life of that portion of his disability retirement allowance which was derived from his accumulated contributions, but such amount shall not exceed the amount of his accumulated contributions as it was at the time of his disability retirement.

Section 31. Service Qualification for Retirement.

Any member who qualifies for service retirement may retire by making written application therefor to the retirement office and stating the proposed effective date of retirement, which shall be not more than ninety days subsequent to the date of application.

Said member is qualified to retire upon termination of his services on or before the effective date of retirement if he meets one of the following requirements on said date:

(a) He has been credited with at least four years of service and he has attained an age of 65 years or more.

(b) He has been credited with at least 10 years of service and he has attained an age of 62 years or more.

(c) He has been credited with at least 20 years of service and he has attained an age of 60 years or more.

(d) He has been credited with at least 30 years of service and he has attained an age of 55 years or more.

Section 32. Four Retirement Plans Available.

The service retirement plans available to members of the system are four in number. Plan number one is as follows with plans number two, three and four set forth in section 34:

Upon the service retirement of a member as provided in the preceding section, he shall receive a retirement allowance which shall consist of an annuity, a pension based on his prior service and a pension based on his current service, the total of which shall be determined as follows:

(a) If the member has attained the age of 65 years, his retirement allowance shall be:

(1) An amount equal to one percent of his final average monthly salary, limited to \$500, multiplied by the number of years of service credited to him for service rendered prior to July 1, 1967; plus

(2) An amount equal to one percent of his final average monthly salary multiplied by the number of years of service credited to him for

service rendered on and after July 1, 1967, subject to the following sentence: Effective July 1, 1975 or on any subsequent July thereafter, as determined by the retirement board, the percentage of salary amount shall be one and one-tenth percent providing the consulting actuary certifies to the board that in his considered judgment such a percentage rate can be funded under the provisions of this system and the board upon the basis of this statement from the actuary so rules.

A member of the system who has service credit for employment during the period July 1, 1961, through June 30, 1967, and whose covered compensation was greater than at the rate of \$500 per month for any period exceeding three consecutive months during said period, may make retroactive contributions at the rate of five percent of such excess compensation and thereby receive an allowance for the appropriate service period based upon the said higher compensation, provided payment is made within one year of the effective date of this act or prior to retirement whichever event occurs first. Payment made after one year shall be accepted; however, interest will be charged beginning July 1, 1968, at the rate prescribed by section 26 of this act for redeposits.

(b) If the member has an attained age of less than 65 years, his retirement allowance shall be an amount which would have a present value at the actual age of retirement, equal to the present value of said allowance calculated as if the member had retired at age 65, but discounted for mortality and interest from age 65 to the actual age of retirement. Such present values shall be computed upon the basis of the mortality table adopted by the board and regular interest.

Years of service shall include any fractions of years of service to which the member may be entitled.

Section 33. Benefits Payable to Surviving Spouse.

A member who has attained age 55 with 30 or more years of credited service, age 60 with 20 or more years of credited service or age 65 with 10 or more years of credited service, respectively, and who dies leaving a spouse to whom he or she has been married five years or longer, may upon the request of the said spouse, be deemed to have retired on the first day of the month following the month in which death occurred and to have been retired under plan number three. Benefits payable under this paragraph shall be deemed to be service retirement benefits and shall be paid in lieu of any payments made under section 27 of this act and shall constitute a full and final settlement of the claim of the spouse or any other beneficiary filing claim for benefits under section 27.

In the event that the spouse remarries and there are no longer dependent children born of the marriage of the spouse and the deceased member, the retirement allowance herein provided shall be suspended during such marriage until the beneficiary spouse reaches age 65 at which time the retirement allowance shall be reinstated and shall not again be altered during the lifetime of the said beneficiary.

Section 34. Options at Retirement.

A member at the time of retirement may as an option select a modification of retirement plan number one as set forth in section 29 for a member retiring on disability and section 32 for a member taking service retirement and have his disability or service retirement allowance re-

duced and in lieu thereof to accept an actuarially equivalent lesser retirement allowance and an accordingly lesser retirement allowance payable throughout his life with provisions that:

Plan No. 2. If he dies before he receives in lesser annuity payments the amount of his accumulated contributions as it was at his retirement, the balance of such accumulated contributions shall be paid to his estate or to such person as he shall nominate by written designation duly executed and filed with the retirement office.

Plan No. 3. Upon his death, an allowance equal to his lesser retirement allowance to be paid to and throughout the lifetime of such beneficiary as he shall nominate by written designation duly executed and filed with the retirement office at the time of his election.

Plan No. 4. Upon his death, an allowance equal to one-half of his lesser retirement allowance to be paid to and throughout the lifetime of such beneficiary as he shall nominate by written designation duly executed and filed with the retirement office at the time of his election.

If a retirant should die within 30 days after the effective date of retirement, or if said person elects an option and dies within 90 days after the effective date of retirement from an illness existing at the time of retirement, then the retirement is void and the death shall be considered as that of a member before retirement. Any payments made to the retirant shall be deducted from the amounts due to the beneficiary.

The election of a retirement plan must be made by an applicant for retirement within 30 days of the date that the retirement allowance quotations are mailed to him, otherwise the administrator may cancel the application.

Section 35. Effective Date of Retirement.

The retirement allowance payable for either service or disability retirement shall begin to accrue upon the effective retirement date established by the administrator. The effective retirement date shall be:

(a) The first day of the month in which the member terminates actual employment providing that the last day of contracted or actual service occurs not later than the 15th day of the month, otherwise the effective date shall be the first day of the following month; or

(b) The first day of the month designated by the retiring member as the proposed effective date; or

(c) The first day of the month following the month in which the application is received by the administrator at the retirement office in Salt Lake City, whichever date is later.

A retirement allowance granted under the provisions of this act shall be payable in equal monthly installments.

A retirant, or his beneficiary if retirement allowance payments are being made under plans three or four, who is alive on the first day of the month and dies during the month shall be deemed to have lived through the month for purposes of closing his retirement account.

If more than one year has elapsed since the death of a retired member whose designated beneficiary is deceased and whose account payable to such beneficiary amounts to \$100 or less, the account shall be deemed to be closed and no further payment shall be made.

Section 36. Legislative Retirement Benefits.

In addition to the retirement benefit provided by section 32 of the Utah State Retirement Act, a pension shall be paid to a retiring member who has credit for four or more years of service as a legislator in the Utah Legislature, which shall bring that part of the retiring member's allowance which is based on such service up to an amount equal to \$10 per month for each year of service as a member of the Utah legislature. If the member retires before age 65, the aforesaid pension benefit shall be reduced to an amount which is the actuarial equivalent, at the actual age of retirement, of the normal special retirement pension provided at age 65 or over. This special pension shall be deemed to be and shall be treated as an integral part of the retiring member's normal retirement allowance.

Section 37. Appropriation from General Fund.

There is hereby appropriated from the general fund of the state of Utah to the Utah state employees' retirement fund the sum of \$50,000 for the purpose of defraying the cost of the pension provided by section 36 of this act during 1967. Annually thereafter, the Utah state retirement board shall certify to the Utah state treasurer the sum deemed necessary to pay the cost of the pensions authorized in section 36 of this act during the forthcoming year, plus any liability which may have accrued. The state treasurer is authorized and is hereby directed to pay to the Utah state employees' retirement fund the sum so certified, providing that in no one year may such a sum exceed \$100,000.

Section 38. Supplementary Contributions by Employee and Employer.

An elected or appointed official may contribute up to \$30 per month from his compensation to the retirement fund, providing the employer will match such contributions. Any official choosing to contribute in excess of his required contribution shall file with the retirement office a statement of intention, approved by his employer who will certify that said employer will contribute an amount equal to the official's contribution to the retirement fund.

Upon applying for retirement at age 65 or after, an official who has participated in this program as set forth in the paragraph immediately preceding shall receive a monthly retirement allowance equal to one/forty-eighth of his total contributions, excluding interest, in addition to any benefits payable to him pursuant to other provisions of this act, providing that he shall not receive duplicating benefits. If retirement is before age 65, the retirement allowance shall be actuarially reduced as provided by section 32.

Any employer's matching contributions paid under the provisions of this section in excess of the required contributions shall not be deemed to be an increase in the official's compensation as set or limited by law.

Elective or appointive service rendered on a basis not deemed full time by the board, unless otherwise provided by this or section 36, shall have a retirement allowance computed on the basis of compensation actually received by the official during the period of service in question, or on the basis of the most recent five-year average compensation paid by the position for the work once performed by the retiring member or by a combination of the two bases applied to related service periods

if such is deemed more equitable to the system and the retiring member by the retirement board acting upon the advice of the administrator.

Section 39. Supplementary Annuity Program for Members.

In addition to the required contributions from members and employers as set forth in this act, any member may make or have made by his employer on his behalf additional deposits which shall be credited to the member's account and which shall be entirely separate from the basic required account established for the person as a member of this system. The amount accumulated with interest earnings compounded annually shall be vested in the member, shall be nonforfeitable and shall be available to the member at retirement in one of the optional retirement benefit plans provided by this act as a paid-up annuity contract. The accumulated deposit amounts shall be available for a single sum refund upon application by the member either before or after the member terminates employment, or for payment to a designated beneficiary of a deceased member as a lump-sum benefit or on a monthly payment basis with amounts limited in number and amount. No death benefit or lump-sum refund derived from deposits made under the provisions of this section may exceed the amount of the deposits plus interest accumulation thereon.

Interest credited to accounts established as a result of this action shall be at a rate fixed by the board. Annuities which shall be provided upon the request of the member at retirement shall be at rates recommended by the actuary and approved by the board.

The retirement board shall establish such rules and regulations as it deems necessary or desirable to implement and administer this action. Costs of administration may be paid from the interest earnings of the funds accrued as a result of deposits or as an assessment against each account, as the retirement board shall decide. All such funds and deposits may be invested as a separate account or accounts in the Utah state retirement fund created by Chapter 74, Laws of Utah 1953, as amended.

This supplemental annuity program shall be limited to members who contract to participate in said program a minimum of one year or longer.

Section 40. Lump Sum Benefits—Rules—Regulations.

A member upon retiring, either for service or disability, may elect to have the administrator set aside in reserve from his personal retirement reserve a sufficient sum of money, based upon age, sex, interest rate in effect and the mortality rates for his group, to provide a lump-sum benefit payable to a beneficiary upon the death of the member after retirement, under an agreement which will provide a reduced retirement allowance payable to the retirant throughout his life-time, plus the lump-sum amount upon his death. The death benefit under this section shall be limited to a choice of one of two amounts as follows: Amount "A," \$500; or Amount "B," \$1,000.

The lump-sum death benefit provided by this section may be chosen as a modification of the retirement allowance provided by sections 29 or 32 or of retirement plans number two, three or four as provided by section 34 of this act, and it shall be payable to the designated beneficiary chosen at the time of the members' retirement, or to a beneficiary

subsequently designated or to the retirant's estate under conditions as set forth in sections 42, 43, or 44 of this act, whichever condition prevails.

Should a retired member cancel his retirement as permitted by the act, the lump-sum death benefit provided by this section shall be cancelled, also, with the appropriate reserve as determined by the administrator being credited back to the member's contribution account.

Payment of the lump-sum death benefit shall consist only of a refund of the retirant's reserve set aside as in this section provided if death occurs within three years from the date of retirement and is due to a health condition existing and being treated at the time of retirement.

The board may establish rules and regulations and adopt suitable mortality rates to protect the fund against adverse selection of benefits by a retiring member under this section.

Section 41. Performing Covered Service After Retirement.

In the event a retired member is elected or appointed or employed to perform covered services within 90 days after retirement, he shall immediately notify the administrator. The retired member's retirement pension shall be suspended as of the beginning of the month in which the retirant begins rendering service for a covered unit if the first day of service occurs on or before the 15th day of the month, otherwise, the effective date of suspension shall be the first day of the following month. After 90 days from such suspension or the date of retirement, whichever is earlier, a retirant may be employed from time to time in covered employment without penalty and receive from such employment compensation which is not in excess of the exempt earnings permitted by social security. Should a retirant work in covered employment and receive compensation in a calendar year in excess of the aforesaid limitation, his retirement pension shall be suspended during the remainder of the calendar year. The effective date of such a suspension and reinstatement of an allowance shall be set by the administrator.

The retirant shall have the personal responsibility of maintaining an accurate record of his gross earnings in covered employment after retirement and shall immediately notify the administrator in writing when such post-retirement earnings equal or exceed the exempt earnings permitted by social security.

During such period of post-retirement employment neither the time of service nor the compensation received shall affect his future benefit status, except as follows, but shall require contributions by both the retired member and his employing unit. Contributions made by the retired member shall be credited to an account to be held in his name and, together with any interest earnings approved by the board, may be paid as a special death benefit to his beneficiary or beneficiaries upon the death of the retired member or refunded to the retirant under such regulations as the board may adopt. Contributions made by the employing unit shall be credited to the employer's contribution account in the retirement fund.

If the contributions of the retired member, as required on post-retirement earnings received from employing units covered by this system, together with interest credits and a matching total amount from the employer's contribution account, will purchase a monthly annuity pay-

able for the life of the retirant only in a sum amounting to five dollars or more, upon the written request of the retirant, an annuity shall be computed based upon annuity tables adopted by the retirement board and shall be added to his regular retirement annuity payment in lieu of the refund or death benefit provided in the immediately preceding paragraph.

If the retirant, however, has been on retirement a minimum of one year, he may at his option request the administrator to cancel his retirement and reinstate him to active membership status providing he has full-time covered employment. Such cancellation of retirement and reinstatement to service, if approved by the administrator, shall be effective on the first day of the month following the date the formal notification is received by the retirement office in Salt Lake City or upon a date established by the administrator. A reinstated member shall be credited with the service credits standing to his account at the time of retirement and henceforth shall be treated as a member of the system. Upon reinstatement the member's individual account shall be credited with an amount which shall be the actuarial equivalent, at the time of such re-entry, based upon a service retired life, of his annuity, but such amount shall not exceed the amount of his accumulated contributions as they were at the time of his retirement. If such a reinstated member retires again within two years of his reinstatement, his retirement allowance shall be calculated by using the same benefit formula used in computing his most recent retirement allowance, except for additional service which may have been rendered.

Section 42. Beneficiary Designation After Marriage.

In the event that a member marries or remarries, all beneficiary designations dated prior to the most recent marriage and filed with the retirement office shall be cancelled and the spouse shall be deemed to be the beneficiary unless a different beneficiary designation is executed on or after the date of said marriage and filed with the retirement office in which case such designation of beneficiary shall be binding in the payment of any benefits which may be due under the provisions of this act.

A member may revoke a designation of beneficiary at his pleasure and may file a different beneficiary designation by executing and filing with the retirement office a written beneficiary designation on forms provided by the retirement office.

The designation of a beneficiary under retirement plans number three and four may not be revoked by a retired member of the system.

Section 43. Settlements with No Beneficiary Designation.

If no beneficiary is designated or if the estate is the named beneficiary and if a deceased member does not leave an estate requiring probate in the absence of the amounts due from the retirement system, unless otherwise provided in this act, all benefits payable from the retirement system, including retirement benefits accrued but not received prior to the death, may be paid or applied to the benefit of the surviving next of kin of the deceased in the order of precedence below listed:

- (a) Surviving spouse,
- (b) Surviving children — share and share alike,

- (c) Parents — share and share alike,
- (d) Grandchildren — share and share alike,
- (e) Brothers and sisters — equal shares.

No payment shall be made to persons included in any of said groups if at the date of payment there shall be living persons in any of the groups preceding it and payment to the persons in any group upon receipt from said persons of an affidavit in form satisfactory to the administrator that there are no living individuals in the group preceding it, that the probate of the estate of the deceased has not been commenced and that more than three months have elapsed since the date of death of said decedent, shall be in full satisfaction and discharge of all claims for benefits under this act and payable by reason of the death of said decedent.

In the event that the whereabouts of the nominated beneficiary cannot be ascertained or in the event that the nominated beneficiary is the estate of the deceased person, the administrator may at his discretion pay the costs of the deceased's last illness, convalescent care and funeral expenses directly to the undertaking establishment, hospital, doctor or convalescent home which has provided said service. The administrator shall require verified statements of said charges before making partial or full payment thereof. Such payment shall discharge the obligation of the system and of the fund up to the amounts so paid.

Section 44. Appointment of Guardian—Minors.

Any benefits payable to a beneficiary or beneficiaries who are minor children or incompetent persons shall be made in the name of the beneficiary or beneficiaries and delivered to the lawfully appointed guardian of such beneficiary or beneficiaries; provided, however, in those cases where the benefit involves the payment of an amount not to exceed \$600 to any one beneficiary, the administrator is hereby authorized in his discretion without the appointment of a guardian or the giving of a bond to pay such amount as is due to the minor or minors themselves or to the person or persons or institutions assuming their support in either a lump-sum or in monthly amounts, and the total of such payments so made shall be a full discharge and release to the system from any further claims.

Section 45. Benefits Under Terminated System.

Any person who retired or retires under the provisions of the terminated public employees' retirement system as enacted by Chapter 131, Laws of Utah 1947, as amended by Chapter 90, Laws of Utah 1949, as amended by Chapter 115, Laws of Utah 1951, and as amended by Chapter 21, Laws of Utah 1951 (First Special Session) and by Chapter 4, Laws of Utah 1951 (Second Special Session) shall receive the retirement allowance prescribed by the aforementioned terminating legislation, providing that in no event shall such a retired person receive as a retirement benefit from this system, which has received the assets and liabilities of the terminated public employees' retirement system, a monthly allowance less than three dollars per month for each year of creditable service which the member had standing to his credit at the time of such termination or retirement. Such retirement benefits as heretofore permitted and as herein modified shall be paid from the assets of the Utah

state employees' retirement fund which is the recipient of the assets and liabilities of the terminated Utah public employees' retirement fund which are transferred and made a part of the Utah state employees' retirement fund herein created.

Section 46. Cost of Living Allowance.

There shall be computed and paid by the Utah state retirement office, upon the approval of the retirement board, a cost-of-living allowance adjustment to all retired members of the newly created Utah state retirement system who are on the retired roll of said system on July 30, 1967 as follows:

(a) Retired members of the terminated Utah public employees' retirement system who have been on retirement five years or longer shall receive a five percent increase in the retirement allowance being paid them.

(b) Retired members of the terminated Utah school employees' retirement system who have been on retirement six years or longer shall receive a two percent increase in the retirement allowance being paid them; those who have been on retirement five years or longer, but less than six years, shall receive a five percent increase in the retirement allowance being paid them.

(c) After the initial cost-of-living adjustments provided in the preceding two paragraphs, the following adjustment pattern shall be followed, except as may be modified by the retirement board:

(1) When a retirant reaches the month marking his fifth anniversary as a retired member, he shall receive at the end of the month a five percent cost-of-living increase in the allowance being paid him providing that the Consumers Price Index published by the United States Bureau of Labor Statistics shows that the purchasing power of the dollar has declined five or more percent from the time the member retired. If it has declined less than five percent, the retirant shall receive a cost-of-living increase equal to the percentage decline in the purchasing power of the dollar as shown by the above cited Consumer Price Index.

(2) Each year after the first five years on retirement, the retired member shall receive in his retirement anniversary month a one percent increase in the allowance he is receiving, providing that the purchasing power of the dollar as shown by the Consumer Price Index has declined one percent or more since his last cost-of-living adjustment. Decreases of less than one percent in the purchasing power of the dollar in a year may be accumulated over two or more years and when such accumulated percentages equal one percent or more the prescribed one percent increase in the retirant's allowance shall be made on his nearest following anniversary date.

The accumulative cost-of-living adjustments as set forth above shall be based in all cases upon the retirant's original retirement allowance as it was under the plan selected at the time of retirement and shall be subject to reduction if the cost-of-living shows a decline during any period of time extending longer than one year. Such reductions shall be at the rate of one percent per year based upon the original retirement allowance. Payments made under this section shall be a part of the retired member's allowance. Such payments and subsequent adjustments as prescribed for the retirant shall likewise apply to the beneficiary who

is paid an allowance under retirement plans three or four.

The Utah state retirement board may adopt any regulations consistent with the purpose of this section which it deems necessary in carrying out the provisions of this enactment and in simplifying its administration.

Section 47. Benefits—Tax-exempt.

The benefits accrued or paid to any beneficiary of this system and the accumulated contributions and securities in the fund created by this act are hereby exempt from any state, county or municipal tax of the state of Utah.

Section 48. Assets Not Subject to Attachment.

The right of any member or his beneficiary to any benefit or payment hereunder or to the return of any contribution hereto or any other right accrued or accruing to any person under the provisions of this act and the assets of the fund created hereby shall not be subject to alienation or assignment by the member and shall not be subject to attachment, execution, garnishment or any other legal or equitable process.

This section shall not be construed to prohibit the administrator's deducting such medical or other insurance premiums from a retirant's allowance as said retirant shall request providing that such requests are within such limitations and regulations as may be prescribed by the board.

Section 49. Appeals From Ruling of Administrator.

Each member of this system shall have the personal responsibility to acquaint himself with his rights and obligations as a member of the system. Any member who is dissatisfied by a ruling of the administrator in regards to a benefit claim may request a review of his claim by the board. If he is dissatisfied by such a review he shall have the right to demand a hearing before the board and shall have the right to appear personally and be represented by counsel or by a friend. Any applicant may file an application for rehearing of any application, whether for a benefit hereunder or retirement, within thirty days after written notice of the determination by the retirement board has been sent by registered mail to the applicant or his attorney of record, upon any of the following grounds:

- (a) That the board acted without and in excess of its powers.
- (b) That the order, division or award was procured by fraud.
- (c) That the evidence does not justify the determination of the board.
- (d) That the applicant has discovered new evidence material to him which he could not, with reasonable diligence, have discovered or procured at the hearing.

The determination of the retirement board on any application for rehearing shall be made within 90 days after the filing thereof, or said application shall be deemed denied and such determination shall be final, except that a member if he so desires may appeal the decision of the board to a district court of the state of Utah.

Section 50. Correction of Errors.

Should any error in any records or in any calculation of the retirement office result in any member or beneficiary receiving more or less

than he would have been entitled to receive had the records or calculations been correct, the administrator shall correct such error, and, as far as practicable, make future payments in such a manner that the actuarial equivalent of the benefit to which such member or beneficiary was entitled shall be paid, and to this end may recover any overpayments.

Section 51. Penalty for Falsification.

Any person who shall knowingly make any false statement, or who shall falsify or permit to be falsified any record necessary for carrying out the intent of this act for the purpose of committing fraud, shall be guilty of a misdemeanor, and upon conviction shall be punished by a fine not exceeding \$500 or by imprisonment for not exceeding one year.

Section 52. Provisions Not Retroactive—Exceptions.

Provisions of the Utah state retirement act shall be effective from the date such provisions become law and shall not be applied retroactively unless specifically so provided in the enacting legislation.

Section 53. Newly Hired, Elected or Appointed Eligibility.

Newly hired public employees or elected or appointed public officials who except for legislation enacted by the 37th Legislature would participate in some other public retirement system maintained by the state of Utah or a political subdivision, shall be eligible and may participate as a covered member in the Utah state retirement system beginning as of the date of their eligibility, and as to them this act shall be deemed to be and shall be effective and fully operative upon approval, notwithstanding section 7 and any other provision contained in this act heretofore to the contrary.

The retirement administrator and the state director of the Utah state retirement social security agency and any other public official or public body whose participation is necessary shall take all steps necessary to secure coverage under the provision of the Federal Social Security Act for eligible employees under this section and the retirement groups from which they are excluded pursuant to the provisions of Section 218 of Title II of the Social Security Act, taking into consideration the avoidance of or minimizing duplications of benefits.

Section 54. Biennial Administrative Budget.

The director shall prepare a biennial administrative budget covering the anticipated administrative cost of the Utah state retirement office for the forthcoming biennium and present the same to the Utah state retirement board, the governor and the legislature for their examination and approval.

Section 55. Savings Clause.

If any section, subsection, subdivision, paragraph, sentence, clause or phrase of this act is for any reason, held to be unconstitutional, such decisions shall not affect the validity of the remaining portions of this act. The state legislature hereby declares that it would have passed this act, and each section, subsection, subdivision, paragraph, sentence, clause and phrase thereof, irrespective of the fact that any one or more sections, subsections, subdivisions, paragraphs, sentences, clauses or phrases be declared unconstitutional.

Approved March 21, 1967.

CHAPTER 107

S. B. No. 213

(Passed March 7, 1967. In effect May 9, 1967)

HIGHWAY PATROL RETIREMENT ACT—WIDOWS

An Act Enacting Section 49-8-4.5, Utah Code Annotated 1953, Relating to the Utah Highway Patrol Retirement Act; Providing for a Pension for the Widow of a Career Highway Patrolman Who Has Rendered 15 or More Years of Service and Dies Before Retiring; Providing for a Reduction of the Pension by the Widow's Social Security Benefit.

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

Section 1. Section Enacted.

Section 49-8-4.5, Utah Code Annotated 1953, is enacted to read:

49-8-4.5. Retirement Benefit to Widow.

The widow of an employee who dies after rendering fifteen or more years of highway patrol service shall receive a monthly pension amounting to twenty-five percent (25%) of the employee's monthly salary as it was in the month of his death, reduced by the widow's social security benefits for which she may be eligible. The pension to be paid from the Utah highway patrol pension fund shall be effective on the first day of the month following the month in which the employee dies. The Utah state retirement board is authorized to make this paragraph effective retroactively to July 1, 1957, and to make whatever adjustments it deems equitable in fulfilling the purpose of this paragraph just as though said paragraph had been in effect since July 1, 1957, providing that no claims for accrued payments or benefits shall be recognized or paid.

Approved March 16, 1967.

PUBLIC FUNDS**CHAPTER 108**

S. B. No. 169

(Passed February 24, 1967. In effect July 1, 1967)

CONSOLIDATION OF FUNDS

An Act Enacting Section 51-5-13, Utah Code Annotated 1953, Relating to State Funds Consolidation; Providing for Certain Powers of Reclassification of Funds and Accounts by the Department of Finance Under the Funds Consolidation Act and Accounting Principles; and Providing an Effective Date.

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

Section 1. Section Enacted.

Section 51-5-13, Utah Code Annotated 1953, is enacted to read as follows:

51-5-13. Classification of Funds and Accounts.

The department of finance, with the approval of the legislative joint budget and audit committee, is authorized to reclassify the funds and

accounts described in section 51-5-9 whenever in its judgment such reclassification is necessary in order to more fully comply with the basic concepts of the Funds Consolidation Act and to conform with generally accepted accounting principles applicable to state governments.

Section 2. Effective Date.

This act shall take effect on July 1, 1967.

Approved March 21, 1967.

PUBLIC SCHOOLS
CHAPTER 109

S. B. No. 133

(Passed March 7, 1967. In effect May 9, 1967)

TAX LEVY BY SCHOOL DISTRICTS

An Act Amending Sections 53-7-8.1, 53-7-8.2, and 53-7-8.3, Utah Code Annotated 1953, as Enacted by Chapter 96, Laws of Utah, 1957; Providing for Continuation of Emergency Tax Levy by School Districts for Debt Service and Capital Outlay; Providing a Termination Date.

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

Section 1. Section Amended.

Section 53-7-8.1, Utah Code Annotated 1953, as enacted by Chapter 96, Laws of Utah, 1957, is amended to read as follows:

53-7-8.1. Additional Levy—Amount—Purpose.

The school districts of the state of Utah are hereby authorized to make a tax levy at a rate not to exceed twelve mills as determined by resolution of the board of education of the district for the purpose of providing funds for debt service and capital outlay, including the acquisition and development of sites, construction of buildings, purchase of furnishings and equipment for same, or for remodeling or modifying existing school plants.

Such levies shall be in addition to authority granted in Section 53-7-8, Utah Code Annotated 1953.

Section 2. Section Amended.

Section 53-7-8.2, Utah Code Annotated 1953, as enacted by Chapter 96, Laws of Utah 1957, is amended to read as follows:

53-7-8.2. Additional Levy—Period of Time Authorized.

The authority to make the above levy shall continue for a period of ten years from and after June 30, 1967.

Section 3. Section Amended.

Section 53-7-8.3, Utah Code Annotated 1953, as enacted by Chapter 96, Laws of Utah 1957, is amended to read as follows:

53-7-8.3. Termination Date.

This act shall terminate June 30, 1977.

Approved March 21, 1967.

CHAPTER 110

H. B. No. 241

(Passed March 8, 1967; In effect May 9, 1967)

MINIMUM SCHOOL PROGRAM

An Act Amending Sections 53-7-16, 53-7-18, and 53-7-19, Utah Code Annotated 1953, as Enacted by Chapter 104, Laws of Utah 1961, as Amended by Chapter 88, Laws of Utah 1963, and Chapter 92, Laws of Utah 1965, and Amending Section 53-7-21, Utah Code Annotated 1953, as Enacted by Chapter 104, Laws of Utah 1961, as Amended by Chapter 92, Laws of Utah 1965; Relating to the State-Supported Minimum School Program; Providing for an Increase in the Distribution Unit Amount of the Basic Program; Providing for the Manner in Which Distribution Units Are Allocated to Consolidated Special Schools; Limiting the Units for Handicapped Children; Changing the State's Contribution for Libraries; Providing for an Appropriation for Data Processing and ETV Programming; and Providing for Salary Differentials, and Limiting the State's Contributions to Available Revenues.

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

Section 1. Sections Amended.

Sections 53-7-16, 53-7-18, and 53-7-19, Utah Code Annotated 1953, as enacted by Chapter 104, Laws of Utah 1961, as amended by Chapter 88, Laws of Utah 1963, and Chapter 92, Laws of Utah 1965, and Section 53-7-21, Utah Code Annotated 1953, as enacted by Chapter 104, Laws of Utah 1961, as amended by Chapter 92, Laws of Utah 1965, are amended to read:

53-7-16. Definitions.

Unless a different meaning is plainly required, the following words and phrases used in this act shall have the following meanings:

(a) "State-supported minimum school program" or "minimum school program" means such school program for elementary, kindergarten and high schools as may be operated and maintained for the total of the following annual costs:

- (1) The cost of a basic state-supported school program.
- (2) The cost of a state-supported leeway program.
- (3) The cost or amount of one-half of the budget of the state board of education as approved for the biennium by the legislature.
- (4) The cost or the amount of the employer contribution required by local school boards, the Union High School at Roosevelt, Utah, the state board of education and the Utah school retirement board under the provisions of the Utah school employees' retirement act or its successor.
- (5) The cost or amount of the employer's contribution under the terms of Title II of the federal insurance contributions act in accordance with Section 67-11-5, Utah Code Annotated 1953, for the employing units, political subdivisions and instrumentalities enumerated in subparagraph 4 of this section.

(6) An amount of \$500,000 annually for libraries and instructional materials centers.

(7) An amount of \$800,000 annually for extended year and summer programs.

(8) An amount of \$100,000 for the fiscal year ending June 30, 1968, and thereafter \$300,000 annually for the development and implementation of a statewide data processing system for the public schools of the state.

(9) An amount of \$69,000 annually for the development of educational television programs for fiscal year 1969 and thereafter.

(b) "Basic state-supported school program" or "basic program" means such educational program for elementary, kindergarten and high schools which can be operated and maintained for the total of the following sums:

(1) The amount derived by multiplying the number of distribution units for each school district by \$7,400 for the fiscal year ending June 30, 1968, and thereafter \$7,700, and

(2) The cost of state-supported transportation of each school district.

(c) "Distribution unit or units" means the unit of measure or factors which are computed in accordance with the provisions of Section 53-7-21 for the purpose of determining the costs of a basic program on a uniform basis for each district.

(d) "State-supported transportation" or "transportation" means the following amounts:

(1) An amount equal to \$2.50 per mile annually for the average number of miles traveled per day by each pupil who is actually transported, provided that said computation shall be applied to the transportation of each pupil regularly enrolled in kindergarten through grade six who lives one and one-half miles or more from the school; and each pupil regularly enrolled in grades seven through twelve who lives two or more miles from school, and each pupil regularly enrolled in kindergarten through grade twelve the district elects at its discretion to transport because of hazardous conditions along the route he must travel which make it unsafe for pedestrian traffic when such election is made. Said route where such hazardous conditions allegedly exist must be verified and approved by the state department of public instruction before state support for transportation is allowed and such allowance shall be made at the same rate hereinabove allowed; and provided further, that in no event shall the amounts computed under this subsection exceed for any district the actual transportation cost, exclusive of capital outlay, for that district.

(e) "State-supported leeway" program or "state leeway" means:

(1) A "state-supported board leeway" program consisting of that portion of the costs of operation and maintenance of the state-supported minimum school program in each district which can be operated and maintained by an amount equal to the amount derived by multiplying the number of distribution units of said district by \$140.00 or multiples of said amount as elected by the district pursuant to Section 43-7-19 hereof and

(2) A "state-supported voted leeway" program consisting of that portion of the costs of operation and maintenance of the state-supported minimum school program in each district which can be operated and maintained by an amount equal to the amount derived by allowing each district to choose a program as authorized by a vote of the people of said district as provided in Section 53-7-24.

(f) "State-supported board leeway" and "state-supported voted leeway" may be used collectively to mean the total of state-supported leeway programs of all districts.

(g) "Minimum basic tax levy" or "minimum basic levy" means the mill levy which each school district must impose in order to make its contribution toward the cost of the basic state-supported school program.

53-7-18. State Contributions Toward Basic Program—Minimum Basic Tax Levy of School District—Contribution for Libraries and Extended Program.

The State shall contribute to each district toward the cost of the basic state-supported school program in such district that portion thereof which exceeds the proceeds of a minimum basic tax levy of 16 mills imposed by such district.

In order to qualify for receipt of said state contribution toward the basic program and as its contribution toward its cost of said basic program, each school district shall impose a minimum basic tax levy of 16 mills.

In the school districts wherein the proceeds of said minimum basic tax levy equal or exceed the cost of the basic state-supported school program, there shall be no contribution by the state toward the basic program. The proceeds of any said minimum basic tax levy of a school district which exceed the cost of the basic program shall be paid into the uniform school fund as provided by law.

The amount of the state's contribution toward the cost of the state-supported transportation included in the basic program shall annually be apportioned and distributed from the uniform school fund to the several school districts on the basis of a formula to be promulgated by the state board of education. No district shall receive an amount for this purpose which exceeds that actually expended by it for transportation exclusive of capital outlay, during the current fiscal year.

The state's contribution of \$500,000 annually for libraries-instructional materials centers shall be apportioned and distributed on the basis of a formula to be promulgated by the state board of education.

The state's contribution of \$800,000 annually for extended year and summer school programs approved by the state board of education shall be apportioned and distributed to the school districts on the basis of a formula promulgated and adopted by the state board of education.

The state's contribution of \$100,000 for the fiscal year ending June 30, 1968, and thereafter \$300,000 annually, to the state board of education for the development and implementation of a statewide data processing system for the public schools of the state to be used by the forty school districts and the state board of education in unifying data processing efforts.

The state's contribution of \$69,000 for the fiscal year ending June 30, 1969 and annually thereafter, for the development of educational television programs for distribution to the various districts of the state, to the state board of education.

53-7-19. State Contribution to District Toward State-Supported Board Leeway Program—District Leeway Tax Levy.

The state shall contribute to each district toward the cost of the state-supported board leeway program in each district that portion thereof which exceeds the proceeds of each one-mill levy imposed by such district in addition to its minimum basic tax levy up to and including 12 mills.

In order to qualify for receipt of said state contribution toward its state-supported board leeway program and as its contribution toward the cost of its state-supported board leeway program and for the purpose of determining the size of its state-supported board leeway program, each school district may impose a tax levy, in addition to its minimum basic tax levy, which may range, in multiples of one, from one mill, to and including 12 mills.

In school districts wherein the proceeds of a one-mill levy equal or exceed the cost of the \$140.00 per distribution unit state-supported board leeway program in said district, there shall be no leeway contribution by the state.

53-7-21. Determination of Number of Distribution Units.

The number of distribution units for each year shall be the total of such units for each school district determined as follows:

(1) One unit shall be computed by dividing the average daily attendance of all full-day equivalent pupils of the district attending schools other than kindergarten and approved special and small isolated schools, by twenty-seven.

(2) One unit shall be computed by dividing the average daily attendance of all pupils of the district attending kindergarten other than in approved special and small isolated schools, by fifty. In those districts which do not elect to hold kindergarten for a full nine-month term, the local board of education may approve a shorter term of nine weeks' duration, and in the event of such approval, the number of pupils in average daily attendance at such short-term kindergarten shall be counted for the purpose of determining the number of units allowed in the same ratio as the number of days the short-term kindergarten is held, not exceeding nine weeks, bears to the total number of days schools are held in that district in the regular school year.

(3) One unit shall be allowed for each isolated one-room school, and two units shall be allowed for each isolated two-room school, when approved by the state board of education. Upon application by a district board of education submitted on or before June 1, the state board of education may allow additional distribution units to a school district for the next succeeding school year, one distribution unit for each teacher or teaching principal in schools in which further consolidation or combining of activities is impossible or inadvisable and one unit for each teacher approved for handicapped children, providing however, that the state board of education shall not approve additional distribution units

for handicapped children for any fiscal year in excess of seven per cent of the aggregate state-wide total number of distribution units for handicapped children granted in the previous year. Pupils enrolled in such school shall not be included in computations under (1) and (2) above; and the number of units shall not exceed the number of teachers, including teaching principals, employed full-time or full-time equivalent at the school. The state board of education shall adopt standards and regulations to govern the approval of such schools and special classes consistent with principles of efficiency and economy.

(4) One unit shall be allowed for certificated professional nonteaching personnel at the rate of one unit for the district superintendent, plus one of each nine units computed in accordance with the provisions of (1), (2), and (3) above.

(5) A fractional unit shall be allowed for each vocational agriculture or vocational home economics teacher carrying on a program approved by the state board for vocational education beyond the regular school term at the rate of one-third unit for each fourteen weeks.

(6) To avoid penalizing a district financially for epidemics or other factors beyond its control, the state board of education may allow a percentage increase in units otherwise allowable during any year when the ratio between average daily attendance and average daily enrollment drops more than two per cent below the average ratio for the highest two of the preceding three years in such district.

(7) To prevent a district from reducing school services while receiving state aid measured by such presumed service, the total number of actually employed certificated professional personnel in extent that the number of units computed as above exceeds the number of actually employed certificated professional personnel in the district by a ratio of more than 100 to 92; provided, that such ratio may be exceeded to the extent, if any, that the state board of education determines that such differential is due to lack of plant facilities in the district despite adequate efforts on the part of such district to meet its plant needs.

(8) To assist the districts in developing salary differentials for those who qualify for professional certificates issued by the state board of education, an amount not to exceed twenty dollars (\$20) per distribution unit shall be applied by each district for salary differential from the state's contribution toward the cost of the basic program as defined in section 53-7-16 of this act.

(9) To avoid penalizing a district financially through consolidation of its special schools, additional units may be allowed a district each year, not to exceed three years, equal to the difference between what the district receives for a consolidated school and what it would have received for the small schools had they not been consolidated.

Approved March 14, 1967.

CHAPTER 111

S. B. No. 174

(Passed February 17, 1967. In effect July 1, 1967)

SCHOOL LUNCH FUND—DEPOSIT

An Act Amending Sections 53-8-1, Utah Code Annotated 1953, as Amended by Chapter 93, Laws of Utah 1965, and Sections 53-8-2 and 53-8-3, Utah Code Annotated 1953, Enacting Section 53-8-4.5, Utah Code Annotated 1953; Providing for the Deposit of the Retail Liquor Tax in the Uniform School Fund Rather Than School Lunch Fund; Establishing a Budget Item for the School Lunch Program in the Uniform School Fund; Providing an Effective Date; and Repealing Section 53-8-5, Utah Code Annotated 1953, as Enacted by Chapter 93, Laws of Utah 1965.

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

Section 1. Section Amended.

Section 53-8-1, Utah Code Annotated 1953, as amended by Chapter 93, Laws of Utah 1965, is amended to read as follows:

53-8-1. School Lunch Fund—to Uniform School Fund.

From and after the effective date of this act there is levied and there shall be collected by and paid to the state tax commission under forms, rules and regulations prescribed by said tax commission, a tax upon every retail sale of wine distilled liquors sold by the state liquor control commission in the state of Utah. Said tax shall be equivalent to eight per cent of the purchase price paid or charged upon every said retail sale of said wine and distilled liquors.

All revenues collected or received by the state tax commission from said tax imposed by this act shall be deposited daily with the state treasurer to be credited by him to the uniform school fund. Provided, that for the purpose of more efficiently securing the payment, collection and accounting for the taxes provided for under this act, the tax commission in its discretion, by proper rules and regulations, may provide for the issuance of tokens or other appropriate devices, or the use of tokens or devices already in use by the state tax commission, to facilitate collections.

Section 2. Section Amended.

Section 53-8-2, Utah Code Annotated 1953, is amended to read as follows:

53-8-2. Powers and Duties of Board of Education—Requisition Upon and Use of Fund.

Said tax shall be under the control of the state board of education and shall only be disbursed, transferred, or drawn upon by its order or request. The state board of education shall make all requests for distribution of this tax on the state auditor in writing. The state auditor shall draw a warrant in favor of the person, district, or school board entitled to the same upon the state treasurer for the amount requested by the state board of education and shall deliver or transmit the same

to the person, district, or school board entitled thereto. Said tax shall only be used to provide school lunches and a school lunch program in the various school districts of the state of Utah in accordance with standards to be established by the state board of education.

Section 3. Section Amended.

Section 53-8-3, Utah Code Annotated 1953, is amended to read as follows:

53-8-3. Apportionment of Fund—Powers of Board of Education.

The state board of education is authorized and directed to apportion said tax to the local boards of education in the various school districts of the state of Utah according to the number of school children receiving school lunches in the various school districts. For that purpose, the state board of education is authorized to direct the state treasurer through the state auditor's office to transfer to the various boards of education the amounts so determined for each school district. The board of education and the local boards of education are authorized and directed to employ such personnel, including clerical assistance and cooks as may be necessary to properly and efficiently administer and supervise such school lunch program and to purchase or procure such supplies and equipment as are deemed necessary.

Section 4. Section Enacted.

Section 53-8-4.5, Utah Code Annotated 1953, is enacted to read:

53-8-4.5 State Board of Education to Prepare Budget.

The state board of education shall prepare and submit to the governor, to be included in his budget to the legislature, a budget of the requirements in carrying out the administration and supervision of the school lunch program for the biennium next following the convening of the legislature; provided, that notwithstanding the amount of the appropriation for administration and allocation to the school lunch program the board shall not be permitted to expend in excess of 90 per cent of the amount of revenues realized in the uniform school fund from the said tax under this act in each fiscal year of the biennium, except when otherwise provided for by the legislature.

Section 5. Section Repealed.

Section 53-8-5, Utah Code Annotated 1953, as enacted by Chapter 93, Laws of Utah 1965, is hereby repealed.

Section 6. Effective Date.

This act shall take effect on July 1, 1967.

Approved March 21, 1967.

CHAPTER 112

S. B. No. 217

(Passed March 9, 1967. In effect July 1, 1967)

STATE BONDING BUILDING AID

An Act Amending Section 53-11-46, Utah Code Annotated 1953, as Enacted by Chapter 107, Laws of Utah 1961, as Amended by Chapter 91, Laws of Utah 1963, as Amended by Chapter 94, Laws of Utah 1965, and Sections 53-11-41 and 53-11-47, Utah Code Annotated 1953, as Enacted by Chapter 107, Laws of Utah 1961, as Amended by Chapter 94, Laws of Utah 1965, Relating to State Bonding Building Aid for School Districts; Prescribing the Method of Apportioning State Funds for School Buildings; Providing for Appropriation From the General Fund, Not Otherwise Appropriated, the Sum of \$5,950,000, and Providing for a Continuation of State Building Aid to Those Districts Now Qualified and Limiting the Districts Which May Now Qualify; Providing an Effective Date.

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

Section 1. Section Amended.

Section 53-11-41, Utah Code Annotated 1953, as enacted by Chapter 107, Laws of Utah 1961, as amended by Chapter 94, Laws of Utah 1965, is amended to read as follows:

53-11-41. Application for Emergency Aid—Time for Filing—Certification as to Requirements.

The state shall contribute to each school district which is eligible and which qualifies therefor, state building aid toward the construction of school buildings therein in the amounts described as "bonding unit aid," or "alternate building aid," whichever such district elects to receive.

A school district shall establish status as a district eligible to receive state building aid when, at the beginning of the first fiscal year that it qualifies for state building aid, it is confronted with the following conditions:

(a) The number of additional classrooms it shall need during the five-year period following the date of first qualification, including the first qualifying year, equals or exceeds 30 per cent of the number of said district's existing classrooms at the beginning of said period.

(b) Said district's need for additional classrooms shall be determined by computing the number of classrooms required for increased enrollments, over-crowded conditions and for replacements of intolerable classrooms.

(c) Said districts assessed valuation per child is below the average of the averages of the assessed valuation per child of the school districts of the state.

A school district shall establish eligibility every 5 years and such a school district which has established status as a district eligible to receive school building aid shall retain said status thereafter for a four-year period.

Section 2. Section Amended.

Section 53-11-46, Utah Code Annotated 1953, as enacted by Chapter 107, Laws of Utah 1961, as amended by Chapter 91, Laws of Utah 1963, as amended by Chapter 94, Laws of Utah 1965, is amended to read as follows:

53-11-46. Emergency State Aid Funds Distribution—Schedule of Payments—Amount of District School Funds Available.

The amount that the districts qualifying for alternate building aid shall receive from the state in any qualifying year shall be determined as follows:

(a) The state board shall ascertain the amount of property tax levy in excess of 12 mills the district is imposing for the qualifying school year.

(b) As alternate building aid the state shall contribute to each said district for each one-fourth mill levy that it imposes in excess of 12 mills, up to one and one-half mills, an amount bearing the same ratio to the amount it raised by said excess levy that the school district's state contribution to its basic state-supported program bears to the district's contribution thereto.

(c) Subject to the allocation provisions of section 53-11-47, the amount of alternate building aid that a qualifying school district shall receive shall be equal to the amount computed in paragraph (b) above less the amount that nine and one-half percent of the legal bonding capacity of such district exceeds the actual bonds retired by the districts, excluding bonds refunded or to be refunded, during the qualifying year.

Section 3. Section Amended.

Section 53-11-47, Utah Code Annotated 1953, as enacted by Chapter 107, Laws of Utah 1961, as amended by Chapter 94, Laws of Utah 1965, is amended to read as follows:

53-11-47. Emergency State Aid—Districts Entitlement.

The funds available for state building aid shall be computed for each district according to provisions of sections 53-11-46 and 53-11-44, the greater of these two amounts shall be the district's entitlement. If the appropriation is not sufficient to cover these entitlements all districts shall share a pro rata amount of the appropriation. Any district which did not receive state building aid monies during fiscal year 1967 may not become qualified to receive monies under this act.

Section 4. Appropriation to School Districts.

There is hereby appropriated to the state board of education from the general fund, not otherwise appropriated, the sum of \$5,950,000 for distribution to school districts which qualify for state building aid in accordance with provisions of sections 53-11-40, 53-11-41, 53-11-42, 53-11-43, 53-11-44, 53-11-45, 53-11-46, 53-11-47, and 53-11-48. An amount

of \$60,000 including \$20,000 reserved for payments to the state building board, or so much thereof as may be necessary of this appropriation shall be reserved for necessary expenses of the state board of education incurred in administering "state building aid."

Section 5. Effective Date.

This act shall take effect July 1, 1967.

Approved March 16, 1967.

CHAPTER 113

S. B. No. 38

(Passed February 17, 1967. In effect May 9, 1967)

AUTOMOBILE DRIVER EDUCATION

An Act Amending Section 53-14-12, Utah Code Annotated 1953, as Enacted by Chapter 96, Laws of Utah 1955, as Amended by Chapter 97, Laws of Utah 1957, and Amending Sections 53-14-13, 53-14-14, 53-14-15, 53-14-16, and 53-14-17, Utah Code Annotated 1953, as Enacted by Chapter 97, Laws of Utah 1957, Relating to Automobile Driver Education in Schools; Providing for Inclusion of the State Industrial School Along with Local School Districts, in Conducting Automobile Driver Education Classes for Pupils Enrolled in Grade Ten Through Twelve Inclusive, and Participating in Reimbursement of Funds Administered Through the State Department of Instruction.

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

Section 1. State Industrial School in Driver Education Program.

The purpose of this act is to provide for inclusion of the State industrial school in the automobile driver education program now carried on in local school districts and in which reimbursement is received through funds administered by the state superintendent of public instruction.

Section 2. Section Amended.

Section 53-14-12, Utah Code Annotated 1953, as enacted by Chapter 96, Laws of Utah 1955, as amended by Chapter 97, Laws of Utah 1957, is amended to read as follows:

53-14-12. Automobile Driver Education Classes.

Local school districts maintaining secondary schools and the state industrial school may in their discretion, establish and maintain automobile driver education classes for pupils enrolled in grades ten to twelve, inclusive or who have attained their sixteenth birthday, provided that each pupil will not complete his driver education training before his sixteenth birthday.

"Automobile driver education" as used in this act shall include classroom instruction and behind-the-wheel driving and observation in a dual controlled automobile.

The aims and purposes of automobile driver education shall be to develop the knowledge, attitudes, habits, and skills necessary for the safe operation of motor vehicles.

The state board of education shall prescribe regulations and standards for driver education in all school districts and the state industrial school.

Section 3. Section Amended.

Section 53-14-13, Utah Code Annotated 1953, as enacted by Chapter 97, Laws of Utah 1957, is amended to read as follows:

53-14-13. School Districts Having Driver Education Classes—Reimbursement—Funds—Amounts.

The state superintendent of public instruction shall on or before the September 1st following the school year during which it was expended or may at earlier intervals during said school year, reimburse each local school district and the state industrial school which applies therefor and that maintains automobile driver education classes which conform to the regulations and standards prescribed by the state board of education for its actual cost of providing the behind-the-wheel and observation training incidental to said classes. The reimbursement amount shall be paid out of the "driver education fund" and shall not exceed \$30.00 per student who completes such a standard driver education course during the school year. In the event that the amount of money available for said purpose in the driver education fund at the end of any school year is less than the total of said reimbursable costs, the superintendent of public instruction shall reimburse said local school districts and the state industrial school up to the amount of money available in said fund and shall allocate it to each school in the same proportion that its reimbursable costs bear to the total reimbursable costs of all school districts and the state industrial school eligible therefor.

Section 4. Section Amended.

Section 53-14-14, Utah Code Annotated 1953, as enacted by Chapter 97, Laws of Utah 1957, is amended to read as follows:

53-14-14. Reports by Local Boards as to Costs of Driver Training.

The board of education of each school district and the department having jurisdiction of the state industrial school seeking reimbursement shall, at the end of each school year and at such other times as may be designated by the state board of education, report to the state superintendent of public instruction the costs of providing behind-the-wheel and observation training to such students, the number of students who completed a standard driver education course, whether or not a passing grade was received and such other information as the state board of education may require for the purpose of administering this program.

Section 5. Section Amended.

Section 53-14-15, Utah Code Annotated 1953, as enacted by Chapter 97, Laws of Utah 1957, is amended to read as follows:

53-14-15. Promotion of Establishment of Automobile Driver Education Classes.

The superintendent of public instruction shall promote the establishment and maintenance of the automobile driver education classes in the local school districts and the state industrial school.

For that purpose, the state board of education may employ such personnel as may be necessary to give full effect to this program. The cost incurred by the state board of education for this purpose shall be reimbursed from the driver education fund.

Section 6. Section Amended.

Section 53-14-16, Utah Code Annotated 1956, as enacted by Chapter 97, Laws of Utah 1957, is amended to read as follows:

53-14-16. Appropriation of Funds from Automobile Driver Education Tax Fund.

There is appropriated to the state board of education from the automobile driver education tax fund annually all of the money in said fund in excess of the expenses of administering the collection of the automobile driver education tax for use and distribution in the administration and maintenance of the automobile driver education classes and program as above provided by local school districts, state industrial school, and the state department of education.

Section 7. Section Amended.

Section 53-14-17, Utah Code Annotated 1953, as enacted by Chapter 97, Laws of Utah 1957, is amended to read as follows:

53-14-17. Transfer of Funds to Driver Education Fund.

The state auditor shall, on the first day of June, 1967 and on the first day of June each year thereafter, transfer the amount herein appropriated from the automobile driver education tax fund to a fund to be known as the "driver education fund" for expenditure under the direction of the state board of education, as above provided.

Approved February 28, 1967.

CHAPTER 114

H. B. No. 131

(Passed March 9, 1967. In effect July 1, 1967)

VOCATIONAL TRAINING

An Act Amending Section 53-16-7.1, Utah Code Annotated 1953, as Enacted by Chapter 124, Laws of Utah 1961 and Amended by Chapter 94, Laws of Utah 1963 and Chapter 9, Laws of Utah 1966 (1st Special Session), Providing for the Awarding of Additional Distribution Units to School Districts for Vocational Education and Training, and Providing an Effective Date.

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

Section 1. Section Amended.

53-16-7.1, Utah Code Annotated 1953, as enacted by Chapter 124, Laws of Utah 1961 and amended by Chapter 94, Laws of Utah 1963 and Chapter 9, Laws of Utah 1966 (1st Special Session) is amended to read:

53-16-7.1. Additional Distribution Unit Considerations for Vocational Courses—Standards.

To meet more nearly the labor training needs of Utah's rapidly expanding business and industrial economy and to aid in defraying the additional costs involved in vocational courses in the upper two grades of publicly supported senior high schools, area schools, or vocational schools additional distribution unit considerations shall be made to the state board for vocational education which shall have the responsibility of allocating such units in terms of a formula it shall establish for this purpose:

(1) In addition to the regular distribution unit formula for all students in school districts provided for by section 53-7-21, Utah Code Annotated 1953, as enacted by Chapter 104, Laws of Utah 1961, distribution units shall be allocated to districts to help finance added instructional costs of vocational training including teachers' salaries in school year and summer programs, travel, instructional supplies, instructional equipment, vocational guidance, and other activities and items deemed essential by the state board for the training of youth for vocational proficiency essential for job entry preparation in Utah's economy.

(2) The state board shall establish standards for such courses, including credit allowed, and shall be responsible for the development of instructional outlines and other teacher aids together with teacher training programs to improve the competencies of teachers concerned.

(3) Vocational programs may be conducted during the summer months in the senior high schools or at the area vocational schools for juniors and seniors still in high school and graduates who have graduated from high school any time during the year previous to the summer in which they are enrolled.

(4) Payments for the payment programs shall be made by the state direct to the school districts concerned upon receipt of the proper reports from these educational agencies by the state department of education. The school district shall reimburse the area school for instruction.

(5) The state shall contribute to each qualifying district the amount of the basic state-supported program as defined and computed in section 53-7-18, Utah Code Annotated 1953, as enacted by chapter 104, Laws of Utah 1961, and the state-supported leeway program as defined and computed in section 53-7-19, Utah Code Annotated 1953, as enacted by chapter 104, Laws of Utah 1961, for the distribution units allowed under section 53-16-7.1 of this act. The total number of distribution units allowed in the state under this act shall not exceed 85 per year.

Section 2. Effective Date.

This act shall take effect July 1, 1967.

Approved March 15, 1967.

CHAPTER 115

S. B. No. 215

(Passed March 9, 1967. In effect May 9, 1967)

VOCATIONAL TRAINING FOR HILL FIELD

An Act Enacting 53-16-7.2, Utah Code Annotated 1953, Relating to Appropriating \$300,000 to the State Board for Vocational Education for the Purpose of Conducting Emergency Training for Employees and Prospective Employees for Hill Field.

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

Section 1. Section Enacted.

53-16-7.2, Utah Code Annotated 1953, is enacted to read:

53-16-7.2. Appropriation—\$300,000—Hill Field.

To meet the training needs for 500 new skilled job openings at Hill Field in the aircraft technician industry, beyond normal efforts now being made, there is appropriated to the state board for vocational education the sum of \$300,000 to be used for the biennium during 1967-69.

The state board shall establish standards for courses conducted under this program and meet the need specifically intended through this legislation. Courses will be conducted at post secondary institutions in the state and be maintained at the technician level instruction.

Approved March 21, 1967.

CHAPTER 116

S. B. No. 234

(Passed March 9, 1967. In effect May 9, 1967)

UTAH TRADE TECHNICAL COLLEGES

An Act Amending Section 53-16-14, Utah Code Annotated 1953, as Amended by Chapter 95, Laws of Utah 1953, Sections 53-16-15, 53-16-16, 53-16-17, 53-16-18, and 53-16-19, Utah Code Annotated 1953, and Enacting Section 53-16-19.1, Utah Code Annotated 1953, Changing the Names of Utah Trade Technical Institute and Salt Lake Trade Technical Institute and Conferring Additional Responsibilities and Rights on These Schools; and Repealing Sections 53-16-20, 53-16-21, 53-16-22, 53-16-23, 53-16-24, and 53-16-25, Utah Code Annotated 1953.

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

Section 1. Section Amended.

Section 53-16-14, Utah Code Annotated 1953, as amended by Chapter 95, Laws of Utah 1963, is amended to read as follows:

53-16-14. Utah Technical Colleges.

Utah Technical College at Provo and Utah Technical College at Salt Lake shall be state schools and shall be under the management, control and supervision of the state board for vocational education, which board shall prescribe the course of study which shall be limited to not more than two years of post-high school education; employ the necessary

supervisors, instructors and other employees; prescribe their qualifications and duties and determine their salaries; prescribe the entrance requirements and set the amount of the fees and tuition required of the students to said schools. The state board for vocational education on behalf of the Utah Technical College at Provo and the Utah Technical College at Salt Lake may take, hold, lease, sell and convey real and personal property, and sell revenue bonds for the purpose of constructing buildings and furnishing and equipping the same for student housing and for a student union building. The rights, immunities and franchises necessary to the proper administration of the colleges are vested in and conferred upon the state board for vocational education. The board shall have charge of the general interests of the institutions and shall have power to enact bylaws and regulations for all of the affairs of the institutions, not inconsistent with the laws of the state.

Section 2. Section Amended.

Section 53-16-15, Utah Code Annotated 1953, is amended to read as follows:

53-16-15. Curriculum.

The courses of study in said colleges shall include courses in vocational and technical education designed to fit individuals for gainful employment as semiskilled or skilled workers or technicians in recognized occupations included in, but not limited to, the occupational areas of agriculture, home economics, distributive education, business, trade and industrial, technical, health, and other occupational groupings based on employment needs and projections; courses in general and continuing education for adults in the above fields; diversified technical curricula including programs leading to the associate degree; and courses of a general nature necessary in vocational fields and which can be transferred to academic institutions. Vocational and technical education courses shall comprise not less than three-fourths of all courses taught at the colleges.

Section 3. Section Amended.

Section 53-16-16, Utah Code Annotated 1953, is amended to read as follows:

53-16-16. Preference to Veterans.

Qualified veterans of military service, who furnish proof of other than a dishonorable discharge from the armed services of the United States, shall be given preference in enrolling in said schools. In addition, the schools shall be open to individuals regardless of previous schooling or training, based on interest, ability, and potential for the occupational area desired, and upon payment of such fees as may be established.

Section 4. Section Amended.

Section 53-16-17, Utah Code Annotated 1953, is amended to read as follows:

53-16-17. Advisory Board—Creation and Composition—Organization—Meetings—Powers and Duties.

There shall be an advisory board for each of said schools, consisting of a member of each district board of education or a representative designated by the board, from which the district students go to the school daily from their homes and such other members as the state board for vocational education shall appoint. Each advisory board shall elect a chairman from its membership and shall select such other officers as it may desire. It shall meet quarterly and shall hold such additional meetings as may be called by the chairman of the advisory board or the state superintendent of public instruction. The advisory board shall make recommendations to the state board for vocational education on the curriculum of the school, on appointment of a director or assistant director of the school and on major changes in school policy, for the purpose of advising the state board for vocational education as to how the school may best serve the educational and industrial needs of the state, and how the curriculum of the school may best be co-ordinated with the instructional programs of school districts in the state.

Section 5. Section Amended.

Section 53-16-18, Utah Code Annotated 1953, is amended to read as follows:

53-16-18. Fees and Tuition—Disposition.

All fees, tuition or other monies collected for or by said schools shall be used for the support, operation, and maintenance of said schools.

Section 6. Section Amended.

Section 53-16-19, Utah Code Annotated 1953, is amended to read as follows:

53-16-19. Claims Against Schools.

All claims against said schools shall, before payment, be approved by the state board for vocational education and the state board of examiners.

Section 7. Section Enacted.

Section 53-16-19.1, Utah Code Annotated 1953, is enacted to read as follows:

53-16-19.1. May Confer Terminal Certificates—Associate Degrees.

Utah Technical College at Provo and Utah Technical College at Salt Lake may confer terminal certificates and associate degrees in trade, vocational, technical and industrial subjects only.

Section 8. Sections Repealed.

Sections 53-16-20, 53-16-21, 53-16-22, 53-16-23, 53-16-24 and 53-16-25, Utah Code Annotated 1953, are hereby repealed.

Approved March 16, 1967.

CHAPTER 117

S. B. No. 150

(Passed February 17, 1967. In effect July 1, 1967)

AID TO RETIRED SCHOOL EMPLOYEES

An Act Amending Section 53-29-38, Utah Code Annotated 1953, as Enacted by Chapter 23, Laws of Utah 1953, First Special Session, and Section 53-29-40, Utah Code Annotated 1953, as Enacted by Chapter 23, Laws of Utah 1953, First Special Session, as Amended by Chapter 99, Laws of Utah 1955; Relating to Retirement Programs of Educational Employees; Abolishing the Educational Employees' Assistance Fund; Providing That Funds to Meet Such Program Be Contained in Budgets and Appropriated from and Accounted for Within the General Fund; Providing an Annual Limitation Upon Such Appropriation; and Providing an Effective Date.

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

Section 1. Section Amended.

Section 53-29-38, Utah Code Annotated 1953, as enacted by Chapter 23, Laws of Utah 1953, First Special Session, is amended to read as follows:

53-29-38. Definitions.

Unless a different meaning is plainly required by the context, the following words and phrases as used in this act shall have the following meaning:

"Board" shall mean the Utah state school employees' retirement board.

"Former teacher" or "former educational employee" shall mean any person who was a regular full time teacher or employee of an educational institution in Utah for fifteen or more years prior to the time that he retire.

"Assistance" means payment made to or in behalf of a former educational employee.

"Home owned and occupied" means the house and necessary improvements and appurtenances thereto actually occupied by the applicant or recipient and his immediate family, and the lot upon which such house, necessary improvements and appurtenances are located. The Board is further authorized to permit reasonable exceptions based upon unusual circumstances in each case when in its judgment such exception will be for the best interest of the state.

Section 2. Section Amended.

Section 53-29-40, Utah Code Annotated 1953, as enacted by Chapter 23, Laws of Utah 1953, First Special Session, as amended by Chapter 99, Laws of Utah 1955, is amended to read as follows:

53-29-40. Director to Prepare Budget—General Fund.

The director of the state retirement board shall prepare and submit to the governor, to be included in his budget to be submitted to the legislature, a budget of the requirements to fulfill the purposes of this act for the biennium next following the convening of the legislature.

The legislature shall appropriate according to need provided that the appropriation shall not exceed the sum of \$90,000 annually for the purpose of this act. Said appropriation shall be made from and accounted for within the general fund.

Section 3. Effective Date.

This act shall take effect July 1, 1967.

Approved March 21, 1967.

(Editor's note: Chapters 117 and 118 amend same section of law in different ways.)

CHAPTER 118

S. B. No. 57

(Passed March 8, 1967. In effect July 1, 1967)

EDUCATIONAL EMPLOYEES' ASSISTANCE FUND

An Act Amending Section 53-29-40, Utah Code Annotated 1953, as Enacted by Chapter 23, Laws of Utah 1953, First Special Session, as Amended by Chapter 99, Laws of Utah 1955, and Section 53-29-43.5, Utah Code Annotated 1953, as Enacted by Chapter 113, Laws of Utah 1961; Relating to the Educational Employees' Assistance Fund; Providing for Reducing the Social Security Offset Amount by Which Retired School Employees' Retirement Allowances Were Reduced From 70% to 50% of the Social Security Maximum Benefit as It Was January 1, 1954; Increasing the Appropriation Needed to Pay the Benefits Herein Provided from a Maximum of \$90,000 Annually to \$150,000 Annually; and Providing an Effective Date.

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

Section 1. Section Amended.

Section 53-29-40, Utah Code Annotated 1953, as enacted by Chapter 23, Laws of Utah 1953, First Special Session, as amended by Chapter 99, Laws of Utah 1955, is amended to read:

53-29-40. Educational Employees' Assistance Fund.

A fund is hereby created which shall be designated as the educational employees' assistance fund. Said fund shall consist of all money appropriated thereto by the legislature and of all donations or bequests thereto that may be made by all other persons. The board is expressly empowered to accept all gifts and bequests that may be made to the fund.

There is hereby appropriated to the fund from the general fund the sum of one hundred fifty thousand dollars (\$150,000) to pay the benefit costs of this act for the 1967-68 fiscal year, and not more than one hundred fifty thousand dollars (\$150,000) annually for each fiscal year thereafter as the retirement board shall certify to the finance department of state government for the purpose of this act.

Section 2. Section Amended.

Section 53-29-43.5, Utah Code Annotated 1953, as enacted by Chapter 113, Laws of Utah 1961, is amended to read:

53-29-43.5. Person Who Retired During Period January 1, 1954 Through June 30, 1957-Qualified for Assistance.

Any person who retired from the Utah State School Employees' Retirement System during the period January 1, 1954 through June 30, 1961, inclusive, and who had his monthly retirement pension reduced by an amount in excess of fifty per cent (50%) of the maximum primary social security retirement allowance as it was on January 1, 1954 as a result of the application of section 53-29-23 or section 53-29-27 of the Utah State School Employees' Retirement Act, or who had his pension reduced below an amount equal to his annuity, shall be deemed in need and fully qualified to receive assistance under the provisions of this act. In no case may the monthly grant for persons who apply for aid under this section exceed \$20.00. He shall have his retirement allowance recomputed on the same basis as used at the time of retirement except that the so-called social security offset or reduction of the retired member's gross allowances shall be limited to fifty per cent (50%) of the maximum primary social security benefit as it was on January 1, 1954. In making the recomputation of allowance, the retirement board shall take into consideration the retirement option under which the person retired and make the appropriate actuarial adjustments.

Section 3. Effective Date.

This act shall take effect July 1, 1967.

Approved March 21, 1967.

CHAPTER 119

S. B. No. 157

(Passed February 17, 1967. In effect July 1, 1967)

PART TIME EMPLOYMENT FOR RETIRED TEACHERS

An Act Amending Sections 53-29-50, 53-29-51, 53-29-52, and 53-29-54, Utah Code Annotated 1953, as Enacted by Chapter 84, Laws of Utah 1959, Relating to Retirement Programs for School Employees; Abolishing the Retired Educational Employees' Employment Fund; Providing That Funds to Meet Such Program Be Contained in Budgets and Appropriated from and Accounted for Within the General Fund; Providing an Annual Limitation Upon Such Appropriation; and Providing an Effective Date.

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

Section 1. Section Amended.

Section 53-29-50, Utah Code Annotated 1953, as enacted by Chapter 84, Laws of Utah 1959, is amended to read as follows:

53-29-50. Definition of Terms.

Unless a different meaning is plainly required by the context, the following words and phrases as used in this act shall have the following meaning: "board" shall mean the Utah state school employees' retirement board; "retired teacher" or "retired school employee" shall mean any person who was retired under the provisions of the terminated Utah teachers' retirement system during the period July 1, 1937 through

December 31, 1953; "fees" or "registration fee" shall mean payments made on or in behalf of a retired school employee.

Section 2. Section Amended.

Section 53-29-51, Utah Code Annotated 1953, as enacted by Chapter 84, Laws of Utah 1959, is amended to read as follows:

53-29-51. Powers and Duties of Board—Administration of Act.

This act shall be administered by the Utah state school employees' retirement board. It shall have all the powers and duties with reference to the administration of this act that it has with reference to other acts administered by it, excepting in so far as they may be inappropriate thereto. The board shall have the authority to establish the procedures essential to the payment of fees within the provisions of this act and may authorize its secretary to perform all acts necessary to registration of qualified retirants and the payment of fees, as provided in section 53-29-52. The costs of administering this act shall be paid from the funds appropriated herein.

Section 3. Section Amended.

Section 53-29-52, Utah Code Annotated 1953, as enacted by Chapter 84, Laws of Utah 1959, is amended to read as follows:

53-29-52. Director to Prepare Budget.

The director of the state retirement board shall prepare and submit to the governor, to be included in his budget to be submitted to the legislature, a budget of the requirements to fulfill the purposes of this act for the biennium next following the convening of the legislature.

The legislature shall appropriate according to need, provided that the appropriation shall not exceed in any year a sum in excess of \$125,000 for the purposes of this act. Said appropriation shall be made from and accounted for within the general fund.

Section 4. Section Amended.

Section 53-29-54, Utah Code Annotated 1953, as enacted by Chapter 84, Laws of Utah 1959, is amended to read as follows:

53-29-54. Registration Fees—Payment to Retired Former School Employees—Maximum Fee.

Any retired former school employee, within the terms of this act, who applies for registration for temporary or part-time help shall receive a maximum fee of \$25 per month, subject to the limitation following, as long as his name is included on the register created by the preceding section. If and when the available funds in the retired educational employees' employment appropriation are insufficient temporarily to provide a fee of \$25 per month for all retired school employees who are listed on the register, then the board is hereby authorized to establish an equitable fee schedule which will maintain the program on the money available in the appropriation.

Section 5. Effective Date.

This act shall take effect July 1, 1967.

Approved March 21, 1967.

CHAPTER 120

S. B. No. 175

(Passed February 17, 1967. In effect July 1, 1967)

UTAH STATE UNIVERSITY POWER PLANT FUND

An Act Amending Section 53-32-21, Utah Code Annotated 1953; Providing for the Deposit of Energy Charges Fixed by the Utah State University in the General Fund and Discontinuance of the "State Power Plant Fund"; Providing an Effective Date.

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

Section 1. Section Repealed.

Section 53-32-21, Utah Code Annotated 1953, is hereby repealed.

Section 2. Effective Date.

This act shall take effect on July 1, 1967.

Approved March 3, 1967.

CHAPTER 121

H. B. No. 187

(Passed March 9, 1967. In effect May 9, 1967)

ROOSEVELT JUNIOR COLLEGE—APPROPRIATION

An Act Appropriating \$300,000 to the Roosevelt Junior College, as Authorized by Sections 53-33-22, 53-33-23, and 53-33-25, Utah Code Annotated 1953, as Enacted by Chapter 88, Laws of Utah 1959, and Sections 53-33-24 and 53-33-26, Utah Code Annotated 1953, as Enacted by Chapter 88, Laws of Utah 1959, and Amended by Chapter 116, Laws of Utah 1961, Providing an Operational Budget for the Biennium July 1, 1967.

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

Section 1. Appropriation—Roosevelt Junior College.

There is appropriated to the state board of education the sum of \$300,000 from the general fund of the state of Utah to provide an operational budget for the Roosevelt Junior College authorized by Sections 53-33-22, 53-33-23, and 53-33-25, Utah Code Annotated 1953, as enacted by Chapter 88, Laws of Utah 1959, and sections 53-33-24 and 53-33-26, Utah Code Annotated 1953, as enacted by Chapter 88, Laws of Utah 1959, and amended by Chapter 116, Laws of Utah 1961. This appropriation to provide for an administrative and teaching staff to work in cooperation with the Union High School staff and facilities, in the establishment of the said Roosevelt Junior College for the biennium beginning July 1, 1967.

Approved March 14, 1967.

CHAPTER 122

H. B. No. 58

(Passed March 8, 1967. In effect May 9, 1967)

TUITION FEES

An Act Repealing and Reenacting Section 53-34-1, Utah Code Annotated 1953, as Amended by Chapters 106 and 107, Laws of Utah 1955, Chapter 117, Laws of Utah 1961, Chapter 100, Laws of Utah 1963, and Chapter 102, Laws of Utah 1965, Section 53-34-2, Utah Code Annotated 1953, Enacting Sections 53-34-2.1 and 53-34-2.2, Utah Code Annotated 1953, Relating to Tuition and Fees of Students in Institutions of Higher Education; Providing for a Resident Schedule of Minimum Tuition for Resident and Nonresident Students and for Increases in and the Waiver of Same; Providing for a Definition of Resident Student; and Repealing Section 53-34-5, Utah Code Annotated 1953, as Amended by Chapter 90, Laws of Utah 1959, as Amended by Chapter 117, Laws of Utah 1961, and Section 53-34-6, Utah Code Annotated 1953, as Amended by Chapter 103, Laws of Utah 1957, and Chapter 103, Laws of Utah 1965.

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

Section 1. Section Amended.

Section 53-34-1, Utah Code Annotated 1953, as amended by Chapters 106 and 107, Laws of Utah 1955, Chapter 117, Laws of Utah 1961, Chapter 100, Laws of Utah 1963, and Chapter 102, Laws of Utah 1965, is repealed and reenacted to read as follows:

53-34-1. Tuition—Fees—Institutions of Higher Learning.

(1) The governing board of each institution of higher education shall establish the fees and tuitions to be charged all students, both resident and nonresident, but such tuitions shall not be lower than the following:

(a) Tuition for Resident Students for the Academic Year

Institution	1967-68	1968-69
University of Utah	300	300
Utah State University	250	250
Weber State College	200	225
College of Southern Utah	200	225
College of Eastern Utah	150	150
Snow College	150	150
Dixie College	150	150
Salt Lake Trade Technical Institute	160	160
Utah Trade Technical Institute	160	160

(b) Tuition for Nonresident Students for the Academic Year

Institution	1967-68	1968-69
University of Utah	800	850
Utah State University	725	750
Weber State College	600	625
College of Southern Utah	600	625
College of Eastern Utah	500	500
Snow College	500	500
Dixie College	500	500
Salt Lake Trade Technical Institute	500	500
Utah Trade Technical Institute	500	500

(2) The coordinating council of higher education, after consultation with the institutions of higher education, shall recommend to each legislature the minimum tuitions, resident and nonresident, for each institution of higher education which it deems necessary to implement the budget recommendations for each such institution.

Section 2. Section Amended.

Section 53-34-2, Utah Code Annotated 1953, is repealed and reenacted to read as follows:

53-34-2. Governing Board May Charge Excess Tuition and Fees.

The governing board of each institution of higher education may for its institution charge such tuition in excess of the minimum tuition and such special fees as in its judgment the needs of the institution require.

Section 3. Section Enacted.

Section 53-34-2.1, Utah Code Annotated 1953, is enacted to read as follows:

53-34-2.1. Waiving of Tuition for Meritorious Students.

(1) The president or director of each institution may waive all or part of the tuition in behalf of meritorious or impecunious resident students to an amount not exceeding ten percent of the total amount of such tuition and the registration fees collected from all Utah resident students at the institution.

(2) The president or director of each of the following institutions may waive all or part of the resident portion of the tuition in behalf of the number of meritorious nonresident students set forth below:

Institution	Number of Nonresident Students
University of Utah	100
Utah State University	100
Weber State College	30
College of Southern Utah	15
College of Eastern Utah	5
Snow College	5
Dixie College	5

The resident portion of the tuition for each such nonresident student shall be equal to the tuition for resident students as set forth in section 53-34-1 (1).

(3) Upon recommendation of the coordinating council of higher education, the president or director of each institution may grant additional full or partial tuition and registration fee waivers to encourage students to enroll for instruction in occupations critical to the state for which trained personnel are in short supply.

(4) The president or director of each institution may waive all or part of the difference between resident and nonresident fees in the case of meritorious graduate students and summer school students whose residence is not in Utah.

Section 4. Section Enacted.

Section 53-34-2.2, Utah Code Annotated 1953, is enacted to read as follows:

53-34-2.2. Definition of Resident Student.

(1) The meaning of the word "resident" for the purposes of this act shall be determined by reference to the general law on the subject of domicile, except that the following rules shall be observed:

(2) No person can acquire a domicile by living in the state of Utah when such person lives in Utah for the purpose of attending or enabling a minor child to attend an institution of higher education.

(3) A student whose family residence is not in Utah cannot acquire domicile unless he or she has lived in the state for one year prior to registration in a post-high school educational institution.

(4) A student whose family moves to Utah with the intent of taking up permanent residence shall be immediately eligible to register as a Utah resident student.

(5) No student shall lose his domicile for educational purposes by the removal of his parents or guardian from the state during the continuous period of his higher education.

(6) The domicile of a minor shall be that of his father; in the event of the death of his father, that of his mother; and in the event of death of both parents, that of the last deceased parent unless a guardian has been appointed. Letters of guardianship are not conclusive for

purposes of determining domicile within the meaning of this act. In the event of divorce or separation, the domicile of the minor shall be that of the person to whom custody has been awarded, or that of the mother if no award has been made.

(7) Each person serving in the United States armed forces assigned to duty in Utah and members of the family of such persons who live in Utah shall be deemed residents for the purposes of this act.

(8) The coordinating council after consultation with the institutions of higher education shall make regulations, not inconsistent with the provisions of this section, concerning the definition of resident and nonresident students and establishing procedures to secure the identification of such students, which regulations shall be administered by the governing boards of the institutions of higher education, provided that all new regulations and modifications of existing regulations shall be reported to the legislature at the next regular session following the promulgation of such regulation or modification.

(9) All such regulations shall become effective at the beginning of the next academic quarter or semester following the notice in writing to the institution of higher education of the promulgation of the regulation notwithstanding the fact that such regulation has not yet been reported to a regular session of the legislature.

Section 5. Sections Repealed.

Section 53-34-5, Utah Code Annotated 1953, as amended by Chapter 90, Laws of Utah 1959, as amended by Chapter 117, Laws of Utah 1961, and section 53-34-6, Utah Code Annotated 1953, as amended by Chapter 103, Laws of Utah 1957, and Chapter 103, Laws of Utah 1965, are hereby repealed.

Approved March 13, 1967.

CHAPTER 123

H. B. No. 68

(Passed March 9, 1967. In effect May 9, 1967)

CONTRACTS WITH FACULTY MEMBERS

An Act Amending Section 53-35-1, Utah Code Annotated 1953, as Amended by Chapter 108, Laws of Utah 1955, Chapter 118, Laws of Utah 1961, and Chapter 101, Laws of Utah 1963, Relating to Authorization to the Governing Boards of Institutions of Higher Education to Assist Faculty Members and Employees in Acquiring Old-age Benefits: Providing for Authorization to Contract with Faculty Members and Employees to Accept a Reduced Salary Upon Consideration That the Board Will Contribute an Amount Equal to the Amount of Salary Reduction Toward the Purchase of Old-age Annuities or Any Other Investment in Order to Obtain the Deferred Federal Income Tax Treatment of Retirement Benefits Offered by the Internal Revenue Code of 1954, as Amended; Enacting Section 53-35-2, Utah Code Annotated 1953, Establishing Authority and Responsibility of the State Department of Finance to Provide Services to Certain Institu-

tions and Agencies Under the Control of the State Board of Education to Enable Employees to Participate in Said Benefits.

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

Section 1. Section Amended.

Section 53-35-1, Utah Code Annotated 1953, as amended by Chapter 108, Laws of Utah 1955, and Chapter 101, Laws of Utah 1963, is amended to read:

53-35-1. Assistance to Teachers in Acquiring.

(1) The board of regents of the University of Utah, the board of trustees of the Utah State University of Agriculture and Applied Science, the board of trustees of Weber State College, the board of trustees of the College of Southern Utah, and the board of control of the state junior colleges are authorized and empowered, under such rules and regulations as the several boards may prescribe, to assist the several faculties and employees in their respective institutions to purchase old-age annuities or other retirement benefits.

(2) Such assistance may include, but is not limited to, the purchase of old-age annuities which under the provisions of the Federal Internal Revenue Code of 1954, as amended, are not currently taxable as income to the faculty member or full time employee, and for this purpose any board may contract with an individual faculty member or individual employee that such member or employee shall receive a reduced salary and that in consideration thereof the board contribute toward the purchase of such old-age annuities or any other investment approved by the board (such investments together with old-age annuities defined as "approved investments"), an amount equal to the amount of the salary reduction.

(3) Any contribution by a board for the purchase of old-age annuities or other approved investments other than pursuant to an agreement authorized by subsection 53-35-1 (2) shall exceed five per cent of the sum of the member's employee's salary plus the amount contributed pursuant to such agreement.

Section 2. Section Enacted.

Section 53-35-2, Utah Code Annotated 1953, is enacted to read:

53-35-2. State Board of Education Empowered to Assist Employees in Purchase of Old-age Annuities.

(1) The state board of education is authorized and empowered, under such rules and regulations as the board may prescribe to assist the several faculties and employees in their respective institutions and agencies to purchase old-age annuities or other approved investments.

(2) Such assistance is limited to the purchase of old-age annuities or other approved investments by contracting with an individual faculty member or employee providing that such faculty member or employee shall receive a reduced salary and that that portion of the salary may be applied toward the purchase of old-age annuities or other approved investments.

(3) It shall be the duty of the state department of finance to provide clerical services to those institutions and agencies for whom financial records are kept by said department to enable the employees contracted with under the provisions of this section, paragraph (2), to participate in an old-age annuity or other approved investment program to the extent that withholdings are made from salaries as stipulated by the individual employee and the state board of education and annuities or other approved investments are purchased for each employee interested in such participation as provided herein.

Approved March 21, 1967.

CHAPTER 124

S. B. No. 144

(Passed February 17, 1967. In effect July 1, 1967)

GEOLOGICAL AND MINERAL SURVEY MONEY—DEPOSIT

An Act Amending Section 53-36-2, Utah Code Annotated 1953, As Amended by Chapter 103, Laws of Utah 1963; Providing for Deposit of Moneys Received by the Geological and Mineral Survey in the General Fund of the State; Providing an Effective Date.

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

Section 1. Section Amended.

Section 53-36-2, Utah Code Annotated 1953, as amended by Chapter 103, Laws of Utah 1963, is amended to read as follows:

53-36-2. Objects of Survey—Disposition of Income—General Fund—Transfer of Funds—Sources of Additional Funds.

(1) The collection and distribution of reliable information regarding the mineral resources of the state.

(2) The survey of the geological formations of the state with special reference to their economic contents, values and uses, such as: the ores of the various metals, coal, oil shale, hydrocarbons, oil, gas, industrial clays, cement materials, mineral waters and other surface and underground water supplies, mineral fertilizers, asphalt, bitumen, structural materials, roadmaking materials, their kind and availability; and the promotion of the marketing of the mineral products of the state.

(3) The investigation of the kind, amount and availability of the various mineral substances contained in state lands, with a view of the most effective and profitable administration of such lands for the state.

(4) The consideration of such other scientific and economic problems as, in the judgment of the board of regents, should come within the field of the survey.

(5) Co-operation with the Utah state bureaus dealing with related subjects, with the United States Geological Survey and with the United States Bureau of Mines, in their respective functions including field investigations, and the preparation, publication, and distribution of reports and bulletins embodying the results of the work of the survey.

(6) The preparation, publication, distribution, and sale of maps, reports and bulletins embodying the results of the work of the survey.

The collection and establishment of exhibits of the mineral resources of Utah.

(7) Any income from the sale of maps and reports or from gifts from other sources for the survey shall be turned over to the state treasurer and credited by him to the general fund of the state as restrictive revenue of the geological and mineralogical survey.

(8) In addition to the funds that are available to the Utah Geological and Mineralogical Survey through subsection (7), the sources of funds for the maintenance and operation of the survey shall be from (a) a direct line item appropriation included in the budget for the University of Utah and (b) those funds specified in section 53-7-4.

Section 2. Effective Date.

This act shall take effect on July 1, 1967.

Approved March 3, 1967.

CHAPTER 125

S. B. No. 4

(Passed February 2, 1967. In effect May 9, 1967)

COORDINATING COUNCIL OF HIGHER EDUCATION

An Act Amending Section 53-40-3, Utah Code Annotated 1953, as Enacted by Chapter 75, Laws of Utah 1959, as Amended by Chapter 105, Laws of Utah 1965, as Amended by Chapter 15, Laws of Utah 1966, First Special Session, Providing for Revision of the Membership of the Coordinating Council of Higher Education and for Liaison with Institutions and Legislative Council.

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

Section 1. Section Amended.

Section 53-40-3, Utah Code Annotated 1953, as enacted by Chapter 75, Laws of Utah 1959, as amended by Chapter 105, Laws of Utah 1965, as amended by Chapter 15, Laws of Utah 1966, First Special Session, is amended to read as follows:

53-40-3. Membership of Coordinating Council of Higher Education.

(1) The coordinating council of higher education shall consist of nine members to be appointed by the governor with the advice and consent of the senate.

(2) The governing board of each institution of higher education, the legislative council and the state board of education shall each designate a representative from the membership of each such board or the administration and the legislative council, who shall meet with the coordinating council and shall act as a liaison between the coordinating council and such institution and the legislative council in promoting and carrying out the duties and responsibilities of the coordinating council and the respective institutions under this act.

(3) In making appointments to the council, the governor shall select persons from the state at large with due consideration for population and geographical representation. Appointees shall be selected solely on the basis of their qualifications. No more than five appointees shall

be of the same political party. No member of the council may during his term of office serve as an officer, faculty member, employee, or member of a governing board of any post-high school educational institution nor shall he act as a representative of any particular region or of any particular institution.

(4) Members of the council shall serve for terms of six years beginning July 1 of the year in which the appointment is made. Appointments to fill vacancies occurring shall be for the unexpired term. The present appointees of the governor shall serve out their terms, and the governor shall appoint three additional members for terms of not to exceed six years beginning July 1, 1967, so that thereafter, the terms of three members shall expire every two years beginning June 30, 1969.

(5) Within thirty days after July 1 of each odd-numbered year the council shall elect a chairman and a vice-chairman from its members and shall designate a secretary. A quorum shall consist of six members of the council.

(6) Members of the council shall be reimbursed for their actual and necessary expenses incurred in attending meetings of the council or its committees or in attending to any duly authorized business of the council. The council members may be paid a per diem as established by the board of examiners.

(7) The council shall meet at least once every three months. It may hold other meetings at such times and places as shall be scheduled by it in formal sessions or as shall be called by the chairman. The council may establish rules and regulations consistent with the provisions of this act.

Approved February 15, 1967.

CHAPTER 126

S. B. No. 240

(Passed March 9, 1967. In effect May 9, 1967)

BORROWING BY INSTITUTIONS OF HIGHER EDUCATION

An Act Amending Section 53-38-15, Utah Code Annotated 1953, as Enacted by Chapter 120, Laws of Utah 1951, as Amended by Chapter 105, Laws of Utah 1963, Relating to Borrowing by Institutions of Higher Education to Pay Costs of Construction, Equipment, and Furnishings in Self-liquidating Projects; Providing for the Inclusion of the College of Southern Utah Among the Institutions of Higher Education Possessing Such Power.

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

Section 1. Section Amended.

Section 53-38-15, Utah Code Annotated 1953, as enacted by Chapter 120, Laws of Utah 1951, as amended by Chapter 105, Laws of Utah 1963, is amended to read as follows:

53-38-15. Loans Authorized to Pay for Cost of Construction, Equipment and Furnishing of Buildings—Notes or Other Evidences of Indebtedness and Mortgages—Agreements with Lending Institutions.

For the purpose of paying all or part of the cost of construction, equipment, and furnishing of any building or any addition to or remodel-

ing thereof, constructed or to be constructed as a "self-liquidating project" under the provisions of this chapter; the state board of education, the board of regents of the University of Utah, the board of trustees of Utah State University of Agriculture and Applied Science, the board of trustees of Weber State College, and/or the board of trustees of the College of Southern Utah, for which any building or addition to or remodeling thereof is to be constructed, furnished and equipped (which state board of education, board of regents or boards of trustees are hereinafter referred to as "the board") is authorized to borrow money on the credit of the income and revenues to be derived from the operation of the building, and from the imposition of student building fees, land grant interest, and net proceeds from proprietary activities or from sources other than by appropriations by the legislature of the state of Utah to such issuing institutions, and to evidence such indebtedness to execute such promissory note or other evidence of indebtedness as it may deem appropriate, provided such note or other evidence of indebtedness shall specify on the face thereof that the same does not constitute a general obligation of the state of Utah; and further to secure the payment of such loan to mortgage the building and improvements and the land upon which the same is situated, including sufficient land for the reasonable use and occupancy thereof. Such note or other evidence of indebtedness may have all the qualities and incidents of negotiable paper, and shall not be subject to taxation by the state of Utah, or by any county, municipality, or political subdivision therein. Said note or other evidence of indebtedness and mortgage may contain such additional provisions with respect to repayment out of the income and revenues to be derived from the operation of the building, from the imposition of student building fees, land grant interest, and net profits from proprietary activities, or from sources other than appropriations by the legislature of the state of Utah to such issuing institution as the board may consider necessary and proper.

The board may enter into such agreement as it deems necessary with the lending institution as to the use which will be made of any such building or addition, the operation, maintenance, and supervision of the same, the imposition of fees, charges and rentals for the use thereof, including the equipment contained therein, and the collection and disposition to be made of the proceeds of such fees, charges, and rentals, and in order to secure the prompt payment of principal and interest and to pay the cost of the maintenance and operation of the building or any addition thereto the board is vested with the same power and authority with respect to said indebtedness created under this section as it has in respect to the issuance of bonds under the other provisions of this chapter.

When any obligation owing to finance the cost of any building, improvement, or equipment, constructed or acquired under this section, shall have been fully paid as to principal and interest, the mortgage shall be satisfied and discharged. All buildings and additions to existing buildings so erected and the equipment therefor shall be exempt from taxation as long as the legal title thereto remains in the borrowing agency.

Approved March 21, 1967.

CHAPTER 127

H. B. No. 246

(Passed March 9, 1967. In effect May 9, 1967)

EDUCATIONAL TELEVISION

An Act Amending Sections 53-42-1, 53-42-2 and 53-42-3, Utah Code Annotated 1953, as Enacted by Chapter 123, Laws of Utah, 1961, to Authorize the Joint Committee on Publicly-owned Educational Television to Accept and Administer, State and Private Grants as Well as Federal Grants for Educational Television, and to Coordinate the Development and Administration of Educational Television in the State of Utah.

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

Section 1. Section Amended.

Section 53-42-1, Utah Code Annotated 1953, as enacted by Chapter 123, Laws of Utah 1961, is amended to read:

53-42-1. Joint Committee on Educational Television—Members.

Whenever the state board of education and coordinating council on higher education consider such action appropriate, and in any event within sixty days after the effective date of any federal legislation which may be enacted making funds available to the state of Utah for the development of educational television, said board and council shall create a joint committee on publicly-owned educational television composed as follows:

(a) Four members shall be selected by the state board of education, two of whom shall be selected from among its membership, one being its executive officer and one at large.

(b) Four members shall be selected by the coordinating council on higher education, two of whom shall be selected from among the membership, one its executive officer and one at large.

(c) One member shall be selected by each licensee of a publicly-owned educational television channel.

(d) The committee may name up to, but not to exceed, nine, non-voting, associate members as it may deem advisable, such members to represent the various television interests in the state of Utah.

The joint committee shall prescribe its own internal organization and may establish appropriate rules and regulations consistent with the provisions of this act.

Section 2. Section Amended.

Section 53-42-2, Utah Code Annotated 1953, as enacted Chapter 123, Laws of Utah 1961, is amended to read:

53-42-2. Joint Committee as Forum for Deliberation on Problems—Receipt of and Administration and Allocation of Federal Funds.

The joint committee on publicly-owned educational television shall have responsibility for over-all coordination of educational television in Utah. It shall serve as a forum for deliberation on publicly-owned educational television problems of mutual concern to the board and

council and to other educational agencies in the state. Said joint committee is hereby empowered and authorized to serve as the official agency representing the state of Utah to receive such state, private and federal funds as may be made available to the committee for general educational television purposes, and to administer and allocate such funds consistent with the provisions of any law applicable thereto. The committee is hereby authorized also to enter into agreements and contracts in the development and improvement of the educational television service in Utah.

It is the intent of the legislature to discourage the proliferation of uncoordinated public educational television broadcast facilities and to establish a statewide system which provides opportunity for the participation in scheduling and programming for all universities, colleges and school districts, such programming and scheduling to be supervised by the joint committee for educational television.

Section 3. Section Amended.

Section 53-42-3, Utah Code Annotated 1953, as enacted by Chapter 123, Laws of Utah 1961, is amended to read:

53-42-3. Joint Committee Recommendation to Legislature.

The joint committee on television as a result of appropriate studies, may make such recommendations to the legislature on the purposes and organization of educational television in Utah as are considered desirable.

Approved March 21, 1967.

CHAPTER 128

S. B. No. 45

(Passed February 17, 1967. In effect July 1, 1967)

COMPACT FOR EDUCATION

An Act Providing for Entrance by the State of Utah into the Compact for Education and Providing for the Appointment of Delegates From the State of Utah to Attend the Education Commission of the States.

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

Section 1. Compact for Education.

The compact for education is hereby entered into and enacted into law with all jurisdictions legally joining therein, in the form substantially as follows:

COMPACT FOR EDUCATION

Article I. Purpose and Policy.

A. It is the purpose of this compact to:

1. Establish and maintain close cooperation and understanding among executive, legislative, professional, educational and lay leadership on a nationwide basis at the state and local levels.

2. Provide a forum for the discussion, development, crystalization and recommendation of public policy alternatives in the field of education.

3. Provide a clearing house of information no matters relating to educational problems and how they are being met in different places

throughout the nation, so that the executive and legislative branches of state government and of local communities may have ready access to the experience and record of the entire country, and so that both lay and professional groups in the field of education may have additional avenues for the sharing of experiences and the interchange of ideas in the formation of public policy in education.

4. Facilitate the improvement of state and local educational systems so that all of them will be able to meet adequate and desirable goals in a society which requires continuous qualitative and quantitative advance in educational opportunities, methods and facilities.

B. It is the policy of this compact to encourage and promote local and state initiative in the development, maintenance, improvement and administration of educational systems and institutions in a manner which will accord with the needs and advantages of diversity among localities and states.

C. The party states recognize that each of them has an interest in the quality and quantity of education furnished in each of the other states, as well as in the excellence of its own educational systems and institutions, because of the highly mobile character of individuals within the nation, and because of the products and services contributing to the health, welfare and economic advancement of each state are supplied in significant part by persons educated in other states.

Article II. State Defined.

As used in this compact, "state" means a state, territory or possession of the United States, the District of Columbia, or the Commonwealth of Puerto Rico.

Article III. The Commission.

A. The education commission of the states hereinafter called "the commission," is hereby established. The commission shall consist of seven members representing each party state. One of such members shall be the governor; two shall be members of the state legislature selected by its respective houses and serving in such manner as the legislature may determine; and four shall be appointed by and serve at the pleasure of the governor, unless the laws of the state otherwise provide. If the laws of a state prevent legislators from serving on the commission, six members shall be appointed and serve at the pleasure of the governor, unless the laws of the state otherwise provide. In addition to any other principles or requirements which a state may establish for the appointment and service of its members of the commission, the guiding principle for the composition of the membership on the commission from each party state shall be that the members representing such state shall, by virtue of their training, experience, knowledge or affiliations be in a position collectively to reflect broadly the interests of the state government, higher education, the state education system, local education, lay and professional, public and non-public educational leadership. Of those appointees, one shall be the head of a state agency or institution, designated by the governor, having responsibility for one or more programs of public education. In addition to the members of the commission representing the party states, there may be not to exceed ten non-voting commissioners selected by the

steering committee for terms of one year. Such commissions shall represent leading national organizations of professional educators or persons concerned with educational administration.

B. The members of the commission shall be entitled to one vote each on the commission. No action of the commission shall be binding unless taken at a meeting at which a majority of the total number of votes on the commission are cast in favor thereof. Action of the commission shall be only at a meeting at which a majority of the commissioners are present. The commission shall meet at least once a year. In its bylaws, and subject to such directions and limitations as may be contained therein, the commission may delegate the exercise of any of its powers to the steering committee or the executive director, except for the power to approve budgets or requests for appropriations, the power to make policy recommendations pursuant to Article IV and adoption of the annual report pursuant to Article III (j).

C. The commission shall have a seal.

D. The commission shall elect annually, from among its members, a chairman, who shall be a governor, a vice chairman and a treasurer. The commission shall provide for the appointment of an executive director. Such executive director shall serve at the pleasure of the commission, and together with the treasurer and such other personnel as the commission may deem appropriate shall be bonded in such amount as the commission shall determine. The executive director shall be secretary.

E. Irrespective of the civil service, personnel or other merit system laws of any of the party states, the executive director subject to the approval of the steering committee shall appoint, remove or discharge such personnel as may be necessary for the performance of the functions of the commission, and shall fix the duties and compensation of such personnel. The commission in its bylaws shall provide for the personnel policies and programs of the commission.

F. The commission may borrow, accept or contract for the services of personnel from any party jurisdiction, or their subdivisions.

G. The commission may accept for any of its purposes and functions under this contract any and all donations, and grants of money, equipment, supplies, materials and services, conditional or otherwise, from any state, the United States, or any other governmental agency, or from any person, firm, association, foundation, or corporation, and may receive, utilize and dispose of the same. Any donation or grant accepted by the commission pursuant to this paragraph or services borrowed pursuant to paragraph (f) of this Article shall be reported in the annual report of the commission. Such report shall include the nature, amount and conditions, if any, of the donation, grant, or services borrowed, and the identity of the donor or lender.

H. The commission may establish and maintain such facilities as may be necessary for the transacting of its business. The commission may acquire, hold, and convey real and personal property and any interest therein.

I. The commission shall adopt bylaws for the conduct of its business and shall have the power to amend and rescind these bylaws. The

commission shall publish its bylaws in convenient form and shall file a copy thereof and a copy of any amendment thereto, with the appropriate agency or officer in each of the party states.

J. The commission annually shall make to the governor and legislature of each party state a report covering the activities of the commission for the preceding year. The commission may make such additional reports as it may deem desirable.

Article IV. Powers.

In addition to authority conferred on the commission by other provisions of the compact, the commission shall have authority to:

1. Collect, correlate, analyze and interpret information and data concerning educational needs and resources.

2. Encourage and foster research in all aspects of education, but with special reference to the desirable scope of instruction, organization, administration, and instructional methods and standards employed or suitable for employment in public educational systems.

3. Develop proposals for adequate financing of education as a whole and at each of its many levels.

4. Conduct or participate in research of the types referred to in this Article in any instance where the commission finds that such research is necessary for the advancement of the purposes and policies of this compact, utilizing fully the resources of national associations, regional compact organizations for higher education, and other agencies and institutions, both public and private.

5. Formulate suggested policies and plans for the improvement of public education as a whole, or for any segment thereof, and make recommendations with respect thereto available to the appropriate governmental units, agencies and public officials.

6. Do such other things as may be necessary or incidental to the administration of any of its authority or functions pursuant to this compact.

Article V. Cooperation with Federal Government.

A. If the laws of the United States specifically so provide, or if administrative provision is made therefor within the federal government, the United States may be represented on the commission by not to exceed ten representatives. Any such representative or representatives of the United States shall be appointed and serve in such manner as may be provided by or pursuant to Federal law, and may be drawn from any one or more branches of the Federal Government, but no such representative shall have a vote on the commission.

B. The commission may provide information and make recommendations to any executive or legislative agency or officer of the Federal Government concerning the common educational policies of the states, and may advise with any such agencies or officers concerning any matter of mutual interest.

Article VI. Committees.

A. To assist in the expeditious conduct of its business when the full commission is not meeting, the commission shall elect a steering

committee of thirty-two members which, subject to the provisions of this compact and consistent with the policies of the commission, shall be constituted and function as provided in the bylaws of the commission. One-fourth of the voting membership of the steering committee shall consist of governors, one-fourth shall consist of legislators, and the remainder shall consist of other members of the commission. A federal representative on the commission may serve with the steering committee, but without vote. The voting members of the steering committee shall serve for terms of two years, except that members elected to the first steering committee of the commission shall be elected as follows: sixteen for one year and sixteen for two years. The chairman, vice chairman, and treasurer of the commission shall be members of the steering committee and, anything in this paragraph to the contrary notwithstanding, shall serve during their continuance in these offices. Vacancies in the steering committee shall not affect its authority to act, but the commission at its next regularly ensuing meeting following the occurrence of any vacancy shall fill it for the unexpired term. No person shall serve more than two terms as a member of the steering committee; provided that service for a partial term of one year or less shall not be counted toward the two term limitation.

B. The commission may establish advisory and technical committees composed of state, local, and federal officials, and private persons to advise it with respect to any one or more of its functions. Any advisory or technical committee may, on request of the states concerned, be established to consider any matter of special concern to two or more of the party states.

C. The commission may establish such additional committees as its bylaws may provide.

Article VII. Finance.

A. The commission shall advise the governor or designated officer or officers of each party state of its budget and estimated expenditures for such period as may be required by the laws of that party state. Each of the commission's budgets of estimated expenditures shall contain specific recommendations of the amount or amounts to be appropriated by each of the party states.

B. The total amount of appropriation requests under any budget shall be apportioned among the party states. In making such apportionment, the commission shall devise and employ a formula which takes equitable account of the populations and per capita income levels of the party states.

C. The commission shall not pledge the credit of any party states. The commission may meet any of its obligations in whole or in part with funds available to it pursuant to Article III (g) of this compact, provided that the commission takes specific action setting aside such funds prior to incurring an obligation to be met in whole or in part in such manner. Except where the commission makes use of funds available to it pursuant to Article III (g) thereof, the commission shall not incur any obligation prior to the allotment of funds by the party states adequate to meet the same.

D. The commission shall keep accurate accounts of all receipts and disbursements. The receipts and disbursements of the commission shall be subject to the audit and accounting procedures established by its bylaws. However, all receipts and disbursements of funds handled by the commission shall be audited yearly by a qualified public accountant, and the report of the audit shall be included in and become part of the annual reports of the commission.

E. The accounts of the commission shall be open at any reasonable time for inspection by duly constituted officers of the party states and by any persons authorized by the commission.

F. Nothing contained herein shall be construed to prevent commission compliance with laws relating to audit or inspection of accounts by or on behalf of any government contributing to the support of the commission.

Article VIII. Eligible parties; entry into and withdrawal.

A. This compact shall have as eligible parties all states, territories, and possessions of the United States, the District of Columbia, and the Commonwealth of Puerto Rico. In respect of any such jurisdiction not having a governor, the term "governor," as used in this compact, shall mean the closest equivalent official of such jurisdiction.

B. Any state or other eligible jurisdiction may enter into this compact and it shall become binding thereon when it has adopted the same: provided that in order to enter into initial effect, adoption by at least ten eligible party jurisdictions shall be required.

C. Adoption of the compact may be either by enactment thereof or by adherence thereto by the governor; provided that in the absence of enactment, adherence by the governor shall be sufficient to make his state a party only until December 31, 1967. During any period when a state is participating in this compact through gubernatorial action, the governor shall appoint those persons who, in addition to himself, shall serve as the members of the commission from his state, and shall provide to the commission an equitable share of the financial support of the commission from any source available to him.

D. Except for a withdrawal effective on December 31, 1967 in accordance with paragraph C of this article, any party state may withdraw from this compact by enacting a statute repealing the same, but no such withdrawal shall take effect until one year after the governor of the withdrawing state has given notice in writing of the withdrawal to the governors of all other party states. No withdrawal shall affect any liability already incurred by or chargeable to a party state prior to the time of such withdrawal.

Article IX. Construction and Severability.

The compact shall be liberally construed so as to effectuate the purposes thereof. The provisions of this compact shall be severable and if any phrase, clause, sentence or provision of this compact is

declared to be contrary to the constitution of any state or of the United States, or the application thereof to any government, agency, person or circumstance is held invalid, the validity of the remainder of this compact and the applicability thereof to any government, agency, person or circumstance shall not be affected thereby. If this compact shall be held contrary to the constitution of any state participating therein, the compact shall remain in full force and effect as to the state affected as to all severable matters.

Section 2. Governor and Legislature to Appoint Delegates.

The governor and the two houses of the Utah state legislature are authorized to appoint delegates to the education commission as provided in Article III A, with the total delegation including the governor to consist of seven members. The four members appointed by the governor shall be selected so as to be broadly representative of professional and lay interest within this state having the responsibilities for, knowledge with respect to, and interest in educational matters.

Section 3. Commission to File Copy of Its Bylaws.

Pursuant to Article III (1) of the compact, the commission shall file a copy of its bylaws and any amendment thereto with the governor of the state of Utah.

Section 4. Effective Date.

This act shall take effect July 1, 1967.

Approved February 28, 1967.

PUBLIC UTILITIES

CHAPTER 129

S. B. No. 22

(Passed January 27, 1967. In effect May 9, 1967)

COMMISSIONERS AND EMPLOYEES TRAVEL WITHOUT CHARGE

An Act Amending Section 54-1-9, Utah Code Annotated 1953, Relating to the Right of the Commissioners, Officers and Employees of the Public Service Commission of Utah to Free Service from Utilities; Providing Elimination of Telephone and Telegraph Service.

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

Section 1. Section Amended.

Section 54-1-9, Utah Code Annotated 1953, is amended to read as follows:

54-1-9. Right to Free Service From Utilities.

The commissioners and officers and employees of the commission shall, when in the performance of their official duties, have the right to travel free of charge on all railroads, cars and other vehicles of every common carrier, subject in whole or in part to control or regulation by the commission, between points within this state, and such persons shall not be denied the right to travel upon any railroad, car or other vehicle of such common carrier, whether such railroad, car or other vehicle is used for the transportation of passengers or of freight, regardless of its class.

Approved February 3, 1967.

CHAPTER 130

S. B. No. 149

(Passed February 17, 1967. In effect July 1, 1967)

DEPOSIT OF REGULATORY FEES

An Act Amending Section 54-5-1.5, Utah Code Annotated 1953, as Enacted by Chapter 107, Laws of Utah 1965, Providing for the Deposit of Regulatory Fees Charged by the Public Service Commission in the General Fund of the State; Providing an Effective Date.

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

Section 1. Section Amended.

Section 54-5-1.5, Utah Code Annotated 1953, as enacted by Chapter 107, Laws of Utah 1965, is amended to read as follows:

54-5-1.5. Regulation Fee—Based on Gross Revenue From Intrastate Business—Payment of Fee—Duties of Tax Commission and State Treasurer.

There is imposed upon all public utilities subject to the jurisdiction of the public service commission of Utah, a special fee in addition to those now assessed, levied and required by law, for the purpose of requiring from said public utilities the defraying of the cost of their regulation. Said fee shall be fixed and determined by the state tax commission on or before May fifteenth of each year upon said utilities as a uniform percentage of the gross operating revenue of each of said utilities for the preceding calendar year derived from its public utility business and operations during said period within this state, excluding income derived from interstate business.

Said fee shall be due and payable on or before the first day of July in each year, and the state tax commission shall notify each public utility subject to the provisions of this act, the amount of said fee imposed upon it under the provision of this act, which fee shall be paid to the state tax commission and by it transmitted to the state treasurer who shall credit the amount of said fee to the general fund.

The legislature of each regular session shall determine the amount to be used for the regulating of the public utilities doing business in this state for the succeeding biennium by appropriating from the general fund to effect the purposes of this. It is the purpose and intent of this act that the public utilities shall provide all of the funds for the administration, support and maintenance of the public service commission and that one-half of the biennial appropriation to the public service commission shall be provided annually by such public utilities; provided, however, that no public utility shall be required to pay in any one year a fee imposed under the provision of this act in excess of one-quarter of one per centum of its gross public utility operating revenues for the preceding calendar year but there shall be a minimum fee of \$2.00 for such purpose on every such utility. No fee assessed herein may be used as a basis for increasing utility rates.

Section 2. Transfer of General Fund.

The unexpended balance in said public service commission fees fund as of July 1, 1967 shall be transferred to the unappropriated surplus account of the general fund.

Section 3. Effective Date.

This act shall take effect on July 1, 1967.

Approved February 28, 1967.

REAL ESTATE
CHAPTER 131

S. B. No. 52

(Passed March 8, 1967. In effect May 9, 1967)

SALE OF TRUST DEED PROPERTY

An Act Amending Sections 57-1-24 and 57-1-31, Utah Code Annotated 1953, as Enacted by Chapter 181, Laws of Utah 1961, Relating to Sale by Trustee of Property Covered by Trust Deeds; Providing for Lessening of Time Between Notice of Default and Sale or Reinstatement.

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

Section 1. Section Amended.

Section 57-1-24, Utah Code Annotated 1953, as enacted by Chapter 181, Laws of Utah 1961, is amended to read as follows:

57-1-24. Sale of Trust Property by Trustee—Notice of Default.

The power of sale herein conferred upon the trustee shall not be exercised until:

(a) The trustee shall first file for record, in the office of the recorder of each county wherein the trust property or some part or parcel thereof is situated, a notice of default, identifying the trust deed by stating the name of the trustor named therein and giving the book and page where the same is recorded or a description of the trust property, and containing a statement that a breach of an obligation for which the trust property was conveyed as security has occurred, and setting forth the nature of such breach and of his election to sell or cause to be sold such property to satisfy the obligation;

(b) Not less than three months shall thereafter elapse; and

(c) After the lapse of at least three months the trustee shall give notice of sale as provided in this act.

Section 2. Section Amended.

Section 57-1-31, Utah Code Annotated 1953, as enacted by Chapter 181, Laws of Utah 1961, is amended to read as follows:

57-1-31. Sale of Trust Property by Trustee—Public Auction—Conduct by Attorney for Trustee—Trustor May Direct Order in Order in Which Trust Property Sold—Bids—Postponement of Sale.

Whenever all or a portion of the principal sum of any obligation secured by a trust deed has, prior to the maturity date fixed in such obligation, become due or been declared due by reason of a breach or default in the performance of any obligation secured by the trust deed, including a default in the payment of interest or of any installment of principal, or by reason of failure of the trustor to pay, in accordance with the terms of such trust deed, taxes, assessments, premiums for insurance or advances made by the beneficiary in accordance with terms of such obligation or of such trust deed, the trustor or his successor in interest in the trust property or any part thereof or any other person having a subordinate lien or encumbrance of record thereon or any beneficiary under a subordinate trust deed, at any time within three months of the filing for record of notice of default under such trust deed, if the power of sale is to be exercised, or, otherwise at any time prior to the entry of the decree of foreclosure, may pay to the beneficiary or his successor in interest the entire amount then due under the terms of such trust deed and the obligation secured thereby (including costs and expenses actually incurred in enforcing the terms of such obligation, or trust deed, and the trustee's and attorney's fees actually incurred not exceeding in the aggregate fifty dollars or one-half of one percent of the entire unpaid principal sum secured, whichever is greater) other than such portion of the principal as would not then be due had no default occurred, and thereby cure the default theretofore existing and, thereupon, all proceedings theretofore had or instituted shall be dismissed or discontinued and the obligation and trust deed shall be reinstated and shall be and remain in force and effect the same as if no such acceleration had occurred. If the default is cured and the trust deed reinstated in the manner hereinabove provided, the beneficiary, or his assignee, shall, on demand of any person having an interest in the trust property, execute and deliver to him a request to the trustee that the trustee execute, acknowledge and deliver a cancellation of the recorded notice of default under such trust deed; and any beneficiary under a trust deed, or his assignee, who, for a period of thirty days after such demand, refuses to request the trustee to execute and deliver such cancellation shall be liable to the person entitled to such request for all damages resulting from such refusal. A cancellation of a recorded notice of default under a trust deed shall, when acknowledged, be entitled to be recorded and shall be sufficient if made and executed by the trustee in substantially the following form:

Cancellation of Notice of Default

The undersigned hereby cancels the notice of default filed for record
 _____, 19_____, and recorded in Book _____, Page _____,
 Records of _____ County, (or filed for record _____, 19_____,
 with recorder's entry No. _____, _____ County), Utah, which
 notice of default refers to the trust deed executed by _____

as trustor, in which is named as beneficiary and
 as trustee, and filed for record, 19.....,
 and recorded in Book, Page, Records of
 County, or filed for record, 19....., with recorder's entry
 No., County), Utah.

Signature of Trustee

Approved March 21, 1967.

REGISTRATION DEPARTMENT

CHAPTER 132

H. B. No. 16

(Passed February 14, 1967. In effect May 9, 1967)

ARCHITECTURAL EXAMINING COMMITTEE

An Act Amending Section 58-1-5, Utah Code Annotated 1953, as Amended by Chapters 33, 95, 96, 97 and 105, Laws of Utah 1953, Chapter 115, Laws of Utah 1957; Chapters 100, 101, and 102, Laws of Utah 1959; Chapters 133 and 134, Laws of Utah 1961; Chapters 114 and 121, Laws of Utah 1963; Increasing the Number of Persons on the Architectural Examining Committee to Five Members.

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

Section 1. Section Amended.

Section 58-1-5, Utah Code Annotated 1953, as amended by Chapters 33, 95, 96, 97 and 105, Laws of Utah 1953, Chapter 115, Laws of Utah 1957; Chapters 100, 101, and 102, Laws of Utah 1959; Chapters 133 and 134, Laws of Utah 1961; Chapters 114 and 121, Laws of Utah 1963, is amended to read:

58-1-5. Representative Committees for Professions, Trades or Occupations—Members and Qualification of Member.

The functions of the department of registration shall be exercised by the director of registration under the supervision of the commission of the department of business regulation and, when so provided, in collaboration with and with the assistance of representative committees of the several professions, trades and occupations as follows:

- (1) For accountants, a committee of three competent public accountants.
- (2) For architects, a committee of five architects, to be known as the "Architectural Examining Board."
- (3) For barbers, a committee of three persons, citizens of the United States who shall have practiced barbering for at least five years.
- (4) For chiropody, a committee of three members.
- (5) For chiropractors, a committee of three chiropractors; chiropractic is defined as the science of palpating and adjusting the articulation of the spinal column by the hands only.

(6) For dentists, a committee of five persons; but no member of such committee shall be a member of the faculty of any dental college or dental department of any medical college or have a financial interest in any such college.

(7) For funeral directors, embalmers and apprentice embalmers, a committee of three licensed funeral directors or embalmers; provided, however, that each member of such committee shall have had a minimum of five years' experience in the preparation and disposition of dead human bodies, and in the practice of embalming, immediately preceding their appointment.

(8) For cosmetologists and electrologists, a board of five licensed cosmetologists.

(9) For practitioners of medicine and surgery in all branches thereof, a committee of five persons each of whom shall be a licensed practitioner of medicine and surgery in all branches thereof in this state and a graduate of a chartered medical college of recognized standing.

(10) For practitioners in the treatment of human ailments in accordance with the tenets of the professional school, college or institution, recognized by the department of registration, of which the applicant is a graduate as designated in his application for license, including the practice of obstetrics and with the use of drugs or medicine, but without operative surgery, except operative minor surgery, a committee of five members to be designated by the director. Notwithstanding the provisions of section 58-1-6, Utah Code Annotated 1953, one shall be licensed to practice medicine and surgery in all branches thereof, two shall be practitioners of naturopathy licensed to practice the treatment of human ailments without the use of drugs or medicine and without operative surgery, one shall be a citizen who is not licensed in any healing art and one shall be a member of the staff of the University of Utah medical school.

(11) For practitioners of naturopathy, a committee of three members, each of whom shall be a graduate of a school of naturopathy of standing recognized by the department of registration.

(12) For practitioners of physical therapy, a committee of three members, each of whom shall be a licensed practitioner of physical therapy in this state and a graduate of an approved school of physical therapy.

(13) For osteopathic physicians and surgeons, a committee of three members each of whom shall be a graduate of a chartered college of osteopathy of recognized standing.

(14) For optometrists, a committee of three persons.

(15) For pharmacists, a committee of five pharmacists to be designated as Utah state board of pharmacy.

(16) For veterinarians, a committee of three veterinarians each of whom shall be a graduate of a college or university of standing recognized by the department of registration.

(17) For plumbers, a committee of five persons.

(18) For sanitarians, a committee of five persons, each of whom shall have had a minimum of five years' experience as a sanitarian.

(19) For persons engaged in, conducting, operating or maintaining in any home, residence or domiciliary facility the business of a nursing home, maternity home, the refuge care or maintenance of the needy, the care of the aged or infirm, for two or more nonrelated individuals, a committee of five certified operators, each of whom shall have had a minimum of five years' experience as a home operator.

(20) For psychologists, a committee of five psychologists.

Approved February 17, 1967.

CHAPTER 133

H. B. No. 85

(Passed February 17, 1967. In effect May 9, 1967)

UNAUTHORIZED PRACTICE BY PROFESSIONS

An Act Amending Section 58-1-37, Utah Code Annotated 1953, Relating to Unauthorized Practice or Engaging in Business of the Trades or Professions Subject to the Department of Registration.

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

Section 1. Section Amended.

Section 58-1-37, Utah Code Annotated 1953, is amended to read:

58-1-37. Unauthorized Practice by Professions.

Upon the filing of a verified petition by any committee or board representing any profession, trade or occupation under 58-1-5, the director shall conduct an administrative hearing to determine the facts alleged and shall issue his findings together with an appropriate order to restrain the unauthorized practice of a profession, trade or occupation.

Notice of any petition filed, rules of procedure for such hearing and recourse to the courts will be as set forth in 58-1-26 to 58-1-36, inclusive.

Subsequent to any such hearing, and if the findings so indicate, the director of registration may upon recommendation from the respective committee maintain an action in the district court to restrain any unauthorized person or one whose authority has been revoked or suspended from practicing or engaging in the business of any of the professions, trades or occupations subject to the department of registration.

Approved February 27, 1967.

CHAPTER 134

S. B. No. 151

(Passed February 17, 1967. In effect July 1, 1967)

DEPOSIT OF FEES

An Act Amending Sections 58-1-40, 58-1-41, and 58-1-43, Utah Code Annotated 1953, as Enacted by Chapter 116, Laws of Utah 1963; Providing for the Deposit of Fees Collected by the Department of Registration in the State's General Fund; Providing for the Transfer of Balance in Department of Registration Fund on July 1, 1967, to General Fund; and Providing for an Effective Date.

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

Section 1. Section Amended.

Section 58-1-40, Utah Code Annotated 1953, as enacted by Chapter 116, Laws of Utah 1963, is amended to read as follows:

58-1-40. Purpose of Act.

The purpose of this act is to safeguard the public health and safety and promote the public welfare by the supervision and administration of the professions, trades, and occupations under the jurisdiction of the department of registration, and to the enforcement of the law and regulations thereunder, pertaining to said professions, trades and occupations.

Section 2. Section Amended.

Section 58-1-41, Utah Code Annotated 1953, as enacted by Chapter 116, Laws of Utah 1963, is amended to read as follows:

58-1-41. Funds to Be Deposited in General Fund.

All fees collected by the department of registration shall be paid over to the state treasurer who shall credit the sums so collected to the general fund.

Section 3. Section Amended.

Section 58-1-43, Utah Code Annotated 1953, as enacted by Chapter 116, Laws of Utah 1963, is amended to read as follows:

58-1-43. Department to Prepare Budget.

The department of registration shall prepare and submit to the governor, to be included in his budget to be submitted to the legislature, a budget of the requirements for expenses of the department and for administration of this act for the biennium next following the convening of the legislature; provided, that the department of registration shall not be permitted to expend in excess of 90 percent of the amount of the fees collected in each fiscal year or the legislative appropriation, whichever is less.

Section 4. Transfer to General Fund.

The unexpended balance in said department of registration fund as of July 1, 1967, shall be transferred to the unappropriated surplus account of the general fund.

Section 5. Effective Date.

This act shall take effect July 1, 1967.

Approved March 21, 1967.

CHAPTER 135

H. B. No. 1

(Passed March 9, 1967. In effect May 9, 1967)

LICENSING ARCHITECTS

An Act Amending Sections 58-3-1, 58-3-2, 58-3-3, 58-3-4, 58-3-5, 58-3-6, and 58-3-7, Utah Code Annotated 1953, and Enacting Section 58-3-8, Utah Code Annotated 1953, Section 58-3-9, Utah Code Annotated 1953, and Section 58-3-10, Utah Code Annotated 1953; Relating to the Licensing of Architects.

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

Section 1. Sections Amended.

Sections 58-3-1, 58-3-2, 58-3-3, 58-3-4, 58-3-5, 58-3-6, and 58-3-7, Utah Code Annotated 1953, are amended to read as follows:

58-3-1. Qualifications.

Any person twenty-one years old who possesses the necessary qualifications hereinafter set forth may apply for a license to practice as an architect in this state.

58-3-2. Requirements from Applicants.

Each applicant for a license to practice architecture must produce satisfactory evidence of good moral character and pass a satisfactory examination under the rules and regulations of the department of registration and the architectural examining board.

58-3-3. Scope of Examination.

(a) The architectural examining board is authorized to formulate rules, regulations and bylaws within the meaning of this statute.

(b) The architectural examining board is authorized to prepare examinations within the meaning of this statute.

(c) Such examinations shall have special reference to the planning and design of buildings and their environs, and shall further test the knowledge of the applicant as to the strength of materials, building systems and functional design, and his ability to make practical application of such knowledge in the normal professional work of an architect and in compliance with applicable state laws on public health, safety and welfare.

58-3-4. Official Designation—Use—Limitations.

Any person granted such license by the department of registration will be registered to practice architecture and use the title "architect." No other person shall practice architecture or shall assume or use the title "architect" or any other words, letters or abbreviations indicating that the person using the same is an architect. Nothing in this act shall be construed to prohibit the use of the title "landscape architect" by qualified persons or to limit the practice of landscape architecture.

58-3-5. Seal.

Every licensed architect shall have a seal, the design and use of which shall be in compliance with the rules and regulations of the architectural examining board.

58-3-6. "Practicing Architecture" Defined.

(a) The practice of architecture is the rendering or offering to render any one or combinations of the following architectural services: Evaluation, consultation, preliminary studies, site planning, urban design, drawings, plans, specifications, construction administration, designs, aesthetic design with the primary purpose of providing space for human use wherein expert knowledge and skill are required in connection with the erection, enlargement or alteration of any building or buildings and their environs in which the safeguarding of public health, safety and welfare is concerned or involved. Said practice includes the doing of such engineering work as is incidental to the practice of architecture.

(b) Exempted hereunder are: (1) one, two, three or four family residences not exceeding two-stories in height, exclusive of basement, (2) farm buildings not for public use, and (3) generating plants, factories, mine buildings, mills, processing plants and refineries not for public use.

(c) Activities not considered practice of architecture.

1. Nothing in this act shall be construed as curtailing or extending the rights of any other craft or profession or preventing any one from employing or utilizing the services of any other craft or profession.

2. Nothing in this act shall be construed as curtailing draftsmen, clerks of the works, superintendents and other employees of registered architects or engineers, under provisions of this act from acting under the instructions, control or supervision of their architect or engineer employers.

3. Nothing in this act shall prevent any person from preparing plans, specifications for, or supervising the alteration or repairs to a building not exceeding 3,000 sq. ft. in total floor area when structural elements of a building are not changed, such as, foundations, beams, columns and structural slabs, joists, bearing walls, trusses, etc.

4. Nothing in this act shall prevent a person from personally preparing plans, specifications and supervising the construction of a non-residential building to be held in title by himself for his own use and (1) is not for rental, lease or for use by the public, or (2) for any use, where the total floor area does not exceed 2,000 square feet.

58-3-7. "Unprofessional Conduct" Defined.

The words "unprofessional conduct" as relating to architects are hereby defined to include:

(1) Lending the name or seal of a licensed architect to be used by another person who is not a licensed architect.

(2) Having a pecuniary interest in the performance of the contract for the work designed, planned or supervised by him without the knowledge and consent of the person employing him.

(3) Procuring any contract in the practice of his profession by fraud or misrepresentation.

(4) Failure to exercise reasonable care and skill in the rendering of architectural services.

(5) Dishonest acts done by him in the practice of his profession.

Section 2. Section Enacted.

Section 58-3-8, Utah Code Annotated 1953, is enacted to read as follows:

58-3-8. Architectural Services—Exclusions—Limitations.

Architectural services for public works, excluding buildings under 2,000 square feet of the state or a political subdivision thereof shall be prepared under the personal direction of a licensed architect; provided, however, that this provision shall not be construed to prevent engineers from doing architectural work on public works which is incidental to the practice of engineering.

Section 3. Section Enacted.

Section 58-3-9, Utah Code Annotated 1953, is enacted to read as follows:

58-3-9. Reinstatement of License—Fee.

The department of registration may reinstate a license that has expired or has been revoked for nonpayment of renewal fees upon the payment of all annual renewal fees during the period of expiration or revocation plus ten (10) dollars.

Section 4. Section Enacted.

Section 58-3-10, Utah Code Annotated 1953, is enacted to read as follows:

58-3-10. Violation a Misdemeanor.

Any person violating the provisions of this act shall be guilty of a misdemeanor.

Approved March 17, 1967.

CHAPTER 136

S. B. No. 5

(Passed February 2, 1967. In effect May 9, 1967)

LICENSING BARBERS

An Act Amending Sections 58-4-2, and 58-4-7 and 58-4-11, Utah Code Annotated 1953, Relating to the Licensing and Regulation of Barbers and Licensing of Teachers in Barber Schools.

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

Section 1. Section Amended.

Section 58-4-2, Utah Code Annotated 1953, is amended to read:

58-4-2. Requirements from Applicants.

Every applicant for a license to practice barbering must:

- (1) Produce satisfactory evidence of good moral character.
- (2) Be free from contagious or infectious disease (certified to by legally qualified physician).
- (3) Have either studied and practiced barbering for 18 months in this state as a registered apprentice under a licensed practicing barber

and having completed not less than 1250 hours of training in an accredited barber school, or have practiced barbering in another state for three years.

(4) Pass a satisfactory examination under the rules and regulations of the department of registration; provided, that if the applicant fails to qualify in workmanship or sanitary knowledge he may continue to practice, for six months, as an apprentice under a licensed barber when he shall again be examined by the department of registration upon payment of an additional fee of \$5. Upon failure to pass the second examination he may again continue to practice as an apprentice for six months under a licensed barber, when he shall again be examined at a regular examination given by the department of registration upon the payment of an additional fee of \$5, which examination shall be final unless the applicant thereafter completes 500 hours study and practice in a registered barber school in this state. An applicant must take the examination as established by the rules and regulations of the department of registration as a journeyman barber within four years after being licensed as an apprentice barber. Also, the department of registration may have authorization to issue a temporary permit upon the payment of a fee of \$2 to a barber licensed in another state for a period of time not to exceed three months, or until the results of the next examination have been posted. Anyone holding a permit who does not appear for the examination may not be issued another permit.

Section 2. Section Amended.

Section 58-4-7, Utah Code Annotated 1953 is amended to read:

58-4-7. Qualifications of Teachers—Renewal—Revocation of Certificates.

No person shall teach or be employed as teacher in any barber school in this state who at the time of rendering such service is not the holder of a certificate issued in accordance with the requirements of the department of registration.

Any person who makes application to obtain a certificate to teach in a barber school, must pass satisfactorily the barber teacher's examination conducted by the department of registration.

Teacher's certificates shall be renewed annually, on or before December 31 of each year, and failure thereof, of any teacher to apply for a renewal of his certificate on or before said date and showing proof of having spent at least thirty actual days during the past three years in teaching barbering, his certificate may be revoked by the department of registration.

Section 3. Section Amended.

Section 58-4-11, Utah Code Annotated 1953, is amended to read:

58-4-11. Student Apprentice Defined—Requirements.

A student is a person receiving instruction in a barber school as defined in this chapter. Any person may become a student in the manner prescribed in this section;

(1) Who furnishes to the department of registration a statement showing the name and place of the school where he will receive instruction and the date such instruction begins.

(2) Who has attained the age of seventeen years.

(3) Who can furnish to the department of registration a certificate from a licensed physician of this state dated not more than ten days prior to the date of his application attesting that he is free from any contagious or infectious disease.

An apprentice is a person receiving instruction from a licensed barber. Any person is qualified to receive a certificate of registration as a registered apprentice:

(1) Who is at least seventeen and one-half years of age.

(2) Who is of good moral character and temperate habits.

(3) Who has graduated from a school of barbering approved by the department of registration.

(4) Who has passed a satisfactory examination conducted by the department of registration to determine his fitness to practice as a registered apprentice.

(5) Who can furnish to the department of registration a certificate from a licensed physician of this state dated not more than ten days prior to the date of his application, attesting that he is free from any contagious or infectious disease.

An applicant for an apprentice license who fails to pass a satisfactory examination by the department of registration is required to complete a further course of study and practice of not less than five hundred hours, to be completed within six months, of not more than eight hours in any one working day in a school of barbering approved by the department of registration before being permitted to take another examination for that purpose.

The department of registration may have authorization to issue a temporary permit to practice as an apprentice barber, upon payment of the fee of \$2, to any person who has graduated from a barber school. Said permit shall allow the student to practice as an apprentice barber under a licensed journeyman barber until the results of the next apprentice examination have been posted. Anyone holding a permit who does not appear for the next scheduled examination shall forfeit the permit. This permit may be issued only once.

An apprentice may do any or all of the acts constituting the practice of barbering only when he is under the immediate supervision of a licensed barber, and only one apprentice barber shall be employed to each licensed barber, in any licensed shop at any one time.

Approved February 28, 1967.

CHAPTER 137

S. B. No. 71

(Passed March 8, 1967. In effect May 9, 1967)

PRACTICING MEDICINE DEFINED

An Act Amending Section 58-12-17, Utah Code Annotated 1953, as Amended by Chapter 101, Laws of Utah 1959, Relating to the Definition of the Term "Practicing Medicine" and Excepting Certain Practices from the Provisions of Said Section.

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

Section 1. Section Amended.

Section 58-12-17, Utah Code Annotated 1953, as amended by Chapter 101, Laws of Utah 1959, is amended to read as follows:

58-12-17. "Practicing Medicine" Defined—Exceptions.

Any person who shall diagnose, treat or profess to treat, or prescribe or advise for, any physical or mental ailment of, or any physical injury to, or any deformity of, another; or who shall operate upon another for any ailment, injury or deformity, shall be regarded as practicing medicine or treating human ailments. But nothing in this section shall be construed to include the following cases:

(1) The administration of domestic or family remedies in case of emergency.

(2) The practice of dentistry or dental surgery by any legally licensed dentist exclusively engaged in practicing dentistry and dental surgery.

(3) The practice of pharmacy by legally registered pharmacists.

(4) The treatment of the sick or suffering by prayer or other spiritual means without the use of any drug or material remedy.

(5) The practice of optometry by any legally licensed optometrist exclusively engaged in such practice.

(6) The practice of chiropody by any legally licensed chiropodist.

(7) The practice of medicine and surgery by any surgeon of the armed forces of the United States or of its Public Health Service, in the discharge of his official duties.

(8) The practice of physical therapy of a licensed physical therapist under the provisions of the Physical Therapy Practice Act.

(9) The practice of medicine and surgery by an individual who, after December 31, 1951, was licensed by another state or country to practice medicine in such state or country or who received the degree of doctor of medicine from a medical college in good standing in the United States or the District of Columbia or from a foreign medical college excluding communist controlled countries, recognized by the Education Council of Foreign Medical Graduates, and has passed an examination by such council, and who is regularly employed by the University of Utah Medical School upon its full time teaching staff while engaged in the performance of his duties and while he does not open an office or appoint a place to meet private patients or receive calls within this state.

Approved March 21, 1967.

CHAPTER 138

S. B. No. 132

(Passed March 7, 1967. In effect May 9, 1967)

EMERGENCY CARE

An Act Amending Section 58-12-23, Utah Code Annotated 1953, as Enacted by Chapter 135, Laws of Utah 1961; Relating to Relief of Physician from Liability for Emergency Care Rendered at the Scene of an Emergency; Providing Similar Relief for Nurses Licensed Under the Nurse Practice Act.

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

Section 1. Section Amended.

Section 58-12-23, Utah Code Annotated 1953, as enacted by Chapter 135, Laws of Utah 1961, is amended to read as follows:

58-12-23. No Civil Liability for Emergency Care by Licensee.

No person licensed under this chapter or under chapter 31 of title 58, Laws of Utah, who in good faith renders emergency care at the scene of the emergency, shall be liable for any civil damages as a result of any acts or omissions by such person in rendering the emergency care.

Approved March 10, 1967.

CHAPTER 139

H. B. No. 306

(Passed March 2, 1967. In effect May 9, 1967)

UNIFORM NARCOTICS DRUG ACT INCLUDING LSD

An Act Amending Section 58-13a-1, Utah Code Annotated 1953, of the Uniform Narcotic Drug Act, as Enacted by Chapter 94, Laws of Utah 1953, as Amended by Chapter 114, Laws of Utah 1955, Defining LSD-25 and Including LSD-25 in the Narcotic Act.

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

Section 1. Section Amended.

Section 58-13a-1, Utah Code Annotated 1953, as enacted by Chapter 94, Laws of Utah 1953, as amended by Chapter 114, Laws of Utah 1955, is amended to read:

58-13a-1. Definitions.

The following words and phrases, as used in this act shall have the following meanings, unless the context otherwise requires:

(1) "Persons" includes any corporation, association, copartnership or one or more individuals.

(2) "Physician" means a person authorized by law to practice medicine in this state and any other person authorized by law to treat sick and injured human beings in this state and to use narcotic drugs in connection with such treatment.

(3) "Dentist" means a person authorized by law to practice dentistry in this state.

(4) "Veterinarian" means a person authorized by law to practice veterinary medicine in this state.

(5) "Manufacturer" means a person who by compounding, mixing, cultivating, growing, or other process, produces or prepares narcotic drugs, but does not include an apothecary who compounds narcotic drugs to be sold or dispensed on prescriptions.

(6) "Wholesaler" means a person who supplies narcotic drugs that he himself had not produced nor prepared, on official written orders, but not on prescription.

(7) "Apothecary" means a licensed pharmacist as defined by the laws of this state and, where the context so requires, the owner of a store or other place of business where narcotic drugs are compounded or dispensed by a licensed pharmacist; but nothing in this act shall be construed as conferring on a person who is not registered nor licensed as a pharmacist any authority, right, or privilege, that is not granted to him by the pharmacy laws of this state.

(8) "Hospital" means an institution for the care and treatment of the sick and injured, approved by the department of registration as proper to be entrusted with the custody of narcotic drugs and the professional use of narcotic drugs under the direction of a physician, dentist, or veterinarian.

(9) "Laboratory" means a laboratory approved by the department of registration as proper to be entrusted with the custody of narcotic drugs and the use of narcotic drugs for scientific and medicinal purposes and for instruction.

(10) "Sale" includes barter, exchange, or gift, or offer therefor, and each such transaction made by any person, whether as principal, proprietor, agent, servant, or employee.

(11) "Coca leaves" includes cocaine and any compound, manufacture, salt derivative, mixture, or preparation of coca leaves, except derivatives of coca leaves which do not contain cocaine, ecgonine, or substance from which cocaine or ecgonine may be synthesized or made.

(12) "Opium" includes morphine, codeine, and heroin, and any compound, manufacture, salt derivative, mixture, or preparation of opium, but does not include apomorphine or any of its salts.

(13) "Isonipocaine" as used herein shall mean any substance identified chemically as 1-methyl-4-phenyl-piperidine-4-carboxylic acid ethyl ester, or any salt thereof, by whatever trade name designated.

"Amidone" shall mean any substance identified chemically as (4-4-diphenyl-4-dimethylamine-heptanone-3), or any salt thereof by whatever trade name designated.

"Isoamidone" shall mean any substance identified chemically as (4-4-diphenyl-5-methyl-6-dimethylamino-hexanone-3), or any salt thereof, by whatever trade name designated.

"Keto-Bemidone" shall mean any substance identified chemically as (4-3-hydroxyphenyl-1 methyl-4-piperidyl ethyl ketone hydrochloride) or any salt thereof, by whatever trade name designated.

(14) "Cannabis" includes all parts of the plant Cannabis Sativa L., whether growing or not; the seeds thereof; the resin extracted from any part of such plant; and every compound, manufacture, salt, derivative, mixture, or preparation of such plant, its seeds, or resin; but shall not include the mature stalk of such plant, fiber produced from such stalks, oil or cake made from the seeds of such plant, any other compound, manufacture, salt, derivative, mixture or preparation of such mature stalks (except the resin extracted therefrom), fiber, oil, or cake, or the sterilized seed of such plant which is incapable of germination.

(15) "LSD-25" shall mean any substance identified chemically as (Nn diethyl-Lysergamide (Lysergic acid) — Remington's Practice of Pharmacy), or (d-Lysergic acid diethylamide tartrate $C_{20} H_{25} N_3$).

(16) "Narcotic drugs" means coca leaves, opium, isonipecaine, amidone, isoamidone, keto-bemidone, cannabis, LSD-25, and every substance neither chemically nor physically distinguishable from them.

(17) "Federal narcotic laws" means the laws of the United States relating to opium, isonipecaine, amidone, isoamidone, keto-bemidone, coca leaves, and other narcotic drugs.

(18) "Official written order" means an order written on a form provided for that purpose by the United States commissioner of narcotics, under any laws of the United States making provisions therefor, if such order forms are authorized and required by federal law, and if no such order form is provided, then on an official form provided for that purpose by the department of registration.

(19) "Dispense" includes distribute, leave with, give away, dispose or deliver.

(20) "Registry number" means the number assigned to each person registered under the federal narcotic laws.

(21) "Vehicle" as used in this act means any vehicle or equipment used for the transportation of persons or things.

(22) "Transport" as used in this act, with reference to narcotics, includes "concealed," "conveyed" or "carry."

(23) "Owner" as used in this act, with reference to a vehicle, means any person having any right, title, or interest in it.

Approved March 7, 1967.

CHAPTER 140

S. B. No. 86

(Passed March 9, 1967. In effect May 9, 1967)

DRUG ABUSE LAW

An Act Enacting the Utah State Drug Abuse Control Law, Relating to Control in the Disbursing of Drugs Under the Drug Abuse Control Law and Vesting in the Department of Business Regulation in Conjunction with the Utah State Board of Pharmacy Authority to Pro-mulgate Regulations for Enforcement of This Act.

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

Section 1. Definitions.

For the purpose of this Act:

(a) The term "department" means the Utah department of business regulation in conjunction with Utah State Board of Pharmacy.

(b) The term "person" includes individual, partnership, corporation, and association.

(c) (1) The term "drug" means (A) articles recognized in the official United States Pharmacopoeia, official Homeopathic Pharmacopoeia of the United States, or official National Formulary, or any supplement to any of them; and (B) articles intended for use in the diagnosis, cure, mitigation, treatment or prevention of disease in man or other animals; and (C) articles (other than food) intended to affect the structure of any function of the body of man or other animals; and

(D) articles intended for use as a component of any article specified in clause (A), (B) or (C); but does not include devices or their components, parts, or accessories.

(2) The term "counterfeit drug" means a drug which, or the container or labeling of which, without authorization, bears the trademark, trade name, or other identifying mark, imprint, or device, or any likeness thereof, of a drug manufacturer, processor, packer, or distributor other than the person or persons who in fact manufactured, processed, packed, or distributed such drug and which thereby falsely purports, or is represented to be the product, or to have been packed or distributed by, such other drug manufacturer, processor, packer, or distributor.

(d) The term "depressant or stimulant drug" means:

(1) Any drug which contains any quantity of (A) barbituric acid or any of the salts of barbituric acid; or (B) and derivative of barbituric acid which has been designed under 502(d) of the Federal Act as habit-forming;

(2) Any drug which contains any quantity of (A) amphetamine: dl-methamphetamine; or any of their optical isomers; (B) any salt of amphetamine: dl-methamphetamine; or any salt of an optical isomer of amphetamine: dl-methamphetamine; or (C) any substance designated by regulations promulgated under the federal act as habit-forming because of its stimulant effect on the central nervous system.

(3) Any drug or derivative containing any quantity of d-Lysergic acid diethylamide commonly known as L.S.D.

(4) Any other drug which contains any quantity of a substance designated by regulations promulgated under the federal act as having a potential for abuse because of its depressant or stimulant effect of the central nervous system or its hallucinogenic effect.

(5) Depressant or stimulant drugs as exempt under the federal act or by regulation promulgated thereunder are exempt from the provisions of this act.

(e) The term "manufacture, compound or process" shall include re-packaging or otherwise changing the container, wrapper, or labeling of any drug package in the furtherance of the distribution of the drug from the original place of manufacture to the person who makes final delivery or sale to the ultimate consumer, and the term "manufacturers, compounders, and processors" shall be deemed to refer to persons engaged in such defined activities.

(f) The term "practitioner" means a physician, dentist, veterinarian, or other person licensed in this state or otherwise authorized by the laws of this state to prescribe or administer drugs which are subject to his act.

(g) The term federal act designates the federal food, drug, and cosmetic act 52 stat 1040 (1938) and all amendments, thereto.

Section 2. Acts Prohibited.

The following acts and the causing thereof are hereby prohibited:

(a) The manufacture, compounding, or processing of a drug in violation of section 6 (a).

(b) The sale, distribution, or other dispensation of a drug in violation of section 6 (b).

(c) The possession of or obtaining of drugs in violation of section 6 (c) or (d).

(d) The failure to prepare or obtain, or the failure to keep a complete or accurate record with respect to any drug as required in section 6 (e).

(e) The refusal to permit access to or the copying of any record as required in section 6 (e).

(f) The refusal to permit entree or inspection of records as required in section 6 (e).

(g) The filling or refilling of any prescription in violation of section 6 (f).

(h) Making, selling, disposing of, or keeping in possession, control, or custody, or concealing any punch, die, plate, stone, or other thing designed to print, imprint, or reproduce the trademark, trade name, or other identifying mark, imprint, or device of another or any likeness of any of the foregoing upon any drug or container or labeling thereof so as to render such drug a counterfeit drug.

(i) The doing of any act which causes a drug to be a counterfeit drug, or the sale or dispensing, or the holding for sale or dispensing, of a counterfeit drug.

Section 3. Application to District Court for Restraining Injunction.

In addition to the remedies hereinafter provided the department of business regulation is hereby authorized to apply to the district court for, and such court shall have jurisdiction upon hearing and for cause shown, to grant a temporary or permanent injunction restraining any person from violating any provision of Section 2; irrespective of whether or not there exists an adequate remedy at law.

Section 4. Violation a Misdemeanor.

(a) Any person who violates any of the provisions of Section 2 shall be guilty of a misdemeanor and shall on conviction thereof be subject to imprisonment for not more than one year or a fine of not more than one thousand dollars or both such imprisonment and fine; but if the violation is committed after a conviction of such person under this section has become final, such person shall be subject to imprisonment for not more than three years or a fine of not more than five thousand dollars or both such imprisonment and fine: Provided, however, that any person who, having attained his 18th birthday, violates section 2 (b) by selling, delivering, or otherwise disposing of any depressant or stimulant drug to a person who has not attained his 21st birthday shall, if there be no previous conviction of such person under this section which has become final, be subject to imprisonment for not more than three years, or a fine of not more than five thousand dollars or both such imprisonment and fine, and for the second or/any subsequent conviction for such violation shall be subject to imprisonment for not more than ten years, or a fine of not more than five thousand dollars or both such imprisonment and fine.

(b) No person shall be subject to the penalties of subsection (a) of this section, for having violated sections 2 (h) and (i) if such person acted in good faith and did not know or believe that use of the punch, die, plate, stone, or other thing involved would result in a drug being a counterfeit drug or for having violated section 2 (i) if the person

doing the act or causing it to be done acted in good faith and did not know or believe that the drug was a counterfeit drug.

Section 5. Seizure Without Warrant by Department.

(a) The following may be seized without warrant by a duly authorized agent of the department of business regulation whenever he has reasonable grounds to believe they are:

(1) a depressant or stimulant drug with respect to which a prohibited act within the meaning of section 2 has occurred, (2) a drug that is a counterfeit, (3) a container of such depressant or stimulant drug or of a counterfeit drug, (4) equipment used in manufacturing, compounding, or processing a depressant or stimulant drug with respect to which drug a prohibited act within the meaning of section 2 has occurred, (5) any punch, die, plate, stone labeling container or other thing used or designed for use in making a counterfeit drug or drugs, and (6) any conveyance being used to transport, carry or hold a depressant or stimulant drug, or counterfeit drug where such conveyance has been used to transport, carry or hold a depressant or stimulant drug or counterfeit drug and such use of the conveyance constitutes an integral part of a scheme, or plan to violate, or an operation in violation of section 2a, section 2b, or section 2h of the act.

As used in this paragraph the term "conveyance" includes every description of vehicle, vessel, aircraft, or other contrivance used, or capable of being used as a means of transportation on land, in water, or through the air.

(b) When an article, equipment, conveyance, or other thing is seized under section 5 (a), the department shall, within 5 days thereafter, cause to be filed in the district court in whose jurisdiction the merchandise is seized or detained a complaint for condemnation of such merchandise as herein provided. The proceedings shall be brought in the name of the state by the prosecuting attorney of the county in which the article was seized, and the complaint shall be verified by a duly authorized agent of the state in a manner required by the law of this state. The complaint shall describe the merchandise, state its location, state the name of the person, firm, or corporation in actual possession, state the name of the owner, if known to the duly authorized agent of the state, allege the essential elements of the violation which is claimed to exist, and shall conclude with a prayer of due process to enforce the forfeiture. Upon the filing of such a complaint, the court, shall promptly cause process to issue to the sheriff, commanding him to seize the goods described in the complaint and to hold the same for further order of the court. The sheriff shall at the time of seizure, serve a copy of said process upon the owner of said merchandise. Such service may be made personally, by mail, or by publication according to the rules governing the service of civil process in this state. At the expiration of 20 days after such seizure, if no claimant has appeared to defend said complaint, the court shall order the sheriff to dispose of said seized merchandise.

(c) Any person, firm, or corporation having an interest in the alleged article, equipment, or other thing proceeded against, or any person, firm, or corporation against whom a civil or criminal liability

would exist if said merchandise is in violation of section 2 of this act, may, within 20 days following the sheriff's seizure, appear and file answer or demurrer to the complaint. The answer or demurrer shall allege the interest or liability of the party filing it. In all other respects the issue shall be made up as in other civil actions.

(d) (1) Any article, equipment, conveyance or other thing condemned under this section shall, after entry of the decree, be disposed of by destruction or sale as the court may, in accordance with the provisions of this section direct and the proceeds thereof, if sold, less the legal costs and charges shall be paid to the treasurer of the state; but such article, equipment, or other thing shall not be sold under such decree contrary to provisions of this act.

(2) Whenever in any proceedings under this section the condemnation of any equipment or conveyance or other thing (other than a drug) is decreed, the court shall allow the claim of any claimant, to the extent of such claimant's interest, for remission or mitigation of such forfeiture if such claimant proves to the satisfaction of the court (A) that he has not committed or caused to be committed any prohibited act referred to in subparagraph (a) and has no interest in any drug referred to therein, (B) that he has an interest in such equipment or other thing as owner or lienor or otherwise, acquired by him in good faith, and (C) that he at no time had any knowledge or reason to believe that such equipment, or conveyance or other thing was being or would be used in, or to facilitate, the violation of the laws of this state relating to depressant or stimulant drugs or counterfeit drugs.

(e) When a decree of condemnation is entered against the article, equipment, conveyance or other thing, court costs and fees and storage and other proper expenses, shall be awarded against the person, if any, intervening as claimant of the article.

Section 6. Control Depressant and Stimulant Drugs—Persons Authorized to Dispense—Limitations.

(a) No person shall manufacture, compound or process in this state any depressant or stimulant drug, except that this prohibition shall not apply to the following persons whose activities in connection with any drug are as specified in this subsection:

(1) Manufacturers, compounders and processors, operating in conformance with the laws of this state relating to the manufacture, compounding or processing of drugs, who are regularly engaged in preparing pharmaceutical chemicals or prescription drugs for distribution through branch outlets, through wholesale druggists, or by direct shipment;

(A) to pharmacies or to hospitals, clinics, public health agencies or physicians for dispensing by registered pharmacists upon prescriptions, or for use by or under the supervision of practitioners licensed in this state to administer drugs in the course of their professional practice; or

(B) to laboratories or research or educational institutions for their use in research, teaching or chemical analysis.

(2) Suppliers (operating in conformance with the laws of this state relating to the manufacture, compounding or processing of drugs) of

manufacturers, compounders, and processors referred to in subparagraph (1).

(3) Wholesale druggists who maintain their establishments in conformance with state and local laws relating to the manufacture, compounding or processing of drugs and are regularly engaged in supplying prescription drugs (A) to pharmacies, or to hospitals, clinics, public health agencies, or physicians for dispensing by registered pharmacists upon prescription or for use by or under the supervision of practitioners licensed in this state to administer such drugs in the course of their professional practice, or (B) to laboratories or research or educational institutions for their use in research, teaching, or clinical analysis.

(4) Pharmacies, hospitals, clinics and public health agencies which maintain their establishments in conformance with state and local laws regulating the practice of pharmacy and medicine which are regularly engaged in dispensing drugs upon prescription of practitioners licensed in this state to administer such drugs for patients under the care of such practitioners in the course of their professional practice.

(5) Practitioners licensed in this state to prescribe or administer depressant or stimulant drugs, while acting in the course of their professional practice.

(6) Persons who use depressant or stimulant drugs in research, teaching or chemical analysis and not for sale.

(7) Officers and employees of this state, or of a political subdivision of this state or of the United States while acting in the course of their official duties.

(8) An employee or agent of any person described in paragraph (1) through paragraph (6) of this subsection, and a nurse or other medical technician under the supervision of a practitioner license by law in this state to administer depressant or stimulant drugs, while such employee, nurse, or medical technician is acting in the course of his employment or occupation and not on his own account.

(b) No person other than:

(1) a person described in subsection (a), while such person is acting in the ordinary and authorized course of his business, profession, occupation, or employment, or

(2) a common or contract carrier or warehouseman, or an employee thereof, whose possession of any depressant or stimulant drug or counterfeit drug is in the usual course of his business or employment as such, shall sell, deliver or otherwise dispose of any depressant or stimulant drug or counterfeit drug to any other person.

(c) No person, other than a person described in subsection (a) or subsection (b) (2) shall possess any depressant or stimulant drug unless (1) such drug was obtained upon a valid prescription, and is held in the original container in which such drug was delivered; or (2) such drug was delivered by a practitioner in the course of his professional practice and the drug is held in the immediate container in which such drug was delivered.

(d) No person other than a person described in subsection (a) (7) shall obtain or attempt to obtain a depressant or stimulant drug by (1) fraud, deceit, misrepresentation or subterfuge, (2) falsely assuming the

title of or representing himself to be a manufacturer, wholesaler, practitioner, pharmacist, owner of a pharmacy, or other persons authorized to possess stimulant or depressant drugs; (3) the use of a forged or altered prescription; or (4) the use of a false name or a false address on a prescription; provided this subsection shall not apply to drug manufacturers, their agents or employees, whom such manufacturers, their agents or employees are authorized to engage in and are actually engaged in investigative activities directed toward the safeguarding of said drug manufacturer's trademark.

(e) (1) Every person engaged in manufacturing, compounding, processing, selling, delivering or otherwise disposing of any depressant or stimulant drug shall, upon the effective date of this act, prepare a complete and accurate record of all stocks of each drug on hand and shall keep such record for three years; except that if this record has already been prepared in accordance with Section 511(d) of the federal act, no additional record shall be required provided that all records proposed under Section 511(d) of the federal act have been retained and are made available to the appropriate state agency upon request. When additional depressant or stimulant drugs are designated after the effective date of this act, a similar record must be prepared upon the effective date of their designation. On and after the effective date of this act, every person manufacturing, compounding, or processing any depressant or stimulant shall prepare and keep, for not less than three years, a complete and accurate record of the kind and quantity of each drug manufactured, compounded, or processed and the date of such manufacture, compounding, or processing; and every person selling, delivering, or otherwise disposing of any depressant or stimulant drug shall prepare or obtain, and keep for not less than three years, a complete and accurate record of the kind and quantity of each such drug received, sold, delivered, or otherwise disposed of, the name and address from whom it was received and to whom it was sold, delivered, or otherwise disposed of, and the date of such transaction.

(2) (A) Every person required by paragraph (1) of this subsection to prepare or obtain, and keep, records, and any carrier maintaining records with respect to any shipment containing any depressant or stimulant drug, and every person in charge, or having custody, of such records, shall, upon request of an officer or employee designated by the department permit such officer or employee at reasonable times to have access to and copy such records. For the purposes of verification of such records and of enforcement of this act, officers or employees designated by the department are authorized, to enter, at reasonable times, any factory, warehouse, establishment, or vehicle in which any depressant or stimulant drug is held, manufactured, compounded, processed, sold, delivered, or otherwise disposed of and to inspect, within reasonable limits and in a reasonable manner, such factory, warehouse, establishment, or vehicle, and all pertinent equipment, finished and unfinished material, containers and labeling therein, and all things therein (including records, files, papers, processes, controls, and facilities); and to inventory any stock of any such drug therein and obtain samples of any such drug.

(B) No inspection authorized by subparagraph (A) shall extend to (i) financial data, (ii) sales data other than shipment data, (iii) pricing data, (iv) personnel data, or (v) research data.

(3) The provisions of paragraphs (1) and (2) of this subsection shall not apply to a licensed practitioner described in subsection (a) (5) with respect to any depressant or stimulant drug received, prepared, processed, administered, or dispensed by him in the course of his professional practice, unless such practitioner regularly engages in dispensing any such drug or drugs to his patients for which they are charged, either separately or together with charges for other professional services.

(f) No prescription (issued before or after the effective date of this act) for any depressant or stimulant drug may be filled or refilled more than six months after the date on which such prescription was issued and no such prescription which is authorized to be refilled may be refilled more than five times, except that nothing in this act shall be construed as preventing a practitioner from issuing a new prescription for the same drug either in writing or orally. Any oral prescription for such drug shall be promptly reduced to writing on a new prescription blank and filed by the pharmacist filling it.

(g) Notwithstanding the other provisions of this act, whenever the possession, sale, transfer, or dispensing of any drug or substance would constitute an offense under this act and also constitutes an offense under the laws of this state relating to the possession, sale, transfer, or dispensing of narcotic drugs or marijuana, such offense shall not be punishable under this act but shall be punishable under such other provision of law.

Section 7. Department—Powers—Duties.

(a) Any officer or employee of the department of business regulation designated by the department to conduct examinations, investigations, or inspections under this act relating to depressant or stimulant drugs or to counterfeit drugs may, when so authorized by the department:

- (1) execute and serve search warrants and arrest warrants;
- (2) execute seizure by process issued pursuant to Section 5;
- (3) make arrests without warrant for offenses under this act with respect to such drugs if the offense is committed in his presence or, in the case of felony, if he has probable cause to believe that the person so arrested has committed, or is committing, such offense; and,
- (4) make, prior to the institution of liberal proceedings under Section 5 (b), seizures of drugs or containers or conveyances or of equipment, punches, dies, plates, stone, labeling, or other things, if they are, or he has reasonable grounds to believe that they are, subject to seizure and condemnation under section 5.

Section 8. Department Authorized Issue Regulations.

The authority to promulgate regulations for the efficient enforcement of this act is hereby vested in the department of business regulation who is hereby authorized to make the regulations promulgated under this act conform, in so far as practicable with those promulgated under the federal act.

Section 9. Savings Clause.

If any provision of this act is declared unconstitutional or the applicability thereof to any person or circumstances is held invalid, the constitutionality of the remainder of the act and applicability thereof to other persons and circumstances shall not be affected thereby.

Approved March 31, 1967.

CHAPTER 141

S. B. No. 78

(Passed March 9, 1967. In effect May 9, 1967)

NARCOTICS—POSSESSION AND USE

An Act Amending the Uniform Narcotic Drug Act by Amending Sections 58-13a-29 and 58-13a-31, Utah Code Annotated 1953, as Enacted by Chapter 94, Laws of Utah 1953, and by Enacting Section 58-13a-31.1, Utah Code Annotated 1953, Relating to Narcotics and Their Control; Providing for Seizure of Contrivances for Use of Narcotics and for Violations of This Act for Possession of Same, and for Visiting or Maintaining a Place for Usage of Narcotics.

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

Section 1. Section Amended.

Section 58-13a-29, Utah Code Annotated 1953, as enacted by Chapter 94, Laws of Utah 1953, is amended to read as follows:

58-13a-29. Narcotic and Habit-forming Drugs—Seizure and Disposition.

All narcotic drugs, or other habit-forming drugs, depressants or stimulants as defined in this act, and also all pipes, or any other device, contrivance, instrument and all paraphernalia used for smoking or using opium or marijuana, or any other narcotic, and the usual attachments thereto, and extracts, tinctures and other narcotic preparation of hemp or loco weed, their preparations or compounds, may be seized by any peace officer; and in aid of such seizure a search warrant may be issued in the manner and form prescribed in the Code of Criminal Procedure. All such narcotic drugs and pipes and other contrivances and their usual attachments and all such hemp seized under the provisions of this act shall, by the judge of the court in which final conviction is had, be ordered turned over to the department of registration for disposition; provided, the department of registration shall destroy all such contrivances coming into its possession and all narcotics or other habit-forming drugs, coming into its possession.

Section 2. Section Amended.

58-13a-31, Utah Code Annotated 1953, as enacted by Chapter 94, Laws of Utah 1953, is amended to read as follows:

58-13a-31. Place Resorted to for Use of Narcotics—Nuisance.

Any store, shop, warehouse, dwelling house, building, vehicle, boat, aircraft, or any place whatever, which is resorted to by narcotic drug addicts for the purpose of using narcotic drugs or other habit-forming drugs, or which is used for illegal keeping or selling of same, shall be

deemed a common nuisance. No person shall open, keep or maintain any such place.

Section 3. Section Enacted.

Section 58-13a-31.1, Utah Code Annotated 1953, is enacted to read as follows:

58-31a-31.1. Prohibited Use of Narcotics Defined.

No person shall possess an opium or marijuana pipe or any other device, contrivance, instrument or paraphernalia used in unlawfully smoking or using any narcotic, nor shall any person visit or be in any room or place where any narcotics are unlawfully being smoked or used with knowledge that such activity is occurring.

Approved March 21, 1967.

CHAPTER 142

S. B. No. 84

(Passed March 9, 1967. In effect May 9, 1967)

POWERS OF INSPECTORS DEPARTMENT OF REGISTRATION

An Act Amending Section 58-13a-43, Utah Code Annotated 1953, Relating to the Establishment of Limited Powers for the Agents and Inspectors of the Department of Registration.

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

Section 1. Section Amended.

Section 58-13a-43, Utah Code Annotated 1953, is amended to read:

58-13a-43. Enforcement of Act—Forfeiture of Vehicle—Notice of Seizure and Forfeiture—Procedure.

It is hereby made the duty of the department of registration, its officers, agents, inspectors, and representatives, and of all peace officers within the state and of all county attorneys, to enforce all provisions of this act, except those specifically delegated, and to cooperate with all agencies charged with the enforcement of the laws of the United States, of this state, and of all other states relating to narcotic drugs.

Such agents or inspectors of the department of registration shall be given the oath of office by the clerk of the Supreme Court of the state of Utah and shall have the power to arrest and to bring about prosecutions of violations of any provisions of this title, to serve criminal process, and shall have the right to require aid in the execution of their duties from any state, county and city police officers. The powers and duties hereby conferred upon such agents or inspectors shall extend throughout the state.

A vehicle used to unlawfully transport any narcotic, or in which any narcotic is unlawfully kept, deposited or concealed, or in which any narcotic is unlawfully possessed by an occupant thereof, shall be forfeited to the state.

Any peace officer of this state, upon making or attempting to make an arrest for a violation of this act, shall seize any vehicle used to

unlawfully transport any narcotic, or in which any narcotic is unlawfully kept, deposited or concealed, or in which any narcotic is unlawfully possessed by an occupant thereof, and shall immediately deliver such vehicle to the finance commission of the state of Utah to be held as evidence until a forfeiture has been declared or a release ordered.

Notice of seizure and intended forfeiture proceeding shall be filed with the county clerk and shall be served on all owners. Notice shall be given to each according to one of the following methods:

(a) Upon each owner whose right, title, or interest is of record in the motor vehicle division, by mailing a copy of the notice by registered mail to the address as given upon the records of the motor vehicle division.

(b) Upon each owner whose name and address is known, to the last known address of the owner.

(c) Upon all other owners, whose addresses are unknown, but who are believed to have an interest in the vehicle, by one publication in a newspaper of general circulation in the county where the seizure was made.

Within twenty days after the mailing or publication of the notice, the owner of the vehicle may file a verified answer to the fact of the use of the vehicle alleged in the notice of seizure and of the intended forfeiture proceeding.

No extensions of time shall be granted for the purpose of filing the answer.

If at the end of twenty days after the notice has been mailed or published there is no verified answer on file, the court shall hear evidence upon the fact of the unlawful use and shall, upon motion, order the vehicle forfeited to the state.

If a verified answer is filed, the forfeiture proceeding shall be set for hearing on a day not less than thirty days therefrom, and the proceeding has priority over other civil cases.

Notice of the hearing shall be given in the same manner as provided for service of notice of seizure.

At the hearing, any owner who has a verified answer on file may show by competent evidence that the vehicle was not used to transport narcotics, or that narcotics were not unlawfully possessed by an occupant of the vehicle.

The claimant of any right, title, or interest in the vehicle may prove his lien, mortgage, or conditional sales contract to be bona fide and that his right, title, or interest was created after a reasonable investigation of the moral responsibility, character, and reputation of the purchaser, and without any knowledge that the vehicle was being, or was to be, used for the purpose charged.

No person claiming a lien pursuant to title 4 (41), chapter 1, article 4 of the Motor Vehicle Act shall be required to prove that his right, title, or interest was created after any investigation of the moral responsibility, character, and reputation of the owner, purchaser, or person in possession of the vehicle when it was brought to the claimant.

In the event of such proof, the court shall order the vehicle released to the bona fide or innocent owner, lien holder, mortgagee, or vendor

if the amount due him is equal to, or in excess of, the value of the vehicle as of the date of seizure, it being the intention of this section to forfeit only the right, title, or interest of the purchaser.

If the amount due to such person is less than the value of the vehicle, the vehicle shall be sold at public auction by the department of finance.

The department of finance shall publish a notice of the sale by one publication in a newspaper published and circulated in the city, community, or locality where the sale is to take place.

In all cases where a vehicle seized under the provisions of this act is forfeited to the state and turned over to and sold by the department of finance, the proceeds of the sale shall be distributed as follows, in the order indicated:

(a) To the bona fide or innocent purchaser, conditional sales vendor, or mortgages (mortgagees) of the vehicle, if any, up to the amount of his interest in the vehicle, when the court declaring the forfeiture orders a distribution to such person.

(b) The balance, if any, to accumulate, and, from time to time, as the proceeds become sufficient, to be distributed:

1. To the department of finance for all expenditures made or incurred by it in connection with the sale, including expenditure for any necessary repairs, storage, or transportation, of any vehicle seized under this act.

2. To the attorney general for all expenditures made or incurred by him in connection with the forfeiture proceedings of any vehicle seized under this act, including but not limited to, expenditures for witness fees, reporters' fees, transcripts, printing, traveling and investigation.

3. To the registration department for all expenditures for traveling, investigation, storage, and other expenses made or incurred by the department after the seizure, and in connection with the forfeiture of any vehicle seized under this article.

4. The remainder, if any, to the state treasury, for credit to the general fund.

In any case the department of finance may, within thirty days after judgment, pay the balance due to the bona fide or innocent purchaser, lien holder, mortgagee, or vendor and purchase the vehicle for the state.

If the court finds that the vehicle was not used to transport narcotics, the court shall order the vehicle released to the owner as his right, title, or interest appears of record in the motor vehicle division as of the date of the seizure.

When a vehicle has been ordered forfeited to the state, it shall be turned over to the department of finance, which shall deliver to the registration department such forfeited vehicles as may be needed by the department to enforce the provisions of this division.

The provisions of this act relative to forfeiture of vehicles do not apply to a common carrier or stolen automobiles, or to an employee acting within the scope of his employment in the enforcement of this act.

Approved March 21, 1967.

CHAPTER 143

H. B. No. 14

(Passed February 14, 1967. In effect May 9, 1967)

REGISTRATION OF SANITARIANS

An Act Amending Sections 58-20-2, 58-20-3, and 58-20-4, Utah Code Annotated 1953, Relating to Registration of Sanitarians, to Upgrade the Educational Qualifications of Registered Sanitarian Applicants.

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

Section 1. Sections Amended.

Sections 58-20-2, 58-20-3, and 58-20-4, Utah Code Annotated 1953, are amended to read:

58-20-2. Qualifications of Registered Sanitarian.

Any person holding a license or certificate of registration to practice sanitation as a registered sanitarian heretofore issued by the department which is valid on the effective date of this act shall thereafter be deemed to be licensed as a registered sanitarian.

58-20-3. Application for License—Qualifications of Applicant—Examination.

An applicant for a license to practice as a registered sanitarian shall submit to the committee written evidence, verified by oath that the applicant:

- (1) Is twenty-one (21) years of age or more;
- (2) Is a citizen of the United States or has legally declared intention of becoming a citizen;
- (3) Is of good moral character;
- (4) Is in good physical and mental health;
- (5) Meets educational qualifications as follows:

a. Graduate with a baccalaureate, or higher degree from an accredited college or university, who has satisfactorily completed at least forty-five (45) quarter hours, or thirty (30) semester hours, of academic work in the basic natural sciences.

The applicant shall also be required to pass a written or oral examination as determined by the committee. Upon satisfactory completion of these requirements, the committee shall recommend that a license to practice as a registered sanitarian be issued to the applicant, and the department shall issue such license.

58-20-4. Unlawful to Practice Without Registration.

It shall be unlawful for any person to engage actively as or to represent himself as a sanitarian without being duly registered with the department of registration.

Approved February 17, 1967.

CHAPTER 144

S. B. No. 165

(Passed February 17, 1967. In effect July 1, 1967)

DEPOSIT OF FEES—ENGINEERS' LICENSES

An Act Amending Section 58-22-9, Utah Code Annotated 1953, as Enacted by Chapter 118, Laws of Utah 1955; Providing for the Deposit of Fees Received by the Department of Registration in Respect to Engineers and Land Surveyors in the General Fund; Providing for a Change in the Source of Payment of Expenses of the Committee on Engineers and Land Surveyors and Other Related Expenses and for a Budget Covering Same; Providing a Limitation Upon the Amount the Committee May Expend in a Fiscal Year and for the Transfer of the Balance in the Engineers' and Land Surveyors' Fund as of July 1, 1967, to the General Fund; and Providing for an Effective Date.

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

Section 1. Section Amended.

Section 58-22-9, Utah Code Annotated 1953, as enacted by Chapter 118, Laws of Utah 1955, is amended to read:

58-22-9. Deposit of Funds to General Fund — Prepare Budget for Governor.

The director shall receive and account for all moneys derived under the provisions of this act, and shall pay the same monthly to the state treasurer to be deposited in the state's general fund. The expenses of the committee and the expenses incurred in enforcing and administering this act, including the expenses of the committee's delegates to annual conventions of, and members' dues to, the National Council of State Boards of Engineering Examiners, shall be provided for by legislative appropriations from the state's general fund. The director shall prepare and submit to the governor, to be included in his budget to be submitted to the legislature, a budget of the requirements for the expenses of the committee and for administration of this act for the biennium next following the convening of the legislature; provided that no more than 90 percent of the amount of fees collected in each fiscal year or the legislative appropriation, whichever is less, shall be expended for the purposes of this act.

Section 2. Transfer to General Fund.

The unexpended balance in said engineers' and land surveyors' fund as of July 1, 1967, shall be transferred to the unappropriated surplus account of the general fund.

Section 3. Effective Date.

This act shall take effect July 1, 1967.

Approved March 21, 1967.

CHAPTER 145

H. B. No. 69

(Passed February 16, 1967, In effect May 9, 1967)

CONTRACTORS' LICENSE

An Act Amending Section 58-23-1, Utah Code Annotated 1953, as Amended by Chapter 137, Laws of Utah, 1961 Relating to the Contracting Business and the Requirement to Be Licensed Therefore, and Providing That Submitting of Bids Is an Additional Primafacie Evidence of Engaging in the Business of Contracting.

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

Section 1. Section Amended.

Section 58-23-1, Utah Code Annotated 1953, as amended, is amended to read:

58-23-1. License Required—Building Permit—Primafacie Evidence of Contracting.

It shall be unlawful for any person, firm, co-partnership, corporation, association, or other organization, or any combination of any thereof, to engage in the business or act in the capacity of contractor within this state without having a license therefore as herein provided, unless such person, firm, co-partnership, corporation, association, or other organization is particularly exempted as provided in this act. Evidence of the securing of any construction or building permit from a governmental agency, or the employment of any person on a construction project, or the offering of any bid to do the work of a contractor as herein defined, shall be accepted in any court of the state of Utah as primafacie evidence of engaging in the business or acting in the capacity of a contractor.

Approved February 20, 1967.

CHAPTER 146

S. B. No. 166

(Passed February 17, 1967, In effect July 1, 1967)

DEPOSIT OF FEES—CONTRACTORS' LICENSE

An Act Amending Section 58-23-6, Utah Code Annotated 1953, as Enacted by Chapter 115, Laws of Utah 1957, and Section 58-23-12, Utah Code Annotated 1953, as Amended by Chapter 115, Laws of Utah 1957, as Amended by Chapter 139, Laws of Utah 1961; Relating to Fees Collected by Department of Contractors and Disposition of Same; Changing the Source of Compensation of Members of the Contractors' Advisory Board; Providing for the Deposit of Fees Collected by the Administrator of the Department of Contractors in the General Fund; Providing for a Limitation Upon the Department of Contractors in Respect to Expenditures During a Fiscal Year and Transferring the Balance in the Contractors' Fund as of July 1, 1967, to the General Fund; and Providing an Effective Date.

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

Section 1. Section Amended.

Section 58-23-6, Utah Code Annotated 1953, as enacted by Chapter 115, Laws of Utah 1957, is amended to read as follows:

58-23-6. Advisory Board—Members—Appointment—Terms—Compensation—Quorum.

There is hereby created an advisory board to consist of five members to be appointed by the governor as herein provided, which board shall assist and advise the administrator in the administration and enforcement of this act and shall prepare examinations and shall from time to time review them for the purpose of assisting the administrator in qualifying applicants for licenses in accordance with the provisions of this act. Of the members first appointed the term of two shall expire July 1, 1958, and the term of two shall expire July 1, 1959, and the term of one shall expire July 1, 1960. Their successors shall be appointed for terms of three years each. Each advisory board member shall hold office until his successor is appointed and qualified. One member of the advisory board shall be selected from among licensed general engineering contractors; two members shall be selected from among licensed general building contractors, one of whom shall be a home builder; one member shall be selected from among licensed specialty contractors; and one member shall be selected who is not directly or indirectly connected with the contracting business. The members of the advisory board shall be entitled to be compensated at the rate of \$15 per day for the days actually attending meetings and carrying on official work of the advisory board, but in no event shall they be entitled to or receive more than twelve days pay in any one fiscal year. They shall also be entitled to their reasonable traveling expenses incurred in the performance of their duties. A majority of the members of the advisory board shall constitute a quorum, which quorum, at any meeting of the board duly called by the administrator, shall have full and complete power to act upon and resolve in the name of the advisory board any matter, thing or question referred to it by the administrator, or which by reason of any provision of this act it has power to determine.

Section 2. Section Amended.

Section 58-23-12, Utah Code Annotated 1953, as enacted by Chapter 115, Laws of Utah 1957, as amended by Chapter 139, Laws of Utah 1961, is amended to read as follows:

58-23-12. Fees Deposited in General Fund—Prepare Budget.

All fees collected by the administrator hereunder shall be paid over to the state treasurer who shall credit the same to the state's general fund. The department of contractors shall prepare and submit to the governor, to be included in his budget to be submitted to the legislature, a budget of the requirements for the administrative expenses of the department in carrying out the provisions of law for the biennium next following the convening of the legislature; provided, the department of contractors shall not be permitted to expend in excess of 90 percent of the amount of fees collected in each fiscal year or the legislative appropriation, whichever is less.

Section 3. Transfer to General Fund.

The unexpended balance in said contractors' fund as of July 1, 1967, shall be transferred to the unappropriated surplus account of the general fund.

Section 4. Effective Date.

This act shall take effect July 1, 1967.

Approved March 21, 1967.

CHAPTER 147

H. B. No. 67

(Passed March 9, 1967. In effect May 9, 1967)

ACCOUNTING OF PAYMENTS TO MATERIALMEN

An Act Enacting a New Section to Be Known as Section 58-23-14.5, Utah Code Annotated 1953, Relating to the Contracting Business and Providing That Owners and Contractors Shall Make an Accounting of Payments Made to Materialmen's Accounts and Subcontractor's Accounts When More Than One Contractor Is Involved or Where an Open Account Is Maintained Identifying Which Contract and in What Amounts Said Payment Is to Be Applied; and Further Providing That It Shall Be a Duty of Any Subcontractor or Materialman to Demand from the Contractor or Owner a Designation of the Account or Accounts to Which Such Payment Is to Apply, and that Failure to Demand Will Constitute a Defense in the Owner or Contractor Should Such Materialmen Bring an Action to Foreclose a Lien that Relates to Such Payment.

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

Section 1. Section Enacted.

Section 58-23-14.5 is enacted to read as follows:

58-23-14.5. Designation of Account In Payment for Materials or Labor.

Any owner or contractor in making any payment to a materialman, contractor, or subcontractor with whom he has a running account, or with whom he has more than one contract, or to whom he is otherwise indebted, shall designate the contract under which the payment is made or the items of account to which it is to be applied.

When a payment for materials or labor is made to a subcontractor, or materialman, such subcontractor or materialman shall demand of the person making such payment a designation of the account and the items of account to which such payment is to apply. In any case where a lien is claimed for materials furnished or labor performed by a subcontractor or materialman, it shall be a defense to such claim that a payment made, by the owner to the contractor for such materials has been so designated, and paid over to such subcontractor or materialman, and that when such payment was received by such subcontractor or materialman he did not demand a designation of the account and of the items of account to which such payment was to be applied.

Approved March 16, 1967.

CHAPTER 148

H. B. No. 161

(Passed March 9, 1967. In effect May 9, 1967)

SPRINKLER AND IRRIGATION FITTING LICENSE

An Act Relating to the Business of Sprinkler and Irrigation Fitting Providing for Qualification and Examination, Licensing, Regulating the Business of Sprinkler and Irrigation Fitting; Definitions, Temporary Permits, Registration, Supervision by the Department of Business Regulation and the State Plumbing Inspector with the Duties and Qualifications of Said Inspector; Exemption from the Act of Owners and Lessees.

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

Section 1. Qualifications for Certificates.

Any person, eighteen years old, or over, who possesses the necessary qualifications may apply for a certificate to engage in the trade of sprinkler and irrigation fitting in this state.

Section 2. Training—Examination.

(a) Each applicant for a certificate to engage in the trade of sprinkler and irrigation fitting as a journeyman sprinkler and irrigation fitter, must produce satisfactory evidence that he has completed at least 18 months of training as an apprentice sprinkler and irrigation fitter under a duly licensed sprinkler and irrigation contractor, and is of good moral character, and pass a satisfactory examination under the rules and regulations of the department of registration.

Section 3. Scope of Examination.

The examination administered by the plumbers examining board, shall be reasonable, and shall have special reference to the installation, maintenance and repair of sprinkler and irrigation systems in the state of Utah, and shall test the practical knowledge of the applicant as to the recognized principles of sprinkler and irrigation system installation, maintenance and repair; the state law, local ordinances, or rules and regulations of the state board of health relating thereto; and as to his practical ability to perform the mechanical work of the trade of sprinkler and irrigation fitting.

Section 4. Exhibit Certificate.

Any person, duly registered as a journeyman or apprentice sprinkler and irrigation fitter, shall exhibit the certificate upon demand.

Section 5. Definitions.

The words and phrases used in this chapter are defined as follows:

(a) "Journeyman Sprinkler and Irrigation Fitter." A person who has passed the examination herein provided and whose name is duly registered with the department of registration as a journeyman sprinkler and irrigation fitter.

(b) "Apprentice Sprinkler and Irrigation Fitter." A person who is learning the trade of sprinkler and irrigation fitting under the immediate supervision and instruction of a journeyman sprinkler and

irrigation fitter, and whose name is duly registered with the department of registration as an apprentice sprinkler and irrigation fitter.

(c) "Trade of Sprinkler and Irrigation Fitting." The performing of any mechanical work pertaining to the installation, alteration, change, repair, removal and maintenance of exterior pipes, potable water pipe line branch connections, backflow preventers, valves, sprinkler heads and fittings for the sprinkling and irrigation of grounds, crops, lawns, gardens, etc., except that this shall not apply to exemptions allowed by the plumbing code and to irrigation systems connected with agricultural irrigation and which are not connected to the potable water supply system.

Section 6. Unlawful to Practice Without Certificate.

It shall be unlawful for any person to engage actively in and to hold himself out as engaging in the trade of sprinkler and irrigation fitting in the state of Utah without being duly registered with the department of registration as journeyman or apprentice sprinkler and irrigation fitter as herein provided.

Section 7. Apprentice Sprinkler and Irrigation Fitter.

It shall be unlawful for an apprentice sprinkler and irrigation fitter to engage in the trade of sprinkler and irrigation fitting except under the immediate supervision and in accordance with the instruction of a journeyman sprinkler and irrigation fitter present in the same building or in the premises thereabouts. No journeyman sprinkler and irrigation fitter shall have under his immediate supervision at any one time more than one apprentice sprinkler and irrigation fitter.

Section 8. Unprofessional Conduct Defined.

The words "unprofessional conduct" are hereby defined to include the following acts:

(a) As relating to journeyman sprinkler and irrigation fitters:

(1) To install, repair or maintain any sprinkler and irrigation system, or in any manner to engage in the trade of sprinkler and irrigation fitting, contrary to and in violation of, any applicable state statute, local ordinance, rule or regulation of the state board of health, or to allow any apprentice sprinkler and irrigation fitter, working under his supervision and instruction to do so.

(2) To lend, or allow another person to use his certificate, or name, for the purpose of unlawfully engaging in the trade of sprinkler and irrigation fitting.

(3) To violate Section 4 or 7 of this chapter.

(b) As relating to apprentice sprinkler and irrigation fitters:

(1) To lend, or allow another person to use his certificate, or name, for the purpose of unlawfully engaging in the trade of sprinkler and irrigation fitting.

(2) To violate section 4 or 7 of this chapter.

Section 9. Board of Health to Assist Department of Registration.

The state board of health shall assist the director of the department of registration in relation to sprinkler and irrigation fitters and the trade of sprinkler and irrigation fitting. The department of registra-

tion shall appoint an inspector (who, for the purposes of this shall be the state plumbing inspector) whose duties shall be to enforce the state plumbing code and other rules and regulations of the state board of health as the same relate to the trade of sprinkler and irrigation fitting. The state plumbing inspector so assigned shall be an employee of the department of registration and shall be given such assistance by the said board of health as is necessary to carry out his duties. He must have had at least five years experience as a journeyman plumber. His salary shall be fixed by the board of examiners.

Section 10. This Act Does Not Repeal or Alter Present Practitioners.

This act shall not be interpreted to repeal, affect or alter, in any manner, the power of any city, town or other political subdivision, to license, tax or regulate sprinkler and irrigation fitters of the trade of sprinkler and irrigation fitting; except, that no further examination relating to the competency and skill of those engaged in the trade of sprinkler and irrigation fitting shall be required.

Section 11. Exemptions to Act.

Any owner, or lessee of property, or any person employed by an owner or lessee of property or his agents for the purpose of making new installations, operating or maintaining such property, shall be exempt from the provisions of this act, when doing work, upon such property for which a permit is not required by local ordinance.

Section 12. Fees.

The fees to be paid by applicants shall be as follows:

For the examination for journeyman sprinkler and irrigation fitters, \$10.00.

For the issuance of journeyman sprinkler and irrigation fitter's certificate, \$5.00.

For the issuance of the apprentice sprinkler and irrigation fitter's certificate, \$2.00.

For the renewal of a journeyman sprinkler and irrigation fitter's certificate, \$7.50; for the renewal of apprentice sprinkler and irrigation fitter's certificate, \$7.50.

Section 13. Temporary Permit.

(a) The department of registration, upon payment of the aforesaid examination fee, may issue a temporary permit, effective until August 1, 1967, or the date that the results of the first examination after the effective date of this act are determined, whichever is first, to any person to engage in the trade of sprinkler and irrigation fitting as a journeyman sprinkler and irrigation fitter, who furnishes satisfactory evidence that he is qualified to do so. In case of failure to appear for the next examination (except for sickness duly attested by a legally qualified physician, or other acceptable excuse presented at that time) said applicant's examination fee shall be forfeited.

(b) The department of registration, after the effective date of this act, shall give the within required examination no less frequently than every three months. Any applicant who fails said examination either for a journeyman sprinkler and irrigation fitter or for an apprentice

sprinkler and irrigation fitter, shall only be issued a temporary permit as an apprentice sprinkler and irrigation fitter upon a showing that he will, during the intervening three months until the next examination is given, be employed under the immediate supervision of a journeyman sprinkler and irrigation fitter.

Section 14. General Provisions of Title 58 Applicable.

The general provisions of Title 58, Utah Code Annotated 1953, including the prohibitions and penalties thereof, shall be applicable to the administration and enforcement of this act, in so far as they are not in conflict herewith.

Section 15. Journeymen Plumbers May Engage in Trade.

Journeyman plumbers duly licensed pursuant to Chapter 18 of Title 58, Utah Code Annotated 1953 as amended may, engage in the trade of sprinkler and irrigation fitting without being required to pay any additional license fee other than those required by said Chapter 18.

Section 16. Violation—Grounds for Suspension—Rules.

Any violation of this act by journeyman or apprentice sprinkler and irrigation fitters and in particular unprofessional conduct as defined in section 8 hereof, shall be grounds for suspension, revocation, or cancellation of license or temporary permit then issued by the department. In that connection, the hearing and appellate provisions of section 58-23-14 to 58-23-17 shall apply as though set out in this chapter in full.

Approved March 16, 1967.

REVENUE AND TAXATION

CHAPTER 149

H. B. No. 113

(Passed March 9, 1967. In effect May 9, 1967)

AD VALOREM TAX ON GOODS SHIPPED OUTSIDE OF UTAH

An Act Repealing and Reenacting Section 59-2-19, Utah Code Annotated 1953, as Enacted by Chapter 120, Laws of Utah 1965, Relating to the Ad Valorem Tax Exemption for Goods Sold or Shipped Outside of Utah, Eliminating the Formula Based Upon the Sales and Shipment Experience of the Prior Year; Providing for an Express Exemption for Goods Shipped Out of State During the Year in Question and the Mechanics for Administering Such Exemption.

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

Section 1. Section Amended.

Section 59-2-19, Utah Code Annotated 1953, as enacted by Chapter 120, Laws of Utah 1965, is repealed and reenacted to read:

59-2-19. Goods, Wares and Merchandise Held for Sale or Processing on January 1—Rules, Regulations and Forms—Reports by Taxpayers.

(1) On or before the 15th of January of each year, a wholesaler, distributor, processor, manufacturer or warehouseman seeking exemption under the provisions of this chapter shall prepare and submit to

the county assessor of the appropriate county, on a form to be provided by the State Tax Commission, a statement as to the goods, wares and merchandise presently eligible for exemption by the terms of this chapter in that county on January 1, m. and an estimate as to that portion of such goods, wares and merchandise which will be sold or shipped out of state during the succeeding twelve months. In determining whether or not there is sufficient security for taxes as provided in Section 59-10-4, the assessor shall consider as taxable personal property, not the total goods, wares or merchandise in question, but only that part not estimated to be sold or shipped outside of the state during the succeeding twelve months.

(2) Between the time that the above ascribed statement is filed and the 30th of November, the wholesaler, distributor, processor, manufacturer or warehouseman shall furnish to the county assessor such documentary evidence as the State Tax Commission shall by regulation prescribe to show which part of the goods, wares or merchandise in question were in fact shipped from the state prior to the 1st day of November. The county assessor, upon receiving such documentary evidence and being satisfied as to the validity thereof, shall compute the taxes due and owing on the basis of such evidence. In no event shall a wholesaler, distributor, processor, manufacturer or warehouseman be entitled to a greater exemption than he is able to substantiate by the submission of appropriate documentary evidence to the county assessor; if he fails to submit such evidence prior to November 30, he may be required to pay taxes upon the entire inventory of goods, wares or merchandise held on January 1, m.

(3) In the event any goods which were part of the January 1st inventory are sold or shipped outside of the state between November 1st and January 1st of the subsequent year the exemption these goods are entitled to may be secured by submission by the wholesaler, distributor, processor, manufacturer or warehouseman to the county assessor of the same type of documentary proof above described and the amount of exemption thereby earned may be claimed as a credit against the tax due in the subsequent year or, if the wholesaler, distributor, processor, manufacturer or warehouseman in question has ceased to do business in this state, may be claimed as a refund upon application to the county treasurer of the county in question at any time after the 1st day of January and before the 30th of November of the subsequent year.

(4) If the inventory eligible for exemption is fungible goods, and it is not possible to determine which particular part of that inventory is shipped to final destination outside the state within a twelve month period following January 1, m. it shall be presumed that that proportion of the eligible inventory shipped to final destination outside of the state between January 1, m. and November 1st is the same as that proportion of total goods, wares and merchandise shipped outside of the state within the same period; provided, however, the total exemption cannot exceed the total value shipped out of state during any given period. At any time after the completion of the calendar year for which exemption is being sought and November 30th of the subsequent year, an amended return must be filed, in such manner as the tax commission shall by regulation prescribe and any difference between the tax as computed

for the twelve month period and that paid as provided in this subsection will be charged or credited to the tax of the subsequent year. The state tax commission shall by regulation define and classify fungible goods and prescribe the type of documentary evidence necessary to claim this exemption. This subsection shall be deemed severable from the remainder of the act, and if it is determined to be for any reason invalid or unconstitutional, the remainder of the act shall not be invalidated but shall continue in full force and effect.

Approved March 21, 1967.

CHAPTER 150

H. B. No. 129

(Passed March 9, 1967. In effect May 9, 1967)

PROPERTY TAKEN BY EMINENT DOMAIN

An Act Enacting Section 59-5-3.5, Utah Code Annotated 1953, Providing for the Pro Rata Application of Ad Valorem Property Tax on Property Taken by Eminent Domain or by a Right of Entry Agreement Executed by Reason of the Threat or Imminence of Eminent Domain, Based on the Relationship to Which the Number of Months the Property Is Held by the Property Owner Bears to the Taxable Year.

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

Section 1. Section Enacted.

Section 59-5-3.5, Utah Code Annotated 1953, is enacted to read:

59-5-3.5. Pro Rata Application of Ad Valorem Property Tax of Property Taken by Eminent Domain.

Whenever any property is taken in fee by the state or any subdivision or agency thereof, or by any private person, corporation, association or other body pursuant to an exercise of the power of eminent domain or by a right of entry agreement executed by reason of the threat or imminence of eminent domain, the ad valorem property tax assessed and collected thereon under this chapter shall be determined on the basis of the relationship which the number of months the property was held by the property owner, prior to the granting by the court of an order of occupancy or the execution of a right of entry agreement, bears to the taxable year.

Approved March 14, 1967.

CHAPTER 151

H. B. No. 29

(Passed February 13, 1967. In effect May 9, 1967)

PROPERTY ESCAPING ASSESSMENT

An Act Amending Section 59-5-17, Utah Code Annotated 1953, as Amended by Chapter 143, Laws of Utah 1961, Relating to Assessment of Property and Providing for a Limitation Period of Five Years in Which Assessors May Include Property on the Assessment Rolls Which Has Escaped Assessment.

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

Section 1. Section Amended.

Section 59-5-17, Utah Code Annotated 1953, as amended by Chapter 143, Laws of Utah 1961, is amended to read as follows:

59-5-17. Property Escaping Assessment.

Any property discovered by the assessor to have escaped assessment may be assessed at any time as far back as five years prior to the time of discovery, and the assessor shall enter such assessments on the tax rolls in the hands of the county treasurer or elsewhere, and when so assessed shall be reported by the assessor to the county auditor, if made after the assessment book has been delivered to the county treasurer, and the auditor shall charge the county assessor with the taxes on such property, and the assessor shall give notice to the person assessed therewith and the assessor shall forthwith proceed to secure or collect the taxes as provided in chapter 10 of this title.

Approved February 14, 1967.

CHAPTER 152

S. B. No. 241

(Passed March 8, 1967. In effect May 9, 1967)

ASSESSMENT OF MINES

An Act Amending Section 59-5-57, Utah Code Annotated 1953, as Amended by Chapter 107, Laws of Utah 1953, as Amended by Chapter 142, Laws of Utah, 1961, as Amended by Chapter 133, Laws of Utah 1963; Relating to the Net Proceeds Formula for Ad Valorem Taxation of Metalliferous Mines; Providing for a Modification of Such Formula in Any Year in Which There Were No Proceeds Realized in the Next Preceding Year.

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

Section 1. Section Amended.

Section 59-5-57, Utah Code Annotated 1953, as amended by Chapter 107, Laws of Utah 1953, as amended by Chapter 142, Laws of Utah 1961, as amended by Chapter 133, Laws of Utah 1963, is amended to read:

59-5-57. Assessment of Mines.

All metalliferous mines and mining claims, both placer and rock in place, shall be assessed at \$5 per acre and in addition thereto at a value equal to two times the average net annual proceeds thereof for the three calendar years next preceding or for as many years next preceding as the mine has been operating, whichever is less; provided, however, there shall be no valuation based upon net annual proceeds for the purpose of assessment of any such mine or mining claim for any one year in which there were no gross proceeds realized in the year next preceding the year of assessment. All other mines or mining claims and other valuable mineral deposits, including lands containing coal or hydrocarbons, shall be assessed at thirty per cent of their reasonable fair cash value. All machinery used in mining and all property or surface improvements upon or appurtenant to mines or mining claims and the

value of any surface use made of mining claims or mining property for other than mining purposes shall be assessed at thirty per cent of their reasonable fair cash value. In all cases where the surface of lands is owned by one person and the mineral underlying such lands is owned by another, such property rights shall be separately assessed to the respective owners. In such cases the value of the surface if it is used for other than mining purposes shall be assessed by the assessor of the county in which the property is situated.

Approved March 15, 1967.

CHAPTER 153

H. B. No. 93

(Passed February 23, 1967. In effect January 1, 1968)

COLLECTION OF TAX—LIEN

An Act Amending Section 59-5-65, Utah Code Annotated 1953, as Amended by Chapter 133, Laws of Utah 1963, as Amended by Chapter 122, Laws of Utah 1965, Relating to the Ad Valorem Tax on Metal-liferous Mining Properties; Providing for Specific Personal Liability of Owners and Operators of Mining Claims and Properties for Such Tax, and Providing an Effective Date.

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

Section 1. Section Amended.

Section 59-5-65, Utah Code Annotated 1953, as amended by Chapter 133, Laws of Utah 1963, and Chapter 122, Laws of Utah 1965, is amended to read:

59-5-65. Collection of Tax—Lien—Security for Tax.

(1) The tax mentioned in the preceding sections on mines and mining claims, and mining property, shall be collected and the payment thereof enforced in the manner provided for the collection and enforcement of other taxes, except as provided in subsections (2) and (3) herein; and every tax is a lien upon the mines or mining claims upon which such mining machinery and improvements are erected, and from which the ores or minerals are extracted, which lien attaches on the 1st day of January in each year, and the sale thereof for delinquent taxes may be made as provided for the sale of real estate for delinquent taxes, except as set forth below; provided that the tax commission, in order to insure the payment and collection of the ad valorem property tax imposed against uranium and vanadium mining properties, may require the owner or the person engaged in mining the same to deposit with it such security as the tax commission shall determine. That security may be sold by the tax commission at public sale if it becomes necessary so to do in order to recover any tax, interest or penalty due. Notice of such sale may be served upon the person who deposited such securities personally or by registered mail sent to the last known address as the same appears in the records of the tax commission. Upon such sale the surplus, if any, above the amount owing shall be returned to the person who deposited the security.

The security shall be deposited with the tax commission within thirty days of proper notice by the tax commission that such security is required. Notice by registered mail to the last known address as the same appears in the records of the tax commission shall be proper notice.

In the event that such security is not deposited on or before the due date, the tax commission may determine the tax for that year and any preceding year, if unpaid, in jeopardy, and may proceed to collect them under the provisions of sections 59-10-23, 59-10-24, and 59-10-25, Utah Code Annotated 1953.

Following any recourse to the security by the tax commission, or jeopardy proceedings under the provisions of sections 59-10-23, 59-10-24, and 59-10-25, Utah Code Annotated 1953, and prior to the renewal of the operations by the person engaged in using the properties, he shall deposit with the tax commission such new security as the commission may determine.

(2) Where oil, gas or other hydrocarbon wells or fields belonging to multiple owners are operated as a unit, the owner of each fractional interest in such units will be liable for the same proportion of the tax assessed against the total unit that his interest therein bears to the total of interests in such unit.

The unit operator, however, is responsible to collect from the owner of each fractional interest and remit the tax assessed against the entire unit. The operator shall also file the statement described in section 59-5-61 for the entire unit. The tax commission may require the inclusion in this statement of a listing of all fractional interest owners and their interests. The operator shall be notified of the assessment against the entire unit as provided in section 59-5-52.

The unit operator may deduct and withhold from royalty payments, or any other payments made to any fractional interest owner, the amount of the tax owed by such fractional interest owner in such manner as the tax commission shall by regulation prescribe.

In the event of failure of the unit operator to collect from the fractional interest owners and remit the tax herein provided for, a penalty shall be imposed against such operator by the county treasurer of the county in which the unit is located in the amount of the tax due and owing the county for the tax period in question from such unit.

Failure of the unit operator to collect and remit the tax as herein provided shall not preclude tax authorities from utilizing regular collection and enforcement remedies and procedures against the owner of any fractional interest owner to collect the tax owed by such owner; provided, however, that a nonoperating owner shall not be subject to penalty or interest upon the tax owed unless he fails to remit such tax within twenty days after notification to him by the county treasurer of the default of the operator.

For the purposes of this section, "unit" shall mean any single oil, gas or other hydrocarbon well or field which has multiple ownership, or any combination of oil, gas or other hydrocarbon wells, fields and properties consolidated into a single operation, whether by a formal agreement or otherwise, and "owner" shall mean the holder of any interest or interests in such properties or units, including royalty interests.

(3) The ad valorem tax imposed herein upon metalliferous mining claims and properties shall be in personam obligation of the owner or operator of such claims or properties, and such obligations shall not be satisfied until paid in full. If a mining claim or property is sold at preliminary or final sale pursuant to provisions of Title 59, Chapter 10, such sale shall not extinguish the in personam obligation of the owner or operator of such claim or property. The in personam obligation shall continue to exist against the owner or operator of such claim or property until paid or otherwise satisfied. Other real or personal property of the owner or operator may be seized or sold to satisfy the in personam obligation. This remedy shall not be deemed exclusive but shall be in addition to any and all other remedies provided by law for the collection of these taxes; provided, however, that nothing contained herein shall abrogate existing powers of the State Tax Commission or the boards of county commissioners to compromise or adjust assessment or taxes.

Section 2. Effective Date.

The effective date of this act shall be January 1 m., 1968, and it shall apply only to taxes assessed after December 31, 1967.

Approved March 7, 1967.

CHAPTER 154

S. B. No. 30

(Passed March 9, 1967. In effect May 9, 1967)

POWERS OF COUNTY BOARD

An Act Amending Section 59-7-2, Utah Code Annotated 1953, as Amended by Chapter 142, Laws of Utah 1961, Relating to the Remittance or Abatement of the Property Taxes of Indigent Persons.

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

Section 1. Section Amended.

Section 59-7-2, Utah Code Annotated 1953, as amended by Chapter 142, Laws of Utah 1961, is amended to read:

59-7-2. Powers of County Board — Abatement of Taxes of Indigent Persons.

The county board of equalization has power, after giving notice in such manner as it may by rule prescribe, to increase or lower any assessment contained in any assessment book, so as to equalize the assessment of the property contained therein and make the assessment conform to thirty per cent of the reasonable fair value of such property. Said board may remit or abate the taxes of any indigent person to an amount not exceeding \$40 but not more than 50% of the total tax assessed for the current year, whichever sum is less.

Any person or persons under the age of 65 years, or whose principal income is derived from Utah public welfare grants, shall not be eligible for relief under this act, unless the county board of equalization finds extreme hardship might prevail should such grants not be made and such person or persons be totally disabled.

Every person applying for such exemption must, on or before May 1st in each year, file an application for the exemption with the board of county commissioners of the county in which he/she resides, which will give adequate facts setting forth his/her eligibility to receive such exemption or any portion thereof. Said application shall contain a signed affidavit setting forth the eligibility of said applicant for the exemption.

For the purpose of this act an indigent is any person whose total yearly income is less than \$1,500.00 and whose residence in which he/she resides for not less than ten months of each year for which he/she requests a property tax exemption has a market or appraised value of not more than \$10,000.

Approved March 17, 1967.

CHAPTER 155

H. B. No. 28

(Passed February 16, 1967. In effect May 9, 1967)

DELINQUENT LIST—PUBLICATION

An Act Amending Section 59-10-29, Utah Code Annotated 1953, and Section 59-10-33, Utah Code Annotated 1953, Relating to the Collection of Taxes and Providing for the Publication of the Delinquent List and the Preliminary Sale to the County.

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

Section 1. Section Amended.

Section 59-10-29, Utah Code Annotated 1953, is amended to read:

59-10-29. Delinquent List—Publication by County Officers.

On or before the 31st day of December, or if such date falls on Sunday or a legal holiday, then on the 2nd day of January, of each year, the county treasurer must, under the direction of the county commissioners, publish the delinquent list, in one issue of a newspaper having general circulation in the county, which list must contain the names of the owners, when known, and a description of the property delinquent or subject to lien of taxes, classified in towns and cities by addition and subdivision thereof, with the amount of taxes due for the preceding year, exclusive of penalty. The county treasurer must publish with such list a notice that unless the delinquent taxes, together with the penalty, are paid before the 15th day of January, or if such day falls on a Sunday or a legal holiday on the 16th day of January the real property upon which such taxes are a lien, excepting only such property as is held by the county under a prior preliminary tax sale, will be sold for taxes, penalty and costs on said date.

Section 2. Section Amended.

Section 59-10-33, Utah Code Annotated 1953, is amended to read:

59-10-33. Preliminary Sale to County.

At 12:00 noon on the 15th day of January, or if such day falls on a Sunday or a legal holiday on the 16th day of January all real estate

subject to a lien for any taxes which are then delinquent for the preceding year shall be deemed to have been sold to the county at a preliminary sale to pay the taxes, penalty and costs for which such real estate is liable.

Approved February 20, 1967.

INCOME AND FRANCHISE TAXES

CHAPTER 156

S. B. No. 2

(Passed March 8, 1967. In effect January 1, 1967)

DEDUCTIONS FROM GROSS INCOME

An Act Amending Section 59-13-7, Utah Code Annotated 1953, Relating to Deductions by Corporations; Providing That Corporations May Deduct Certain Contributions When Determining Net Income for Corporation Franchise Tax Purposes.

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

Section 1. Section Amended.

Section 59-13-7, Utah Code Annotated 1953, is amended to read as follows:

59-13-7. Deduction From Gross Income.

In computing net income there shall be allowed as deductions:

Expenses.

(1) All the ordinary and necessary expenses paid or incurred during the taxable year in carrying on any business, including a reasonable allowance for salaries or other compensation for personal services actually rendered; and rentals or other payments required to be made as a condition to the continued use or possession, for the purposes of the business, of property to which the taxpayer has not taken or is not taking title or in which it has no equity.

Interest Paid.

(2) All interest paid or accrued within the taxable year on indebtedness, except on indebtedness incurred or continued to purchase or carry obligations or securities, the interest upon which is wholly exempt from taxation.

Taxes Paid.

(3) Taxes paid or accrued within the taxable year, except —

- (a) Taxes imposed by this chapter; and,
- (b) Taxes assessed against local benefits of a kind tending to increase the value of the property assessed; provided, that so much of taxes as are properly allocable to maintenance or interest charges may be deducted.

Taxes of Shareholder Paid by Corporation.

(4) The deduction for taxes allowed by subsection (3) shall be allowed in the case of taxes imposed upon a shareholder of a bank or

corporation upon his interest as shareholder which are paid by the bank or corporation without reimbursement from the shareholder.

Losses Sustained.

(5) Losses sustained during the taxable year and not compensated for by insurance or otherwise.

The basis for determining the amount of the deduction for losses sustained to be allowed under this subsection shall be the same as is provided in section 59-13-13 for determining the gain or loss from the sale or other disposition of property.

Bad Debts.

(6) Debts ascertained to be worthless and charged off within the taxable year (or, in the discretion of the tax commission, a reasonable addition to a reserve for bad debts); and when satisfied that a debt is recoverable only in part the tax commission may allow such debt to be charged off in part.

Depreciation.

(7) A reasonable allowance for the exhaustion, wear and tear of property used in the business, including a reasonable allowance for obsolescence.

Depletion.

(8) In the case of mines, oil and gas wells, other natural deposits, and timber, a reasonable allowance for depletion and for depreciation of improvements, according to the peculiar conditions in each case; such reasonable allowance in all cases to be made under rules and regulations to be prescribed by the tax commission. In the case of leases, the deduction shall be equitably apportioned between the lessee and the lessor.

Basis for Determining Depreciation, Depletion, or Obsolescence.

(9) (a) The basis upon which depletion, depreciation, exhaustion, wear and tear, and obsolescence are to be allowed in respect of any property shall be the same as is provided in section 59-13-13 for the purpose of determining the gain or loss upon the sale or other disposition of such property, except as hereinafter in this section provided.

Percentage Allowance for Depletion.

(b) The allowance for depletion shall be thirty-three and one-third per cent of the net income from the property during the taxable year; computed without allowance for depletion, or on the basis provided in subsection (9) (a), as the taxpayer may elect. The basis which the taxpayer elects under this subsection shall be the basis used in subsequent accounting periods and shall be changed thereafter only with the consent of the tax commission.

Future Expense Liabilities in Case of Casual Sale of Real Property.

(10) In the case of a casual sale or other casual disposition of real property, a reasonable allowance for future expense liabilities incurred under the provisions of the contract under which such sale or other disposition was made, under such regulations as the tax commission may prescribe.

Amounts Credited to Withdrawable Shares by Building and Loan Associations.

(11) In the case of a building and loan association, organized and operating wholly or partly on a mutual plan, the return paid or credited on or apportioned to the withdrawable shares of such association, but in no event exceeding six per cent per annum.

Contributions to Pension Trust by Employers.

(12) An employer establishing and maintaining a pension trust to provide for the payment of reasonable pensions to employees shall be allowed as a deduction (in addition to the contributions to such trust during the taxable year to cover the pension liability accruing during the year, allowed as a deduction under subsection (1) of this section) a reasonable amount transferred or paid into such trust during the taxable year in excess of such contributions; but only if such amount has not theretofore been allowable as a deduction.

Contributions to Governmental Units and Certain Organizations.

(13) Contributions or gifts made within the taxable year to or for the use of:

(a) The United States, or any state, territory or political subdivision thereof, or the District of Columbia, for exclusively public purposes.

(b) Any corporation or association or trust or community chest, fund or foundation, organized and operated exclusively for religious, charitable, scientific, literary or educational purposes, or for the prevention of cruelty to children, if no part of the net earnings inures to the benefit of any shareholder or individual.

The aggregate amount of contributions and gifts deductible under the provisions of this subsection shall not exceed five per cent of the taxpayer's net income computed without benefit of this subsection.

Section 2. Effective Date.

This act shall take effect with respect to all taxable years beginning on or after January 1, 1967.

Approved March 2, 1967.

CHAPTER 157

S. B. No. 6

(Passed February 28, 1967. In effect July 1, 1967)

REVENUE RECEIVED BY STATE TAX COMMISSION

An Act Amending Section 59-13-59, Utah Code Annotated 1953, as Amended by Chapter 122, Laws of Utah 1955, and by Chapter 123, Laws of Utah 1965, and Amending Section 59-13-72, Utah Code Annotated 1953, as Amended by Chapter 122, Laws of Utah 1955, Relating to Corporation Franchise and Income Taxes; Providing for the Requirements for Subdivided Accounting and Distribution of Corporation Tax Revenue, for Payment of Refunds Directly From Current Collections, and for Dedicating Property-based Corporation Tax Receipts to the Uniform School Fund.

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

Section 1. Section Amended.

Section 59-13-59, Utah Code Annotated 1953, as amended by Chapter 122, Laws of Utah 1955, and as amended by Chapter 123, Laws of Utah 1965, is amended to read as follows:

59-13-59. Revenue Received by State Tax Commission — Transfer of Funds Uniform School Fund.

All revenue collected or received by the state tax commission under this chapter shall be deposited daily with the state treasurer. Such revenue, subject to the refund provisions of this section, shall be periodically distributed or credited to the uniform school fund.

The tax commission shall from time to time certify to the state auditor the amount of any refund authorized by it, the amount of interest computed thereon under the provisions of section 59-13-60, from whom the tax to be refunded was collected, or by whom it was paid, and such refund claims shall be paid in order out of the funds first accruing to the uniform school fund from the provisions of this section.

As of the effective date of this act, the corporation income-base fund, the corporation property-base fund, the corporation income-base reserve fund, and the corporation property-base reserve fund, as formerly provided in this section, shall be closed and any balances remaining therein shall be distributed and credited to the uniform school fund.

Section 2. Section Amended.

Section 59-13-72, Utah Code Annotated 1953, as amended by Chapter 122, Laws of Utah 1955 is amended to read as follows:

59-13-72. Crediting Interest and Penalties to Uniform School Fund.

For the purposes of the taxes collected under section 59-13-65, and interest and penalties arising in connection therewith, the provisions of section 59-13-59 shall be followed.

Section 3. Effective Date.

This act shall take effect on July 1, 1967.

Approved March 4, 1967.

CHAPTER 158

S. B. No. 7

(Passed February 24, 1967. In effect January 1, 1967)

UNIFORM ALLOCATION OF BUSINESS INCOME

An Act to Establish Uniform Allocation of Business Income, Taxable Within and Without the State for Corporation Franchise Tax and Corporation Income Tax Purposes, by Enacting the Provisions of the Uniform Division of Income for Tax Purposes Act; Deleting Provisions in the Corporation Franchise Tax Law Which Conflict Therewith, by Repealing Section 59-13-20, Utah Code Annotated 1953, as Amended by Chapter 123, Laws of Utah 1957; and Referring the Corporation Income Tax Law Thereto, by Amending Section 59-13-68, Utah Code Annotated 1953 and Providing an Effective Date.

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

Section 1. Definitions.

As used in this act, unless the context otherwise requires:

(a) "Business income" means income arising from transactions and activity in the regular course of the taxpayer's trade or business and includes income from tangible and intangible property if the acquisition, management, and disposition of the property constitutes integral parts of the taxpayer's regular trade or business operations.

(b) "Commercial domicile" means the principal place from which the trade or business of the taxpayer is directed or managed.

(c) "Compensation" means wages, salaries, commissions and any other form of remuneration paid to employees for personal services.

(d) "Financial organization" means any bank, trust company, savings bank, industrial bank, land bank, safe deposit company, private banker, savings and loan association, credit union, co-operative bank, investment company, or any type of insurance company.

(e) "Non-business income" means all income other than business income.

(f) "Public utility" means any business entity which owns or operates for public use any plant, equipment, property, franchise, or license for the transmission of communications, transportation of goods or persons, or the production, storage, transmission, sale, delivery, or furnishing of electricity, water, steam, oil, oil products or gas.

(g) "Sales" means all gross receipts of the taxpayer not allocated under sections 4 through 8 of this act.

(h) "State" means any state of the United States, the District of Columbia, the Commonwealth of Puerto Rico, any territory or possession of the United States, and any foreign country or political subdivision thereof.

Section 2. Apportionment of Tax Within and Without State.

Any taxpayer having income from business activity which is taxable both within and without this state, shall allocate and apportion his net income as provided in this act.

Section 3. Allocation and Apportionment of Income—Jurisdiction.

For purposes of allocation and apportionment of income under this act, a taxpayer is taxable in another state if (1) in that state he is subject to a net income tax, a franchise tax measured by net income, a franchise tax for the privilege of doing business, or a corporate stock tax, or (2) that state has jurisdiction to subject the taxpayer to a net income tax regardless of whether, in fact, the state does or does not.

Section 4. Apportionment of Non-business Income.

Rents and royalties from real or tangible personal property, capital gains, interest, dividends, or patent or copyright royalties, to the extent that they constitute non-business income, shall be allocated as provided in sections 5 through 8 of this act.

Section 5. Apportionment of Rents and Royalties.

(a) Net rents and royalties from real property located in this state are allocable to this state.

(b) Net rents and royalties from tangible personal property are allocable to this state:

- (1) if and to the extent that the property is utilized in this state, or
- (2) in their entirety if the taxpayer's commercial domicile is in this state and the taxpayer is not organized under the laws of or taxable in the state in which the property is utilized.

(c) The extent of utilization of tangible personal property in a state is determined by multiplying the rents and royalties by a fraction, the numerator of which is the number of days of physical location of the property in the state during the rental or royalty period in the taxable year and the denominator of which is the number of days of physical location of the property everywhere during all rental or royalty periods in the taxable year. If the physical location of the property during the rental or royalty period is unknown or unascertainable by the taxpayer tangible personal property is utilized in the state in which the property was located at the time the rental or royalty payer obtained possession.

Section 6. Allocation of Capital Gains and Losses.

(a) Capital gains and losses from sales of real property located in this state are allocable to this state.

(b) Capital gains and losses from sales of tangible personal property are allocable to this state if

- (1) the property had a situs in this state at the time of the sale, or
- (2) the taxpayer's commercial domicile is in this state and the taxpayer is not taxable in the state in which the property had a situs.

(c) Capital gains and losses from sales of intangible personal property are allocable to this state if the taxpayer's commercial domicile is in this state.

Section 7. Interest and Dividends.

Interest and dividends are allocable to this state if the taxpayer's commercial domicile is in this state.

Section 8. Patent and Copyright Royalties.

(a) Patent and copyright royalties are allocable to this state:

- (1) if and to the extent that the patent or copyright is utilized by the payer in this state, or
- (2) if and to the extent that the patent or copyright is utilized by the payer in a state in which the taxpayer is not taxable and the taxpayer's commercial domicile is in this state.

(b) A patent is utilized in a state to the extent that it is employed in production, fabrication, manufacturing, or other processing in the state or to the extent that a patented product is produced in the state. If the basis of receipts from patent royalties does not permit allocation to states or if the accounting procedures do not reflect states of utilization, the patent is utilized in the state in which the taxpayer's commercial domicile is located.

(c) A copyright is utilized in a state to the extent that printing or other publication originates in the state. If the basis of receipts from copyright royalties does not permit allocation to states or if the account-

ing procedures do not reflect states of utilization, the copyright is utilized in the state in which the taxpayer's commercial domicile is located.

Section 9. Factors for Determining Business Income.

All business income shall be apportioned to this state by multiplying the income by a fraction, the numerator of which is the property factor plus the payroll factor plus the sales factor, and the denominator of which is three.

Section 10. Determination of Property Factor.

The property factor is a fraction, the numerator of which is the average value of the taxpayer's real and tangible personal property owned or rented and used in this state during the tax period and the denominator of which is the average value of all the taxpayer's real and tangible personal property owned or rented and used during the tax period.

Section 11. Determination of Property Values.

Property owned by the taxpayer is valued at its original cost. Property rented by the taxpayer is valued at eight times the net annual rental rate. Net annual rental rate is the annual rental rate paid by the taxpayer less any annual rental rate received by the taxpayer from sub-rentals.

Section 12. Determining Average Property Value.

The average value of property shall be determined by averaging the values at the beginning and ending of the tax period but the state tax commission may require the averaging of monthly values during the tax period if reasonably required to reflect properly the average value of the taxpayer's property.

Section 13. Payroll Factor.

The payroll factor is a fraction, the numerator of which is the total amount paid in this state during the tax period by the taxpayer for compensation, and the denominator of which is the total compensation paid everywhere during the tax period.

Section 14. Compensation.

Compensation is paid in this state if:

- (a) the individual's service is performed entirely within the state; or
- (b) the individual's service is performed both within and without the state, but the service performed without the state is incidental to the individual's service within the state; or
- (c) some of the service is performed in the state and (1) the base of operations or, if there is no base of operations, the place from which the service is directed or controlled is in the state, or (2) the base of operations or the place from which the service is directed or controlled is not in any state in which some part of the service is performed, but the individual's residence is in this state.

Section 15. Sales Factor.

The sales factor is a fraction, the numerator of which is the total sales of the taxpayer in this state during the tax period, and the denominator of which is the total sales of the taxpayer everywhere during the tax period.

Section 16. Sales of Tangible Personal Property.

Sales of tangible personal property are in this state if the property is delivered or shipped to a purchaser within this state regardless of the f.o.b. point or other conditions of the sale.

Section 17. Sales, Other Than Tangible Personal Property.

Sales, other than sales of tangible personal property, are in this state if:

- (a) the income-producing activity is performed in this state; or
- (b) the income-producing activity is performed both in and outside this state and a greater proportion of the income-producing activity is performed in this state than in any other state, based on costs of performance.

Section 18. Petition to Determine Allocation Business Activity.

If the allocation and apportionment provisions of this act do not fairly represent the extent of the taxpayer's business activity in this state, the taxpayer may petition for or the state tax commission may require, in respect to all or any part of the taxpayer's business activity, if reasonable:

- (a) separate accounting;
- (b) the exclusion of any one or more of the factors;
- (c) the inclusion of one or more additional factors which will fairly represent the taxpayer's business activity in this state; or
- (d) the employment of any other method to effectuate an equitable allocation and apportionment of the taxpayer's income.

Section 19. Construction of Act Make Uniform in States.

This act shall be so construed as to effectuate its general purpose to make uniform the law of those states which enact it.

Section 20. Uniform Division of Income for Tax Purposes Act.

This act may be cited as the Uniform Division of Income for Tax Purposes Act.

Section 21. Section Repealed.

Section 59-13-20, Utah Code Annotated 1953, as amended by Chapter 123, Laws of Utah 1957, is hereby repealed.

Section 22. Section Amended.

Section 59-13-68, Utah Code Annotated 1953, is amended to read:

59-13-68. Rules to Determine Portion of Net Income.

For the purposes of the tax imposed by section 59-13-65, the portion of net income derived from or attributable to sources within this state, shall be determined in accordance with the rules set forth in the Uniform Division of Income for Tax Purposes Act.

Section 23. Effective Date.

This act shall take effect for all taxable years beginning on or after January 1, 1967.

Approved March 4, 1967.

CHAPTER 159

H. B. No. 104

(Passed March 9, 1967. In effect May 9, 1967)

GROSS INCOME ON PERSONAL INCOME TAX

An Act Amending Section 59-14-4, Utah Code Annotated 1953, as Enacted by Chapter 124, Laws of Utah 1955, and Amended by Chapter 109, Laws of Utah 1959, and Chapter 136, Laws of Utah 1963, Relating to Computing Gross Income on Personal Income Tax and Providing for Exclusion of Sheltered Annuity Payments After Employee's Rights Become Non-forfeitable. This Amendment Brings the Utah Code into Conformity with Section 403-B of the Internal Revenue Code of the United States.

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

Section 1. Section Amended.

Section 59-14-4, Utah Code Annotated 1953, as enacted by Chapter 124, Laws of Utah 1955, as amended by Chapter 136, Laws of Utah 1963, is amended to read:

59-14-4. Gross Income—Computing.

(1) Gross income includes gains, profits and income derived from salaries, wages or compensation for personal service of whatever kind and in whatever form paid, or from professions, vocations, trade, businesses, commerce or sales or dealings in property, whether real or personal, growing out of the ownership or use of or interest in such property, also from interest, rent royalties, dividends, securities, or the transaction of any business carried on for gain or profit, or gains or profits, periodic payments received as alimony only, and income derived from any source whatever.

In computing gross income there shall be deducted the following business expenses:

(a) All the ordinary and necessary expenses paid or incurred during the taxable year in carrying on any profession, trade or business or in the production of income required to be included in gross income under this chapter, traveling expenses (including the entire amount expended for meals and lodging) while away from home in the pursuit of a profession, trade or business; and rentals or other payments required to be made as a condition to the continued use or possession, for the purposes of the professions, trade or business, of property to which the taxpayer has not taken or is not taking title or in which he has no equity.

(b) All interest paid or accrued within the taxable year on business indebtedness, except on indebtedness incurred or continued to purchase or carry obligations or securities, the interest or dividends upon which are wholly exempt from taxation under this chapter.

(c) Taxes paid or accrued within the taxable year, on business or business property, except;

(i) Taxes assessed against local benefits of a kind tending to increase the value of the property assessed, but this subsection shall not

exclude the allowance as a deduction of so much of such taxes as is properly allocable to maintenance or interest charge,

(ii) Estate, inheritance, legacy and succession taxes.

(d) Losses sustained during the taxable year and not compensated for by insurance or otherwise;

(i) If incurred in trade or business; or

(ii) If incurred in any transaction entered into for profit though not connected with the trade or business,

(iii) Losses from wagering transactions, but only to the extent of the gains from such transactions.

(e) The basis for determining the amount of deduction for losses sustained, to be allowed under subsection (d) shall be the same as is provided in section 59-14-10 for determining the gain or loss from the sale or other disposition of property.

(f) Debts ascertained to be worthless and charged off within the taxable year, or, in the discretion of the tax commission, a reasonable addition to a reserve for bad debts; and when satisfied that a debt is recoverable only in part, the tax commission may allow such debt to be charged off in part.

(g) A reasonable allowance for the exhaustion, wear and tear of property used in the trade, profession, or business, including a reasonable allowance for obsolescence. In case of property held by one person for life with remainder to another person, the deduction shall be computed as if the life tenant were the absolute owner of the property and shall be allowed to the life tenant. In the case of property held in trust, the allowable deduction shall be apportioned between the income beneficiaries and the trustees in accordance with the pertinent provisions of the instrument creating the trust, or, in the absence of such provisions, on the basis of the trust income allocable to each.

(h) In the case of mines, oil and gas wells, other natural deposits, and timber, a reasonable allowance for depletion and for depreciation and improvements, according to the peculiar conditions in each case; such reasonable allowance in all cases to be made under rules and regulations to be prescribed by the tax commission. In the case of leases, the deduction shall be equitably apportioned between the lessee and the lessor. In the case of property held by one person for life with remainder to another person, the deduction shall be computed as if the life tenant were the absolute owner of the property and shall be allowed to the life tenant. In the case of property held in trust, the allowable deduction shall be apportioned between the income beneficiaries and the trustees in accordance with the pertinent provisions of the instrument creating the trust, or, in the absence of such provisions, on the basis of the trust income allocable to each.

The allowance for depletion shall be thirty-three and one-third per cent of the next income from the property during the taxable year, computed without allowance for depletion, or on the basis provided in subsection (i) of this section, as the taxpayer may elect. The basis which the taxpayer elects, under this subsection, shall be the basis used in subsequent accounting periods and shall be changed thereafter only with the consent of the tax commission.

(i) The basis upon which depletion, depreciation, exhaustion, wear and tear, and obsolescence are to be allowed in respect to any property shall be the same as is provided in section 59-14-10 for the purpose of determining the gain or loss upon the sale or other disposition of such property, except as hereinafter in this section provided.

(j) Contributions made by an employer to a trust for the benefit of some or all of the employees of such an employer to the extent deductible under the Internal Revenue Code of the United States and contributions made by a self-employed individual or by a group of self-employed individuals to a trust for the benefit of one or more of such individuals or for the benefit of one or more of such individuals and some or all of the employees of such individuals to the extent deductible under the Internal Revenue Code of the United States.

(2) The following items shall not be included in gross income and shall be exempt from taxation under this chapter:

(a) Amounts received under a life insurance contract paid by reason of the death of an insured, whether in a single sum or in installments but if such amounts are held by the insurer under an agreement to pay interest thereon, the interest payments shall be included in gross income.

(b) Amounts received, other than amounts paid by reason of the death of the insured and interest payments on such amounts, under a life insurance, endowment or annuity contract; but if such amounts, when added to amounts received before the taxable year under such contract, exceed the aggregate premiums or consideration paid whether or not paid during the taxable year, then the excess shall be included in gross income. In the case of a transfer for a valuable consideration, by assignment or otherwise, of a life insurance, endowment or annuity contract, or any interest therein, only the actual value of such consideration and the amount of the premiums and other sums subsequently paid by the transferee shall be exempt from taxation under this subsection or subsection (2) (a) of this section.

(c) The value of property acquired by gift, bequest, devise or inheritance (but the income from such property shall be included in gross income).

(d) Interest upon the obligations of a state, territory, or any political subdivision thereof, or of the District of Columbia or the obligations of the United States or its possessions, or the obligations or securities issued under the provisions of an Act of Congress, if declared to be exempt by a statute of the United States or the State of Utah.

(e) Amounts received through accident or health insurance, or under workmen's compensation act, plus the amount of any damages received, whether by suit or agreement on account of death, injuries or sickness.

(f) Benefit payments received under the federal old age and survivors' insurance program.

(g) Benefit payments received under the Federal Employees' Retirement Act.

(3) Whenever in the opinion of the tax commission the use of inventories is necessary in order clearly to determine the income of any taxpayer, inventories shall be taken by such taxpayer upon such basis as the tax commission may prescribe, conforming as nearly as may be

to the best accounting practice in the trade, profession or business and as most clearly reflecting the income.

(4) Distributions by corporations shall be taxable to the shareholders as provided in section 59-14-11.

(5) In the case of a sale or other disposition of property the gain or loss shall be computed as provided in sections 59-14-8, 59-14-9 and 59-14-10.

(6) Under the conditions and to the extent set out in the Internal Revenue Code of the United States, amounts paid by employee for annuity contract, or any other investments, on or after employee's rights under such contract become non forfeitable, except for non payment of premiums, shall be excluded from the gross income of employee for the taxable year, to the extent that aggregate of such amounts does not exceed the exclusion allowance for such taxable year.

Approved March 21, 1967.

CHAPTER 160

H. B. No. 87

(Passed March 9, 1967. In effect May 9, 1967)

ADDITIONAL PERSONAL EXEMPTIONS AT 65 YEARS OF AGE

An Act Amending Section 59-14-7, Utah Code Annotated 1953, as Enacted by Chapter 124, Laws of Utah 1955, and Amended by Chapter 124, Laws of Utah 1957, and Chapter 110, Laws of Utah 1959, Allowing an Additional Personal Exemption on Individual Income Tax to Persons Over 65 Years of Age.

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

Section 1. Section Amended.

Section 59-14-7, Utah Code Annotated 1953, as enacted by Chapter 124, Laws of Utah 1955, and amended by Chapter 124, Laws of Utah 1957, and Chapter 110, Laws of Utah 1959, is amended to read as follows:

59-14-7. Credits Against Net Income.

There shall be allowed the following credits against the net income:

(1) In the case of a single person a personal exemption of \$600 or a married person living with husband or wife, a personal exemption of \$1,200. If husband and wife make separate returns each must take his own personal exemption of \$600 and neither one may use part of the personal exemption of the other; in case of a blind person, a personal exemption of \$1,200.

(2) Six hundred dollars for each dependent person (other than husband or wife) who received his chief support from taxpayer and who is closely related by blood, marriage or adoption or is a member of his household and is not his employee and who did not have a gross income of \$600 or more; provided that if the dependent is a child of the taxpayer under the age of nineteen at the close of the calendar year in which the taxable year of the taxpayer begins or is a student, then the

said dependent may earn in excess of \$600 and still be claimed as a dependent by a taxpayer who furnishes his chief support.

(a) The term "child" means an individual who is a son, stepson, daughter or stepdaughter of the taxpayer.

(b) For purposes of paragraph 2 above, the term "student" means an individual who during each of five calendar months during the calendar year in which the taxable year of the taxpayer begins is a full-time student at an educational institution.

(c) For purposes of this paragraph, the term "educational institution" means only an educational institution which normally maintains a regular faculty and curriculum and normally has a regularly organized body of students in attendance at the place where its educational activities are carried on.

(3) A person receiving taxable alimony or separate maintenance under an agreement or by decree may not be claimed as a dependent of the spouse making such payments.

(4) In case a married person dies during the taxable year, the surviving spouse may file a joint return, and take \$1,200 as a personal exemption, provided decedent and spouse were living together at date of death and the survivor has not remarried during taxable year; or separate returns may be filed by or for each.

(5) a. An additional personal exemption for taxpayers over the age of 65, as follows: For the taxable year 1968 an additional exemption of \$200; for the taxable year 1969 an additional exemption of \$400; for the taxable year 1970 and thereafter a total exemption of \$600 to bring the Utah income tax laws into conformity with the tax laws of the United States.

b. An additional exemption for the spouse of the taxpayer if a separate return is made by the taxpayer, and if the spouse has attained the age of 65 before the close of such taxable year, and, for the calendar year in which the taxpayer begins, has no gross income and is not the dependent of another taxpayer, as follows: For the taxable year 1968 an additional exemption of \$200; for the taxable year 1969 an additional exemption of \$400; for the taxable year 1970 and thereafter a total exemption of \$600 to bring the Utah income tax laws into conformity with the tax laws of the United States.

Approved March 16, 1967.

CHAPTER 161

S. B. No. 75

(Passed March 7, 1967. In effect July 1, 1967)

DELETING REQUIREMENT FOR ANNUAL RENEWAL OF LICENSE

An Act Amending Section 59-15-3, Utah Code Annotated 1953, Relating to the Sales Tax; Deleting the Requirement for Annual Renewal of Licenses, and Providing an Effective Date.

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

Section 1. Section Amended.

Section 59-15-3, Utah Code Annotated 1953, is amended to read:

59-15-3. License to Do Business — No Fee — Revocation — Violation a Misdemeanor.

It shall be unlawful for any wholesaler or any person required by the provisions of this act to collect the tax, to engage in business within the state after the effective date of this act, without first having obtained a license therefor, which license shall be granted and issued by the state tax commission. A license is not assignable and shall be valid only for the person in whose name it is issued until said person ceases to do business, changes his business address or until revoked by the state tax commission. Such license shall be granted only upon application stating the name and address of the person applying therefor, the character of the business in which the applicant proposes to engage, the place at which such business will be transacted and such other information as the state tax commission may require. In the case business is transacted at two or more separate places by one person, a separate license for each place of business shall be required. Each license shall be numbered and shall show the name, residence and place and character of business of the licensee and shall be posted in a conspicuous place at the place of business for which it is issued. The state tax commission shall, on a reasonable notice and after a hearing, revoke the license of any person violating any provisions of this act and no license can be issued to such person until such time as the taxpayer has complied with the requirements of the act. Any wholesaler or any person required by the provisions of this act to collect the tax, engaging in the business of selling tangible personal property, or in the business of furnishing amusement or entertainment within this state without having secured a license therefor, shall be guilty of a misdemeanor. No license shall be required for any person engaged exclusively in the business of selling commodities which are exempt from taxation under this act. A license shall be issued to the applicant by the state tax commission without a license fee.

Section 2. Effective Date.

This act shall take effect July 1, 1967.

Approved March 10, 1967.

CHAPTER 162

H. B. No. 6

(Passed March 6, 1967. In effect July 1, 1967)

DELETING EXEMPTION OF SALES TAX ON DRAUGHT BEER

An Act Amending Section 59-15-6, Utah Code Annotated 1953, as Amended by Chapters 126 and 127, Laws of Utah 1957; as Amended by Chapter 128, Laws of Utah 1965; and Amending Section 59-16-4, Utah Code Annotated 1953, as Amended by Chapter 140, Laws of Utah 1963; Relating to the Sales and Use Taxes; Deleting Sales Tax

Exemption on Draught Beer; and Providing for a Use Tax Exemption to the Extent of Sales Taxes Paid in Another State, and Providing an Effective Date.

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

Section 1. Section Amended.

Section 59-15-6, Utah Code Annotated 1953, as amended by Chapters 126 and 127 Laws of Utah 1957; as amended by Chapter 128, Laws of Utah 1965, is amended to read:

59-15-6. Exempt Sales.

All sales of motor fuels and special fuels upon which an excise tax is imposed; all sales to the United States government; all sales to the state of Utah, its departments and institutions and the political subdivisions thereof; all sales from vending machines sponsored by nonprofit organizations in which the proceeds of each sale do not exceed one cent; and all sales made to or by religious, charitable and eleemosynary institutions, in the conduct of the regular religious, charitable and the eleemosynary functions and activities; all sales of vehicles of a type required to be registered under the provisions of the motor vehicle laws of this state which are made to bona fide nonresidents of this state and are not thereafter registered or used in this state except as necessary to transport them to the borders of this state; and all sales which the state of Utah is prohibited from taxing under the Constitution or laws of the United States, or of the state of Utah shall be exempt from taxation under this act.

Section 2. Section Amended.

Section 59-16-4, Utah Code Annotated 1953, as amended by Chapter 140, Laws of Utah 1963, is amended to read:

59-16-4. Exemptions.

The storage, use or other consumption in this state of the following tangible personal property is specifically exempted from the tax imposed by this act:

(a) Property, the gross receipts from the sale of which are required to be included in the measure of the tax imposed by Chapter 63, Laws of Utah 1933, and any amendments made or which may be made thereto.

(b) Property, the storage, use or other consumption of which this state is prohibited from taxing under the Constitution or laws of the United States of America or of this state; property stored in the state of Utah for resale, consumption or use in some state other than the state of Utah.

(c) Property brought into this state by a nonresident for his or her own personal use or enjoyment while within the state.

(d) Property, the gross receipts from the sale, distribution or use of which are now subject to a sale or excise tax under the laws of this state.

(e) Mineral bullion, mineral concentrates or mineral precipitates, when sold by the producer or refiner thereof for storage, use or other consumption in this state.

(f) Property stored, used or consumed by the United States government or the state of Utah, and their departments, institutions and political subdivisions.

(g) Property purchased for resale in this state, either in its original form or as an ingredient of a manufactured or compounded product, in the regular course of business, and for the purposes of this act, poultry, dairy and other livestock feed, and the components thereof, including all bailing ties and twine used in the bailing of hay and straw, and all seeds or seedlings, are deemed to become component parts of the eggs, milk, meat and other livestock products, plants and plant products, produced for resale; and each purchase of such feed or seed shall be exempt from taxation under this act.

(h) Property which enters into and becomes an ingredient or component part of the property which a person engaged in the business of manufacturing, compounding for sale, profit or use manufactures or compounds, or the container, label or the shipping case thereof.

(i) Property upon which a sales or use tax was paid to some other state, or one of its subdivisions, of the United States; provided that the state of Utah shall be paid any difference between such tax paid and the tax imposed by this act and the Uniform Local Sales and Use Tax Law of Utah, and further provided that no adjustment shall be allowed if tax paid thereon was greater than the tax imposed by this act and the Uniform Local Sales and Use Tax Law of Utah.

Section 3. Effective Date.

This act shall take effect July 1, 1967.

Approved March 8, 1967.

CHAPTER 163

H. B. No. 5

(Passed February 9, 1967. In effect July 1, 1967)

OVERPAYMENTS AND DEFICIENCIES

An Act Amending Sections 59-15-8 and 59-16-14, Utah Code Annotated 1953, Relating to Sales and Use Taxes; Deleting an Obsolete Clause, Providing for the Payment of Interest Upon Refunds of Sales and Use Taxes Overcollected by the State Tax Commission.

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

Section 1. Section Amended.

Section 59-15-8, Utah Code Annotated 1953, is amended to read:

59-15-8. Overpayments and Deficiencies.

As soon as practicable after the return is filed, the tax commission shall examine it; if it then appears that the correct amount of tax to be remitted is greater or less than that shown on the return to be due, the tax shall be recomputed.

If the amount paid exceeds that which is due, the excess, together with interest thereon at the rate of one-half of one per cent per month from the date of overpayment, provided it is determined that the original

overpayment was not intentionally made for purposes of investment, shall be credited or refunded to the person paying the same upon written application therefor. If the commission determines that any amount, penalty or interest has been paid more than once or has been erroneously or illegally collected or computed, the commission shall certify to the state auditor the amount collected in excess of what was legally due, from whom it was collected or by whom paid to the commission, and the amount of interest computed thereon, and if approved by the state auditor the same shall be credited on any amounts then due from such person to the state of Utah under this act or under any other taxing act, the administration of which is vested in the commission and the balance shall be refunded to such person or his successors, administrators, executors or assigns but no such credit or refund shall be allowed unless a claim therefor is filed with the state tax commission within three years from date of overpayment.

In the event any amount has been illegally determined to be due from any person the commission shall authorize the cancellation of the amounts upon its records.

If the amount paid is less than the amount due, the difference, together with interest thereon at the rate of one-half of one per cent per month from the time the return was due, shall be paid by the vendor ten days after notice and demand to him from the tax commission.

If any part of the deficiency is due to negligence or intentional disregard of authorized rules and regulations with knowledge thereof, but without intent to defraud, there shall be added the amount of \$2.50 or ten per cent of the total amount of the deficiency whichever amount is greater and interest in such a case shall be collected at the rate of one per cent per month on the amount of such deficiency from the time the return was due, from the person required to file the return, which interest and additions shall become due and payable ten days after notice and demand to him by the commission. If any part of the deficiency is due to fraud with the intent to evade, then there shall be added one hundred per cent of the total amount of the deficiency and in such case, the whole amount of the tax unpaid, including the additions, shall become due and payable ten days after notice and demand by the tax commission and an additional one per cent per month on said amount shall be added from the date the same was due until paid.

Except in the case where a deficiency is due to fraud with intent to evade tax or of a failure to file a return, the amount of taxes imposed by this chapter shall be assessed within three years after the return was filed and if not so assessed no proceeding for the collection of such taxes shall be begun after the expiration of such period.

In the case of a false or fraudulent return or payment with intent to evade tax or of failure to file a return, the tax may be assessed or a proceeding for the collection of such tax may be begun without assessment at any time.

Section 2. Section Amended.

Section 59-16-14, Utah Code Annotated 1953, is amended to read:

59-16-14. Refunds.

If the commission determines that any amount, penalty or interest has been paid more than once or has been erroneously or illegally col-

lected or computed, the amount shall be refunded or credited, together with interest at the rate of one-half of one per cent per month from the date of overpayment, upon written application therefor, provided it is determined that the original overpayment was not intentionally made for purposes of investment. The commission shall certify to the state auditor the amount collected in excess of what was legally due, from whom it was collected, or by whom it was collected, or by whom paid to the commission, and the amount of interest computed thereon, and, if approved by the state auditor, the same shall be credited on any amounts then due from such person to the state of Utah under this act or under any other taxing act, the administration of which is vested in the commission, and the balance shall be refunded to such person, or his successors, administrators, executors or assigns, but no such credit or refund shall be allowed after two years from the date of overpayment.

In the event any amount has been illegally determined to be due from any person the commission shall authorize the cancellation of the amounts upon its records.

Section 3. Effective Date.

This act shall take effect July 1, 1967.

Approved February 16, 1967.

SECURITIES COMMISSION

CHAPTER 164

S. B. No. 161

(Passed February 17, 1967. In effect July 1, 1967)

DEPOSIT OF FEES FROM SECURITIES COMMISSION

An Act Amending Section 61-1-18, Utah Code Annotated 1953, as Enacted by Chapter 145, Laws of Utah 1963; Providing the Deposit of Fees Charged or Collected by the Utah Securities Commission in the General Fund Rather Than the Securities Commission Fund; Providing for This Commission to Submit a Budget of Its Expenses in Administering and Enforcing the Utah Uniform Securities Act and for an Appropriation to Cover Such Expenses; Providing for a Limitation on the Amount the Commission May Expend in a Fiscal Year and for the Transfer of the Balance in the Securities Commission Fund as of July 1, 1967, to the General Fund; and Providing an Effective Date.

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

Section 1. Section Amended.

Section 61-1-18, Utah Code Annotated 1953, as enacted by Chapter 145, Laws of Utah 1963, is amended to read as follows:

61-1-18. Commission Personnel—Annual Report—Disposition of Fees—Prepare Budget.

(1) This act shall be administered by the state securities commission which shall consist of the three members of the commission of business

regulation. The commission shall appoint one of its members to be the chairman; any two members of the commission shall constitute a quorum. The commission shall hold weekly meetings on such dates as it may fix, and may hold special meetings upon the call of the chairman. It shall keep a complete record of the business it transacts, and shall prepare all blanks necessary in the conduct of its business. With the approval of the governor it may employ a director, and such other assistants as may be necessary at salaries to be fixed by it according to standards established by the department of finance. The director shall qualify by taking the constitutional oath of office and by giving bond to the state in such form and in such amount as shall be determined by the department of finance, conditioned for the faithful performance of his duties. The director shall hold office during the pleasure of the commission.

(2) On or before the 1st day of October of each year the commission shall file in the office of the governor a report containing an accurate statement of its work for the preceding fiscal year ending June 30, which report shall contain a schedule of all securities, issuers, broker-dealers, agents, and investment advisers registered, or as to which registration is pending or has been revoked, denied, enjoined or suspended. The report shall further contain a statement of the receipts and disbursements of the commission, and such other facts as may be necessary to a complete understanding of its work. All fees charged and collected under this act shall be paid by the director at least once a month accompanied by a detailed statement thereof into the treasury of the state to the credit of the general fund. The expenses of the said commission in enforcing and administering this act shall be provided for by legislative appropriation from the state's general fund. The commission shall prepare and submit to the governor, to be included in his budget to be submitted to the legislature, a budget of the requirements for the administrative expenses of the commission in carrying out the provisions of law for the biennium next following the convening of the legislature; provided, that notwithstanding the amount of the appropriation the state securities commission shall not be permitted to expend in excess of 90 per cent of the amount of fees collected in each fiscal year.

(3) It is unlawful for the commission or any of its officers or employees to use for personal benefit any information which is filed with or obtained by the commission and which is not made public. No provision of this act authorizes the commission or any of its officers or employees to disclose any such information except among themselves or when necessary or appropriate in a proceeding or investigation under this act. No provision of this act either creates or derogates from any privilege which exists at common law or otherwise when documentary or other evidence is sought under subpoena directed to the commission or any of its officers or employees.

(4) Every person applying to the commission for registration shall agree to advance funds sufficient to guarantee the expenses of any examination which may be connected therewith. A person making any such examination on behalf of the commission shall render a detailed statement of his expenses in duplicate, one copy of which shall be filed

with the state board of examiners and the other copy with the person examined. Any excess, after travel, hotel, and other necessary expenses and fees or fixed charges of examination are deducted, shall be returned to the person examined.

(5) The commission may charge and collect the following fees in addition to any elsewhere provided for in this chapter:

(a) For any examination, audit, or investigation, not to exceed \$50.00 per day or fraction thereof.

(b) For certificate of serving and mailing process served upon the commission in any action or proceeding commenced or prosecuted in this state against any person who shall have appointed the commission or the director of the commission its agent as provided in section 61-1-26 (6), \$2.50.

(c) For all papers and other records available to the public, the commission shall establish a reasonable fee for copies and authentications and may fix a reasonable charge for any other data or publications issued under its authority.

Section 2. Transfer to General Fund.

The unexpended balance in said securities commission fund as of July 1, 1967, shall be transferred to the unappropriated surplus account of the general fund.

Section 3. Effective Date.

This act shall take effect July 1, 1967.

Approved March 21, 1967.

CHAPTER 165

S. B. No. 162

(Passed February 17, 1967. In effect July 1, 1967)

DEPOSIT OF FEES FROM REAL ESTATE BROKERS

An Act Amending Section 61-2-19, Utah Code Annotated 1953, as Amended by Chapter 146, Laws of Utah 1963; Providing for the Deposit by the Securities Commission of All Fees Collected in Respect to Real Estate Brokers and Salesmen into the General Fund Rather Than the Real Estate License Fund; Providing for the Commission to Submit a Budget and for an Appropriation to Cover Expenses of the Commission and for a Limitation Upon Expenditures; Providing for the Transfer of the Balance in the Real Estate License Fund as of July 1, 1967, to the General Fund and for an Effective Date.

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

Section 1. Section Amended.

Section 61-2-19, Utah Code Annotated 1953, as amended by Chapter 146, Laws of Utah 1963, is amended to read as follows:

61-2-19. Annual Report — Disposition of Fees Collected — Prepare Budget—Transfer to General Fund.

On or before the 1st day of October of each year the commission shall file in the office of the governor a report containing an accurate state-

ment of its work for the preceding fiscal year ending June 30, which report shall contain a schedule of all real estate brokers and salesmen licensed, or as to which license is pending or has been revoked, denied, enjoined or suspended. The report shall further contain a statement of the receipts and disbursements of the commission, and such other facts as may be necessary to a complete understanding of its work. All fees charged and collected under this act shall be paid by the director at least once a month, accompanied by a detailed statement, thereof, into the treasury of the state to the credit of the general fund. The expenses of the commission in enforcing and administering this act shall be provided for by legislative appropriation from the resources of the general fund. The commission shall prepare and submit to the governor, to be included in his budget to the legislature, a budget of the requirements for administrative expenses of the commission in carrying out the provisions of law for the biennium next following the convening of the legislature; provided, that the state securities commission shall not be permitted to expend in excess of 90 percent of the amount of fees collected in each fiscal year of the biennium or the legislative appropriation, whichever is less.

Section 2. Transfer to General Fund.

The unexpended balance in said real estate license fund as of July 1, 1967, shall be transferred to the unappropriated surplus account of the general fund.

Section 3. Effective Date.

This act shall take effect on July 1, 1967.

Approved March 21, 1967.

SOIL CONSERVATION

CHAPTER 166

S. B. No. 12

(Passed February 3, 1967. In effect May 9, 1967)

SOIL CONSERVATION COMMITTEE

An Act Amending Section 62-1-4, Utah Code Annotated 1953, as Amended by Chapter 117, Laws of Utah 1953, Providing for Representation on the State Soil Conservation Committee by Certain Ex Officio Members or Their Designated Representatives.

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

Section 1. Section Amended.

Section 62-1-4, Utah Code Annotated 1953, as amended by Chapter 117, Laws of Utah 1953, is amended to read as follows:

62-1-4. Soil Conservation Committee.

(a) There is established, to serve as an agency of the state and to perform the functions conferred upon it in this act, the state soil conservation committee. The committee shall consist of five members, one of whom shall be designated as chairman. The director of the state extension service at Logan, Utah, president of the State Association of

Soil Conservation Districts, and a member of the state board of agriculture to be designated by said board and the state engineer, or their designated representatives, shall be ex officio members of said committee. The fifth member shall be appointed by the governor. All members of said committee shall be residents of the state of Utah. The committee shall keep a record of its official actions, shall adopt a seal and file a description and impression thereof in the office of the secretary of state, which seal shall be judicially noticed. The committee may perform such acts, hold such public hearings, and promulgate such rules and regulations as may be necessary for the execution of its function under this act.

Personnel.

(b) With the approval of the state board of agriculture the state soil conservation committee may employ an administrative officer and such technical experts and such other agents and employees, permanent and temporary, as it may require, and shall prescribe their qualifications and duties. The compensation of such administrative officer, technical expert and other agents shall be fixed by the state board of agriculture in accordance with standards adopted by the department of finance. The committee may call upon the attorney general for such legal services as it may require. It shall have authority to delegate to its chairman, to one or more of its members, or to one or more agents or employees, such of its powers and duties as it may deem proper. It shall be supplied with suitable office accommodations at the seat of the state government, and shall be furnished with the necessary supplies and equipment. Upon request of the committee, for the purpose of carrying out any of its functions, the supervising officer of any state agency, or of any state institution of learning shall, in so far as may be possible under available appropriations, and having due regard to the needs of the agency to which the request is directed, assign or detail to the committee members of the staff or personnel of such agency or institution of learning, and make such special reports, surveys, or studies as the committee may request.

Chairman—Record—Annual Audit.

(c) The committee shall designate its chairman, and may, from time to time, change such designation. A member of the committee shall hold office so long as he shall retain the office by virtue of which he shall be serving on the committee. A majority of the committee shall constitute a quorum, and the concurrence of a majority in any matter within their duties shall be required for its determination. The chairman and members of the committee shall receive no compensation for their services on the committee, but shall be paid their actual and necessary expenses incurred in the performance of their official duties on the committee when approved by the department of finance. The committee shall provide for the execution of surety bonds for all employees and officers who shall be entrusted with funds or property in such sum and in such amount as to be determined by the department of finance; shall provide for the keeping of a full and accurate record of all proceedings and of all resolutions, regulations and orders issued or adopted; and shall provide an annual audit of the accounts of receipts and disbursements.

Additional Powers and Duties.

(d) In addition to the duties and powers hereinafter conferred upon the state soil conservation committee, it shall have the following duties and powers:

(1) To offer such assistance as may be appropriate to the supervisors of soil conservation districts, organized as provided hereinafter, in the carrying out of their powers and programs.

(2) To keep the supervisors of each of the several districts organized under the provisions of this act informed of the activities and experience of all other districts organized hereunder, and to facilitate an interchange of advice and experience between such districts and co-operation between them.

(3) To co-ordinate the programs of the several soil conservation districts organized hereunder so far as this may be done by advice and consultation.

(4) To secure the co-operation and assistance of the United States and any of its agencies, and of agencies of this state, in the work of such districts.

(5) To disseminate information throughout the state concerning the activities and programs of the soil conservation districts organized hereunder, and to encourage the formation of such districts in areas where their organization is desirable.

Approved February 15, 1967.

STATE AFFAIRS IN GENERAL

CHAPTER 167

S. B. No. 184

(Passed March 8, 1967. In effect May 9, 1967)

LIMITING CONTROL OVER LEGISLATURE BY DEPARTMENT OF FINANCE

An Act Amending Section 63-2-13, Utah Code Annotated 1953, as Amended by Chapter 148, Laws of Utah 1963, as Amended by Chapter 130, Laws of Utah 1965, and Sections 63-2-20 and 63-2-29, Utah Code Annotated 1953, as Amended by Chapter 148, Laws of Utah 1963; Relating to the Department of Finance and the Legislature and the Legislative Committees; Providing Limitations on the Control Exercised by the Department of Finance Over the Legislature, the Legislative Committees or Their Officers and Employees and Requiring the Director of Finance to Procure Certain Materials and Supplies Requested by the Legislature and the Legislative Committees.

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

Section 1. Sections Amended.

Section 63-2-13, Utah Code Annotated 1953, as amended by Chapter 148, Laws of Utah 1963, as amended by Chapter 130, Laws of Utah 1965, and Sections 63-2-20 and 63-2-29, Utah Code Annotated 1953, as

amended by Chapter 148, Laws of Utah 1963, are amended to read as follows:

63-2-13. Director to Fix Salaries of All State Officers—Revision of Schedule—Approval of Governor—Exceptions.

(a) The director of finance shall prescribe and fix a schedule of salaries for the officers, clerks, stenographers and employees of all state offices, departments, boards and commissions, except where such salaries are fixed by statute, by appropriation or where agency governing boards are authorized by statute to fix the salary of certain officers. The director of finance must in all cases give certification as to the availability of funds to pay salaries. The board of examiners in conducting any examination of claims shall not have authority to fix, reset or arbitrarily refuse to pay salaries set by the director of finance or officers' salaries as determined by agency governing boards. Such schedule of salaries shall have the force of law in all state offices, departments, boards and commissions, and shall in no case be exceeded without the express approval of the director of finance.

(b) The director of finance shall revise the state salary schedule at appropriate intervals, based upon the results of state experience and upon the results of periodic wage surveys. The rates of the salary schedule shall reflect the competitive position comparisons with wages paid in other public employment and in private industry. One such survey shall be completed during the calendar year preceding each budget-financial session of the legislature. The results of this survey shall be forwarded, together with recommended revisions to the salary schedule, to the governor for his consideration in the pre-legislature budget preparation processes.

(c) No salary schedule shall be put into effect until approved by the governor.

(d) This section does not apply to the legislature, legislative committees or their officers and employees.

63-2-20. Budgetary Control Over All State Departments—Examination of Departmental Work Programs—Exceptions.

The director of finance shall exercise budgetary control over all state departments, institutions and agencies other than the legislature and legislative committees. The director shall require the head of each department to submit to him not later than May 15th of each year, a work program for the ensuing fiscal year and may at any time require any department to submit a work program for any other period. Such program shall include appropriations and all other funds from any source whatsoever made available to said department for its operation and maintenance and shall show the requested allotments of said appropriations and other funds by quarterly periods for the ensuing or current fiscal year by function, division, program or activity authorized. The director of finance shall review the work program of each department and shall, if the governor deems necessary, revise, alter, decrease or change such allotments before or after approving the same; or, may proceed to make independent allotments which shall be binding on the said department when a work program is not furnished by any said department as required by this section. The aggregate of such allot-

ments shall not exceed the total appropriations or other funds from any source whatsoever made available to said department for the fiscal year in question. The director of finance shall transmit a copy of the allotments when approved by the governor to the head of the department concerned and also a copy to the auditor of the state. The director of finance shall thereupon permit all expenditures to be made from the appropriations or other funds from any source whatsoever on the basis of such allotments and not otherwise, unless such allotments or any part thereof are subsequently revised or changed by the director of finance. The director shall examine and approve or disapprove all requisitions and requests for proposed expenditures of the several departments, except salaries or compensation of officers fixed by law in which case the director shall certify only the availability of funds, and no requisitions of any of the departments shall be allowed nor shall any obligation be created without the approval and the certification of the director. The director shall employ such budget examiners as may be necessary to approve allotments and examine the propriety of all proposed expenditures and facilitate program planning and management improvement of state operations. It is the intent of the legislature that the department of finance shall examine and pass upon all proposed expenditures. Any examination of claims as may be conducted by the board of examiners shall be made prior to payment but only after the obligation has been incurred and an account has been submitted and audited by the state's accounting officer.

63-2-29. Director to Procure All Supplies—Equipment—Services—Exceptions.

The director of finance shall procure by contract or purchase, equipment, materials, provisions, furniture and furnishings, instruments and apparatus, tools, machinery, stationery, light, fuel, heat, water and all office supplies and services, printing and binding and insurance necessary for and required by the several departments of the state government, and such as are requested by the legislature and legislative committees for their own use, and contract for the publication of the laws, codes, reports and journals, and the decisions of the Supreme Court and all proclamations and other notices required by law to be published by any official or department of the state; provide, that all purchases in excess of \$1,000, except in cases of emergency and in the cases of the purchase of insurance, automobiles and trucks, shall be made on contract, let after advertisement for bids, to the responsible bidder making the lowest and best bid. The director may reserve the right to reject any and all bids.

Approved March 17, 1967.

CHAPTER 168

H. B. No. 196

(Passed March 9, 1967. In effect May 9, 1967)

PURCHASE OF SUPPLIES AND EQUIPMENT

An Act Enacting Section 63-2-50, Utah Code Annotated 1953, Providing for the Purchase of Supplies, Equipment and Materials to Be Paid for From Public Funds and Amending Section 10-7-20, Utah Code Anno-

tated 1953, as Amended by Chapter 11, Laws of Utah 1965, and Amending Section 17-5-74, Utah Code Annotated 1953.

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

Section 1. Section Enacted.

Section 63-2-50, Utah Code Annotated 1953, is enacted to read as follows:

63-2-50. Definitions—Public Purchaser—Bidder—Preferred Bidder—Nonpreferred Bidder.

(1) As used in this section:

(a) The term "public purchaser" shall mean every person, board, council, commission or member of any other body who or which shall be authorized, by law, delegation or appointment, to purchase supplies, equipment or materials to be paid for from funds held by and for the use of the state of Utah or any of its political subdivisions, including, but not limited to, counties, cities, towns, school districts, water districts and improvement districts.

(b) The term "bidder" shall mean any person, firm, association or corporation who or which shall submit a price or bid in response to an invitation to tender prices or bids by a public purchaser.

(c) The term "preferred bidder" shall mean any person, firm, association or corporation who shall submit a price or bid to sell a product grown or manufactured in the state of Utah which price is not as low as the low price or bid submitted by a person, firm, association or corporation for a product grown or manufactured by an out of state producer if such out of state producer has a preferred better law provided, however, that the term shall not include such person, firm, association or corporation if the difference between his or its price or bid and the low price or bid exceeds 5% of such low price or bid.

(d) The term "nonpreferred bidder" shall mean any person, firm, association or corporation who shall submit a price or bid to sell a product produced by an out of state producer.

(e) Each preferred bidder shall certify on his bid that he is entitled to the preference provided for by House Bill 196 of the Session Laws of 1967, and unless such certification appears on the bid, the preference provided for by House Bill 196 shall be deemed waived.

(2) In all purchases, every public purchaser shall, within the guidelines established by the purchasing standardization committee or, in the absence of such guidelines, when quality, suitability and end use are equal prefer supplies, equipment or materials produced within this state to the extent set forth in the following subsection (3).

(3) If the offering or bid price of supplies, equipment or materials from a nonpreferred bidder submitted in response to an invitation to tender prices or bids by a public purchaser is the low price or bid and there is a preferred bidder or preferred bidders, then the supplies, equipment or materials shall be purchased from a preferred bidder if he agrees to meet such price or bid, in writing and within forty-eight (48) hours after notification to him that he is a preferred bidder.

(4) Every public purchaser who invites bidders to tender prices or bids for supplies, equipment or materials shall, in the event that

there is a preferred bidder or bidders, give notice to such bidder or bidders that he or they qualify as a preferred bidder or bidders and shall not enter into a contract for the purchase of such supplies, equipment or materials until forty-eight (48) hours have elapsed after notification to the preferred bidder or bidders. The notice to be given by the public purchaser shall contain the exact price or bid submitted by the nonpreferred bidder.

(5) In the event more than one preferred bidder shall notify the public purchaser of his willingness to meet the low bid of a nonpreferred bidder, the contract shall be awarded to the willing preferred bidder who was the lowest preferred bidder originally and if there were two or more equally low preferred bidders, then the bidder to be awarded the contract shall be selected by lot.

(6) In any advertisement for supplies, equipment or materials, specification of any article or specific brand or mark or any patent, apparatus or appliance shall not be made when such specification would prevent competition on the parts of growers, producers or manufacturers of other articles of equal value, utility or merit.

(7) Nothing in this act shall apply if it would preclude or jeopardize obtaining or using federal funds in public contracts.

Section 2. Section Amended.

Section 10-7-20, Utah Code Annotated 1953, as amended by Chapter 11, Laws of Utah 1965, is amended to read as follows:

10-7-20. Necessity for Contract—Call for Bids—Acceptance or Rejection.

Whenever the board of commissioners or city council of any city or the board of trustees of any town shall contemplate making any new improvement to be paid for out of the general funds of the city or town, such governing body shall cause plans and specifications for, and an estimate of the cost of, such improvement to be made. If the estimated cost of such improvement, in case of a city of the first class, shall be less than \$8,000, or in a town or a city of the second or third class less than \$4,000, such city or town may make such improvement without calling for bids for making the same. If the estimated cost of such proposed improvement shall exceed the amounts above mentioned, the city or town shall, if it shall determine to make such improvement, do so by contract let to the lowest responsible bidder after publication of notice for at least five days in a newspaper of general circulation printed and published in such city or town; provided, that where no newspaper is printed or published therein such notice shall be posted in at least five public places in such city or town, the notice so posted to remain posted for at least three days; provided further that when the cost of a contemplated improvement shall exceed the sum of \$8,000 and \$4,000 respectively, the same shall not be so divided as to permit the making of such improvement in several parts, except by contract; provided further, that such governing body shall have the right to reject any or all bids presented, and all notices calling for bids shall so state. If all bids are rejected and the governing body decides to make the improvement, it shall advertise anew in the same manner as before. If after twice advertising as herein provided no bid shall be received

that is satisfactory, such governing body may proceed under its own direction to make the improvement.

Nothing in this article shall be construed to require bids to be called for or contracts let for the conduct or management of any of the departments, business or property of such city or town, or for lowering or repairing water mains or sewers, or making connections with water mains or sewers, or for grading, repairing or maintaining streets, sidewalks, bridges, culverts or conduits in any city or town.

Purchases made by cities or towns, whether or not required by this section to be made after a call for bids shall be made in accordance with the provisions of section 63-2-50.

Section 3. Section Amended.

Section 17-5-74, Utah Code Annotated 1953, is amended as follows:

17-5-74. Powers and Duties of Purchasing Agent.

The county purchasing agent under the direction and supervision of the board of county commissioners shall:

(1) Negotiate for the purchase of or contract for all supplies and materials required by the county, and shall submit all contracts and purchases so negotiated to the board of county commissioners for approval and ratification. All such purchases shall be made in accordance with the provisions of section 63-2-50.

(2) Keep an accurate and complete record of all purchases and a detailed disposition of the same, and shall whenever required by the board of county commissioners make a complete and detailed report to it of business transacted.

Section 4. This Act Controlling—Conflicts—Repeal.

To the extent that the provisions of this act are inconsistent with the provisions of any other law, the provisions of this act shall be controlling, and all acts or parts of acts in conflict with this act are, to the extent of such conflict, repealed.

Section 5. Savings Clause.

If any provision of this act, or the applicability thereof to any person or circumstances, is held invalid, the remainder of this act and the applicability thereof and of such provision to other persons or circumstances shall not be affected thereby.

Section 6. Violation—Misdemeanor.

Any person who violates any provision of this act is guilty of a misdemeanor.

Approved March 16, 1967.

CHAPTER 169

S. B. No. 245

(Passed March 9, 1967. In effect May 9, 1967)

DIVISION OF DOCUMENTS**An Act Creating a Division of Documents in the Department of Finance and Setting Forth Its Duties and Authority.***Be it enacted by the Legislature of the State of Utah:***Section 1. Division of Documents.**

There is hereby established within the department of finance a division of documents which shall be charged with the duties of printing, binding, storing, distributing and managing all official publications of the state of Utah.

Section 2. Develop Policies, Practices and Procedures.

The division of documents shall develop policies, practices and procedures for all state agencies for the format, size, quantity and quality for the publishing and distributing of departmental administrative reports.

Section 3. Printing — Storing — Distributing — Laws — Journals — Reports.

The division of documents shall be charged with the printing, storing and distributing session laws, the house and senate journals, administrative reports, also Utah Code Annotated when authorized by the legislature and all other official publications.

Section 4. Determine Charges—Deposit Moneys.

The division of documents shall determine the charge, if any, for the purchase of any state publication under its control and shall remit daily to the State Treasury all moneys received from the sale of such publications.

Section 5. Distribution of Laws and Resolutions.

Immediately after the laws and resolutions of each session of the legislature have been engrossed and the journals approved the division of documents must distribute them as follows:

- (1) To each department of the government at Washington and of the government of this state, one copy.
- (2) To the Library of Congress and the state law library, two copies each.
- (3) To each of the states and territories, one copy.
- (4) To the United States district judge for this state, to each of the judges of the supreme and district courts, and to each of the state officers of this state, one copy.
- (5) To each member of the legislature and to the secretary of the senate, and the chief clerk of the house of representatives at the session at which such laws were adopted, one copy.
- (6) To the incorporated colleges of the state and to the University of Utah, each one copy.
- (7) To the county clerk of each county, nine copies for the use of the county.

(8) To each district attorney, one copy; to each county attorney, one copy; and to each clerk of the district court, one copy for each division of the district court in his county.

(9) To each free public library in the state, one copy to be furnished on the application of the librarian.

(10) The division of documents shall also furnish to each member of the legislature and each succeeding legislature of the state of Utah and to the secretary of the senate, and the chief clerk of the house of representatives, without cost to him, at the convening of each regular session, or a soon thereafter as may be convenient, a complete set of all the statutory laws of the state of Utah as are then in full force and effect. The division of documents is authorized and directed to purchase an adequate supply of the statutory laws of Utah for the purposes of this act, out of funds made available by the legislature.

Approved March 21, 1967.

CHAPTER 170

S. B. No. 51

(Passed February 21, 1967. In effect May 9, 1967)

REPEALING ACCEPTANCE OF BUSHNELL HOSPITAL AND CAMP KEARNS

An Act Repealing Sections Relating to the Acceptance of Bushnell Hospital and Camp Kearns by the State Board of Examiners; Repealing Sections 63-6-22 Through 63-6-28, Utah Code Annotated 1953.

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

Section 1. Sections Repealed.

Sections 63-6-22 through 63-6-28, Utah Code Annotated 1953, are repealed.

Approved February 27, 1967.

CHAPTER 171

S. B. No. 83

(Passed March 9, 1967. In effect May 9, 1967)

SAFETY REGULATIONS GOVERNING SWIMMING ON LAKES

An Act Providing for the Adoption and Enforcement of Safety Regulations Governing Swimming and Related Activities on Lakes and Reservoirs.

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

Section 1. State Park and Recreation Commission Adopt Rules and Regulations.

The Utah state park and recreation commission is hereby authorized and empowered to make, adopt, promulgate, amend and repeal all rules and regulations necessary or convenient to promote safety in swimming, scuba diving, and related activities on any waters where public boating is permitted. In this connection, the commission may consider

recommendations of and cooperate with other state agencies and the owners or operators of said waters.

Section 2. Regulations to Be Published.

A copy of the regulations adopted pursuant to this act and any amendments thereto shall be filed in the office of the commission and in the office of the secretary of state and shall be published in a convenient form.

Section 3. Violation a Misdemeanor.

Any person who violates any regulations of the Utah state park and recreation commission made pursuant to this act shall be deemed guilty of a misdemeanor.

Section 4. Enforcement of Regulations.

Enforcement of the regulations of the Utah state park and recreation commission made pursuant to this act shall be by officers designated by the commission. Such officers shall have the same authority in making arrests and responsibility in arrest procedures as they have in their other enforcement activities.

Approved March 21, 1967.

CHAPTER 172

S. B. No. 147

(Passed February 17, 1967. In effect July 1, 1967)

DEPOSIT OF MONEY RECEIVED BY TOURIST AND PUBLICITY COUNCIL

An Act Amending Section 63-16-9, Utah Code Annotated 1953, as Enacted by Chapter 123, Laws of Utah 1953; Providing for the Deposit of Moneys Received by the Tourist and Publicity Council in the General Fund of the State, and Repealing Section 63-16-10, Utah Code Annotated, as Enacted by Chapter 123, Laws of Utah 1953; Providing an Effective Date.

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

Section 1. Section Amended.

Section 63-16-9, Utah Code Annotated 1953, as enacted by Chapter 123, Laws of Utah 1953, is amended to read as follows:

63-16-9. Moneys Deposited in General Fund.

The council is authorized to enter into agreements with the industrial commission or the state road commission and as a part of such agreements may accept services, quarters or facilities as a contribution in carrying out the duties and functions of the council. Said council is authorized to solicit and accept contributions of moneys, services, and facilities from any other sources, public or private, providing the council shall not use said funds for publicizing the exclusive interest of the donor. Moneys received pursuant to this section shall be deposited in the state's general fund as restricted revenue of the Utah tourist and publicity council.

Section 2. Section Repealed.

Section 63-16-10, Utah Code Annotated 1953, as enacted by Chapter 123, Laws of Utah 1953, is hereby repealed.

Section 3. Effective Date.

This act shall take effect on July 1, 1967.

Approved March 3, 1967.

CHAPTER 173

S. B. No. 146

(Passed February 17, 1967. In effect July 1, 1967)

DEPOSIT OF GIFTS AND FUNDS RECEIVED BY UTAH STATE HISTORICAL SOCIETY

An Act Amending Section 63-18-7, Utah Code Annotated 1953, as Enacted by Chapter 141, Laws of Utah 1957; Providing for the Deposit of Gifts, Funds and Proceeds Received by the Utah State Historical Society in the General Fund as Restricted Revenue; and Providing an Effective Date.

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

Section 1. Section Amended.

Section 63-18-7, Utah Code Annotated 1953, as enacted by Chapter 141, Laws of Utah 1957, is amended to read as follows:

63-18-7. Deposits in General Fund a Restricted Revenue—Reports to Governor.

The said society is authorized to solicit memberships from persons interested in the work of the society and to make a charge for such memberships commensurate with the advantages of membership and the needs of the society. The said society is further authorized to receive bequests, gifts, and endowments of money or property; and the board of trustees is directed to deposit such funds with the state treasurer, or to invest funds with the approval of the state finance commission, and to use moneys or properties received by the society in accordance with directions of the donor. Unless the donor directs otherwise such funds and property shall remain intact, to be deposited in the general fund of the state as restricted revenue of the Utah state historical society. The board of trustees of said society shall keep a correct account of funds and property received, held, or disbursed by it, and shall make reports to the governor as in the case of other state institutions.

Section 2. Effective Date.

This act shall take effect on July 1, 1967.

Approved March 21, 1967.

CHAPTER 174

S. B. No. 235

(Passed March 9, 1967. In effect July 1, 1967)

CONSOLIDATION OF DEPARTMENTS

An Act Relating to the Central Administration and Control of Various Departments in the State Government; Providing for the Coordination and Consolidation into a Single Department, the Department of Health and Welfare, the Health, Welfare, Corrections, Pardons, Mental Health, Indian Affairs and Similar or Related Functions of State Government; Providing for the Creation of a Coordinating Council of Health and Welfare to Establish the Policy of the Department of Health and Welfare and Effectuate Coordination and Cooperation Between Its Boards and Divisions; Providing for the Creation of the Boards of Health, Welfare, Corrections, Pardons, Mental Health and Indian Affairs, Their Powers, Duties and Responsibilities; Providing for Divisions of Health, Welfare, Corrections, Mental Health and Indian Affairs, Their Powers, Duties and Responsibilities; Providing for Functions of the Medical Examiner Commission, the Utah State Board on Alcoholism, the State Water Pollution Control Board, the Air Conservation Council and the Committee on Children and Youth to Be Assumed by Various Divisions of the Department; Providing for the Medical Examiner Committee as Advisory to the Board of Health and for the Committee on Children and Youth as Advisory to the Board of Welfare; Providing for the Committee on Alcoholism, the Medical Examiner, the Committee on Water Pollution and the Committee on Air Pollution to Be Within the Division of Health; and Providing for the Transfer to the Division of Health of the Tuberculosis and Silicosis Treatment Program; Providing an Effective Date; Amending Section 26-15-2, Utah Code Annotated 1953, as Enacted by Chapter 42, Laws of Utah 1953, Section 26-15-4.5, Utah Code Annotated 1953, as Enacted by Chapter 50, Laws of Utah 1957, Section 26-15-5, Utah Code Annotated 1953, as Enacted by Chapter 42, Laws of Utah 1953, as Amended by Chapter 131, Laws of Utah 1965, Section 26-15-6, Utah Code Annotated 1953, as Enacted by Chapter 42, Laws of Utah 1953, as Amended by Chapter 43, Laws of Utah 1959, as Amended by Chapter 131, Laws of Utah 1965, Sections 26-17-1, 26-17-2, and 26-17-5, Utah Code Annotated 1953, as Enacted by Chapter 55, Laws of Utah 1961, Sections 26-17-6, 26-17-9, 26-17-10, 26-17-11, 26-17-12, 26-17-13, 26-17-14, 26-17-17, and 26-17-18, Utah Code Annotated 1953, as Enacted by Chapter 54, Laws of Utah 1961, Section 26-17-21, Utah Code Annotated 1953, as Enacted by Chapter 49, Laws of Utah 1965, Sections 26-20-1, 26-20-2, 26-20-3, 26-20-7 and 26-20-12, Utah Code Annotated 1953, as Enacted by Chapter 164, Laws of Utah 1965, Sections 55-13-4, 55-13-5, 55-13-6 and 55-13-7, Utah Code Annotated 1953, as Enacted by Chapter 112, Laws of Utah 1957, Sections 55-14-5 and 55-14-6, Utah Code Annotated 1953, as Enacted by Chapter 128, Laws of Utah 1961, Sections 55-15-1, 55-15-4, 55-15-5, 55-15-6, 55-15-7, 55-15-9, 55-15-10, 55-15-12, 55-15-14, 55-15-15, 55-15-16, 55-15-17, 55-15-18, 55-15-19, 55-15-20, 55-15-21, 55-15-22, 55-15-23, 55-15-24, 55-15-26, 55-15-27, 55-15-28, 55-15-30, 55-15-31, 55-15-33, 55-15-35 and 55-15-36, Utah Code Annotated 1953, as Enacted by Chapter 126, Laws of Utah 1961, Section 55-15-8, Utah Code Annotated 1953, as Enacted by Chapter

126, Laws of Utah 1961, as Amended by Chapter 109, Laws of Utah 1965, Section 55-15-11, Utah Code Annotated 1953, as Enacted by Chapter 126, Laws of Utah 1961, as Amended by Chapter 110, Laws of Utah 1965, Section 55-15-13, Utah Code Annotated 1953, as Enacted by Chapter 126, Laws of Utah 1961, as Amended by Chapter 108, Laws of Utah 1963, Section 55-15-29, Utah Code Annotated 1953, as Enacted by Chapter 126, Laws of Utah 1961, as Amended by Chapter 111, Laws of Utah 1965, Sections 64-7-2, 64-7-4, 64-7-5, 64-7-6, 64-7-9, 64-7-10, 64-7-11, 64-7-12, 64-7-13, 64-7-14, 64-7-17, 64-7-18, 64-7-19, 64-7-20, 64-7-27, 64-7-38, 64-7-42, 64-7-43 and 64-7-52, Utah Code Annotated 1953, Sections 64-7-7, 64-7-41 and 64-7-48, Utah Code Annotated 1953, as Amended by Chapter 159, Laws of Utah 1963, Section 64-7-3, Utah Code Annotated 1953, as Amended by Chapter 143, Laws of Utah 1965, Section 64-7-33, Utah Code Annotated 1953, as Amended by Chapter 124, Laws of Utah 1953, as Amended by Chapter 159, Laws of Utah 1963, Section 64-7-36, Utah Code Annotated 1953, as Amended by Chapter 124, Laws of Utah 1953, as Amended by Chapter 160, Laws of Utah 1963, Section 64-7-55, Utah Code Annotated 1953, as Enacted by Chapter 124, Laws of Utah 1953, Sections 64-8-2, 64-8-3, 64-8-4 and 64-8-5, Utah Code Annotated 1953, Section 64-8-6, Utah Code Annotated 1953, as Amended by Chapter 144, Laws of Utah 1965, Sections 64-9-6, 64-9-7, 64-9-8, 64-9-9, 64-9-10, 64-9-18, 64-9-19, 64-9-21, 64-9-22, 64-9-27, 64-9-28, 64-9-30, 64-9-31, 64-9-32, 64-9-42, 64-9-44, 64-9-45 and 64-9-53, Utah Code Annotated 1953, and Sections 77-62-2, 77-62-4, 77-62-20, 77-62-21, 77-62-28 and 77-62-30, Utah Code Annotated 1953; Enacting Sections 26-17-18.5, 26-21-1, 26-21-2, 26-21-3, 26-21-4, 26-21-5, 55-13-1.5, 64-9-1.5 and 73-14-2.5, Utah Code Annotated 1953; Repealing and Reenacting Section 26-15-1, Utah Code Annotated 1953, as Enacted by Chapter 42, Laws of Utah 1953, Section 26-15-3, Utah Code Annotated 1953, as Enacted by Chapter 42, Laws of Utah 1953, as Amended by Chapter 43, Laws of Utah 1959, as Amended by Chapter 163, Laws of Utah 1961, as Amended by Chapter 37, Laws of Utah 1963, Section 26-17-3, Utah Code Annotated 1953, as Enacted by Chapter 55, Laws of Utah 1961, Section 26-17-8, Utah Code Annotated 1953, as Enacted by Chapter 54, Laws of Utah 1961, Section 55-13-1, Utah Code Annotated 1953, as Enacted by Chapter 112, Laws of Utah 1957, Section 55-14-1, Utah Code Annotated 1953, as Enacted by Chapter 128, Laws of Utah 1961, Section 55-15-3, Utah Code Annotated 1953, as Enacted by Chapter 126, Laws of Utah 1961, Section 64-9-2, Utah Code Annotated 1953, as Amended by Chapter 140, Laws of Utah 1965, Section 64-9-4, Utah Code Annotated 1953 and Section 73-14-3, Utah Code Annotated 1953, as Enacted by Chapter 41, Laws of Utah 1953; and Repealing Section 26-17-4, Utah Code Annotated 1953, as Enacted by Chapter 55, Laws of Utah 1961, Section 26-17-16, Utah Code Annotated 1953, as Enacted by Chapter 54, Laws of Utah 1961, as Amended by Chapter 1, Laws of Utah 1966, First Special Session, Section 26-17-22, Utah Code Annotated 1953, as Enacted by Chapter 49, Laws of Utah 1965, Sections 55-15-2, 55-15-37 and 55-15-38, Utah Code Annotated 1953, as Enacted by Chapter 126, Laws of Utah 1961, Section 77-62-26, Utah Code Annotated 1953, and All of Chapter 6 of Title 55, Utah

Code Annotated 1953, and All of Chapter 22 of Title 63, Utah Code Annotated 1953.

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

Section 1. "Health and Welfare Act."

This act shall be known and may be cited as the "Health and Welfare Act."

Section 2. Purpose of Act.

The purpose of this act is to coordinate and consolidate in a single department of state government the functions heretofore exercised by the health department, the welfare department, the board of corrections, the board of pardons, the Indian affairs commission, the committee on Indian affairs and similar affiliated agencies, in order to establish lines of administrative responsibility, increase administrative efficiency and decrease the cost of state government.

Section 3. Department of Health and Welfare.

There is hereby created within the government of the state of Utah a department of health and welfare. There is also created within the department of health and welfare the coordinating council of health and welfare and the following boards:

- (1) Board of health.
- (2) Board of welfare.
- (3) Board of corrections.
- (4) Board of pardons.
- (5) Board of mental health.
- (6) Board of Indian affairs.

and the following divisions:

- (1) Division of health.
- (2) Division of welfare.
- (3) Division of corrections.
- (4) Division of mental health.
- (5) Division of Indian affairs.

Section 4. Coordinating Council—Responsibilities—Duties.

(1) The coordinating council shall be responsible for establishing the policy of the department of health and welfare and effecting coordination and cooperation among the boards and divisions of it; for approving the budget of each board and division and for providing generally for the supervision of the department and performing such other duties as the legislature shall assign to it.

(2) The coordinating council shall be comprised of seven members who shall be appointed by the governor, with the advice and consent of the senate. In making appointments to the council, the governor shall select persons from the state at large with due consideration for population and geographical representation. One member of the coordinating council shall be a licensed physician, currently practicing medicine in the state, and one other member of the coordinating council shall be a licensed dentist, currently practicing dentistry in the state.

All appointees shall be selected solely on the basis of their qualifications, and not more than four shall be of the same political party. Of the first members appointed to the coordinating council, four shall be appointed for a term of two years and three for a term of four years, but their successors shall be appointed for terms of four years each. All terms shall begin on March 1. Appointments to fill vacancies occurring in the membership of the coordinating council shall be for the unexpired term.

(3) The coordinating council shall organize itself and shall select one of its members to serve as its chairman. The council shall meet at least once every three months. It may hold other meetings at such times and places as shall be scheduled by it in formal sessions or as shall be called by the chairman.

(4) Members of the coordinating council shall be paid for their actual and necessary expenses incurred in the performance of their official duties plus a per diem allowance as approved by the board of examiners.

Section 5. Chief Administrative Officer—Executive Director of Health.

The chief administrative officer of the department of health and welfare shall be the executive director of health and welfare who shall be appointed by the coordinating council, with the advice and consent of the governor and of the senate. The executive director shall be removable at the will of the coordinating council and shall receive a rate of compensation as established by the board of examiners. The executive director shall be a person experienced in administration.

Section 6. Chief Administrative Officers—Appointment—Compensation.

The chief administrative officer of each division within the department of health and welfare shall be a director. Each director shall be appointed by the board having direction of the division, with prior approval of the coordinating council of health and welfare and with the advice and consent of the governor and of the senate. The director of each division shall be removable at the will of the board having direction of the division. The respective directors shall receive a rate of compensation to be established by the board of examiners. The director of each division shall be experienced in administration and in addition:

- (1) The director of the division of health shall be a medical doctor.
- (2) The director of the division of mental health shall be a psychiatrist.
- (3) The director of the division of welfare shall be experienced in administration and familiar with public welfare programs.
- (4) The director of the division of corrections shall have training in criminology and penology.

Section 7. Executive Director—Administrative Jurisdiction Over Division Directors—Powers—Duties.

The executive director of the department of health and welfare shall have administrative jurisdiction over each of the division directors for the purpose of implementing department policy as established by the coordinating council. The executive director of health and welfare shall also have the authority to make consolidations of personnel and functions

in the respective divisions under his administrative jurisdiction which will best effectuate efficiency and economy in the operations of the department.

Section 8. Coordinating Council—Powers—Duties.

The coordinating council, with the approval of the governor, may accept, in behalf of the state of Utah, and bind the state by such acceptance, any executive or legislative provisions that may be promulgated or enacted by the federal government or any agency thereof, whereby the state of Utah is invited, permitted or authorized to participate in the distribution, disbursement or administration of any fund or service, advanced, offered or contributed in whole or in part by the federal government for purposes consistent with the powers and duties of the department.

If any executive or legislative provisions of the federal government shall require, as a condition to participation by the state of Utah in any fund, property or service, the council with the governor's approval, shall expend whatever funds are necessary out of the monies provided by the legislature for use and disbursement by said department.

Section 9. Section Amended.

Section 26-15-1, Utah Code Annotated 1953, as enacted by Chapter 42, Laws of Utah 1953, is repealed and reenacted to read as follows:

26-15-1. Board of Health—Within Department of Health and Welfare—Powers—Duties.

There is created within the department of health and welfare a board of health which, except as otherwise provided in this act, shall assume all of the policy-making functions, powers, duties, rights and responsibilities of the state board of health and the state department of health, together with all functions, powers, duties, rights and responsibilities granted to the board of health by this act. The board of health shall be the policy-making body of the division of health. Except as otherwise provided in this act, whenever reference is made in Title 26, or any other provision of law, to the state board of health or the state department of health, it shall be construed as referring to the board of health where such reference pertains to policy-making functions, powers, duties, rights and responsibilities; but in all other instances such reference shall be construed as referring to the division of health.

Section 10. Section Amended.

Section 26-15-2, Utah Code Annotated 1953, as enacted by Chapter 42, Laws of Utah 1953, is amended to read as follows:

26-15-2. Expiration of Board of Health—Appointment—Confirmation—Terms of Office—Meeting—Quorum—Per Diem Allowance.

Upon the effective date of this act, the terms of office of the present members of the state board of health shall expire. The board of health shall be comprised of seven members, appointed by the governor with the advice and consent of the senate. Three members of the board shall be physicians and graduates of regularly chartered and legally constituted medical schools, with license in the state of Utah to practice medicine and surgery in all branches. One member shall be a licensed

dentist. All other members of the board shall be chosen with due regard to their knowledge of and interest in public health and in promoting the health of the citizens of the state by the most modern and best suited methods.

Four of the seven members shall hold office for two years from March 15, 1967. Three of the seven members shall hold office for four years from March 15, 1967. Thereafter all appointments shall be for terms of four years each. Each member of the board shall qualify by taking and subscribing the constitutional oath and shall hold office until his successor shall be appointed and qualified. The members of the board shall elect one of their members chairman whenever the office of chairman shall become vacant.

The board shall hold meetings at least once every three months and one meeting shall be so held during each regular session of the legislature. Such meetings shall be held from time to time on the call of the chairman or of the majority of the members. Four members shall be necessary to constitute a quorum at any regular or special meetings, and the action of the majority of members present shall be the action of the board. The members of the board of health shall each receive a per diem allowance as established by the board of examiners and all actual and necessary expenses incurred in the performance of their official duties.

Section 11. Section Amended.

Section 26-15-5, Utah Code Annotated 1953, as enacted by Chapter 42, Laws of Utah 1953, as amended by Chapter 131, Laws of Utah 1965, is amended to read as follows:

26-15-5. Board of Health—Powers—Duties.

The board of health shall have the following powers and duties:

(1) By the affirmative vote of a majority of its members, adopt, amend or rescind regulations and standards as it may deem necessary or desirable to carry out the provisions and purposes of this act, and to enable the division of health to administer and enforce the public health laws of this state. However, for the control of hospitals, the board may adopt only rules and regulations recommended by the hospital advisory council.

The regulations so established shall be part of the public health code, shall have the force and effect of law, and may deal with any matters affecting the security of health or the preservation and improvement of public health in the state of Utah, and with any matters as to which jurisdiction is hereinafter conferred upon the division of health. Every regulation adopted by the board of health shall state the date on which it takes effect, and a copy thereof, duly signed by the secretary of the board of health, shall be filed as a public record in the division of health and a copy thereof shall be sent to each health officer within the state, and shall be published in such manner as the director of the division of health may from time to time determine. Certified copies of the public health code and its amendments shall be furnished for a fee sufficient to cover cost of production and distribution, and such certified copies shall be received in evidence in all courts or other judicial proceedings in the state. The board shall provide public hearings prior to

the adoption of any rule, regulations or standard. Hearings may not be provided for measures adopted in the administration of the division. All rules, regulations, and standards heretofore adopted by the state board of health or any board, office, department or bureau whose duties are transferred to the board of health or the division of health shall remain in full force and effect until superseded by rules, regulations or standards duly adopted by the board of health.

(2) Determine the general policies to be followed in the division of health.

(3) Advise the director of the division of health as to how to establish such organizational units in the division as he may deem necessary for effective administration and enforcement of the public health laws, rules, regulations, and standards, and to abolish, change, or extend any organizational units so created or established previously except as otherwise provided by law.

(4) Evaluate the work of the director of the division of health at intervals of four years, and submit a report thereon in writing to the governor. The board may employ consultants to assist it in making this evaluation.

Section 12. Division of Health Created.

There is created the division of health, which shall be within the department of health and welfare under the administration and general supervision of the coordinating council of health, and welfare and under the policy direction of the board of health. The division of health shall be the health authority for the state of Utah, shall assume all of the functions, powers, duties, rights and responsibilities of the state board of health and the state department of health, except those which are assumed by the board of health under this act, and is vested with such other functions, powers, duties, rights and responsibilities as provided in this act and other law.

Section 13. Section Amended.

Section 26-15-3, Utah Code Annotated 1953, as enacted by Chapter 42, Laws of Utah 1953, as amended by Chapter 43, Laws of Utah 1959, as amended by Chapter 163, Laws of Utah 1961, as amended by Chapter 37, Laws of Utah 1963, is repealed and reenacted to read as follows:

26-15-3. Director—Division of Health—Appointed by Board of Health—With Approval—Coordinating Council—Governor—Senate.

The director of the division of health shall be appointed by the board of health, with the prior approval of the coordinating council of health and welfare and with the advice and consent of the governor and of the senate. The director shall be the executive and administrative head of the division of health. The director of health shall serve at the will of the board of health.

The director of the division of health shall be a physician who is a graduate of a regularly-chartered and legally-constituted medical school, licensed to practice medicine and surgery in all branches in Utah. The license may be secured within six months from the date of appointment. He shall have successfully completed at least one year's graduate work in a recognized school of public health and shall have at least five

years' professional full time experience of which at least three years shall have been in public health in an administrative capacity. He shall be thoroughly informed and experienced in all aspects of public health work.

The governor, with the consent of the board of health, may designate an acting director who does not meet all of the requirements provided for in this section for a period not to exceed one year.

Section 14. Section Amended.

Section 26-15-6, Utah Code Annotated 1953, as enacted by Chapter 42, Laws of Utah 1953, as amended by Chapter 43, Laws of Utah 1959, as amended by Chapter 131, Laws of Utah 1965, is amended to read as follows:

26-15-6. Powers and Duties of Director of the Division of Health.

The director of the division of health shall have and exercise the following powers and duties in addition to all other powers and duties imposed upon him by law:

(1) To be the chief executive and administrative officer of the division of health, and the secretary and executive officer of the board.

(2) Succeed to all powers and discharge all duties and perform all functions which by existing and continuing law are conferred upon or required to be discharged or performed by the state health commissioner or the secretary of the state board of health.

(3) With the approval of the board of health to designate a member of the staff of the division of health as acting director of the division of health during his absence or disability. In the event such absence or disability shall exceed a period of 60 calendar days, then the office of acting director of the division of health shall become vacant.

(4) To prescribe regulations not inconsistent with the law for the government of his division, the conduct of its employees, the distribution and performance of its business, and the custody, use and preservation of the records, papers, books, documents, and property pertaining to the division of health. The director of the division of health shall have the power to administer oaths for all purposes required for the discharge of his respective duties.

(5) To approve payment of traveling and subsistence expenses to employees actually and necessarily incurred in the performance of their official duties when absent from their places of residence.

Wherever the director of the division of health is responsible for performance of any act, he may authorize an employee of the division or a local health officer to act for him.

(6) On or before the first day of October preceding each regular session of the legislature after approval by the coordinating council of health and welfare, make to the governor a report of the activities, progress and problems of the division of health, and recommend such changes in the law as the division deems necessary.

Except as otherwise provided in this act, whenever reference is made in Title 26, or any other provision of law, to the director of the state department of health or the state health commissioner, it shall be construed as referring to the director of the division of health.

Section 15. Section Amended.

Section 26-15-4.5, Utah Code Annotated 1953, as enacted by Chapter 50, Laws of Utah 1957, is amended to read as follows:

26-15-4.5. Division of Health Not to Control Water Used Solely for Irrigation Purposes—Non-potable Water—Precautions for Protection of Public Health.

Nothing contained in chapter 15 of Title 26 shall be construed as authorizing the division of health to exercise administrative control over water used solely for irrigation purposes, whether conveyed in pipes, ditches, canals, or by other facilities, nor, to promulgate rules and regulations relating to the construction, operation, and maintenance of facilities for conveying such water to the place of use. Where non-potable water is conveyed in pipe lines under pressure in areas served by a potable water system, the following precautions for the protection of public health shall be observed:

(1) A distinctive coloring or other marking on all exposed portions of the non-potable system shall be used.

(2) There shall be a complete physical separation of potable and non-potable water system service lines and extensions and they shall be installed in separate trenches.

(3) All hydrants and sprinkling system control valves shall be operated by a removable key so that it will not be possible to turn on the hydrant or valve without a key.

(4) There shall be no cross connection between the potable and non-potable water systems.

(5) The non-potable system shall not be extended into any building.

(6) No connection in the non-potable water system shall be made except by the person responsible for its management.

Section 16. Section Amended.

Section 26-20-1, Utah Code Annotated 1953, as enacted by Chapter 164, Laws of Utah 1965, is amended to read as follows:

26-20-1. Medical Examiner Committee — Members — Appointment — Terms—Meetings—Compensation—Advisory Committee.

A medical examiner committee is established and shall be constituted as follows:

(1) A representative of the Utah bar who is a practicing attorney.

(2) A representative of the Utah funeral directors and embalmers association who is a practicing and licensed funeral director and embalmer.

(3) A representative of the Utah peace officers association who is experienced in criminal investigation.

(4) A representative of the Utah state medical association who is a qualified pathologist.

(5) A representative of the division of health who is not a physician.

All members of the committee shall be appointed by the governor. The term of office of members of the committee shall be for four years or until a successor is appointed and qualified. On the first committee

appointed, the representative from the Utah funeral directors and embalmers association and Utah state medical association shall serve for a term of two years. All succeeding appointments shall be for a term of four years except that any appointment to fill a vacancy occurring by reason of death, resignation, removal or other cause shall be for the remainder of the term of the member whose office becomes vacant.

All members of the medical examiner commission holding office upon the effective date of this act shall continue to serve and shall become the members of the medical examiner committee.

The members of the committee shall elect from their number a chairman and a vice-chairman for terms agreed upon by the members. The committee shall meet regularly four times each year at such times and places as shall be fixed by the committee at the first meeting of each year and specifically upon call of the chairman or upon call signed by three members of the committee and served upon all members. Three members shall constitute a quorum for the transaction of business.

Members of the committee shall be eligible for reappointment and members of the committee, except those otherwise in public employment, shall receive all actual and necessary expenses incurred in carrying out their respective official duties.

Upon the effective date of this act, the medical examiner committee shall become an advisory body to the board of health and shall advise the board of health in all matters relating to the medical examiner program provided for in Chapter 20 of Title 26 and to this end shall make recommendations and reports to the board of health concerning rules, regulations, criteria and standards as are considered appropriate for formal adoption.

Section 17. Section Amended.

Section 26-20-2, Utah Code Annotated 1953, as enacted by Chapter 164, Laws of Utah 1965, is amended to read as follows:

26-20-2. Appointment of Medical Examiner—Qualifications—Duties.

The director of the division of health with approval of the board of health shall appoint a medical examiner who shall be licensed to practice medicine in Utah and shall be a qualified pathologist.

He shall serve at the will of the director of the division of health. He shall have authority only on request of the county attorney or county physician to conduct pathological examinations and perform autopsies in those cases enumerated in section 26-20-4. He shall have authority to employ such technical and clerical personnel as may be required to effectively administer this act, subject to rules, regulations and standards of the board of health and state merit system.

Section 18. Section Amended.

Section 26-20-3, Utah Code Annotated 1953, as enacted by Chapter 164, Laws of Utah 1965, is amended to read as follows:

26-20-3. Deputy Medical Examiner — Appointment — Qualifications — Function and Authority, Compensation.

The medical examiner, with the approval of the director of the division of health, shall appoint deputy medical examiners on a tempor-

ary basis throughout the state as may be necessary for the effective administration of this act. Such deputy medical examiners shall be trained pathologists. They shall function under the direction of the medical examiner and shall have authority to conduct pathological examinations and perform autopsies where the medical examiner is so empowered. They shall be reasonably compensated for the services rendered to, and expenses incurred in behalf of, the state as determined by the coordinating council of health and welfare, with the approval of the board of examiners.

Section 19. Section Amended.

Section 26-20-7, Utah Code Annotated 1953, as enacted by Chapter 164, Laws of Utah 1965, is amended to read as follows:

26-20-7. Medical Examiners Office—Maintain Records—Reports.

The medical examiners office shall keep and maintain full and complete original records, properly indexed, giving the name, if known, or otherwise identifying every person whose death is investigated, the place where the body was found, the date, cause and manner of death, and all other relevant information concerning the death. The full report and detailed findings of the autopsy, if any, shall be a part of the record in each case. The office shall promptly deliver to the county attorney having criminal jurisdiction over the case copies of all records relating to every death. Any county or district attorney, the attorney general, or other law enforcement official may, upon request, secure copies of the original of such records where necessary, or other documents or pertinent information deemed necessary by him to the performance of his official duties. Private persons, corporations or associations, with legitimate interest in the death, may obtain copies of records upon such conditions and payment of such reasonable fees as may be prescribed by the board of health.

Section 20. Section Amended.

Section 26-20-12, Utah Code Annotated 1953, as enacted by Chapter 164, Laws of Utah 1965, is amended to read as follows:

26-20-12. Additional Powers of Division and Board of Health.

In addition to the powers and duties of the division of health and the board of health provided by this act and otherwise by law, the division and board may:

- (1) Establish and promulgate rules and regulations necessary or appropriate to effectively carry out the provisions of this act.
- (2) Arrange for the medical examiner officer to perform toxicologic analyses for public or private institutions either in Utah, or elsewhere, and fix the terms for such services.
- (3) Co-operate in training law enforcement personnel in the techniques of criminal investigation as related to medical and pathological matters.
- (4) Pay to private parties or institutions or funeral directors the reasonable value to the medical examiner office of services performed by such parties for the medical examiner office.

Section 21. Section of Dental Health Within Division of Health.

There is created within the division of health the section of dental health. The section of dental health shall promote programs intended to better protect and improve the dental health of the people of Utah under such rules and regulations as may be promulgated or adopted by the board of health. The executive and administrative head of the section of dental health shall be a director who shall be appointed by the board of health and shall be a regularly licensed dentist in the state of Utah with at least one year of training in an accredited school of public health or not less than two years of experience in public health dentistry. The director of the section of dental health shall serve at the will of the board of health.

Section 22. Section Amended.

Section 55-13-1, Utah Code Annotated 1953, as enacted by Chapter 112, Laws of Utah 1957, is repealed and reenacted to read as follows:

55-13-1. Committee on Alcoholism—Powers—Duties.

There is created within the division of health the committee on alcoholism which shall assume all of the functions, powers, duties, rights and responsibilities of the Utah state board on alcoholism, as amended by this act. Except as otherwise provided in this act, whenever reference is made in Title 55, or any other provision of law, to the Utah state board on alcoholism, it shall be construed as referring to the committee on alcoholism.

Section 23. Section Enacted.

Section 55-13-1.5, Utah Code Annotated 1953, is enacted to read as follows:

55-13-1.5. Committee on Alcoholism—Appointment—Terms—Approval of Senate—Per Diem Allowance.

Upon the effective date of this act, the terms of office of the present members of the Utah state board on alcoholism shall expire. The committee on alcoholism shall be comprised of seven members to be appointed by the governor, with the advice and consent of the senate. In making appointments to the board the governor shall select persons from the state at large with due consideration for population and geographical representation, but not more than four members of the board shall be from the same political party. Of the members first appointed to the committee on alcoholism, the terms of office of three members shall expire on March 1, 1969, and the terms of the remaining four members shall expire on March 1, 1971. Their respective successors shall each be appointed for terms of four years. Vacancies occurring by reason of death, resignation or any other cause, shall be filled by the appointment of another person by the governor, with the advice and consent of the senate, for the unexpired term for the person whose office was vacated. Members of the committee shall each receive a per diem allowance as approved by the board of examiners and all their actual and necessary expenses incurred in the performance of their respective official duties.

Section 24. Section Amended.

Section 55-13-4, Utah Code Annotated 1953, as enacted by Chapter 112, Laws of Utah 1957, is amended to read as follows:

55-13-4. Committee on Alcoholism—Officers—Executive Secretary—Salary—Meetings.

The committee on alcoholism shall annually elect from its membership a chairman, vice-chairman and such other officers as it shall deem advisable. It shall have power to appoint an executive secretary and to prescribe his duties. The salary of the executive secretary shall be fixed by the committee, with the approval of the board of health and of the board of examiners. The committee, with the approval of the coordinating council, may adopt rules and regulations governing its organization and procedure. Meetings of the committee shall be held at least once each month. The committee may provide for offices for the conduct of business.

Section 25. Section Amended.

Section 55-13-5, Utah Code Annotated 1953, as enacted by Chapter 112, Laws of Utah 1957, is amended to read as follows:

55-13-5. Report to Board of Health—Governor—Legislature.

On or before November 1 of each year preceding a regular session of the legislature, the committee on alcoholism shall submit a report to the board of health and to the governor and the legislature. Such report shall cover the activities of the committee for the preceding two fiscal years and shall include a complete financial statement.

Section 26. Section Amended.

Section 55-13-6, Utah Code Annotated 1953, as enacted by Chapter 112, Laws of Utah 1957, is amended to read as follows:

55-13-6. Committee on Alcoholism—Establish Fees—Accept Gifts—Deposit Funds.

The committee on alcoholism may, with the approval of the coordinating council and of the board of examiners, establish and assess fees for rehabilitation services and may accept in the name of and on behalf of the state donations, gifts, devises or bequests of real or personal property or of services. Such fees, donations, gifts, devises or bequests shall be used by the committee in the performance of its powers and duties. Any money so obtained shall be deposited with the state treasurer and placed to the credit of the committee on alcoholism and any unexpended money so obtained shall not lapse into the general fund at the close of the biennium.

Section 27. Section Amended.

Section 55-13-7, Utah Code Annotated 1953, as enacted by Chapter 112, Laws of Utah 1957, is amended to read as follows:

55-13-7. Committee to Prepare Budget.

The committee on alcoholism shall prepare and submit to the division of health for submission by the division of health to the governor, to be included in his budget to be submitted to the legislature, a budget of

the requirements of the committee for salaries, wages and general administrative expenses to carry out the provisions of the law for the biennium next following the convening of the legislature.

Section 28. Section Enacted.

Section 73-14-2.5, Utah Code Annotated 1953, is enacted to read as follows:

73-14-2.5. Committee on Water Pollution—Powers—Duties.

There is created within the division of health a committee on water pollution which shall assume all of the functions, powers, duties, rights and responsibilities of the state water pollution control board, as amended by this act. Except as otherwise provided in this act, whenever reference is made in Title 73, or any other provision of law, to the state water pollution control board, it shall be construed as referring to the committee on water pollution.

Section 29. Section Amended.

Section 73-14-3, Utah Code Annotated 1953, as enacted by Chapter 41, Laws of Utah 1953, is repealed and reenacted to read as follows:

73-14-3. Committee on Water Pollution—Members—Appointment—Confirmation—Officers—Meetings—Per Diem Allowance—Quorum.

Upon the effective date of this act, the terms of office of the present members of the state water pollution control board shall expire. The committee on water pollution shall be comprised of the director of the division of health, or such other person as shall be designated by the division of health, and eight other members appointed by the governor, with the advice and consent of the senate. The appointed members shall be as follows: one member representing the mineral industries; one member representing the food processing industries; one member representing other manufacturing industries; one member representing municipalities; one member representing agricultural and livestock interests; one member representing fish, wildlife and recreation interests; and two members at large, selected with due consideration of the areas of the state affected by water pollution and neither of whom shall represent other interests named in this section. Of the members of the committee first appointed, the terms of office of four of such members shall expire on March 1, 1969, and the terms of office of the remaining four members shall expire on March 1, 1971. Their successors shall be appointed for terms of four years each. Vacancies occurring by reason of death, resignation or any other cause, shall be filled by the appointment of another person by the governor, with the advice and consent of the senate, for the unexpired term for the person whose office was vacated.

The committee shall organize and annually select one of its members to serve as chairman and one of its members to serve as vice chairman, shall hold at least four regular meetings each calendar year and shall keep minutes of its proceedings which shall be open to the public for inspection. Special meetings may be called by the chairman and must be called by him upon receipt of a written request therefor signed by three or more members of the committee. Each member of the com-

mittee and the executive secretary shall be notified in writing of the time and place of each meeting. Five members of the committee shall constitute a quorum for the transaction of business.

The committee may appoint an executive secretary and such other representatives and employees as may be reasonably necessary to carry out the water pollution control policies of this state.

The members of the committee shall each receive a per diem allowance as approved by the board of examiners and all their actual and necessary expenses incurred in the performance of their official duties.

Section 30. Committee on Air Conservation—Members—Terms of Office—Appointment.

There is created within the division of health a committee on air conservation which shall assume all of the functions, powers, duties, rights and responsibilities of the air conservation council as provided for in S.B. 36, or any other similar act introduced in the 37th legislature, and which may become law. Except as otherwise provided in this act, whenever reference is made in S.B. 36, or any other such similar act, and which may become law, to the air conservation council, it shall be construed as referring to the committee on air conservation. In the event S.B. 36, or any other such similar act, shall fail to become law, then this section shall be of no force and effect.

The members of the air conservation council shall continue to serve and shall become the members of the committee on air conservation, except that in respect to the terms of office of the eight members first appointed to the air conservation council, the terms of office of the four members appointed to serve respective first terms of two years each shall expire on March 1, 1969, and the terms of office of the remaining four members shall expire on March 1, 1971, with their successors to be appointed for terms of four years each.

Section 31. Section Enacted.

Section 26-21-1, Utah Code Annotated 1953, is enacted to read as follows:

26-21-1. Tuberculosis Program in Division of Health.

The control, administration, jurisdiction and responsibility for the diagnosis, care and treatment of persons afflicted with tuberculosis, silicosis and other kindred diseases and for disabled miners, whether afflicted with any of said diseases or not (referred to in this section as the "tuberculosis program"), shall be vested in the division of health. All appropriation for current operations of the tuberculosis program within the state of Utah and appropriated monies for the continuation of the tuberculosis program in the state of Utah in the next biennium shall be transferred from the public welfare commission and the department of public welfare to the division of health.

Section 32. Section Enacted.

Section 26-21-2, Utah Code Annotated 1953, is enacted to read as follows:

26-21-2. Division of Health—Care of Person Afflicted With Tuberculosis—Kindred Diseases.

The division of health shall succeed to all of the powers and shall discharge all of the duties and shall perform all of the functions which by existing and continuing law are conferred upon and required to be performed by the public welfare commission or the department of public welfare with respect to the diagnosis, care and treatment of persons afflicted with tuberculosis, silicosis and other kindred diseases and of disabled minors, whether afflicted with any of said diseases or not, and shall have the express power to provide services for the diagnosis, care and treatment of such persons by contract.

Section 33. Section Enacted.

Section 26-21-3, Utah Code Annotated 1953, is enacted to read as follows:

26-21-3. Classes of Tuberculosis Patients—3 Classes.

Any person or persons in Utah suspected or found to have tuberculosis shall be entitled, upon referral by a licensed physician, to admission in an appropriate hospital as a public health measure. Both suspected and afflicted persons shall be known as patients.

Patients who may be admitted to said hospital may be of three classes, to wit: (1) indigent public patients; (2) non-indigent public patients; (3) private patients.

“Indigent public patients” are such persons who possess no property or means of any kind and who have no relative who may be held legally responsible for their support; such patients shall be supported entirely at the expense of the state while in said hospital.

“Nonindigent public patients” are such persons who possess property out of which the state may be paid for their maintenance at said hospital or who have relatives who may be held liable for their support but who do not have income sufficient to pay for their maintenance at said hospital.

“Private patients” are such persons as are financially able to pay for their maintenance at said hospital.

Indigent public patients shall be received and maintained at said hospital in preference to either of said other classes and nonindigent public patients shall be received and maintained in said hospital in preference to private patients.

The said hospital shall have a lien against any property of any non-indigent public patient admitted to or maintained in said hospital for the maintenance of such patient.

Private patients shall be maintained at said hospital at their own expense upon private agreement with the division of health and under and pursuant to such regulations and upon such schedule of charges as may be fixed by the board of health.

Section 34. Section Enacted.

Section 26-21-4, Utah Code Annotated 1953, is enacted to read as follows:

26-21-4. Admission to Hospital—Certificate of Physician.

Admission to said hospital of patients shall be upon application. The application shall be made by the patient or may be made by the parent, guardian or friend of any incompetent patient. The application shall be accompanied by the certificate of a duly licensed and reputable practicing physician of this state, stating that he has thoroughly examined the person for whom admission application has been made and that such person is suffering from and afflicted with tuberculosis, silicosis or other kindred diseases; provided, that no person while afflicted with and under quarantine for any other contagious, infectious or transmissible disease shall be admitted.

Section 35. Section Enacted.

Section 26-21-5, Utah Code Annotated 1953, is enacted to read as follows:

26-21.5. Admission to Hospital—Approval by Division of Health—Eligibility.

Indigent public patients and nonindigent public patients shall be admitted to said hospital when the application of any such patient has been approved by the division of health. Any person desiring to be admitted to said hospital as an indigent public patient or a nonindigent public patient, or any person for and on behalf of said person, may file with the division of health a petition for approval of his application in such form as shall be prescribed by the board of health. Upon receipt of such petition duly signed and verified, the division of health shall investigate or cause to be investigated the facts set forth in the petition, and the director of the division of health shall determine the applicant's eligibility, subject to standards set by the board of health and the division of health.

Section 36. Section Amended.

Section 26-17-21, Utah Code Annotated 1953, as enacted by Chapter 49, Laws of Utah 1965, is amended to read as follows:

26-17-21. PKU Tests of Newborn Infants—Board of Health to Establish Rules and Regulations.

The board of health shall establish rules and regulations requiring each newborn infant to be tested for the presence of phenylketonuria (PKU) and other metabolic diseases which may result in mental retardation or brain damage and for which a preventive measure or treatment is available and for which a laboratory diagnostic test method has been found reliable.

Section 37. Division of Health—Designated Single State Agency—Administration—Supervision of State Health Planning.

The division of health is hereby designated the single state agency for administering or supervising the administration of the state's health

planning functions under provisions of Public Law 89-749 as now hereafter amended.

The division of health shall consult with all agencies of government, private organization, professional, charitable or otherwise, having an interest in health matters in the implementation of this section under the federal act and is authorized and directed to appoint such advisory committees as is deemed necessary to insure broad consideration to the health needs of the people of the state. The division shall consider all parts of any comprehensive plan evolved from such studies in programming its activities and in developing its budgetary request and in the expenditure of all funds appropriated or granted to it.

Section 38. Board of Welfare—Successor to Department of Public Welfare.

There is created within the department of health and welfare a board of welfare which, except as otherwise provided in this act, shall assume all of the policy-making functions, powers, duties, rights and responsibilities of the public welfare commission and the state department of public welfare, together with all functions, powers, duties, rights and responsibilities granted to the board of welfare by this act. The board of welfare shall be the policy-making body of the division of welfare. Except as otherwise provided in this act, whenever reference is made in Title 55, or any other provision of law, to the public welfare commission or the state department of public welfare, it shall be construed as referring to the board of welfare where such reference pertains to policy-making functions, powers, duties, rights and responsibilities; but in all other instances such reference shall be construed as referring to the division of welfare.

Section 39. Section Amended.

Section 55-15-3, Utah Code Annotated 1953, as enacted by Chapter 126, Laws of Utah 1961, is repealed and reenacted to read as follows:

55-15-3. Board of Public Welfare—Members, Appointment, Qualifications—Terms of Office—Compensation.

Upon the effective date of this act, the terms of office of the present members of the public welfare commission shall expire. The board of welfare shall be comprised of five members who shall be appointed by the governor, with the advice and consent of the senate. Not more than three of the members shall be from the same political party. Each member of the board shall be knowledgeable and interested in public welfare problems. Of the members first appointed to the board of welfare, the terms of office of three members shall expire on March 1, 1969, and the terms of the remaining two members shall expire on March 1, 1971. Their respective successors shall be appointed for terms of four years each. Vacancies occurring by reason of death, resignation or any other cause shall be filled by the appointment of another person by the governor, with the advice and consent of the senate, for the unexpired term of the person whose office was vacated. The board shall annually elect from its membership a chairman.

Each member shall receive a per diem allowance as approved by the board of examiners and all actual and necessary expenses incurred in carrying out his official duties.

Section 40. Section Amended.

Section 55-15-4, Utah Code Annotated 1953, as enacted by Chapter 126, Laws of Utah 1961, is amended to read as follows:

55-15-4. Meetings—Board of Welfare—Open to Public—Quorum.

Meetings of the board of welfare shall be open to the public. Three members of the board shall constitute a quorum for the transaction of business.

Section 41. Section Amended.

Section 55-15-5, Utah Code Annotated 1953, as enacted by Chapter 126, Laws of Utah 1961, is amended to read as follows:

55-15-5. Official Seal — Division of Welfare — Authorization of Documents.

The board of welfare shall adopt and use an official seal and file an impression and a description thereof in the office of the secretary of state. Copies of its records and proceedings and copies of documents and papers in its possession may be authenticated with the seal of the division of welfare, attested by the chairman of the board of welfare, and when so authenticated shall be received in evidence to the same extent and with the same effect as originals.

Section 42. Section Amended.

Section 55-15-6, Utah Code Annotated 1953, as enacted by Chapter 126, Laws of Utah 1961, is amended to read as follows:

55-15-6. Oaths—Power of Board of Welfare.

Each member of the board of welfare and the director of the division of welfare shall have the power to administer oaths for all purposes required in the discharge of his duties.

Section 43. Section Amended.

Section 55-15-9, Utah Code Annotated 1953, as enacted by Chapter 126, Laws of Utah 1961, is amended to read as follows:

55-15-9. Board of Welfare—Duties and Responsibilities—Rules and Regulations.

The board of welfare is charged with the duty and responsibility of determining and adopting all such policies, procedures, rules and regulations for the division of welfare which may be required or deemed necessary and advisable in order to perform the duties and functions conferred upon it by any law of this state. Such rules and regulations, when adopted by a majority vote of the board shall be binding upon the division and all of its branches and subdivisions and shall be printed for the benefit of the legislature and the public in general.

Section 44. Division of Welfare — Authority for State — Powers — Duties.

There is created the division of welfare, which shall be within the department of health and welfare under the administration and general supervision of the coordinating council of health and welfare and under the policy direction of the board of welfare. The division of welfare

shall be the welfare authority of the state of Utah, shall assume all of the functions, powers, duties, rights and responsibilities of the public welfare commission and the state department of public welfare, except those which are assumed by the board of welfare under this act, and is vested with such other functions, powers, duties, rights and responsibilities as provided in this act and other law.

Section 45. Section Amended.

Section 55-15-1, Utah Code Annotated 1953, as enacted by Chapter 126, Laws of Utah 1961, is amended to read as follows:

55-15-1. Definitions.

“Division” means the division of welfare, any branch, district, or county office, and the staffs thereof. “Applicant” means any person who requests public assistance under the terms of this act. “Recipient” means any person who is receiving public assistance under the terms of this act. “Public assistance” means payments made to or in behalf of, and social services for, individuals who are eligible under the terms of this act.

Section 46. Director of Division of Welfare—Appointment.

The director of the division of welfare shall be appointed by the board of welfare, with the prior approval of the coordinating council of health and welfare and with the advice and consent of the governor and of the senate. The director shall be the executive and administrative head of the division of welfare and shall be a person who has had at least three years experience in administration of public or private welfare programs. The director of the division of welfare shall serve at the will of the board of welfare.

Section 47. Section Amended.

Section 55-15-7, Utah Code Annotated 1953, as enacted by Chapter 126, Laws of Utah 1961, is amended to read as follows:

55-15-7. Principal Office at Capitol.

The division of welfare shall maintain the principal office of the division in the state capitol but may establish and maintain such branches or county offices within the state as may be necessary for the prompt and efficient performance of its duties.

Section 48. Section Amended.

Section 55-15-8, Utah Code Annotated 1953, as enacted by Chapter 126, Laws of Utah 1961, as amended by Chapter 109, Laws of Utah 1965, is amended to read as follows:

55-15-8. Director—Board of Welfare—Establish Branches.

The director of the division of welfare with approval of the board of welfare, may establish whatever bureaus or branches it may consider necessary to secure the efficient performance of its duties and functions. The division shall employ such staff as is necessary to efficiently administer the division and discharge specified duties. The division of welfare is hereby expressly empowered to act as trustee, guardian, receiver, or other fiduciary upon appointment by court order at the request of

any federal agency in cases in which the estate sought to be administered belongs to a recipient of public assistance, an incompetent person in the custody of or subject to the jurisdiction of any agency or institution controlled by the division of welfare. The division shall qualify as aforesaid upon accepting to act as a trustee, guardian, receiver or other fiduciary, or when such individual designated by the division to act in such capacity takes such oath of office as may be prescribed by law, without bond, except that a court may in its discretion require a bond in any matter pending before it.

Section 49. Section Amended.

Section 55-15-10, Utah Code Annotated 1953, as enacted by Chapter 126, Laws of Utah 1961, is amended to read as follows:

55-15-10. Duties and Responsibilities.

The division of welfare shall:

(1) Administer all public assistance programs, child welfare activities and all other public welfare matters the legislature may assign to the division except medical assistance;

(2) Co-operate with the federal government in the administration of public assistance programs and other public welfare activities in which the federal government may participate except medical assistance;

(3) Provide for the compilation of necessary or desirable information, statistics and reports relative to public welfare matters in the state of Utah;

(4) Prepare and submit to the coordinating council of health and welfare and the governor and the legislature of the state of Utah at the close of each fiscal year a full report of the operations and administration of the division and include any suggestions and recommendations of the board;

(5) Promote and enforce all laws for the protection of mentally defective, illegitimate, dependent, neglected and delinquent children, except laws in which administration is expressly vested in some other state department. To this end it shall co-operate with juvenile courts and all licensed child welfare agencies and institutions of a public or private character and, shall take the initiative in all matters involving the interest of such children where adequate provisions therefor have not already been made or are not likely to be made, and to make such expenditures as may be found necessary for the care and protection of such children;

(6) Perform such other duties and functions as may be required by law.

Section 50. Section Amended.

Section 55-15-11, Utah Code Annotated 1953, as enacted by Chapter 126, Laws of Utah 1961, as amended by Chapter 110, Laws of Utah 1965, is amended to read as follows:

55-15-11. Coordinating Council—Participation in Federal Grants.

The coordinating council of health and welfare, with the approval of the governor, shall accept, in behalf of the state of Utah, and bind the state by such acceptance, any executive or legislative provisions that

may be promulgated or enacted by the federal government or any agency thereof, whereby the state of Utah is invited, permitted or authorized to participate in the distribution, disbursement or administration of any fund or service, advanced, offered or contributed in whole or in part by the federal government for purposes consistent with the powers and duties of the department of health and welfare. Such funds are to be used for the purposes provided in section 55-15-23 and shall be administered by the division of welfare with the exception of grants for medical assistance as provided by section 55-15-23 f., which shall be the responsibility of the board and the division of health. This includes, but is not limited to, co-operation with the United States department of agriculture in the distribution of surplus food commodities and/or the distribution of food stamps, the United States office of economic opportunity in the administration of Public Law 88-452, the United States department of health, education and welfare in regard to the administration of health and welfare programs, and any and all other national or state agencies in the administration of any program of any nature which provides training, goods, services, or money for the benefit and welfare of recipients of public assistance and other low income residents of the state of Utah.

If any legislative or executive provisions of any national or state agency requires a modification or a revision in any factor of eligibility established by chapter 15 of Title 55 as a condition for participation by the state of Utah in any federal provision for goods, services, or money, the coordinating council of health and welfare is authorized and directed to modify or change legal limitations to the extent necessary to qualify the state for participation in any federal or state program for providing training, goods, services, or money.

If any executive or legislative provisions of the federal government shall require, as a condition to participation by the state of Utah in any fund, property or service, the coordinating council of health and welfare shall expend whatever funds are necessary out of the moneys provided by the legislature for the use and disbursement by the department of health and welfare.

The division of welfare shall comply with and conform to all requirements of the Federal Social Security Act as amended, and to all orders, rules, and regulations, promulgated, made or adopted pursuant thereto when required as a condition to participation in any benefits under the Social Security Act. If any law passed by the legislature of the state of Utah is not in conformity with the Social Security Act or any rule or regulation of the federal government, the Social Security Act or federal rule or regulation shall take precedence over the part of the state law declared to be out of conformity.

Section 51. Section Amended.

Section 55-15-12, Utah Code Annotated 1953, as enacted by Chapter 126, Laws of Utah 1961, is amended to read as follows:

55-15-12. Gifts, Grants and Devises.

The board of welfare is authorized to receive gifts, grants and devises. Such gifts, grants and devises may be accepted by the board and the gift, grant or devise or the proceeds therefrom shall be credited to the

public welfare institution or to the public welfare program which the donor designates and may be used for such purposes as the donor may request. If the donor makes no special request, the board may direct the division of welfare to use the gift, grant or devise as will be for the best interest of the division.

Section 52. Section Amended.

Section 55-15-13, Utah Code Annotated 1953, as enacted by Chapter 126, Laws of Utah 1961, as amended by Chapter 108, Laws of Utah 1963, is amended to read as follows:

55-15-13. Real or Personal Property—Sale by Division.

The division of welfare, with the approval of the board of welfare and the governor through the director of finance, is authorized to sell on terms determined to be for the best interests of the state any real property or personal property owned by the division or any state institution under the direction of the division and which is not needed by the division or institution.

Section 53. Section Amended.

Section 55-15-14, Utah Code Annotated 1953, as enacted by Chapter 126, Laws of Utah 1961, is amended to read as follows:

55-15-14. Income Tax Return of Welfare Recipients.

The division of welfare, in determining eligibility for public assistance, and in the determination of patient and relative responsibility for the payment for institutional care, and for other administrative purposes consistent with the enforcement of the provisions of this act, shall have access to information desired from the income tax returns of welfare recipients except recipients of old-age assistance institutional patients and persons by law responsible for the care of any such recipient or patient. This information shall be provided by the tax commission on forms furnished by the division.

Section 54. Section Amended.

Section 55-15-15, Utah Code Annotated 1953, as enacted by Chapter 126, Laws of Utah 1961, is amended to read as follows:

55-15-15. Legislative Council—Advisory Council to Board of Welfare.

The legislative council shall serve as an advisory council to the board of welfare.

It shall be the duty and function of the legislative council to make suggestions to and to advise the board with respect to its policies, rules or regulations, the conduct of its business and the needs and wishes of the public with respect to any of the functions of the division or institutions under its control. It shall be the duty of the board to receive and consider the suggestions and advice of the legislative council but the board shall not be required to adopt such suggestions or advice or to conform its practices thereto.

Meetings of the legislative council and the board may be held at any time or place and upon call of the chairman of the board with the concurrence of the chairman or other designated official of the legislative council.

Section 55. Section Amended.

Section 55-15-16, Utah Code Annotated 1953, as enacted by Chapter 126, Laws of Utah 1961, is amended to read as follows:

55-15-16. Personnel Training Programs — Cooperation With Federal Government.

The division is authorized to co-operate with the federal government in a program of training personnel for a more effective and efficient operation of all programs under the administration of the division. To this end the division is authorized to receive funds from the federal government and to expend funds, either from state or federal sources for training personnel employed or preparing for employment in any program administered by the division as follows:

- (1) Grants to public or other nonprofit institutions of higher learning to assist in the training of such persons.
- (2) Establishing and maintaining, directly or through grants to such institutions, fellowships or traineeships for such personnel at such institutions, with such stipends and allowances as the division shall determine.
- (3) Special courses of study or seminars of short duration conducted for such personnel by experts hired on a temporary basis for the purpose.

Section 56. Section Amended.

Section 55-15-17, Utah Code Annotated 1953, as enacted by Chapter 126, Laws of Utah 1961, is amended to read as follows:

55-15-17. County Departments of Public Welfare —Branch Office of Division of Welfare.

There is created within and for each county in the state a county department of public welfare, which shall be considered as a branch office of the division of welfare.

Section 57. Section Amended.

Section 55-15-18, Utah Code Annotated 1953, as enacted by Chapter 126, Laws of Utah 1961, is amended to read as follows:

55-15-18. County Boards of Public Welfare—Composition.

In each county there shall be a board to be known as the county board of public welfare to be composed of seven members to be organized and to function as follows:

- (1) One member of the county board shall be a county commissioner of the county. Other members of the county boards of public welfare shall be representative residents of the county who have demonstrated their interest in public welfare problems, at least one of whom shall be a woman. Not more than three members of the board, other than the county commissioner, shall be members of the same political party.
- (2) Members of the county board of public welfare shall be appointed by the board of county commissioners. The board of county commissioners shall designate which of its members shall serve on the county board of public welfare.
- (3) The terms of office of members of county boards of public welfare, except the county commissioner, shall be for overlapping terms

of six years and shall commence on the first day of April of the year in which they are appointed and expire on the thirty-first day of March, six years later. When the term of office of the county commissioner who is serving as a member of the county board of public welfare shall expire and he is not re-elected, the board of county commissioners shall appoint another member of their board to act as a member of the county board of public welfare.

(4) Members of a county board of public welfare shall be removed by the board of county commissioners for cause or for neglect or failure, whether from physical incapacity or otherwise, to properly perform and carry out the duties of their office and all vacancies so created shall be filled by the board of county commissioners as soon as possible.

(5) Meetings of county boards of public welfare shall be held monthly or as frequently as necessary. Four members of a county board shall constitute a quorum for the transaction of official business.

(6) Minutes shall be kept of each meeting of the county board of public welfare and all official business recorded therein.

(7) The county board of public welfare shall elect its own chairman from among its members.

(8) Members of the county board of public welfare may be paid a per diem by the board of county commissioners for attending each official board meeting and shall be paid all necessary and actual expenses incurred in the performance of their official duties by the department.

(9) It shall be the duty and function of the county boards of public welfare to interpret and explain the duties and operations of the division of welfare to the community, to review the rules and regulations of the division and how their application affects applicants and recipients within their county, and to make suggestions to the board of welfare for any modifications or changes in such rules and regulations, when, in the opinion of the county board of public welfare, revisions should be considered. It shall be the duty of the board to receive and consider the suggestions of the county boards of public welfare but the board shall not be required to adopt such suggestions or to conform its practice thereto.

County boards of public welfare may, within the limits of the merit system rules and regulations, and with the counsel of the board of welfare, select and hire the director of the county department of public welfare and such other personnel as are necessary.

Section 58. Section Amended.

Section 55-15-19, Utah Code Annotated 1953, as enacted by Chapter 126, Laws of Utah 1961, is amended to read as follows:

55-15-19. County Department of Public Welfare—Subject to Division of Welfare.

Each county department of public welfare is subject to the direction of the division of welfare and is charged with the administration of all programs of public assistance and such other welfare activities as may be delegated by the division of welfare or required by law or rule or regulation of the board of welfare and shall perform such other duties as may be necessary to fully accomplish within counties the purposes of this act.

Section 59. Section Amended.

Section 55-15-20, Utah Code Annotated 1953, as enacted by Chapter 126, Laws of Utah 1961, is amended to read as follows:

55-15-20. Administration of More Than Two County Departments.

The division of welfare with the approval of the board of welfare may arrange for the administration of two or more county departments of public welfare under the direction of one county director and other necessary staff members, but with county boards of public welfare in each county.

Section 60. Section Amended.

Section 55-15-21, Utah Code Annotated 1953, as enacted by Chapter 126, Laws of Utah 1961, is amended to read as follows:

55-15-21. Public Assistance—Purpose of Act—Persons in Need of Assistance—Standards of Assistance.

In furtherance of the general welfare of the state of Utah and the individual residents thereof, it is the purpose of this act to provide public assistance to any person in Utah who is in need.

A person is deemed to be in need and entitled to public assistance if he does not have sufficient resources available for his use, within the limitations set forth in this act, and who otherwise qualifies as hereafter set forth to maintain a minimum standard of living compatible with health and well-being.

The division of welfare shall establish standards of assistance for determining budgetary needs based upon studies of current living standards and costs, said standards of assistance to be applied uniformly in the determination of the need of all applicants and recipients.

In the determination of need as an eligibility factor, all income and resources available to an applicant or recipient shall be taken into consideration.

Section 61. Section Amended.

Section 55-15-22, Utah Code Annotated 1953, as enacted by Chapter 126, Laws of Utah 1961, is amended to read as follows:

55-15-22. Disqualification for Assistance—Public Assistance on Temporary Basis—Transfer of Property.

Ownership of money or other tangible property or its equivalent in real or personal property shall disqualify an applicant or recipient from receiving assistance under this act if the following limits are exceeded.

(1) A dwelling which the individual occupies as a home, the lot on which such home is located, and the furniture and other furnishings therein;

(2) An automobile, if necessary to the health or welfare of the individual;

(3) Money or its equivalent in other real or personal property in any combination not exceeding \$400 for an individual living alone or \$800 for two or more individuals living together as a family unit;

(4) Life insurance policies not exceeding \$500 in aggregate cash value for an individual living alone or \$1,000 in aggregate cash value for two or more persons living together as a family unit; and

(5) Ownership of, or beneficial interest in, any land or account which is held in trust by the United States or by this state, or in a tribal account.

Provided, when an applicant or recipient owns or possesses real or personal property in excess of the amounts or values established in this section, the division of welfare nevertheless may grant public assistance on a temporary basis under such terms and conditions as the division shall deem to be equitable, if and when, in the discretion of the division, such action will be for the best interests of the state and of the applicant or recipient.

An applicant for or recipient of assistance shall be required, prior to receiving any assistance from the division, to execute a form provided by the division describing all property, both real and personal, owned by the applicant or recipient, all insurance owned by any members of the immediate family, and all income available to the applicant or recipient.

When an applicant for public assistance has transferred real property within five years prior to application or when a recipient transfers real property at any time, he will be expected to obtain reasonably good and valuable consideration approximately equal to the value of the property transferred. If the applicant or recipient did not receive reasonably good and valuable consideration, the applicant or recipient may be declared ineligible for the number of months obtained by dividing the market value of the property transferred by the needs budget of the division in effect on the date of reapplication. Exceptions to this period of suspension may be permitted by the division in unusual situations for persons or families subjected to extraordinarily difficult problems. The maximum property limitations of this section may be deducted from the market value before making the computation outlined above. Consideration may also be given to any legal debts of any nature assumed by the grantee of the property, the payment or assumption of a mortgage against the property transferred and other legitimate obligations which the division may determine to be necessary.

Section 62. Section Amended.

Section 55-15-23, Utah Code Annotated 1953, as enacted by Chapter 126, Laws of Utah 1961, is amended to read as follows:

55-15-23. Public Assistance Provided—Old Age Assistance—Aid to Blind—Aid to Dependent Children—General Assistance—Employment For Employable Persons—Exceptions—Costs of Burial—Medical Assistance for Aged.

Public assistance shall be provided under the terms of this act for or in behalf of individuals who otherwise qualify under this act, as follows:

(1) Who are in need and have attained the age of 65 years. Such assistance may be designated as old-age assistance.

(2) Who are in need and have no vision or whose vision is so defective as to prevent performance of ordinary activities for which eyesight

is essential. Such assistance may be designated as aid to the blind. In the determination of need for aid to the blind, the division shall take into consideration any other income or resources of an individual claiming aid to the blind, except that the division in making such determination, shall disregard such monthly earned income as may be specified in Title X of the Social Security Act as amended.

(3) Who are in need and,

(a) Are children under the age of 18 years who have been deprived of parental support or care, and

(b) Are parents or relatives who have the custody and control of such needy children.

Such assistance may be designated aid to dependent children.

(4) Who are in need and are permanently and totally disabled. Such assistance may be designated aid to the disabled.

(5) Who are in need and who are not receiving old-age assistance, aid to the blind, aid to dependent children or aid to the disabled. Such assistance may be designated general assistance. General assistance may be provided by payment in cash or kind. The board of welfare may, by regulation, limit the grants that are made to employable persons. General assistance may also be granted to meet special nonrecurrent needs of recipients of old-age assistance, aid to the blind, aid to dependent children, or aid to the disabled.

The division may co-operate with any governmental unit or agency in the establishment of work projects in order to provide employment for employable persons.

The division may make temporary exceptions in granting assistance to an employable applicant when such applicant or recipient owns real property in excess of the limitations listed in section 55-15-22 and a temporary exception to the requirement of executing a lien under the provisions of section 55-15-30, when such exceptions will be for the best interest of the state and the recipient.

General assistance may include payment for the reasonable costs of burial for recipients of assistance, provided heirs or relatives are not financially able to assume this expense, and provided further that any expenditure for burial shall be secured by a lien on real property and the full amount so expended shall be recoverable. The board of welfare shall, by regulation, establish the cost of a reasonable burial and conditions under which such expenditures may be made.

(6) The board of welfare is authorized to adopt and publish rules and regulations establishing reasonable standards, consistent with the objectives of this act for the determination of eligibility for and the extent of medical and dental assistance to aged persons. The eligibility of each applicant for medical and dental care and services shall be determined on the basis of his available resources, including income and contributions, and the extent of medical and dental assistance furnished to an applicant may be limited to particular types of care or services or to payment of a part or all of the costs of care which is medically or dentally determined to be necessary to his health or well-being. It is declared to be the intent of the legislature that the division shall, by the board's rules and regulations provide the most adequate medical and

dental care and services possible for those eligible; within the limitations of the appropriations made for the biennium for the purpose of this subsection, together with such federal matching funds as may be available.

It is the further intent of the legislature that the program of medical and dental assistance for the aged shall conform to the requirements of the 1960 amendments of Title I of the Federal Social Security Act, and any provisions of this or other acts found to be in conflict therewith shall not apply to applicants for or to assistance granted hereunder; and specifically section 55-15-28, regarding durational residence requirements, section 55-15-35 permitting public access to the names of recipients and the amount of assistance, and section 55-15-30, relating to the imposition of liens on the property of recipients of assistance shall not apply provided, however, assistance rendered under this section shall be and constitute a first and prior lien by operation of law to be paid before general and unsecured claims against the estate of the recipient and shall become due and be paid after the death of the recipient.

(7) Medical and dental assistance is the sole responsibility of the division of health and shall be administered by that division exclusively, except as required by federal law. The division of health shall submit a plan for medical and dental assistance as required by Title XIX of the Federal Social Security Act to the Federal Department of Health, Education and Welfare for approval pursuant to the provisions of such law and shall act as the single state agency to supervise the administration of the plan in this state except that the determination of eligibility for medical and dental assistance under the plan shall be made by the division of welfare.

Section 63. Section Amended.

Section 55-15-24, Utah Code Annotated 1953, as enacted by Chapter 126, Laws of Utah 1961, is amended to read as follows:

55-15-24. Maximums for Public Assistance Grants—Adjustment in Ratio to Consumer Price Index—Exception to Maximums.

Public assistance grants for or in behalf of any one case in any one month shall be subject to the following maximums: one-person case, \$80; two-person case, \$128; three-person case, \$152; four-person case, \$172; for five and up to and including seven-person cases, an additional \$19 per person; and for eight or more person cases, an additional \$13 for each person.

The foregoing maximums shall be adjusted upward or downward in direct ratio to increases or decreases in the United States All-items Consumer Price Index prepared by the department of labor. Individual items in the assistance standards shall be increased or decreased as the corresponding items in the United States Consumer Price Index increase or decrease. The maximums heretofore set forth and the consumer price index shall be considered standard as of January, 1961.

Maximums for public assistance grants may be exceeded for the purpose of meeting any or all of the following special item costs:

(1) Vendor or direct payments for dental, or other types of remedial care;

- (2) Institutional and nursing home care;
- (3) Boarding home case;
- (4) Assistance as provided for in section 55-15-23, subsection (5) (general assistance);
- (5) Restaurant meals for those persons without housekeeping facilities;
- (6) Assistance to persons temporarily subjected to extraordinary problems of living by reason of their particular, special situations.

The board shall, by regulation, establish the conditions under which such exceptions may be made and approved.

Section 64. Section Amended.

Section 55-15-26, Utah Code Annotated 1953, as enacted by Chapter 126, Laws of Utah 1961, is amended to read as follows:

55-15-26. Payment of Assistance to Legal Guardian—Assignment and Endorsement of Check in Case of Death.

When it shall appear to be necessary or advisable to do so, the payment of public assistance shall be made to the legal guardian for the use of an applicant or recipient who may be under such mental or physical disability as to be unable to care for himself.

In the event of the death of a recipient after an assistance check has been authorized by the division and before it has been presented for payment, the division may assign and endorse any such check over to such person as the division shall designate.

Section 65. Section Amended.

Section 55-15-27, Utah Code Annotated 1953, as enacted by Chapter 126, Laws of Utah 1961, is amended to read as follows:

55-15-27. Duty of Recipient to Notify Division of Additional Income or Resources.

If at any time during the continuance of public assistance the recipient thereof becomes possessed of income or resources in excess of the amount previously reported by him, it shall be his duty to notify the division of this fact immediately upon the receipt or possession of such additional income or resources.

Section 66. Section Amended.

Section 55-15-28, Utah Code Annotated 1953, as enacted by Chapter 126, Laws of Utah 1961, is amended to read as follows:

55-15-28. Residency Requirements to Qualify for Assistance.

To qualify for assistance under this act, an applicant must have resided continuously in the state for one year prior to application. However, the board of welfare may, by regulation, provide for temporary assistance categories. If at any time federal law requires the elimination of residency restrictions as to any or all categories of assistance as a condition for receiving federal grants-in-aid, or if other states are at any time willing to join in a reciprocal compact to eliminate the residency provision, the board of welfare may, by regulation, bring the Utah practice into conformity notwithstanding the foregoing.

Section 67. Section Amended.

Section 55-15-29, Utah Code Annotated 1953, as enacted by Chapter 126, Laws of Utah 1961, as amended by Chapter 111, Laws of Utah 1965, is amended to read as follows:

55-15-29. Discrimination Prohibited—Rehabilitation and Self-help to be Encouraged and Promoted.

In the administration of public assistance:

(1) There shall be no discrimination based upon racial, religious or political considerations.

(2) The division shall co-operate with civic and other organizations in assisting recipients and applicants in becoming self-sustaining by encouraging participation in programs of such organizations which offer rehabilitation and opportunity for self-help activities.

(3) The division shall have authority to develop rehabilitation programs to promote self-care, self-support and strengthen family life.

(4) In no case shall a person be persuaded to accept public assistance as a substitute for any existing position or program offering a means of self-support.

(5) The division of any member of the staff, shall not solicit or otherwise encourage any person to make application for public assistance, except under unusual circumstances.

(6) The division or any other governmental agency shall in no way interfere with any recipient's exercise of free choice in the selection of duly licensed practitioners to perform any medical or dental assistance or service provided in this act, nor shall any discrimination be allowed against optometrists or the profession of optometry on a parity with any other person or medical group licensed to render similar or like ocular services.

Section 68. Section Amended.

Section 55-15-30, Utah Code Annotated 1953, as enacted by Chapter 126, Laws of Utah 1961, is amended to read as follows:

55-15-30. Lien Provisions.

Lien provisions applicable to the rendering of public assistance shall be as follows:

(1) In addition to the other eligibility requirements as provided in this act, the following provisions shall apply in establishing eligibility:

(a) In the case of old-age assistance, the division shall require that as a condition precedent to the granting of assistance, all real property or interests in real property belonging to the applicant or recipient, or his or her spouse, or thereafter acquired, shall be pledged to the division as a guarantee for all assistance granted, including, but not limited to, assistance granted under section 55-15-24, except for assistance granted as medical care, exclusive of nursing home care, either as deposits into a pooled fund or directly to a vendor, in the manner hereafter described.

(b) When it becomes necessary for the division to invest money in the home of a recipient, either as payment for taxes, home or lot improvements, or to protect the interest of the state in the property

for necessary improvements to make the home habitable, the division may take a lien to secure this capital investment; provided, however, that if a recipient has executed a lien in accordance with (a) above, such lien shall guarantee repayment of any amounts granted under this paragraph and an additional lien agreement shall not be required.

Any assistance granted after July 1, 1953, to a spouse or other dependent of an old-age recipient who is not eligible for old-age assistance but who participates in the assistance granted to the family unit is recoverable in the same manner as old-age assistance granted to the old-age recipient.

To evidence a pledge, the division shall require each applicant or recipient and his or her spouse to enter into agreement in form approved by the division duly acknowledged so as to entitle it to be filed on record in the office of the county recorder by which the applicant or recipient shall acknowledge and agree that such property has been assigned as security for the reimbursement of all assistance thereafter received by him or her and his or her spouse; provided, however, that in the event the applicant or recipient is living apart from his or her spouse or unusual circumstances exist preventing him or her from obtaining his or her joinder, the lien agreement signed by the applicant or recipient alone may be accepted under such regulations as the board may prescribe.

At the time of the settlement of a lien given in accordance with paragraph (1) (a), there shall be allowed a cash exemption of \$1,000, less any assistance granted under the provisions of paragraph (1) (b) of this section, to be deducted from the market or appraised value of such property. When it is necessary to settle an estate the division may grant reasonable costs of sale and settlement of an estate in such amounts as may appear necessary and proper. When both husband and/or wife are recipients and one or both of them own an interest in real property, the lien shall attach to the interests of both for the reimbursement of assistance received by either or both spouses and but one exemption as provided herein shall be allowed.

(c) In all programs of assistance other than old-age, in the event of the ownership of real property in excess of the limitations of section 55-15-22 of this act, any applicant may, by the execution of a lien, be granted assistance under this act without disposing of any such property, if he shall otherwise qualify for assistance. Assistance so granted may include regular monthly public assistance grants, assistance granted under section 55-15-24, and taxes and home and lot improvements.

The amount of the lien given under the provisions of the foregoing paragraph shall be the total amount of assistance granted up to the market or appraised value of the real property from the execution of the lien until foreclosure thereof. There shall be no exemption of any kind or nature allowed against liens granted under the provisions of this paragraph except assistance in the form of medical care, either as a deposit in a pooled fund or as payments to vendors. When it is necessary to settle an estate the division may grant reasonable costs of sale and settlement of an estate in such amounts as may appear necessary and proper.

The amount of reimbursement of all liens now held by the division, as well as all liens subsequently acquired, shall be determined on the basis of the above-described formulas when they become due and payable.

All lien agreements shall be recorded with the county recorder of the county in which the real property is located and the recording of the same shall have the same effect as a lien by judgment on any real property in which the applicant or recipient has any title or interest. All such real property including but not limited to joint tenancy interests, shall from the time of recording of such agreement be and become charged with a lien for all assistance received by the recipient or his or her spouse or dependents as herein provided, which lien shall have priority over all unrecorded encumbrances. No fees or costs shall be paid for such recording.

(2) Liens shall become due and payable, and the division shall seek collections of each lien now held or taken:

(a) When the property to which the lien attaches is transferred to a third party prior to the recipient's death, provided, that if other property is purchased by the recipient to be used by him as a home, the division may, in its discretion, transfer the amount of the lien from the property sold to the property purchased.

(b) Upon the death of the recipient and his or her spouse, if any. When the heir or heirs, devisee or devisees of the property are also recipients of public assistance or when other hardship circumstances exist, the division may, in its discretion, postpone settlement of such lien, if such action will be for the best interests of the recipient or recipients and the state.

(c) When a recipient becomes financially able to pay off the lien or voluntarily offers to settle the lien.

(3) When a lien becomes due and payable, a certificate in form approved by the division certifying as to the amount of assistance given the recipient and the amount of the lien shall be mailed to the recipient or recipients, heirs or administrators of the estate and the same shall be allowed, approved, filed and paid as a preferred claim as provided in section 75-9-22(2) in the administration of the estate of the decedent. The amount so certified shall constitute the entire claim as of the date of such certificate against the real property of the recipient, or his or her spouse, and any person dealing with the recipient may rely upon such certificate as evidencing the amount of the existing lien against such real estate. Said amount, however, will be enlarged by accruing interest until time of final settlement at the rate of six per cent per annum, commencing 90 days after the lien becomes due and payable.

If the heirs are unable to make a lump-sum settlement of the lien at the time it becomes due and payable, the division may permit settlement based upon periodic repayments in a manner prescribed by the division with interest as stated in the above paragraph.

The federal government shall be entitled to share in the net collections thus recovered in substantially the same proportion as federal funds were used to match state funds in the assistance grants paid in any such case, if required as a condition to federal financial participation. All sums so recovered, except those credited to the federal government, shall be retained by the division for use in its authorized activities.

The division shall be empowered to accept voluntary conveyance of real property in satisfaction of its interest therein. All real property acquired by the division under the provisions of this act may be disposed

of by public or private sale under such rules and regulations as may be prescribed by the board. The division is authorized to execute and deliver any and all documents necessary to convey title to any and all such property as may have come into its possession to a purchaser of such property as though such division constituted a corporate entity.

(5) Any real property acquired by the division, either by foreclosure or voluntary conveyance, shall be tax exempt, so long as it is so held.

Section 69. Section Amended.

Section 55-15-31, Utah Code Annotated 1953, as enacted by Chapter 126, Laws of Utah 1961, is amended to read as follows:

55-15-31. Fraud in Obtaining Public Assistance — Misdemeanor — Penalty.

Any person who by means of a false statement or representation or by impersonation or other fraudulent device obtains, or attempts to obtain, or aids or abets any person to obtain public assistance to which he is not entitled or in a greater amount than that to which he is justly entitled shall be guilty of a misdemeanor and upon conviction thereof shall be punished by a fine in any sum less than \$300 or by imprisonment for not more than six months, or both such fine and imprisonment. Where fraud is disclosed in the obtaining of public assistance, the division shall take all necessary steps to recover all moneys fraudulently obtained.

Section 70. Section Amended.

Section 55-15-33, Utah Code Annotated 1953, as enacted by Chapter 126, Laws of Utah 1961, is amended to read as follows:

55-15-33. Appeals to Board of Welfare—Review of Decisions—Finality of Decisions.

Any applicant for, or recipient of, public assistance under this act aggrieved because of a decision or delay in making a decision shall be entitled to an appeal to the board of welfare and shall be afforded reasonable notice and opportunity for a fair hearing. The board of welfare may also, upon its own motion, review any decision of a local department or branch and may consider and determine any application upon which a decision has not been made by any such department or branch within a reasonable time. All decisions of the board shall be final and shall be binding upon and shall be complied with by local departments or branches.

Section 71. Section Amended.

Section 55-15-35, Utah Code Annotated 1953, as enacted by Chapter 126, Laws of Utah 1961, is amended to read as follows:

55-15-35. Use of Confidential Information—Subpoena by Federal or State Court—Resident Taxpayer's Examination of Payroll—Rules and Regulations—Violations—Misdemeanor—Penalty—Statistical Studies Ordered.

It shall be unlawful, except for purposes directly connected with the administration of general assistance, old-age assistance, aid to the blind,

aid to dependent children, aid to the disabled, or medical and dental assistance for the aged, and in accordance with the rules and regulations of the division of welfare and except as is hereinafter provided, for any person or persons to solicit, disclose, receive, make use of, or to authorize, knowingly permit, participate in, or acquiesce in the use of any confidential information concerning persons applying for or receiving such assistance, directly or indirectly derived from the case records, papers, files or communications of the state or subdivisions or agencies thereof, or acquired in the course of the performance of official duties.

Confidential information shall be produced in response to a subpoena duces tecum properly issued by any federal or state court; provided, however, that the purpose for which the subpoena is sought is directly connected with the administration of public assistance. No subpoena shall be issued by a court asking for confidential information or for persons having custody or access to confidential information unless the litigation involved in such matters is directly connected with the administration of public assistance.

Any bona fide taxpayer who is a resident of the state of Utah may have access to a copy of any public assistance payroll which is filed in the office of the division except for the records of payments made under the program of medical assistance for the aged, which are not open to public inspection. Any information obtained from the payroll shall not be used for any political or commercial purpose of any nature whatsoever, and provided further that it is unlawful to receive or publish any list of names, addresses, or grants of public assistance recipients in any newspaper, magazine, periodical or in any publication of any nature which is circulated for public information.

Any individual who desires to examine any public assistance payroll shall sign a statement in form prescribed by the division which must include the assertion that the individual is a taxpayer, a resident, and a commitment that any information obtained shall not be used for commercial or political purposes. No individual shall be permitted to make any lists of individuals, names, addresses or amounts of grants which is a partial or complete copy of the payroll, to be taken out of the offices of the division.

The board of welfare shall define the nature of confidential information to be safeguarded and shall establish rules and regulations governing the custody and disclosure of confidential information as well as providing access to public assistance payrolls and such rules and regulations shall have the same force and effect as law.

Any person violating any of the provisions of this section of the lawful rules and regulations made hereunder, shall be deemed guilty of a misdemeanor, and shall be punished by a fine in any amount less than \$300 or by imprisonment for not more than six months, or by both such fine and imprisonment.

Nothing in this section shall be construed to prohibit the division or its agents, or individuals, commissions, or agencies duly authorized for the purpose, from making special studies, and issuing statistical material and reports of a general character or publishing or causing the same to be published.

Section 72. Section Amended.

Section 55-15-36, Utah Code Annotated 1953, as enacted by Chapter 126, Laws of Utah 1961, is amended to read as follows:

55-15-36. Enforcement of Act—Duties of County Attorney.

The division may take such legal action as may be necessary to enforce the provisions of this act and at the request of the division, it shall be the duty of the county attorney to represent the division in any such civil action. Upon the county attorney being advised of the violation of any provision of this act, the county attorney shall institute legal proceedings and such action as shall be necessary to enforce said act. In the event the county attorney shall fail to act within thirty days after a request to do so has been placed with him, the division may request the district attorney to act and he shall assume the responsibilities and carry the action forward in place of the county attorney.

Section 73. Section Amended.

Section 55-14-1, Utah Code Annotated 1953, as enacted by Chapter 128, Laws of Utah 1961, is repealed and reenacted to read as follows:

55-14-1. Committee on Children and Youth Established.

There is created within the division of welfare a committee on children and youth which shall be constituted as provided in section 55-14-2. The present members of the Utah committee on children and youth are to continue to serve and shall become the members of the committee on children and youth.

Upon the effective date of this act, the committee on children and youth shall become an advisory body to the board of welfare and shall advise the board of welfare regarding children and youth in the state of Utah. To this end the committee shall make recommendations and reports to the board of welfare concerning rules, regulations, criteria and standards as are considered appropriate for formal adoption.

Except as otherwise provided in this act, the division of welfare shall assume all of the functions, powers, duties, rights and responsibilities of the Utah committee on children and youth as provided for in chapter 14 of Title 55.

Section 74. Section Amended.

Section 55-14-5, Utah Code Annotated 1953, as enacted by Chapter 128, Laws of Utah 1961, is amended to read as follows:

55-14-5. Committee to Choose Chairman and Secretary.

The committee shall choose one of its members to be chairman who shall hold office for one year and until his successor is chosen and qualified. The committee shall likewise choose a vice-chairman and a secretary from its members.

Section 75. Section Amended.

Section 55-14-6, Utah Code Annotated 1953, as enacted by Chapter 128, Laws of Utah 1961, is amended to read as follows:

55-14-6. Cooperation of Other Departments, Agencies, Officers and Employees.

All departments, agencies, officers and employees of the state of Utah having to do with children or youth are authorized and directed to give to the committee on children and youth such consultation and assistance as the committee may reasonably request. The state department of education, the division of health and the industrial commission and the personnel of said departments, are especially authorized and directed to work closely with the committee.

Section 76. Section Amended.

Section 64-8-2, Utah Code Annotated 1953, is amended to read as follows:

64-8-2. Utah State Training School a Division of Welfare.

The Utah State Training School shall be in the division of welfare under the policy direction of the board of welfare, and the division of welfare shall succeed to all the powers and discharge all duties and perform all functions which by existing and continuing law are conferred upon or required to be discharged or performed by the board of trustees of the Utah State Training School heretofore created and appointed, the public welfare commission or the state department of public welfare. Whenever any existing or continuing law refers to or names the board of trustees of the Utah State Training School, the public welfare commission, or the state department of public welfare, or any officer, agent or employee of such board, commission or department in respect to the Utah State Training School, it shall be construed to mean, refer to, or name the division of welfare or the corresponding officer, agent or employee of the division.

Section 77. Section Amended.

Section 64-8-3, Utah Code Annotated 1953, is amended to read as follows:

64-8-3. Division of Welfare Shall Operate — Accounts — Report to Governor.

The division of welfare shall operate, maintain and repair the buildings, ground and physical properties of the school, provided however that the roads and driveways on the grounds of the school shall be maintained by the department of engineering. It shall keep an accurate account of all moneys disbursed by it in the furnishing, maintaining and operating the school, and shall make a biennial report thereof, and of all its contracts and transactions, to the governor on or before the 1st day of October preceding each regular session of the legislature, and the governor shall transmit the same to the said session of the legislature.

Section 78. Section Amended.

Section 64-8-4, Utah Code Annotated 1953, is amended to read as follows:

64-8-4. Division May Requisition Prison Labor.

The division of welfare shall make requisition upon the warden of the state prison for prisoners to labor upon the grounds of the school, and

the warden shall furnish as many prisoners as may be necessary or practicable to work thereon. Such prisoners shall be under the sole custody and direction of the authorities of the state prison while engaged in such labor, and the expenses of extra guards and any other extra expense made necessary by reason of such labor shall be paid from funds belonging to the school.

Section 79. Section Amended.

Section 64-8-5, Utah Code Annotated 1953, is amended to read as follows:

64-8-5. Division to Maintain Educational and Custodial Departments.

The division of welfare shall maintain a school department for the instruction and training of mentally retarded persons who are within school age or who are capable of being benefited by school instruction, and a custodial department for the care and custody of mentally retarded persons beyond the school age or not capable of being so benefited, and shall cause to be given to them instruction and training in unskilled labor and trades, and in such arts, crafts, manual training, kindergarten, and occupations as may be appropriate for such persons to undertake.

Section 80. Section Amended.

Section 64-8-6, Utah Code Annotated 1953, as amended by Chapter 144, Laws of Utah 1965, is amended to read as follows:

64-8-6. Powers and Duties of Division of Welfare.

The powers and duties of the division of welfare in respect to the Utah State Training School shall be as follows:

- (1) To make rules, not inconsistent with law, for the government of the school.
- (2) To hold meetings at the training school at least once in each quarter year.
- (3) To keep a record of its proceedings respecting the administration of the school open at all times during office hours to the inspection of any citizen.
- (4) With the approval of the governor to appoint a medical superintendent, to hold his office during the pleasure of the division.
- (5) To receive, take and hold property, both real and personal, in trust for the state for the use and benefit of the school.
- (6) To visit the school and keep constantly advised of all items of labor and expense, and of the condition of the school and its buildings and property, and to make such improvements as in its judgment are necessary for the care of the inmates, and, in case of absolute necessity, to remove them to the nearest possible safe and appropriate place.
- (7) To cause the accounts of the school to be so kept and reported as to show the quality, quantity, cost and vendor of every article purchased.
- (8) To examine and audit the accounts for all expenditures of the superintendent for salary of employees, and all other expenses incident to the conduct of the school, and the care and maintenance of the inmates, and, if approved by it, to certify the same to the state auditor.

(9) To make regulations and fix the terms for the admission of mentally retarded persons.

(10) To order the transfer of any person who has been committed to the Utah State Training School to any other institution under the operation and control of the division when a careful evaluation of the treatment needs of such person and the facilities of such other institutions available to meet such needs indicate such transfer would be in the interest of such person. Any person so transferred shall remain under the jurisdiction of the Utah State Training School, and such other institutions shall act solely as the agent of the Utah State Training School.

(11) The Utah State Training School is authorized to receive from any other institution under the operation and control of the division any person committed to such other institution when a careful evaluation of the treatment needs of such person and the facilities of the Utah State Training School available to meet such needs indicate such transfer would be in the interest of such person. Any person so received by the Utah State Training School shall remain under the jurisdiction of such other institution, and the Utah State Training School shall act solely as the agent of such other institution.

Section 81. Board of Correction—Policy-making Functions.

There is created within the department of health and welfare a board of corrections which, except as otherwise provided in this act, shall assume all of the policy-making functions, powers, duties, rights and responsibilities of the present board of corrections, together with all functions, powers, duties, rights and responsibilities granted to the board of corrections by this act. The board of corrections shall be the policy-making body of the division of corrections. Except as otherwise provided in this act, whenever reference is made in Title 64, or any other provision of law, to the present board of corrections, it shall be construed as referring to the board of corrections where such reference pertains to policy-making functions, powers, duties, rights and responsibilities; but in all other instances such reference shall be construed as referring to the division of corrections.

Section 82. Section Enacted.

Section 64-9-1.5, Utah Code Annotated 1953, is enacted to read as follows:

64-9-1.5. Board of Corrections—Terms—Appointments.

Upon the effective date of this act, the terms of office of all members of the present board of corrections shall expire. The board of corrections shall be comprised of seven members to be appointed by the governor, with the advice and consent of the senate. Each member of the board shall be a resident citizen of the state, and no member shall be an ex-officio public official. Not more than four members of the board shall be from the same political party. The terms of office of four of the members first appointed shall expire on March 1, 1969, and the terms of the remaining three members shall expire on March 1, 1971. Their successors shall each be appointed for terms of four years. Vacancies occurring by reason of death, resignation or other cause shall be

filled by the appointment of another person by the governor, with the advice and consent of the senate, for the unexpired term of the person whose office was vacated. The board shall appoint a chairman from its membership.

Section 83. Section Amended.

Section 64-9-2, Utah Code Annotated 1953, as amended by Chapter 140, Laws of Utah 1965, is repealed and reenacted to read as follows:

64-9-2. Board of Corrections—Board of Pardons.

The board of corrections is empowered and directed, among other things, to control the general policies and fiscal affairs of the Utah state prison; to make all such general rules for the government and discipline of the prison, as it may deem expedient, and from time to time to change and amend the same; and to establish policy for the adult probation and parole section.

The determinations and decisions of the board of pardons in cases involving approval or denial of any action whatsoever, of paroles, pardons, commutations and terminations of sentences, or remissions of fines and forfeitures shall not be reviewed by or appealed to the board of corrections, and the decisions of the board of pardons in such matters shall be final.

The board of corrections may order the transfer of any person who has been committed to the state prison to the Utah State Hospital, with the approval of the superintendent of the Utah State Hospital, or upon order of the governor, when a careful evaluation of the treatment needs of such person and the facilities of the Utah State Hospital to meet such needs indicated such transfer would be in the interest of such person. Any person transferred as herein provided shall remain under the jurisdiction of the Utah state prison and the Utah State Hospital shall act solely as the agent of the Utah state prison.

Section 84. Division of Corrections.

There is created the division of corrections, which shall be within the department of health and welfare under the administration and general supervision of the coordinating council of health and welfare and under the policy direction of the board of corrections. The division of corrections shall be the authority of the state of Utah for corrections, shall assume all of the functions, powers, duties, rights and responsibilities of the present board of corrections, except those which are assumed by the board of corrections under this act and is vested with such other functions, powers, duties, rights and responsibilities as provided in this act and other law.

Section 85. Section Amended.

Section 64-9-4, Utah Code Annotated 1953, is repealed and reenacted to read as follows:

64-9-4. Chief Administrative Officer—Appointment.

The chief administrative officer of the division of corrections shall be a director who shall be appointed by the board of corrections, with the prior approval of the coordinating council of health and welfare and with the advice and consent of the governor and of the senate. The

director shall be the executive and administrative head of the division of corrections and shall be a person experienced in administration and knowledgeable in the field of corrections and parole. The director shall serve at the will of the board of corrections.

Section 86. Section Amended.

Section 64-9-6, Utah Code Annotated 1953, is amended to read as follows:

64-9-6. Officers of Prison Enumerated.

The officers of the state prison shall consist of a warden, who shall be the principal keeper, one deputy warden, one clerk, who shall also be a keeper, one physician and surgeon, a matron, and as many keepers and guards as the warden and the director of the division of corrections may deem necessary. Each of said officers, before entering upon the duties of his office, shall take and subscribe the constitutional oath and file the same with the secretary of state.

Section 87. Section Amended.

Section 64-9-7, Utah Code Annotated 1953, is amended to read as follows:

64-9-7. Warden—Appointment—Term—Qualifications.

The board of corrections shall appoint the warden, who shall hold office at the pleasure of the board. The board shall prescribe the duties of the warden who shall possess the ability and qualifications necessary to successfully carry on the industries of the prison, and shall be a person who has the executive ability essential to the proper management of the officers and employees under his jurisdiction and to enforce and maintain proper discipline in every department of the prison.

Section 88. Section Amended.

Section 64-9-8, Utah Code Annotated 1953, is amended to read as follows:

64-9-8. Parole Agents—Appointment—Duties.

The board of corrections shall appoint some suitable and discreet person as parole agent for the state, to serve at its pleasure, whose duties shall be prescribed by the board. The parole agent shall have all the powers that guards, peace officers and sheriffs now possess, to be exercised anywhere within the state. When not on duty away from the state prison the parole agent shall perform the duties of a guard or such other duties as he may be directed to perform by the warden relating to the affairs of the state prison or prisoners.

Section 89. Section Amended.

Section 64-9-9, Utah Code Annotated 1953, is amended to read as follows:

64-9-9. Director to Appoint Overseers of Prison Labor.

The director of the division of corrections may appoint persons having the necessary practical knowledge to be overseers of such work as may

be established, when in his judgment such appointments will promote the efficiency of the prison labor.

Section 90. Section Amended.

Section 64-9-10, Utah Code Annotated 1953, is amended to read as follows:

64-9-10. Deputy Warden and Other Officers—Appointment.

The deputy warden and all other officers and employees of the prison shall be appointed by the warden, subject to the approval of the director of the division of corrections, and shall hold their offices at the pleasure of the warden and the director of the division of corrections.

Section 91. Section Amended.

Section 64-9-18, Utah Code Annotated 1953, is amended to read as follows:

64-9-18. Duties of Clerk.

It shall be the duty of the clerk of the prison:

(1) To attend at the prison daily during business hours, unless by the direction of the board or the warden he is otherwise engaged in transacting business on account of the prison.

(2) To keep the books and accounts of the prison in such manner as to clearly exhibit all financial transactions relating to it; to also keep a register of convicts, in which shall be entered in alphabetical order the name of each convict, the crime of which he is convicted, the date of his conviction, term of sentence, from what county, and by what court sentenced, his place of nativity, age, occupation, complexion, stature, number of previous convictions, and whether previously confined in a prison in this or any other state, together with when and how he was discharged. The board, the division or the warden may require such additional facts to be stated on the register as may be deemed proper.

(3) To do all such clerical work as may be required of him by the board, the division or the warden relating to the affairs of the prison.

Section 92. Section Amended.

Section 64-9-19, Utah Code Annotated 1953, is amended to read as follows:

64-9-19. Prison Physician — Duties — Psychiatrist, Psychologist and Social Worker.

(1) To attend at all times to the wants of sick convicts, whether in the hospital or in their cells, and to give them all necessary medical attention; to make available, with the approval of the board of corrections, the services of a psychiatrist, or a clinical psychologist, or a social worker, whenever or wherever it appears that the prisoner's rehabilitation may be facilitated thereby.

(2) To examine weekly, in company with the warden, the cells of the convicts for the purpose of ascertaining whether they are kept in a proper condition as to cleanliness and ventilation, and, if they are not so kept, to point out to the warden the deficiencies and report the same monthly to the board of corrections.

(3) To prescribe the diet of sick convicts, and his directions in relation thereto shall be strictly followed; and to be present at and superintend all corporal punishments which may be inflicted in the prison.

(4) To keep a daily record of all admissions to the hospital, and of cases treated in the cells or elsewhere, including the prisoner's sex, color, nativity, age, occupation, habits of life, crime, period of entrance and discharge from the hospital, and the nature of the disease.

(5) To make a yearly report to the board of corrections and to the director of the division of corrections of the sanitary condition of the prison during the year, which report shall also contain a condensed statement of the information contained in his daily record.

(6) To make such other reports as the board of corrections, director of the division of corrections or the warden may from time to time require.

Section 93. Section Amended.

Section 64-9-21, Utah Code Annotated 1953, is amended to read as follows:

64-9-21. Right of Visitation in Division of Corrections.

It shall be the duty of the warden and other officers of the prison, whenever requested, to admit the board of corrections, or any member thereof, or the director of the division of corrections into any part of the prison; to exhibit to the board, any member of the board or the director, on demand, all the books, papers, and accounts pertaining to the prison or to the business, government, discipline or management thereof, and to render the board, any member of the board or the director every facility to enable it to discharge its, their or his duties.

Section 94. Section Amended.

Section 64-9-22, Utah Code Annotated 1953, is amended to read as follows:

64-9-22. Officers and Employees—Salaries—Perquisites.

The salaries of all officers and employees of the state prison shall be fixed by the department of finance. The warden shall, in addition to his salary, be allowed the use of house, fuel, lights and provisions for his family and for guests who visit him on business connected with the prison; and any officer of the prison may in the discretion of the board of corrections be allowed the use of a house or an apartment free of rent. No officer or other person employed in or about the prison shall be permitted to receive in any way perquisites, emoluments or supplies for himself or his family from the prison other than the compensation allowed by the department of finance. The board may, upon request of the director of the division of corrections, if it deems it in the interest of the prison, require the keepers, guards, and such of the employees as it may designate, to be lodged, and messed or boarded, in the prison, and for that purpose the division may furnish lodging rooms in a plain and substantial manner, and supply provisions from the prison stock, which shall be cooked and prepared by the labor of

convicts and served at such times, on such terms and in such places as the director may direct.

Section 95. Section Amended.

Section 64-9-27, Utah Code Annotated 1953, is amended to read as follows:

64-9-27. Reports of the Operation of Prison.

The director of the division of corrections shall annually, and oftener if he deems it necessary, require reports from the warden and other officers of the prison in relation to all matters connected with the management, business discipline, money and property thereof, and the condition, conduct and employment of the convicts confined therein. The board may require that these reports be presented by the director to the board for information in the formulation of policy. The biennial reports of the director to the governor and the legislature must show the whole number of convicts in the prison, and the whole number received during each of the two years, with the names of the counties whence they were received, and the crimes of which they were convicted, together with the number of those who shall have died or escaped, been discharged, or pardoned, and such other facts and suggestions as will fully exhibit the entire workings of the prison during the two preceding years.

Section 96. Section Amended.

Section 64-9-28, Utah Code Annotated 1953, is amended to read as follows:

64-9-28. Director to Enter Data on Register of Prisoners.

The director of the division of corrections shall cause to be entered from time to time in a register such facts respecting each prisoner received into the prison as can be ascertained, of parentage, and of early social influence seeming to indicate his constitutional and acquired defects and tendencies; and, based upon these, an estimate of the character of the prisoner and the best plan of treatment. Upon such register shall also be entered from time to time minutes of observed improvement or deterioration of character, and notes as to methods of treatment employed, and all orders or alterations affecting the standing or situation of the prisoner, and any facts of personal history which may be brought to the knowledge of the director affecting the question of the final release of the prisoner or his parole.

Section 97. Section Amended.

Section 64-9-30, Utah Code Annotated 1953, is amended to read as follows:

64-9-30. Register of Facts Relating to Each Prisoner.

The director of the division of corrections, upon the request of the board of pardons, shall, in the case of an application of a convict or of an ex-convict to be restored to his civil rights, furnish the board of pardons with a statement of such person's deportment during his imprisonment; and he may at all times make whatever recommendations to the board of pardons he shall believe proper respecting such rights.

Section 98. Section Amended.

Section 64-9-31, Utah Code Annotated 1953, is amended to read as follows:

64-9-31. Prison Labor — Interference With Private Enterprise — Contracts for Prison Labor.

It shall be the duty of the board of corrections to meet at least once in six months to determine what lines of productive labor shall be pursued in the prison, and in so determining the board shall select diversified lines of industry so as to interfere as little as possible with the same lines of industry carried on by citizens of this state. No contract shall be made for the labor of prisoners confined in the state prison, but they shall be employed by the warden under rules and regulations established by the board; provided, the board of corrections, with the approval of the coordinating council of health and welfare, may make contracts with any federal agency for the labor of prisoners confined in the state prison in any matter or project affecting the national defense.

Section 99. Section Amended.

Section 64-9-32, Utah Code Annotated 1953, is amended to read as follows:

64-9-32. Prison Labor for State Departments and Institutions.

The director of the division of corrections shall be required to employ as many prisoners as are necessary in making articles for the various state departments and institutions, as far as practicable, who shall pay at or near the market price of all articles furnished.

Section 100. Section Amended.

Section 64-9-42, Utah Code Annotated 1953, is amended to read as follows:

64-9-42. Records of Prison—Care and Use—Distribution of Reports.

All books of accounts, registers and other documents and papers relating to the affairs of the prison shall be considered public property, and shall remain therein and the warden shall preserve at least one set of copies of all official reports made to the governor, the board, the division or legislature respecting the prison, and likewise a set of similar reports relating to the prisons of other states as far as he shall be able to obtain the same. To accomplish this purpose, there shall be printed biennially for the use of the prison 300 extra copies of the report of the division director, 100 of which shall be supplied to the warden for exchange with prisons of other states, and the warden shall promptly transmit to each of the state prisons in the United States one copy of such report.

Section 101. Section Amended.

Section 64-9-44, Utah Code Annotated 1953, is amended to read as follows:

64-9-44. Audit of Accounts.

The division of corrections shall examine and audit before payment all bills and accounts of the prison at least monthly, and enter a strict

account of the same in its books. After the accounts shall have been examined, entered and audited, they shall be transmitted by the division to the state auditor.

Section 102. Section Amended.

Section 64-9-45, Utah Code Annotated 1953, is amended to read as follows:

64-9-45. Inventory and Settlement of Accounts Upon Vacancy in Office of Warden.

In case of a vacancy in the office of the warden, the director of the division of corrections shall cause an inventory to be taken and made available to the board of corrections and the state auditor, and the state auditor shall settle the accounts of the former warden on the presentation of his books and vouchers, duly authenticated.

Section 103. Section Amended.

Section 64-9-53, Utah Code Annotated 1953, is amended to read as follows:

64-9-53. Disease and Epidemics—Removal of Prisoners.

In case any pestilence or contagious disease shall break out among the prisoners in the prison, or in the vicinity of the prison, the director of the division of corrections may cause the convicts therein to be removed to some suitable place of security, where such of them as may be ill shall receive all necessary care and medical attention, but the convicts shall be returned to the prison as soon as it may be safe to do so.

Section 104. Section Amended.

Section 77-62-2, Utah Code Annotated 1953, is amended to read as follows:

77-62-2. Board of Pardons—Creation—Terms—Duties.

There is established within the department of health and welfare a board of pardons, which shall consist of three part-time members, all of whom shall be resident citizens of the state of Utah, and who shall be appointed by the board of corrections. The present members of the state board of pardons are to continue to serve and shall become the members of the board of pardons until the terms for which they were appointed shall expire and until their respective successors shall be appointed and qualified. Thereafter, each member of the board of pardons shall hold office for four years and until his successor shall be appointed and qualified. In the event that any member of the board of pardons shall be rendered incapable of performing his duties, the governor shall appoint a suitable person to act in his stead during the period of his incapacity. Any vacancy occurring in the membership of the board of pardons otherwise than by expiration of the term, shall be filled in same manner as those occurring by expiration of term, but for the unexpired term only.

Section 105. Section Amended.

Section 77-62-4, Utah Code Annotated 1953, is amended to read as follows:

77-62-4. Designate Chairman—Appoint Secretary.

The board of pardons shall designate one of its members as chairman of the board and he shall preside at all sessions of the board. The board of pardons shall appoint an executive secretary and shall determine his salary, according to law.

Section 106. Section Amended.

Section 77-62-20, Utah Code Annotated 1953, is amended to read as follows:

77-62-20. Adult Parole and Probation Section Created.

There is created within the division of corrections the adult parole and probation section of the state of Utah. Except as otherwise provided in this act, whenever reference is made in Title 77, or any other provision of law, to the department of adult parole and adult probation, it shall be construed as referring to the adult parole and probation section.

Section 107. Section Amended.

Section 77-62-21, Utah Code Annotated 1953, is amended to read as follows:

77-62-21. Management—Control—Vested in Division of Corrections.

The management and control of the adult parole and probation section shall be vested in the division of corrections.

Section 108. Section Amended.

Section 77-62-28, Utah Code Annotated 1953, is amended to read as follows:

77-62-28. Parole and Probation Districts.

The division of corrections shall establish such parole and probation districts in the state as may be expedient and necessary to the efficient and economical administration of the adult parole and probation section, and the director of the division of corrections shall appoint such district agents as may be necessary to serve in the district, subject to the advice of the judicial district judge or judges within the district.

Section 109. Section Amended.

Section 77-62-30, Utah Code Annotated 1953, is amended to read as follows:

77-62-30. Clinics.

The division of corrections shall establish and maintain clinics for the purpose of thoroughly investigating the social, mental and physical conditions and background of those charged with the various crimes and shall conduct examinations wherever required, and, upon completing such an examination, the division shall file a copy of its findings and formal clinical report with the court having jurisdiction and make such recommendations to the court as it may see fit. For this purpose the division may, without expense to it, command the services of any expert in the employ of the state of Utah or any other expert in the employ of any state institution.

Section 110. Board of Mental Health Created—Policy-making Body for Division.

There is created within the department of health and welfare a board of mental health which shall be comprised of five members appointed by the governor, with the advice and consent of the senate. The board of mental health shall be the policy-making body for the division of mental health. Of the first appointments to the board of mental health, the terms of office of three members shall expire on March 1, 1969, and the terms of office of the remaining two members shall expire on March 1, 1971. All subsequent appointments shall be for terms of four years each. Not more than three members shall be from the same political party. Vacancies occurring by reason of death, resignation, or any other cause, shall be filled by the appointment of another person by the governor, with the advice and consent of the senate, for the unexpired term of the person whose office was vacated.

It shall be the duty and function of the board of mental health to establish programs, policies, rules and regulations, to fill the needs and wishes of the public and to facilitate programs established by the legislature in respect to mental health. The board shall develop the boundaries of mental health regions of the state, policies, standards, regulations and fee schedules for the division of mental health and for community mental health services.

The board shall elect its chairman from its membership and shall meet at least once every three months, or upon such other occasions as the chairman may deem necessary or upon the request of any three members of the board. Three members of the board shall constitute a quorum for the transaction of its business.

Members of the board shall receive a per diem allowance as approved by the board of examiners plus all actual and necessary expenses incurred in the performance of their official duties.

Section 111. Division of Mental Health—Under Coordinating Council.

There is created the division of mental health, which shall be within the department of health and welfare under the administration and general supervision of the coordinating council of health and welfare and under the policy direction of the board of mental health. The division of mental health shall be the mental health authority for the state of Utah and shall have the following duties and responsibilities:

(1) To review and coordinate mental health functions within the division and with related activities of other state agencies.

(2) To assist and consult with local mental health authorities and with local mental health advisory councils in the establishment of community mental health programs, which may include prevention, rehabilitation, case-finding, diagnosis and treatment of the mentally ill, and consultation and education for groups and individuals regarding mental health.

(3) To collect and disseminate information pertaining to mental health.

(4) To develop a comprehensive state program for care of the mentally disabled, both within state and local hospitals and on an out-patient basis.

(5) To have general direction over the Utah State Hospital at Provo.

Section 112. Director—Division of Mental Health.

The director of the division of mental health shall be appointed by the board of mental health, with the prior approval of the coordinating council of health and welfare and with the advice and consent of the governor and of the senate. The director shall be the executive and administrative head of the division of mental health. He shall be experienced in administration and shall be a psychiatrist certified in psychiatry by the American Board of Psychiatry and Neurology or eligible for such certification. The director of the division of mental health shall serve at the will of the board of mental health.

Section 113. Section Amended.

Section 64-7-2, Utah Code Annotated 1953, is amended to read as follows:

64-7-2. Division of Mental Health to Control State Hospital.

The government and control of the Utah State Hospital shall be vested in the division of mental health where it shall function and be administered as a part of the state's comprehensive mental health program and to the fullest extent possible shall be coordinated with local mental health authority programs. When it becomes feasible the board of mental health may direct that the hospital be decentralized and administered at the local level by being integrated with, and becoming a part of, the community mental health services.

The division of mental health shall succeed to all the powers, discharge all the duties, and perform all the functions, powers, duties, rights and responsibilities pertaining to the Utah State Hospital which by existing law are conferred upon or required to be discharged or performed by the public welfare commission; provided, however, that such functions, powers, duties, rights and responsibilities of the division of mental health and the board of mental health otherwise provided in law and this act shall apply to this section.

Section 114. Section Amended.

Section 64-7-3, Utah Code Annotated 1953, as amended by Chapter 143, Laws of Utah 1965, is amended to read as follows:

64-7-3. Division of Mental Health—Power in Connection with State Hospital.

The division of mental health may take and hold by gift, devise or bequest real and personal property required for the use of the hospital, and with the approval of the governor it may convert property so received, and not suitable for its use, into money or property which is suitable for such use.

The division of mental health may order the transfer of any person who has been committed to the Utah State Hospital to any other institution under the operation and control of the division of mental health when a careful evaluation of the treatment needs of such person and the facilities of such other institution available to meet such needs indicate such transfer would be in the interest of such person. Any person transferred as herein provided shall remain under the jurisdiction of

the Utah State Hospital, and such other institutions shall act solely as the agent of the Utah State Hospital.

The Utah State Hospital is authorized to receive from the state prison, or any institution under the operation and control of the division of welfare any person committed to the state prison or such other institution when a careful evaluation of the treatment needs of such person and the facilities of the Utah State Hospital available to meet such needs indicates such transfer would be in the interest of such person. The Utah State Hospital is required to receive any person committed to the state prison when ordered by the governor who shall consider the treatment needs of such person and the facilities of the Utah State Hospital available to meet such needs. Any person so transferred to the Utah State Hospital shall remain under the jurisdiction of the state prison or such other institution, and the Utah State Hospital shall act solely as the agent of the state prison or such other institution.

Section 115. Section Amended.

Section 64-7-4, Utah Code Annotated 1953, is amended to read as follows:

64-7-4. Division of Mental Health Succeeds to Powers and Duties Conferred by Existing Laws.

Except as otherwise provided in this act, the division of mental health shall succeed to all powers and discharge all duties and perform all the functions relating to mental health and to the Utah State Hospital which by existing and continuing laws are conferred upon and required to be discharged or performed by the board of trustees of the Utah State Hospital, by the board of insane asylum commissioner, by the state board of insanity, by the public welfare commission or by the department of public welfare. Whenever any existing and continuing law refers to or names any said boards or said department or any officer or employee thereof in respect to mental health and the Utah State Hospital, it shall, except as otherwise provided in this act, be construed to refer to and mean the division of mental health or the corresponding officer or employee of said division.

Section 116. Section Amended.

Section 64-7-5, Utah Code Annotated 1953, is amended to read as follows:

64-7-5. Rules and Regulations.

The board of mental health may make rules and regulations for the hospital.

Section 117. Section Amended.

Section 64-7-6, Utah Code Annotated 1953, is amended to read as follows:

64-7-6. Records — Meetings — Duties of Inspection — Estimate and Assessments of Care of Inmates.

The board of mental health shall cause to be kept a full and correct record of its proceedings pertaining to the affairs of the hospital which

shall be open at all reasonable times to the inspection of any citizen. The division of mental health or an agent or employee of the division shall make a thorough inquiry into all the hospital departments of labor and expenses, and a careful examination of the buildings, property and general condition of the hospital, at least once in every three months. The division shall operate, maintain and repair the buildings, grounds and other physical properties of the hospital, provided however, that the roads and driveways on the ground of the hospital shall be under the care and supervision of the building board, and building repairs involving expenditures of over \$3,000 shall be made by the building board. The division shall estimate and determine as nearly as may be the actual expense per annum of keeping and taking care of a patient in the hospital and such amount or portion thereof shall be assessed to and paid by the applicant, patient, spouse, parents, child or children who are of sufficient financial ability to do so, or by the guardian of the patient who has funds of the patient that may be used for such purpose.

Section 118. Section Amended.

Section 64-7-7, Utah Code Annotated 1953, as amended by Chapter 159, Laws of Utah 1963, is amended to read as follows:

64-7-7. Supervision and Control of Mentally Ill Persons.

The division of mental health shall have the supervision and control of mentally ill persons in the state, who have been admitted to its care under the provisions of this act, whether residing in the hospital or elsewhere.

Section 119. Section Amended.

Section 64-7-9, Utah Code Annotated 1953, is amended to read as follows:

64-7-9. Medical Superintendent—Term—Salary—Qualifications—Powers and Duties.

The board of mental health shall appoint a medical superintendent, who shall reside at or near the hospital and who shall hold his office at the pleasure of the board of mental health. He shall receive an annual salary, payable monthly, according to standards established by the department of finance. He shall be a well educated, experienced physician, a graduate in medicine from an approved medical school, and shall have practiced his profession at least five years since the date of his diploma. He shall be licensed to practice medicine and surgery in this state and shall have had at least one year's training in psychiatry. He shall be the chief executive officer of the hospital, and shall have general superintendence of the buildings, grounds, and property thereof, subject to the regulations of the board of mental health. He shall have control of the patients, prescribe and direct their treatment, and adopt sanitary measures for their welfare. He shall appoint, with the approval of the director, as many attendants or employees as he may deem necessary for the efficient and economical care and management of the hospital, and may fix their compensation according to standards of the department of finance, and discharge any of them. He shall prescribe the

duties of the subordinate officers and employees, maintain discipline among them, and enforce obedience to all regulations of the institution.

Section 120. Section Amended.

Section 64-7-10, Utah Code Annotated 1953, is amended to read as follows:

64-7-10. Accounts—Records—Reports.

The superintendent shall cause to be kept full and correct accounts and records of his official transactions from day to day in books provided for that purpose, in the manner prescribed by the board of mental health. He shall report monthly to the director of the division of mental health, producing vouchers for all expenditures made by him during the previous month. He shall cause all his accounts to be made up to and including the last day of June of each year and shall submit an annual report to the board and to the director.

Section 121. Section Amended.

Section 64-7-11, Utah Code Annotated 1953, is amended to read as follows:

64-7-11. Assistant Physician—Duties.

Whenever the medical superintendent shall deem it necessary, he may, with the approval of the director of the division of mental health, appoint one or more assistant physicians, who are duly licensed to practice medicine. Their salaries shall be fixed by the standards of the department of finance, to be paid in the same manner as the salaries of other employees, and they shall hold office during the pleasure of the medical superintendent. They shall perform such duties as may be directed by the superintendent and prescribed by the rules of the board of mental health.

Section 122. Section Amended.

Section 64-7-12, Utah Code Annotated 1953, is amended to read as follows:

64-7-12. Steward—Bond—Duties.

The medical superintendent with the approval of the director of the division of mental health shall appoint a steward, who shall give a bond in such amount and in such form as may be fixed by the department of finance. The steward, under the direction of the superintendent, shall have general oversight of the farm, stock, garden, grounds, fences, buildings, furniture, fixtures and apparatus of the hospital, and shall receive all articles, goods and merchandise belonging thereto, and shall be responsible for the safekeeping and economical distribution of the same. The steward shall have charge of the books and accounts of the hospital.

Section 123. Section Amended.

Section 64-7-13, Utah Code Annotated 1953, is amended to read as follows:

64-7-13. Forms—Divisions to Furnish to Clerks of District Courts.

The division of mental health shall furnish the clerks of the several district courts with such blanks, warrants, certificates, etc., as will enable the district judge with regularity and facility to comply with the provisions of this chapter.

Section 124. Section Amended.

Section 64-7-14, Utah Code Annotated 1953, is amended to read as follows:

64-7-14. Mentally Ill Nonresidents—Disposition—When Admitted.

Nonresidents of this state conveyed or coming here while mentally ill may be returned by the division of mental health to the home of relatives or friends of such mentally ill person, if known, or to a hospital in the state where such mentally ill person is a resident, and must not be permitted to be supported in the hospital. For the purpose of this section a nonresident shall be one who has not actually resided in this state for one year, immediately preceding application for admittance. This prohibition shall not prevent the commitment to, and temporary care in, the hospital of persons stricken with mental illness while traveling through or temporarily sojourning in this state. The director of the division of mental health upon the recommendation of the superintendent of the hospital may admit patients from other states upon the request of the patient's physician; provided, that a sum not less than is now charged for voluntary patients shall be paid in advance monthly for their care.

Section 125. Section Amended.

Section 64-7-17, Utah Code Annotated 1953, is amended to read as follows:

64-7-17. Lack of Facilities—Discrimination—Order in Which Admitted.

If at any time it becomes necessary for want of room, or other cause, to remove any patient from the hospital, or to discriminate in the general reception of patients therein, the superintendent shall give notice thereof to the director of the division of mental health. Only harmless and incurable patients may be removed by the director of the division of mental health. Indigent patients so removed must be returned to the county from which they were committed at the expense of such county. When discrimination in the reception is necessary, patients shall take precedence in the following order: (1) cases of less than one year's duration; (2) chronic cases of more than one year's duration presenting the most favorable prospects for recovery; (3) cases for whom application has been longest on file. When cases are equally meritorious indigents are to be preferred.

Section 126. Section Amended.

Section 64-7-18, Utah Code Annotated 1953, is amended to read as follows:

64-7-18. Liability of Estate of Mentally Ill Person.

The provisions herein made for the support of the mentally ill at public expense shall not release the estate of such persons from liability

for their care and treatment, and the division of mental health is authorized and empowered to collect from the estate of such persons any sums paid by the state in their behalf.

Section 127. Section Amended.

Section 64-7-19, Utah Code Annotated 1953, is amended to read as follows:

64-7-19. Counties to Care for Mentally Ill.

On information laid before the board of county commissioners of any county that a certain mentally ill person in the county is suffering for want of proper care, the division of mental health shall forthwith inquire into the matter, and, if it finds the information well founded, it shall make all needful provisions for the care of such person.

Section 128. Section Amended.

Section 64-7-20, Utah Code Annotated 1953, is amended to read as follows:

64-7-20. Contribution by State.

On receipt of notice from the division of mental health or the superintendent of the hospital that any person committed to the hospital cannot be received therein for want of room, the board of county commissioners shall require such person to be suitably provided for until such admission can be had. If such person is indigent, the county shall be entitled to receive from the state a sum equal to the amount allowed by the state for the cost of care and treatment of indigent patients in the hospital.

Section 129. Section Amended.

Section 64-7-27, Utah Code Annotated 1953, is amended to read as follows:

64-7-27. Patients Placed at Board.

The division of mental health upon the recommendation of the superintendent may place at board in a suitable family in this state any indigent patient in the hospital who is quiet and not dangerous. Any such patient so placed at board by the division of mental health shall be deemed to be an inmate of the hospital. The cost to the hospital for placing such a patient at board shall not exceed the cost of care and maintenance at the institution for each patient. The bill for the support of the persons who are placed at board in families by the division of mental health shall be paid monthly by the hospital and shall be made out by the steward, examined by the director of the division of mental health and if approved, submitted to the state finance commission as are other obligations of the hospital.

The placing at board of such patients shall in no way affect the rights of the hospital to supervision and readmission of the patients. All patients so placed at board shall be at the expense of the hospital and shall be visited by the superintendent or his duly appointed assistant at least every three months. Frequent reports may be required from those into whose care patients are placed by the superintendent.

Section 130. Section Amended.

Section 64-7-33, Utah Code Annotated 1953, as amended by Chapter 124, Laws of Utah 1953, as amended by Chapter 159, Laws of Utah 1963, is amended to read as follows:

64-7-33. Application for Admission — Certification — Endorsement of Certificate—Force and Effect of Certificate.

A. Any individual may be admitted to the Utah State Hospital upon

(1) Written application by a friend, relative, spouse, or guardian of the individual, a health or public welfare or peace officer, or the head of any institution in which said individual may be. Institution as used herein shall be limited to any hospital, jail, prison, or agency duly registered under the provisions of section 58-15-2, or a facility regularly used by the division of mental health or its licensees. And

(2) A certification by two designated examiners that they have examined the individual and that they are of the opinion that

(a) He is mentally ill, and

(b) Because of his illness he is likely to injure himself or others if allowed to remain at liberty, or

(c) Is in need of care or treatment in a mental hospital, and because of his illness, lacks sufficient insight or capacity to make responsible application therefor.

An individual with respect to whom such a certificate has been issued may be admitted on the basis thereof at any time before the expiration of fifteen days after the date of examination, exclusive of any period of temporary detention authorized under section 64-7-36.

B. Such a certificate, if it states a belief that the individual is likely to injure himself or others if allowed to remain at liberty, shall, upon endorsement for such purpose by the head of a local board of health or by a judge of a district court or by a member of the board of county commissioners of the county in which the individual is resident or present, authorize any health or peace officer to take the individual into custody and transport him to the Utah State Hospital.

Section 131. Section Amended.

Section 64-7-36, Utah Code Annotated 1953, as amended by Chapter 124, Laws of Utah 1953, as amended by Chapter 160, Laws of Utah 1963, is amended to read as follows:

64-7-36. Involuntary Hospitalization—Examination of Patient—Hearing—Appointment and Duties of Special Commissioner—Compensation of Examiners in Case of Patient's Refusal to Submit to Examination.

A. Proceedings for the involuntary hospitalization of an individual may be commenced by the filing of a written application with the district court of the county in which the proposed patient resides or is found, by a friend, relative, spouse or guardian of the individual, or by a licensed physician, a health or public welfare or peace officer, or the head of any public or private institution in which such individual may be. Any such application shall be accompanied by a certificate of a licensed physician stating that he has examined the individual and is

of the opinion that he is mentally ill and should be hospitalized, or a written statement by the applicant that the individual has refused to submit to examination by a licensed physician.

B. Upon receipt of an application the court shall give notice thereof to the proposed patient, to his legal guardian, if any, and to his spouse, parents, and nearest known other relative or friend. If, however, the court has reason to believe that notice would be likely to be injurious to the proposed patient, notice to him may be omitted.

C. As soon as practicable after notice of the commencement of proceedings is given or it is determined that notice should be omitted, the court shall appoint two designated examiners to examine the proposed patient and report to the court their findings as to the mental condition of the proposed patient and his need for custody, care, or treatment in a mental hospital.

D. If the application avers that the proposed patient is in such mental condition that he is in immediate danger of destroying property, or injuring himself or others, or if the proposed patient refuses to submit to examination after such submission has been ordered by the court as provided by subsection E of this section, the court shall issue an order directed to any health or peace officer of the county to bring the proposed patient forthwith before the court, or, if the court is not then in session to retain him in custody at the Utah State Hospital, or at any public or private hospital which will receive him, or in the proposed patient's home, until the earliest date at which he may be brought before the court issuing such order.

E. The examination shall be held at a hospital or other medical facility, at the home of the proposed patient, or at any other suitable place not likely to have a harmful effect on his health. A proposed patient to whom notice of the commencement of proceedings has been omitted shall not be required to submit to an examination against his will, and on the report of the designated examiners of refusal to submit to an examination the court shall give notice to the proposed patient as provided under paragraph B of this section and order him to submit to such examination.

F. If the report of the designated examiners is to the effect that the proposed patient is not mentally ill, the court may without taking any further action terminate the proceedings and dismiss the application; otherwise, it shall forthwith fix a date for a hearing to be held not less than five nor more than fifteen days from receipt of the report.

G. The proposed patient, the applicant, and all other persons to whom notice is required to be given shall be afforded an opportunity to appear at the hearing, to testify, and to present and cross-examine witnesses, and the court may in its discretion receive the testimony of any other person. The proposed patient shall not be required to be present, and the court is authorized to exclude all persons not necessary for the conduct of the proceedings. The hearing shall be conducted in as informal a manner as may be consistent with orderly procedure and in a physical setting not likely to have a harmful effect on the mental health of the proposed patient. The court shall receive all relevant and material evidence which may be offered and the rules of evidence shall not apply. An opportunity to be represented by counsel shall be af-

forded to every proposed patient, and if neither he nor others provide counsel the court shall appoint counsel.

H. If, upon completion of the hearing and consideration of the record, the court finds that the proposed patient

- (1) Is mentally ill, and
- (2) Because of his illness there is an immediate danger that the proposed patient will injure himself or others if allowed to remain at liberty, or
- (3) Is in need of custody, care or treatment in a mental hospital and, because of his illness lacks sufficient insight or capacity to make responsible decisions with respect to his hospitalization, it shall order his hospitalization for an indeterminate period or for a temporary observational period not exceeding six months; otherwise, it shall dismiss the proceedings. If the order is for a temporary period the court may at any time prior to the expiration of such period, on the basis of report by the superintendent of the Utah State Hospital and such further inquiry as it may deem appropriate, order indeterminate hospitalization of the patient or dismissal of the proceedings.

I. The order of hospitalization shall state whether the individual shall be detained for an indeterminate or for a temporary period and if for a temporary period, then for how long. Unless otherwise directed by the court, it shall be the responsibility of the division of mental health to assure the carrying out of the order within such period as the court shall specify.

J. The court is authorized to appoint a special commissioner to assist in the conduct of hospitalization proceedings. In any case in which the court refers an application to the commissioner, the commissioner shall promptly cause the proposed patient to be examined and on the basis thereof shall either recommend dismissal of the application or hold a hearing as provided in this section and make recommendations to the court regarding the hospitalization of the proposed patient.

K. In the event that the designated examiners are unable, because of refusal of a proposed patient to submit to an examination to complete such examination upon the first attempt to conduct the same, the court shall fix a reasonable compensation to be paid to such designated examiners for services in the cause.

Section 132. Section Amended.

Section 64-7-38, Utah Code Annotated 1953, is amended to read as follows:

64-7-38. Transportation of Person to Hospital—Detention of Patient Pending Removal to State Hospital—Place of Detention—Duty of Division of Mental Health.

(1) Whenever an individual is about to be hospitalized under the provisions of sections 64-7-33, 64-7-34, 64-7-35, or 64-7-36, the division of mental health shall, upon the request of a person having a proper interest in the individual's hospitalization, arrange for the individual's transportation to the hospital with suitable medical or nursing attendants and by such means as may be suitable for his medical condition. Whenever practicable, the individual to be hospitalized shall be per-

mitted to be accompanied by one or more of his friends or relatives. No female shall thus be transported to the hospital without the attendance of some other female or some relative.

(2) Pending his removal to the Utah State Hospital, a patient taken into custody or ordered to be hospitalized pursuant to this act may be detained in his home, a licensed foster home, or any other suitable facility under such reasonable conditions as the division of mental health may fix, but he shall not, except because of and during an extreme emergency, be detained in a nonmedical facility used for the detention of individuals charged with or convicted of penal offenses. The division of mental health shall take such reasonable measures, including provision of medical care, as may be necessary to assure proper care of an individual temporarily detained pursuant to this section.

Section 133. Section Amended.

Section 64-7-41, Utah Code Annotated 1953, as amended by Chapter 159, Laws of Utah 1963, is amended to read as follows:

64-7-41. Transfer of Patients from One Hospital to Another—Notice to Guardian, Parents and Spouse—Transfer to Federal Agencies.

(1) The division of mental health may transfer, or authorize the transfer of, an involuntary patient from one hospital to another if it determines that it would be consistent with the medical needs of the patient to do so. Whenever a patient is transferred, written notice thereof shall be given at least ten days prior to such transfer to his legal guardian, parents, and spouse, or, if none be known, his nearest known relative or friend.

(2) Upon receipt of a certificate of an agency of the United States that facilities are available for the care or treatment of any patient hospitalized pursuant to section 64-7-36 and that the patient is eligible for care or treatment in a facility or institution of such agency, the division of mental health may transfer him to such agency for care or treatment. Upon effecting any such transfer, the legal guardian, parents, and spouse, or, if none be known, his nearest known relative or friend shall be immediately notified of such transfer. Any patient transferred as herein provided shall be deemed to be in the custody of such agency to the same extent and subject to the same limitations as if he had been ordered to be placed in its custody under section 64-7-37.

Section 134. Section Amended.

Section 64-7-42, Utah Code Annotated 1953, is amended to read as follows:

64-7-42. Examination of Patient—Discharge—Report to Division of Mental Health.

The superintendent of the Utah State Hospital shall as frequently as practicable examine or cause to be examined every patient and whenever he determines that the conditions justifying involuntary hospitalization no longer obtain, discharge the patient and immediately make a report thereof to the division of mental health, and if the patient has been hospitalized through judicial proceedings, a copy of such report shall be sent to the clerk of the court where such proceedings were held.

Section 135. Section Amended.

Section 64-7-43, Utah Code Annotated 1953, is amended to read as follows:

64-7-43. Release of Imprisoned Patient—Report to Division of Mental Health—Rehospitalization—Procedure.

(1) The superintendent of the hospital may release an improved patient on the condition that he receive out-patient or nonhospital treatment or on such other reasonable conditions as may be specified by the superintendent. Whenever conditional release of a patient has extended beyond one year, the superintendent of the hospital shall re-examine the facts upon which hospitalization of the patient was based, and, if he determines that the conditions justifying such hospitalization no longer obtain, he shall discharge the patient and make an immediate report thereof to the division of mental health, and if the patient has been hospitalized through judicial proceedings, a copy of such report shall be sent to the clerk of the court where such proceedings are held.

(2) The superintendent of the hospital is authorized to issue an order for the immediate rehospitalization of a conditionally released patient who has failed to fulfill the conditions of his release if he has reason to believe that conditions justifying hospitalization continue to exist.

Such an order, when endorsed by a judge of any district court of the county in which the patient is resident or present, shall authorize any mental health or peace officer to take the patient into custody and transport him to the Utah State Hospital.

Section 136. Section Amended.

Section 64-7-48, Utah Code Annotated 1953, as amended by Chapter 159, Laws of Utah 1963, is amended to read as follows:

64-7-48. Restrictions and Limitations—Civil Rights and Privileges to Which Patient Entitled.

(1) Subject to the general rules and regulations of the hospital and except to the extent that the superintendent of the Utah State Hospital determines that it is necessary for the medical welfare of the patient to impose restriction, every patient shall be entitled

(a) To communicate by sealed mail or otherwise with persons, including official agencies, inside or outside the hospital;

(b) To receive visitors; and

(c) To exercise all civil rights, including the right to dispose of property, execute instruments, make purchases, enter contractual relationships, and vote unless he has been adjudicated incompetent and has not been restored to legal capacity.

(2) Notwithstanding any limitations authorized under this section on the right of communication, every patient shall be entitled to communicate by sealed mail with the division of mental health and with the court, if any, which ordered his hospitalization. In no case shall the superintendent deny a patient a visit with a friend, relative, spouse, guardian of the individual, mental health, or peace officer, or his legal counsel or clergy of the patient's choice.

(3) Any limitations imposed by the superintendent of the Utah State Hospital on the exercise of these rights by the patient and the reasons for such limitations shall be made a part of the clinical record of the patient.

Section 137. Section Amended.

Section 64-7-52, Utah Code Annotated 1953, is amended to read as follows:

64-7-52. Board of Mental Health Authority—Form of Records—Reports.

In addition to the specific authority granted by other provisions of this act, the board of mental health shall have authority to prescribe the form of applications, records, reports, and medical certificates provided for under this act and the information required to be contained therein; and to adopt such rules and regulations not inconsistent with the provisions of this act as it may find to be reasonably necessary for the proper and efficient hospitalization of the mentally ill.

The division of mental health shall require reports from the superintendent of the hospital relating to the admission, examination, diagnosis, release, or discharge of any patient and investigate complaints made by any patient or by any person on behalf of a patient.

Section 138. Section Amended.

Section 64-7-55, Utah Code Annotated 1953, as enacted by Chapter 124, Laws of Utah 1953, is amended to read as follows:

64-7-55. Provisions—Reception—Care—Treatment of Mental and Nervous Diseases.

The provisions of this act with respect to the reception, care and treatment of mentally ill persons shall apply with equal force and effect to receptions by, and commitments to, and care and treatment in such other hospitals as shall be accredited for care and treatment of mental and nervous diseases by the board of mental health.

Section 139. Section Amended.

Section 26-17-3, Utah Code Annotated 1953, as enacted by Chapter 55, Laws of Utah 1961, is repealed and reenacted to read as follows:

26-17-3. Duties—Policies—Regulations.

The board of mental health shall:

(1) Develop the boundaries of mental health regions of the state upon recommendation of the director of the division of mental health.

(2) Establish policies, standards, fiscal and other procedures, regulations and fee schedules for community mental health services.

(3) Meet with authorities of other state agencies and the coordinating council of health and welfare from time to time in order to agree upon an appropriate plan for providing mental health services not now available.

Section 140. Section Amended.

Section 26-17-1, Utah Code Annotated 1953, as enacted by Chapter 55, Laws of Utah 1961, is amended to read as follows:

26-17-1. Mental Health Services and Programs — Division of Mental Health.

The division of mental health is designated as the official state agency responsible for developing and administering preventive and outpatient mental health services. It shall function in the following areas:

(1) Assisting and consulting with local health authorities in providing community mental health services, which services may include prevention, rehabilitation, case-finding, diagnosis and treatment of the mentally ill, and consultation and education for groups and individuals regarding mental health;

(2) Co-ordinating mental health functions with other state agencies;

(3) Participating in and promoting the development of facilities for training personnel necessary for implementing such services;

(4) Collecting and disseminating information pertaining to mental health;

(5) Performing such other acts as are necessary to promote mental health in the state.

Section 141. Section Amended.

Section 26-17-2, Utah Code Annotated 1953, as enacted by Chapter 55, Laws of Utah 1961, is amended to read as follows:

26-17-2. Establish Rules and Regulations.

The board of mental health shall have the power and the duty to establish by rules and regulations minimum standards for community mental health programs.

Section 142. Section Amended.

Section 26-17-5, Utah Code Annotated 1953, as enacted by Chapter 55, Laws of Utah 1961, is amended to read as follows:

26-17-5. Distribution of Funds for Mental Health Programs.

The division of mental health shall provide an equitable distribution of funds appropriated or otherwise available for mental health programs among those counties and cities eligible to perform these services for the division of mental health and which are seeking contracts to provide mental health service.

Section 143. Section Amended.

Section 26-17-8, Utah Code Annotated 1953, as enacted by Chapter 54, Laws of Utah 1961, is repealed and reenacted to read as follows:

26-17-8. Advisory Councils—Composition—Purposes, Duties, Powers, Reimbursement.

Local mental health advisory councils may be established throughout the state. Their composition, purposes, duties, powers and reimbursement shall be as follows:

(1) They may be established in each county in the state, either separately or in conjunction with other counties.

(2) Cities may appoint such councils.

(3) Mental health advisory council members shall be appointed by their respective county commissions or city governing authorities. Ini-

tially one-fourth of the members shall be appointed for one year, one-fourth for two years, one-fourth for three years. After the initial appointment the term of each member shall be for four years. Vacancies shall be filled in the same manner for unexpired terms. Council members may be removed for cause.

(4) They shall be responsible and advisory to local mental health authorities in planning, organizing and operating community mental health programs.

(5) They shall be selected from persons representative of interested groups in the community, including, where possible a member of the local mental health authority; an officer or employee of the school district within the city or county; one or more persons familiar with problems in mental health, as these are involved in proceedings in criminal, domestic or juvenile courts; one or more members of voluntary health, welfare or mental health associations or agencies; and shall include at least one person licensed in Utah to practice medicine and surgery in all their branches and engaged in the private practice of medicine.

(6) Mental health advisory council members may be reimbursed for actual and necessary expenses incurred in the performance of official duties from funds made available to local mental health authorities.

(7) Mental health advisory councils shall be agencies of local mental health authorities and shall be subject to laws and requirements relating to such authorities.

Section 144. Section Amended.

Section 26-17-6, Utah Code Annotated 1953, as enacted by Chapter 54, Laws of Utah 1961, is amended to read as follows:

26-17-6. Short Title—"Local Health Authority" Defined.

(1) This act shall be known and may be cited as the Community Mental Health Services Act.

(2) As used herein, the phrase "local mental health authority" means the city commission or the county commission of the city, county or counties of the mental health region.

Section 145. Section Amended.

Section 26-17-9, Utah Code Annotated 1953, as enacted by Chapter 54, Laws of Utah 1961, is amended to read as follows:

26-17-9. Authority of Local Health Authorities to Establish Mental Health Services.

Local mental health authorities, either separately or in conjunction with other mental health authorities, are authorized to establish community mental health services, after consultation with such mental health advisory councils, and according to the policies, standards, procedures, regulations and fee schedules approved by the board of mental health.

Section 146. Section Amended.

Section 26-17-10, Utah Code Annotated 1953, as enacted by Chapter 54, Laws of Utah 1961, is amended to read as follows:

26-17-10. Powers and Duties of Local Mental Health Authorities.

Subject to the provisions of this act, local mental health authorities, with the advice of their respective local mental health advisory councils:

- (1) Shall review and evaluate mental health needs and services;
- (2) May submit to the division of mental health a plan for community mental health services;
- (3) Within funds available, and if state funds are involved with the approval of the director of the division of mental health, may establish, and be responsible for such programs and maintain such services and facilities as are authorized by this act. However, in the event such services require diagnosis or treatment as defined by law, said services shall be under the direction of a person licensed to practice medicine and surgery in all their branches;
- (4) May appoint, with the approval of the director of the division of mental health, a full-time or part-time director of community mental health services and prescribe his duties;
- (5) Are authorized, with the approval of the director of the division of mental health, to contract and agree with any competent authority, agency or person, official or otherwise, to furnish and operate mental health facilities, and to furnish mental health services for such authority or agency, and also to contract and agree with all such authorities, agencies and persons for the furnishing and operation of such facilities and services for the local mental health authority;
- (6) May establish rules and regulations not contrary to those of the board of mental health covering local mental health services and facilities, and
- (7) May perform such other acts as are necessary to effectuate the purposes of this act.

Section 147. Section Amended.

Section 26-17-11, Utah Code Annotated 1953, as enacted by Chapter 54, Laws of Utah 1961, is amended to read as follows:

26-17-11. Director of Community Mental Health Services.

In addition to such other duties as may be required by law or regulation, the director of community mental health services shall:

- (1) Be responsible to the local mental health authority;
- (2) Exercise supervision over mental health programs and personnel;
- (3) Recommend to the local mental health authority and to the local mental health advisory council provisions for accomplishing the purposes of this act;
- (4) Submit reports as required, at least annually, to the local mental health authority and to the local mental health advisory council of programs under his direction, and
- (5) Carry on appropriate programs and initiate studies for the promotion of community mental health.

Section 148. Section Amended.

Section 26-17-12, Utah Code Annotated 1953, as enacted by Chapter 54, Laws of Utah 1961, is amended to read as follows:

26-17-12. Joint Mental Health Services—Costs—Agreements.

Cities may participate with counties and a county may join with one or more other counties through their local mental health authorities jointly to provide mental health services. Such participating bodies may establish acceptable ways of apportioning the cost of such services. Any agreement for joint mental health services may provide that the treasurer of one of the participating cities or counties shall be the custodian of moneys made available for expenditures for the purpose of such joint services, and that such treasurer or other disbursing officer may make payments from such moneys for such purposes upon audit of the appropriate auditing officer or officers representing the participating governmental units. The agreement may provide:

(1) For joint rendition or operation of services and facilities or for rendition or operation of services and facilities under contract by one participating city or county or local mental health authority for other participating cities or counties or local mental health authorities;

(2) For the allocation of appointments of members of the mental health advisory council between or among participating cities or counties.

Section 149. Section Amended.

Section 26-17-13, Utah Code Annotated 1953, as enacted by Chapter 54, Laws of Utah 1961, is amended to read as follows:

26-17-13. Contracts for Mental Health Services—Awarding Contracts—State Contributions Under Contracts.

Where a local mental health authority has established a plan to provide mental health services as authorized by this act, and such services meet standards fixed by regulations of the board of mental health, the local mental health authority is authorized to enter into a contract with the division of mental health for community mental health services to be furnished by such local mental health authority for an agreed compensation to be paid by the state. It shall be the duty of the division of mental health to provide an equitable system for the awarding of such contracts for services among the several cities and counties seeking contracts, within the limits of appropriated and other funds available to compensate the local contracting mental health authority. Within the limits required for equitable distribution, and subject to availability of funds, contracts for such services shall be awarded, under which the state shall undertake to pay 40% of the total amount to be expended by the local mental health authority for approved mental health services pursuant to the contract.

Such contracts shall include provisions for at least one of the services specified in section 26-17-17. Such contracts are deemed total contracts when in-patient hospital services are included, and partial contracts when in-patient hospital services are excluded.

Subject to the provision of section 26-17-15, total or partial contracts shall be awarded and funds paid by the division of mental health on an equitable basis from available appropriations in the following manner:

(1) For partial contracts: Up to 40% of the total amount, reduced by the provisions of section 26-17-14, expended by the local mental health authority under the approved contract.

(2) For total contracts: Up to 90% of the total amount, reduced by the provisions of section 26-17-14, expended by the local mental health authority under the approved contract if the local mental health authority has obtained a federal mental health staffing grant, and this grant and its program plan and budget are made a part of the total contract, and if such contract and grant provide for services to all counties within the applicable mental health region as provided in section 26-17-3 (1).

Section 150. Section Amended.

Section 26-17-14, Utah Code Annotated 1953, as enacted by Chapter 54, Laws of Utah 1961, is amended to read as follows:

26-17-14. Contracts for Mental Health Services—Funds.

Such contracts may include the furnishing of necessary qualified personnel and the furnishing of approved supplies, facilities, and services furnished by or through the contracting authority employed in rendering special mental health service. They shall not include procurement of capital additions or improvements to the plant of the contracting authorities, nor compensation for services of members of a local mental health advisory council (except actual and necessary expenses incurred in performance of official duties), nor services of personnel for use or furnishing of facilities for which state compensation is claimed under any other provision of law. In fixing the dollar amount of any contract to be awarded there shall be deducted from the total amount expended by the local authorities for the purposes herein authorized:

(1) The amount of funds received from or in behalf of patients whether it be federal, state, local government or private sources, and

(2) All federal funds obtained or to be obtained under any direct federal grant.

Section 151. Section Amended.

Section 26-17-17, Utah Code Annotated 1953, as enacted by Chapter 54, Laws of Utah 1961, is amended to read as follows:

26-17-17. Contracts for Mental Health Services to be Furnished by Local Authorities—Eligibility.

To be eligible for award of a contract under the provisions of sections 26-17-13 and 26-17-14, local mental health authorities, with advice and consent of their local mental health advisory council, shall provide one or more of the following services and shall submit a plan to the division of mental health for proposed expenditures therefor:

- (1) In-patient services;
- (2) Out-patient services;
- (3) Partial hospitalization services;

- (4) Emergency services;
- (5) Rehabilitation services for persons suffering from mental disorders;
- (6) Consultant and educational services furnished by qualified personnel to schools, courts, health and welfare agencies, and other appropriate agencies or groups; and
- (7) Such other services as defined in this act.

In accordance with the regulations of the board of mental health such expenditures shall be eligible for award of contract in accordance with sections 26-17-13 and 26-17-14, whether incurred by direct or joint operation of such facilities and services.

Section 152. Section Amended.

Section 26-17-18, Utah Code Annotated 1953, as enacted by Chapter 54, Laws of Utah 1961, is amended to read as follows:

26-17-18. Receipt of Gifts—Funds—Community Programs.

(1) Cities, counties and local mental health authorities, may receive property, grants, fees, gifts, supplies, materials and contributions for mental health services, and if such gifts be conditioned upon their use for the maintenance and operation of a specified service or program, they shall be so used.

(2) Community mental health programs may receive funds made available by federal, state or local health, mental health, education, welfare and other agencies.

Section 153. Section Enacted.

Section 26-17-18.5, Utah Code Annotated 1953, is enacted to read as follows:

26-17-18.5 Misdemeanor to Give Shock Treatment.

It shall be a misdemeanor to give shock treatment, lobotomy or surgery to anyone without the written consent of the next of kin or guardian. Services under this act shall be governed by the Utah State Medical Practices Act.

Section 154. Board of Indian Affairs—Created.

There is created within the department of health and welfare a board of Indian affairs, which, except as otherwise provided in this act, shall assume all of the functions, powers, duties, rights and responsibilities of the commission of state Indian affairs and the Utah Committee on Indian Affairs, together with all functions, powers, duties, rights and responsibilities granted to the board of Indian affairs by this act. Except as otherwise provided in this act, whenever reference is made in any provision of law to the commission of state Indian affairs or to the Utah Committee on Indian Affairs, it shall be construed as referring to the board of Indian affairs.

Section 155. Board of Indian Affairs—Term—Appointment—Officers—Per Diem Allowance.

Upon the effective date of this act the terms of office of the present members of the commission of state Indian affairs and the Utah Com-

mittee on Indian Affairs shall expire. The board of Indian affairs shall be comprised of five members to be appointed by the governor, with the advice and consent of the senate. Not more than three members of the board shall be from the same political party. One member shall be a Navajo Indian residing in San Juan County, one member shall be a Ute Indian residing in Uintah or Duchesne County, one member shall be a resident of San Juan County but not an Indian and the remaining two members shall be selected from the state at large. All members shall be chosen with due regard for their knowledge of or interest in promoting the education, health and welfare of the Indians residing in the state of Utah. The terms of office of three of the members first appointed shall expire on March 1, 1969, and the terms of office of the remaining members shall expire on March 1, 1971. Their successors shall be appointed for terms of four years each. Vacancies occurring in the board by reason of death, resignation or other cause shall be filled by the governor, with the advice and consent of the senate, for the unexpired term of the person whose office was vacated. Each person appointed to fill such vacancy shall fulfill the same requisites, as provided in this section, as the person whose office he fills. The board shall select a chairman from its membership. Three members of the board shall constitute a quorum for the transaction of business.

Each member shall receive a per diem allowance as approved by the board of examiners and all actual and necessary expenses incurred in carrying out his official duties.

Section 156. Board of Indian Affairs—Powers—Duties.

The board of Indian affairs may:

- (1) Contract with public and private agencies to provide services and facilities,
- (2) Acquire and hold funds for the administration of its program,
- (3) Adopt rules and regulations, not in conflict with this act or the Act of Congress of March 1, 1933, 47 Stat. 1418, extending the Navajo Indian Reservation in Utah, necessary for the operation of the board of Indian affairs.

Funds which will not be used within one year from the date they become available to the board shall be invested in United States government bonds or securities, or bonds or securities of the state of Utah at the highest rate that may be available at the time, provided that the bonds or securities shall be redeemable not more than five years after the date of their issuance.

Section 157. Purposes of Act.

It shall be the purpose of the board of Indian affairs to develop programs which will allow Indian citizens an opportunity to share in the progress of the state of Utah. The board shall promote an atmosphere in which Indian citizens are provided alternatives so that individual Indian citizens can choose for themselves the kinds of lives they will live, both socially and economically.

The board shall attempt to promote programs to help the tribes and Indian communities to find and implement solutions to their community problems.

Section 158. Board of Indian Affairs—Duties and Responsibilities.

The board of Indian affairs may employ such part time staff as are needed to fulfill their present duties and responsibilities, but at such time as it becomes feasible and necessary, the coordinating council of health and welfare shall establish a division of Indian affairs and establish the position of director of the division of Indian affairs. Such division shall be organized according to the pattern established by this act in the respective divisions in the department of health and welfare. The division of Indian affairs shall administer the policies established by the board and shall be under the administrative control and general supervision of the coordinating council of health and welfare.

In carrying out their purposes, the board and the division of Indian affairs shall solicit and coordinate the services of other state agencies.

Section 159. Board and Division to Administer Funds.

The board and the division of Indian affairs shall be the state agency to coordinate relations between the government of the state of Utah and any Indian tribe or community.

The board and the division of Indian affairs may administer any funds which may be provided by the federal government for use by the state of Utah for any Indian tribe or community. The board shall cooperate with all federal agencies and programs which relate to bettering the lives of Indian citizens in Utah.

Section 160. Monies to be Expended by Board of Indian Affairs.

All monies received by the state under the provisions of the Act of Congress of March 1, 1933, 47 Stat. 1418, extending the Navajo Indian Reservation in Utah, shall be expended under the direction of the board of Indian affairs in accordance with the provisions of the said act and such amendments thereto as may be from time to time enacted by the United States Congress.

Section 161. Report to be Submitted.

The board of Indian affairs shall submit to the coordinating council of health and welfare, to the governor, and to the legislature an annual report of its operations and recommendations.

Section 162. Sections Repealed.

Section 26-17-4, Utah Code Annotated 1953, as enacted by Chapter 55, Laws of Utah 1961, Section 26-17-16, Utah Code Annotated 1953, as enacted by Chapter 54, Laws of Utah 1961, as amended by Chapter 1, Laws of Utah 1966, First Special Session, Section 26-17-22, Utah Code Annotated 1953, as enacted by Chapter 49, Laws of Utah 1965, Sections 55-15-2, 55-15-37 and 55-15-38, Utah Code Annotated 1953, as enacted by Chapter 126, Laws of Utah 1961, Section 77-62-26, Utah Code Annotated 1953, and all of Chapter 6 of Title 55, Utah Code Annotated 1953 and all of Chapter 22 of Title 63, Utah Code Annotated 1953, are hereby repealed.

Section 163. Savings Clause.

If any provision of this act, or the application of any provision to any person or circumstance is held invalid, the remainder of this act shall not be affected thereby.

Section 164. Effective Date.

This act shall take effect on July 1, 1967.

Approved March 21, 1967.

CHAPTER 175

S. B. No. 91

(Passed February 23, 1967. In effect July 1, 1967)

CONSOLIDATION OF DEPARTMENTS

An Act Relating to the Central Administration and Control of Various Departments in the State Government; Providing for the Coordination and Consolidation into a Single Department, the Department of Development Services, the Industrial Promotion, Aeronautics, Travel Development, Expositions, Historical and Fine Arts Functions of the State Government; Providing for the Creation of a Coordinating Council of Development Services to Establish the Policy of the Department of Development Services and Effectuate Coordination and Cooperation Between Its Boards and Divisions; Providing for the Creation of the Boards of Industrial Promotion, Aeronautics, Travel Development, Expositions, State History and Fine Arts, Their Powers, Duties, and Responsibilities; and Providing for the Divisions of Industrial Promotion, Aeronautics, Travel Development, Expositions, State History and Fine Arts; Providing an Effective Date; Amending Sections 63-31-2 and 63-31-5, Utah Code Annotated 1953, as Enacted by Chapter 136, Laws of Utah 1965, Section 63-16-2, Utah Code Annotated 1953, as Enacted by Chapter 123, Laws of Utah 1953, as Amended by Chapter 16, Laws of Utah 1966, First Special Session, Section 63-16-9, Utah Code Annotated 1953, as Enacted by Chapter 123, Laws of Utah 1953, Section 27-12-16, Utah Code Annotated 1953, as Enacted by Chapter 39, Laws of Utah 1963, Section 2-1-2, Utah Code Annotated 1953, as Amended by Chapter 52, Laws of Utah 1957, as Amended by Chapter 1, Laws of Utah 1965, Sections 2-1-8, 2-1-9, 2-1-12, 2-1-14, 2-1-15, 2-1-17, 2-1-19, 2-1-20, 2-1-26, 2-1-28, 2-1-29, 2-2-2, 2-2-3, 2-2-4, 2-2-5, 2-2-9, 2-2-10, 2-2-11, 2-3-3, 2-3-4, 2-3-5, 64-4-8, 64-2-1, 64-2-2, 64-2-3, 64-2-4, 64-2-9, 64-2-15 and 64-2-16, Utah Code Annotated 1953, Sections 2-1-16, 2-1-27, and 2-1-32, Utah Code Annotated 1953, as Amended by Chapter 1, Laws of Utah 1953, Section 2-1-34, Utah Code Annotated 1953, as Enacted by Chapter 2, Laws of Utah 1953, Sections 2-1-35 and 2-1-36, Utah Code Annotated 1953, as Enacted by Chapter 2, Laws of Utah 1961, Section 2-2-7, Utah Code Annotated 1953, as Amended by Chapter 1, Laws of Utah 1963, Section 64-4-7, Utah Code Annotated 1953, as Amended by Chapter 140, Laws of Utah 1965, Section 64-4-11, Utah Code Annotated 1953, as Enacted by Chapter 140, Laws of Utah 1965, Sections 64-11-2, 64-11-5, and 64-11-6, Utah Code Annotated 1953, as Enacted by Chapter 147, Laws of Utah 1965, Sections 63-18-3, 63-18-4, 63-18-6, and 63-18-7, Utah Code Annotated 1953, as Enacted by Chapter 141, Laws of Utah 1957; Repealing and Reenacting Section 63-31-4, Utah Code Annotated 1953, as Enacted by Chapter 136, Laws of Utah 1965, Section 64-4-1, Utah Code Annotated 1953, as Amended by Chapter 140, Laws of Utah 1965, Sections 64-4-2, 64-4-3, 64-4-4, and 64-4-5, Utah Code Annotated 1953, Section 64-11-1, Utah Code Annotated 1953, as Enacted by Chapter 147, Laws of Utah 1965, Section 63-18-5, Utah Code Annotated 1953, as Enacted by Chapter 141, Laws of Utah 1957, and Section 64-2-7, Utah Code Annotated 1953; and Repealing Section 63-16-1, Utah Code Annotated 1953, as Enacted by Chapter 123, Laws of Utah 1953, as Amended by Chapter 16, Laws of Utah 1966, First Special Session,

Sections 63-16-4 and 63-16-8, Utah Code Annotated 1953, as Enacted by Chapter 123, Laws of Utah 1953, Section 2-1-4, Utah Code Annotated 1953, Sections 64-4-6, 64-4-9, and 64-4-10, Utah Code Annotated 1953, and Section 64-11-4, Utah Code Annotated 1953, as Enacted by Chapter 147, Laws of Utah 1965.

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

Section 1. "Utah Development Services Act."

This act shall be known and may be cited as the "Utah Development Services Act."

Section 2. Purpose of Act—Coordinate—Consolidate.

The purpose of this act is to coordinate and consolidate in a single department of state government the functions heretofore exercised by the Utah state industrial promotion commission, the Utah travel council, the Utah state aeronautics commission, the Utah state fair association, the golden spike centennial commission, the state historical society, and the Utah institute of fine arts, in order to establish lines of administrative responsibility, increase administrative efficiency and decrease the cost of state government.

Section 3. Department of Development Services—Boards—Divisions.

There is hereby created within the government of the state of Utah a department of development services. There is also created within the department of development services the coordinating council of development services and the following boards:

- (1) Board of industrial promotion.
- (2) Board of travel development.
- (3) Board of aeronautics.
- (4) Board of expositions.
- (5) Board of state history.
- (6) Board of fine arts.

and the following divisions:

- (1) Division of industrial promotion.
- (2) Division of travel development.
- (3) Division of aeronautics.
- (4) Division of expositions.
- (5) Division of state history.
- (6) Division of fine arts.

Section 4. Coordinating Council—Duties—Members—Appointments — Terms—Chairman—Pier Diem Allowance.

(1) The coordinating council shall be responsible for establishing the policy of the department and effecting coordination and cooperation among the boards and divisions of it; for approving the budget of each board and division; and for providing generally for the supervision of the department and performing such other duties as the legislature shall assign to it.

(2) The coordinating council shall be comprised of seven members who shall be appointed by the governor, with the advice and consent of the senate. In making appointments to the council, the governor shall select persons from the state at large with due consideration for population and geographical representation. All appointees shall be selected solely on the basis of their qualifications, and no more than four shall be of the same political party. Of the first members appointed to the coordinating council, four shall be appointed for a term of two years and three for a term of four years; but their successors shall be appointed for terms of four years each. All terms shall begin on March 1. Appointments to fill vacancies occurring in the membership of the coordinating council shall be before the unexpired term.

(3) The coordinating council shall organize itself and shall select one of its members to serve as its chairman. The council shall meet at least once every three months. It may hold other meetings at such times and places as shall be scheduled by it in formal sessions or as shall be called by the chairman.

(4) Members of the coordinating council shall be paid for their actual and necessary expenses incurred in the performance of their official duties plus a per diem allowance as approved by the board of examiners.

Section 5. Executive Director of Development Services—Appointed by Coordinating Council.

The chief administrative officer of the department of development services shall be the executive director of development services who shall be appointed by the coordinating council, with the advice and consent of the governor and of the senate. The executive director shall be removable at the will of the coordinating council and shall receive a rate of compensation as established by the board of examiners.

Section 6. Chief Administrative Officer—Each Division—Appointment—Duties—Functions.

The chief administrative officer of each division within the department of development services shall be a director. Each director shall be appointed by the board having direction of the division with the prior approval of the coordinating council and with the advice and consent of the governor and of the senate. The director of each division shall be removable at the will of the board having direction of the division. The respective directors shall receive a rate of compensation to be established by the board of examiners.

The executive director of the department of development services shall have administrative jurisdiction over each of the division directors for the purpose of implementing department policy as established by the coordinating council. The executive director of development services shall also have the authority to make consolidations of personnel and functions in the respective divisions under his administrative jurisdiction which will best effectuate efficiency and economy in the operations of the department.

Section 7. Coordinating Council—May Accept Funds—Enter into Contracts with Approval of Governor.

The coordinating council, with the approval of the governor, may accept, in behalf of the state of Utah, and bind the state by such acceptance, any executive or legislative provisions that may be promulgated or enacted by the federal government or any agency thereof, whereby the state of Utah is invited, permitted or authorized to participate in the distribution, disbursement or administration of any fund or service, advanced, offered or contributed in whole or in part by the federal government for purposes consistent with the powers and duties of the department.

The coordinating council of development services, with the approval of the governor, may enter into contracts or agreements with other states, Pro-Utah, Incorporated, any chamber of commerce organization and any service club, provided that such agreements are consistent with the powers and duties of the department, and such contracts or agreements shall bind the state of Utah where such contracts or agreements are not in conflict with the constitution or laws of the state of Utah.

If any executive or legislative provisions of the federal government shall require, as a condition to participation by the state of Utah in any fund, property or service, the coordinating council, with the governor's approval, shall expend whatever funds are necessary out of the monies provided by the legislature for the use and disbursement of said department.

Section 8. Board of Industrial Promotion—Membership.

There is created within the department of development services a board of industrial promotion which shall assume all of the functions, powers, duties, rights and responsibilities of the Utah state industrial promotion commission, as amended by this act, together with all functions, powers, duties, rights and responsibilities granted to the board of industrial promotion by this act, except for those that are administrative in nature which the division of industrial promotion shall assume. The present members of the Utah state industrial promotion commission are to continue to serve and shall become the members of the board of industrial promotion.

Section 9. Section Amended.

Section 63-31-2, Utah Code Annotated 1953, as enacted by Chapter 136, Laws of Utah 1965, is amended to read as follows:

63-31-2. Board of Industrial Promotion — Members — Appointment — Terms—Vacancies—Quorum—Chairman.

The board of industrial promotion shall consist of five members which members shall be appointed by the governor with the advice and consent of the senate. Two of the five members shall hold office for two years from and after March 15, 1965. The remaining three members shall hold office for four years from and after March 15, 1965. Appointments on March 15, 1967, and thereafter shall be for terms of four years each. Not more than three members of the board may be from one political party. In the event of a vacancy occurring by reason of the expiration of his term by death, by lawful removal from office, by departure from

the state of Utah, by incapacity to act or resignation, such vacancy shall be filled by the governor with the advice and consent of the senate for the remainder of the term. Three members of the board shall constitute a quorum for the exercising of power or authority conferred upon it. The board shall select one of its members as its chairman.

Section 10. Section Amended.

Section 63-31-4, Utah Code Annotated 1953, as enacted by Chapter 136, Laws of Utah 1965, is repealed and re-enacted to read as follows:

63-31-4. Power and Authority of Board.

Subject to the provisions of this act the board of industrial promotion shall have the power and authority to:

(1) Promote and encourage the economic, commercial, financial, industrial, agricultural and civic welfare of the state of Utah, and do all lawful acts for the development, attraction and retention of businesses, industries and commerce within the state of Utah, and to do all other acts not specifically enumerated herein, provided such acts are for the betterment of the economy of the state of Utah.

(2) Secure for companies and individuals located or doing business within the state of Utah favorable rates, fares, tolls, charges, and classification for transportation by railroad, motor carrier or other common carriers of persons or property, and in furtherance of such authority the board shall have the power to appear as a party litigant on behalf of individuals or companies located or doing business within the state of Utah in proceedings before regulatory commissions of the state of Utah, other states, or the federal government having jurisdiction over such matters.

Section 11. Section Amended.

Section 63-31-5, Utah Code Annotated 1953, as enacted by Chapter 136, Laws of Utah 1965, is amended to read as follows:

63-31-5. Compensation and Expenses of Members.

All members of the board shall receive a per diem allowance as approved by the board of examiners for their actual time and services, plus their actual and reasonable expenses incurred in the performance of their official duties.

Section 12. Division of Industrial Promotion Within Department of Development Services—Powers—Duties.

There is created the division of industrial promotion which shall be within the department of development services under the administration and general supervision of the coordinating council of development services and under the policy direction of the board of industrial promotion. The division shall be the industrial promotion authority of the state of Utah and is charged with promotion and development of the economic, commercial, financial and industrial welfare of the state of Utah. The division shall have the power, subject to approval of the board of industrial promotion, to:

(1) Enter into contracts or agreements with or make grants to public or private persons, corporations, companies, municipalities or

organizations in the furtherance of its duties where such contracts or agreements are not in violation of the constitution or statutes of the state of Utah.

(2) Receive and expend funds available from any source, public or private, in any manner and for any lawful purpose in the best interest of the state of Utah in the discharge of their obligations as provided in this act.

Section 13. Director of Division—Appointment—Qualifications.

The director of the division of industrial promotion shall be appointed by the board of industrial promotion, with the prior approval of the coordinating council and with the advice and consent of the governor and of the senate. The director shall be the executive and administrative head of the division of industrial promotion and shall be a person experienced in administration and knowledgeable in industrial promotion. The director of industrial promotion shall serve at the will of the board of industrial promotion.

Section 14. Board of Travel Development Created—Powers—Duties.

There is created within the department of development services a board of travel development which shall assume all of the functions, powers, duties, rights and responsibilities of the Utah travel council, as amended by this act, together with all functions, powers, duties, rights and responsibilities granted to the board of travel development by this act, except for those that are administrative in nature which the division of travel development shall assume. The present members of the Utah travel council are to continue to serve and shall become the members of the board of travel development.

Section 15. Duties of Board of Travel Development.

The duties of the board of travel development are:

(1) To conduct a program of information, advertising and publicity relating to the recreational, scenic, historic, highway and tourist attractions of the state at large.

(2) To encourage and assist in the coordination of the activities of persons, firms, associations, corporations, civic groups and governmental agencies engaged in publicizing, developing and promoting the scenic attractions and tourist advantages of the state.

(3) To enter into agreements with counties, municipalities and public and private commissions and agencies. The board is authorized to solicit and accept contributions of monies, services, and facilities from any other sources, public or private, providing the board shall not use said funds for publicizing the exclusive interest of the donor.

Section 16. Section Amended.

Section 63-16-2, Utah Code Annotated 1953, as enacted by Chapter 123, Laws of Utah 1953, as amended by Chapter 16, Laws of Utah 1966, First Special Session, is amended to read as follows:

63-16-2. Members of Board—Appointment—Terms—Expenses.

The board of travel development shall be composed of seven members appointed by the governor with the advice and consent of the senate.

Not more than four members can be of the same political party. The members shall be representative of all areas of the state with not more than two members being appointed from each judicial district. Three members shall be appointed for terms commencing July 1, 1953, and ending July 1, 1957, and four members shall be appointed for terms commencing July 1, 1953, and ending July 1, 1955. Thereafter all appointments shall be for terms of four years. Vacancies occurring by reason of death, resignation or other cause, shall be filled by the appointment of another person by the governor, with the advice and consent of the senate, for the unexpired term of said person and shall be from the same judicial district as the person whose office was vacated.

Every member shall receive a per diem allowance as approved by the board of examiners and all actual and necessary expenses incurred in carrying out his official duties.

Section 17. Section Amended.

Section 63-16-9, Utah Code Annotated 1953, as enacted by Chapter 123, Laws of Utah 1953, is amended to read as follows:

63-16-9. Agreements with Industrial Commission and State Road Commission—Solicitation and Acceptance of Contributions.

The board of travel development is authorized to enter into agreements with the industrial commission or the state road commission and as a part of such agreements may accept services, quarters or facilities as a contribution in carrying out the duties and functions of the board. Said board is authorized to solicit and accept contributions of moneys, services, and facilities from any other sources, public or private, providing the board shall not use said funds for publicizing the exclusive interest of the donor. Moneys received pursuant to this section shall be deposited in the promotion special fund and shall not operate to reduce the moneys available under legislative appropriation.

Section 18. Section Amended.

Section 27-12-16, Utah Code Annotated 1953, as enacted by Chapter 39, Laws of Utah 1963, is amended to read as follows:

27-12-16. State Road Commission to Cooperate with Board of Travel Development.

The state road commission shall cooperate with the board of travel development, with other states, with all national, state and local planning and zoning agencies and boards, and with city and county officials and with other agencies in planning and promoting road building programs into the scenic centers of the state and in providing camping grounds and facilities in such centers for tourists.

Section 19. Division of Travel Development — Subject to Board of Travel Development—Duties.

There is created the division of travel development which shall be within the department of development services under the administration and general supervision of the coordinating council of development services and under the policy direction of the board of travel

development. The division shall be the travel development authority of the state of Utah and is charged with the development of a travel promotion program for the state of Utah. The division shall have the power, subject to the approval of the board of travel development:

(1) To plan and conduct a program of information, advertising, and publicity relating to the recreational, scenic, historic, highway and tourist advantages and attractions of the state at large, and the director shall be responsible for the administration of this plan.

(2) To encourage and assist in the coordination of the activities of persons, firms, associations, corporations, and governmental agencies engaged in publicizing, developing and promoting the scenic attractions and tourist advantages of the state.

Section 20. Director of Division of Travel Development—Appointment—Qualifications.

The director of the division of travel development shall be appointed by the board of travel development, with the prior approval of the coordinating council and with the advice and consent of the governor and of the senate. The director shall be the executive and administrative head of the division of travel development and shall be a person experienced in administration and knowledgeable in travel development. The director of travel development shall serve at the will of the board of travel development.

Section 21. Board of Aeronautics—Powers—Duties.

There is created within the department of development services a board of aeronautics which shall assume all of the functions, powers, duties, rights and responsibilities of the Utah state aeronautics commission, as amended by this act, together with all functions, powers, duties, rights and responsibilities granted to the board of aeronautics by this act, except for those that are administrative in nature which the division of aeronautics shall assume. The present members of the Utah state aeronautics commission are to continue to serve and shall become the members of the board of aeronautics.

Section 22. Section Amended.

Section 2-1-2, Utah Code Annotated 1953, as amended by Chapter 52, Laws of Utah 1957, as amended by Chapter 1, Laws of Utah 1965, is amended to read as follows:

2-1-2. Board of Aeronautics Created—Appointment.

The board of aeronautics shall be comprised of five members who shall be appointed by the governor, with the advice and consent of the senate. Each member of the board shall be knowledgeable and interested in aviation.

Not more than three of the members shall be of the same political party. Three of the members shall be appointed for terms of four years, beginning March 15, 1965; two of the members shall be appointed for terms of two years, beginning March 15, 1965; thereafter all appointments except to fill unexpired terms, shall be for four years.

Members of the board of aeronautics shall be paid a per diem allowance as approved by the board of examiners and their actual and necessary expenses incurred in the performance of their official duties.

The chairman of the board of aeronautics shall be appointed from the membership of the board. Three members of the board shall constitute a quorum for the exercising of the powers and authority conferred upon it.

Section 23. Section Amended.

Section 2-1-12, Utah Code Annotated 1953, is amended to read as follows:

2-1-12. Powers and Duties of Board.

Except as otherwise specifically provided in this act, the board of aeronautics shall determine the aeronautics policy within the state, including (1) the establishment, location, and regulation of the use of airports, landing fields, landing strips, air markings, air beacons and other air navigation facilities and (2) supervision over the establishment, operation and equipment of all air schools, flying clubs and other persons giving air instruction.

The board of aeronautics shall adopt and promulgate rules and regulations establishing minimum standards with which all air navigation facilities, air schools, flying clubs, aircraft, gliders, pilots, flying, airports, landing fields, and airways must comply, and shall adopt rules, regulations and orders to safeguard from accident and to protect the safety of persons operating or using aircraft and persons and property on the ground, and may certify any device or accessory which forms part of any aircraft or its equipment as to its compliance with the provisions of this chapter and may limit its use in any way which shall appear to be required for safety, and to develop and promote aeronautics within this state. In order to avoid the danger of accident incident to confusion arising from conflicting rules, regulations and orders governing aeronautics, the rules, regulations and orders of the board shall be kept in conformity, as nearly as may be, with the federal legislation, rules, regulations and orders on aeronautics and shall not be inconsistent with paramount federal legislation, rules, regulations, and orders on the subject except that no license shall be required by the state of any pilot, aircraft or mechanic who has procured a license under the civil aeronautics authority of the United States and, no regulations shall be promulgated by the board that shall not conform with the regulations of the civil aeronautics authority or with other regulations of other federal agencies authorized to regulate the particular activity.

The board is given sole authority to adopt regulations for the division. All schedules of charges, tolls, and fees established by the division shall be approved and adopted by the board.

Every general rule, regulation and order of the board shall be posted for public inspection in the main office of the board at least thirty days before it shall become effective and shall be given such further publicity by advertisement in a newspaper or otherwise as the board shall deem advisable.

Every order applying only to a particular person or persons named therein shall be mailed to or served upon such person or persons.

Every rule, regulation and order, general or otherwise, adopted by the board shall be kept on file with the secretary of state.

Section 24. Division of Aeronautics—Powers—Duties.

There is created within the department of development services a division of aeronautics which shall be under the administration and general supervision of the coordinating council of development services and under the policy direction of the board of aeronautics. The division of aeronautics shall be the aeronautics authority of the state of Utah and is vested with such powers and required to perform such duties as required by law.

Section 25. Director—Division of Aeronautics—Appointment—Qualifications.

The director of the division of aeronautics shall be appointed by the board of aeronautics, with the prior approval of the coordinating council and with the advice and consent of the governor and of the senate. The director shall be the executive and administrative head of the division of aeronautics and shall have been actually engaged in and have at least three years of practical experience in civil aeronautics and shall hold a commercial pilot's certificate of competency.

Section 26. Section Amended.

Section 2-1-8, Utah Code Annotated 1953, is amended to read as follows:

2-1-8. Pilots to Hold Certificates of Competency—Exceptions—Ratings.

It shall be unlawful for any person to pilot within this state any civil aircraft unless such person is the holder of a currently effective pilot's certificate of competency issued either by the government of the United States or by the division of aeronautics, but this restriction shall not apply to any person operating any aircraft licensed by a foreign country with which the United States has a reciprocal agreement covering the operation of such licensed aircraft, or to pilots of private or lower rating who have successfully passed the physical examination and flight test as prescribed in the rules and regulations promulgated by the board.

The general classification and rating of pilots will be based upon their hours of solo flight and the kind of aeronautical activity for which they are deemed competent. The general pilot ratings will be as follows: student, solo, private, limited commercial, commercial, airline, student glider, private glider and commercial glider.

Special pilot ratings will be based upon satisfactory demonstration of pilot competence as related to skill or qualifications for a particular piloting activity. The special pilot ratings are as follows: (1) Instrument rating and (2) instructor rating. Character, age and citizenship qualifications for pilots shall be in accordance with the rules and regulations issued by the board.

Section 27. Section Amended.

Section 2-1-9, Utah Code Annotated 1953, is amended to read as follows:

2-1-9. Mechanics—Rating—Plurality of Certificates.

Mechanics will be rated as airplane or engine mechanics. A person may hold a plurality of certificate of competency, such as both classes

of mechanics' certificate of competency or a pilots' and mechanics' certificate of competency. Said certificate shall be a currently effective certificate of competency issued either by the government of the United States, or the division of aeronautics, but this restriction shall not apply to mechanics in the employ of the government of the United States.

Section 28. Section Amended.

Section 2-1-14, Utah Code Annotated 1953, is amended to read as follows:

2-1-14. Reports of Hearings Not Admissible as Evidence—Employees Not Required to Testify.

The reports of investigations or hearings, or any part thereof, shall not be admitted in evidence or used for any purpose in any suit, action, or proceeding growing out of any matter referred to in such investigations or hearings, or in any report thereof, except in case of criminal or other proceedings instituted by or in behalf of the division of aeronautics under the provisions of this act, nor shall any member of the board or any employee of the division be required to testify to any fact ascertained in or information gained by reason of his official capacity. The members or employees of the division of aeronautics shall not be required to testify as an expert witness in any suit, action, or proceeding involving any aircraft or any navigation facility.

Section 29. Section Amended.

Section 2-1-15, Utah Code Annotated 1953, is amended to read as follows:

2-1-15. Enforcement of Act.

It shall be the duty of the division of aeronautics and every county and municipal officer charged with the enforcement of state and municipal laws to enforce and assist in the enforcement of this act. The division of aeronautics is further authorized in the name of the state of Utah to enforce the provisions of this act by injunction in the district courts of this state. Other departments and political subdivisions of this state are authorized to cooperate with the board and the division of aeronautics in the development of aeronautics within this state.

Section 30. Section Amended.

Section 2-1-16, Utah Code Annotated 1953, as amended by Chapter 1, Laws of Utah 1953, is amended to read as follows:

2-1-16. Air Navigation Facilities to Be Licensed—Fees.

An airport, landing field, landing strip, air school, flying club, air beacon or other air navigation facility shall not be used or operated unless it is duly licensed by the division of aeronautics. Within sixty days after the effective date of this act any person who owns or operates an airport, landing field, landing strip, air school, flying club, air beacon or other air navigation facility shall file an application with the division of aeronautics for a license for such air navigation facility.

Licenses shall be granted whenever they are reasonably necessary for the accommodation and convenience of the public and may be granted in other cases in the discretion of the division. The division

of aeronautics shall issue licenses for all airports, landing fields, landing strips, air schools, flying clubs, air beacons and other air navigation facilities in operation when this act becomes effective unless the division of aeronautics shall find that the facility is not constructed and equipped in accordance with the standards promulgated by the board or that the school or club is not being operated according to the requirements applicable to those applying for a certificate of registration to operate a new air school or flying club.

The landing or taking off of aircraft on or from the lands or waters of another without his consent is unlawful, except in the case of a forced landing. For damages caused by a takeoff or landing, the owner, lessee of the aircraft and/or operator thereof shall be liable.

No student pilot shall land on any area without the knowledge of the operator, instructor or school from which he is flying.

The use of private landing fields must not impose a hazard upon the person or property of others.

A certificate of registration shall not be required of, and the rules, order and regulations promulgated under the authority of this act shall not apply to an airport, landing field, landing strip, air beacon or other air navigation facility owned or operated by the government of the United States.

The division of aeronautics, with the approval of the board, is authorized to make the following charges for the issuance of the following types of license:

For each annual airport license \$5.

For each annual landing field license \$2.

For each annual air school license \$5.

Fees shall not be charged for annual landing strip, flying club or air beacon licenses.

Section 31. Section Amended.

Section 2-1-17, Utah Code Annotated 1953, is amended to read as follows:

2-1-17. Rejection by Division of Aeronautics—Right of Inspection.

In any case where the division of aeronautics rejects an application for permission to operate or establish an airport, landing field, landing strip, air school, flying club, air beacon, or other air navigation facility, or in any case where the division shall, pursuant to this act, issue any order requiring or prohibiting certain things to be done, it shall set forth its reasons therefore and shall state the requirements to be met before such approval will be given or such rule, regulation, or order will be modified or changed. In any case where the division of aeronautics deems such action necessary or proper, it may order the closing of any airport, landing field, or landing strip or the cessation of operations of any air school, flying club, air beacon, or other air navigation facility until the requirements laid down by the division shall have been fulfilled. To carry out the provisions of this act the division and any officer, state or municipal, charged with the duty of enforcing this act may inspect and examine at reasonable hours any premises, and the buildings and other structures thereon, where such airports, land-

ing fields, landing strips, air schools, flying clubs, air beacons, or other air navigation facilities are operated.

Section 32. Section Amended.

Section 2-1-19, Utah Code Annotated 1953, is amended to read as follows:

2-1-19. Procedure in Actions to Determine Lawfulness.

The party taking the appeal shall file a praecipe in the office of the clerk of the district court and summons shall thereupon be issued by the clerk and shall be served upon the division of aeronautics. Upon the filing of the praecipe, the appeal shall be docketed for trial not less than ten days or more than thirty days after the service of the summons and shall be tried by the district court without formal pleadings. Upon trial of the appeal, the court shall hear evidence as to matters concerning the order in question, as to the condition of the property in question, and the manner of its operation, and shall enter judgment either affirming or setting aside the order of the division or the court may remand the matter to the division for further hearing. The district court may in its discretion determine whether the filing of the praecipe shall act as a supersedeas.

Section 33. Section Amended.

Section 2-1-20, Utah Code Annotated 1953, is amended to read as follows:

2-1-20. Failure to Appeal Within Fixed Period.

If an appeal is not taken from the order of the division of aeronautics within the period fixed, the party against whom the order was entered shall be deemed to have waived the right to have the reasonableness or lawfulness of the order reviewed by a court and that issue shall not be tried in any court in which suit may be instituted for the penalty for failure to comply with the order.

Section 34. Section Amended.

Section 2-1-26, Utah Code Annotated 1953, is amended to read as follows:

2-1-26. Report of Injury to Person or Property.

When in the operation of civil aircraft death or serious injury to person or to property results, a report shall be made immediately by the registered owner to the division of aeronautics, by telegraph or by telephone, stating the registered number of aircraft and the time and place of the accident.

Section 35. Section Amended.

Section 2-1-27, Utah Code Annotated 1953, as amended by Chapter 1, Laws of Utah 1953, is amended to read as follows:

2-1-27. Report of Injury to Aircraft.

All accidents in the operation of civil aircraft which cause injury to aircraft or property in the amount of \$100 or more, shall be reported without delay by the registered owners or by the pilot to the division of aeronautics.

Section 36. Section Amended.

Section 2-1-28, Utah Code Annotated 1953, is amended to read as follows:

2-1-28. Marking Buildings to Aid Navigation.

The division of aeronautics shall have authority to cooperate with the officials of all state institutions for the purpose of marking one building within their group as an aid to aerial navigation. Such marking shall be subject to the approval of the division and shall comply with the requirements of the United States civil aeronautics authority for air marking.

Section 37. Section Amended.

Section 2-1-29, Utah Code Annotated 1953, is amended to read as follows:

2-1-29. Holder of Certificates to Notify of Change in Address or in Appearance of Aircraft.

(1) Each holder of a pilot's certificate of competency or each holder of a certificate of registration of any aircraft, shall, within ten days of any change of his address, notify the division of aeronautics of such change, which notification shall include his old and his new address.

(2) Each such holder, who shall substantially change the appearance or mechanical equipment of any aircraft registered by him, unless such change shall have been specified in the original registration so that such aircraft shall no longer conform to the description contained in the application for or certificate of registration, shall, within ten days of such change, notify the division of aeronautics of such change.

Section 38. Section Amended.

Section 2-1-32, Utah Code Annotated 1953, as amended by Chapter 1, Laws of Utah 1953, is amended to read as follows:

2-1-32. Accidents to Be Reported.

Any pilot or owner, whether resident or nonresident, of any aircraft involved in an accident resulting in personal injury or damage to property in the amount of \$100 or more, including any aircraft involved therein shall within twenty-four hours thereafter, make a written report of the circumstances thereof to the division of aeronautics and shall supplement such report by a detailed statement under oath on blanks which shall be provided by the division, which report shall state as accurately as possible the time, place, and cause of such accident, the injuries occasioned thereby and such further facts as the division may require.

Section 39. Section Amended.

Section 2-1-34, Utah Code Annotated 1953, as enacted by Chapter 2, Laws of Utah 1953, is amended to read as follows:

2-1-34. Abandoned or Unclaimed Aircraft—Sale.

Aircraft which shall have been, or remained, abandoned or unclaimed by any record owner or title holder, mortgage or lien holder, for a

period of three months from the date of such abandonment, shall be removed or impounded by the director of the division of aeronautics for such purposes, and held for a period of 45 days after personal notice by registered mail to the registered owner and lien holders as the records of the United States administrator of civil aeronautics shall show, after which period the said abandoned or unclaimed aircraft may be sold at public auction by the sheriff of the county where the aircraft was located at the time of abandonment in the same manner and after the same notice required in sales of property seized on chattel mortgage. Any surplus received at said sale, shall, after all charges incidental to the sheriff's sale shall have been paid and satisfied, and all costs of sale have been deducted, be placed in an escrow fund of the board of aeronautics in trust for the recorded title or lien holders or their successors in title or interest as the same shall be made to appear, for a period of three years, for distribution as may be ordered by a court of record of this state in an action to determine the rights and priorities of claimants thereto. At the expiration of such three years' period the surplus, if any, not so distributed under court order, shall be deposited in the state funds earmarked for aeronautics. The sheriff's deed or bill of sale executed and delivered at such public auction shall be recorded in the county where the public auction sale was effected, and a true copy thereof, with affidavit annexed thereto executed by the sheriff stating the time, place and circumstances of the sale thereof at a public auction, shall be forwarded by said sheriff by registered mail to the division which shall register the instrument on their records and forward it to the United States administrator of civil aeronautics for recording in his register.

Section 40. Section Amended.

Section 2-1-35, Utah Code Annotated 1953, as enacted by Chapter 2, Laws of Utah 1961, is amended to read as follows:

2-1-35. Commercial Flight Operators—Authorization by Division.

No person shall hereafter act as a commercial flight operator in this state unless authorized to do so by the division of aeronautics, except scheduled air carriers certified by the civil aeronautics board. The division may require proof in satisfactory form of the ability of any applicant for such authority to perform the duties of commercial flight operator safely and responsibly and, when the division is satisfied as to the applicant's fitness, the division shall issue such authorization in writing, setting forth the duration thereof and any conditions thereto.

Section 41. Section Amended.

Section 2-1-36, Utah Code Annotated 1953, as enacted by Chapter 2, Laws of Utah 1961, is amended to read as follows:

2-1-36. Commercial Flight Operators—Minimum Requirements.

The division shall maintain a current set of minimum requirements for commercial flight operators and such additional special requirements as it deems reasonable and appropriate, which it shall make available to any bona fide applicant.

Section 42. Section Amended.

Section 2-2-2, Utah Code Annotated 1953, is amended to read as follows:

2-2-2. Cooperation with Cities, Counties and Towns—Federal Government—Expenditures by Division.

The division of aeronautics is hereby authorized to cooperate with counties, cities and towns of Utah in the development and construction of airports and landing fields and to make agreements for and on behalf of the state of Utah with any county, city or town, jointly or severally, with respect to the financial participation, construction and operation of any airport or landing field. It shall be lawful for the division to cooperate with the federal government in the establishment of any such airport or landing field and to accept from the United States of America, money to be matched with the funds of the state of Utah and funds appropriated by any county, city, or town in the development and construction of any airport or landing field under the provisions of the Uniform Airports Act. The division may expend not to exceed ten per cent of its annual appropriation upon any one project under the terms of this act.

Section 43. Section Amended.

Section 2-2-3, Utah Code Annotated 1953, is amended to read as follows:

2-2-3. State and Political Subdivisions Authorized to Acquire and Regulate Airports.

The state, through its division of aeronautics, and municipalities, counties and other political subdivisions of this state are authorized, separately or jointly, to acquire, establish, construct, expand, own, lease, control, equip, improve, maintain, operate, regulate and police airports and landing fields for the use of aircraft, and by such municipalities, counties and other political subdivisions, either within or without their geographical limits, and may use for such purpose or purposes any available property that is now or may at any time hereafter be owned or controlled by the division of aeronautics or by such municipalities, or other political subdivisions, but no county shall exercise the authority conferred outside of its geographical limits except in an adjoining county and this only jointly with such adjoining county.

Section 44. Section Amended.

Section 2-2-4, Utah Code Annotated 1953, is amended to read as follows:

2-2-4. Ownership Declared a Public Purpose.

Any lands acquired, owned, leased, controlled or occupied by the division of aeronautics or by such counties, municipalities or other political subdivision for the purpose or purposes enumerated in section 2-2-3, shall and are declared to be acquired, owned, leased, controlled, or occupied for public, governmental and municipal purposes.

Section 45. Section Amended.

Section 2-2-5, Utah Code Annotated 1953, is amended to read as follows:

2-2-5. Acquisition of Property—Condemnation.

Private property needed by the division of aeronautics or a county, municipality or other political subdivision for an airport or landing field or for the expansion of an airport or landing field may be acquired by grant, purchase, lease or other means if the division of aeronautics or such political subdivision is able to agree with the owners of said property on the terms of such acquisition and otherwise by condemnation in the manner provided by law under which the state or such political subdivision is authorized to acquire real property for public purposes.

Section 46. Section Amended.

Section 2-2-7, Utah Code Annotated 1953, as amended by Chapter 1, Laws of Utah 1963, is amended to read as follows:

2-2-7. Powers of Division and Political Subdivisions.

The division of aeronautics and counties, municipalities or other political subdivisions of this state which have established or may hereafter establish airports or landing fields, or which acquire, lease or set apart real property for such purposes, are hereby authorized:

(1) To construct, equip, improve, maintain and operate the same or to vest the authority for the construction, equipment, improvement, maintenance and operation thereof, in an officer of the division of aeronautics or in an officer, board, or body of such political subdivision. The expenses of such construction, equipment, improvement, maintenance and operation shall be a responsibility of said division or of said political subdivision.

(2) To adopt regulations and establish charges, fees and tolls for the use of such airports and landing field, fix penalties for the violation of said regulations, and to establish liens to enforce payment of said charges, fees and tolls.

(3) To lease such airports or landing fields to private parties for operation for a term not exceeding ten years, provided, in so doing the public is not deprived of its rightful, equal, and uniform use thereof; or to lease or assign space, area, improvements, and equipment on such airports or landing fields to private parties for operation for a term not exceeding twenty years; or to lease or assign real property comprising all or any part of such airports or landing fields to private parties for the construction and operation thereon of hangars, shop buildings or office buildings for a term not exceeding thirty-five years if the construction cost of any such hangar, shop building or office building is to be \$100,000 or more.

Section 47. Section Amended.

Section 2-2-9, Utah Code Annotated 1953, is amended to read as follows:

2-2-9. Acquisition of Air Rights—Condemnation.

Where necessary, in order to provide unobstructed air space for the landing and taking off of aircraft utilizing airports and landing fields acquired or maintained under the provisions of this act, the division of aeronautics, and the counties, municipalities and other subdivisions of this state are granted authority to acquire such air rights over private property as are necessary to insure safe approaches to the landing areas of said airports and landing fields. Such air rights may be acquired by grant, purchase, lease or condemnation in the same manner as is provided in section 2-2-5 for the acquisition of the airport or landing field itself or the expansion thereof.

Section 48. Section Amended.

Section 2-2-10, Utah Code Annotated 1953, is amended to read as follows:

2-2-10. Easements for Marks or Lights—Condemnation.

The division of aeronautics, and such counties, municipalities and other political subdivisions of this state are authorized to acquire the right or easement for a term of years or perpetually to place and maintain suitable marks for the day time, and to place, operate and maintain suitable lights for the night time marking of buildings or other structures or obstructions for the safe operation of aircraft utilizing airports and landing fields acquired or maintained under this act. Such rights or easements may be acquired by grant, purchase, lease or condemnation in the same manner as provided in section 2-2-5 for the acquisition of the airport or landing field itself or the expansion thereof.

Section 49. Section Amended.

Section 2-2-11, Utah Code Annotated 1953, is amended to read as follows:

2-2-11. Police Regulations.

The division of aeronautics and counties, municipalities or other political subdivisions of this state acquiring, establishing, developing, operating, maintaining or controlling airports or landing fields without the geographical limits of such subdivisions, under the provisions of this act are specifically granted the right to promulgate, amend, and enforce police regulations for such airports and landing fields.

Section 50. Section Amended.

Section 2-3-3, Utah Code Annotated 1953, is amended to read as follows:

2-3-3. Submission of Project Application—Approval Board of Aeronautics—Expenditure of Federal Funds.

No public agency in this state, whether acting alone or jointly with another public agency or with the state, shall submit to the administrator of civil aeronautics of the United States any project application under the provisions of section 9(a) of the Act of Congress approved May 13, 1946, being Public Law 377, 79th Congress, known and hereinafter designated as the "Federal Airport Act," or any amendment

thereof, unless the project and the project application have been first approved by the board of aeronautics, if such project application contemplates, involves or commits the expenditure of state funds. No such public agency shall directly accept, receive, receipt for, or disburse any funds granted by the United States under the Federal Airport Act, but it shall designate the board as its agent and in its behalf to accept, receive, receipt for, and disburse such funds. It shall enter into an agreement with the board prescribing the terms and conditions of such agency in accordance with federal laws, rules and regulations and applicable laws of this state. Such moneys as are paid over by the United States government shall be retained by the state or paid over to said public agency under such terms and conditions as may be imposed by the United States government in making such grant.

Section 51. Section Amended.

Section 2-3-4, Utah Code Annotated 1953, is amended to read as follows:

2-3-4. State and Federal Funds—Receipt and Disbursement by Political Subdivision.

(1) Every public agency is authorized to accept, receive, receipt for, disburse and expend federal and state moneys and other moneys, public or private, made available by grant or loan or appropriation to accomplish, in whole or in part, any of the purposes of this act. All federal moneys accepted under this section shall be accepted and expended by the public agency upon such terms and conditions as are prescribed by the United States and as are consistent with state law; and all state moneys accepted under this section shall be accepted and expended by the public agency upon such terms and conditions as are prescribed by the state. Unless otherwise prescribed by the agency from which such moneys were received, the chief financial officer of the public agency shall, on its behalf deposit all moneys received pursuant to this section and shall keep them, in separate funds designated according to the purposes for which the moneys were made available, in trust for such purposes.

(2) A public agency is authorized to designate the board of aeronautics as its agent, to accept, receive, receipt for, and disburse federal and state moneys, and other moneys, public or private made available by grant or loan or appropriation to accomplish, in whole or in part, any of the purposes of this act; and to designate the board as its agent in contracting for and supervising the planning, acquisition, development, construction, improvement, maintenance, equipment or operation of any airport or other air navigation facility. Such public agency may enter into an agreement with the board prescribing the terms and conditions of the agency in accordance with such terms and conditions as are prescribed by the United States, if federal money is involved, and in accordance with the applicable laws of this state.

(3) The board of aeronautics is authorized to act as agent of any public agency, upon the request as such public agency, in accepting, receiving, receipting for and disbursing federal moneys, and other moneys public or private, made available to finance, in whole or in part, the planning, acquisition, construction, improvement, maintenance, or

operation of a public airport or air navigation facility; and if requested by such public agency may act as its or their agent in contracting for and supervising such planning, acquisition, construction, improvement, maintenance, or operation; and all public agencies are authorized to designate the board as their agent for the foregoing purposes. The board, as principal on behalf of the state, and any public agency, on its own behalf, may enter into any contracts, with each other or with the United States or with any person, which may be required in connection with a grant or loan of federal moneys for public airport or air navigation facility purposes. All federal moneys accepted under this section shall be accepted and transferred or expended by the board upon such terms and conditions as are prescribed by the United States. All moneys received by the board pursuant to this section shall be deposited in the state treasury, and, unless otherwise prescribed by the authority from which such moneys were received, shall be kept in separate funds designated according to the purposes for which the moneys were made available, and held by the state in trust for such purposes. All such moneys are appropriated for the purposes for which the same were made available, to be disbursed or expended in accordance with the terms and conditions upon which they were made available.

(4) The board of aeronautics may enter into any contracts necessary to the execution of the powers granted it by this act. All contracts made by the board either as the agent of the state or the agent of any public agency, shall be made pursuant to the laws of the state governing the making of like contracts; provided, that where the planning, acquisition, construction, improvement, maintenance, or operation of any airport, or air navigation facilities is financed wholly or partially with federal moneys, the board as agent of the state or of any public agency, may let contracts in the manner prescribed by the federal authorities acting under the laws of the United States and any rules or regulations made thereunder.

Section 52. Section Amended.

Section 2-3-5, Utah Code Annotated 1953, is amended to read as follows:

2-3-5. Powers and Duties of Division of Aeronautics.

(1) The division of aeronautics may, insofar as is reasonably possible, make available its engineering and other technical services, with or without charge, to any public agency or person desiring them in connection with the planning, acquisition, construction, improvement, maintenance, or operation of airports or air navigation facilities.

(2) The board of aeronautics may render financial assistance by grant or loan or both, to any public agency, in the planning, acquisition, construction, improvement, maintenance, or operation of an airport owned or controlled, or to be owned or controlled by such public agency, out of appropriations made by the legislature for such purposes. Such financial assistance may be furnished in connection with federal or other financial aid for the same purposes.

(3) In carrying out the provisions of this act the division of aeronautics may use the facilities and services of other agencies of the state

and of the municipalities of the state to the utmost extent possible, and such agencies and municipalities are authorized and directed to make available their facilities and services.

(4) All powers, privileges and authority granted to any public agency by this act may be exercised and enjoyed jointly with any public agency of this state, and jointly with any public agency of any other state or of the United States to the extent that the laws of such other state or of the United States permit such joint exercise or enjoyment.

Section 53. Section Amended.

Section 64-4-1, Utah Code Annotated 1953, as amended by Chapter 140, Laws of Utah 1965, is repealed and reenacted to read as follows:

64-4-1. Board of Expositions Created — Powers — Duties — Tax Exemption.

There is created within the department of development services a board of expositions which shall assume all of the functions, powers, duties, rights and responsibilities of the Utah state fair association, as amended by this act, together with all functions, powers, duties, rights and responsibilities granted to the board of expositions by this act except for those that are administrative in nature which the division of expositions shall assume.

Section 54. Section Amended.

Section 64-4-2, Utah Code Annotated 1953, is repealed and reenacted to read as follows:

64-4-2. Board Members—Appointment—Terms.

Upon approval of this act the terms of the present members of the Utah state fair association shall expire. The board of expositions shall be comprised of seven members to be appointed by the governor, with the advice and consent of the senate. Not more than four members of the board shall be from the same political party. The members shall be representatives of all areas of the state, with not more than two members being appointed from each judicial district. The terms of four of the members first appointed shall expire on March 1, 1969, and the terms of the remaining members shall expire on March 1, 1971. Their successors shall be appointed for terms of four years each. The board of expositions shall appoint its chairman from its membership. Each member shall qualify by taking the constitutional oath of office and by giving a bond for the faithful performance of his duties in such form and in such amount as shall be determined by the state department of finance.

Section 55. Section Amended.

Section 64-4-3, Utah Code Annotated 1953, is repealed and reenacted to read as follows:

64-4-3. Board of Expositions—Members—Quorum—Expenses—Duties.

The board of expositions shall meet at least four times each year and, if necessary, daily during the days the state fair is being held. Four members of the board shall constitute a quorum for any meeting. Mem-

bers shall receive a per diem allowance as approved by the board of examiners together with the actual and necessary expenses incurred in the performance of their official duties.

Section 56. Section Amended.

Section 64-4-4, Utah Code Annotated 1953, is repealed and reenacted to read as follows:

64-4-4. Board of Expositions—Powers.

The board of expositions shall have the power to:

- (1) Establish time, place and purpose of state expositions.
- (2) Acquire and designate exposition sites.
- (3) Make rules and regulations regarding state expositions.

Section 57. Section Amended.

Section 64-4-5, Utah Code Annotated 1953, is repealed and reenacted to read as follows:

64-4-5. Creation—Division of Expositions—Powers—Duties.

There is created a division of expositions which shall be within the department of development services under the administration and general supervision of the coordinating council of development services and under the policy direction of the board of expositions. The division shall be the exposition authority of the state of Utah and is vested with such powers and required to perform such duties as set forth in law.

The division shall have the power, subject to approval of the board of expositions:

(1) To arrange and plan expositions of livestock, poultry, agriculture, domestic science, horticulture, floriculture, mineral and industrial products, manufactured articles, and domestic animals to stimulate agricultural, industrial and educational pursuits of the people of this state. The division shall have general management, supervision and control over all activities relating to the state fair. The division shall have charge of all state expositions except as otherwise provided by law.

(2) To prepare a fitting centennial observance in the year 1969 respecting the joining of the transcontinental railroad at Promontory, Utah, on May 10, 1869. The exposition provided in connection with the centennial observance shall be officially opened on January 1, 1969, and continue to October 15, 1969.

(3) To provide and arrange for public entertainment, displays and exhibits and shall publicize and promote the various events, securing funds to cover the cost of the exhibits from private contributions and public appropriations, admission charges and by other lawful means. The division shall have general management, supervision and control over all activities relating to the centennial observances.

Section 58. Chief Administrative Officer—Appointment—Qualifications.

The chief administrative officer of the division of expositions shall be a director who shall be appointed by the board of expositions, with the prior approval of the coordinating council and with the advice and consent of the governor and of the senate. The director shall be the

executive and administrative head of the division of expositions and shall be a person experienced in administration and knowledgeable in the field of expositions and fairs. The director shall serve at the will of the board.

Section 59. Section Amended.

Section 64-4-7, Utah Code Annotated 1953, as amended by Chapter 140, Laws of Utah 1965, is amended to read as follows:

64-4-7. General Purposes—Promotion—Duties.

The purposes of the division of expositions shall be to promote in the state of Utah stock breeding, agriculture, horticulture, mining, manufacturing and the domestic sciences and arts; and the division of expositions shall have the authority to use and to lease the property of the division, during any portion of the interval between the holding of the annual or biennial exhibitions, for private stock exhibitions, shows, racing meets, and for other legitimate purposes, upon terms and conditions to be prescribed by the board of expositions. All moneys received from such leases shall be covered into the state treasury at the end of each month and placed to the credit of the state fair maintenance fund.

Section 60. Section Amended.

Section 64-4-8, Utah Code Annotated 1953, is amended to read as follows:

64-4-8. Biennial and Annual Exhibition.

(1) The division shall hold a biennial exhibition, and may hold an annual exhibition of such livestock and poultry, agricultural, domestic science, horticultural, floricultural, mineral, industrial products, manufactured articles, and domestic animals, as in its opinion will best stimulate agricultural, industrial and educational pursuits among the people of this state, and may award premiums for the best specimens of such exhibited articles and animals; provided, that the division may permit competition by livestock exhibited by citizens of the several states and territories of the United States.

(2) The division shall fix the conditions of entry and shall publish biennially or annually, as the case may be, a list of premiums.

Section 61. Section Amended.

Section 64-4-11, Utah Code Annotated 1953, as enacted by Chapter 140, Laws of Utah 1965, is amended to read as follows:

64-4-11. Maintenance Fund a Continuing Fund.

The state fair maintenance fund shall be a continuing fund and shall not revert to the general fund of the state at the end of any biennium.

Section 62. Golden Spike Centennial Commission—Advisory Assistance.

The golden spike centennial commission shall act as an advisory council to provide assistance to the board of expositions and the division of expositions in carrying out the proposed centennial observance at Promontory, Utah.

Section 63. Section Amended.

Section 64-11-1, Utah Code Annotated 1953, as enacted by Chapter 147, Laws of Utah 1965, is repealed and reenacted to read as follows:

64-11-1. Golden Spike Centennial Commission Created—Members—Appointment.

In order to commemorate the joining of the transcontinental railroad at Promontory, Utah, on May 10, 1869, a commission is created consisting of eleven members to be appointed by the governor with the advice and consent of the senate. Seven members shall constitute a quorum for the transaction of business. The members shall be selected without regard to political or other affiliations and shall serve without compensation but shall be paid their actual and necessary expenses. The terms of members so appointed shall be for five years or at the will of the governor. One of the members so appointed shall be designated by the governor as chairman of the commission. Such organization shall be known as the golden spike centennial commission and shall continue until the completion of the duties hereinafter conferred upon it. The commission shall cease to exist on December 31, 1969.

Section 64. Section Amended.

Section 64-11-2, Utah Code Annotated 1953, as enacted by Chapter 147, Laws of Utah 1965, is amended to read as follows:

64-11-2. Duties and Powers of Division of Expositions.

The division of expositions is authorized and directed to plan and arrange for a fitting centennial observance in the year 1969, with appropriate provision being made therefore in such communities and at such scenic, historical, cultural, and recreational centers of attraction in the state, as the division may designate and to hold and maintain an exposition on some appropriate site to be selected by it to accomplish the purposes specified in section 64-11-1.

The division of expositions may:

(1) Acquire and hold possession of necessary properties; improve, reclaim, beautify, illuminate, and develop the same; erect and maintain buildings and other structures thereon for the display and protection of exhibits or for the use, comfort, convenience, service, pleasure, and entertainment of those attending.

(2) Secure, install, and display various exhibits commemorating the joining of the transcontinental railroad at Promontory, portraying the natural resources and scenic wonders of Utah and the prehistoric culture of the west, showing the development of irrigation, farming, mining, forestry, transportation, culture and the arts, and offer and give prizes, premiums, and other awards.

(3) Provide or arrange for public entertainment, both at the exposition grounds and at other places throughout the state of Utah, consisting of historical pageants, musicals, dramas, educational programs and other attractions.

(4) Provide ways and means for the safety, comfort and security of the public.

(5) Publicize and arrange for the entertainment of visitors at the national parks, monuments, and other places of scenic or historic interest in Utah.

(6) Secure funds to cover the cost of the centennial observance through private contributions and public appropriations from admission charges where entertainment and other attractions are provided by or under the direction of the division, from charges to exhibitors and concessionaires exhibiting or operating in the grounds under the control of the division and by other lawful ways and means.

(7) Procure and carry insurance indemnifying exhibitors, whether public or private corporations or individuals, against loss or damage to any property exhibited at the exposition; also procure and carry workmen's compensation insurance and public liability and property damage and other insurance necessary for the protection of the division against claims for injuries to its employees or third persons.

(8) Have general control, management, and supervision over all activities relating to the preparation and conducting of the centennial observance; decide within the limits of the funds available and under the conditions imposed by this act, the number and location of the various grounds, buildings, camps and attractions that may be used to entertain and instruct those persons who shall visit the state of Utah or otherwise join in the centennial observance.

(9) Appoint such agents and employees as it may deem necessary in the administration of this act and by regulation prescribe the conditions of their employment, fix their remuneration, define their respective duties and powers, require that bonds be given and determine the amount and conditions thereof, and remove any such appointee at any time with or without cause. The division shall not employ experts in any line until the services of such person or persons are immediately required nor shall it continue the employment of any such person after the required work has been completed.

(10) Receive and direct the expenditure, subject to specified conditions attached thereto, of all appropriated and contributed funds.

(11) Organize sponsoring groups or committees in different sections of the state and among various groups, societies and organizations.

(12) Solicit the cooperation of neighboring states and the aid and assistance of the federal government.

(13) Limit the character and size of the exposition so as to keep within the resources available for the purpose, taking account of appropriations made by the state or political subdivisions thereof, and of private contributions, admission, concessions, and other charges.

(14) Do all things which may be necessary, expedient or incidental to the transaction of its business.

Section 65. Section Amended.

Section 64-11-5, Utah Code Annotated 1953, as enacted by Chapter 147, Laws of Utah 1965, is amended to read as follows:

64-11-5. Property and Money Acquired Is Property of State—Payments by Division—Deposit of Funds—Procedure on Closing of Observance.

All property, whether real or personal; and all money acquired, possessed, or received by the division of expositions from whatever source; and all profits earned in the administration of this act shall be the property of the state of Utah, and all property purchases, expenses, disbursements, and liabilities incurred by the division of expositions in connection with its activity under this act shall be paid for by the division of expositions from the money received by the division of expositions. The division of expositions shall deposit its funds with the state treasurer. After the closing of the centennial observance the division of expositions shall proceed to conclude its affairs in connection with this act and all real estate and personal property held by it for the sole purpose of carrying out the provisions of this act shall be disposed of in such manner as the legislature may provide.

Section 66. Section Amended.

Section 64-11-6, Utah Code Annotated 1953, as enacted by Chapter 147, Laws of Utah 1965, is amended to read as follows:

64-11-6. Personal Liability of Division—Bond Requirements.

No member of the commission or the division shall be personally liable for any loss of its funds but the division of expositions shall be responsible for the handling of all such funds. The director and such secretaries, cashiers, trustees or other persons, who in any way have the handling of any of the funds made available to or accruing for the purpose of carrying out the provisions of this act, shall be accountable for the funds which they handle and all such persons shall be properly and adequately bonded.

Section 67. Division of State History Created.

There is created within the department of development services a division of state history which shall be under the administration and general supervision of the coordinating council of development services and under the policy direction of the board of state history. The division of state history shall be the authority of the state of Utah for state history and is vested with such powers to perform such duties as are set forth in law.

Section 68. Section Amended.

Section 63-18-5, Utah Code Annotated 1953, as enacted by Chapter 141, Laws of Utah 1957, is repealed and reenacted to read as follows:

63-18-5. Chief Administrative Officer — Appointment — Approval — Qualifications.

The chief administrative officer of the division of state history shall be a director who shall be appointed by the board of state history, with prior approval of the coordinating council and with the advice and consent of the governor and of the senate. The director shall be the executive and administrative head of the division of state history and shall be qualified by education or training in the field of state history. The director shall serve at the will of the board of state history.

Section 69. Section Amended.

Section 63-18-3, Utah Code Annotated 1953, as enacted by Chapter 141, Laws of Utah 1957, is amended to read as follows:

63-18-3. Duties and Objectives.

The duties and objectives of the division of state history shall be the stimulation of research, study, and activity in the fields of Utah and related history; the maintenance of a specialized history library; the marking and preservation of historic sites, areas, and remains; the collection, preservation, and administration of historical records, public archives, and other relics relating to the history of Utah; the editing and publication of historical records and public archives; and the improvement of standards for the making, care and administration of public archives in Utah.

Section 70. Section Amended.

Section 63-18-4, Utah Code Annotated 1953, as enacted by Chapter 141, Laws of Utah 1957, is amended to read as follows:

63-18-4. Board of State History — Members — Appointment — Term—Officers—Expenses.

The governing body of the division of state history and the Utah state historical society shall be the board of state history consisting of eleven persons, ten of whom shall be appointed by the governor with the advice and consent of the senate. One member of the board shall be the secretary of state. The appointed members shall be appointed for terms of four years and shall serve until their successors are appointed and qualified. The board shall choose a president and a vice-president from its own members and shall make rules and regulations for its own government and for the administration of the Utah state historical society and the division of state history. Six members of the board shall constitute a quorum for the transaction of business. Members of the board shall serve without compensation, but they shall be allowed their actual expenses incurred in the performance of their official duties. Such expenses shall be paid by the state treasurer on warrant of the department of finance out of money in the treasury appropriated for that purpose.

The board shall establish policy to guide the division of state history in carrying out its duties and objectives.

Section 71. Section Amended.

Section 63-18-6, Utah Code Annotated 1953, as enacted by Chapter 141, Laws of Utah 1957, is amended to read as follows:

63-18-6. Publication of Magazine—Books—Documents and Microfilms —Proceeds.

The division of state history is authorized, under the direction of the board of state history, to compile and publish an historical magazine to be furnished to supporting members of the Utah state historical society in accordance with membership subscriptions or to be sold independently of membership, and to publish and sell other books, documents, and microfilms at reasonable prices to be approved by the divi-

sion. Proceeds from such sales shall be retained in the treasury of said society.

Section 72. Section Amended.

Section 63-18-7, Utah Code Annotated 1953, as enacted by Chapter 141, Laws of Utah 1957, is amended to read as follows:

63-18-7. Membership in Society—Authority to Receive Gifts, Bequests and Endowments—Use—Make Reports to Governor.

The Utah state historical society is authorized to solicit memberships from persons interested in the work of the society and to make a charge for such memberships commensurate with the advantages of membership and the needs of the society. The said society is further authorized to receive bequests, gifts, and endowments of money or property; and the society is authorized to deposit such funds with the state treasurer, or to invest funds with the approval of the state finance commission, and to use moneys or properties received by the society in accordance with directions of the donor. Unless the donor directs otherwise such funds and property shall remain intact, the division of state history using the interest thereon or annual proceeds therefrom for current expenses, and such funds and property shall not lapse or otherwise become part of the state general fund. The division shall keep a correct account of funds and property received, held, or disbursed by it, and shall make reports to the governor.

Section 73. Section Amended.

Section 64-2-1, Utah Code Annotated 1953, is amended to read as follows:

64-2-1. Division of Fine Arts Created—Powers.

The name of the Utah art institute, organized under an act approved March 9, 1899, and laws amendatory or supplementary thereto, shall hereinafter be the Utah state institute of fine arts, and by this name it is constituted and continued a body politic and corporate with perpetual succession. It may have and use a corporate seal and by the aforementioned name may sue or be sued and contract and be contracted with. It is vested with all the property and franchises of and shall be subject to all the contracts, obligations and liabilities of the former corporation. It may take, hold, lease, sell or convey real and personal property as the interests of the institute shall require.

There is created the division of fine arts which shall be within the department of development services under the administration and general supervision of the coordinating council of development services.

Section 74. Section Amended.

Section 64-2-4, Utah Code Annotated 1953, is amended to read as follows:

64-2-4. Governing Board — Members — Appointment — Quorum — Chairman.

The governing board of the institute, which shall be known as the board of fine arts, shall consist of thirteen members who are residents

of this state, and who have been appointed by the governor, with the advice and consent of the senate, one of whom shall be an artist, one an architect, one a writer, one a musician, one a sculptor, one a craftsman, one to represent the drama, one to represent the dance and five business or professional men or women interested in either art, literature or music. Seven members of the board shall constitute a quorum for the transaction of business.

The board shall elect one of their number to be chairman.

Section 75. Section Amended.

Section 64-2-7, Utah Code Annotated 1953, is repealed and reenacted to read as follows:

64-2-7. Chief Administrative Officer—Appointment—Qualifications.

The chief administrative officer of the division of fine arts shall be the director who shall be appointed by the board of fine arts, with prior approval of the coordinating council and with the advice and consent of the governor and of the senate. The director shall be the executive and administrative head of fine arts and shall be a person experienced in administration and knowledgeable in the field of fine arts. The director shall serve at the will of the board.

Section 76. Section Amended.

Section 64-2-2, Utah Code Annotated 1953, is amended to read as follows:

64-2-2. Division of Fine Arts—General Powers.

The division of fine arts may take by purchase, grant, gift, devise or bequest any property, real or personal, for any purpose appropriate to its objects. It may convert property received by gift, grant, devise or bequest and not suitable for its uses, into other property so available or into money. Such property so received or converted shall be held, invested and managed and the proceeds thereof used by the division for the purposes and under the conditions prescribed in the grant or donation. If by the terms of any such grant, gift, devise or bequest conditions are imposed which are impracticable under the law such grant or donation shall not thereby fail but the conditions thereof must be rejected and the intent of the grantor or donor carried out as nearly as may be. No grant, gift, devise or bequest for the benefit of the institute, the board, or the division shall be defeated or prejudiced by any misnomer, misdescription or informality whatever if the intention of the grantor or donor can be shown or ascertained with reasonable certainty.

Section 77. Section Amended.

Section 64-2-3, Utah Code Annotated 1953, is amended to read as follows:

64-2-3. Objects and Purposes.

The objects and purposes of the division of fine arts shall be to advance the interests of the fine arts, including literature and music, in all their phases, within the state of Utah, and to that end to co-operate with and locally sponsor federal agencies and projects directed to similar

undertakings, to develop the influence of art, literature and music in the adult educational field, thus supplementing the more formal instruction of the public school system, to associate manufacturers, agriculturalists and industrialists in these endeavors, to utilize broadcasting facilities and the power of the press in disseminating information and, in general, to foster, promote, encourage and facilitate, not only a more general and lively study of the fine arts, literature and music, but to take all necessary and useful means to stimulate a more abundant production of an indigenous art, literature and music in this state.

The board shall set policy which will guide the division in accomplishing these objects and purposes.

Section 78. Section Amended.

Section 64-2-9, Utah Code Annotated 1953, is amended to read as follows:

64-2-9. Bylaws—Powers of Board.

The board may adopt bylaws and rules of procedure to govern the institute and the division; may receive gifts, bequests and property; may issue certificates of membership and offer and confer prizes, mentions, medals and diplomas for works of fine art and in literature and music when in competition under rules prescribed by it.

Section 79. Section Amended.

Section 64-2-15, Utah Code Annotated 1953, is amended to read as follows:

64-2-15. Collection Insured and Loaned.

All works of art acquired under this act shall become part of the Utah State Alice Art Collection. Ample insurance shall be provided for the art collection by the division. Said art collection shall be held as the property of the state, under control of the board, and may be loaned in whole or in part for exhibition purposes to different parts of the state according to rules and regulations prescribed by the board. The division of fine arts shall take every precaution to avoid damage or destruction to the property of the art institute and the art works submitted by exhibitors and shall procure ample insurance thereon. All art works shipped to and from the place of exhibition shall be packed by an expert packer at the expense of the division.

Section 80. Section Amended.

Section 64-2-16, Utah Code Annotated 1953, is amended to read as follows:

64-2-16. Application of Funds.

All money received by the institute shall be applied or expended in the furtherance of the art, literature and music interest of the state as ordered by the director of the division of fine arts under policies established by the board.

Section 81. Sections Repealed.

Section 63-16-1, Utah Code Annotated 1953, as enacted by Chapter 123, Laws of Utah 1953, as amended by Chapter 16, Laws of Utah 1966,

First Special Session, Sections 63-16-4 and 63-16-8, Utah Code Annotated 1953, as amended by Chapter 123, Laws of Utah 1953, Section 2-1-4, Utah Code Annotated 1953, Sections 64-4-6, 64-4-9, and 64-4-10, Utah Code Annotated 1953, and Section 64-11-4, Utah Code Annotated 1953, as enacted by Chapter 147, Laws of Utah 1965, are hereby repealed.

Section 82. Savings Clause.

If any provision of this act, or the application of any provision to any person or circumstances is held invalid, the remainder of this act shall not be affected thereby.

Section 83. Effective Date.

This act shall take effect on July 1, 1967.

Approved March 21, 1967.

CHAPTER 176

S. B. No. 222

(Passed March 8, 1967. In effect July 1, 1967)

CONSOLIDATION OF DEPARTMENTS

An Act Relating to the Central Administration and Control of Various Departments in the State Government; Providing for Coordination and Consolidation into a Single Department, the Department of Natural Resources, the Functions Performed by the State Engineer, the Utah State Water and Power Board, the Department of Fish and Game and the Fish and Game Commission, the State Land Board, the Park and Recreation Commission, the Board of Forestry and Fire Control, and Similar and Affiliated Agencies; Providing for the Creation of a Coordinating Council of Natural Resources to Establish the Policy of the Department of Natural Resources and Effectuate Coordination and Cooperation Between Its Boards and Divisions; Providing for the Creation of the Boards of Water Resources, State Lands, Oil and Gas Conservation, Parks and Recreation, Fish and Game, Big Game Control and the Great Salt Lake Authority, Their Powers, Duties and Responsibilities; and Providing for Divisions of Water Rights, Water Resources, State Lands, Oil and Gas Conservation, Parks and Recreation, Fish and Game, and the Great Salt Lake Authority, Their Powers, Duties and Responsibilities; Providing an Effective Date; Amending Sections 65-1-7, 65-1-11, 65-1-13, 73-2-10, 73-2-15, 73-2-17, 73-4-2, and 73-7-1, Utah Code Annotated 1953, Sections 24-2-1, 24-2-3, and 24-2-4, Utah Code Annotated 1953, as Enacted by Chapter 53, Laws of Utah 1961, Sections 63-11-13, 63-11-17, 63-11-18, and 63-11-19, Utah Code Annotated 1953, as Enacted by Chapter 135, Laws of Utah 1957, Sections 63-28-6, 63-28-7, 63-28-8, 63-28-9, and 63-28-10, Utah Code Annotated 1953, as Enacted by Chapter 135, Laws of Utah 1965, Sections 23-2-3, 23-2-5, 23-2-11, 23-2-15, 23-2-19, 23-2-21, 23-2-22, and 23-4-2, Utah Code Annotated 1953, as Enacted by Chapter 39, Laws of Utah 1953, Section 73-10-3, Utah Code Annotated 1953, as Amended by Chapter 133, Laws of Utah 1953, Section 73-10-4, Utah Code Annotated 1953, as Amended by Chapter 133, Laws of Utah 1953, as Amended by Chapter 169, Laws of Utah 1961, Section 73-10-15, Utah Code Annotated 1953, as Amended by Chapter 178, Laws of

Utah 1963, Section 65-1-3.1, Utah Code Annotated 1953, as Enacted by Chapter 140, Laws of Utah 1955, as Amended by Chapter 145, Laws of Utah 1957, Section 65-1-14, Utah Code Annotated 1953, as Amended by Chapter 131, Laws of Utah 1959, Section 73-18-3, Utah Code Annotated 1953, as Enacted by Chapter 124, Laws of Utah 1959, as Amended by Chapter 170, Laws of Utah 1961, Section 23-2-9, Utah Code Annotated 1953, as Enacted by Chapter 39, Laws of Utah 1953, as Amended by Chapter 32, Laws of Utah 1959, as Amended by Chapter 34, Laws of Utah 1963, Section 23-2-20, Utah Code Annotated 1953, as Enacted by Chapter 39, Laws of Utah 1953, as Amended by Chapter 49, Laws of Utah 1961, as Amended by Chapter 35, Laws of Utah 1963, and Section 23-2-23, Utah Code Annotated 1953, as Enacted by Chapter 38, Laws of Utah 1959; Enacting Sections 40-6-3.2, 40-6-3.3, 65-1-1.1, 75-2-1.1, 73-2-1.2, 73-2-1.3, and 73-10-1.5, Utah Code Annotated 1953; Repealing and Reenacting Sections 23-2-1 and 23-2-2, Utah Code Annotated 1953, as Enacted by Chapter 39, Laws of Utah 1953, Section 24-2-2, Utah Code Annotated 1953, as Enacted by Chapter 53, Laws of Utah 1961, Sections 63-11-12, 63-11-14, and 63-11-16, Utah Code Annotated 1953, as Enacted by Chapter 135, Laws of Utah 1957, Section 40-6-3, Utah Code Annotated 1953, as Enacted by Chapter 65, Laws of Utah 1955, Section 65-1-1, Utah Code Annotated 1953, as Amended by Chapter 145, Laws of Utah 1957, as Amended by Chapter 131, Laws of Utah 1959, and Section 73-10-2, Utah Code Annotated 1953; and Repealing Sections 65-1-2, 65-1-3, and 73-10-9, Utah Code Annotated 1953, Section 23-2-4, Utah Code Annotated 1953, as Enacted by Chapter 39, Laws of Utah 1953, and Section 73-10-14, Utah Code Annotated 1953, as Enacted by Chapter 178, Laws of Utah 1963.

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

Section 1. "Utah Natural Resources Act."

This act shall be known and may be cited as the "Utah Natural Resources Act."

Section 2. Purpose—To Consolidate and Coordinate Departments.

The purpose of this act is to coordinate and consolidate in a single department of state government the functions heretofore exercised by the state engineer, the state water and power board, the state land board, the park and recreation commission, the fish and game commission, the board of forestry and fire control, and similar and affiliated agencies, in order to establish lines of administrative responsibility, increase administrative efficiency and decrease the cost of state government.

Section 3. Department of Natural Resources.

There is hereby created within the government of the state of Utah a department of natural resources. There is also created within the department of natural resources the coordinating council of natural resources, the Great Salt Lake authority and the following boards:

- (1) Board of water resources.
- (2) Board of state lands.
- (3) Board of oil and gas conservation.
- (4) Board of parks and recreation.

- (5) Board of fish and game.
- (6) Board of big game control.

and the following divisions:

- (1) Division of water rights.
- (2) Division of water resources.
- (3) Division of state lands.
- (4) Division of oil and gas conservation.
- (5) Division of Great Salt Lake authority.
- (6) Division of parks and recreation.
- (7) Division of fish and game.

Section 4. Coordinating Council — Duties — Appointment — Terms — Expenses.

(1) The coordinating council shall be responsible for establishing the policy of the department of natural resources and effecting coordination and cooperation among the boards or authorities and divisions of it; for approving the budget of each board or authority and division; and for providing generally for the supervision of the department and performing such other duties as the legislature shall assign to it.

(2) The coordinating council shall be comprised of seven members who shall be appointed by the governor, with the advice and consent of the senate. In making appointments to the council, the governor shall select persons from the state at large with due consideration for population and geographical representation. All appointees shall be selected solely on the basis of their qualifications, and no more than four shall be of the same political party. Of the first members appointed to the coordinating council, four shall be appointed for a term of two years each and three for a term of four years each; but their successors shall be appointed for terms of four years each. All terms shall begin on March 1. Appointments to fill vacancies occurring in the membership of the coordinating council shall be for the unexpired term.

(3) The coordinating council shall organize itself and shall select one of its members to serve as its chairman. The council shall meet at least once every three months. It may hold other meetings at such times and places as shall be scheduled by it in formal sessions or as shall be called by the chairman.

(4) Members of the coordinating council shall be paid for their actual and necessary expenses incurred in the performance of their official duties plus a per diem allowance as approved by the board of examiners.

Section 5. Chief Administrative Officer—Appointment—Qualifications.

The chief administrative officer of the department of natural resources shall be the executive director of natural resources who shall be appointed by the coordinating council, with the advice and consent of the governor and of the senate. The executive director shall be removable at the will of the coordinating council and shall receive a rate of compensation as established by the board of examiners.

Section 6. Each Division Shall Have a Director — Appointment — Compensation.

The chief administrative officer of each division within the department of natural resources shall be a director. Each director shall be appointed by the board or authority having direction of the division, with prior approval of the coordinating council, and with the advice and consent of the governor and of the senate. The director of each division shall be removable at the will of the board or authority having direction of the division. The respective directors shall receive a rate of compensation to be established by the board of examiners.

The executive director of the department of natural resources shall have administrative jurisdiction over each of the division directors for the purpose of implementing department policy as established by the coordinating council. The executive director of natural resources shall also have the authority to make consolidations of personnel and functions in the respective divisions under his administrative jurisdiction which will best effectuate efficiency and economy in the operations of the department.

Section 7. Coordinating Council—Powers—Duties.

The coordinating council, with the approval of the governor, may accept, in behalf of the state of Utah, and bind the state by such acceptance, any executive or legislative provisions that may be promulgated or enacted by the federal government or any agency thereof, whereby the state of Utah is invited, permitted or authorized to participate in the distribution, disbursement or administration of any fund or service, advanced, offered or contributed in whole or in part by the federal government for purposes consistent with the powers and duties of the department.

If any executive or legislative provisions of the federal government shall require, as a condition to participation by the state of Utah in any fund, property or service, the coordinating council, with the governor's approval, shall expend whatever funds are necessary out of the monies provided by the legislature for the use and disbursement of the department of natural resources.

Section 8. Section Enacted.

Section 73-2-1.1, Utah Code Annotated 1953, is enacted to read as follows:

73-2-1.1. Division of Water Rights Created.

There is created the division of water rights, which shall be within the department of natural resources under the administration and general supervision and policy direction of the coordinating council of natural resources. The division of water rights shall be the water rights authority of the state of Utah and is vested with such powers and required to perform such duties as are set forth in law.

Section 9. Section Enacted.

Section 73-2-1.2, Utah Code Annotated 1953, is enacted to read as follows:

73-2-1.2. State Engineer—Director of Division.

The division of water rights shall be administered by the state engineer who shall act as the director of the division of water rights and who shall be appointed as provided by section 73-2-1. Nothing contained in this act shall modify, repeal or impair the powers or duties of the state engineer relating to the administration, appropriation, adjudication and distribution of the waters of the state of Utah as are conferred upon him pursuant to Title 73, or the provisions of any other laws.

Section 10. Section Enacted.

Section 73-2-1.3, Utah Code Annotated 1953, is enacted to read as follows:

73-2-1.3. State Engineer to Report to Executive Director.

The state engineer shall report to the executive director of natural resources at such times and on such administrative matters concerning his office as the executive director may require.

Section 11. Section Amended.

Section 73-2-10, Utah Code Annotated 1953, is amended to read as follows:

73-2-10. Reports to Coordinating Council—Governor—Legislature.

The state engineer shall prepare and render to the coordinating council and to the governor biennially, and oftener if required, full and true reports of his work relating to the matters and duties developing upon him by virtue of his office, which reports shall be delivered to the coordinating council and to the governor on or before the first day of October of the year preceding regular sessions of the legislature. The state engineer shall become conversant with the water ways of the state and its needs as to irrigation matters; and in his reports to the coordinating council and to the governor he shall make such suggestions as to the amendment of existing laws or the enactment of new laws as his information and experience shall suggest.

Section 12. Section Amended.

Section 73-2-15, Utah Code Annotated 1953, is amended to read as follows:

73-2-15. Agreements with Federal and State Agencies—Investigations, Surveys or Adjudication.

The state engineer, for and on behalf of the state of Utah, with the approval of the coordinating council and the governor, is authorized to enter into agreements with any federal or state agency, subdivision or institution for co-operation in making snow surveys and investigations of both underground and surface water resources of the state. The state engineer is further authorized to co-operate with such agencies, subdivisions and institutions, with the approval of the coordinating council and of the governor, for the investigation of flood and erosion control and for the adjudication of water rights. The expenses of such investigations, surveys and adjudications shall be divided between the co-operating parties upon an equitable basis.

Section 13. Section Amended.

Section 73-2-17, Utah Code Annotated 1953, is amended to read as follows:

73-2-17. Authorization of Cooperative Investigation of Ground-water Resources.

The state engineer, for and on behalf of the state of Utah, with the written consent of the coordinating council and of the governor, is authorized and directed to enter into an agreement with the United States geological survey or any other federal or state agency, for cooperation in making investigations of the ground-water resources of the state of Utah and reporting thereon.

Section 14. Section Amended.

Section 73-4-2, Utah Code Annotated 1953, is amended to read as follows:

73-4-2. Interstate Streams.

For the purpose of co-operating with the state engineers of adjoining states in the determination and administration of rights to interstate waters and for such other purposes as he may deem expedient, the state engineer with the written consent of the coordinating council and of the governor is authorized to initiate and to join in suits for the adjudication of such rights in the federal courts and in the courts of other states without requiring a petition of water users as provided by section 73-4-1. The state engineer with the written consent of the coordinating council and of the governor may also commence, prosecute and defend suits to adjudicate interstate waters on behalf of this state or its citizens in the courts of other states, in federal courts, and in the Supreme Court of the United States.

Section 15. Section Amended.

Section 73-7-1, Utah Code Annotated 1953, is amended to read as follows:

73-7-1. Irrigation Districts.

In the interest of conserving and putting to beneficial use the public waters of the state, and preventing undue waste of such waters, the governor of the state of Utah, with the consent of the coordinating council, upon the recommendation of the state engineer, or fifty or a majority of owners or holders of title or evidence of title to lands requiring water in any district, may propose the organization of any irrigation district under the provisions of this act, and when so organized such district shall have the powers conferred or that may hereafter be conferred by law upon irrigation districts; provided, that where ditches, canals, or reservoirs have been constructed before the passage of this act, such ditches, canals, reservoirs and franchises, and the lands fully watered thereby shall be exempt from the operation of this law, unless such district shall be formed to purchase, acquire, lease or rent such ditches, canals, reservoirs and their franchises, or unless such district shall be formed to make contract with the United States under any federal law; provided, further, that resident entrymen upon public lands

of the United States, and purchasers of the state lands, within the proposed district shall be deemed to be the owners of lands or holders of title or evidence of title to lands within the district for the purpose of becoming petitioners for the organization of such irrigation district, and shall share all the privileges and obligations of private landowners within the district, entrymen upon the public lands of the United States to be subject to the terms of the Act of Congress approved August 11, 1916, entitled, "An Act to Promote Reclamation of Arid Lands"; and provided, further, that a guardian, executor or an administrator of any estate, who is appointed as such under the laws of this state, and who as such guardian, executor or administrator, is entitled to the possession of the lands belonging to the estate which he represents may on behalf of his ward or the estate which he represents, upon being authorized by the proper court, sign and acknowledge all petitions in this act mentioned, vote at all elections, and may show cause as in this act mentioned, why lands should not be included in or excluded from the district.

Section 16. Section Enacted.

Section 73-10-1.5, Utah Code Annotated 1953, is enacted to read as follows:

73-10-1.5. Board of Water Resources Created — Powers — Duties — Functions.

There is created within the department of natural resources a board of water resources which, except as otherwise provided in this act, shall assume all of the policy-making functions, powers, duties, rights and responsibilities of the Utah water and power board, together with all functions, powers, duties, rights and responsibilities granted to the board of water resources by this act. The board of water resources shall be the policy-making body of the division of water resources. Except as otherwise provided in this act, whenever reference is made in Title 73, or any other provision of law, to the Utah water and power board, it shall be construed as referring to the board of water resources where such reference pertains to policy-making functions, powers, duties, rights and responsibilities; but in all other instances such reference shall be construed as referring to the division of water resources.

Section 17. Section Amended.

Section 73-10-2, Utah Code Annotated 1953, is repealed and reenacted to read as follows:

73-10-2. Board of Water Resources—Members—Appointment—Terms—Expenses.

Upon the effective date of this act the terms of office of the present members of the Utah water and power board shall expire. The board of water resources shall be comprised of seven members to be appointed by the governor, with the advice and consent of the senate. Not more than four members shall be from the same political party. One member of the board shall be appointed from each of the following districts:

- (1) Bear River District comprising the counties of Box Elder, Cache and Rich;
- (2) Weber District, comprising the counties of Weber, Davis, Morgan and Summit;

(3) Salt Lake District, comprising the counties of Salt Lake and Tooele;

(4) Provo River District, comprising the counties of Juab, Utah and Wasatch;

(5) Sevier River District, comprising the counties of Millard, Sanpete, Sevier, Piute and Beaver;

(6) Green River District, comprising the counties of Daggett, Duchesne, Uintah, Carbon and Emery; and

(7) Colorado River District, comprising the counties of Grand, Wayne, San Juan, Garfield, Iron, Washington and Kane.

Four members shall be appointed for terms which shall expire on March 1, 1969, and three members shall be appointed for terms which shall expire on March 1, 1971. Thereafter all appointments shall be for terms of four years. Vacancies occurring by reason of death, resignation or other cause, shall be filled by the appointment of another person by the governor, with the advice and consent of the senate, for the unexpired term of the person whose office was vacated and shall be from the same district as such person.

Members shall receive a per diem allowance as established by the board of examiners and all actual and necessary expenses incurred in carrying out their official duties.

Section 18. Section Amended.

Section 73-10-3, Utah Code Annotated 1953, as amended by Chapter 133, Laws of Utah 1953, is amended to read as follows:

73-10-3. Organization of Board—Chairman—Interstate Conferences—Compacts—Compensation.

The board shall elect a chairman, one or more vice chairmen, who shall be members of the board, and shall establish its own rules of organization and procedure.

The board with the approval of the coordinating council of natural resources and the governor, shall designate a representative who may be one of its members to represent the state of Utah in all interstate conferences between the state of Utah and one or more sister states held for the purpose of entering into compacts between such states for the division of the waters of interstate rivers, lakes, or other sources of water supply, and to represent the state of Utah upon all commissions or other governing bodies provided for by any compacts which have been or may hereafter be entered into between the state of Utah and one or more sister states. No such compact shall, however, become binding upon the state of Utah until it has been ratified and approved by the legislature of the state of Utah and the legislatures of other states which are parties thereto.

In acting as such representative of the state of Utah, the representative so acting shall act under the supervision of the governor, of the coordinating council of natural resources and of the board of natural resources. While acting as such representative the board of examiners shall fix the salary to be paid.

Section 19. Section Amended.

Section 73-10-4, Utah Code Annotated 1953, as amended by Chapter 133, Laws of Utah 1953, as amended by Chapter 169, Laws of Utah 1961, is amended to read as follows:

73-10-4. Powers and Duties of Board.

The board shall have the following powers and duties:

(1) To authorize studies, investigations, and plans for the full development, and utilization and promotion of the water and power resources of the state, including preliminary surveys, stream gauging, examinations, tests, and other estimates either separately or in consultation with federal, state and other agencies.

(2) To enter into contracts subject to the provisions of this act for the construction of conservation projects which in the opinion of the board will conserve and utilize for the best advantage of the people of this state the water and power resources of the state, including projects beyond the boundaries of the state of Utah located on interstate waters when the benefit of such project accrues to the citizens of the state of Utah.

(3) To sue and be sued.

(4) To file applications in the name of the board for the appropriation of water. All pending water applications heretofore filed in behalf of the state or any agency thereof for the use and benefit of the state are hereby transferred to the board, and it is authorized to take such action thereon as it may deem proper.

(5) To take all action necessary to acquire or perfect water rights for projects sponsored by the board.

(6) To supervise in co-operation with the governor and the coordinating council of natural resources in behalf of the state of Utah, all interstate compact negotiations and the administration of such compacts affecting the waters of interstate rivers, lakes and other sources of supply.

(7) To contract with federal and other agencies and with the National Reclamation Association and to authorize studies, investigations and recommendations and do all other things on behalf of the state for any purpose which relates to the development, conservation, protection and control of the water and power resources of the state.

(8) To consult and advise with the Utah Water Users' Association and other organized water users' associations in the state.

(9) To consider and make recommendations on behalf of the state of Utah of reclamation projects or other water development projects for construction by any agency of the state or United States and in so doing to designate the order in which projects shall be undertaken.

(10) Nothing contained herein shall be construed to impair or otherwise interfere with the authority of the state engineer granted by Title 73, except as herein specifically otherwise provided.

(11) The board may accept conveyances and it may execute deeds with the approval of the state senate at the next session after such deed is executed and delivered.

Section 20. Division of Water Resources — Powers — Duties — Responsibilities.

There is created the division of water resources, which shall be within the department of natural resources under the administration and general supervision of the coordinating council of natural resources and under the policy direction of the board of water resources. The division of water resources shall be the water resource authority for the state of Utah, shall assume all of the functions, powers, duties, rights and responsibilities of the Utah water and power board except those which are assumed by the board under this act and is vested with such other functions, powers, duties, rights and responsibilities as provided in this act and other law.

Section 21. Director—Appointment—Powers—Duties.

The director of the division of water resources shall be appointed by the board of water resources, with the prior approval of the coordinating council of natural resources, and with the advice and consent of the governor and of the senate. The director shall be the executive and administrative head of the division of water resources and shall be a person selected with special reference to his training, experience and interest in the field of water conservation and development. The director of water resources shall serve at the will of the board of water resources.

The director of the division of water resources shall administer the division of water resources and shall succeed to all of the powers and duties conferred upon the executive secretary of the Utah water and power board pursuant to Chapter 10 of Title 73. The director shall have the power within policies established by the board of water resources and approved by the coordinating council of natural resources to make studies, investigations, and plans for the full development and utilization and promotion of the water and power resources of the state, including preliminary surveys, stream gauging, examinations, tests, and other estimates either separately or in consultation with federal, state and other agencies. The director shall initiate and conduct water resource investigations, surveys and studies, prepare plans and estimates, make reports thereon, and perform necessary work to develop an over-all state water plan.

Section 22. Section Amended.

Section 73-10-15, Utah Code Annotated 1953, as enacted by Chapter 178, Laws of Utah 1963, is amended to read as follows:

73-10-15. State Water Plan—Agencies to Cooperate in Formation of Plan.

All other state agencies shall cooperate with the division of water resources in the formulation of a state water plan and the division is to use information, including water resource data, which has been or will be assembled by other state agencies, the United States government, various colleges and universities of the state, or any other source which can profitably contribute to the development of a state water plan.

Section 23. Section Amended.

Section 65-1-1, Utah Code Annotated 1953, as amended by Chapter 145, Laws of Utah 1957, as amended by Chapter 131, Laws of Utah 1959, is repealed and reenacted to read as follows:

65-1-1. Board of State Lands—Created—Powers—Duties—Rights—Responsibilities.

There is created within the department of natural resources a board of state lands which, except as otherwise provided in this act, shall assume all of the policy-making functions, powers, duties, rights and responsibilities of the state land board, together with all functions, powers, duties, rights and responsibilities granted to the board of state lands by this act. The board of state lands shall be the policy-making body of the division of state lands. Except as otherwise provided in this act, whenever reference is made in Title 65, or any other provision of law, to the state land board, it shall be construed as referring to the board of state lands where such reference pertains to policy-making functions, powers, duties, rights and responsibilities; but in all other instances such reference shall be construed as referring to the division of state lands.

Section 24. Section Enacted.

Section 65-1-1.1, Utah Code Annotated 1953, is enacted to read as follows:

65-1-1.1. Membership—Board of State Lands—Members—Appointment—Terms—Expense—Quorum.

Upon the effective date of this act the terms of the present members of the state land board shall expire. The board of state lands shall be comprised of the state superintendent of public instruction, or such other person as shall be designated by the state board of education, and six other members appointed by the governor, with the advice and consent of the senate. Not more than three of the members so appointed shall be from the same political party. The terms of three of the members first appointed shall expire on March 1, 1969, and the terms of the remaining members shall expire on March 1, 1971. Their successors shall be appointed for terms of four years each. For the purpose of appointment to the board of state lands the state shall be divided into the following districts:

District No. 1: Wayne, Emery, Grand and San Juan Counties.

District No. 2: Carbon, Uintah, Daggett, Duchesne, Wasatch and Summit Counties.

District No. 3: Box Elder, Weber, Rich, Morgan, Davis and Cache Counties.

District No. 4: Salt Lake, Tooele, Utah and Juab Counties.

District No. 5: Sanpete, Millard, Beaver, Sevier, Piute, Garfield, Iron, Washington and Kane Counties.

One member of the board shall be appointed from each district. In addition, the governor shall appoint one member who is knowledgeable in matters pertaining to forestry and fire control. Each appointed member shall receive a per diem allowance as established by the board

of examiners and all actual and necessary expenses incurred in carrying out his official duties. The board shall select one of its members as its chairman. Four members shall constitute a quorum for the transaction of business.

Section 25. Division of State Lands — Powers — Duties — Rights — Responsibilities.

There is created the division of state lands, which shall be within the department of natural resources under the administration and general supervision of the coordinating council of natural resources and under the policy direction of the board of state lands. The division of state lands shall be the state land authority for the state of Utah, shall assume all of the functions, powers, duties, rights and responsibilities of the state land board except those which are assumed by the board of state lands under this act and is vested with such other functions, powers, duties, rights and responsibilities as provided in this act and other law.

Section 26. Section Amended.

Section 65-1-3.1, Utah Code Annotated 1953, as enacted by Chapter 140, Laws of Utah 1955, as amended by Chapter 145, Laws of Utah 1957, is amended to read as follows:

65-1-3.1. Director—Appointment—Term—Duties—Bond.

The director of the division of state lands shall be appointed by the board of state lands, with the prior approval of the coordinating council of natural resources, and with the advice and consent of the governor and of the senate. The director shall be the executive and administrative head of the division of state lands and shall be a person experienced in administration of and a qualified executive in land management. The director of state lands shall serve at the will of the board of state lands. The director shall have executive authority and control of the division and employees to the end that the policies of the board may be carried out. The director shall administer all land laws within the jurisdiction of the division of state lands and perform such other duties as may be provided for by law. The director shall not hold any other public office, nor any office in a political party or organization and shall devote his entire time to the service of the state in the discharge of his official duties. He shall furnish a bond in such amount and kind as shall be determined by the department of finance, which bond shall not be less than \$25,000, and conditioned that he will faithfully perform his duties, safely keep and account for all funds, securities, documents, and papers entrusted to his care, and upon expiration of his office deliver all funds, securities, documents and records of his office to his successor.

Section 27. Section Amended.

Section 65-1-7, Utah Code Annotated 1953, is amended to read as follows:

65-1-7. Director to Represent State in Actions—Counsel.

The director shall cause the state to be properly represented in all suits, actions, controversies or claims relating to state lands provided that upon the request of the board the attorney general or under his direction

any district attorney, county attorney, shall institute and prosecute the necessary action or proceedings for the enforcement of any of the provisions of this title. No other counsel shall be employed therefor except with the approval of the governor and the attorney general.

Section 28. Section Amended.

Section 65-1-11, Utah Code Annotated 1953, is amended to read as follows:

65-1-11. Survey of Land Grants—Application For.

The director shall, by and with the consent of the board of state lands and of the governor, make application to the Federal Bureau of Land Management for the survey of public unsurveyed lands for the purpose of satisfying the public land grants to this state, in accordance with the provisions of federal law.

Section 29. Section Amended.

Section 65-1-12, Utah Code Annotated 1953, is amended to read as follows:

65-1-12. Papers to be Endorsed With Date of Receipt.

The division upon receipt by its office of any application, bid, contract or other paper shall immediately endorse thereon the day and time of the receipt thereof.

Section 30. Section Amended.

Section 65-1-14, Utah Code Annotated 1953, as amended by Chapter 131, Laws of Utah 1959, is amended to read as follows:

65-1-14. Board to Manage and Dispose of All State Lands—Disposition of Submerged Lands—Dedication of Lake and Stream Beds to Park and Recreation Purposes.

The board of state lands shall determine the state policy and advise the director on the direction, management and control of all lands heretofore or hereafter granted to this state by the United States government, or others, and of lands lying below the water's edge of any lake or stream to the bed of which the state is entitled, for any and all purposes whatsoever, except lands used or set apart for public purposes or occupied by public buildings; provided that the board may sell or lease the same for the best interests of the state in accordance with law; and provided further, that lands belonging to the state, lying below the water's edge of any lake or stream shall not be sold, except to promote a material public or quasi-public use or service, and then only in such quantity as may be reasonably necessary to promote such public or quasi-public use or service; and provided further, that such use shall not unreasonably interfere with navigation and that such land is sold at a cash price of not less than \$25 per acre under the provisions of law relating to the sale of state lands. In cases where the owners of riparian lands have made valuable improvements on contiguous lands lying below the waters edge, the board may in its discretion sell to such riparian owners, or their successors in interest, under the provisions of law relating to the sale of state lands, the lands on which such improvements have been made, and such additional lands as may be necessary

to the reasonable use and enjoyment of such improvements, at the cash price of not less than \$25 per acre; and whenever all the owners of lands bordering on any lake, or bay thereof, desire to unwater such lake or bay and thereby reclaim the bed thereof for agricultural purposes, the board may sell the land comprising such bed to such riparian owners at the cash price of not less than \$25 per acre, upon their making application to purchase the same and furnishing a bond to the state with surety or sureties satisfactory to the board, in double the amount of the purchase price of the land, conditioned on such reclamation taking place within five years from the date of such sale. In no case shall the board of state lands sell such submerged lands unless and until the purchaser has furnished such bond to the state. In accomplishing such reclamation no interference shall take place with existing water rights. The sale of whatever right, title and interest the state has in such bed shall be by quitclaim deed or other similar conveyance, with reservation to the state of all mineral rights. Nothing herein contained shall be construed as a legislative declaration of ownership by the state of beds of nonnavigable lakes, or bays thereof, or of beds of nonnavigable rivers or streams. In all cases lands containing coal or other mineral shall be reserved from sale, except in the aforesaid cases of improvements made by riparian owners, in which cases all coal or mineral rights shall be reserved to the state.

The board with the approval of the coordinating council of natural resources, the governor and the board of examiners, may set apart for public park or recreational use any part of the lands claimed by the state as the beds of lakes or streams and may delegate the duty and authority to manage the surface of lands so set apart to the division of parks and recreation, the division of fish and game or other appropriate state agency.

The board, with the approval of the board of examiners, may enter into contracts with public and private owners of land adjoining navigable lakes and streams establishing the boundaries between state and riparian lands.

Section 31. Section Amended.

Section 24-2-1, Utah Code Annotated 1953, as enacted by Chapter 53, Laws of Utah 1961, is amended to read as follows:

24-2-1. Division of State Lands—Responsibilities.

The division of state lands shall be charged with the responsibilities of the state in matters pertaining to determining and executing the best methods of protecting private and public property by preventing the origin and spread of fire on non-federal forest, range, and watershed lands; protecting non-federal forest and watershed areas on conservation principles; encouraging private land owners in preserving, protecting and managing forest and other lands throughout the state. The division shall take such action, as in its judgment may be necessary to suppress wildland fires and protect life and property on the non-federal forest range and watershed lands within the state.

Section 32. Section Amended.

Section 24-2-2, Utah Code Annotated 1953, as enacted by Chapter 53, Laws of Utah 1961, is repealed and reenacted to read as follows:

24-2-2. Board of Forestry and Fire Control Created—Membership—Expenses—Meetings.

There is hereby created a board of forestry and fire control consisting of the board of state lands.

The board of forestry and fire control shall hold a regular meeting each calendar quarter, and may hold special meetings whenever deemed necessary, or upon the call of the governor, the chairman of the board, the state forester, or by a majority of the members.

Section 33. Section Amended.

Section 24-2-3, Utah Code Annotated 1953, as enacted by Chapter 53, Laws of Utah 1961, is amended to read as follows:

24-2-3. Board—Powers—Duties.

The board shall:

(1) Determine the policies necessary to carry out the purposes of this act.

(2) Make all rules and regulations determined necessary to carry out the purposes of this act.

(3) Have authority to enter into agreements with public or private agencies, or individuals for the express purpose of protecting, managing or rehabilitating non-federal forest or watershed lands within the state.

(4) Have authority to acquire, sell, exchange, or otherwise dispose of, real and personal property by all legal and proper means, in accordance with existing state laws and regulations.

(5) Prepare and submit to the coordinating council of natural resources and the governor at the conclusion of each calendar year, a report of the activities of the board of forestry and fire control. This report shall summarize the performance of the delegated functions relating to the forestry and fire control activities of state land management, enumerate problems encountered, and list recommendations. The report shall be made available to the public and may be printed and distributed at the discretion of the board.

Section 34. Section Amended.

Section 24-2-4, Utah Code Annotated 1953, as enacted by Chapter 53, Laws of Utah 1961, is amended to read as follows:

24-2-4. State Forester—Qualifications—Responsibilities and Duties.

The state forester shall be the administrative head of the section of forestry and fire control of the division of state lands and shall be a graduate of an accredited school of forestry, technically and professionally competent, and experienced in administration. As operating head of the section of forestry and fire control, the state forester shall be responsible to the board for carrying out its general policies, the rules and regulations adopted by the board, and enforcing the provisions of this act. With the approval of the director of the division of state

lands, he shall select and appoint personnel as may be required to dispatch the functions of the section. In all matters pertaining to forestry and fire control in which the state of Utah recognizes a responsibility, the state forester shall be the official representative of the board and the state of Utah.

Section 35. Section Amended.

Section 40-6-3, Utah Code Annotated 1953, as enacted by Chapter 65, Laws of Utah 1955, is repealed and reenacted to read as follows:

40-6-3. Board of Oil and Gas Conservation—Powers—Duties.

There is created within the department of natural resources a board of oil and gas conservation which, except as otherwise provided in this act, shall assume all of the policy-making functions, powers, duties, rights and responsibilities of the oil and gas conservation commission, together with all functions, powers, duties, rights and responsibilities granted to the board of oil and gas conservation by this act. The board of oil and gas conservation shall be the policy-making body of the division of oil and gas conservation. Except as otherwise provided in this act, whenever reference is made in Title 40, or any other provision of law, to the oil and gas conservation commission, it shall be construed as referring to the board of oil and gas conservation where such reference pertains to policy-making functions, powers, duties, rights and responsibilities; but in all other instances such reference shall be construed as referring to the division of oil and gas conservation.

Section 36. Section Enacted.

Section 40-6-3.2, Utah Code Annotated 1953, is enacted to read as follows:

40-6-3.2 Board of Oil and Gas Conservation—Membership—Appointment—Terms—Chairman—Expenses.

Upon the effective date of this act the terms of office of the present members of the oil and gas conservation commission of the state of Utah shall expire. The board of oil and gas conservation shall be comprised of five members to be appointed by the governor, with the advice and consent of the senate. Not more than three members of the board shall be from the same political party. One member of the board shall be appointed from each of the following districts:

District No. 1: Wayne, Emery, Grand and San Juan Counties.

District No. 2: Carbon, Uintah, Daggett, Duchesne, Wasatch and Summit Counties.

District No. 3: Box Elder, Weber, Rich, Morgan, Davis and Cache Counties.

District No. 4: Salt Lake, Tooele, Utah and Juab Counties.

District No. 5: Sanpete, Millard, Beaver, Sevier, Piute, Garfield, Iron, Washington and Kane Counties.

The terms of office of three of the members first appointed shall expire on March 1, 1969, and the terms of the remaining two members shall expire on March 1, 1971. Their successors shall each be appointed for terms of four years. Vacancies occurring by reason of death, resigna-

tion or other cause shall be filled by the appointment of another person by the governor, with the advice and consent of the senate, for the unexpired term of the person whose office was vacated and shall be from the same district as such person. The board of oil and gas conservation shall appoint its chairman from its membership.

Each member of the board shall receive a per diem allowance as established by the board of examiners and all actual and necessary expenses incurred in carrying out his official duties.

Section 37. Section Enacted.

Section 40-6-3.3, Utah Code Annotated 1953, is enacted to read as follows:

40-6-3.3 Powers of Board—Counsel.

(1) The board shall have and is hereby given jurisdiction and authority over all persons and property, public and private, necessary to enforce the provisions of this act and shall have the power and authority to make and enforce rules, regulations and orders and do whatever may reasonably be necessary to carry out the provisions of this act. Any delegation of authority to any other state officer, board or commission to administer any or all other laws of this state relating to the conservation of oil or gas, or either of them, is hereby rescinded and withdrawn and such authority is hereby unqualifiedly conferred upon the board, as herein provided. Any person, or the attorney general, on behalf of the state, may apply for a hearing before the board, or the board may initiate proceedings upon any question relating to the administration of this act, and jurisdiction is hereby conferred upon the board to hear and determine the same and enter its rule, regulation or order with respect thereto.

(2) The board may sue and be sued in its administration of this act in any state or federal district court in the state of Utah having jurisdiction of the parties or of the subject matter.

(3) The attorney general shall act as the legal adviser of the board and represent the board in all court proceedings and in all proceedings before it and in any proceedings to which the board may be a party before any department of the federal government.

Section 38. Division of Oil and Gas Conservation—Powers—Duties.

There is created the division of oil and gas conservation, which shall be within the department of natural resources under the administration and general supervision of the coordinating council of natural resources and under the policy direction of the board of oil and gas conservation. The division of oil and gas conservation shall be the oil and gas conservation authority for the state of Utah, shall assume all of the functions, powers, duties, rights and responsibilities of the oil and gas conservation commission of the state of Utah except those which are assumed by the board under this act, and is vested with such other functions, powers, duties, rights and responsibilities as provided in this act and other law.

Section 39. Director—Appointment—Qualifications.

The director of the division of oil and gas conservation shall be appointed by the board of oil and gas conservation, with the prior

approval of the coordinating council of natural resources and with the advice and consent of the governor and of the senate. The director shall be the executive and administrative head of the division of oil and gas conservation and shall be a person experienced in administration and knowledgeable in the conservation of oil and gas. The director shall serve at the will of the board of oil and gas conservation.

Section 40. Great Salt Lake Authority Created.

There is created within the department of natural resources a Great Salt Lake authority which shall assume all of the policy-making functions, powers, duties, rights and responsibilities which may be accorded to the Great Salt Lake Authority under Senate Bill 60, or any other similar act introduced in the 37th Legislature, and which may become law, as such functions, powers, duties, rights and responsibilities are amended herein. The authority shall be the policy-making body of the division of Great Salt Lake Authority.

Section 41. Great Salt Lake Authority—Membership—Appointment—Expenses.

The Great Salt Lake Authority shall be comprised of five members to be appointed by the governor, with the advice and consent of the senate. Not more than three members of the authority shall be from the same political party, and they shall be selected because of their understanding of and demonstrated interest in the development of the Great Salt Lake and its environs. One member shall be selected from each of the counties bordering on the Great Salt Lake. The authority shall select its chairman from its membership.

Each member of the authority shall receive a per diem allowance as established by the board of examiners and all actual and necessary expenses incurred in carrying out his official duties.

Section 42. Division of Great Salt Lake Authority—Powers—Duties.

There is created a division of Great Salt Lake authority which shall be within the department of natural resources under the administration and general supervision of the coordinating council of natural resources and under the policy direction of the Great Salt Lake authority. The division of Great Salt Lake authority shall assume all of the functions, powers, duties, rights and responsibilities which may be accorded to the Great Salt Lake Authority under Senate Bill 60, or any other similar act introduced in the 37th Legislature, and which may become law, except those which are assumed by the Great Salt Lake authority under this act, and is vested with such other functions, powers, duties, rights and responsibilities as provided in this act and other law.

Section 43. Director—Appointment—Qualifications.

The director of the division of Great Salt Lake authority shall be appointed by the Great Salt Lake authority, with the prior approval of the coordinating council of natural resources and with the advice and consent of the governor and of the senate. The director shall be the executive and administrative head of the division of Great Salt Lake authority and shall be a person experienced in administration and knowledgeable in matters pertaining to the Great Salt Lake. The director shall serve at the will of the Great Salt Lake authority.

Section 44. Assumption of Functions Under Act.

If Senate Bill 60, or any other similar act introduced in the 37th Legislature shall provide for the assumption of the functions, powers, duties, rights and responsibilities of the Great Salt Lake Authority by another board or division of the department of natural resources upon a prescribed event and the Great Salt Lake Authority to then cease to exist, then, notwithstanding anything contained in this act to the contrary, such other board or division shall so assume the functions, powers, duties, rights and responsibilities of the Great Salt Lake authority and the division of Great Salt Lake authority as created by this act, and the authority and division shall cease to exist.

Section 45. Section Amended.

Section 63-11-12, Utah Code Annotated 1953, as enacted by Chapter 135, Laws of Utah 1957, is repealed and reenacted to read as follows:

63-11-12. Board of Parks and Recreation—Powers—Duties.

There is created within the department of natural resources a board of parks and recreation which, except as otherwise provided in this act, shall assume all of the policy-making functions, powers, duties, rights and responsibilities of the Utah state park and recreation commission, together with all functions, powers, duties, rights and responsibilities granted to the board of parks and recreation by this act. The board of parks and recreation shall be the policy-making body of the division of parks and recreation. Except as otherwise provided in this act, whenever reference is made in Title 63, or any other provision of law, to the Utah state park and recreation commission, it shall be construed as referring to the board of parks and recreation where such reference pertains to policy-making functions, powers, duties, rights and responsibilities; but in all other instances such reference shall be construed as referring to the division of parks and recreation.

Section 46. Section Amended.

Section 63-11-14, Utah Code Annotated 1953, as enacted by Chapter 135, Laws of Utah 1957, is repealed and reenacted to read as follows:

63-11-14. Board — Membership — Appointment — Terms — Vacancies — Chairman.

Upon the effective date of this act, the terms of office of the present ex officio members of the state park and recreation commission shall expire, but the present five voting members of the state park and recreation commission shall continue to serve and shall become the members of the board of parks and recreation. Two of such voting members shall serve out their terms of office ending July 1, 1967, and three such voting members shall serve out their terms of office ending July 1, 1969. Their successors shall be appointed for terms of four years each. Members of the board shall be appointed by the governor, with the advice and consent of the senate. Not more than three members shall be from the same political party, and they all shall be appointed because of their understanding and demonstrated interest in parks and recreation. One of the members shall be appointed from the first or second judicial district, one from the third judicial district, one from the fourth or fifth

judicial district, one from the sixth or seventh judicial district and one from the state at large. Vacancies occurring by reason of death, resignation or other cause shall be filled by the appointment of another person by the governor, with the advice and consent of the senate, for the unexpired term of the person whose office was vacated and shall be from one of the judicial districts from which such person whose office has become vacant was appointed; but the member at large appointed for an unexpired term can be from any part of the state. The board of parks and recreation shall appoint its chairman from its membership.

Section 47. Division of Parks and Recreation Created — Powers — Duties.

There is created the division of parks and recreation, which shall be within the department of natural resources under the administration and general supervision of the coordinating council of natural resources and under the policy direction of the board of parks and recreation. The division of parks and recreation shall be the parks and recreation authority for the state of Utah, shall assume all of the functions, powers, duties, rights and responsibilities of the Utah state park and recreation commission except those which are assumed by the board of parks and recreation under this act, and is vested with such other functions, powers, duties, rights and responsibilities as provided in this act and other law.

Section 48. Section Amended.

Section 73-18-3, Utah Code Annotated 1953, as enacted by Chapter 124, Laws of Utah 1959, as amended by Chapter 170, Laws of Utah 1961, is amended to read as follows:

73-18-3. State Boating Act—Administration—Advisory Council—Members—Terms—Vacancy—Meetings.

The administration and enforcement of the state boating act shall be under the supervision, direction and control of the board of parks and recreation. The board of parks and recreation shall select and appoint with the approval of the governor, an advisory council of eight members as follows: One member from the local Coast Guard Auxiliary organization, one member from the division of fish and game, one member who is also a member of the board of parks and recreation, one member from the State Water Users' Association, one member from the Utah Federation of Boat Clubs, one member from the Utah wildlife federation, one member from the Utah Marine Dealers' Association, and one member from the Utah Water Skiers' Association. One member shall be appointed for one year, one member for two years, one member for three years, one member for four years, and four members for five years. After the initial appointment, the term of each member of the advisory council shall be for five years. When a vacancy on said council is caused by death, resignation, or otherwise, it shall be filled by appointment as provided above.

The first meeting of the advisory council shall be held within sixty days of the effective date of this act, and thereafter the council shall meet at the call of the board of parks and recreation, but in no case less than twice annually.

Section 49. Section Amended.

Section 63-11-13, Utah Code Annotated 1953, as enacted by Chapter 135, Laws of Utah 1957, is amended to read as follows:

64-11-13. Legislative Intent—Long Range Plans.

It is the intent of the legislature that the board of parks and recreation shall formulate and cause to be put into execution by the director of the division of parks and recreation a long range, comprehensive plan and program for the acquisition, planning, protection, operation, maintenance, development and wise use of areas of scenic beauty, recreational utility, historic, archaeological or scientific interest, to the end that the health, happiness, recreational opportunities and wholesome enjoyment of life of the people may be further encouraged within the general policies of the coordinating council of natural resources.

Section 50. Section Amended.

Section 63-11-16, Utah Code Annotated 1953, as enacted by Chapter 135, Laws of Utah 1957, is repealed and reenacted to read as follows:

63-11-16. Meetings—Officers—Quorum.

The board of parks and recreation shall meet at least once every quarter, but special meetings may be held by call of the chairman or at the request of two members of the board.

Four members of the board shall constitute a quorum for the transaction of business.

Section 51. Section Amended.

Section 63-11-17, Utah Code Annotated 1953, as enacted by Chapter 135, Laws of Utah 1957, is amended to read as follows:

63-11-17. Powers and Duties.

The board shall have power to:

(1) Acquire, designate, establish all state parks, monuments and state recreation areas heretofore and hereafter established, acquired or designated;

(2) Acquire and designate state road side parks;

(3) Determine the policies best designed to accomplish the objectives and purposes set out in this act;

(4) Make regulations governing the use of the state park system;

(5) Protect, care, and use the state park system.

The board shall have power to acquire real and personal property in the name of the board by all legal and proper means, including purchase, gifts, devise, eminent domain, lease, designation of state land, exchange, or otherwise. "Real property" as used herein includes land under water as well as upland and all other property commonly or legally defined as real property. In acquiring any real or personal property, or in establishing or designating any area as herein authorized, the credit of the state shall not be pledged without the consent of the legislature.

The board shall have power to protect state parks and property controlled or administered by it from misuse or damage and to preserve the peace within state parks and on property controlled or administered

by it. The officers and administrators of the board or the division and such other persons as the board or the division may designate shall have the same power and shall follow the same procedure in making arrests and the handling of prisoners and in the general enforcement of this act as other peace officers.

The board of fish and game shall retain the power and jurisdiction conferred upon it by law within state parks and on property controlled by the board of parks and recreation with reference to fish and game, subject to such reasonable rules and regulations as the board of parks and recreation may make to insure the accomplishment of the objectives and purposes of this act.

The division of parks and recreation shall permit multiple use of state parks and property controlled by it for such purposes as grazing, fish and game, mining, development and utilization of water and other natural resources, and other uses, subject to such reasonable rules and regulations as the board may make within the general policies of the coordinating council of natural resources to insure the accomplishment of the objectives and purposes of this act.

Before acquiring any real property, the board shall notify the county commissioners of the county where such property is situated of its intention to acquire the same, and if the county commissioners so request within ten days of receipt of said notice, the board shall hold a public hearing in said county concerning said matter.

Acceptance of gifts or devises of land or other property shall be in the discretion of the board.

Acquisition of property by eminent domain shall be in the manner authorized by Chapter 34, Title 78.

The division of parks and recreation shall have authority to make charges for special services, the income from which shall be available for park and recreation purposes. The division shall have authority to conduct and operate such services as are necessary for the comfort and convenience of the public.

The division is empowered to lease or rent concessions of all lawful kinds and nature in state parks and property administered by it to persons, partnerships and corporations for a valuable consideration upon such terms and conditions as the board deems fit and proper, provided no concessionaire shall be permitted to dominate any park operation.

The board is authorized and instructed to proceed without delay to negotiate with the federal government concerning the Weber Basin and other recreation projects. The board, in connection with the board of state lands, is encouraged to make exchanges of state lands wherever the same can be done to advantage and will help accomplish the objectives and purposes of this act.

Section 52. Section Amended.

Section 63-11-18, Utah Code Annotated 1953, as enacted by Chapter 135, Laws of Utah 1957, is amended to read as follows:

63-11-18. Director—Appointment—Powers and Duties.

The director of the division of parks and recreation shall be appointed by the board of parks and recreation, with the prior approval of the

coordinating council of natural resources and with the advice and consent of the governor and of the senate. The director shall be the executive and administrative head of the division of parks and recreation and shall have demonstrated executive ability and actual experience and training in the conduct of park and recreational systems involving both physical development and program.

It shall be the duty of such director, to enforce the policies and rules and regulations of the board and to perform such other duties as are necessary for the proper care and maintenance of any property under the jurisdiction of the board and for the purpose of carrying out the provisions of this act.

The director shall employ as provided by law such supervisors, administrators, and other personnel as needed.

The director shall have the responsibility for: acquisition, planning, protection, development, operation, and maintenance of park area and facilities in such manner as may be authorized by the policies and rules and regulations of the board.

Section 53. Section Amended.

Section 63-11-19, Utah Code Annotated 1953, as enacted by Chapter 135, Laws of Utah 1957, is amended to read as follows:

63-11-19. Contracts and Agreements, Power to Enter Into.

The board, with the approval of the coordinating council of natural resources and the governor, is authorized to enter into contracts and agreements with the government of the United States, or any duly authorized representative or agency thereof, or with any other department or agency of the state of Utah and semipublic organizations and with private individuals for the purposes of causing state parks and recreational grounds and the areas administered by the board to be improved and maintained and for any other lawful purpose and for those purposes it may contract to secure labor, quarters, materials, services or facilities thereof on such terms as the board may approve. All departments, agencies, officers and employees of the state of Utah are authorized and directed to give to the board such consultation and assistance as the board may reasonably request.

Section 54. Section Amended.

Section 63-28-6, Utah Code Annotated 1953, as enacted by Chapter 135, Laws of Utah 1965, is amended to read as follows:

63-28-6. Legislature Finds State Should Participate in Federal Programs.

The legislature finds that the state of Utah and its political subdivisions should enjoy the benefits of federal assistance programs for the planning and development of the outdoor recreation resources of the state, including the acquisition of lands and waters and interests therein. It is the purpose of this act to provide authority to enable the state of Utah and its political subdivisions to participate in the benefits of such programs, by and through the coordinating council of natural resources, under the direction of the governor, or such other agent or agencies as the governor may from time to time designate.

Section 55. Section Amended.

Section 63-28-7, Utah Code Annotated 1953, as enacted by Chapter 135, Laws of Utah 1965, is amended to read as follows:

63-28-7. Plan for Outdoor Recreation Facilities.

The coordinating council of natural resources, in cooperation with the state advisory planning committee and the state and local agencies responsible for planning, acquisition, and development of outdoor recreation facilities, is authorized to prepare, maintain, and keep up-to-date a comprehensive plan for the development of the outdoor recreation resources of the state. The completed plan and all amendments thereto shall be submitted to the governor for his review and approval.

Section 56. Section Amended.

Section 63-28-8, Utah Code Annotated 1953, as enacted by Chapter 135, Laws of Utah 1965, is amended to read as follows:

63-28-8. Federal Aid for Outdoor Recreation Facilities—Coordination.

The coordinating council of natural resources may apply to any appropriate agency or officer of the United States for participation in or the receipt of aid from any federal program respecting outdoor recreation. It may, in cooperation with other state agencies, enter into contracts and agreements with the United States or any appropriate agency thereof, keep financial and other records relating thereto, and furnish to appropriate officials and agencies of the United States such reports and information as may be reasonably necessary to enable such officials and agencies to perform their duties under such programs. In connection with obtaining the benefits of any such program, the coordinating council of natural resources shall co-ordinate its activities with and represent the interests of all agencies and subdivisions of the state having interests in the planning, development and maintenance of outdoor recreation resources and facilities.

Section 57. Section Amended.

Section 63-28-9, Utah Code Annotated 1953, as enacted by Chapter 135, Laws of Utah 1965, is amended to read as follows:

63-28-9. Authorized to Act As Agent.

The coordinating council of natural resources is authorized to act as the agent of state and local agencies to receive and to disburse federal moneys in accordance with the comprehensive plan for the development of the outdoor recreation resources of the state as approved by the governor.

Section 58. Section Amended.

Section 63-28-10, Utah Code Annotated 1953, as enacted by Chapter 135, Laws of Utah 1965, is amended to read as follows:

63-28-10. Funds for Recreation Projects — Public Maintenance of Facilities.

The coordinating council of natural resources shall make no commitment or enter into any agreement pursuant to an exercise of authority

under this act until it has determined that sufficient funds are available to it for meeting the state's share, if any, of project costs. It is the legislative intent that, to such extent as may be necessary to assure the proper operation and maintenance of areas and facilities acquired or developed pursuant to any program participated in by this state under authority of this act, such areas and facilities shall be publicly maintained for outdoor recreation purposes. The coordinating council of natural resources may enter into and administer agreements with the United States or any appropriate agency thereof for planning, acquisition, and development projects involving participating federal-aid funds on behalf of any political subdivision or subdivisions of this state: provided, that such political subdivision or subdivisions give necessary assurance to the coordinating council of natural resources that they have available sufficient funds to meet their shares, if any, of the cost of the project and that the acquired or developed areas will be operated and maintained at the expense of such political subdivision or subdivisions for public outdoor recreation use.

Section 59. Section Amended.

Section 23-2-1, Utah Code Annotated 1953, as enacted by Chapter 39, Laws of Utah 1953, is repealed and reenacted to read as follows:

23-2-1. Board of Fish and Game—Created—Powers—Duties.

There is created within the department of natural resources a board of fish and game which, except as otherwise provided in this act, shall assume all of the policy-making functions, powers, duties, rights and responsibilities of the fish and game commission and the state department of fish and game, together with all functions, powers, duties, rights and responsibilities granted to the board of fish and game by this act. Except as otherwise provided in this act, whenever reference is made in Title 23, or any other provision of law, to the fish and game commission or the state department of fish and game, where such reference pertains to policy-making functions, powers, duties, rights and responsibilities; but in all other instances such reference shall be construed as referring to the division of fish and game.

Section 60. Section Amended.

Section 23-2-2, Utah Code Annotated 1953, as enacted by Chapter 39, Laws of Utah 1953, is repealed and reenacted to read as follows:

23-2-2. Board Policy-making Body—Exceptions.

The board of fish and game shall be the policy-making body for the division of fish and game in all matters except those pertaining to big game animals.

Section 61. Section Amended.

Section 23-2-3, Utah Code Annotated 1953, as enacted by Chapter 39, Laws of Utah 1953, is amended to read as follows:

23-2-3. Board Membership—Appointments—Qualifications—Terms—Expenses.

The board of fish and game shall be comprised of five members to be appointed by the governor with the advice and consent of the senate.

No person shall be appointed to the board unless he shall be well informed upon, and interested in, the subject of wildlife conservation and restoration; and not more than three of the members shall belong to the same political party. Each member shall be a citizen of the United States and of the state of Utah, and a bona fide resident of the district from which he shall be appointed. One member each shall be appointed from the following five districts:

- District No. 1: Box Elder, Rich, Weber, Davis and Morgan Counties.
- District No. 2: Daggett, Wasatch, Duchesne, Uintah, Carbon, Emery, San Juan and Grand Counties.
- District No. 3: Salt Lake, Summitt, Utah and Tooele Counties.
- District No. 4: Piute, Wayne, Sanpete and Sevier Counties.
- District No. 5: Beaver, Millard, Juab, Kane, Washington, Garfield and Iron Counties.

The present members of the fish and game commission are to continue to serve and shall become the members of the board of fish and game until the terms for which they were originally appointed shall expire and until their respective successors shall be appointed and qualified. Their successors shall be appointed for terms of four years each. Vacancies in the board occurring by reason of death, resignation, removal from the district which he represents, or other cause, shall be filled by the governor with the advice and consent of the senate. The person appointed to fill such vacancy shall be appointed for the unexpired term and shall represent the district as to which the vacancy has occurred.

Each member of the board shall qualify by taking the constitutional oath of office and shall receive a per diem allowance as approved by the board of examiners and all his actual and necessary expenses incurred in the performance of his official duties.

Section 62. Section Amended.

Section 23-2-5, Utah Code Annotated 1953, as enacted by Chapter 39, Laws of Utah 1953, is amended to read as follows:

23-2-5. Board Meetings—Quorum.

The board of fish and game shall hold at least four meetings each year, including an annual meeting to be held during the month of April. At the April meeting, the board shall set dates for the quarter annual meetings. Additional meetings may be called by the chairman upon five days' notice. The director shall act as secretary of the board. Meetings of the board of fish and game shall be open to the public and may be held at the offices of the board or elsewhere in the state as determined by the board. Three members of the board shall constitute a quorum for the transaction of business unless otherwise required by law. The board shall elect one of its members as its chairman who shall preside at all of its meetings.

Section 63. Section Amended.

Section 23-2-11, Utah Code Annotated 1953, as enacted by Chapter 39, Laws of Utah 1953, is amended to read as follows:

23-2-11. Board Assumes Power of Board of Big Game Control.

The board of fish and game is empowered to investigate and determine the facts relative to the condition of fish, game and other wildlife of this state. Upon a determination of those facts, the board shall determine the state's policy as declared in the purposes and intent of all laws pertaining to all species of fish, amphibians, game animals, game birds and fur-bearing animals and the preservation, protection, conservation, perpetuation and management thereof; provided, however, that no authority conferred or given the board of fish and game by this act shall supersede or divest the rights, function, authority or powers of the board of big game control as hereinafter prescribed.

Section 64. Division of Fish and Game Created—Powers—Duties.

There is created the division of fish and game, which shall be within the department of natural resources under the administration and general supervision of the coordinating council of natural resources and under the policy direction of the board of fish and game. The division of fish and game shall be the fish and game authority for the state of Utah, shall assume all of the functions, powers, duties, rights and responsibilities of the fish and game commission and the state department of fish and game except those which are assumed by the board of fish and game under this act, and is vested with such other functions, powers, duties, rights and responsibilities as provided in this act and other law.

Subject to the policy-making authority of the board of fish and game and the board of big game control, the division of fish and game shall have the power and be charged with the duty to protect, propagate, manage and distribute game animals, fur-bearing animals, game birds and game fish throughout the state, and to direct and supervise propagation of game fish at the various hatcheries and the rearing of game birds at game farms, owned and operated by the state, and the management of game and game lands, water fowl and water fowl refuges, and the licensing of hunting, fishing, trapping and dealers in furs, to enforce the provisions of this Code and to carry out the policy established by the board of fish and game and the board of big game control.

Section 65. Section Amended.

Section 23-2-9, Utah Code Annotated 1953, as enacted by Chapter 39, Laws of Utah 1953, as amended by Chapter 32, Laws of Utah 1959, as amended by Chapter 34, Laws of Utah 1963, is amended to read as follows:

23-2-9. Director—Appointment—Terms—Qualifications.

The director of the division of fish and game shall be appointed by the board of fish and game, with the prior approval of the coordinating council of natural resources and with the advice and consent of the governor and of the senate. The director shall be the executive and administrative head of the division of fish and game and shall be a

person experienced in administration of and knowledgeable in the requirements for the protection, conservation, restoration and management of the wildlife resources of the state. He shall not hold any other public office, nor any office in a political party or organization and shall devote his entire time to the service of the state in the discharge of his official duties. The director of fish and game shall serve at the will of the board of fish and game.

Section 66. Section Amended.

Section 23-2-15, Utah Code Annotated 1953, as enacted by Chapter 39, Laws of Utah 1953, is amended to read as follows:

23-2-15. Director's Powers and Duties—Appointments.

The director shall have executive authority and control of the division of fish and game and employees to the end that the policy of the board shall be carried out in accordance with the laws of this state. He shall have full control of all property of the state acquired and held for the purposes contemplated by this Title. He shall appoint such other assistants and deputies as are necessary. In cases of emergency, the director may exercise the powers of the board until such time as the board shall meet or the emergency end. It is expressly provided that no expenditure or commitment over \$5,000 shall be made without advance approval of the board.

Section 67. Section Amended.

Section 23-2-19, Utah Code Annotated 1953, as enacted by Chapter 39, Laws of Utah 1953, is amended to read as follows:

23-2-19. Report and Recommendations.

The board of fish and game shall make a detailed report of its official transactions, and submit such report, together with such recommendations as are deemed necessary by it for the future benefit of the fish and game resources of the state, to the coordinating council of natural resources and to the governor preceding each regular session of the legislature.

Section 68. Section Amended.

Section 23-2-20, Utah Code Annotated 1953, as enacted by Chapter 39, Laws of Utah 1953, as amended by Chapter 49, Laws of Utah 1961, as amended by Chapter 35, Laws of Utah 1963, is amended to read as follows:

23-2-20. Fish and Game Fund—Disposition—Payment of Tax—Recording and Transfer of Real Property.

A fish and game fund is hereby created, and all moneys collected from the sale of licenses, and all the net moneys collected from fines and forfeitures, and such other moneys as may be received under any provision of this Code shall be paid into said fund as provided in this Code. All moneys paid into said fund shall be deposited in the state treasury and shall be drawn upon for the payment of salaries and expenses and other expenditures authorized in this Code upon authorization by the division, with the consent of the board of fish and game. Prior to the purchase of any real property held in private ownership the division

of fish and game shall first submit such proposition to the county commission in a regular open public meeting in the county wherein the property is located, and shall by contractual agreement with the county commission agree to pay annually an amount of money in lieu of real property taxes to the county. The division shall further by contractual agreement with the county commission in which any property previously acquired from private ownership and now owned by the division is located, agree to pay annually an amount of money in lieu of fish and game fine money, previously paid to the county, which annual payment shall be equal to the amount which the real property taxes on such division owned property would be if said property would have remained in the private ownership. The payments herein provided for will not exceed what the regularly assessed real property taxes would be if said land had remained in private ownership; and such payments in lieu of taxes or fine money shall not include any amount for buildings, installations, fixtures, improvements or personal property located upon the land and constructed or acquired by the division after it acquired the land.

The board shall be empowered to record titles to real estate received or purchased as provided in this Code in the name of the division of fish and game, and shall have authority with the consent of the board of examiners to dispose of such properties by sale, exchange, barter or trade when such properties are no longer needed for fish and game purposes or when other properties having greater use for fish and game purposes are to be received in exchange. All records and other instruments pertaining to properties owned or acquired under this Title shall be kept in the offices of the division.

Section 69. Section Amended.

Section 23-2-21, Utah Code Annotated 1953, as enacted by Chapter 39, Laws of Utah 1953, is amended to read as follows:

23-2-21. Cooperative Agreements — Game Range Improvement — Conservation Work.

The board of fish and game shall have power to enter into cooperative agreements with federal agencies, sister states, educational institutions, municipalities, corporations, organized clubs, landowners, associations and individuals for the development of game, bird, fish or fur-bearing animal management and demonstration projects and for the control of predators.

The division shall have power to improve game range by reseeding and planting of browse plants and to furnish seed and browse plants to others for game range improvement, and to engage in related conservation work and programs.

Section 70. Section Amended.

Section 23-2-22, Utah Code Annotated 1953, as enacted by Chapter 39, Laws of Utah 1953, is amended to read as follows:

23-2-22. Acquisition of Lands, Waters, and Personal Properties.

The board of fish and game shall have power to acquire by purchase, lease, agreement, gift or devise, lands, waters and personal properties

suitable for the purposes hereinafter enumerated, and govern, operate and maintain the same for said purposes.

(a) Fish hatcheries, nursery ponds, game and game bird farms.

(b) Lands or water suitable for game, birds, fish or fur-bearing animal restoration, propagation or protection.

(c) For public hunting, fishing or trapping areas to provide places where the public may hunt, trap, or angle for fish in accordance with the provisions of law and the regulations of the board of fish and game or of the board of big game control.

(d) To extend and consolidate by exchange lands or waters suitable for the above purposes.

(e) To capture, propagate, transport, buy, sell or exchange any species of fish, game, or fur-bearing animals needed for stocking any lands or waters and to exercise control measures on undesirable species.

Section 71. Section Amended.

Section 23-2-23, Utah Code Annotated 1953, as enacted by Chapter 38, Laws of Utah 1959, is amended to read as follows:

23-2-23. Reciprocal Agreements With Bordering States.

The board of fish and game is authorized to enter into reciprocal agreements with bordering states for the purpose of licensing and regulating fishing, hunting and related activities and promoting and implementing wildlife management programs.

Section 72. Board of Big Game Control Created—Membership—Powers—Duties.

There is created within the department of natural resources a board of big game control which shall assume all of the functions, powers, duties, rights and responsibilities of the state board of big game control, as amended by this act, together with all functions, powers, duties, rights and responsibilities granted to the board of big game control by this act. Except as otherwise provided in this act, wherever reference is made in Title 23, or any other provision of law, to the state board of big game control, it shall be construed as referring to the board of big game control. The present members of the state board of big game control are to continue to serve and shall become the members of the board of big game control.

Section 73. Section Amended.

Section 23-4-2, Utah Code Annotated 1953, as enacted by Chapter 39, Laws of Utah 1953, is amended to read as follows:

23-4-2. Board of Big Game Control — Membership — Appointments — Terms — Expenses.

The board of big game control shall be comprised of five members, appointed by the governor, with the advice and consent of the senate and shall be as follows: The director of the division of fish and game, a member landowner nominated to the governor by the Utah State Cattlemen's Association, a member nominated to the governor by the Utah State Woolgrowers' Association, a member nominated to the governor by the Utah Wildlife Federation, and a regional officer in Utah of the U.S. Forest Service.

The present members of the board shall hold office until the end of their respective terms at which time two members shall be appointed for terms of two years each and the remaining three members for four years each. Their successors shall be appointed for terms of four years each. The board shall select a chairman from among its members.

The members nominated by the Utah State Cattlemen's Association, the Utah State Woolgrowers' Association, and the Utah Wildlife Federation, shall receive a per diem allowance as established by the board of examiners together with all actual and necessary expenses incurred in the performance of their official duties.

Section 74. Sections Repealed.

Sections 65-1-2, 65-1-3, and 73-10-9, Utah Code Annotated 1953, Section 23-2-4, Utah Code Annotated 1953, as enacted by Chapter 39, Laws of Utah 1953, and Section 73-10-14, Utah Code Annotated 1953, as enacted by Chapter 178, Laws of Utah 1963, are hereby repealed.

Section 75. Savings Clause.

If any provision of this act, or the application of any provision to any person or circumstance is held invalid, the remainder of this act shall not be affected thereby.

Section 76. Effective Date.

This act shall take effect on July 1, 1967.

Approved March 21, 1967.

CHAPTER 177

H. B. No. 90

(Passed February 28, 1967. In effect July 1, 1967)

PUBLICATIONS REVOLVING FUND FOR HISTORICAL SOCIETY

An Act to Create a Publications Revolving Fund for the Utah State Historical Society and Providing an Effective Date July 1, 1967.

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

Section 1. Historical Society Revolving Fund Act.

This act shall be known and may be cited as the "Historical Society Revolving Fund Act."

Section 2. Purpose—Publishing Books.

In enacting this act, it is the purpose of the Legislature to create a revolving fund for the publishing of books, monographs, and periodicals by the Utah State Historical Society.

Section 3. Special Revolving Fund Created—Excess to General Fund.

There shall be created a special revolving fund to be established and used for the printing and publishing of historical publications by the Utah State Historical Society. All receipts from sales of any and all books, pamphlets, or periodicals published by the Society shall be cred-

ited to the revolving fund which shall remain intact. If on June 1 of each year the revolving fund exceeds \$65,000 in cash and inventory value, the excess shall be transferred to the general fund. Said fund shall be audited by the State Auditor.

Section 4. Effective Date.

This act shall take effect July 1, 1967.

Approved March 2, 1967.

CHAPTER 178

H. B. No. 180

(Passed March 9, 1967. In effect May 9, 1967)

CREATION HISTORIC DISTRICTS

An Act to Permit the Creation of Historic Districts in the State of Utah.

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

Section 1. Historic District Act.

This act shall be known and may be cited as the "Historic District Act."

Section 2. Preserve Historic Sites.

Recognizing that the historical heritage of this state is among its most valued and important assets, it is the intent of the legislature that the counties, cities and towns of this state shall have the power to preserve, protect and enhance historic and pre-historic areas and sites lying within their respective jurisdictions as provided in this act.

Section 3. Counties, Cities and Towns Empowered to Expend Public Funds.

Counties, cities and towns are hereby empowered to expend public funds for the purpose of preserving, protecting or enhancing historical areas and sites as provided in this act.

Section 4. Powers Granted—Counties—Cities—Towns.

For the purpose of carrying out this act, said counties, cities and towns shall have the power to:

- (1) Acquire historical areas and sites by direct purchase, contract, lease, trade or gift.
- (2) Obtain easements and rights of way across public or private property to insure access or proper development of historical areas and sites;
- (3) Protect historical areas and sites, and to insure proper development and utilization of lands and areas adjacent to historical areas and sites;
- (4) Enter into agreements with private individuals for the prior right to purchase historical areas and sites if and when said private individual elects to sell or dispose of his property.

Section 5. Act Not to Limit Powers Granted.

Nothing in this act shall be deemed to limit the power of counties, cities or towns to acquire private property, for protection as an historical area or site, under powers otherwise conferred by law.

Section 6. Does Not Limit Powers Already Granted.

Nothing in sections one through six of this act shall be construed to limit any existing inherent, statutory or other powers under which any county or municipality has enacted appropriate measures regarding historic areas.

Section 7. Savings Clause.

If any provision of this act is declared to be invalid, the remaining provisions shall not be affected and shall continue to be valid and effective.

Approved March 21, 1967.

CHAPTER 179

S. B. No. 202

(Passed March 7, 1967. In effect May 9, 1967)

**TIME FOR FILING REPORTS OR MAKING PAYMENTS TO
STATE OR POLITICAL DIVISIONS**

An Act Relating to Reports, Claims, Tax Returns, Statements or Other Documents to Be Filed with and Payments Made to the State of Utah or Any Political Subdivision Thereof; Providing for Time of Filing or Paying Upon Mailing, for Competent Evidence of Such Mailing and for Filing or Paying on Non-business Days.

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

Section 1. Mailing Considered Competence of Filing Reports or Payments.

Any report, claim, tax return, statement or other document or any payment required or authorized to be filed or made to the state of Utah, or to any political subdivision thereof, which is:

(1) Transmitted through the United States mail, shall be deemed filed or made and received by the state or political subdivisions on the date shown by the post office cancellation mark stamped upon the envelope or other appropriate wrapper containing it.

(2) Mailed but not received by the state or political subdivisions where received and the cancellation mark is illegible, erroneous, or omitted, shall be deemed filed or made and received on the date it was mailed if the sender establishes by competent evidence that the report, claim, tax return, statement or other document or payment was deposited in the United States mail on or before the date for filing or paying; and in cases of such non-receipt of any such report, tax return, statement, or other document required by law to be filed, the sender files with the state or political subdivision a duplicate within 30 days after written notification is given to the sender by the state or political subdivisions of its non-receipt of such report, tax return, statement, or other document.

Section 2. Mailing—Considered Competent Evidence if Properly Post-marked.

If any such report, claim, tax return, statement or other document or payment is sent by United States mail and either registered or certified,

a record authenticated by the United States Post Office of such registration or certification shall be considered competent evidence that the report, claim, tax return, statement or other document or payment was delivered to the state officer or state agency or officer or agency of the political subdivision to which addressed, and the date of registration or certification shall be deemed the postmarked date.

Section 3. Filing—Non-Business Days—Next Day.

If the date for filing any such report, claim, tax return, statement or other document or making any such payment falls upon a Saturday, Sunday or legal holiday, such acts shall be considered timely if performed on the next business day.

Approved March 21, 1967.

STATE INSTITUTIONS
CHAPTER 180

S. B. No. 155

(Passed February 17, 1967. In effect July 1, 1967)

STATE FAIR ASSOCIATION—DEPOSIT OF MONEYS

An Act Amending Section 64-4-1 and 64-4-7, Utah Code Annotated 1953, as Amended by Chapter 140, Laws of Utah 1965, Relating to Powers and Incidents of the State Fair Association, and Providing for the Deposit of Moneys in the General Fund; Providing for the Repeal of Section 64-4-11, Utah Code Annotated 1953, as Enacted by Chapter 140, Laws of Utah 1965; Providing an Effective Date.

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

Section 1. Section Amended.

Section 64-4-1, Utah Code Annotated 1953, as amended by Chapter 140, Laws of Utah 1965, is amended to read as follows:

64-4-1. Moneys Paid Into General Fund.

The Utah State Fair Association is continued a body corporate with perpetual succession. It may have and use a corporate seal, and by the aforesaid name may sue and be sued, contract and be contracted with, and take hold by purchase, gift, devise or bequest, real and personal property required for its uses. It may also, with the approval of the department of finance, convert such property, when not suitable for its uses, into other property which may be suitable for its uses, or into money; provided, however, that money received from such conversion shall be paid into the general fund of the state as restrictive revenue of the state fair association.

The Utah State Fair Association shall be deemed a public corporation, and its property shall be exempt from all taxes and assessments.

Section 2. Section Amended.

Section 64-4-7, Utah Code Annotated 1953, as amended by Chapter 140, Laws of Utah 1965, is amended to read as follows:

64-4-7. Moneys to Be Paid in General Fund.

The purposes of the association shall be to promote in the state of Utah stock breeding, agriculture, horticulture, mining, manufacturing, and the domestic sciences and arts; and the association shall have the authority to use and to lease the property of the association, during any portion of the interval between the holding of the annual or biennial exhibitions, for private stock exhibitions, shows, racing meets, and for other legitimate purposes, upon terms and conditions to be prescribed by the board of directors. All moneys received from such leases shall be paid into the general fund of the state as restricted revenue of the state fair association.

Section 3. Section Repealed.

Section 64-4-11, Utah Code Annotated 1953, as enacted by Chapter 140, Laws of Utah 1965, is hereby repealed.

Section 4. Effective Date.

This act shall take effect on July 1, 1967.

Approved March 16, 1967.

CHAPTER 181

S .B. No. 225

(Passed March 8, 1967. In effect May 9, 1967)

UTAH STATE TRAINING SCHOOL—PERSONNEL

An Act Amending Section 64-8-6, Utah Code Annotated 1953, as Amended by Chapter 144, Laws of Utah 1965, and Sections 64-8-7, 64-8-8, 64-8-11 and 64-8-14, Utah Code Annotated 1953, Relating to the Utah State Training School; Providing That the Public Welfare Commission May Employ Certain Necessary Personnel in Respect to the School and May Prescribe the Qualifications of Its Superintendent.

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

Section 1. Section Amended.

Section 64-8-6, Utah Code Annotated 1953, as amended by Chapter 144, Laws of Utah 1965, is amended to read as follows:

64-8-6. Powers and Duties of Commission.

The powers and duties of the commission shall be as follows:

(1) To make rules, not inconsistent with law, for the government of the school.

(2) To hold meetings at the training school at least once in each quarter year.

(3) To keep a record of its proceedings respecting the administration of the school open at all times during office hours to the inspection of any citizen.

(4) With the approval of the governor to appoint a superintendent, to hold his office during the pleasure of the commission.

(5) To receive, take and hold property, both real and personal, in trust for the state for the use and benefit of the school.

(6) To visit the school and keep constantly advised of all items of labor and expense, and of the condition of the school and its buildings and property, and to make such improvements as in its judgment are necessary for the care of the inmates, and, in case of absolute necessity, to remove them to the nearest possible safe and appropriate place.

(7) To cause the accounts of the school to be so kept and reported as to show the quality, quantity, cost and vendor of every article purchased.

(8) To examine and audit the accounts for all expenditures of the superintendent for salary of employees, and all other expenses incident to the conduct of the school, and the care and maintenance of the inmates, and, if approved by it, to certify the same to the state auditor.

(9) To make regulations and fix the terms for the admission of mentally retarded persons.

(10) To employ necessary medical and other professional personnel to assist the commission in the establishing of rules and regulations relating to the training school and the prescribing of treatment and training of mentally retarded persons.

(11) To order the transfer of any person who has been committed to the Utah State Training School to any other institution under the operation and control of the public welfare commission when a careful evaluation of the treatment needs of such person and the facilities of such other institutions available to meet such needs indicate such transfer would be in the interest of such person. Any person so transferred shall remain under the jurisdiction of the Utah State Training School, and other institutions shall act solely as the agent of the Utah State Training School.

(12) The Utah State Training School is authorized to receive from any other institution under the operation and control of the public welfare commission any person committed to such other institution when a careful evaluation of the treatment needs of such person and the facilities of the Utah State Training School available to meet such needs indicate such transfer would be in the interest of such person. Any person so received by the Utah State Training School shall remain under the jurisdiction of such other institution, and the Utah State Training School shall act solely as the agent of such other institution.

Section 2. Section Amended.

Section 64-8-7, Utah Code Annotated 1953, is amended to read as follows:

64-8-7. Superintendent—Qualifications—Residence—Salary.

The superintendent may be, but not limited to, a graduate in medicine, a psychologist with a masters degree or a social worker with a masters degree, with special training or five years of experience in dealing with problems of the mentally retarded and with not fewer than three years experience in supervisory or managerial positions in the care of handicapped and mentally retarded persons.

He must reside at or near the school and give his entire time and attention to promoting the best interests of the institution. His duties not specified in this chapter shall be prescribed by the commission. The

salary of the superintendent shall be fixed according to standards established by the department of finance.

Section 3. Section Amended.

Section 64-8-8, Utah Code Annotated 1953, is amended to read as follows:

64-8-8. Powers and Duties of Superintendent.

The superintendent shall be the executive head of the school, with power and duties as follows:

(1) To manage the training school and enforce the regulations thereof.

(2) With the approval of the commission, to appoint, control and remove the attendants, assistants and teachers and all other employees and fix their compensation according to standards established by the department of finance.

(3) To prescribe, and enforce performance of the duties of the attendants, assistants, and teachers.

(4) To ascertain and timely report to the commission the amount, character and quality of provisions, fuel and clothing required for each six months ending on the 1st day of June and December.

(5) With the approval of the commission to make any expenditures necessary in the performance of his duties, except for provisions, fuel and clothing.

(6) To take charge of all moneys found upon any mentally retarded persons admitted to the school and, with the approval of the commission, to make fair and equitable charges and collect them from all patients, parents who are able to pay or guardians where funds for such purposes are available, and account for all money so received to the commission.

(7) To keep a daily record of his official acts in the manner prescribed by the rules.

(8) To make up his annual accounts to the 1st day of July in each year and, as soon thereafter as possible, to report a statement thereof and of the general condition of the school to the commission.

(9) He must estimate quarterly in advance the probable expenses of the school and submit such estimate to the commission for consideration and approval.

(10) The superintendent, with the approval of the public welfare commission, may discharge any inmate of the Utah State Training School whenever the superintendent deems it to the best interest of such inmate that he be discharged.

Section 4. Section Amended.

Section 64-8-11, Utah Code Annotated 1953, is amended to read as follows:

64-8-11. Official Bond of Superintendent.

The superintendent shall execute an official bond for the faithful performance of his duties in such form and in such amount as may be determined by the department of finance.

Section 5. Section Amended.

Section 64-8-14, Utah Code Annotated 1953, is amended to read as follows:

64-8-14. Admission to School—Application For.

An application in behalf of any person for whom admission is requested may be made in substantially the following form:

STATE OF UTAH

To the trustees of the Utah State Training School:

The subscriber of in the county of respectfully represents that residing in in the county of is mentally retarded and a proper subject for a school for the mentally retarded; and therefore requests that said be admitted as a pupil to the school department of said school, and makes the following statement relative to the patient:

1. Sex; age years; birthplace of patient of mother, of father; maiden name of mother; name of father

If patient is foreign born, how long a resident in United States How long a resident of Utah Color

2. Has the patient ever been an inmate of a school for the mentally retarded or other institution? If so, state when, where and for what length of time

3. What is the physical condition of the patient?

4. Has the patient been physically injured? If so, when and to what extent

5. Is the patient subject to epilepsy?

6. Is the patient cleanly in dress and personal habits?

7. Is the patient paralytic, violent, dangerous or destructive?

8. Has or had the patient insane or mentally retarded relatives? If so, state the degree of consanguinity, and whether paternal or maternal

9. Last known address of patient

10. Names and post-office addresses of guardian and nearest relatives or friends

11. Does the patient or either parent own real estate or other property in Utah? If so, where

12. Has the patient or either parent resided in any place in this state five years continuously prior to this application? If so, who, when and in what city or town

If less than five years in Utah, where patient formerly resided, and for how long

13. Does the patient's husband or either parent receive a pension from the United States government?

The applicant is unable to answer the above questions more fully.

.....
Applicant

.....
(State relationship to patient)

Said application must be accompanied by an affidavit in substantially the following form:

State of Utah, County of

I, the undersigned, a permanent resident of,
County of, State of Utah being duly sworn depose and say: that I am a graduate of a legally chartered medical school or college; that I have been in the actual practice of medicine for three years since said graduation and next preceding the making of this affidavit; that I am duly registered in accordance with the provisions of the laws of Utah; and that within the last five days, namely, on the day of, 19.....,

I personally examined with care and diligence

....., a resident of

County of, State of Utah, and as a result of such examination find that said is mentally deficient and in my opinion is a proper subject for the Utah State Training School.

.....M.D.

Subscribed and sworn to before me this day of, 19.....

.....
Notary Public

Upon receipt of such application and affidavit the superintendent upon being satisfied that the person is a proper applicant shall receive such person into the school.

Approved March 21, 1967.

CHAPTER 182

S. B. No. 118

(Passed March 9, 1967. In effect May 9, 1967)

TRANSPORTING DRUGS INTO UTAH STATE PRISON**An Act Precluding Transporting of Drugs into Utah State Prison Which Could Get into Possession of Inmates and Prescribing the Penalty.***Be it enacted by the Legislature of the State of Utah:***Section 1. Definition of Drug.**

For the purposes of this act, the term "drug" shall mean any chemical or physical substance in any of its physical or chemical state, as defined under Harrison Narcotic Act and Federal Drug Abuse Act, when solid, liquid or gas, which significantly affects or alters consciousness, the ability to think, critical judgment, motivation, mood, psychomotor coordination or sensory perception and is substantially capable of producing psychotoxic effects.

Section 2. Transporting Drug—Felony—Definition of Drugs.

Any person who without knowledge and authority of the Utah state prison physician who transports to or upon Utah state prison premises any drug with the intent that the same shall be transferred or conveyed to any inmate in the Utah state prison shall be guilty of a felony punishable of not more than 10 years in the Utah state prison. The term drug shall mean those designated in Harrison Narcotic Act and Federal Drug Abuse Act also, such as, but not limited to those designated below:

"Coca leaves" including cocaine and any compound, manufacture, salt derivative, mixture, or preparation of coca leaves, or any substance containing ecgonine; or opium, morphine, codeine, or heroin or any compound, manufacture, sale derivative mixture, or preparation of opium, morphine, codeine, demerol, heroin; "Isonipecaine" also identified chemically as 1-methyl-4-phenyl-piperidine-4-carboxylic acid ethyl ester, or any salt thereof, or by whatever trade name designated; "Amidone" also identified chemically as 4-4-diphenyl-4-dimethylamine-heptanone-3, or any salt thereof or by whatever trade name designated; "Keto-Bemidone" also identified chemically as 4-3-hydroxyphenyl-1-methyl-4 piperidyl ethyl ketone hydrochloride or any salt thereof, or by whatever trade name designated; "Cannabis" and all parts of the plant "Cannabis Sativa L.," whether growing or not, the seeds thereof, the resin and every compound, manufacture, salt, derivative, mixture, or preparation of such plant, its seeds, or resin; "Amphetamine" also identified chemically as racemic 1-phenyl-2-aminopropane or its phosphate, sulphate, the destrorotatory form of the phosphate, sulphate, or any salts thereof, or also the levo form thereof, and the dibasic form of the amphetamine of the phosphate also known as racemic dibasic amphetamine phosphate, d 1-dibasic amphetamine phosphate; as also the dextrorotatory isomer of amphetamine or its sulphate or any of its other derivatives or salts thereof, or by whatever trade name designated; any "Barbiturate" or any derivative of "Barbituric Acid" or any other hypnotic or sedative substance or any and all analgesics or any of the derivatives of any barbiturate or the parent compound "Malonylurea" or by whatever trade name designated; "Mescaline" or

any derivative thereof or its associated parent plants including peyote or any other form of 3, 4, 5-trimethoxyphenethylamine or by whatever trade name designated; L.S.D. also known as "Lysergic Acid" or any other component of ergot alkaloids by whatever trade name designated; such as "chlorpromazine hydrochloride," and any and all hypertensive and sedative alkaloids, including reserpine, rescinnamine or any derivatives thereof or by whatever trade name designated; "thioridazine" also identified as 2-methyl-mercapto-10-2-(N-Methyl-2-piperidyl) ethyl phenothiazine, its derivatives or any other form of phenothiazines or by whatever trade name designated; "meprobamate" or any derivative thereof, also identified as 2-methyl-2-n-propyl-1, 3-propanedial discarbamate or any derivative of meprobamate or by whatever trade name designated, or any other chemical or physical substance producing a medical or clinical tranquilizing effect; any and all antihistamines, any form thereof, or any derivative thereof, or by whatever trade name designated.

Approved March 21, 1967.

STATE LANDS

CHAPTER 183

S. B. No. 77

(Passed March 6, 1967. In effect May 9, 1967)

BOARD TO REPRESENT STATE IN ACTIONS

An Act Amending Sections 65-1-7, 65-1-63 and 65-1-75, Utah Code Annotated 1953, Section 65-1-18, Utah Code Annotated 1953, as Amended by Chapter 132, Laws of Utah 1959, Section 65-1-44, Utah Code Annotated 1953, as Amended by Chapters 131 and 132, Laws of Utah 1959, as Amended by Chapter 166, Laws of Utah 1963, Section 65-1-45, Utah Code Annotated 1953, as Amended by Chapter 132, Laws of Utah 1959, as Amended by Chapter 167, Law of Utah 1963, and Section 65-1-87, 65-1-90, 65-1-93 and 65-1-96, Utah Code Annotated 1953, as Enacted by Chapter 132, Laws of Utah 1959; Relating to Mineral and Grazing Leases, Terms, Royalties, Range Improvement, Conversion of Existing Mineral Leases, and Powers of the State Land Board; and Repealing Sections 65-1-6 and 65-1-19, Utah Code Annotated 1953, Sections 65-1-5, 65-1-20 and 65-1-21, Utah Code Annotated 1953, as Amended by Chapter 132, Laws of Utah 1959, and Sections 65-1-86, 65-1-88, 65-1-89, 65-1-91, 65-1-94 and 65-1-95, Utah Code Annotated 1953, as Enacted by Chapter 132, Laws of Utah 1959.

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

Section 1. Section Amended.

Section 65-1-7, Utah Code Annotated 1953, is amended to read:

65-1-7. Board to Represent State in Action—Counsel.

The board shall cause the state to be properly represented in all suits, actions, controversies or claims relating to state lands provided that upon the request of the board the attorney general or under his direction any district attorney, county attorney, shall institute and prosecute

the necessary action or proceedings for the enforcement of any of the provisions of this title. No counsel shall be employed therefor except with the approval of the governor and the attorney general.

Section 2. Section Amended.

Section 65-1-18, Utah Code Annotated 1953, as amended by Chapter 132, Laws of Utah 1959, is amended to read:

65-1-18. Leases for Exploring, Developing and Producing Oil and Gas, or for Prospecting and Mining—Rentals and Royalties—Duration of Lease—Application for Lease.

The state land board may issue mineral leases including without limitation oil, gas and hydrocarbon leases for prospecting, exploring, developing, and producing minerals covering any portions of the state lands or the reserved mineral interests in state lands. In furtherance of the principle of multiple use of state lands, the land board may grant a lease for the prospecting, exploration, development and production of any mineral notwithstanding the issuance of other lease or leases on the same land for other minerals, and shall include in such lease suitable stipulations for simultaneous operation. The board shall not issue more than one outstanding lease for the same purpose on the same land. All mineral leases issued by the board shall contain such terms and provisions as the board deems to be in the best interest of the state and shall provide for such annual rental and for such royalty as the land board shall deem fair and in the best interest of the state of Utah, but the annual rental shall not be less than fifty cents per acre per annum nor more than one dollar per acre per annum and the royalty shall not exceed 12½% of the gross value of the product at the point of shipment from the leased premises. The rental paid for any year shall be credited against the royalties as they accrue for the year. Mineral leases shall run for such term as the board shall provide but such leases shall in no event be for a term of less than ten years and so long thereafter as the mineral is produced in paying quantities or the lessee pays a minimum royalty as prescribed by the land board. Applications for mineral leases shall be on such forms as the land board shall prescribe.

Section 3. Section Amended.

Section 65-1-44, Utah Code Annotated 1953, as amended by Chapters 131 and 132, Laws of Utah 1959, as amended by Chapter 166, Laws of Utah 1963, is amended to read:

65-1-44. Leases of State Lands.

The land board shall have the power to issue surface grazing leases on state-owned lands; the leases to be on such terms and conditions as the board shall deem to be necessary in the best interests of the state of Utah provided, however, no such lease shall be for a term in excess of fifteen years nor in tracts exceeding 25,000 acres to any one person or corporation. The board shall promulgate rules and regulations pertaining to the leasing of state-owned lands for grazing purposes, such regulations to prescribe the form of application, the form of lease, and the basis for computation of annual rentals.

Section 4. Section Amended.

Section 65-1-45, Utah Code Annotated 1953, as amended by Chapter 132, Laws of Utah 1959, as amended by Chapter 167, Laws of Utah 1963, is amended to read:

65-1-45. Procedures—Several Applications Received—Newly Acquired Lands—Lease Terminated.

Except as otherwise provided herein applications to lease state lands for mineral purposes shall be considered in the order in which they are filed. The land board shall have the authority to withdraw state lands from leasing but unless state lands are withdrawn and except as otherwise provided herein, the land board shall lease the land to the first qualified applicant who has filed an application in accordance with rules and regulations promulgated by the land board.

In all cases where lands become available for leasing by the land board because they are newly acquired, or because an existing mineral lease is canceled, relinquished, surrendered, or for any reason terminates, except where the land board determines it is not in the best interest of the state to offer the land for lease, the land board shall offer the land for subsequent mineral leasing by the following procedure only:

(a) A notice of the lands having so become available for leasing shall be posted in the state land office. The notice shall describe the land, indicate what mineral interest in each tract is available for leasing and state the last date, which shall be fifteen days after the notice is posted, on which bids will be received.

(b) Except as provided in subsection (c), all applications for the lease of such lands filed before the closing date stated in the notice shall be considered to have been filed simultaneously. Such applications shall be submitted in sealed envelopes and shall be opened in the land office at ten o'clock on the morning of the first business day following the last day on which bids are receivable. The land board shall award leases to the highest responsible, qualified bidder in terms of the bonus paid in addition to the first year's rental who regularly submitted a bid in the manner required by this act. In all cases of identical bids of successful bidders, right to lease shall be determined by drawing. Drawings shall be participated in only by those among whom the right to lease is equal, but shall be accomplished publicly at the state land board office.

(c) At the discretion of the land board, mineral leases may be offered at public auction upon such terms, conditions, and minimum bid as may be prescribed by the board.

(d) Following the awarding of leases to successful bidders, all deposits except filing fees made by unsuccessful bidders shall be returned.

The foregoing simultaneous filing provisions of this section shall not apply to lands administered by the state land board in the beds of navigable lakes and streams, it being the intention that these lands may be leased by the board pursuant to the provisions of sections 65-1-14 and 65-1-18, as amended.

Section 5. Sections Amended.

Sections 65-1-63 and 65-1-75, Utah Code Annotated 1953, are amended to read:

65-1-63. Power of Board — Cooperation with Federal Government — Operation Oil and Gas Pools.

Lessees under mineral leases issued by the state land board are authorized, with the consent of the land board, to commit the state lands to unit, co-operative or other plans of development with other state lands, federal lands, privately owned lands, or Indian lands; and to implement such unitization, the land board is authorized with the consent of its mineral lessees or permittees to modify and change any and all terms of leases issued by it which are committed to such unit, co-operative or other plans of development.

65-1-75. Flood Control.

The state land board may make surveys of any lands of the state which it may deem necessary to prevent and/or control floods and to conserve the natural resources of the state and to carry out properly the intent and purposes of this section; and surveys of all areas of the state where there have been damaging floods resulting in the loss of life or property and surveys of all areas where such damaging floods are likely to occur, and if after such surveys it appears to the satisfaction of the state land board that such floods are likely to occur in any locality, which will endanger life, health and/or property, then the state land board shall take such action as it may deem necessary to control and/or to prevent the occurrence of such floods. And for the purpose of controlling and preventing such floods it may co-operate with the people of the community affected thereby, the counties, cities or towns in which such floods are likely to occur, the state road commission, the federal government, railroads and any other persons, associations and corporations interested in the control and/or the prevention of such floods; and may construct or cause to be constructed such control works as it deems necessary, on such basis of participation as may be deemed equitable; and for these purposes may acquire any additional lands either by purchase, exchange, lease, condemnation, or gift necessary for the control and/or the prevention of such floods; and may transfer such lands to such agencies as may exist or hereafter be created to maintain such prevention and/or control works; and may employ or otherwise obtain the services of qualified engineers, foresters and rangers; and may study flood-control problems and make recommendations to the governor and/or the legislature relative to their solution. Whenever it appears to the satisfaction of the state land board that any watershed lands under either private, state or federal ownership are being made barren by overgrazing or any other cause, thereby creating a condition likely to cause floods, the state land board may co-operate with the federal government in acquiring the lands within the watershed thus affected, and may take such steps and action as it deems necessary and sufficient to prevent such lands from becoming barren so as to be the cause of floods. The state land board may promote re-vegetation and range improvement of any of the state lands. The board may in its discretion limit the number and kind of stock that may be

grazed each year on any state land leased for grazing purposes, and may regulate the number of days that such land may be grazed. The state land board may with the approval of the board of examiners expend funds from the state land board maintenance account to pay the costs of any of the activities contemplated by this section.

Section 6. Sections Amended.

Sections 65-1-87, 65-1-90, 65-1-93, and 65-1-96, Utah Code Annotated 1953, as enacted by Chapter 132, Laws of Utah 1959, are amended to read:

65-1-87. Qualifications for Oil and Gas Leases.

Mineral leases shall be issued only to applicants therefor who at the time of filing application and at the time of acceptance of application for lease by the state are either citizens of the United States, or associations of such citizens, or corporations organized under the laws of the United States or any state or territory thereof; provided, such association or corporation has fully complied with all the laws of the state of Utah relative to qualification to do business within this state and is not in default under any such laws.

65-1-90. Violations—Penalty—Lessee's Rights—Duty to Identify Surface Owner.

Upon violation by lessee of any lawful provision in a mineral lease, the state land board may, at its option, cancel the lease after thirty days' notice by registered or certified return receipt mail, unless the lessee remedies the violation or rectifies the condition within said thirty days or within such extension of time as the board may grant. A mineral lessee shall have the right at all times to enter upon the leasehold for prospecting, exploring, developing, and producing minerals, and shall have reasonable use of the surface therefor; provided, such lessee shall not injure, damage or destroy the improvements of the surface owner or lessee, and he shall be liable to and shall compensate such surface owner or lessee for all damage to the surface of said land and improvements, reasonable use excepted. Any such mineral lessee may occupy so much of the surface of the leased land as may be required for all purposes reasonably incident to the exercise of lessee's rights under the lease, first, upon securing the written consent or waiver of the surface owner or lessee; or, second, upon payment for the damage to the surface of said land and improvements thereon to the surface owner or lessee thereof where agreement may be had as to the amount thereof; or, third, upon the execution of a good and sufficient bond to the state of Utah for the use and benefit of the surface owner or lessee of the land to secure the payment of such damages as may be determined and fixed by agreement or in action brought upon the bond or undertaking in a court of competent jurisdiction against the principal and sureties thereon, the bond to be in such form and amount as shall be prescribed by the state land board, and shall be filed with the board.

65-1-93. Shut In Gas Well—Additional Rental.

In respect to any lease issued by the state of Utah, which shall give the lessee the right to produce gas, gas shall be deemed to be produced in paying quantities from any shut in gas well on the leased lands

which is capable of producing gas in paying quantities whenever and at such times as such gas cannot be reasonably marketed at a reasonable price by reason of existing marketing or transportation conditions; provided, however, that lessee shall pay to the state an additional rental equal to the annual rental payable by such lessee under the terms of the lease, said rental to be paid on or before the annual rental paying date next ensuing after the date said well was shut in, and on or before said rental date thereafter. Upon the commencement or marketing of gas from said well or wells, the royalty paid for the lease year in which the gas is first marketed shall be credited upon the rental payable as provided hereunder to the state for such year.

65-1-96. Consent or Nonconsent of State Agency to Oil or Gas Lease—Records of Consent—Status of Lands.

All mineral leases issued by the land board prior to the effective date of this act and in good standing on such date shall continue for the term specified therein and shall be subject to the conditions and provisions contained therein; provided, however, the land board may permit such lessees to convert such existing leases to the form of lease which shall be adopted by the land board pursuant to authority contained in this act, such conversion to be in accordance with rules and regulations promulgated by the land board.

Section 7. Sections Repealed.

Sections 65-1-6 and 65-1-19, Utah Code Annotated 1953, Sections 65-1-5, 65-1-20 and 65-1-21, Utah Code Annotated 1953, as amended by Chapter 132, Laws of Utah 1959 and Sections 65-1-86, 65-1-88, 65-1-89, 65-1-91, 65-1-94 and 65-1-95, Utah Code Annotated 1953, as enacted by Chapter 132, Laws of Utah 1959, are hereby repealed.

Approved March 21, 1967.

CHAPTER 184

S. B. No. 141

(Passed February 17, 1967. In effect July 1, 1967)

BOARD TO SELL OR LEASE LANDS—DEPOSIT OF PROCEEDS
An Act Amending Section 65-1-24, Utah Code Annotated 1953; Providing for the Deposit of State Land Selection Fees in the General Fund of the State and Providing an Effective Date.

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

Section 1. Section Amended.

Section 65-1-24, Utah Code Annotated 1953, is amended to read as follows:

65-1-24. Board to Sell or Lease State Lands—Transfer to General Fund.

The board shall cause all public lands now owned by the state, or lands the title to which may hereafter be vested in the state, to be classified and registered and thereafter sold or leased. The funds arising from the sale or leasing thereof shall be invested in the manner provided in this chapter. Any person making application to the land board for the selection of land shall in addition to the purchase price

to be paid therefor pay a fee of fifteen cents per acre to cover costs incurred in the selection of such land. All such fees shall be deposited with the state treasurer at the end of each month in the general fund of the state.

Section 2. Transfer to General Fund.

The unexpended balance in said State Land Selection fund as of July 1, 1967 shall be transferred to the unappropriated surplus account of the general fund.

Section 3. Effective Date.

This act shall take effect on July 1, 1967.

Approved March 3, 1967.

CHAPTER 185

S. B. No. 98

(Passed March 4, 1967. In effect May 9, 1967)

WITHDRAWAL OF LANDS FROM OIL AND GAS LEASE

An Act Amending Section 65-1-101, Utah Code Annotated 1953, as Enacted by Chapter 155, Laws of Utah 1961; Providing for Extension of Time for Revocation of Withdrawal as to Certain Lands Withdrawn From Oil and Gas Leasing in Cane Creek Area.

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

Section 1. Section Amended.

Section 65-1-101, Utah Code Annotated 1953, as enacted by Chapter 155, Laws of Utah 1961, is amended to read as follows:

65-1-101. Certain Lands Withdrawn From Oil and Gas Leasing—Revocations of Withdrawal.

The state land board is hereby authorized and empowered to revoke this withdrawal at any time after September 2, 1980.

Approved March 7, 1967.

CHAPTER 186

S. B. No. 99

(Passed March 4, 1967. In effect May 9, 1967)

WITHDRAWAL OF LANDS FROM OIL AND GAS LEASE

An Act Amending Section 65-1-106, Utah Code Annotated 1953, as Enacted by Chapter 165, Laws of Utah 1953; Providing for Extension of Time for Revocation of Withdrawal as to Certain Lands Withdrawn From Oil and Gas Leasing in Seven Mile Area.

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

Section 1. Section Amended.

Section 65-1-106, Utah Code Annotated 1953, as enacted by Chapter 165, Laws of Utah 1963, is amended to read as follows:

65-1-106. Certain Lands Withdrawn From Oil and Gas Leasing—Revocation of Withdrawal.

The state land board is hereby authorized and empowered to revoke this withdrawal at any time after September 2, 1980.

Approved March 7, 1967.

CHAPTER 187

S. B. No. 60

(Passed March 1, 1967. In effect March 8, 1967)

GREAT SALT LAKE AUTHORITY

An Act Repealing and Reenacting Sections 65-8-1, 65-8-2, 65-8-3, 65-8-4, 65-8-5, 65-8-6, and 65-8-7, Utah Code Annotated 1953, as Enacted by Chapter 161, Laws of Utah 1963, and Enacting New Sections 65-8-9 and 65-8-10, Utah Code Annotated 1953; Providing for the Development of the Mainland Islands, and Water Within the Great Salt Lake Meander Line Established by the United States Surveyor General; Providing for the Creation of the Great Salt Lake Authority to Execute a Program for Such Development; Appropriating \$400,000 From the General Fund Plus the Unexpended Balance of Appropriation Made by Chapter 175, Section 13, Item 129, Laws of Utah 1965, to the Great Salt Lake Authority, and Providing an Emergency Clause.

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

Section 1. Sections Amended.

Sections 65-8-1, 65-8-2, 65-8-3, 65-8-4, 65-8-5, 65-8-6, and 65-8-7, Utah Code Annotated 1953, as enacted by Chapter 161, Laws of Utah 1963, are hereby repealed and reenacted to read:

65-8-1. Great Salt Lake Authority—Powers—Duties.

There is established a great salt lake authority (hereinafter to be known as the authority) for the purpose of establishing and coordinating programs for the development of recreational areas and water conservation within the great salt lake and its environs, and in conjunction therewith to provide for:

- (1) The development of such area of antelope island as the authority may determine to be suitable and desirable for recreational usage.
- (2) Testing the feasibility of the use of tailings in the development of great salt lake and its environs.
- (3) The use of tailings in the development of the great salt lake and its environs.
- (4) The restoration and preservation of points of historical interest on antelope island.

65-8-2. Authority—Area Defined.

“Great salt lake and its environs” shall mean and include the mainland, peninsulas, islands, and water within the great salt lake meander line established by the United States surveyor general.

65-8-3. Authority—Membership—Terms—Vacancies—Expenses.

The authority is to be comprised of five persons, no more than three of whom shall be of the same political party, appointed by the governor, by and with the consent of the senate, who shall be selected because of their understanding of and demonstrated interest in the development of the great salt lake and its environs. One member shall be selected

from each of the counties bordering on the great salt lake. Three of the five members shall be appointed for terms beginning on the effective date of this act and ending March 1, 1969, the remaining two members shall be appointed for terms beginning on the effective date of this act and ending March 1, 1971. All subsequent appointments shall be for terms of four years. Vacancies occurring shall be filled by the governor for the unexpired term.

Members are not entitled to compensation, but they may be paid a per diem allowance for expenses as may be fixed by the board of examiners.

At the first meeting of the authority and annually thereafter the authority shall elect one of its members as chairman, who shall hold office for a term of one year and until his successor is elected. If a vacancy occurs in the office of chairman, the authority shall appoint another of its members to fill such vacancy for the remainder of the term. Three members of the authority shall constitute a quorum.

65-8-4. General Powers and Duties.

The authority shall have the following powers and duties to implement the provisions of section 65-8-1.

(1) To acquire real and personal property in the name of the authority by all legal and proper means, including purchase, gift, devise, lease, exchange or eminent domain. In acquiring any real or personal property the credit of the state shall not be pledged without the consent of the legislature. Gifts and devises of land or other property may be accepted at the discretion of the authority.

(2) To construct and maintain those facilities consistent with the purposes of this act; except that in regard to facilities constructed, operated, or leased as concessions on antelope island, the authority shall adopt guidelines similar to the standards used in our national park system and approved by the state park and recreation commission as to type, number, and quality of such facilities, in order to preserve the beauty and natural features of the island and to safeguard it against excess exploitation; and to construct and maintain such access roads as are not otherwise provided for in this act.

(3) To operate under its own administration or to lease or rent concessions of all lawful and appropriate types on properties owned or administered by it to persons, partnerships and corporations for a valuable consideration and upon such terms and conditions as the authority deems fit and proper.

(4) To hire officers and employees as required at a rate of compensation to be determined by it. To adopt rules and regulations governing the hiring, conditions of employment, compensation, conduct, and termination of such officers and employees, consistent with state law.

(5) To deputize, or obtain from local authorities by contract, such peace officers as may be necessary to protect real and personal properties owned or administered by the authority and to enforce state laws within the area of its jurisdiction.

(6) To seek assistance from federal and local governments in planning and developing uses of the great salt lake. All departments, agencies, officers and employees of the state of Utah are authorized and directed to give to the authority such consultation and assistance as the authority may reasonably request.

(7) To proceed without delay to gather all studies, investigations and reports regarding the great salt lake and concerning the development of any part of antelope island for any of the purposes enumerated in section 65-8-1.

65-8-5. Power of Eminent Domain.

Acquisition of property by eminent domain shall be in the manner authorized by Chapter 34 of Title 78, Utah Code Annotated 1953.

65-8-6. Roads Connected with Antelope Island.

Within the limitations of available funds the state road commission is authorized to construct a road from the town of Syracuse to the north end of antelope island along with the necessary roads on the island to serve the recreational development. These roads are to be located by the state road commission with approval of the authority; and are to be programmed for design and construction upon the securing of antelope island property.

65-8-7. Legislature Ratifies Contracts—Agreements Made.

The legislature hereby ratifies all contracts, agreements and any and all other obligations incurred by the de facto great salt lake authority prior to the effective date of this act and hereby declares said obligations to be binding on the authority established herein.

Section 2. Section Enacted.

Sections 65-8-9 and 65-8-10, Utah Code Annotated 1953, are enacted to read:

65-8-9. Severability Clause.

If any provision of this act or the application of any provision to any person or circumstance is held invalid, the remainder of this act shall not be affected thereby.

65-8-10. Appropriation \$400,000—Plus Unexpended Balances.

There is appropriated from the general fund, from funds not otherwise appropriated, the sum of \$400,000 to the authority established in this act for the purposes described for the period beginning July 1, 1967 and ending June 30, 1969, plus the unexpected balance of appropriation made by Chapter 175, Section 13, Item 129, Laws of Utah 1965.

Section 3. Effective Date.

This act shall take effect upon approval.

Approved March 8, 1967.

CHAPTER 188

H. B. No. 19

(Passed February 14, 1967. In effect May 9, 1967)

ADOPTION OF SYSTEM OF PLANE

An Act Relating to the Definition and Official Adoption of a State-wide System of Plane Coordinates; Providing for Uniformity in the Orientation of Land Surveys and Maps Within the State of Utah, and Permitting, But Not Requiring, the Use Thereof in Surveying and Mapping Operations.*Be it enacted by the Legislature of the State of Utah:***Section 1. System of Plane Coordinates—Zones.**

The system of plane coordinates which has been established by the United States Coast and Geodetic Survey for defining and stating the positions or locations of points on the surface of the earth within the State of Utah is hereafter to be known and designated as the "Utah Coordinate System."

For the purpose of the use of this system, the State is divided into three zones: north, central and south zones.

The area now included in the following counties shall constitute the north zone: Box Elder, Cache, Rich, Davis, Morgan, Summit, Daggett and Weber.

The area now included in the following counties shall constitute the central zone: Tooele, Juab, Millard, Salt Lake, Utah, Sanpete, Sevier, Wasatch, Duchesne, Emery, Uintah and Grand.

The area now included in the following counties shall constitute the south zone: Beaver, Iron, Washington, Piute, Wayne, Garfield, Kane and San Juan.

Section 2. Zone Designation.

As established for use in the north zone, the Utah coordinate system shall be named, and on any map or document in which it is used shall be designated, the "Utah coordinate system, north zone."

As established in the central zone, the Utah coordinate system shall be named, and on any map or document in which it is used shall be designated, the "Utah coordinate system, central zone."

As established in the south zone, the Utah coordinate system shall be named, and on any map or document in which it is used shall be designated, the "Utah coordinate system, south zone."

Section 3. Plane Coordinates—Definitions.

The plane coordinates of a point on the earth's surface, to be used in expressing the position or location of such point in the appropriate zone of this system, shall consist of two distances, expressed in feet and decimals of a foot. One of these distances, to be known as the "x-coordinate," shall give the position in an east-and-west direction from the Y axis; the other, to be known as the "y-coordinate," shall give the position in a north-and-south direction from the X axis. The Y axis of any zone shall be parallel with the meridian passing through the point of control of that zone. The X axis of any zone shall be at right angles to the meridian which passes through the point of control of

that zone. The plane coordinates of a point in any zone shall be made to depend upon and conform with the plane coordinates of the triangulation and traverse stations of the United States Coast and Geodetic Survey within the State of Utah, as those coordinates shall be determined to conform with provisions contained in Section 5 of this act.

Section 4. Survey of Land—Coordinate Zones.

When the survey of any parcel of land extends from one into another of the above coordinate zones, the positions of all points delineated by said survey may be referred to either of these zones, the zone which is used being specifically named in descriptions or maps resulting from the survey.

Section 5. Definitions—Utah Coordinate System.

(a) For the purposes of more precisely defining the Utah coordinate system the following definition is adopted:

The Utah coordinate system, north zone, is a Lambert conformal projection of the Clarke spheroid of 1866, having standard parallels at north latitudes 41 degrees 47 minutes and 40 degrees 43 minutes, along which parallels the scale shall be exact. The point of control of coordinates is at the intersection of the meridian 111 degrees 30 minutes west longitude with the parallel 40 degrees 20 minutes north latitude, said point of control being given the coordinates: X (east) = 2,000,000 feet and Y (north) = 0 feet.

The Utah coordinate system, central zone, is a Lambert conformal projection of the Clarke spheroid of 1866, having standard parallels at north latitudes 40 degrees 39 minutes and 39 degrees 01 minutes, along which parallels the scale shall be exact. The point of control of coordinates is at the intersection of the meridian 111 degrees 30 minutes west longitude with the parallel 38 degrees 20 minutes north latitude, said point of control being given the coordinates: x (east) = 2,000,000 and Y (north) = 0 feet.

The Utah coordinate system, south zone, is a Lambert conformal projection of the Clarke spheroid of 1866, having standard parallels at north latitudes 38 degrees 21 minutes and 37 degrees 13 minutes, along which parallels the scale shall be exact. The point of control of coordinates is at the intersection of the meridian 111 degrees 30 minutes west longitude with the parallel 36 degrees 40 minutes north latitude, said point of control being given the coordinates: X (east) = 2,000,000 feet and Y (north) = 0 feet.

(b) The position of the Utah coordinate system shall be as marked on the ground by triangulation or traverse stations established in conformity with the standards adopted by the United States Coast and Geodetic Survey for first-order and second-order work, whose geodetic positions have been rigidly adjusted on the North American datum of 1927 and whose coordinates have been computed on the system herein defined. Any such station may be used for establishing a survey connection with the Utah coordinate system.

Section 6. Data—Coordinate Control Stations—Terms.

Any survey or map purported to be based on the Utah coordinate system shall show complete traverse data between a project control.

Such coordinate control stations shall be identified and shall be those points which have been or may yet be established as first or second-order work by agencies of the United States Government. Control stations which have been established by agencies of the State of Utah or its political subdivisions may also be used provided such points are established in conformity with the standards set forth in Section 5.

The appropriate "combined factor" derived from the applicable scale and elevation factor for the project shall also be shown. Where a "modified" elevation datum is used, the appropriate "combined adjustment factor" shall also be shown.

Section 7. Limitations of System.

The use of the term "Utah Coordinate System" on any map, report or survey or other document, shall be limited to coordinates based on the Utah coordinate system as defined in this act.

Section 8. Use of Coordinate System Optional.

The use of the Utah coordinate system by any person, corporation, or governmental agency engaged in land surveying or mapping shall be optional.

Section 9. Conflicts of Description—Which Prevails.

Wherever coordinates based on the Utah coordinate system are used to describe any tract of land which in the same document is also described by reference to any subdivision, line, or corner of the United States public land surveys, the description by coordinates shall be construed as being supplemental to the basic description of such subdivision, line or corner contained in the official plats and field notes field or record. In the event of any conflict, the description by reference to the subdivision, line or corner of the United States public land surveys shall prevail over the description by coordinates.

Section 10. Savings Clause.

If any provision of this act shall be declared invalid, such invalidity shall not affect the validity of any other portion of this act which can be given effect without such invalid provision.

Approved February 17, 1967.

CHAPTER 189

S. B. No. 211

(Passed March 9, 1967. In effect May 9, 1967)

UNIVERSITY OF UTAH—RESEARCH PARK

An Act Setting Aside to the University of Utah for a Research Park and Other Purposes Certain Lands of the Fort Douglas Military Reservation Acquired by the State of Utah From the United States Government.

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

Section 1. Undeveloped Lands—Research Park—Approval by Legislature.

It is hereby declared to be in the best interests of the state of Utah that any and all undeveloped lands lying west of the eastern boundary

of the proposed Bonneville Scenic Parkway acquired by the State from the United States Government comprising a part of the Fort Douglas Military Reservation be owned and held by the University of Utah and developed by it as a research park or for other educational or research purposes, except that up to 110 acres subject to the approval of the Legislature at the next regular session by plans developed by the State Park and Recreation Commission, in the southeast corner of such lands, may be owned and held by the Utah State Park and Recreation Commission as a contiguous and reasonably compact addition to the Pioneer Monument State Park.

Section 2. "Undeveloped Lands"—Defined Area.

"Undeveloped lands" as used in this act shall mean all lands in the area known in part as the rifle range, the pistol range and the tank range, bounded on the north by Red Butte Creek, on the west by Foothill Boulevard, on the south by Sunnyside Avenue and the north-west border of the Pioneer Monument State Park, and on the east by an approximately straight line extending northwesterly from the intersection of the original Fort Reservation eastern boundary with the Pioneer Monument State Park northwestern boundary line along the base of the mountains to Red Butte Creek at a point approximately 1300 feet northeasterly of the eastern side of the Fort Douglas outdoor swimming pool; and all lands in the tract bounded on the north by Pollock Road, on the east by Connor Road, on the south by Red Butte Creek, and on the west by the eastern boundary of the lands to be retained by the Department of Defense; and all lands in the tract bounded on the south by Red Butte Creek, on the west by the easternmost Fort Douglas family housing and by the east boundary of the University of Utah, and on the east and north by the east and north boundary of the proposed Bonneville Scenic Parkway.

Section 3. Use of Acquired Lands.

To carry out the foregoing declared purposes, all lands in the area described in Section 2, which may hereafter be acquired by the State of Utah from the United States Government of those properties comprising a part of the Fort Douglas Military Reservation are hereby set aside to the University of Utah, except as may be provided in Section 1, to be owned, occupied, and developed by it as shall be determined by its Board of Regents, provided that the University shall retain a right-of-way for the proposed Bonneville Scenic Parkway until such time as it may become apparent the Parkway will not be built.

Section 4. University Authorized to Apply for Lands Subject to Legislative Approval.

Upon the Federal Government advising the State of Utah of the determination to transfer any such undeveloped land to the State, or at such earlier time as may be possible under Federal law, the University of Utah is authorized and directed to apply for all such lands to appropriate Federal agencies using unused State school land grant entitlements or other available procedures under Federal law to acquire such lands, provided that said University, subject to approval by the Legislature at the next regular session, shall convey up to 110 acres to the State Park and Recreation Commission for a reasonably compact

and contiguous addition to the Pioneer Monument State Park; and the Governor shall inform all appropriate Federal departments and agencies of the policy contained in this Act and shall request the Federal Government to issue a deed of conveyance direct to the University of Utah; and upon failure of the Federal Government so to do and issue such deed to the State, said Governor or other state agency shall thereupon execute and deliver to the University of Utah an appropriate instrument of conveyance of such lands.

Section 5. University May Apply for Buildings and Lands.

This act shall not bar the University of Utah from applying for buildings and lands not herein described, which comprise part of the Fort Douglas Military Reservation, to meet the needs of the University.

Approved March 21, 1967.

STATE OFFICERS AND EMPLOYEES

CHAPTER 190

S. B. No. 105

(Passed March 9, 1967. In effect May 9, 1967)

SECRETARY OF STATE—DUTIES

An Act Amending Section 67-2-2, Utah Code Annotated 1953, Relating to the Publication and Distribution of the Official State Documents and Repealing Sections 67-2-3 and 67-2-4, Utah Code Annotated 1953, and Sections 67-10-3 and 67-10-4, Utah Code Annotated 1953, as Amended by Chapter 153, Laws of Utah 1957.

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

Section 1. Section Amended.

Section 67-2-2, Utah Code Annotated 1953, is amended to read as follows:

67-2-2. General Duties—Secretary of State.

In addition to the duties prescribed by the Constitution, it is the duty of the secretary of state:

(1) To attend every session of the legislature for the purpose of receiving bills and resolutions thereof, and of performing such other duties as may be devolved upon him by resolution of the two houses, or either of them.

(2) To keep a register of, and attest, the official acts of the governor.

(3) To affix the great seal, with his attestation, to all public instruments to which the official signature of the governor is required.

(4) To record in proper books all conveyances made to the state, and to file all articles of incorporation entitled to be filed in his office.

(5) To receive and record in proper books the official bonds of all state officers required to give bond.

(6) To take and file in his office receipts for all books distributed by him.

(7) To certify to the governor the names of those persons who have received at any election the highest number of votes for any office, the incumbent of which is commissioned by the governor.

(8) To furnish on demand, to any person paying the fees therefor, a certified copy of all or any part of any law, record or other instrument filed or deposited or recorded in his office.

(9) To keep a fee book as provided by law, which book must be verified annually by his affidavit entered therein.

(10) To file in his office descriptions of seals in use by the different state officers, and to furnish such officers with new seals whenever required.

(11) To discharge the duties of a member of all official boards of which he is or may be made a member by the Constitution or the laws, and all other duties required of him by law.

(12) To report to the governor, on or before the 1st day of October preceding the biennial session of the legislature, a detailed statement under oath of the manner in which all appropriations for his office have expended.

(13) To receive, designate and record all trade-marks.

Section 2. Sections Repealed.

Sections 67-2-3 and 67-2-4, Utah Code Annotated 1953, and sections 67-10-3 and 67-10-4, Utah Code Annotated 1953, as amended by Chapter 153, Laws of Utah 1957, are hereby repealed.

Approved March 21, 1967.

UNIFORM COMMERCIAL CODE

CHAPTER 191

H. B. No. 308

(Passed March 2, 1967. In effect May 9, 1967)

DISPOSITION OF PLEDGED PROPERTY

An Act Amending Section 70A-9-505 Utah Code Annotated 1953, as Enacted by Chapter 154, Laws of Utah 1965, Limiting the Application of the Compulsory Disposition and Notice Provisions of Such Section as Respects Pledged Property of a Value of Less Than \$100.00.

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

Section 1. Section Amended.

Section 70A-9-505, Utah Code Annotated 1953, as enacted by Chapter 154, Laws of Utah 1965, is amended to read:

70A-9-505. Compulsory Disposition of Collateral — Acceptance of the Collateral As Discharge of Obligation.

(1) If the debtor has paid sixty per cent of the cash price in the case of a purchase money security interest in consumer goods or sixty per cent of the loan in the case of another security interest in consumer goods, and has not signed after default a statement renouncing or modifying his rights under this part of a secured party

who has taken possession of collateral must dispose of it under section 70A-9-504 and if he fails to do so within ninety days after he takes possession the debtor at his option may recover in conversion or under section 70A-9-507 (1) on secured party's liability.

(2) In any other case involving consumer goods or any other collateral a secured party in possession may, after default, propose to retain the collateral in satisfaction of the obligation. Written notice of such proposal shall be sent to the debtor and except in the case of consumer goods to any other secured party who has a security interest in the collateral and who has duly filed a financing statement indexed in the name of the debtor in this state or is known by the secured party in possession to have a security interest in it. If the debtor or other person entitled to receive notification objects in writing within thirty days from the receipt of the notification or if any other secured party objects in writing within thirty days after the secured party obtains possession the secured party must dispose of the collateral under section 70A-9-504. In the absence of such written objection the secured party may retain the collateral in satisfaction of the debtor's obligation.

(3) The above subsections shall not apply to pledgees receiving pledged property in the regular course of business where the consideration received by the pledgor for the property pledged is less than \$100.00.

Approved March 7, 1967.

WATER AND IRRIGATION

CHAPTER 192

S. B. No. 153

(Passed February 17, 1967. In effect July 1, 1967)

FEES OF STATE ENGINEER

An Act Amending Section 73-2-14, Utah Code Annotated 1953, as Amended by Chapter 160, Laws of Utah 1955, as Amended by Chapter 137, Laws of Utah 1959, Relating to Fees Collected by the State Engineer; Providing an Effective Date.

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

Section 1. Section Amended.

Section 73-2-14, Utah Code Annotated 1953, as amended by Chapter 160, Laws of Utah 1955, as amended by Chapter 137, Laws of Utah 1959, is amended to read as follows:

73-2-14. Fees of State Engineer—To General Fund.

The state engineer shall collect the following filing fees which shall be paid into the general fund of the state as restricted revenue of the state engineer.

(1) For examining and filing application to appropriate water and for all services to and including the issuance of a certificate of appropri-

ation, the state engineer shall collect fees based upon the following schedule:

- | | | |
|----|--|----------|
| a. | For a quantity of water of 0.1 second-foot or less | \$ 10.00 |
| b. | For a quantity of water more than 0.1 second-foot, but not exceeding 0.5 second-foot | 20.00 |
| c. | For a quantity of water more than 0.5 second-foot, but not exceeding 1.0 second-foot | 30.00 |
| d. | For each additional second-foot, or fraction thereof, up to but not exceeding 15.0 second-feet, \$5.00 for each second-foot or fraction thereof. | |
| e. | For all applications in excess of 15.0 second-feet | 100.00 |
| f. | For a volume of water of 20 acre-feet or less | 15.00 |
| g. | For a volume of water more than 20 acre-feet but less than 500 acre-feet | 30.00 |
| h. | For each additional 500 acre-feet, or part thereof, but not exceeding 7,500 acre-feet, \$5.00 for each 500 acre-feet, or part thereof. | |
| i. | For all applications in excess of 6,500 acre-feet | 100.00 |
| j. | For any application that proposes to appropriate by both direct flow and storage, there shall be charged the fee for quantity or volume, whichever is greater, but not both. | |

(2) For examining and filing and for all services in connection with applications for permanent change, for exchange, and for an extension of time in which to resume the use of any quantity of water.

(3) For examining and filing and for all services in connection with applications for temporary change, \$5.00.

(4) For examining and filing and for all services in connection with applications for segregation, \$15.00.

(5) For a well driller's permit, annually, \$15.00.

(6) For all services in connection with filing each notice of claim to water based upon diligence, \$5.00.

(7) For filing a request for an extension of time in which to submit proof of appropriation fourteen years or more after the date of approval of said application, \$25.00.

(8) For republication of notice to water users after amendment of application where required by this title, \$15.00.

(9) For each certification, \$1.00.

(10) A reasonable charge for preparing copies of any and all documents.

Section 2. Effective Date.

This act shall take effect on July 1, 1967.

Approved March 3, 1967.

CHAPTER 193

H. B. No. 281

(Passed March 9, 1967. In effect May 9, 1967)

WATER CONSERVANCY ACT—SUBDISTRICTS

An Act Amending the Water Conservancy Act by Amending Section 73-9-14, Utah Code Annotated 1953, as Amended by Chapter 160, Laws of Utah 1957, Relating to Water Conservancy Subdistricts; Providing for Water Conservancy Districts to Issue Bonds Under the Water Conservancy Act, for the Application of This Act to Water Conservancy Subdistricts Heretofore Created, for the Finding of Benefits From Acquisition of Improvements by Water Conservancy Subdistricts, for the Validation of the Organization of Existing Water Conservancy Subdistricts and for a Severability Clause.

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

Section 1. Section Amended.

Section 73-9-14, Utah Code Annotated 1953, as amended by Chapter 160, Laws of Utah 1957, is amended to read as follows:

73-9-14. Subdistricts—Organization—Petition—Contents — Consent of Board—Filing—Bonds—Board of Directors—Taxing Power—Savings Clause.

(1) Subdistricts may be organized upon the petition of owners of real property, within or partly within and partly without the district, which petition shall be in substantially the same form and shall fulfill the same requirements concerning the subdistricts as the petition outlined in section 73-9-4 of this chapter as amended is required to fulfill, concerning the organization of the main district. Such petition shall also contain a statement of the quantity of water which the subdistrict proposes to acquire from the district for perpetual use and the court shall, prior to the entry of its decree organizing a subdistrict, require that the petitioners attach to the petition written evidence of the consent of the board of directors of the district to furnish to such subdistrict the perpetual use of water for the purpose therein specified. Petitions for the organization of subdistricts shall be filed with the clerk of the court and shall be accompanied by a bond as provided for in section 73-9-5 of this chapter. The procedure for the organization of subdistricts shall be the same as for the organization of districts, except that the provisions of section 73-9-4 of this chapter as amended respecting the minimum assessed value of land and improvements within districts shall not apply to subdistricts. A subdistrict shall be a separate entity within the district, shall have authority to contract with the district for the furnishing of water and for other purposes, and in addition to any other authority granted under this chapter, shall have authority to issue its bonds pursuant to and in conformity with the provisions of this chapter for the purpose of acquiring or constructing, or both, all or part of an irrigation water system to be operated by the subdistrict for the purpose of providing irrigation water for agricultural and

residential land within the boundaries of the subdistrict, including as a part thereof, the purchase or acquisition of stock in canal companies, water companies and water users' associations and the acquisition or purchase of water rights and sources of water supply. Within thirty days after entering the decree incorporating a subdistrict, the court shall appoint a board of directors of not exceeding seven persons who are owners of real property in the subdistrict, and who are not directors of the district. The provisions of section 73-9-9 of this chapter as amended, except as to the number of directors, shall be applicable to subdistricts. The board of directors of a subdistrict shall have all of the powers, rights and privileges granted to a district board under the provisions of this chapter, including specifically, but not limited to, the right of the subdistrict board to levy and collect taxes and assessments referred to in sections 73-9-16 to 73-9-23, both inclusive, to carry out its separate purposes, including the payment of principal of and interest on bonds issued by the subdistrict under the provisions of this chapter, such taxes and assessments may be levied and collected by a subdistrict notwithstanding the fact that taxes and assessments are being levied and collected by the district in which such subdistrict may lie, to carry out the district purposes; provided, however, that the only purpose for which a subdistrict may levy and collect taxes pursuant to section 73-9-16 shall be to pay the expense of its organization and administration, and such taxes shall not exceed one mill on the dollar of assessed valuation of the property within the district.

(2) Each subdistrict heretofore created pursuant to the provisions of section 73-9-14 may exercise all powers granted to subdistricts pursuant to the provisions of this act, it being expressly found and determined that all taxable property lying in each such subdistrict will be benefited by the acquisition of construction of the improvements to be acquired or constructed by such district to an amount not less than the aggregate of the taxes and assessments to be levied against such property to pay for the cost of such acquisition or construction. Wherever proceedings have been heretofore adopted under authority of the water conservancy act purporting to create any subdistrict thereunder, all proceedings had in connection with the creation of each such subdistrict are hereby validated, ratified and confirmed notwithstanding any failure to comply with any one or more pertinent statutory provisions and each such subdistrict is declared to be a validly created and existing subdistrict under authority of said law.

(3) If any one or more sentences, clauses, phrases, provisions or sections of this act or the application thereof to any set of circumstances shall be held by final judgment of any court of competent jurisdiction to be invalid, the remaining sentences, clauses, phrases, provisions and sections hereof and the application of this act to other sets of circumstances shall nevertheless continue to be valid and effective, the legislature hereby declaring that all provisions of this act are severable.

Approved March 16, 1967.

CHAPTER 194

S. B. No. 158

(Passed February 17, 1967. In effect July 1, 1967)

WATER AND POWER BOARD CONSTRUCTION FUND

An Act Amending Section 73-10-8, Utah Code Annotated 1953, as Amended by Chapter 133, Laws of Utah 1953; Providing for the Accounting of Investigation Expenses Within the Water and Power Board Construction Fund; and Providing an Effective Date.

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

Section 1. Section Amended.

Section 73-10-8, Utah Code Annotated 1953, as amended by Chapter 133, Laws of Utah 1953, is amended to read as follows:

73-10-8. Utah Water and Power Board Construction Fund—Nature of Fund—Investigating Fund—Contributions.

There is created a fund to be known as the Utah water and power board construction fund, which shall consist of all moneys which may be appropriated thereto by the state legislature, or which may be otherwise made available to it by the state legislature, and such charges as may become a part thereof under the terms of the preceding section. Such fund shall be a continuing fund and shall not revert to the general fund of the state at the end of any biennium. The board in addition to the amount allocated to a project to cover the actual cost of construction, may allocate to the project constructed by it, under contract or otherwise, such amounts as may be determined by it for investigating, engineering, inspection and other expenses, and may provide for the repayment of the same out of the first moneys repayable from the project under the contract for its construction, and such moneys so repaid shall be accounted for within the water and power board construction fund, to be used by the board for the purpose of making investigations for the development of the water resources of the state. Contributions of money, property, or equipment may be received from any county, municipality, federal agency, water conservation district, metropolitan water district, conservancy district, water users' association, person or corporation for use in making investigations, constructing projects, or otherwise carrying out the purposes of this act.

Section 2. Effective Date.

This act shall take effect on July 1, 1967.

Approved March 14, 1967.

CHAPTER 195

H. B. No. 47

(Passed March 9, 1967. In effect May 9, 1967)

**DISPOSAL OF HUMAN BODY WASTES IN
RECREATIONAL WATER**

An Act to Regulate the Disposal of Human Body Wastes From Watercraft and to Prohibit Littering of Recreational Water and Lands Adjacent Thereto, and Providing an Effective Date.

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

Section 1. Definitions.

For purposes of this act, unless the context clearly requires a different meaning:

(a) The term "watercraft" means any contrivance used or capable of being used as a means of transportation upon water whether or not capable of self-propulsion.

(b) The term "human body waste" means excrement, feces, or other waste material discharged from the human body.

(c) The term "litter" means any bottles, glass, crockery, cans, scrap metal, junk, paper, garbage, rubbish, or similar refuse discarded as no longer useful.

(d) The term "marine toilet" means any toilet or other receptacle on or within any watercraft for the purpose of receiving human body waste.

(e) The term "waters of this state" means all waters within the territorial limits of this state except those used exclusively for private purposes.

(f) The term "person" means an individual, partnership, firm, corporation, association, bodies politic or corporate, or other entity, public or private.

(g) The term "Commission" means the Utah State Park and Recreation Commission.

Section 2. Unlawful to Discharge Human Body Waste.

No person shall place, throw, deposit, or discharge, or the operator of a watercraft shall not permit to be placed, thrown, deposited, or discharged into or upon the waters of this State, or lands adjacent thereto, any litter, human body waste, or other liquid or solid materials which may render the water or lands unsightly, noxious or otherwise unwholesome or detrimental to the public health or welfare or the enjoyment of the water or lands for all legitimate uses, including recreational purposes.

Section 3. Marine Toilet—Containers—To Discharge Wastes Upon the Waters.

(a) No marine toilet on any watercraft used or operated upon the waters of this state shall be operated so as to discharge any inadequately treated human body waste into or upon said waters directly or indirectly.

(b) No person owning or operating a watercraft with a marine toilet shall use, or permit the use of, such toilet on the waters of this state, unless the toilet is equipped with facilities that will adequately treat, hold, incinerate or otherwise handle human body waste in a manner that is capable of preventing water pollution.

(c) No container of human body waste shall be placed, left, discharged or caused to be placed, left or discharged into or upon any waters of this state or lands adjacent thereto by any person at any time.

Section 4. Pollution Control Device—Rules—Regulations.

(a) After the effective date of this act every marine toilet on watercraft used or operated upon the waters of this state shall be equipped with an approved pollution control device in operative condition.

(b) The commission shall establish by rule or regulation or code, with approval by the state board of health, as hereinafter provided, criteria or standards for definition and approval of acceptable pollution control devices for watercraft.

Section 5. Rules—Regulations—Chemical Treatment Standards.

The commission shall establish by rule or regulation or code, with approval of the state board of health, as hereinafter provided, standards relating to chemical treatment of marine toilet contents.

Section 6. Pollution Control Devices—Certification—Approval.

Every manufacturer of a marine toilet pollution control device described in this act, before offering such device for sale in this state, shall certify to the commission and to the state department of health in writing that his product meets the standards set forth in this act or in any implementing regulations adopted by the commission and the state department of health. In addition, the commission and the state department of health may require drawings, specifications, test reports, or other relevant information before granting approval for the use of any marine toilet pollution control device.

It shall be unlawful to sell or to offer for sale in this state any marine toilet pollution control device that has not been so certified and approved by the commission and the state department of health.

Section 7. Certificate Required.

The commission may require persons making application for a certificate of number for a watercraft to disclose whether such watercraft has within or on it a marine toilet, and if so, to certify that such toilet is equipped with a suitable pollution control device as required by this act. The commission is further empowered to withhold the issuance of a certificate of number or a renewal thereof if such device has not been installed or the marine toilet has not been sealed in such a manner so as to prohibit its use.

Section 8. Public Marina—Toilet Facilities Required.

The owner or whoever is lawfully vested with the possession, management or control of a public marina or other public waterside facility used by watercraft for launching, docking, mooring and related purposes shall be required to have, and properly maintain, waste receptacles or similar devices of proper design for the depositing of waste, litter and/or human body waste, as required at locations where they can be conveniently used by watercraft occupants. Waterside toilet facilities may be required if their absence contributes to or creates unsightliness or a hazard to the public health and welfare.

Section 9. Commission Authorized to Solicit Cooperation.

The commission is hereby authorized to undertake and to enlist the support and cooperation of all agencies, political subdivisions, and organizations in the conduct of a public educational program designed to inform the public of the undesirability of depositing trash, litter, and other objectionable materials in the waters of this state and of the penalties provided by this act for such action, and use funds provided by the legislature for this purpose. The commission is further authorized to utilize all means of communication in the conduct of this program.

Section 10. Enforcement of Act.

Enforcement of the provisions of this act or regulations made pursuant thereto shall be by officers officially designated by the commission. Any watercraft in this state shall be subject to inspection by such officers for the purpose of determining whether such watercraft is equipped in compliance herewith. If such watercraft is not so equipped, the commission may suspend its certificate of number until the proper installation is completed or the marine toilet is sealed in a manner so as to prohibit its use. The commission is further authorized to inspect marinas or other waterside public facilities used by watercraft for launching, docking or mooring purposes to determine whether they are adequately equipped for proper handling, storing, or disposal of waste, litter or human body waste.

Section 11. Exclusive Right to Establish Regulations.

Through the passage of this act, the state fully reserves to itself the exclusive right to establish requirements with reference to the disposal of human body waste and litter from watercraft. In order to ensure state-wide uniformity, the regulation, other than the adoption for local enforcement of state regulations, by any political subdivision of the state of the disposal of litter or human body waste from watercraft is prohibited.

Section 12. Commission Authorized to Adopt and Modify Rules.

The commission is hereby authorized and empowered to make, adopt, promulgate, amend and repeal all rules, regulations and codes, necessary, or convenient for the carrying out of duties and obligations and powers conferred on the commission by this act, provided, however, that such rules, regulations or codes shall be subject to review and approval by the state board of health and such approval shall be recorded as part of such rules, regulations or codes.

Section 13. Copy of Regulations to Be Filed.

A copy of the regulations adopted pursuant to this act and any of the amendments thereto, shall be filed in the office of the commission and in the office of the secretary of state. Rules and regulations shall be published by the commission in a convenient form.

Section 14. Violations—Misdemeanor.

(a) Any person who violates any provision of this act or regulations of the commission adopted pursuant thereto shall be deemed guilty of a misdemeanor.

(b) Any person who violates any regulation of the Commission adopted pursuant to Sections 73-18-4, 73-18-11, 73-18-15 and 73-18-17, Utah Code Annotated 1953, as enacted by Chapter 124, Laws of Utah 1959, and Section 73-18-8, Utah Code Annotated 1953, as enacted by Chapter 124, Laws of Utah 1959, and amended by Chapter 170, Laws of Utah 1961, shall be deemed guilty of a misdemeanor.

Section 15. Arrests for Violation—Procedure.

Whenever any person is arrested for any violation of the provisions of this act or Sections 73-18-4, 73-18-11, 73-18-15 and 73-18-17, Utah Code Annotated 1953, as enacted by Chapter 124, Laws of Utah 1959,

and Section 73-18-8, Utah Code Annotated 1953, as enacted by Chapter 124, Laws of Utah 1959, and amended by Chapter 170, Laws of Utah 1961, or lawfully adopted regulations of the commission, the arrested person shall be immediately taken before a magistrate within the county in which the offense charged is alleged to have been committed and who has jurisdiction of such offense and is the nearest or more accessible with reference to the place where said arrest is made in any of the following cases:

When a person arrested demands an immediate appearance before a magistrate.

In any other event when the person arrested refuses to give his written promise to appear in court as hereinafter provided, or when in the discretion of the arresting officer a written promise to appear is insufficient.

Section 16. Court Notices—Arrests.

Whenever a person is arrested for any violation of the provisions of this Act or Sections 73-18-4, 73-18-11, 73-18-15 and 73-18-17, Utah Code Annotated 1953, as enacted by Chapter 124, Laws of Utah 1959, and Section 73-18-8, Utah Code Annotated 1953, as enacted by Chapter 124, Laws of Utah 1959 and amended by Chapter 170, Laws of Utah 1961, or lawfully adopted regulations of the commission, and such person is not immediately taken before a magistrate as hereinabove provided, the arresting officer shall prepare in quadruplicate written notice to appear in court containing the name and address of such person, the offense charged, and the time and place when and where such person shall appear in court. The time specified in said notice to appear must be at least five days after such arrest unless the person arrested shall demand an earlier hearing.

The place specified in said notice to appear must be before a magistrate within the county in which the offense charged is alleged to have been committed and who has jurisdiction over such offense.

The arrested person in order to secure a release, as provided in this section, must give his written promise to the arresting officer so to appear in court by signing the written notice prepared by the arresting officer. A copy of said notice shall be delivered to the person arrested. Thereupon, said officer shall forthwith release the person arrested from custody. Any person willfully violating his written promise to appear in court, given as provided in this section, may be deemed guilty of a misdemeanor regardless of the disposition of the charge upon which he was originally arrested.

A written promise to appear in court may be complied with by an appearance by counsel.

Section 17. Officers—Making Arrests—Procedure.

The provisions of sections 15 and 16 shall govern all officers in making arrests without warrant for violations of the provisions of this Act or Sections 73-18-4, 73-18-11, 73-18-15 and 73-18-17, Utah Code Annotated 1953, as enacted by Chapter 124, Laws of Utah 1959, and Section 73-18-8, Utah Code Annotated 1953, as enacted by Chapter 124, Laws of Utah 1959, and amended by Chapter 170, Laws of Utah 1961,

or lawfully adopted regulations of the commission, but the procedure prescribed in said sections shall not be exclusive of any other method prescribed by law for the arrest and prosecution of a person for an offense of like grade.

Section 18. Supplemental to Other Acts.

This act shall not be construed as repealing any laws of the state relating to the pollution or littering of waters or lands thereof or any conservation laws, but shall be held and construed as auxiliary and supplemental thereto.

Section 19. Savings Clause.

If any provision of this act, or any application of any provision to any person or circumstance, is held invalid, the rest of this act shall not be affected thereby.

Section 20. Effective Date.

The provisions of this act with reference to requiring watercraft with toilet facilities to be equipped with pollution control devices shall take effect one year from the date of the adoption of this act. All other provisions of this act shall take effect as provided by law.

Approved March 16, 1967.

CHAPTER 196

S. B. No. 239

(Passed March 8, 1967. In effect May 9, 1967)

**APPROPRIATING FUNDS FROM RESERVOIR LAND GRANT
TO WATER AND POWER BOARD**

An Act Appropriating the Accrued Funds From the Reservoir Land Grant Fund, Provided for Under Chapter 4, Title 65, Utah Code Annotated 1953, to the Utah Water and Power Board, and Providing for Future Transfers From This Fund to the Utah Water and Power Board.

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

Section 1. Appropriation to Construction Fund.

There is appropriated to the Utah water and power board out of the reservoir land grant fund, principal account and interest account, Chapter 4, Title 65, Utah Code Annotated 1953, all of the monies that have accrued in the reservoir land grant fund, as a permanent increase to the construction fund of the Utah water and power board to be used for the construction of water conservation projects pursuant to the terms and provisions of the Utah water and power board act.

Section 2. Transfer to Construction Fund.

The monies that accrue in the reservoir land grant fund, principal account and interest account, shall be transferred to the construction fund of the Utah water and power board on or before the first of each month in which they accrue.

Approved March 21, 1967.

PROBATE CODE**CHAPTER 197**

S. B. No. 19

(Passed February 1, 1967. In effect May 9, 1967)

SALE OF STOCKS, BONDS AND CHOSSES OF ACTION**An Act Relating to the Sale of Securities in Decedent's Estate and Amending Section 75-10-9, Utah Code Annotated 1953.***Be it enacted by the Legislature of the State of Utah:***Section 1. Section Amended.**

Section 75-10-9, Utah Code Annotated 1953, is hereby amended to read as follows:

75-10-9. Sale of Stocks, Bonds and Choses of Action.

In the case of sales of stocks, bonds, or other securities likely to fluctuate in value and that are:

- (1) listed on a regularly organized securities exchange, or
- (2) regularly traded and quoted by securities dealers in what is commonly known as the over-the-counter market, and when the sale by the executor or administrator is made to or through a broker or dealer who is a member of a national securities association organized under the Securities Exchange Act of 1934, no confirmation of such sale by the court shall be necessary before title passes; but title to property thus sold shall pass upon and by virtue of such sale.

Approved February 10, 1967.

CHAPTER 198

S. B. No. 3

(Passed March 9, 1967. In effect May 9, 1967)

GIFTS TO MINORS ACT**An Act Amending the Utah Uniform Gifts to Minors Act by Amending Sections 75-15-2 and 75-15-8, Utah Code Annotated 1953, as Enacted by Chapter 130, Laws of Utah 1957, and Sections 75-15-3, 75-15-4, 75-15-5 and 75-15-7, Utah Code Annotated 1953, as Enacted by Chapter 130, Laws of Utah 1957, as Amended by Chapter 184, Laws of Utah 1963; Providing That Life Insurance and Annuity Contracts May Be Included as Custodial Property; Providing for Ownership of Such Contracts and Their Registration; and Providing for the Rights of the Custodian and the Beneficiaries in Such Contracts and for a Successor Custodian.***Be it enacted by the Legislature of the State of Utah:***Section 1. Section Amended.**

Section 75-15-2, Utah Code Annotated 1953, as enacted by Chapter 130, Laws of Utah 1957, is amended to read as follows:

75-15-2. Definitions.

As used in this act:

1. An "adult" is a person who has attained the age of twenty-one years.

2. A "bank" is a commercial or savings bank, or a loan and trust company doing a banking business, organized under the laws of Utah, or a national banking association.

3. A "broker" is a person lawfully engaged in the business of effecting transactions in securities for the account of others. The term includes a bank which effects such transactions. The term also includes a person lawfully engaged in buying and selling securities for his own account, through a broker or otherwise, as a part of a regular business.

4. "Court" means the probate division of the district court in and for the county in which the custodian resides.

5. "The custodial property" includes:

(1) All securities, money, and life insurance and annuity contracts on the life of a minor or a member of the minor's family, under the supervision of the same custodian for the same minor as a consequence of a gift or gifts made to the minor in a manner prescribed in this act;

(2) The income from the custodial property; and

(3) The proceeds, immediate and remote, from the sale, exchange, conversion, investment, reinvestment or other disposition of such securities, money and income.

6. A "custodian" is a person so designated in a manner prescribed in this act.

7. A "guardian" of a minor includes the general guardian or a guardian of his property, estate or person.

8. An "issuer" is a person who places or authorizes the placing of his name on a security (other than as a transfer agent) to evidence that it represents a share, participation or other interest in his property or in an enterprise or to evidence his duty or undertaking to perform an obligation evidenced by the security or who becomes responsible for or in place of any such person.

9. A "legal representative" of a person is his executor or the administrator, general guardian, or a guardian of his property or estate.

10. A "member" of a "minor's family" means any of the minor's parents, grandparents, brothers, sisters, uncles and aunts, whether of the whole or the half blood, or by or through legal adoption.

11. A "minor" is a person who has not attained the age of twenty-one years.

12. A "security" includes any note, stock, treasury stock, bond, debenture, evidence of indebtedness, certificate of interest of participation in an oil, gas or mining title or lease or in payments out of production under such a title or lease, collateral trust certificate, transferable share, voting trust certificate or, in general, any interest or instrument commonly known as a security, or any certificate of interest or participation in, any temporary or interim certificate, receipt or certificate of deposit for, or any warrant or right to subscribe to or purchase, any of the foregoing. The term does not include a security of which

the donor is the issuer. A security is in "registered form" when it specifies a person entitled to it or to the rights it evidences and its transfer may be registered upon books maintained for that purpose by or on behalf of the issuer.

13. A "transfer agent" is a person who acts as authenticating trustee, transfer agent, registrar or other agent for an issuer in the registration of transfers of its securities or in the issue of new securities or in the cancellation of surrendered securities.

14. A "trust company" is a bank or loan and trust company authorized to exercise trust powers.

Section 2. Section Amended.

Section 75-15-3, Utah Code Annotated 1953, as enacted by Chapter 130, Laws of Utah 1957, as amended by Chapter 184, Laws of Utah 1963, is amended to read as follows:

75-15-3. Gifts to Minors—Form.

1. An adult person may, during his lifetime, make a gift of a security or money to a person who is a minor on the date of the gift:

(1) If the subject of the gift is a security in registered form, by registering it in the name of the donor, another adult person or a trust company, followed, in substance, by the words: "as custodian for under the Utah Uniform Gifts to Minors Act;"

(name of minor)

(2) If the subject of the gift is a security not in registered form, by delivering it to an adult person other than the donor or trust company, accompanied by a statement of gift in substantially the following form, signed by the donor and the person designated as custodian:

"GIFT UNDER THE UTAH UNIFORM GIFTS TO MINORS ACT"

I, hereby deliver to
(name of donor) (name of custodian)
as custodian for under the Utah Uniform Gifts to
(name of minor)

Minors Act, the following security(ies): (insert an appropriate description of the security or securities delivered sufficient to identify it or them)

.....
(Signature of donor)

..... hereby acknowledges receipt of the above
(name of custodian)

described security(ies) as custodian for the above minor under the Utah Uniform Gifts to Minors Act.

Dated:

.....
(Signature of custodian)

(3) If the subject of the gift is money, by paying or delivering it to a broker or a bank for credit to an account, or to a savings and loan association for investment in shares or savings accounts insured

by the Federal Savings and Loan Insurance Corporation, in the name of the donor, another adult person or a trust company, followed, in substance, by the words: "as custodian for

(name of minor)

under the Utah Uniform Gifts to Minors Act."

2. Any gift made in a manner prescribed in subsection (1) may be made to only one minor and only one person may be the custodian.

3. A donor who makes a gift to a minor in a manner prescribed in subsection (1) shall promptly do all things within his power to put the subject of the gift in the possession and control of the custodian, but neither the donor's failure to comply with this subsection, nor his designation of an ineligible person as custodian, nor renunciation by the person designated as custodian affects the consummation of the gift.

4. If the subject of the gift is a life insurance or annuity contract, the ownership of the contract shall be registered by the donor of such contract in his own name or in the name of an adult member of the minor's family or in the name of any guardian of the minor, followed by the words "as custodian for" under the

(name of minor)

Utah Uniform Gifts to Minors Act"; and such contract shall be delivered to the person in whose name it is thus registered as custodian. If the contract is registered in the name of the donor, as custodian, such registration shall of itself constitute the delivery required by this section.

Section 3. Section Amended.

Section 75-15-4, Utah Code Annotated 1953, as enacted by Chapter 130, Laws of Utah 1957, as amended by Chapter 184, Laws of Utah 1963, is amended to read as follows:

75-15-4. Gift—What Granted.

1. A gift made in a manner prescribed in this act is irrevocable and conveys to the minor indefeasibly vested legal title to the security, money, life insurance or annuity contract given, but no guardian of the minor has any right, power, duty or authority with respect to the custodial property except as provided in this act.

2. By making a gift in a manner prescribed in this act, the donor incorporates in his gift all the provisions of this act and grants to the custodian, and to any issuer, transfer agent, bank, broker, savings and loan association, insurance company, or third person dealing with a person designated as custodian, the respective powers, rights and immunities provided in this act.

Section 4. Section Amended.

Section 75-15-5, Utah Code Annotated 1953, as enacted by Chapter 130, Laws of Utah 1957, as amended by Chapter 184, Laws of Utah 1963, is amended to read as follows:

75-15-5. Custodian—Powers and Duties—Minors Over 14 Years of Age—Minor Attaining 21 or Dying—Investment—Registering Securities—Records—Powers in Trust.

1. The custodian shall collect, hold, manage, invest and reinvest the custodial property.

2. The custodian shall pay over to the minor for expenditure by him, or expend for the minor's benefit, so much of or all the custodial property as the custodian deems advisable for the support, maintenance, education and benefit of the minor in the manner, at the time or times, and to the extent that the custodian in his discretion deems suitable and proper, with or without court order, with or without regard to the duty of himself or of any other person to support the minor or his ability to do so, and with or without regard to any other income or property of the minor which may be applicable or available for any such purpose.

3. The court, on the petition of a parent or guardian of the minor or of the minor, if he has attained the age of fourteen years, may order the custodian to pay over to the minor for expenditure by him or to expend so much of or all the custodial property as is necessary for the minor's support, maintenance or education.

4. To the extent that the custodial property is not so expended, the custodian shall deliver or pay it over to the minor on his attaining the age of twenty-one years or, if the minor dies before attaining the age of twenty-one years, he shall thereupon deliver or pay it over to the estate of the minor.

5. The custodian, notwithstanding statutes restricting investments by fiduciaries, shall invest and reinvest the custodial property as would a prudent man of discretion and intelligence who is seeking a reasonable income and the preservation of his capital, except that he may, in his discretion and without liability to the minor or his estate, retain a security given to the minor in a manner prescribed in this act.

6. The custodian may sell, exchange, convert or otherwise dispose of custodial property in the manner, at the time or times, for the price or prices and upon the terms he deems advisable. He may vote in person or by general or limited proxy a security which is custodial property. He may consent, directly or through a committee or other agent, to the reorganization, consolidation, merger, dissolution or liquidation of an issuer, a security of which is custodial property, and to the sale, lease, pledge or mortgage of any property by or to such issuer, and to any other action by such an issuer. He may execute and deliver any and all instruments in writing which he deems advisable to carry out any of his powers as custodian.

7. The custodian shall register each security which is custodial property and in registered form in the name of the custodian, followed, in substance, by the words: "as custodian for
(name of minor)

under the Utah Uniform Gifts to Minors Act." The custodian shall hold all money which is custodial property in an account with a broker, savings and loan association, or in a bank in the name of the custodian, followed, in substance, by the words: "as custodian for
(name of minor)

Minors Act." The custodian shall keep all other custodial property separate and distinct from his own property in a manner to identify it clearly as custodial property.

8. The custodian shall keep records of all transactions with respect to the custodial property and make them available for inspection at reasonable intervals by a parent or legal representative of the minor or by the minor, if he has attained the age of fourteen years.

9. A custodian has, and holds as powers in trust, with respect to the custodial property, in addition to the rights and powers provided in this act, all the rights and powers which a guardian has with respect to property not held as custodial property.

10. If the subject of the gift is a life insurance or annuity contract, the custodian shall have all of the incidents of ownership in the contract which he may hold as custodian to the same extent as if he were the owner thereof personally. The designated beneficiary of any such contract held by a custodian shall be the minor or, in the event of his death, the minor's estate.

Section 5. Section Amended.

Section 75-15-7, Utah Code Annotated 1953, as enacted by Chapter 130, Laws of Utah 1957, as amended by Chapter 184, Laws of Utah 1963, is amended to read as follows:

75-15-7. Persons Dealing with Custodian.

No issuer, transfer agent, bank, broker, savings and loan association, insurance company, or other person acting on the instructions of or otherwise dealing with any person purporting to act as a donor or in the capacity of a custodian is responsible for determining whether the person designated by the purported donor or purporting to act as a custodian has been duly designated or whether any purchase, sale or transfer to or by or any other act of any person purporting to act in the capacity of custodian is in accordance with or authorized by this act, or is obliged to inquire into the validity or propriety under this act of any instrument or instructions executed or given by a person purporting to act as a donor or in the capacity of a custodian, or is bound to see to the application by any person purporting to act in the capacity of a custodian of any money or other property paid or delivered to him.

Section 6. Section Amended.

Section 75-15-8, Utah Code Annotated 1953, as enacted by Chapter 130, Laws of Utah 1957, is amended to read as follows:

75-15-8. Successor Custodian—Resignation of Custodian—Designation of Successor—Petition—Order.

1. Only an adult member of the minor's family, a guardian of the minor or a trust company is eligible to become successor custodian. A successor custodian has all the rights, powers, duties and immunities of a custodian designated in a manner prescribed by this act.

2. A custodian, other than the donor, may resign and designate his successor by:

(1) Executing an instrument of resignation designating the successor custodian; and

(2) Causing each security and each life insurance or annuity contract which is custodial property and in registered form to be registered

in the name of the successor custodian followed, in substance, by the words: "as custodian for under the Utah
(name of minor)

Uniform Gifts to Minors Act"; and

(3) Delivering to the successor custodian the instrument of resignation, each security registered in the name of the successor custodian, each life insurance or annuity contract registered in the name of the successor custodian, and all other custodial property, together with any additional instruments required for the transfer thereof.

3. A custodian, whether or not a donor, may petition the court for permission to resign and for the designation of a successor custodian.

4. If the person designated as custodian is not eligible, renounces or dies before the minor attains the age of twenty-one years, the guardian of the minor shall be successor custodian. If the minor has no guardian, a donor, his legal representative, the legal representative of the custodian, an adult member of the minor's family, or the minor, if he has attained the age of fourteen years, may petition the court for the designation of a successor custodian.

5. A donor, the legal representative of a donor, an adult member of the minor's family, a guardian of the minor or the minor, if he has attained the age of fourteen years, may petition the court that, for cause shown in the petition, the custodian be removed and a successor custodian be designated or, in the alternative, that the custodian be required to give bond for the performance of his duties.

6. Upon the filing of a petition as provided in this section, the court shall grant an order, directed to the persons and returnable on such notice as the court may require, to show cause why the relief prayed for in the petition should not be granted and, in due course, grant such relief as the court finds to be in the best interests of the minor.

Approved March 21, 1967.

PENAL CODE

CHAPTER 199

S. B. No. 79

(Passed February 20, 1967. In effect May 9, 1967)

DEFINING AND PROHIBITING GLUE SNIFFING

An Act Defining Psychotoxic Chemical Solvents and Providing for Penalties for Their Use, Purchase, Possession, Sale, or Offer to Sell for Smelling or Inhalation Purposes.

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

Section 1. Definition Psychotoxic Chemical Solvents.

As used in this act "psychotoxic chemical solvent" includes any glue, cement, or other substance containing one or more of the following chemical compounds: acetone, an acetate, benzene, butyl-alcohol, ethyl alcohol, ethylene dichloride, isopropyl alcohol, methyl alcohol, methyl ethyl ketone, pentachlorophenol, petroleum ether, or other chemical substance capable of causing a condition of intoxication, inebriation,

excitement, stupefaction or the dulling of the brain or nervous system as a result of the inhalation of the fumes or vapors of such chemical substance.

Section 2. Violation—Misdemeanor—Exceptions.

Any person who shall, for the purpose of causing a condition of intoxication, inebriation, excitement, stupefaction, or the dulling of his brain or nervous system intentionally smell or inhale the fumes from any psychotoxic chemical solvent shall be guilty of a misdemeanor.

This section shall not apply to the inhalation of any anesthesia for medical or dental purposes or inhalers sold legally.

Section 3. Purchase or Possession a Misdemeanor.

Any person who shall purchase or possess or attempt to purchase or possess any psychotoxic chemical solvent, for the purpose of causing a condition of intoxication, inebriation, excitement, stupefaction, or the dulling of the brain or nervous system of himself or any other person by intentionally smelling or inhaling the fumes from such psychotoxic chemical substance or causing some other person to smell or inhale the fumes of such psychotoxic chemical substance shall be guilty of a misdemeanor.

Section 4. Sale or Offer to Sell—Misdemeanor.

Any person who shall sell or offer to sell to any person any psychotoxic chemical solvent with the knowledge or belief that the purchaser or another intends to use such psychotoxic chemical solvent in violation of section 2 of this act shall be guilty of a misdemeanor.

Approved March 7, 1967.

CHAPTER 200

H. B. No. 10

(Passed February 9, 1967. In effect May 9, 1967)

PROHIBITING USE OF TELEPHONE TO HARASS PERSONS

An Act Relating to Crimes; Prohibiting the Use of the Telephone for the Purpose of Terrifying, Intimidating, Harassing, or Offending Another Person.

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

Section 1. Unlawful—Anonymously Address to or Disturb Peace.

It shall be unlawful for any person with intent to threaten, frighten, annoy or offend another to anonymously telephone another and (1) address to or about such person any obscene, lewd or profane language or to suggest any lewd or lascivious act or to address to such other person any threat to inflict injury or physical harm to the person or property of the person addressed or any member of his family, or (2) to disturb the peace, quiet or right of privacy of any person at the place where the telephone call or calls are received by repeated anonymous or unidentified calls whether or not conversation ensues.

The use of obscene, lewd or profane language or the making of a threat shall be prima facie evidence of intent to annoy or offend.

Section 2. Unlawful to Anonymously Telephone—False Statement.

It shall be unlawful for any person to anonymously telephone another and knowingly make any false statement concerning injury, death, disfigurement, indecent conduct or criminal conduct of the person telephoned or any member of his family with intent to terrify, intimidate, harass or annoy.

The making of a false statement as herein set out shall be prima facie evidence of intent to terrify, intimidate, harass or annoy.

Section 3. Place Where Offense Is Committed.

Any offense committed by use of a telephone as herein set out may be deemed to have been committed at either the place at which the telephone call or calls were made or at the place where the telephone call or calls were received.

Section 4. Violation—Penalty.

Any person who violates any provision of this act shall on first conviction be fined not more than \$299.00 or be imprisoned in the county jail for not more than six months, or both, and upon a subsequent conviction for violation of this act, the offender shall be fined not more than \$1,000.00 or be imprisoned in the state prison for not more than three years, or both.

Section 5. Severability Clause.

The provisions of this act are hereby declared to be severable. If any of its sections, provisions, exceptions, sentences, clauses, phrases or parts are adjudged by a court of competent jurisdiction to be unconstitutional or void, the remainder of this act shall continue in full force and effect, it being the legislative intent, now hereby declared, that this act would have been adopted even if such constitutional or void matter had not been included therein.

Approved February 16, 1967.

CHAPTER 201

H. B. No. 148

(Passed February 25, 1967. In effect May 9, 1967)

BURGLARY FIRST DEGREE DEFINED

An Act Amending Section 76-9-1, Utah Code Annotated 1953, Relating to the Definition of First Degree Burglary; Providing for Omission of the Requirement of Nighttime Commission, and Adding the Use of Firearms.

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

Section 1. Section Amended.

Section 76-9-1, Utah Code Annotated 1953, is amended to read:

76-9-1. First Degree Burglary Defined.

Every person who forcibly breaks and enters, or without force enters an open door, window or other aperture of, any house, room, apartment, tenement, shop, warehouse, store, mill, barn, stable, outhouse or other building, or any tent, vessel, water craft, railroad car, automobile,

automobile trailer, aeroplane or aircraft with intent to commit larceny or any felony by the use of firearms, nitroglycerin, dynamite, gunpowder or any other explosive, is guilty of burglary in the first degree. When in a prosecution for burglary in the first degree the question as to whether or not firearms, nitroglycerin, dynamite, gunpowder or any other explosive was used or intended to be used by the defendant in the commission of the crime cannot be definitely arrived at by the jury, a verdict of guilty of burglary in the second degree, as defined in Section 76-9-3, Utah Code Annotated, 1953, may be found; provided the other elements of the crime of burglary in the second degree, as defined in said Section 76-9-3, Utah Code Annotated 1953, have been proved: or, a verdict of guilty of burglary in the third degree as defined in Section 76-9-5, Utah Code Annotated 1953, may be found; provided the other elements of the crime of burglary in the third degree as defined in said Section, 76-9-5, Utah Code Annotated 1953, have been proved.

Approved March 3, 1967.

CHAPTER 202

H. B. No. 305

(Passed March 8, 1967. In effect May 9, 1967)

OBTAINING MONEY BY FALSE PRETENSES

An Act Repealing Section 76-20-8, Utah Code Annotated 1953, as Amended by Chapter 159, Laws of Utah 1965, and Enacting Eight Sections to Be Known as Sections 76-20-8.1, 76-20-8.2, 76-20-8.3, 76-20-8.4, 76-20-8.7, 76-20-8.8, 76-20-8.9, and 76-20-8.10, Utah Code Annotated 1953, Relating to Obtaining Money, Property or Services by False or Fraudulent Pretenses, and Providing Penalties for the Violation Thereof and Providing a Severability Clause.

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

Section 1. Section Repealed.

Section 76-20-8, Utah Code Annotated 1953, as amended by Chapter 159, Laws of Utah 1965, is hereby repealed.

Section 2. Sections Enacted.

Sections 76-20-8.1, 76-20-8.2, 76-20-8.3, 76-20-8.4, 76-20-8.7, 76-20-8.8, 76-20-8.9 and 76-20-8.10, Utah Code Annotated 1953, are enacted to read:

76-20-8.1. Unlawful to Attempt to Defraud by Misrepresentation.

It shall be unlawful for any person with intent to defraud or cheat to obtain or attempt to obtain credit, purchase or attempt to purchase any goods, property or service on credit, or to avoid or attempt to avoid or cause another to avoid the lawful charges, in whole or in part, for goods, property or a service, by false or fraudulent representations or pretenses, or by the use of any false, fictitious, counterfeit or expired credit card, telephone number, credit number or other credit device, or by the use of any credit card, telephone number, credit number or other credit device of another without the authority of the person to whom such card, number or device was issued, or by the use of any credit card, telephone number, credit number or other device in any case where

such card, number or device has been revoked and notice of revocation has been issued to the person to whom issued.

76-20-8.2. Unlawful Acts— With Telecommunications.

It shall be unlawful for any person to obtain or attempt to obtain, by the use of any fraudulent scheme, device, code, pre-arranged scheme, apparatus, arrangement, rearrangement, tampering with or making connection with any telecommunications facilities or equipment, whether physically, inductively, acoustically, electrically, or otherwise, or by utilizing such service, knowing or having reason to believe that such rearrangement or connection existed at the time of such utilizing or that such tampering occurred, or by any other means or method, telephone or telegraph service or the transmission of a message, signal, information or other communication by telephone or telegraph, or over telephone, telegraph or telecommunications facilities with the intent to avoid payment of charges in whole or in part therefor by such person or by any other person.

76-20-8.3. Unlawful Acts With Credit Cards.

It shall be unlawful for any person to steal, take or remove a credit card or credit device from the person or possession of the person to whom issued, or to retain or secrete a credit card or credit device without the consent of the person to whom issued, with the intent of using, delivering, circulating or selling or causing said card or device to be issued, delivered, circulated or sold without the consent of the person to whom issued.

76-20-8.4. Unlawful Uses of Credit Cards.

It shall be unlawful for any person to have in his possession or under his control or to receive from another person any forged, altered, counterfeited, fictitious, or stolen credit card or credit device with the intent to use, deliver, circulate or sell the same, or to permit or cause to procure the same to be used, delivered, circulated or sold, knowing the same to be forged, altered, counterfeited, fictitious or stolen.

76-20-8.7. Notice—Means “In Writing”—Mailing Notice.

The word “notice” as used in Section 1 of this act shall be construed to include either notice given in person or notice given in writing to the person to whom the number, card or device was issued. The sending of a notice in writing by registered or certified mail in the United States mail, duly stamped and addressed to such person at his last address known to the issuer, shall be prima facie evidence that such notice was duly received.

76-20-8.8. Unlawful to Possess—Sell or Transfer Instrument.

It shall be unlawful for any person:

(A) To make or possess any instrument, apparatus, equipment, or device designed, adapted or which can be used

(1) for commission of a theft of telecommunication, telephone or telegraph service or the transmission of a message, signal, information, or other communication by telephone or telegraph, or other telecommunication facilities as set forth in 76-20-8.2;

(2) to conceal, or to assist another to conceal, from any supplier of

telecommunication service or from any lawful authority the existence or place of origin or of destination of any telecommunication;

with intent to use or employ such instrument, apparatus, equipment or device or to allow the same to be used or employed for a purpose described in 76-20-8.2, or knowing or having reason to believe that the same is intended to be so used; or

(B) To sell, give or otherwise transfer to another or to offer or to advertise for sale, any instrument, apparatus, equipment, or device described in (A) (1) or (A) (2) above, or plans or instructions for making or assembling the same;

knowing or having reason to believe that the said plans or instructions are intended to be used for making or assembling an instrument, apparatus, equipment or device to be used for a purpose described in (A) (1) or (A) (2) above.

76-20-8.9. Penalties for Violation of Act.

Penalties for violation of any provisions of Sections 76-20-8.1, 76-20-8.2, 76-20-8.3 and 76-20-8.4 shall be as follows:

(A) If the value of the goods or property or the charges for the service obtained or avoided or attempted to be obtained or avoided, or if the value or charges of the service or property obtained or avoided through a series of similar violations of such sections committed within a period not exceeding six months amount in the aggregate to a sum not more than \$100, a fine of not more than \$299 or imprisonment in the county jail for not more than six months, or both.

(B) If the value of the goods or property or the charges for the service obtained or avoided or attempted to be obtained or avoided, or if the value or charges of the service or property obtained or avoided through a series of similar violations of such sections committed within a period not exceeding six months amount in the aggregate to a sum exceeding \$100 but not \$2,500, a fine of not more than \$5,000 or imprisonment in the state prison for not more than five years, or both.

(C) If the value of the goods or property or the charges for the service obtained or avoided, or attempted to be obtained or avoided, or if the value or charges of the service or property obtained or avoided through a series of similar violations of such sections committed within a period not exceeding six months amount in the aggregate to a sum exceeding \$2,500, a fine of not more than \$10,000 or imprisonment in the state prison for not more than ten years, or both.

76-20-8.10. Violation—Misdemeanor.

Any person who violates any provision of Section 76-20-8.8 is guilty of a misdemeanor.

Section 3. Severability Clause.

The provisions of this act are hereby declared to be severable. If any of its sections, provisions, exceptions, sentences, clauses, or phrases or parts are adjudged by a court of competent jurisdiction to be unconstitutional or void, the remainder of this act shall continue in full force and effect, it being the legislative intent, now hereby declared, that this act would have been adopted even if such unconstitutional or void matter had not been included therein.

Approved March 16, 1967.

CHAPTER 203

H. B. No. 150

(Passed February 24, 1967. In effect May 9, 1967)

PEACE OFFICERS—AUTHORITY TO DETAIN SUSPECT

An Act Providing a Peace Officer with Authority to Detain a Suspect Temporarily for Questioning and Search Him for Dangerous Weapons Where Good Cause Appears.

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

Section 1. Peace Officer's Authority to Detain Suspect.

A peace officer may stop any person in a public place whom he has probable cause to believe:

- (1) Is in the act of committing a felony;
- (2) Has committed a felony; or
- (3) Is attempting to commit a felony;

and may demand of him his name, address and an explanation of his actions.

Section 2. May Search for Dangerous Weapon.

A peace officer who has stopped a person temporarily for questioning as provided for under paragraph (1), above, may search such person for a dangerous weapon if he reasonably believes he or any other person is in danger of life or limb.

Section 3. Peace Officer — May Keep Property Until Completion of Questioning.

A peace officer who finds a dangerous weapon pursuant to a search conducted under the provisions of paragraph (2), above, or any narcotic or illegal drug, or stolen property; the possession of which may constitute a crime, may take and keep it until the completion of the questioning, at which time he shall either return it, if lawfully possessed, or arrest such person.

Approved February 28, 1967.

CHAPTER 204

S. B. No. 231

(Passed March 9, 1967. In effect May 9, 1967)

OBSCENE OR LEWD ACTS

An Act Amending Sections 76-39-5, 76-39-6, 76-39-10, 76-39-11, 76-39-12, 76-39-13 and 76-39-15, Utah Code Annotated 1953, as Enacted by Chapter 187, Laws of Utah 1963, Relating to Obscenity and Obscene Materials and Providing for Redefinition of Procuring Obscene Exposure; For Prohibition of Forced Acceptance of Obscene Materials by Dealers; for a Redefinition of the Term "Wilfully", for Inclusion of the Element of Knowledge of Content and Its Definition; for Elimination of Temporary Injunctions; for Deletion of a Specific Community Standard; and That Violation of This Act Be a Misdemeanor and Each Offense a Separate Violation; and Enacting Sections Providing for Concurrent Local Control of Such Materials and for Jury Trials and the Use of Special Verdicts in Prosecutions for Violations of This Act.

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

Section 1. Section Amended.

Section 76-39-5, Utah Code Annotated 1953, as enacted by Chapter 187, Laws of Utah 1963, is amended to read:

76-39-5. Obscene or Lewd Acts and Preparation and Dissemination of Obscene Materials Prohibited.

It shall be unlawful for any person to wilfully or knowingly either:

(1) Associate in a lewd, lascivious or obscene manner with any person, whether married or unmarried, engage in open and gross lewdness, lascivious or obscene behavior, or make any open, public, indecent or obscene exposure of his or her person or of his or her private parts, or the person or private parts of another; or,

(2) Procure, counsel or assist any person to act in a lewd or obscene manner or make any indecent or obscene exposure of his own or any other person's private parts; or

(3) Import, write, compose, stereotype, print, design, copy, draw, paint or otherwise prepare, publish, sell, offer for sale, display, exhibit by machine or otherwise or distribute any writing, paper, book, picture, drawing, magazine, pamphlet, print, design, figure, still or motion picture, photograph or negative thereof, photocopy, engraving, sound recording, card, instrument or other such article which is obscene, or buy, procure, receive or have in his possession any such writing, paper, book, picture, drawing, magazine, pamphlet, print, design, figure, still or motion picture, photograph or negative thereof, photocopy, engraving, sound recording, card, instrument or other article which is obscene, with the intent of selling, exhibiting, loaning or circulating, or with the intent to introduce the same into a family, school, or place of education, or any other place for the purpose of selling, exhibiting, loaning, or circulating; or,

(4) Write, compose or publish any notice or advertisement of any such writing, paper, book, picture, drawing, magazine, pamphlet, print, design, figure, still or motion picture, photograph or negative thereof, photocopy, engraving, sound recording, card, instrument or other article which is obscene, or any notice or advertisement of any article, prescription or preparation for producing or facilitating a miscarriage in a manner which appeals to the prurient interest; or

(5) Sing or speak an obscene or lewd song, ballad or any other obscene or lewd words in any public place or in the presence of other persons; or

(6) Sell or distribute or import, print or publish for the purpose of selling or distributing to a person under the age of eighteen years a book, pamphlet, ballad, printed paper, phonograph record, print, still or motion picture, figure, image or description or other article which manifestly tends to corrupt the morals of youths under the age of eighteen years; or introduce into a family, school or place of education, or buy, procure, receive, or have in his possession any such book, pamphlet, ballad, printed paper, phonograph record, print, still or motion picture, figure, image or other thing either for the purpose of sale, exhibition, loan or circulation to a person under the age of eighteen

years, or with intent to introduce the same into a family, school, or place of education for such a purpose. In deciding whether said items tend to corrupt the morals of youth, the test shall be: whether to the average youth under the age of eighteen years, applying contemporary community standards, the dominant theme of the material taken as a whole appeals to the prurient interest.

(7) Require, as a condition to a sale, allocation, consignment or delivery for resale of any paper, magazine, book, periodical, publication, or other merchandise, that the purchaser or consignee receive any material, which material is obscene or is believed by the purchaser or consignee to be obscene; or to deny or threaten to deny a franchise or license, or revoke or threaten to revoke, or impose any penalty, financial or otherwise, by reason of the failure or refusal of such purchaser or consignee to accept such material or to do such acts by reason of the return of such material.

Section 2. Section Amended.

Section 76-39-6, Utah Code Annotated 1953, as enacted by Chapter 187, Laws of Utah 1963, is amended to read:

76-39-6. "Wilfully" Defined—Duty to Investigate Contents of Materials.

(1) As used in this act "wilfully" shall mean simply a purpose or willingness to commit the act or to omit an act required herein.

(2) As used in this act, "knowingly" shall mean to have actual or constructive knowledge of the contents of the subject matter. A person has constructive knowledge if a reasonable inspection under the circumstances, would have disclosed the nature of the subject matter and if the failure to inspect is for the purpose of avoiding such disclosure.

Section 3. Section Amended.

Section 76-39-10, Utah Code Annotated 1953, as enacted by Chapter 187, Laws of Utah 1963, is amended to read:

76-39-10. Power of District Courts to Enjoin Sale and Distribution of Obscene Articles.

The district courts of this state shall have jurisdiction to enjoin the sale and distribution of obscene articles as follows:

(1) The county attorney, the city attorney or the town attorney of a county, city or town in which a person sells or offers for sale or distributes or is about to sell or distribute or has in his possession with intent to sell or distribute or is about to acquire possession with intent to sell or distribute any writing, paper, book, drawing, magazine, pamphlet, print, design, figure, still or motion picture, photograph or negative thereof, photocopy, engraving, sound recording, card, instrument or other article which said attorney believes to be obscene may maintain for and on behalf of the said county, city or town, an action for an injunction against such person in the district court to prevent the sale or further sale or the distribution or further distribution or the acquisition or possession of such article or articles. Said action shall be in accordance with the Utah Rules of Civil Procedure except as herein provided.

(2) The person sought to be enjoined shall be entitled to a trial of the issues with a reasonable time after joinder of issue, and a decision shall be rendered by the court within a reasonable time after the conclusion of the trial. If on the trial of the issue the court or jury determines from the evidence, which must be clear and convincing, that the article is obscene, the court shall enter a judgment or decree enjoining the sale or further sale or the distribution or the further distribution or the acquisition or possession of such article.

(3) In the event that a final order or judgment of injunction be entered in favor of the petitioner and against the person sought to be enjoined, such final order shall contain a provision directing the person to surrender to the sheriff of the county any of the matter described in this section, and such sheriff shall be directed to seize and destroy the same.

(4) Every person who sells, distributes or acquires possession with intent to sell or distribute any of the matter referred to in this section, after service upon him of a summons and complaint in any action brought by such county, city or town attorney pursuant to this section, is presumed to have a knowledge of the contents thereof from the date of said service.

(5) Any person not admitted to do business in this state which publishes and causes any of the matter referred to in subsection (1) of this section 76-39-10 to be sent into this state for ultimate sale at retail in this state thereby consents that it may be sued in any proceedings commenced pursuant to this section and thereby appoints the secretary of state to be his true and lawful attorney upon whom may be served all legal processes in any action or proceeding against it growing out of such distribution of matter for sale at retail in this state and such distribution shall be a signification of its agreement that such process shall in any action against it which is so served, be of the same legal force and validity as if served upon him personally. Service of such process shall be made by serving a copy thereof upon the secretary of state or by filing such copy in his office, together with payment of a fee of \$2.00, and such service shall be sufficient service upon the said nonresident; provided, that notice of such service and a copy of the process are within ten days thereafter sent by mail by the plaintiff to the defendant at the address of such defendant as appears on the matter distributed and if no address so appears then at the last known address of the defendant; and provided further that the plaintiff's affidavit of compliances with the provisions of this subsection are attached to the summons. The secretary of state shall keep a record of all such processes so served which shall show the day and hour of such service. Nothing in this subsection shall be construed to abrogate or preempt the operation of Rule 17 (e) of the Utah Rules of Civil Procedure.

(6) This section shall apply only to the article or articles before the court; and it shall not apply to future articles not yet in existence or to other articles already in existence but not before the court.

(7) This section shall not be construed in any way to limit the district courts in the exercise of their jurisdiction under any other provision of law.

Section 4. Section Amended.

Section 76-39-11, Utah Code Annotated 1953, as enacted by Chapter 187, Laws of Utah 1963, is amended to read:

76-39-11. Obscene Defined.

Whenever it appears in this act, the word "obscene" shall have the following meaning: whether to the average person, applying contemporary community standards, the dominant theme of the material or the conduct taken as a whole appeals to the prurient interest. The judge or the jury shall be the sole trier of what is obscene. Prurient interest shall mean a shameful or morbid interest in nudity, sex, or excretion, which goes substantially beyond customary limits of candor in description or representation of such matters and is a matter which is utterly without redeeming social importance.

Section 5. Section Amended.

Section 76-39-12, Utah Code Annotated 1953, as enacted by Chapter 187, Laws of Utah 1963, is amended to read:

76-39-12. Person—Defined.

Whenever it appears in this act, the word "person" shall not be limited to individuals only but shall include public and private corporations, firms, joint association, partnerships, and the like. The word "person" as used herein to apply to a natural person shall apply equally to the male and female genders.

Section 6. Section Amended.

Section 76-39-13, Utah Code Annotated 1953, as enacted by Chapter 187, Laws of Utah 1963, is amended to read:

76-39-13. Penalties for Violations.

Penalties: every person convicted of violation of this act shall be punished by a fine of not more than \$299, or imprisonment for not more than six months in the county jail, or by both such fine and imprisonment. Each offense shall be deemed to be a separate violation and punishable as a separate offense.

Section 7. Section Amended.

Section 76-39-15, Utah Code Annotated 1953, as enacted by Chapter 187, Laws of Utah 1963, is amended to read:

76-39-15. Persons and Institutions Exempted From Act.

This act shall not apply to persons who may possess and distribute obscene material or participate in the other conduct which is proscribed when such possession, distribution, or participation occurs in the course of bona fide educational, artistic, scientific, medical, or comparable research or study or in the course of law enforcement activities or in other like circumstances where the nature of the possession, distribution, or participation is not related to the appeal to prurient interest, in addition, nothing in this chapter shall apply to any recognized historical society or museum, the state law library, any county or city or town law library, the state library, the public library, any library of any

college or university or to any archive or library under the supervision and control of the state, county, municipality, or other political subdivision, or to any similar organization or institution of the same class.

Section 8. Section Enacted.

Section 76-39-16, Utah Code Annotated 1953, is enacted to read:

76-39-16. Act Not Limited — Political Subdivisions May Further Regulate.

It is not the intent of this act to proscribe or limit the regulation of obscene materials and counties, cities, and other political subdivisions of the state of Utah are specifically given the right hereby to further regulate such materials.

Section 9. Section Enacted.

Section 76-39-17, Utah Code Annotated 1953, is enacted to read:

76-39-17. Criminal Prosecution—Trial by Jury—Procedures.

Criminal prosecutions, involving the issue of obscenity under this act of any political subdivision as provided herein, shall be tried by jury, unless the defendant waives a jury trial in writing or by statement in open court, duly entered in the minutes with the approval of the court and consent of the prosecution. The trier of fact shall therein render a general verdict, and may also render a special verdict as to whether the material named in the charge is obscene. The special verdict or findings on the issue of obscenity may be: "We find the (title or description of material) to be obscene." or, "We find the (title or description of material) to be obscene," as they may find each item is or is not obscene.

Approved March 21, 1967.

CHAPTER 205

H. B. No. 96

(Passed March 9, 1967. In effect May 9, 1967)

INTERSTATE AGREEMENT ON DETAINERS

An Act Providing for the Adoption of an Interstate Agreement on Detainers and for the Implementation Thereof.

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

Section 1. Agreement of Detainers—Enacted.

The agreement of detainers is hereby enacted into law and entered into by this state with all other jurisdictions legally joining therein in the form substantially as follows:

The contracting states solemnly agree that:

ARTICLE I

The party states find that charges outstanding against a prisoner, detainers based on untried indictments, informations or complaints, and difficulties in securing speedy trial of persons already incarcerated in other jurisdictions, produce uncertainties which obstruct programs of

prisoner treatment and rehabilitation. Accordingly, it is the policy of the party states and the purpose of this agreement to encourage the expeditious and orderly disposition of such charges and determination of the proper status of any and all detainees based on untried indictments, informations or complaints. The party states also find that proceedings with reference to such charges and detainees, when emanating from another jurisdiction, cannot properly be had in the absence of cooperative procedures. It is the further purpose of this agreement to provide such cooperative procedures.

ARTICLE II

As used in this agreement:

(a) "State" shall mean a state of the United States; the United States of America; a territory or possession of the United States; District of Columbia; the Commonwealth of Puerto Rico.

(b) "Sending state" shall mean a state in which a prisoner is incarcerated at the time that he initiates a request for final disposition pursuant to Article III hereof or at the time that a request for custody or availability is initiated pursuant to Article IV hereof.

(c) "Receiving state" shall mean the state in which trial is to be had on an indictment, information or complaint pursuant to Article III or Article IV hereof.

ARTICLE III

(a) Whenever a person has entered upon a term of imprisonment in a penal or correctional institution of a party state, and whenever during the continuance of the term of imprisonment there is pending in any other party state any untried indictment, information or complaint on the basis of which a detainee has been lodged against the prisoner, he shall be brought to trial within one hundred eighty days after he shall have caused to be delivered to the prosecuting officer and the appropriate court of the prosecuting officer's jurisdiction written notice of the place of his imprisonment and his request for a final disposition to be made of the indictment, information or complaint; provided that for good cause shown in open court, the prisoner or his counsel being present, the court having jurisdiction of the matter may grant any necessary or reasonable continuance. The request of the prisoner shall be accompanied by a certificate of the appropriate official having custody of the prisoner, stating the term of commitment under which the prisoner is being held, the time already served, the time remaining to be served on the sentence, the amount of good time earned, the time of parole eligibility of the prisoner, and any decisions of the state parole agency relating to the prisoner.

(b) The written notice and request for final disposition referred to in paragraph (a) hereof shall be given or sent by the prisoner to the warden, commissioner of corrections or other official having custody of him, who shall promptly forward it together with the certificate to the appropriate prosecuting official and court by registered or certified mail, return receipt requested.

(c) The warden, commissioner of corrections or other official having custody of the prisoner shall promptly inform him of the source and

contents of any detainer lodged against him and shall also inform him of his right to make a request for final disposition of the indictment, information or complaint on which the detainer is based.

(d) Any request for final disposition made by a prisoner pursuant to paragraph (a) hereof shall operate as a request for final disposition of all untried indictments, informations or complaints on the basis of which detainers have been lodged against the prisoner from the state to whose prosecuting official the request for final disposition is specifically directed. The warden, commissioner of corrections or other official having custody of the prisoner shall forthwith notify all appropriate prosecuting officers and courts in the several jurisdictions within the state to which the prisoner's request for final disposition is being sent of the proceeding being initiated by the prisoner. Any notification sent pursuant to this paragraph shall be accompanied by copies of the prisoner's written notice, request, and the certificate. If trial is not had on any indictment, information or complaint contemplated hereby prior to the return of the prisoner to the original place of imprisonment, such indictment, information or complaint shall not be of any further force or effect, and the court shall enter an order dismissing the same with prejudice.

(e) Any request for final disposition made by a prisoner pursuant to paragraph (a) hereof shall also be deemed to be a waiver of extradition with respect to any charge or proceeding contemplated thereby or included therein by reason of paragraph (d) hereof, and a waiver of extradition to the receiving state to serve any sentence there imposed upon him, after completion of his term of imprisonment in the sending state. The request for final disposition shall also constitute a consent by the prisoner to the production of his body in any court where his presence may be required in order to affectuate the purposes of this agreement and a further consent voluntarily to be returned to the original place of imprisonment in accordance with the provisions of this agreement. Nothing in this paragraph shall prevent the imposition of a concurrent sentence if otherwise permitted by law.

(f) Escape from custody by the prisoner subsequent to his execution of the request for final disposition referred to in paragraph (a) hereof shall void the request.

ARTICLE IV

(a) The appropriate officer of the jurisdiction in which an untried indictment, information or complaint is pending shall be entitled to have a prisoner against whom he has lodged a detainer and who is serving a term of imprisonment in any party state made available in accordance with Article V (a) hereof upon presentation of a written request for temporary custody or availability to the appropriate authorities of the state in which the prisoner is incarcerated; provided that the court having jurisdiction of such indictment, information or complaint shall have duly approved, recorded and transmitted the request; and provided further that there shall be a period of thirty days after receipt by the appropriate authorities before the request be honored, within which period the governor of the sending state may disapprove the

request for temporary custody or availability, either upon his own motion or upon motion of the prisoner.

(b) Upon receipt of the officer's written request as provided in paragraph (a) hereof, the appropriate authorities having the prisoner in custody shall furnish the officer with a certificate stating the term of commitment under which prisoner is being held, the time already served, the time remaining to be served on the sentence, the amount of good time earned, the time of parole eligibility of the prisoner, and any decisions of the state parole agency relating to the prisoner. Said authorities simultaneously shall furnish all other officers and appropriate courts in the receiving state who have lodged detainers against the prisoner with similar certificates and with notices informing them of the request for custody or availability and of the reasons therefor.

(c) In respect of any proceeding made possible by this Article, trial shall be commenced within one hundred twenty days of the arrival of the prisoner in the receiving state, but for good cause shown in open court, the prisoner or his counsel being present, the court having jurisdiction of the matter may grant any necessary or reasonable continuance.

(d) Nothing contained in the Article shall be construed to deprive any prisoner of any right which he may have to contest the legality of his delivery as provided in paragraph (a) hereof, but such delivery may not be opposed or denied on the ground that the executive authority of the sending state has not affirmatively consented to or ordered such delivery.

(e) If trial is not had on any indictment, information or complaint contemplated hereby prior to the prisoner's being returned to the original place of imprisonment pursuant to Article V (e) hereof, such indictment, information or complaint shall not be of any further force or effect, and the court shall enter an order dismissing the same with prejudice.

ARTICLE V

(a) In response to a request made under Article III or Article IV hereof, the appropriate authority in a sending state shall offer to deliver temporary custody of such prisoner to the appropriate authority in the state where such indictment, information or complaint is pending against such person in order that speedy and efficient prosecution may be had. If the request for final disposition is made by the prisoner, the offer of temporary custody shall accompany the written notice provided for in Article III of this agreement. In the case of federal prisoner, the appropriate authority in the receiving state shall be entitled to temporary custody as provided by this agreement or to the prisoner's presence in federal custody at the place for trial, whichever custodial arrangement may be approved by the custodian.

(b) The officer or other representative of a state accepting an offer of temporary custody shall present the following upon demand:

(1) Proper identification and evidence of his authority to act for the state into whose temporary custody the prisoner is to be given.

(2) A duly certified copy of the indictment, information or complaint on the basis of which the detainer has been lodged and on the

basis of which the request for temporary custody of the prisoner has been made.

(3) If the appropriate authority shall refuse or fail to accept temporary custody of said person, or in the event that an action on the indictment, information or complaint on the basis of which the detainer has been lodged is not brought to trial within the period provided in Article III or Article IV hereof, the appropriate court of the jurisdiction where the indictment, information or complaint has been pending shall enter an order dismissing the same with prejudice, and any detainer based thereon shall cease to be of any force or effect.

(d) The temporary custody referred to in this agreement shall be only for the purpose of permitting prosecution on the charge or charges contained in one or more untried indictments, informations or complaints which form the basis of the detainer or detainers or for prosecution on any other charge or charges arising out of the same transaction. Except for his attendance at court and while being transported to or from any place at which his presence may be required, the prisoner shall be held in a suitable jail or other facility regularly used for persons awaiting prosecution.

(e) At the earliest practicable time consonant with the purposes of this agreement, the prisoner shall be returned to sending state.

(f) During the continuance of temporary custody or while the prisoner is otherwise being made available for trial as required by this agreement, time being served on the sentence shall continue to run but good time shall be earned by the prisoner only if, and to the extent that, the law and practice of the jurisdiction which imposed the sentence may allow.

(g) For all purposes other than that for which temporary custody as provided in this agreement is exercised, the prisoner shall be deemed to remain in the custody of and subject to the jurisdiction of the sending state and any escape from temporary custody may be dealt with in the same manner as an escape from the original place of imprisonment or in any other manner permitted by law.

(h) From the time that a party state receives custody of a prisoner pursuant to this agreement until such prisoner is returned to the territory and custody of the sending state, the state in which the one or more untried indictments, informations or complaints are pending or in which trial is being had shall be responsible for the prisoner and shall also pay all costs of transporting, caring for, keeping and returning the prisoner. The provisions of this paragraph shall govern unless the states concerned shall have entered into a supplementary agreement providing for a different allocation of costs and responsibilities as between or among themselves. Nothing herein contained shall be construed to alter or affect any internal relationship among the departments, agencies and officers of and in the government of a party state, or between a party state and its subdivisions, as to the payment of costs, or responsibilities therefor.

ARTICLE VI

(a) In determining the duration and expiration dates of the time periods provided in Articles III and IV of this agreement, the running

of said time periods shall be tolled whenever and for as long as the prisoner is unable to stand trial, as determined by the court having jurisdiction of the matter.

(b) No provision of this agreement, and no remedy made available by this agreement, shall apply to any person who is adjudged to be mentally ill.

ARTICLE VII

Each state party to this agreement shall designate an officer who, acting jointly with like officers of other party states, shall promulgate rules and regulations to carry out more effectively the terms and provisions of this agreement, and who shall provide, within and without the state, information necessary to the effective operation of this agreement.

ARTICLE VIII

This agreement shall enter into full force and effect as to a party state when such state has enacted the same into law. A state party to this agreement may withdraw herefrom by enacting a statute repealing the same. However, the withdrawal of any state shall not affect the status of any proceedings already initiated by inmates or by state officers at the time such withdrawal takes effect, nor shall it affect their rights in respect thereof.

ARTICLE IX

This agreement shall be liberally construed so as to effectuate its purposes. The provisions of this agreement shall be severable and if any phrase, clause, sentence or provision of this agreement is declared to be contrary to the constitution of any party state or of the United States or the applicability thereof to any government, agency, person or circumstance is held invalid, the validity of the remainder of this agreement and the applicability thereof to any government, agency, person or circumstance shall not be affected thereby. If this agreement shall be held contrary to the constitution of any state party hereto, the agreement shall remain in full force and effect as to the remaining states and in full force and effect as to the state affected as to all severable matters.

Section 2. "Appropriate Court"—Defined.

The phrase "appropriate court" as used in the agreement on detainees shall, with reference to the courts of this state, mean any court with criminal jurisdiction in the matter involved.

Section 3. Enforcement of Agreement on Detainers.

All courts, departments, agencies, officers and employees of this state and its political subdivisions are hereby directed to enforce the agreement on detainees and to cooperate with one another and with other party states in enforcing the agreement and effectuating its purpose.

Section 4. Habitual Criminal Law Not Applicable.

Nothing in this act or in the agreement on detainees shall be construed to require the application of the habitual criminal law of this state to any person on account of any conviction had in a proceeding brought to final disposition by reason of the use of said agreement.

Section 5. Escape or Attempt to Escape—Offense—Penalty.

Escape or attempt to escape from custody, whether within or without this state, while in the temporary custody of an authority of another state acting pursuant to the agreement on detainers shall constitute an offense against the laws of this state. Such escape or attempt to escape shall constitute an offense to the same extent and degree as an escape from the institution in which the prisoner was confined immediately prior to having been released to temporary custody, and shall be punishable in the same manner as an escape or attempt to escape from said institution.

Section 6. Warden Required to Give Over Person or Inmate in Operation of Act.

It shall be lawful and mandatory upon the warden or other official in charge of a penal or correctional institution in this state to give over the person of any inmate thereof whenever so required by the operation of the agreement on detainers.

Section 7. Attorney General—Central Administrator for Agreement.

The attorney general is hereby designated as the officer who shall be the central administrator of and information agent for the agreement on detainers as provided in Article VII of the agreement.

Section 8. Copies of Act—To Whom Sent.

Copies of this act shall, upon its approval, be transmitted to the governor of each state, the attorney general and the administrator of general services of the United States, and the council of state governments.

Approved March 15, 1967.

CHAPTER 206

H. B. No. 248

(Passed March 9, 1967. In effect May 9, 1967)

REGULATION OF JUNK DEALERS

An Act Relating to Crimes and Punishments with Respect to Junk and Junk Dealers and the Purchase and Sale of Junk by Junk Dealers, as Provided in This Act; Defining the Words "Junk" and "Junk Dealer"; Providing for and the Manner of Making and Keeping Records of Junk Purchased and Sold by Junk Dealers and the Inspection of Such Records by State Police and Law Enforcement Officers, County Sheriffs, Their Deputies and Law Enforcement Officers and Municipal Police and Law Enforcement Officers; Providing for the Determination of Violations of This Act and Prescribing Penalties for Such Violations; Providing This Act Shall Not Be Construed to Impair the Power of Counties, Cities and Incorporated Municipalities to License, Tax and Regulate Junk Dealers.

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

Section 1. Junk Dealers—Defined.

All persons, firms or corporations engaged in the business of purchasing or selling second hand, or cast off material of any kind, which is commonly known and is hereinafter designated and referred to as

“junk” — such as old iron, copper, brass, lead, zinc, tin, steel, aluminum, and other metals, metallic cables, wires, ropes, cordage, bottles, bagging, rags, rubber, paper, and other like materials, shall be and hereby are defined, and held to be “junk dealers” within the meaning of this act.

Section 2. Junk Dealer to Keep Book of Purchases and Sales.

Every junk dealer shall keep a book in which shall be written in ink in the English language at the time of each and every purchase and sale a listing of the weight and metallic description of the sale or purchase together with the full name and residence of the person or persons selling the same, together with the date and place of such purchase and sale. No entry in such book shall be erased, mutilated or changed. The said book and entries therein shall at all times be open to inspection by the sheriff of the county or any of his deputies and by any member of the police force in the city or town, and any constable or other state, municipal or county officials in the county, in which said junk dealer does business; provided, this act shall not apply to any such sale of less than 20 lbs.

Section 3. Violations—Misdemeanor.

Any junk dealer who shall be found guilty of a violation of any of the provisions of this act shall be guilty of a misdemeanor; provided that this act shall not be construed to in any wise impair the power of counties, cities or incorporated municipalities in this state to license, tax and regulate any junk dealer.

Section 4. Records to Be Retained for Five Years.

At the time of purchase by any junk dealer of any copper wire, pig or pigs of metal or of any junk, as defined in this act, said junk dealer shall obtain a signed and dated statement from the person or persons selling the same as to when, where and from whom such property was obtained and also the residence address and place of employment of said seller or sellers. Such statement shall be retained for five years by the junk dealer and shall be subject to the provisions of Section 2 of this act relating to erasure, mutilation or change and also to inspection.

Section 5. False Statement—Violation—Misdemeanor.

Any seller who in making his statement as contemplated by this act in selling, offering or trying to sell junk willfully makes a false statement or gives untrue information shall be guilty of a misdemeanor.

Approved March 13, 1967.

CODE OF CRIMINAL PROCEDURE

CHAPTER 207

H. B. No. 82

(Passed February 28, 1967. In effect May 9, 1967)

REMOVAL OF PUBLIC OFFICERS

An Act Amending Sections 77-7-1 and 77-7-2, Utah Code Annotated 1953, Relating to the Removal of Public Officers From Offices Held in Cities, Counties or Other Political Subdivisions of This State.

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

Section 1. Sections Amended.

Sections 77-7-1 and 77-7-2, Utah Code Annotated 1953, are amended to read:

77-7-1. Officers Subject to Removal.

All officers of any city, county or other political subdivision of this state not liable to impeachment shall be subject to removal as provided in this chapter upon being convicted of a felony, an indictable misdemeanor, a misdemeanor involving moral turpitude or malfeasance in office.

77-7-2. Accusation—How Presented.

An action for the removal of any officer of a city, county or other political subdivision of this state on grounds set forth in section 77-7-1, may be commenced by presenting a sworn, written accusation to the district court. Such accusation may be initiated by any taxpayer, grand jury, district or county attorney for the county in which the officer was elected or appointed, or by the attorney general.

Approved March 4, 1967.

CHAPTER 208

S. B. No. 126

(Passed March 9, 1967. In effect May 9, 1967)

GRAND JURIES—METHOD OF CALLING

An Act Relating to Grand Juries; Establishing Periodic Grand Jury Hearings; Providing the Method for Calling a Grand Jury; and Repealing Section 77-18-1, Utah Code Annotated 1953.

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

Section 1. District Court—To Hold Grand Jury Hearing—At Least Once Every Two Years.

The district court of each judicial district in the state shall hold a grand jury hearing at least once every two years in each county of the judicial district on a date set by the court. In such hearings the judge or judges of the district shall sit *en banc* and hear in secret all persons claiming information justifying the calling of a grand jury. These persons appearing shall be placed under oath and examined by the judge or judges sitting. If, as a result of the testimony received, the court feels that reasonable cause exists for believing that law enforcement has failed or that in the interest of justice a grand jury should be called, an order shall be entered calling a grand jury.

Section 2. Section Repealed.

Section 77-18-1, Utah Code Annotated 1953, is hereby repealed.

Approved March 16, 1967.

CHAPTER 209

S. B. No. 123

(Passed March 9, 1967. In effect May 9, 1967)

GRAND JURIES—PUBLIC OFFENSES

An Act Amending Sections 77-19-1, 77-19-6, 77-46-1, and 78-46-1, Utah Code Annotated 1953, Relating to Public Offenses; Providing for the Term "Malfeasance" to Be Included with "Public Offenses"; Enacting New Sections; Defining Malfeasance and Declaring Malfeasance to Be a Misdemeanor.

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

Section 1. Section Amended.

Section 77-19-1, Utah Code Annotated 1953, is amended to read:

77-19-1. May Inquire into Offenses and Present Indictments.

The grand jury may inquire into all public offenses and malfeasance in office within the jurisdiction of the court committed or triable within the county, and present them to the court by indictment, or by an accusation in writing.

Section 2. Section Amended.

Section 77-19-6, Utah Code Annotated 1953, is amended to read:

77-19-6. Juror Having Knowledge of Crime to Declare It.

If a member of a grand jury knows, or has reason to believe, that a public offense or malfeasance in office within the jurisdiction of the court has been committed, he must declare the same to his fellow jurors, who must thereupon investigate the same.

Section 3. Section Amended.

Section 77-46-1, Utah Code Annotated 1953, is amended to read:

77-46-1. On Behalf of a Defendant Charged With Crime—Witnesses Examined Conditionally.

When a defendant has been held to answer a charge for a public offense or malfeasance in office he may, either before or after an indictment or information, have witnesses examined conditionally on his behalf as prescribed in this chapter, and not otherwise.

Section 4. Section Amended.

Section 78-46-1, Utah Code Annotated 1953, is amended to read:

78-46-1. "Jury" Defined.

A jury is a body of persons temporarily selected from the citizens of a particular county and invested with power to present and indict a person for a public offense or malfeasance in office, or to try a question of fact.

Section 5. "Malfeasance in Office."

"Malfeasance in office" means the wrongful and unjust doing of official act, which doer has no right to perform, with evil intent or motive or such gross negligence as to be equivalent to fraud.

Section 6. Person Who Commits Malfesance—Misdemeanor.

Every person who commits malfesance in office is guilty of a misdemeanor.

Approved March 21, 1967.

CHAPTER 210

S. B. No. 129

(Passed March 9, 1967. In effect May 9, 1967)

**GRAND JURIES—ADVICE OF COURT AND
DISTRICT ATTORNEY**

An Act Amending Section 77-19-9, Utah Code Annotated 1953, Relating to Grand Jury Procedures; Providing for the Employment of Grand Jury Counsel and Investigators Upon the Approval of the Grand Jury.

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

Section 1. Section Amended.

Section 77-19-9, Utah Code Annotated 1953, is amended to read:

77-19-9. Grand Jury Procedures—Employment of Grand Jury Counsel and Investigators.

The grand jury may at all reasonable times ask the advice of the court or the judge thereof, or of the district attorney, but unless such advice is asked, the judge of the court must not be present during the sessions of the grand jury. The district attorney may at all times appear before the grand jury for the purpose of giving information or advice relative to any matter cognizable by them, and may interrogate witnesses before them whenever he shall deem it necessary; except that when a charge against or involving the district attorney, or any of his assistants or deputies, or anyone employed or connected with the office of the district attorney, is being investigated by the grand jury, such district attorney, assistants or deputies or either or any of them, shall not be allowed to be present before such grand jury when such charge is being investigated, in an official capacity but only as a witness, and he shall only be present while a witness, and after his appearance as such witness must leave the place where the said grand jury is holding its session. Upon the disqualification or inability to serve of the district attorney, his deputies or assistants, or upon request of the grand jury, the attorney general and his deputies and assistants or any or either of them, may appear before the grand jury for the same purpose and with the same rights and privileges as is herein above provided as to the district attorney. The attorney general is further empowered, when requested so to do by the grand jury, to employ, upon approval of the grand jury, special counsel and special investigators whose duty it shall be to investigate and present the evidence in such investigation to the grand jury. Such special counsel so employed, upon request of the grand jury, may interrogate witnesses before it.

The grand jury shall appoint a competent stenographic reporter who having been duly sworn shall be permitted to attend and be present at the sessions of the grand jury. It shall be the duty of such stenographic reporter to report in shorthand the testimony that may be given before

the grand jury and, where an indictment is returned, to transcribe the testimony of the defendant or defendants and all witnesses whose names are inserted or indorsed upon the indictment as witnesses. He shall also transcribe all of the testimony of any witness appearing before the grand jury who shall subsequently be indicted or charged with perjury before the grand jury, and such other testimony as may be required by order of the court. Two copies only of any testimony required to be transcribed as in this section provided shall be made by the stenographic reporter. One such copy shall be delivered to the clerk of the district court of the county in which the grand jury is in session and one copy thereof shall be delivered to the district attorney; provided that if the clerk of the court or any person connected with his office is indicted, the copy of the testimony relating to such indictment which would otherwise be delivered to such clerk of the court shall be delivered to the attorney general; and provided further, that if the district attorney or any person connected with his office is indicted then in that event the copy of the report which would otherwise be delivered to the district attorney shall be delivered to the attorney general.

No person to whom a transcript of the testimony has been delivered as herein provided shall exhibit said transcript to any person nor divulge the contents thereof to any person except upon written order of the court duly made after hearing the persons in whose custody said copy is placed; except that said testimony so transcribed may be used by the prosecuting attorney to impeach the testimony of any witness appearing at the trial of a person indicted by the grand jury, or of a person accused of and being tried for perjury.

No person other than as in this section prescribed shall be permitted to be present during the sessions of the grand jury, except the members, interpreters and witnesses actually under examination, and no person must be permitted to be present during the expression of the opinions of the grand jurors or the giving of their votes upon any matter before them.

Approved March 21, 1967.

CHAPTER 211

S. B. No. 128

(Passed March 9, 1967. In effect May 9, 1967)

GRAND JURIES—RECOMMENDATIONS FOR GOVERNMENTAL CHANGE

An Act Providing for the Making of Recommendations for Governmental Change by the Grand Jury.

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

Section 1. Grand Jury May Make Recommendations for Governmental Changes.

Upon completion of its business, the grand jury may, if they so desire, make written recommendations for changes in governmental procedures and practices which they feel merit consideration. The written recommendations may not, however, contain criticisms of past practices or conduct of any official or department where no indictment has been issued.

Approved March 16, 1967.

CHAPTER 212

S. B. No. 124

(Passed March 9, 1967. In effect May 9, 1967)

GRAND JURIES—WITNESS RIGHT TO COUNSEL

An Act Amending Section 77-19-13, Utah Code Annotated 1953, Relating to Witnesses Before a Grand Jury; Providing That a Grand Jury Witness Be Advised of His Constitutional Right to Counsel and Establishing the Order of Proceedings After Demand for Counsel.

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

Section 1. Section Amended.

Section 77-19-3, Utah Code Annotated 1953, is amended to read as follows:

77-19-3. Evidence Receivable—Legal Evidence Only.

In the investigation of a charge for the purpose of indictment the grand jury must receive no other evidence than such as shall be given by witnesses produced and sworn before them, or furnished by legal documentary evidence, or deposition of a witness as provided in section 77-1-8. Any person called to testify before a grand jury must be advised of his constitutional right to be represented by counsel and his right not to say anything that may incriminate himself. Upon a demand by such person for representation for counsel the proceedings must be delayed until counsel is present. In the event that counsel of his choice is not available, said individual shall be required to obtain other counsel in order that the work of the grand jury go forward. The grand jury must receive none but legal evidence, and the best evidence in degree, to the exclusion of heresay or secondary evidence.

Approved March 16, 1967.

CHAPTER 213

H. B. No. 146

(Passed February 24, 1967. In effect May 9, 1967)

SEARCH WARRANTS

An Act Amending Section 77-54-9, Utah Code Annotated 1953, Relating to Execution of Search Warrants by Peace Officers, Providing Additional Authority for Officer to Break Door or Window to Execute Upon Direction of Magistrate Where Necessary to Prevent Destruction of Property Sought or Where Life or Limb Is Endangered.

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

Section 1. Section Amended.

Section 77-54-9, Utah Code Annotated 1953, is amended to read:

77-54-9. Officer May Break Door or Window to Execute.

The officer may break open any outer or inner door or window of a house, or any part of a house or anything therein, to execute the warrant:

(1) If, after notice of his authority and purpose, he is refused admittance; or

(2) Without notice of his authority and purpose, if the judge, justice or magistrate issuing the warrant has inserted a direction therein that the officer executing it shall not be required to give such notice. The judge, justice or magistrate may so direct only upon proof under oath, to his satisfaction that the property sought is a narcotic, illegal drug, or other similar substance which may be easily and quickly destroyed or disposed of, or that danger to the life or limb of the officer or any other may result, if such notice were to be given.

Approved February 28, 1967.

CHAPTER 214

H. B. No. 286

(Passed March 9, 1967. In effect May 9, 1967)

RELEASE TIME FOR PERSONS IMPRISONED IN JAILS

An Act Providing for Special Release Time for Persons Imprisoned in City or County Jails for Various Purposes Under Such Terms and Conditions as Shall Be Provided by the Sentencing Judge.

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

Section 1. Release Time—Order of Judge—Discretionary.

Any person sentenced to a term in any city or county jail may, pursuant to the order of the sentencing judge, be released from jail during those hours which are reasonable and necessary to accomplish any of the following purposes:

- a. Working at his place of employment if he has regular employment at the time he commences serving his jail term.
- b. Working in a self-employed capacity if he has a self-employed business, occupation or profession at the time he commences serving his jail term.
- c. Tending or caring for children and performing essential household functions in the case of a woman who has minor children in her custody.
- d. Attending an educational institution when he is regularly enrolled at the time he commences serving his jail term.
- e. Obtaining necessary medical treatment.
- f. Any other purpose for which the court at its own discretion has made its order.

Section 2. Release Time—Discretion of Judge—Rules.

Any released time so provided shall be at the discretion of the sentencing judge, and said judge may allow such released time for any of the reasons set forth in the section next preceding when it appears there are good and substantial reasons for so doing and when the same appears to be in the public interest. The judge shall specify the terms and conditions pursuant to which such released time shall be permitted, including, but not limited to the following conditions and limitations:

- a. All released prisoners shall remain, while absent from the jail, in the legal custody of the jailor and shall be subject, at any time, to being returned to jail, if good cause appears for so doing.

b. During all hours when the prisoner is not serving the function for which he is awarded released time, he shall be confined in jail as an ordinary prisoner.

c. All prisoners granted released time shall be released by the person in charge of the jail for the purpose for which the released time was granted, and the prisoner shall be responsible for obtaining his own transportation to and from the place where he shall perform the function for which he is released.

d. The prisoner may be required to pay all monies earned from employment during the jail term to those persons for whose support he is legally responsible, but may be permitted to retain sufficient money to pay for the costs of transportation, meals, and other incidental and necessary expenses.

e. Any violation of any condition or limitation specified by the judge in connection with any released time granted to any prisoner shall immediately constitute cause for revocation of the released time, and the judge may, on his own initiative, revoke any such released time previously awarded when he believes that good and sufficient cause exists for so doing.

Approved March 21, 1967.

JUDICIAL CODE

CHAPTER 215

S. B. No. 9

(Passed January 27, 1967. In effect May 9, 1967)

NUMBER OF CITY JUDGES

An Act Amending Section 78-4-2, Utah Code Annotated 1953, Relating to the Number of City Judges and Providing That Cities of Between 30,000 and 90,000 Population May Utilize One City Judge Instead of Two at the Discretion of Their Governing Body.

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

Section 1. Section Amended.

Section 78-4-2, Utah Code Annotated 1953, is amended to read:

78-4-2. Judges—Election of—Number of Judges—Term and Tenure of Office.

At the municipal election to be held in the year 1951, and sexennially thereafter, city judges shall be elected by the qualified electors of their respective cities in the manner provided by this act. In cities having a population, as determined by the next official census and each official census thereafter, of 30,000 and less than 90,000 there shall be two city judges, unless the governing body by ordinance fixes the number of city judges to be one; in cities having a population of 90,000 and less than 150,000, there shall be three city judges; in cities having a population of 150,000 or more, there shall be four city judges; and in other cities having a city court there shall be one city judge, provided, however, that there shall be no reduction in the number of city judges now serving. Said judges shall be known as judges of the city court, and their term of office shall be for six years beginning at twelve o'clock noon on the first Monday of January succeeding their election.

Approved February 3, 1967.

CHAPTER 216

H. B. No. 50

(Passed February 14, 1967. In effect May 9, 1967)

CITY COURTS CIVIL JURISDICTION

An Act Amending Section 78-4-14, Utah Code Annotated 1953, Providing for City Courts to Have the Power to Enter Decrees for Civil Treatment of Alcoholics, Narcotic Addicts and Other Persons Whose Use of Intoxicants or Drugs Is Such That They Cannot Reasonably Control Their Behavior.

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

Section 1. Section Amended.

Section 78-4-14, Utah Code Annotated, 1953, is amended to read as follows:

78-4-14. Civil Jurisdiction.

The city court shall have civil jurisdiction:

(1) In actions arising on contract, for the recovery of money only, if the sum claimed is less than \$1,000, exclusive of costs of court.

(2) In actions to recover damages for injury to the person, or to personal property, or for taking or detaining personal property, or for injury to real property, if the damages claimed are less than \$1,000, exclusive of costs.

(3) In action to recover a fine, penalty or forfeiture less than \$1,000, given by statute, or by ordinance of an incorporated city or town.

(4) In actions upon bonds or undertakings conditioned for the payment of money, if the sum claimed is less than \$1,000, though the penalty may exceed that sum. When the payments are to be made by installments, an action may be brought for each installment as it becomes due.

(5) In actions to recover the possession of personal property, or its value, when the value of such property is less than \$1,000.

(6) In actions to enforce or foreclose liens and mortgages on real and personal property situated within the county, if the amount claimed is less than \$1,000.

(7) In actions for forcible entry, forcible detainer or unlawful detainer of real property situated within the county, if the whole amount of rent and damages claimed is less than \$1,000.

(8) In actions for an accounting; provided, that if the ultimate amount found due to the plaintiff is in excess of \$1,000, the plaintiff shall remit the excess within such time as the court may fix or the action shall be dismissed and costs taxed against the plaintiff.

(9) Of defenses in equity to reform or rescind written instruments for the payment of money.

(10) To take and enter judgment by confession to the defendant, if the amount confessed is less than \$1,000.

(11) To enter such decrees and orders as are necessary for the civil rehabilitation and treatment of alcoholics, narcotic addicts, and other persons whose use of drugs or intoxicants is such that they substantially lack the capacity to control their use of such drugs or intoxicants and are in need of treatment for rehabilitation.

But no defendant in any action brought in the city court shall be required to appear and defend the action, unless, at the time of the service of the summons upon him, he is a resident of the county in which the action is brought, except:

(a) In actions of which the court has jurisdiction as provided by subdivisions (6) and (7) of this section.

(b) In actions upon a joint or joint and several obligation or contract of two or more persons, one of whom, being a party defendant, resides in the county in which action is brought.

(c) In actions for injury to persons or property committed in such county.

(d) In actions against nonresidents of the state.

(e) In actions against a person who is about to depart from the state, if he is found and served in this state.

(f) In actions to recover the possession of personal property situated in such county.

(g) In actions on a cause wherein the defendant promised in writing to perform the obligation in such county.

(h) In actions against a corporation which maintains a business office in such county.

(i) Persons present in the county in need of judicially supervised treatment for alcoholism, narcotic addiction, or persons who otherwise use intoxicants or drugs to such an extent that they substantially lack the capacity to control their use of such drugs or intoxicants and are in need of treatment to effect their rehabilitation.

Approved February 20, 1967.

CHAPTER 217

H. B. No. 9

(Passed February 7, 1967. In effect May 9, 1967).

INJURY TO PERSON OR DEATH—ACTION NOT ABATE

An Act Amending Section 78-11-12, Utah Code Annotated 1953, and Providing That a Cause of Action Arising Out of An Injury Shall Not Abate Upon the Death of the Injured Party.

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

Section 1. Section Amended.

Section 78-11-12, Utah Code Annotated 1953, is amended to read:

78-11-12. Injury to Person or Death—No Abatement of Cause of Action Upon Death of Wrongdoer—Action Against Personal Representative of Wrongdoer—Evidence Required.

Causes of action arising out of physical injury to the person or death, caused by the wrongful act or negligence of another, shall not abate upon the death of the wrongdoer or the injured person, and the injured person or the personal representatives or heirs of one meeting death, as above stated, shall have a cause of action except for claims relating to pain and suffering against the personal representatives of the wrongdoer; pro-

vided, however, that the injured person or the personal representatives or heirs of one meeting death shall not recover judgment except upon some competent satisfactory evidence other than the testimony of said injured person.

Section 2. Act Not Retroactive.

This act shall not be construed to be retroactive.

Approved February 10, 1967.

CHAPTER 218

H. B. No. 4

(Passed February 17, 1967. In effect May 9, 1967)

**LIMITATION OF ACTIONS FOR INJURY OR DEATH
AGAINST PERSONS WHO CONSTRUCTED
IMPROVEMENT ON REAL PROPERTY**

An Act Enacting a New Section 78-12-25.5 Utah Code Annotated 1953, Relating to the Limitations of Actions by Providing a Time Limit Within Which Actions for Injury to Property or Death Must Be Brought Against Persons Who Performed or Furnished the Design, Planning, Supervision or Construction of Improvements on Real Property.

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

Section 1. Section Amended.

Section 78-12-25.5, Utah Code Annotated 1953, is enacted to read:

78-12-25.5. Limitation of Action—For Injury to Property or Death—Against Certain Persons—For Construction on Real Property.

No action to recover damages for any injury to property, real or personal, or for any injury to the person, or for bodily injury or wrongful death, arising out of the defective and unsafe condition of an improvement to real property, nor any action for damages sustained on account of such injury, shall be brought against any person performing or furnishing the design, planning, supervision of construction or construction of such improvement to real property more than seven years after the completion of construction.

(1) "Person" shall mean an individual, corporation, partnership, or any other legal entity.

(2) Completion of construction for the purposes of this act shall mean the date of issuance of a certificate of substantial completion by the owner, architect, engineer or other agents, or the date of the owners use or possession of the improvement on real property.

The limitation imposed by this provision shall not apply to any person in actual possession and control as owner, tenant or otherwise, of the improvement at the time the defective and unsafe condition of such improvement constitutes the proximate cause of the injury for which it is proposed to bring an action.

This provision shall not be construed as extending or limiting the periods otherwise prescribed by the laws of this state for the bringing of any action.

Approved February 27, 1967.

CHAPTER 219

S. B. No. 201

(Passed March 9, 1967. In effect May 9, 1967)

ADOPTION OF ADULTS

An Act Amending Section 78-30-1, Utah Code Annotated 1953, Relating to Who May Adopt and Who May Be Adopted and Providing That Not Only May a Minor Child Be Adopted, But an Adult May Also Be Adopted, Subject to the Other Provisions of the Chapter on Adoptions.

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

Section 1. Section Amended.

Section 78-30-1, Utah Code Annotated 1953, is amended to read as follows:

78-30-1. Who May Adopt.

Any minor child may be adopted by any adult person.

Any adult may be adopted by any other adult person, however all other provisions of this chapter shall apply to any adoption of any adult just as though the person being adopted were a child, except that the consent of the parents of an adult person being adopted shall not be required.

Approved March 16, 1967.

CHAPTER 220

H. B. No. 135

(Passed March 9, 1967. In effect May 9, 1967)

RIGHT OF EMINENT DOMAIN

An Act Amending Sections 78-34-5, 78-34-9, and 78-34-16, Utah Code Annotated 1953, Relating to the Right of Eminent Domain and Occupancy Thereunder, and Providing as a Condition Precedent to Occupancy That the Condemning Authority Deposit with the Court the Amount of Its Appraised Valuation of the Land or Easement to Be Taken, and Providing Further for Right of Condemnor to Dismiss His Action Upon Specified Conditions.

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

Section 1. Sections Amended.

Sections 78-34-5, 78-34-9 and 78-34-16, Utah Code Annotated 1953, are amended to read:

78-34-5. Right of Entry for Survey and Location.

In all cases where land is required for public use, the person, or his agent, in charge of such use may survey and locate the same; but it must be located in the manner which will be most compatible with the greatest public good and the least private injury, and subject to the provisions of this chapter. The person, or his agent, in charge of such public use may enter upon the land and make examinations, surveys and maps thereof, and such entry shall constitute no cause of action in favor of the owners of the lands, except for actual damage to the land

and improvements thereon caused by such entry, which is not repaired on or before the date the examinations and surveys are completed.

78-34-9. Occupancy of Premises Pending Action.

The plaintiff may move the court or a judge thereof, at any time after the commencement of suit, on notice to the defendant, if he is a resident of the state, or has appeared by attorney in the action, otherwise by serving a notice directed to him on the clerk of the court, for an order permitting the plaintiff to occupy the premises sought to be condemned pending the action, including appeal, and to do such work thereon as may be required. The court or a judge thereof shall take proof by affidavit or otherwise of the value of the premises sought to be condemned and of the damages which will accrue from the condemnation, and of the reasons for requiring a speedy occupation, and shall grant or refuse the motion according to the equity of the case and the relative damages which may accrue to the parties. If the motion is granted, the court or judge shall enter its order requiring the plaintiff as a condition precedent to occupancy to file with the clerk of the court a sum equivalent to at least seventy-five percent of the condemning authority's appraised valuation of the property sought to be condemned. The amount thus fixed shall be for the purposes of the motion only, and shall not be admissible in evidence on final hearing. The rights of just compensation for the land so taken or damaged shall vest in the parties entitled thereto, and said compensation shall be ascertained and awarded as provided in section 78-34-10 and established by judgment therein, and the said judgment shall include, as part of the just compensation awarded, interest at the rate of eight percent per annum on the amount finally awarded as the value of the property and damages, from the date of taking actual possession thereof by the plaintiff or order of occupancy, whichever is earlier, to the date of judgment; but interest shall not be allowed on so much thereof as shall have been paid onto court. Upon the application of the parties in interest, the court shall order that the money deposited in the court be paid forthwith for or on account of the just compensation to be awarded in the proceeding. A payment to a defendant as aforesaid shall be held to be an abandonment by such defendant of all defenses excepting his claim for greater compensation. If the compensation finally awarded in respect of such lands, or any parcel thereof, shall exceed the amount of the money so received the court shall enter judgment against the plaintiff for the amount of the deficiency. If the amount of money so received by the defendant is greater than the amount finally awarded, the court shall enter judgment against the defendant for the amount of the excess. Upon the filing of the petition for immediate occupancy the court shall fix the time within which, and the terms upon which, the parties in possession shall be required to surrender possession to the plaintiff. The court shall make such orders in respect to encumbrances, liens, rents, assessment, insurance and other charges, if any, as shall be just and equitable.

78-34-16. Possession by Plaintiff Pending Appeal or Further Proceedings—Deposit—Payment, Effect.

In the event that no order is entered by the court permitting payment of said deposit on account of the just compensation to be awarded in

the proceeding within thirty (30) days following its deposit, the court may, on application of the condemning authority, permit the substitution of a bond in such amount and with such sureties as shall be determined and approved by the court. **Condemnor, whether a public or private body, may, at any time prior to final payment of compensation and damages awarded the defendant by the court or jury, abandon the proceedings and cause the action to be dismissed without prejudice, provided, however, that as a condition of dismissal condemnor first compensate condemnee for all damages he has sustained and also reimburse him in full for all reasonable and necessary expenses actually incurred by condemnee because of the filing of the action by condemnor, including attorney's fees.**

Approved March 16, 1967.

CHAPTER 221

S. B. No. 127

(Passed March 9, 1967. In effect May 9, 1967)

SELECTION OF GRAND JURORS

An Act Amending Section 78-46-29, Utah Code Annotated 1953, Relating to the Selection of Grand Jurors; Providing that Persons to Serve as Grand Jurors Have No Bias or Prejudice.

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

Section 1. Section Amended.

Section 78-46-29, Utah Code Annotated 1953, is amended to read:

78-46-29. Selection of Grand Jury.

At the time specified for the appearance of the persons summoned to serve as grand jurors, the judge of the court shall examine the individual grand jurors. Before accepting any such person drawn as a grand juror, the court must be satisfied that such person is duly qualified to act as such juror and that such person has no bias or prejudice that would prevent him from fairly and dispassionately considering the matters presented to him as a grand juror; but when drawn and found qualified, he must be accepted unless the court, on the application of the juror and before he is sworn, shall excuse him from such service for any of the reasons prescribed in this chapter.

The court may dismiss the grand jury panel where there appears that there has been a material departure from the methods prescribed with respect to the selecting, drawing, and return of the grand jury, or where there has been intentional omission of the proper officer to summon one or more of the grand jurors drawn.

No challenge shall be made or allowed to the panel from which the grand jury is drawn, nor to an individual grand juror, except when made by the court for want of qualification as above prescribed.

When of the persons summoned as grand jurors competent and not excused seven are present, they shall constitute the grand jury. If more than seven of such persons are present, their names must be written by the clerk on separate slips, folded so as to conceal the names, and placed in a box. The clerk must then draw out of the box seven slips, and the persons whose names are thereon shall constitute the grand jury.

Approved March 21, 1967.

CHAPTER 222

S. B. No. 63

(Passed March 1, 1967. In effect July 1, 1967)

ADMINISTRATION OF DISTRICT COURTS

An Act Amending Section 49-7-5.7, Utah Code Annotated 1953, as Enacted by Chapter 79, Laws of Utah 1963, Relating to Service by Retired Judges, When Needed, at a Fair Compensation; Providing for an Administrator for the District Courts Under the Supervision of the Supreme Court; Providing for the Establishment of Record Keeping, Standardization of Record Keeping, Assignment of Judges and Collection of Statistical Data; Providing an Effective Date; and Repealing Section 78-3-13.5, Utah Code Annotated 1953, as Enacted by Chapter 191, Laws of Utah 1963.

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

Section 1. Section Amended.

Section 49-7-5.7, Utah Code Annotated 1953, as enacted by Chapter 79, Laws of Utah 1963, is amended to read:

49-7-5.7. Service by Judge After Retirement Authorized.

Any judge who has retired under the provisions of this act and is physically and mentally able to perform the duties of the office and who is not engaged in the practice of law shall be entitled after retirement to serve from case to case as a justice of the Supreme Court upon invitation of the chief justice, or as a judge of the district court upon invitation of Assignment Justice of the Supreme Court, or as judge of the city court upon invitation of the presiding judge of such court. Such retired judge so sitting shall be required to take and subscribe an oath of office only upon his first sitting in such Supreme Court or judicial district, or city court. For such services he shall receive payment at the same per diem rate as unretired judges receive on a per diem basis less retirement pay paid during the same period. Any judge so sitting after retirement shall be paid his travel and sustenance expenses as provided by law for judges.

Section 2. Administrator for District Courts.

In addition to all other duties, the clerk of the Supreme Court shall also act as an administrator for the district courts.

Section 3. Administrator Duties—Restrictions.

The administrator for the district courts, with the approval of the Supreme Court, shall be responsible for the establishment of positions and salaries in accordance with law of such assistants as are necessary to enable him to perform the powers and duties vested in him by this act. During the term of his employment no assistant shall engage directly or indirectly in the practice of law.

Section 4. Justices of Supreme Court—Designation of Assignment Justices.

The justices of the Supreme Court shall designate one of their number as an assignment justice. The assignment justice is empowered, through the offices and assistance of the administrator for the district courts, to:

(a) issue such orders as may be necessary to require establishment of record-keeping practices and procedures in accordance with such rules as may be adopted by the Supreme Court; and

(b) assign district judges to assist in any courts which he finds to be in need of assistance.

Section 5. Administrator Directed by Supreme Court.

The administrator for the district courts shall, under the supervision and direction of the Supreme Court:

(a) Examine the administrative methods and systems employed in the offices of the clerks of the courts and make recommendations for the improvement of the same rule of the Supreme Court or other means;

(b) Examine the state of the dockets of the courts and determine the need for assistance by any court;

(c) Make recommendations to the assignment justice of the Supreme Court relating to the assignment of judges where courts are in need of assistance and carry out the directions of the assignment justice as to the assignment of judges to counties or districts where the courts are in need of assistance, which directions shall be complied with by the district judges.

(d) Collect and compile statistical and other data and make reports of the business transacted by the courts and transmit the same to the Supreme Court to the end that proper action may be taken in respect thereto;

(3) Obtain reports from clerks of courts in accordance with law or rules adopted by Supreme Court on cases and other judicial business in which action has been delayed beyond periods of time specified by law or rules of court and make report thereof to the Supreme Court;

(f) Formulate and submit to the Supreme Court recommendations of policies for the improvement of the judicial system; and

(g) Attend to such other matters as may be assigned by the Supreme Court.

Section 6. Judges and Clerks of Courts Shall Comply with Request of Administrator.

The judges, clerks of the courts, and all other officers, state and local, shall comply with all requests made by the administrator or his assistants for information and statistical data bearing on the state of the dockets of all courts and such other information as may reflect the business transacted by them and the expenditure of public moneys for the maintenance and operation of the judicial system.

Section 7. Court Administrator Act.

This act shall be known as the Court Administrator Act.

Section 8. Effective Date.

This act shall take effect on July 1, 1967.

Section 9. Section Repealed.

Section 78-3-13.5, Utah Code Annotated 1953, as enacted by Chapter 191, Laws of Utah 1963, is repealed.

Approved March 21, 1967.

APPROPRIATIONS

CHAPTER 223

H. B. No. 311

(Passed March 9, 1967. In effect July 1, 1967)

GENERAL APPROPRIATION BILL

An Act Making Appropriations for the Support of the Utah State Government for the Fiscal Years Beginning July 1, 1967, and July 1, 1968, Setting Up Regulations and Restrictions Concerning Expenditures; Specifying Revenue Estimates Upon Which Appropriations are Based.

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

Section 1. Appropriations Act of 1967.

(1) This act shall be known and may be cited as the "Appropriations Act of 1967." All sums of money appropriated by this act are, unless otherwise herein specifically provided, for the fiscal years beginning July 1, 1967, and July 1, 1968.

(2) All of the monies appropriated by this act are appropriated upon the terms and conditions as hereinafter set forth, and any department, agency or institution, except the legislature and its committees, which accepts monies appropriated by this act does so subject to the terms and provisions of this act.

Section 2. Intent—Limitations.

In providing that certain appropriations in section 13 of this act are to be expended in accordance with a schedule or other restrictions, if any, set forth after each such appropriations item, it is the intent of the legislature to limit thereby the amount of money to be expended from each such appropriations item for certain specified purposes. Each such schedule in this act is a restriction or limitation upon the expenditure of the respective appropriation made by this act, does not itself appropriate any money, and is not itself an item of appropriation. No appropriation nor any surplus of any appropriation shall be diverted from any department, agency, institution or division to which it is by this act appropriated, to any other department, agency, institution or division, and the money appropriated, or so much thereof as may be necessary, shall, in those instances where a schedule or restriction is set forth, or prepared as herein provided, be used only for such purposes; except that if any department, agency or institution for which money is by this act appropriated shall request the transfer of monies appropriated to it from one purpose or function to another purpose or function within an item of appropriation, then the state budget officer shall require a new work program to be submitted for the fiscal year involved setting forth the purpose and necessity for such transfer, the budget officer shall then submit his findings and recommendations to the governor, who may in his discretion permit such a transfer. The state fiscal officer shall notify the joint legislative budget audit committee of action taken by the governor. Under no circumstances shall any monies be transferred from one item of appropriation to any other item of appropriation.

Section 3. No Duplications of Payments.

No claim against the state, the payment of which is provided for in this act, shall be duplicated and the amount herein appropriated for the payment of any such claim shall be withheld if it is covered by an appropriation heretofore made, or by special law.

Section 4. Transfer of Funds.

(1) Whenever appropriations are provided in this act to be made from special funds, or fund account, the transfer of monies from such fund or accounts, to the general fund or any other fund for budgetary purposes shall be made by the proper state fiscal officer.

(2) To facilitate the implementation of the "funds consolidation act," as enacted by Chapter 132, Laws of Utah, 1965, it is hereby provided that:

a) Whenever an item of appropriation is made from a special fund in this act, which fund has been consolidated into one of the budgetary funds provided for, then such item of appropriation is made from the budgetary fund, or successor fund, into which that particular special fund is consolidated.

b) In the event that a particular activity or function of government is inadvertently omitted from the "appropriations act of 1967," and such activity is financed from a special or dedicated fund, the governor shall approve a work program for such activity in each fiscal year in the amount which in his judgment is necessary to maintain that activity or function. The amount of any such work program shall not exceed funds available, and such amounts are by this act appropriated.

(3) To implement the budgetary and accounting procedures required by funds consolidation, the governor is hereby authorized to modify schedules of programs within an item of appropriation contained in section 13. Such modification is restricted to organizational and functional structure and shall not extend to new activities or programs nor expand the functions of government as provided for by the legislature.

Section 5. Salaries—Paid Semi-Monthly—Monthly.

Salaries of all state officers and employees shall be paid at least semi-monthly. Expenses of state officers and employees shall be paid at least monthly.

Section 6. Processing of Warrants.

(1) No warrant to cover any claim against any appropriation or fund shall be drawn until such claim has been processed as provided by law.

(2) The state treasurer shall return all redeemed warrants to the state fiscal officer for purposes of reconciliation, post-audit and verification of the state treasurer's fund balances. The fiscal officer shall return all redeemed warrants to the state auditor for post-auditing and filing.

Section 7. Expenses—Mileage.

Allowances out of any of the appropriations for travel made in this act, to any and all of the state institutions, departments, bureaus and agencies, to elected officials, appointed officers and employees for expenses on account of the use by any such elected official, appointed officer or employee of his personal automobile in the discharge of his official duties shall be seven cents per mile of actual travel.

Section 8. Travel Outside of State.

No claim shall be incurred for travel outside of the state, without the approval of the budget officer and the governor, secured in advance of such travel; except that this provision shall not apply to the legislature and its committees.

Section 9. Petty Cash and Revolving Funds.

(1) It shall be the duty of the several commissions, departments and agencies of state government having petty cash, imprest cash, or revolving funds now established, to deposit the full amount thereof with the state treasurer on or before June 30, 1967, or within thirty days thereafter.

(2) Before any new petty cash funds shall be established, it shall be the duty of the commission, department or agency requesting such fund or funds to make application in writing to the state fiscal officer, setting forth the reasons therefor and stating the amount of and necessity for such fund.

(3) The state fiscal officer shall review such application and submit the same to the governor with his recommendations and the governor may establish such fund or funds from monies in the state treasury.

(4) All such funds established subsequent to July 1, 1967, shall be returned intact to the general fund or the fund from which such funds were established on or before June 30, 1969, or within thirty days thereafter.

(5) The state fiscal officer may, in lieu of establishing petty cash, imprest cash or revolving funds for state institutions of higher education, permit advances to be made from allotments to such institutions in sufficient amounts to provide necessary working bank balances to facilitate an orderly management of institutional affairs. Said institutions shall make reports as required by the state fiscal officer for the expenditure of funds included in such advances.

(6) Revolving funds established by law shall not be subject to the provisions of this section.

Section 10. Unexpended Balances—Nonlapsing Funds.

The state fiscal officer shall, on or before July 31, 1967, close out to the proper fund or account all unexpended balances of appropriations made by the 36th legislature for the period from July 1, 1965 to June 30, 1967, except that the unexpended sums of money heretofore appropriated to the state building board for building, planning or construc-

tion purposes, the parks acquisition fund, the state armory board trust fund, state fair board maintenance fund, the historical society revolving fund, the marking of graves trust fund, the prison revolving fund, the Utah water and power board construction and investigation funds, the commission for adult blind revolving funds, the 37th legislature appropriation, and the University of Utah medicine teaching hospital appropriation fund, shall not lapse or be closed out. Claims for services, supplies and purchases which are due and payable from regular departmental appropriations made prior to June 30, 1967, but which are not paid before July 31, 1967, may be paid from regular departmental appropriations for the period beginning July 1, 1967, provided such claims do not exceed unexpended balances of appropriations for the biennial period ending June 30, 1967.

Section 11. State Fiscal Officers to Close Out Balances—Exceptions.

The state fiscal officer shall, on or before July 31, 1968, close out to the proper fund or account all unexpended balances of appropriations made by the legislature for the fiscal year ending June 30, 1968, except that the unexpended sums of money heretofore appropriated for building, planning or construction purposes, parks acquisition, state armory board trust fund, state fair board maintenance fund, marking of graves trust fund, revolving or petty cash funds established, water and power board funds, prison funds, historical revolving funds, legislative appropriations, legislative committees and council, adult blind funds, encumbered capital outlay funds, and the University of Utah medicine teaching hospital appropriation fund, shall not lapse or be closed out. Claims for services, supplies and purchases which are due and payable from regular departmental appropriations made prior to June 30, 1968, but which are not paid before July 31, 1968, may be paid from regular departmental appropriations for the period beginning July 1, 1968, provided such claims do not exceed unexpended balances of appropriations for the fiscal period ending June 30, 1968.

To facilitate the closing of the state books and accounts at the end of each fiscal year, the state fiscal officer shall maintain all budgetary funds and accounts on an accrual basis as necessary to properly record expenditures in the period when liabilities are incurred.

Section 12. Collections—Deposited at Least Monthly.

All departmental and institutional collections and dedicated credits which by law are required to be paid into the state treasury shall be deposited at least monthly and shall be credited by the proper state fiscal officer to the appropriations account of each department, institution, or agency responsible for such collections and dedicated credits to the extent and in such amounts as collected or as appropriated by section 13 of this act. Any excess collections and dedicated credits beyond the amount or amounts appropriated by section 13 of this act shall be credited by the proper state fiscal officer to the appropriations account for the department, institution or agency responsible for such collections and dedicated credits. The expenditure of excess collections may be made upon application to the state budget officer setting forth

a new work program and the justification therefore; whereupon the budget officer shall submit his findings and recommendations to the governor, who may in his discretion; permit the expenditure of excess collections. The state's fiscal officer shall notify the legislative joint budget and audit committee of such action taken by the governor.

Collections or dedicated credits are by this act appropriated and shall be first allotted for expenditure to the extent of such appropriations. All collections and dedicated credits shall be subject to all provisions of law applicable to appropriated funds and shall be expended in accordance with an approved work program.

The provisions of this section shall not apply to federal funds or grants unless by law or federal regulations such funds are required to be retained or controlled exclusively by the department, institution or agency responsible for such funds or grants.

Section 13. Line Item Appropriations.

The following sums of money, or so much thereof as may be necessary, are appropriated out of monies not otherwise appropriated from the funds or fund accounts herein indicated, for the use and support of the government of the State of Utah for fiscal years indicated, and for other purposes as in this act and this section provided.

Column No. 1 indicates appropriations for the fiscal year ending June 30, 1968. Column No. 2 indicates appropriations for the fiscal year ending June 30, 1969.

		1967-68	1968-69
Item	1 To Legislature—Senate and House From the General Fund\$ Includes costs of refurbishing legislative chambers.	250,000	\$ 250,000
Item	2 To Legislature—Officers of the 37th Legislature—Interim Expenses From the General Fund For actual and necessary expenses of the members of the Legislature to attend meetings, including the National Legislative Leaders Conferences; and for the payment of dues and for special committee expenses during the interim period from July 1, 1967 to June 30, 1969. The payment of expenses shall be upon approval of the President of the Senate and the Speaker of the House of the 37th Legislature, and such officers shall designate representation from the State of Utah from the membership of the Legislature to incur such expenses against the appropriation.	10,000	10,000

Item 3	To Legislature—Legislative Council From the General Fund	151,500	161,300
	Schedule of Programs:		
	Administration & Research	111,500	121,300
	Committee Expenses	15,000	15,000
	Special Studies	25,000	25,000
Item 4	To Legislature—Joint Budget- Audit Committee From the General Fund	79,000	87,000
	Schedule of Programs:		
	Committee Expenses	4,000	4,000
	Administration	75,000	80,000
	Assisting Joint Appropriations Committee		3,000
Item 5	To Legislature—Joint Operations Committee From the General Fund	15,000	15,000
Item 6	To Legislature—Joint Legal Services Committee From the General Fund	17,000	18,000
	Schedule of Programs:		
	Committee Expense	2,000	2,000
	Administration	15,000	16,000
Item 7	To Supreme Court—Administration From the General Fund	166,600	168,600
Item 8	To Supreme Court—Purchase of Utah Reports From the General Fund	3,800	3,800
	From Department Collections	2,376	1,224
Item 9	To Juvenile Court—Administration From the General Fund	735,114	788,630
Item 10	To Finance Department— District Courts From the General Fund	668,200	682,600
Item 11	To Governor—Office Administration From the General Fund	92,300	96,100
Item 12	To Governor—Residence From the General Fund	24,400	25,700
Item 13	To Governor—State Council of Defense From the General Fund	50,599	43,338
	From Dedicated Credits	44,547	53,465
Item 14	To Governor—Utah Athletic Commission—Administration From the General Fund	700	800

Item 15	To Governor—Planning Coordinator		
	From the General Fund	29,000	31,000
	From Dedicated Credits	45,337	51,640
Item 16	To Governor—Governor's Contingency		
	From the General Fund	5,000	5,000
Item 17	To Secretary of State— Administration		
	From the General Fund	146,044	154,029
Item 18	To Secretary of State—Printing of Ballots and Petitions		
	From the General Fund	5,750	
	For the period beginning July 1, 1967 and ending June 30, 1969.		
Item 19	To Secretary of State— Constitutional Amendments		
	From the General Fund		40,000
	For the printing of Constitutional Amendments as required by Article XXIII, Section 1. Publication to be made once at the beginning of the two-month period, once midway dur- ing the period, and once during the week preceding the general election for a total of three publications during the constitutional period.		
Item 20	To Secretary of State—Bonds of Elective Officials		
	From the General Fund		10,000
Item 21	To Secretary of State—Daughters of Utah Pioneers Relics Maintenance		
	From the General Fund	2,500	2,500
Item 22	To Attorney General— Administration		
	From the General Fund	131,085	137,140
	From Department Collections	118,000	124,000
	Department of Public Welfare not to exceed \$36,000 the first fiscal year, \$36,000 the second year. De- partment of Highways not to exceed \$82,000 the first fiscal year and \$88,000 the second year.		
	From Special Funds:		
	Fish and Game	13,200	13,200
	Liquor Control	5,050	5,050

Motor Vehicle Registration	56,800	58,240
Land Grant Maintenance	10,150	10,150
State Insurance	5,050	5,050
Contractors'	2,000	2,000
Financial Institutions	3,750	3,750
Public Utility Regulation	2,000	2,000
Oil & Gas Conservation	3,750	3,750
Securities Commission	1,500	1,500
Aeronautics	22,000	22,000
Engineer's Investigation	6,000	6,000
Registration	4,000	4,000
Boating	2,000	2,000
Motor Fuel Tax	40,500	40,500
Uniform School	7,550	7,550

This appropriation shall not be used for part-time personnel or office administrator. It is the intent of the Legislature that no inter-departmental billings shall be allowed except from the departments of highways, welfare, and the retirement board, or where federal participation may require. Further, assistant attorneys general shall be continued on the payroll of the attorney general. However, where an attorney is assigned to an agency or department on a full-time basis he shall be housed within that department so as to render greater service economically to the state. A sum of \$20,000 each year is to be used in assisting the State Aeronautics Commission.

Item 23	To Attorney General— Civil War Veterans From the General Fund	360	360
Item 24	To Attorney General—Spanish- American War Veterans From the General Fund	1,500	1,500
Item 25	To Attorney General—Commission on Uniform State Laws From the General Fund	3,000	2,000
Item 26	To State Auditor—Administration From the General Fund	46,241	47,195
	From Special Funds:		
	Fish & Game	24,000	25,000
	Liquor Control	25,000	25,000

	Motor Fuel Tax	21,000	22,000
	Motor Vehicle Registration	48,000	49,000
	Land Grant Maintenance	7,000	7,000
	Appropriation includes \$30,000 for contract auditing to be conducted in cooperation with the Legislative Auditor.		
Item 27	To State Auditor—Uniform Accounting		
	From the General Fund	15,000	15,000
	To be expended only for uniform accounting systems of political subdivisions, including manuals, composite reports and supervision.		
Item 28	To State Treasurer—Administration		
	From the General Fund	13,000	13,600
	From Special Funds:		
	Motor Fuel Tax	7,095	7,105
	Motor Vehicle Registration	24,000	24,000
	Fish & Game	500	800
	Liquor Control	11,500	12,000
	Land Grant Maintenance	2,000	2,000
	State Insurance Fund	9,000	10,000
Item 29	To State Treasurer—Loan Amortization of Capitol Plaza & Parking		
	From the General Fund	72,500	72,500
	From Motor Fuel Tax	17,500	17,500
Item 30	To State Treasurer—Loan Amortization of Cafeteria		
	From the General Fund	63,790	63,790
Item 31	To State Treasurer—Loan Amortization of Capitol Repairs		
	From the General Fund	74,100	74,100
Item 32	To State Treasurer—Unclaimed Property Administration		
	From Unclaimed Property Fund ...	8,542	8,953
Item 33	To Finance Department		
	From the General Fund	158,189	162,404
	From Special Funds:		
	Motor Fuel Tax	154,000	158,000
	Fish & Game	46,000	47,000
	State Insurance	18,500	19,000
	Liquor Control	37,000	38,000
	Motor Vehicle Registration	52,000	53,000
	Land Grant Maintenance	20,000	22,000

	Uniform School	81,000	83,500
	Financial Institution Fees	5,600	6,000
	Oil & Gas Conservation	4,000	4,000
	Aeronautics	3,129	3,447
	Schedule of Programs:		
	Purchasing	99,017	103,205
	Accounts & Control	359,184	362,314
	Personnel	15,226	15,965
	Budgetary	72,652	80,513
	Telephone Switchboard & Communications Control	33,339	34,354
Item 34	To Finance Department— Fire Insurance		
	From the General Fund	6,100	8,600
	From Department Collections	173,900	181,400
Item 35	To Finance Department—Jurors & Witness Fees		
	From the General Fund	55,000	55,000
Item 36	To Finance Department—One-half Cost—Maps & Plats		
	From the General Fund	50,000	50,000
Item 37	To Finance Department—Council of State Governments		
	From the General Fund	8,700	8,800
	Schedule of Programs:		
	State Membership	5,700	5,800
	National Governors' Conference..	3,000	3,000
Item 38	To Finance Department—Archives		
	From the General Fund	119,557	89,027
	From Department Collections	1,000	1,000
	Schedule of Programs:		
	Administration	40,034	33,196
	Microfilming	62,523	36,831
	Records Center	18,000	20,000
Item 39	To Finance Department—Printing of Public Documents		
	From the General Fund	86,265	
	Schedule of Programs:		
	Utah Code	61,265	
	Laws of Utah & Other Documents	25,000	
	For the period beginning July 1, 1967 and ending June 30, 1969.		
Item 40	To Finance Department—State Insurance Fund		
	From State Insurance Fund	274,738	284,029

Item 41	To State Tax Commission		
	From the General Fund	576,621	590,611
	From Dedicated Credits	244,500	288,600
	From Special Funds:		
	Motor Fuel Tax	91,900	95,300
	Motor Vehicle Registration	490,650	500,910
	Motor Vehicle Control	296,000	301,000
	Uniform School	946,550	972,650
	Special Fuel Tax	50,100	51,900
	Investigation Fund	63,200	65,500
	Schedule of Programs:		
	Administration	444,211	448,556
	Accounting	162,035	169,915
	Tabulating	230,720	237,080
	General Files	148,250	154,480
	Auditing	636,530	666,700
	Property Tax	79,955	83,155
	Valuation	244,490	255,660
	Motor Vehicle	449,380	469,560
	Excise Tax Collection	200,230	210,140
	Branch Offices	163,720	171,230
Item 42	To State Tax Commission— Inheritance Tax Appraiser's Fees		
	From the General Fund	25,000	26,000
Item 43	To State Tax Commission— Motor Vehicle Administration		
	From Motor Vehicle Administration Fund	88,200	92,100
Item 44	To State Building Board		
	From the General Fund	181,811	194,397
	From Dedicated Credits	15,912	16,409
	Schedule of Programs:		
	Administration	153,200	163,008
	Space Utilization	28,611	31,389
	Higher Education Facilities Study	15,912	16,409
Item 45	To State Building Board— Capitol Building and Grounds Improvements		
	From the General Fund	334,000	
	From the Capitol Building Fund.....	21,000	
	For the period beginning July 1, 1967 and ending June 30, 1969.		
Item 46	To Secretary of State—Capitol Building and Grounds		
	From the General Fund	529,203	532,463
	If Senate Bill No. 100 is enacted into law, this appropriation shall be to the State Building Board.		

Item 47	To Business Regulations		
	From the General Fund	10,600	11,100
	From Dedicated Credits	4,500	4,500
	From Special Funds:		
	Public Utility Regulation Fees	201,212	168,020
	Motor Vehicle Registration	53,907	54,307
	Securities Commission Fees	35,904	37,737
	Registration Fund	142,513	147,530
	Schedule of Programs:		
	Central Administration	47,845	48,896
	Registration of Trades & Professions	142,513	147,530
	Securities Commission	35,904	37,737
	Trades Commission	10,600	11,100
	Public Service Commission	158,867	124,624
	Inspections	52,907	53,307
	Public Service Commission includes a \$35,000 non-lapsing reserve for professional assistance.		
Item 48	To Business Regulations Real Estate License Administration		
	From Real Estate License Fund.....	27,986	28,255
Item 49	To Business Regulations— Professional Engineers and Land Surveyors		
	From Professional Engineers and Land Surveyor's Fund	10,935	11,112
Item 50	To Business Regulations— Contractors		
	From Contractor's Fund	143,304	149,050
Item 51	To Business Regulations— Cemetery Authority		
	From Cemetery Fund	145	145
Item 52	To Banking Commission		
	From Financial Institutions Fund....	242,980	260,706
	Schedule of Programs:		
	Administration	192,980	210,706
	Contingency for Institutions Taken Over	50,000	50,000
Item 53	To Insurance Department— Administration		
	From the General Fund	116,643	120,728
Item 54	To Industrial Commission— Administration		
	From the General Fund	257,731	262,508

	Schedule of Programs:	
	Administration	10,479 10,775
	Compensation & Occupational	85,359 87,777
	Safety	103,297 104,532
	Labor Relations	48,596 49,424
	Anti-discrimination	10,000 10,000
Item 55	To Apprenticeship Council	
	From the General Fund	18,400 19,600
Item 56	To Department of Agriculture	
	From the General Fund	419,551 437,270
	From Refunds of Expenditures	5,600 5,600
	Schedule of Programs:	
	Administration	161,605 169,595
	Chemist	53,617 56,137
	Weed & Seed	13,314 13,139
	Marketing Activities	7,148 7,436
	Livestock	30,114 31,625
	Dairy & Foods	134,502 140,087
	Brucellosis	24,851 24,851
Item 57	To Department of Agriculture— Meat Inspection	
	From the General Fund	149,155 157,986
	From Department Collections	3,500 3,500
	From Refunds of Expenditures	1,200 1,200
Item 58	To Department of Agriculture— Soil Conservation	
	From the General Fund	17,828 18,750
Item 59	To Department of Agriculture— Watershed Planning	
	From the General Fund	28,000 29,400
Item 60	To Department of Agriculture— Livestock Shows	
	From the General Fund	20,000 20,000
Item 61	To Department of Agriculture— Special Funds	
	From Department Collections	362,355 384,559
	From Bedding and Furniture Inspection	28,875 29,035
	From Bounty Fund	128,000 128,000
	From Unexpended Balances, Department Collections	30,301 44,941
	Schedule of Programs:	
	Livestock Brand Inspection	126,180 143,444
	Commercial Feed	11,585 11,465
	Commercial Fertilizer	895 8,123

	Contingent Inspection	79,157	82,366
	Produce Dealers	9,945	10,405
	Predatory Animal Accounts	159,765	165,865
	TB and Bangs Disease	24,165	24,165
	Poultry and Egg Grading	41,823	43,245
	Turkey Marketing	35,170	35,170
	Meat Grading	15,136	15,762
	Bedding and Furniture Inspection	30,710	31,525
	Bounty Fund	15,000	15,000
Item 62	To State Fair Board		
	From the General Fund	48,542	67,542
	From Dedicated Credits	260,000	260,000
	Schedule of Programs:		
	Administration	35,037	35,543
	Board Expenses	5,882	5,882
	Buildings & Grounds	44,641	57,245
	State Fair	216,509	222,211
	Special Events	6,473	6,661
Item 63	To Utah Travel Council		
	From the General Fund	450,000	450,000
	From Special Funds:		
	Motor Fuel Tax	118,000	118,000
Item 64	To Industrial Promotion Commission		
	From the General Fund	300,000	300,000
	Schedule of Programs:		
	General Programs	250,000	250,000
	Promotion of Industrial Parks	50,000	50,000
Item 65	To the Golden Spike Commission		
	From the General Fund	5,000	5,000
Item 66	To State Park & Recreation Commission		
	From the General Fund	540,327	333,625
	From Dedicated Credits	280,350	211,050
	From Boating Fund	234,646	257,500
	Schedule of Programs:		
	Administration	108,820	112,809
	Planning & Development	49,885	50,550
	Operation & Maintenance	362,418	368,516
	Acquisition & Capital Outlay	534,200	270,300

Acquisition and capital outlay includes improvements at Clear Creek, Coral Pink Sand Dunes, Dixie, Old Capitol, Utah Lake and Green River State Parks; also acquisition of 200 acres in Emigration Canyon.

Item 67	To Fish & Game Department— Administration & Services From the Fish & Game Fund	1,354,000	1,436,000
	Schedule of Programs:		
	Administration	201,000	215,000
	Public Relations & Education	144,000	164,000
	Law Enforcement	685,000	727,000
	Fiscal & Accounting	129,000	134,000
	Field Services	195,000	196,000
Item 68	To Fish & Game Department— Fisheries Management From the Fish & Game Fund	1,083,000	1,069,000
Item 69	To Fish & Game Department— Game Management From the Fish & Game Fund	500,000	520,000
Item 70	To Fish & Game Department— Federal Aid From the Fish & Game Fund	985,000	1,098,000
Item 71	To General Fund—Repayment of Loan from the General Fund From the Fish & Game Fund		250,000
	To repay loan provided by House Bill No. 304 of the 37th Legislature not later than June 30, 1969.		
Item 72	To Water & Power Board From the General Fund	192,008	199,742
	Schedule of Programs:		
	Administration	120,890	126,276
	Board Expenses	5,800	6,200
	Investigation	65,318	67,266
Item 73	To Water & Power Board— State Water Plan From the General Fund	125,000	125,000
	From Dedicated Credits	18,956	21,250
Item 74	To Water & Power Board— Water & Power Board Construction Revolving Fund From the General Fund	300,000	300,000
Item 75	To State Land Board From the Land Grant Maintenance Fund	180,096	188,374
	Schedule of Programs:		
	Administration	52,776	55,797
	Accounting	22,539	24,576
	Grazing	32,393	33,998
	Minerals	22,388	24,008
	Special Projects	50,000	50,000

Item 76	To State Engineer		
	From the General Fund	419,011	463,657
	Schedule of Programs:		
	Administration	77,152	80,049
	Central Office Operations	164,920	193,916
	Area Office Operations	176,939	189,692
Item 77	To State Engineer—Investigations		
	From Engineer's Investigation Fund	17,000	17,500
Item 78	To State Engineer—		
	Federal-State Agreements		
	From the General Fund	194,000	194,000
Item 79	To State Engineer—Adjudication—		
	Jordan River and Utah Lake		
	From the General Fund	50,000	50,000
Item 80	To State Fire Marshal—		
	Administration		
	From the General Fund	24,651	25,264
Item 81	To Forestry & Fire Control Board		
	From the General Fund	40,000	40,000
	From Dedicated Credits	114,877	121,546
Item 82	To Oil & Gas Conservation		
	Commission		
	From Oil & Gas Conservation Fund	126,505	120,777
	Schedule of Programs:		
	Administration	101,505	95,777
	Contingency for Public Hearings..	25,000	25,000
Item 83	To Adjutant General—National &		
	State Guards		
	From the General Fund	60,936	62,431
	From Dedicated Credits	1,000	1,200
	Schedule of Programs:		
	National Guard	60,536	62,231
	State Guard	1,400	1,400
Item 84	To State Armory Board—		
	Armory Maintenance		
	From the General Fund	187,982	204,287
	From Dedicated Credits	77,000	77,000
Item 85	To State Library Commission		
	From the General Fund	171,051	184,925
	From Dedicated Credits	716,429	739,880
	Schedule of Programs:		
	Administration	100,322	102,609
	Public Services	90,496	85,605
	Extension & Bookmobiles	696,662	736,591

Item 86	To State Historical Society		
	From the General Fund	124,400	92,950
	From Dedicated Credits	20,400	22,400
	Schedule of Programs:		
	Administration	97,196	58,085
	Librarian	33,604	42,815
	Mansion Maintenance	14,000	14,450
Item 87	To Institute of Fine Arts—		
	Administration		
	From the General Fund	53,953	52,823
	Schedule of Programs:		
	Administration	29,853	27,923
	Program Operations	24,100	24,900
Item 88	To Liquor Control Commission		
	From the Liquor Control Fund	1,608,543	1,695,067
	Schedule of Programs:		
	Administration	58,812	59,848
	Accounting	141,863	147,925
	Purchasing	27,135	28,364
	Warehousing	168,730	187,245
	Stores & Agencies	1,202,553	1,261,762
	Supply Room	9,450	9,923
	There is appropriated to the Liquor Control Commission from monies in the Liquor Control Fund not otherwise appropriated; a sum sufficient for the purchase and payment of liquor, including federal taxes thereon and freight in but not freight on distribution to stores and agencies, except, that at no time shall such purchases or commitments to purchase exceed the current unencumbered balance of the Liquor Control Fund; and it is further provided that no money appropriated by this item shall be used to increase or enhance, directly or indirectly, any other appropriation made by this act for other purposes.		
Item 89	To Aeronautics Commission—		
	Administration		
	From Aeronautics Fund	52,476	62,589
Item 90	To Aeronautics Commission—		
	Civil Air Patrol		
	From the General Fund	2,500	2,500

Item 91	To State Road Commission From Highway Construction & Maintenance Fund	14,249,585	14,442,398
	Schedule of Programs:		
	Administration	2,717,455	2,867,685
	Maintenance	8,104,530	8,330,366
	Operations	3,315,100	3,131,847
	Insurance	75,000	75,000
	Maintenance Cost Study	37,500	37,500
Item 92	To State Road Commission There is appropriated to the State Road Commission, from funds in the Highway Maintenance and Con- struction Fund, not otherwise ap- propriated, a sum sufficient, but not more than the surplus of the High- way Maintenance and Construction Fund, to be used by the State Road Commission to participate in and cooperate with the federal govern- ment for the construction of federal designated highways, and the state highway system, as provided by law, except, that no portion of the money appropriated by this item shall be used either directly or indirectly, to enhance or increase the appropri- ations otherwise made by this act to the State Road Commission for other purposes.		
Item 93	To State Road Commission It is hereby expressly provided that all monies received by the State Road Commission as reimburse- ments on cooperative agreements or from grants-in-aid from the federal government shall immediately, upon receipt thereof be deposited with the State Treasurer to the credit of the State Highway Construction and Maintenance Fund, and no part thereof shall be credited to any oper- ation for which appropriations are made in this act except as provided in Item No. 91.		
Item 94	To Department of Public Safety— Highway Patrol Administration & Operation From Motor Fuel Tax Fund	2,175,710	2,391,675

		110,082	112,142
Schedule of Programs :			
	Administration	110,082	112,142
	Communications	241,321	255,369
	Field Operations	1,824,307	2,024,164
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Item 95	To Department of Public Safety— Checking Stations From Motor Vehicle Registration Fund	222,558	250,518
	From Motor Fuel Tax Fund	225,558	250,017
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Item 96	To Department of Public Safety— Safety Education & Promotion From the Motor Fuel Tax Fund	36,280	37,284
Item 97	To Department of Public Safety— Safety & Financial Responsibility From Motor Vehicle Registration Fund	70,072	73,327
Item 98	To Department of Public Safety— Criminal Identification Bureau From the General Fund	71,692	73,502
Item 99	To Department of Public Safety— Drivers' License Examinations From Vehicle Control Drivers' License Fund	559,049	578,192
Schedule of Programs :			
	Administration	278,648	287,609
	Field Examinations	280,401	290,583
Item 100	To Department of Public Safety— Drivers' License Examinations Administration From Vehicle Control Drivers' License Fund	500,000	500,000
	To implement Senate Bill No. 46 of the 37th Legislature.		
Item 101	To Department of Public Safety— Highway Patrol Peace Officers Training From Motor Fuel Tax	35,000	30,000
	To implement Senate Bill No. 66 of the 37th Legislature.		
Item 102	To Board of Corrections— Administration From the General Fund	46,622	47,142
	Includes funds for extradition of prisoners and sheriff's expenses.		

Item 103	To Board of Corrections—Adult Probation & Parole		
	From the General Fund	317,489	329,842
	Schedule of Programs:		
	Administration	107,671	111,441
	Investigation	209,818	218,401
Item 104	To State Board of Corrections— Board of Pardons		
	From the General Fund	33,294	33,659
	Schedule of Programs:		
	Administration	27,504	27,869
	Board Expense	5,790	5,790
Item 105	To State Board of Corrections— State Prison		
	From the General Fund	1,693,516	1,761,561
	From Dedicated Credits	200,000	200,000
	From Refund of Expenditures	75,000	75,000
	Schedule of Programs:		
	Administration	108,532	112,666
	Dietary Services	230,514	242,392
	Medical Services	84,142	81,712
	Maintenance & Vocational Industries	172,973	171,537
	Care & Treatment	220,141	228,792
	Custody	864,883	904,868
	Outside Industry	149,366	152,552
	Business Office	137,965	142,042
Item 106	To Medical Examiner Commission		
	From the General Fund	34,500	35,500
Item 107	To Department of Health		
	From the General Fund	1,242,622	1,351,098
	From Dedicated Credits	3,744,745	3,750,582
	Schedule of Programs:		
	Office of the Director	117,393	118,273
	Administrative Services	174,591	180,082
	Children's Services	769,211	834,619
	Dental Health	42,818	44,596
	Environmental Health	296,046	296,219
	Laboratories	272,085	273,670
	Local Health Services	230,971	238,245
	Medical Care Services	2,378,769	2,382,715
	Mental Health	86,040	89,480
	Nursing	98,589	105,058
	Preventive Medicine	436,554	451,023
	Vital Statistics	84,300	87,700

Item 108	To Department of Health—Local Mental Health Clinics		
	From the General Fund	132,385	139,617
	From Dedicated Credits	12,273	12,273
Item 109	To Department of Health—Water Pollution Control		
	From the General Fund	42,425	44,558
	From Dedicated Credits	21,487	21,487
Item 110	To Department of Health—Juvenile Court Health Services		
	From the General Fund	44,486	44,898
Item 111	To Public Welfare Commission— Administration		
	From the General Fund	2,017,894	2,099,463
	From Dedicated Credits	3,394,421	3,425,439
	From Refund of Expenditures	10,000	10,000
	Schedule of Programs:		
	Administration of services and programs shall be specified in a budget program approved by the state budget officer and the gov- ernor.		
Item 112	To Public Welfare Commission— Public Assistance Payments		
	From the General Fund	10,250,000	11,450,000
	From Dedicated Credits	175,000	175,000
	Schedule of Programs:		
	Old Age Assistance	1,761,250	1,915,270
	Aid to Dependent Children	3,591,000	4,092,810
	Aid to Blind	47,250	45,075
	Aid to Disabled	1,338,750	1,424,370
	Medical Assistance	1,086,750	1,487,475
	General Assistance	1,800,000	1,850,000
	Foster Care	700,000	710,000
	State Hospital Care	100,000	100,000

Included in this appropriation are funds to continue public assistance monthly grants at the legal maximum established July 1, 1966, by the Public Welfare Commission and to meet reasonable costs of nursing homes, hospitals, and physicians services. If the appropriation in this item is not sufficient to maintain the above, then reduction should be applied proportionately to all services other than public assistance monthly grants.

Item 113	To Public Welfare Commission—		
	Tuberculosis Patient Care		
	From the General Fund	115,000	115,000
	From Dedicated Credits	20,000	20,000
Item 114	To Public Welfare Commission—		
	Day Care Centers for Handi- capped—Grants-in-Aid		
	From the General Fund	317,983	338,768
Item 115	To Public Welfare Commission—		
	Detention of Children— Grants-in-Aid		
	From the General Fund	143,500	143,500
Item 116	To Public Welfare Commission—		
	Welfare Service Societies		
	From the General Fund	70,000	72,500
	Schedule of Programs:		
	Children's Aid Society	25,000	25,000
	Children's Service Society	37,500	40,000
	Neighborhood House	7,500	7,500
Item 117	To State Hospital		
	From the General Fund	2,370,900	2,475,500
	From Dedicated Credits	703,000	703,000
	Schedule of Programs:		
	Administration	190,895	197,258
	Dietary Services	296,195	301,357
	Patient Care	1,979,723	2,066,876
	Buildings & Grounds	339,151	352,226
	Laundry Services	60,221	48,457
	Farm Operations	56,908	57,417
	Children's Unit	125,807	129,909
	In Service Training	25,000	25,000
	Transfer of funds monthly from this Item of Appropriation to the treas- urer of Region 5, Comprehensive Mental Health Unit may be made by the Public Welfare Commission or (Division of Mental Health) with the approval of the Superintendent of the State Hospital, to assist in financing the operation of Region 5 Comprehensive Mental Health Unit.		
Item 118	To Industrial School		
	From the General Fund	1,135,615	1,185,252
	From Dedicated Credits	133,061	144,511
	From Refunds of Expenditures	5,000	5,000

	Schedule of Programs :	
	Administration	141,198 150,425
	Food Service	103,649 106,314
	Medical Service	32,897 34,892
	Buildings & Grounds	123,409 129,136
	Education & Recreation	229,037 224,945
	Group Living	471,422 495,337
	Farm Operation	43,795 50,587
	Social Services	106,677 120,464
	Clinical Services	21,592 22,663
Item 119	To Council on Aging	
	From the General Fund	16,300 17,100
	From Dedicated Credits	70,200 70,200
Item 120	To State Training School	
	From the General Fund	2,196,316 2,381,333
	From Dedicated Credits	491,000 491,000
	From Refunds of Expenditures	10,000 10,000
	Schedule of Programs :	
	Administration	187,717 200,198
	Dietary Services	334,329 352,037
	Medical Care	430,367 503,939
	Buildings & Grounds	215,058 227,527
	Rehabilitation & Education	255,491 268,685
	Resident Care	1,066,264 1,121,857
	Farm Operations	83,090 83,090
	Demonstration & Research	125,000 125,000
Item 121	To State Board on Alcoholism	
	From the General Fund	152,470 155,408
	From Dedicated Credits	2,000 2,000
	Schedule of Programs :	
	Administration	64,048 65,774
	Rehabilitation	90,422 91,634
Item 122	To State Board of Education—	
	Public School Administration	
	From the General Fund	126,889 130,323
	From the Uniform School Fund	560,572 574,833
	From Dedicated Credits	4,585,449 4,754,753
	From Driver Education Fund	669,180 703,984
	Schedule of Programs :	
	Administration	181,105 190,418
	Elementary and Secondary	4,052,309 4,186,044
	Teacher Personnel	108,803 112,743
	Instructional Media	725,431 762,106
	School Finance	229,745 238,508
	Special Education	409,683 430,058
	Research & Planning	235,014 244,016

Item 123	To State Board for Vocational Education—Rehabilitation		
	From the General Fund	257,353	282,266
	From Dedicated Credits	1,909,769	2,034,345
	Schedule of Programs:		
	Administration	175,382	102,956
	Guidance & Placements	587,265	599,075
	Case Services	1,120,221	1,319,167
	Services to Adult Deaf	93,029	90,188
	BOASI Fund	121,225	133,225
	Business Enterprise	70,000	72,000
Item 124	To State Board for Vocational Education—Vocational Education		
	From the General Fund	285,234	317,192
	From Dedicated Credits	2,697,526	2,699,940
	Refunds of Expenditures	500	500
	Schedule of Programs:		
	Administration	73,166	74,262
	Supervision	260,240	272,577
	Allocations to Schools	2,649,854	2,670,793
Item 125	To State Board of Education— Services for Visually Handicapped		
	From the General Fund	221,297	202,429
	From Dedicated Credits	110,850	115,137
	From Refunds of Expenditures	2,014	2,187
	Schedule of Programs:		
	Administration	92,634	75,493
	Home Teaching	115,572	113,976
	Sight Conservation	18,645	19,744
	Rehabilitation	107,310	110,540
Item 126	To Schools for the Deaf & Blind		
	From the General Fund	875,438	928,566
	From Dedicated Credits	157,400	169,400
	Schedule of Programs:		
	Administration	74,821	80,417
	Board & Lodging	221,179	232,918
	Instruction	559,039	588,715
	Building & Grounds	177,799	195,916
Item 127	To Coordinating Council of Higher Education		
	From the General Fund	177,500	165,500
	Schedule of Programs:		
	Administration	109,000	97,000
	Development of Master Plan for Higher Education	50,000	50,000
	Veterans' Benefits	10,000	10,000
	Higher Education Act, Title I	8,500	8,500

Item 128	To Coordinating Council of Higher Education— Student Loan Program From the General Fund	150,000	150,000
Item 129	To Coordinating Council of Higher Education— Statewide Television From the General Fund	172,150	162,150
Item 130	To Coordinating Council of Higher Education—Computer & Data Processing From the General Fund	61,250	61,250
Item 131	To Coordinating Council of Higher Education—Commission on Interstate Cooperation From the General Fund	35,800	44,600
	Schedule of Programs:		
	Membership Fees	15,000	15,000
	Student Exchange	20,800	29,600
Item 132	To University of Utah From the General Fund	12,035,471	14,380,436
	From Dedicated Credits	9,308,249	10,533,973
Item 133	To University of Utah— College of Medicine From the General Fund	1,912,000	1,967,392
	From Dedicated Credits	411,810	424,740
Item 134	To University of Utah— Medicine Teaching Hospital From the General Fund	340,851	284,246
	From Dedicated Credits	5,179,987	5,537,121
Item 135	To University of Utah—Geological & Mineralogical Survey From the General Fund	75,000	75,000
	From Land Grant Maintenance Fund	100,000	100,000
	From Dedicated Credits	120,784	127,054
Item 136	To University of Utah— Television Station K.U.E.D. From the General Fund	169,000	169,000
	Authority for allocation of time shall rest with the Utah Educational Television Foundation. The Uni- versity of Utah Board of Regents may deny program time only if it would jeopardize the license.		

Item 137	To University of Utah— Research and Training Grants From the General Fund	655,000	655,000
	Initial allocation shall be made only after the awards received after January 1, 1967, total \$9,000,000. Allocation shall be made quarterly by the Department of Finance in an amount not in excess of 10% of the awards received in the preceding calendar quarter as certified by the Coordinating Council of Higher Education. The Coordinating Council of Higher Education shall file annual reports with the Joint Budget and Audit Committee concerning the disbursements made under this appropriation. This appropriation is made for the period beginning July 1, 1967 and ending June 30, 1969.		
Item 138	To University of Utah— County Translator Stations From the General Fund	32,500	32,500
Item 139	To University of Utah Coal Research From the General Fund	25,000	25,000
Item 140	To University of Utah—Center for Economic Development From the General Fund	70,000	90,000
Item 141	To Utah State University From the General Fund	5,753,173	6,670,299
	From Dedicated Credits	4,427,926	4,566,676
Item 142	To Utah State University Television Station K.U.S.U. From the General Fund	28,983	32,815
	Authority for allocation of time shall rest with the Utah Educational Television Foundation. The University Board of Trustees may deny program time only if it would jeopardize the license.		
Item 143	To Utah State University— Water Laboratory Administration From the General Fund	67,250	87,705
Item 144	To Utah State University— Extension Division From the General Fund	708,626	722,785

Item 145	To Utah State University— Experiment Station		
	From the General Fund	974,174	1,059,592
	From Dedicated Credits	100,000	100,000
Item 146	To Utah State University— Research & Training Grants		
	From the General Fund	230,000	230,000
	Initial allocation shall be made only after the awards received after January 1, 1967, total \$3,000,000. Allocation shall be made quarterly by the Department of Finance in an amount not in excess of 10% of the awards received in the preceding calendar quarter as certified by the Coordinating Council of Higher Education. The Coordinating Council of Higher Education shall file annual reports with the Joint Budget-Audit Committee concerning the disbursements made under this appropriation. This appropriation is made for the period beginning July 1, 1967 and ending June 30, 1969.		
Item 147	To Utah State University— Ecology Center		
	From the General Fund	100,000	100,000
Item 148	To College of Southern Utah		
	From the General Fund	1,169,523	1,284,465
	From Dedicated Credits	509,844	562,006
Item 149	To Snow College		
	From the General Fund	474,134	530,686
	From Dedicated Credits	179,288	192,636
Item 150	To College of Eastern Utah		
	From the General Fund	427,460	441,280
	From Dedicated Credits	164,425	171,905
Item 151	To Dixie College		
	From the General Fund	503,327	574,173
	From Dedicated Credits	284,282	301,143
Item 152	To Weber State College		
	From the General Fund	3,593,082	4,127,044
	From Dedicated Credits	2,244,550	2,541,654
Item 153	To State Board for Vocational Education—Salt Lake Trade Technical College		
	From the General Fund	841,455	1,015,082
	From Dedicated Credits	788,940	911,332

Item 154	To State Board for Vocational Education—Utah Trade Technical College		
	From the General Fund	665,612	753,361
	From Dedicated Credits	593,319	625,522
Item 155	Appropriations made to the institutions of higher education as contained in items 132, 141, 144, 145, 148, 149, 150, 151, 152, 153 and 154 of this section shall be scheduled for expenditure programs by the institutions with approval of the state budget officer and the governor.		
Item 156	To Coordinating Council for Development Services		
	From the General Fund	16,000	19,000
Item 157	To Coordinating Council for Natural Resources		
	From the General Fund	24,000	26,000
Item 158	To Coordinating Council for Health & Welfare		
	From the General Fund	40,000	45,000
Item 159	To Utah Travel Council— Capitol Guide Service		
	From the General Fund	10,000	10,000
Item 160	To State Retirement Board— Administration		
	From the Retirement Fund	145,335	152,738
Item 161	To State Board of Bonding Commissioners—State Building Bonds Interest & Sinking Fund		
	From the General Fund	5,500,000	
	For bond redemption principal. This appropriation shall become effective on the effective date of this act and shall be transferred to the state building bonds interest and sinking fund on said date.		
Item 162	To State Board of Bonding Commissioners—State Building Bonds Interest & Sinking Fund		
	From the General Fund		4,350,000
	For bond redemption principal. This appropriation shall be transferred to the state building bonds interest and sinking fund not later than June 30, 1969.		

Item 163	To Department of Finance—	
	Contingency for Adjustment	
	to State Pay Plan	
	From the General Fund	972,000
	From Special Funds:	
	Fish & Game	116,575
	Liquor Control	62,814
	Motor Vehicle Registration	53,956
	Contractors Fund	6,915
	Motor Fuel	132,262
	Vehicle Control #424	26,576
	Land Grant Maintenance	10,840
	State Insurance Fund	12,911
	Motor Vehicle Control	15,074
	Public Utility Regulation	7,413
	Financial Institutions	10,007
	Oil & Gas Conservation	4,067
	Security Commission	1,549
	Registration	6,031
	Aeronautics	3,162
	Engineers' Investigation	3,957
	Boating	5,414
	Special Fuel	2,042
	Uniform School	66,003
	Highway Reserve	523,814
	Engineers & Surveyors	378
	Real Estate License	1,988
	Motor Vehicle Administration	4,326
	Retirement	7,574
	Special Agriculture #323	17,864
	Special Agriculture #330	1,199
	Unclaimed Property	289

It is the intent of the Legislature that the state's pay plan shall be increased by 5 per cent July 1, 1967. This item is appropriated to the Department of Finance as a contingency fund to be allocated to departments and agencies, and in such amounts as determined by the Department of Finance, that cannot meet the increased salary cost out of their regular appropriations. This appropriation is for the period beginning July 1, 1967 and ending June 30, 1969.

Item 164	To Department of Finance—	
	Contingency for Selective	
	Salary Adjustments	
	From the General Fund	598,000

From Special Funds:

Special Fuel	1,256
Uniform School	40,617
Highway Reserve	322,347
Engineers & Surveyors	232
Real Estate License	1,223
Motor Vehicle Administration	2,662
Retirement	4,661
Special Agriculture #323	10,994
Special Agriculture #330	738
Unclaimed Property	178
Fish & Game	71,739
Liquor Control	38,655
Motor Vehicle Registration	33,204
Contractors' Fund	4,255
Motor Fuel	81,392
Vehicle Control	16,355
Land Grant Maintenance	6,670
State Insurance Fund	7,946
Motor Vehicle Control	9,277
Public Utility Regulation	4,562
Financial Institutions	6,158
Oil & Gas Conservation	2,503
Security Commission	953
Registration	3,711
Aeronautics	1,946
Engineers' Investigation	2,435
Boating	3,331

It is the intent of the Legislature that this appropriation shall be allocated by the Department of Finance to departments and agencies for which salary increases are approved by the state personnel office for those classes of positions requiring adjustment as determined by salary surveys and state experience. This appropriation is made for the period beginning July 1, 1967 and ending June 30, 1969.

Item 165	To Governor—Building Repairs and Land Purchases	
	From the General Fund	1,025,000
	For building repairs and improvements, utilities, alterations and purchase of land for state institutions and agencies for the period beginning July 1, 1967 and ending June	

30, 1969, according to the schedule of items in Senate Joint Resolution No. 19 of the 37th Legislature.

Item 166	To Park and Recreation Commission—Hardware Ranch From the General Fund	25,000	
	For recreational facilities and improvements to Hardware Ranch in Blacksmith Fork Canyon in conjunction with the Fish and Game Commission and in accordance with the master plan for parks and recreation development.		
Item 167	In the event Senate Bill No. 235 of the 37th Legislature is enacted into law, it is hereby provided that funds appropriated to the Public Welfare Commission or to the State Department of Health shall be administered by the authority established by such act for the purpose provided and for existing agency functions.		
Item 168	To the General Fund for Capitol Buildings & Grounds Maintenance From Special Funds:		
	Motor Fuel Tax	27,500	27,500
	Motor Vehicle Registration	17,000	17,000
	Land Grant Maintenance	7,500	7,500
	State Insurance Fund	6,500	6,500
	Motor Vehicle Control	10,000	10,000
	Vehicle Control	5,500	5,000
	State Retirement Fund	7,500	7,500
Item 169	To State Board for Vocational Education—Sevier Valley Vocational Education From the General Fund	25,000	25,000
	For Vocational Education Programs for Sevier Valley		
Item 170	In making appropriations to the State Board of Education and institutions under said Board in this act, it is the intent of the Legislature to grant to the Board the same privileges in the expenditure of funds as allowed universities and other post-high school institutions.		

Item 171	To Legislature—Joint Investigation Committee		
	From the General Fund	20,000	20,000
	For the implementation of House Bill No. 201 of the 37th Legislature.		
Item 172	To Attorney General—Miscellaneous Claims		
	From the General Fund	\$ 87,206.67	
	Schedule of Claims:		
	Clarence I. Justheim	29.96	
	Morris R. Cook	2,478.55	
	Water & Power Board	10.71	
	Stevens Carpets	170.00	
	Horace Mann Insurance	190.62	
	Mountain States Tel. & Tel. Co.....	1,855.48	
	Margaret Giles	3,000.00	
	Charles J. Moody	630.00	
	Morgan Don Forbush	7,000.00	
	Ada M. Bacheldor	2,000.00	
	Dave Bartley	1,845.00	
	Ray Christiansen	1,845.00	
	Myron A. Frazier	1,845.00	
	Joyce Heder	1,845.00	
	Blanche Hoxie	1,845.00	
	Dale Johnson	1,845.00	
	George Parker	1,845.00	
	Miriam Parker	1,845.00	
	Stanley Roundy	1,845.00	
	Dean Seeley	1,845.00	
	Reid Seeley	1,845.00	
	Ila Steward	1,845.00	
	Evelyn Storrs	1,845.00	
	Cecil Tucker	1,845.00	
	Howard C. Watkins	1,845.00	
	Bill Biggs	526.00	
	Pamela Cruz	31.81	
	Jack Goodpasture Estate	839.00	
	Ned Greenig	1,330.00	
	Milo Harmon	777.00	
	Alan Jenkinson	490.50	
	Alice Pannier	299.00	
	Beth Renshaw	467.00	
	Jeannie Wright	514.50	
	Alan Smith	1,845.00	
	Clayton E. Butt	10,000.00	
	Martha Moreno King	1,653.30	
	Salt Lake County Attorney	197.45	
	LaMont L. Raney	356.00	

Barbara Swenson, Dean Baxter & Robert Ward	850.00
Deseret Livestock Company	3,633.32
Ovando Gubler	10,000.00
Leonard W. Bowne	5,670.00
Neil F. Christensen	96.66
Gerald Nall	1,500.00
Safeco Insurance Co.	135.26
Curtiss Breeding Service, Carey Illinois	46.70
Alan Smith	407.85
Charles Jewett	500.00
From the Uniform School Fund	<u>13,500.00</u>
Schedule of Claim:	
Earl Vance Anderson	13,500.00
From the Fish & Game Fund	<u>7,023.00</u>
Schedule of Claim:	
Cleo Godfrey	7,023.00
From the Highway Construction Fund	<u>10,028.46</u>
Schedule of Claims:	
Gordon R. Thornley	900.00
Vincent Esquibel	100.00
Leila M. Beck	100.00
Helen Gust Young	1,051.96
Roland A. Reese	7,276.50
Mrs. Ane Sorensen	50.00
Joseph & Frances Bond	50.00
Gerald B. Cooke	150.00
Carl Notti	<u>350.00</u>

The Attorney General shall deliver warrants against the above appropriations only upon a complete release by all parties to each claim for present and future damage, where such is involved, executed to the State of Utah upon forms prescribed by the Attorney General.

Section 14. Intent of Legislature to Keep Within Revenues—Allotments—Adjustments.

(1) In providing for appropriations in this act it is the declared intention of the legislature that expenditures of departments, agencies and institutions of state government be kept within revenues available for such expenditures.

(2) If the total of all revenues accruing to the state general fund or any special fund or fund account, from which appropriations are made by this act for the period July 1, 1967 to June 30, 1969 are not sufficient to cover the appropriations made by this act for said period,

the governor shall reduce the budgetary allotments and transfer of funds by the amount of any such deficiency.

(3) No department shall receive any advance allotment or allotments in excess of regular quarterly allotments which cannot be covered within the work program of the fiscal year, except as provided in section 15 of this act. When the amount appropriated is less than requested or less than proposed for its budget, said department shall consult its governing board or, if none, the governor (provided the legislature is not in session), to determine what modifications, if any, shall be necessary in its budget. These may include curtailment or elimination of present or proposed programs.

Section 15. Emergency Fund—Governor.

There is appropriated to the governor from the general fund the sum of \$400,000 for the period July 1, 1967 to June 30, 1969, or so much as may be necessary, for meeting extraordinary emergencies which may occur and which require expenditures in excess of funds appropriated by this act and for those purposes for which funds are appropriated by this act. Upon making any allocation from this appropriation the governor shall notify the legislative joint budget and audit committee of action taken.

Section 16. Uniform School Fund Appropriation.

There is appropriated from the general fund to the uniform school fund to assist in financing the state's portion of the minimum school program as provided by law, the following sums:

For the period beginning July 1, 1967 and ending June 30, 1969, \$21,400,000. In the event Senate Bill No. 26 of the 37th Legislature is enacted into law this appropriation shall be \$24,000,000.

If revenues to the general fund are not sufficient to permit transfers to the uniform school fund as herein provided by appropriation, the state fiscal officers, with the approval of the governor, shall withhold such transfers during the fiscal period, as in their judgment the available revenues justify, after other appropriations made by law have been provided for, and after any modifications in department and agency work program and allotments have been made; and provided further, that transfers to the uniform school fund shall be made at such times as required to equalize the property levy for each fiscal year.

Section 17. Savings Clause.

If any section, subsection, sentence, clause or phrase of this act is for any reason held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this act. The legislature hereby declares that it would have passed this act, and each section, subsection, clause and phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases be declared unconstitutional.

Approved March 21, 1967.

*Editor's Note: Item 170 Vetoed by Governor.

CHAPTER 224

SUPPLEMENTAL APPROPRIATION BILL

H. B. No. 304

(Passed February 24, 1967. In effect May 9, 1967)

An Act Making Appropriations for the Biennium Ending June 30, 1967, In Addition to and Adjusting Appropriations Made by Chapters 155 and 175, Laws of Utah, 1965 to Certain Departments and Agencies of State Government.

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

Section 1. Supplemental Appropriation Act.

The following sums of money, or so much thereof as may be necessary, are appropriated out of monies not otherwise appropriated from the funds indicated, in addition to appropriations, if any, made in Chapter 175, Laws of Utah 1965, for the use and support of certain state departments and agencies and for other purposes as in this act and this section provided:

Item 1	To the Legislature—First Special Session From the General Fund	\$ 5,201.73
Item 2	To the Legislature—Second Special Session From the General Fund	264.71
Item 3	To Dixie Junior College From the General Fund	44,650.00
Item 4	To College of Southern Utah From the General Fund	87,126.50
Item 5	To Department of Public Safety—Highway Patrol From Motor Fuel Tax Fund	150,654.00
Item 6	To Department of Finance—Jurors and Witness Fees From the General Fund	15,000.00
Item 7	To Department of Finance—One-Half Cost Maps and Plats From the General Fund	17,000.00
Item 8	To Tax Commission—Inheritance Tax Appraisers Fees From the General Fund	9,000.00
Item 9	To Department of Fish and Game From the General Fund	250,000.00

The above item number 9 shall constitute a loan from the General Fund to the Fish and Game Department to be repaid from fish and game revenue on or before June 30, 1969.

Approved March 3, 1967.

CHAPTER 225

S. B. No. 251

(Passed March 9, 1967. In effect July 1, 1967)

APPROPRIATION TO ANTI-DISCRIMINATION DIVISION

An Act Appropriating \$36,000 From the General Fund to the Industrial Commission for the Anti-Discrimination Division for the Period July 1, 1967 to June 30, 1969.

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

Section 1. Appropriation to Industrial Commission.

There is appropriated to the state industrial commission, for the Utah anti-discrimination division, from the general fund the sum of \$18,000 for the fiscal year ending June 30, 1968 and \$18,000 for the fiscal year ending June 30, 1969 or so much thereof as may be necessary. This appropriation is in addition to the appropriation made by item 54, Section 13, House Bill No. 311 of the 37th Legislature as enacted. Approved March 16, 1967.

CHAPTER 226

H. B. No. 312

(Passed March 9, 1967. In effect July 1, 1967)

APPROPRIATION TO BONDING COMMISSIONERS

An Act Appropriating Not to Exceed \$900,000 From the General Fund to the State Board of Bonding Commissioners for the Period Ending June 30, 1969.

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

Section 1. Appropriation Bond Interest.

In the event the appropriation made by item 162, Section 13, House Bill No. 311 of the 37th Legislature, as enacted, is not sufficient to cover the bond principal payment due July 1, 1969, there is appropriated to the state board of bonding commissioners, for the state building bonds interest and sinking fund, from the general fund a sum not to exceed \$900,000 for the fiscal year ending June 30, 1969, for state bond redemption principal. This appropriation, or so much thereof as required, shall be transferred to the state building bonds interest and sinking fund not later than June 30, 1969.

Approved March 16, 1967.

RESOLUTIONS

INVENTORY TAX REPEAL

S. J. R. No. 1

(Passed February 23, 1967.)

A Joint Resolution Proposing to Amend Article XIII, Section 2, Constitution of the State of Utah, Relating to an Ad Valorem Tax Exemption for Tangible Personal Property Constituting Inventory and Held for Sale in the Ordinary Course of Business.

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:

Section 1. It is proposed to amend Article XIII, Section 2, of the Constitution of the State of Utah to read as follows:

Section 2. All tangible property in the state, not exempt under the laws of the United States, or under this constitution, shall be taxed in proportion to its value, to be ascertained as provided by law. The property of the state, counties, cities, towns, school districts, municipal corporations and public libraries, lots with the buildings thereon used exclusively for either religious worship or charitable purposes, and places of burial not held or used for private or corporate benefit, shall be exempt from taxation. Tangible personal property present in Utah on January 1, m., which is held for sale or processing and which is shipped to final destination outside this state within twelve months may be deemed by law to have acquired no situs in Utah for purposes of ad valorem property taxation and may be exempted by law from such taxation, whether manufactured, processed or produced or otherwise originating within or without the state. Tangible personal property present in Utah on January 1, m., held for sale in the ordinary course of business and which constitutes the inventory of any retailer, or wholesaler or manufacturer or farmer, or livestock raiser may be deemed for purposes of ad valorem property taxation to be exempted. Water rights, ditches, canals, reservoirs, power plants, pumping plants, transmission lines, pipes and flumes owned and used by individuals or corporations for irrigating land within the state owned by such individuals or corporations, or the individual members thereof, shall not be separately taxed so long as they shall be owned and used exclusively for such purposes. Power plants, power transmission lines and other property used for generating and delivering electrical power, a portion of which is used for furnishing power for pumping water for irrigation purposes on lands in the state of Utah, may be exempted from taxation to the extent that such property is used for such purposes. These exemptions shall accrue to the benefit of the users of water so pumped under such regulations as the legislature may prescribe. The taxes of the indigent poor may be remitted or abated at such times and in such manner as may be provided by law. The legislature may provide for the exemption from taxation of homes, homesteads, and personal property, not to exceed \$2,000 in value for homes, homesteads, and all household furnishings, furniture, and equipment used exclusively by the owner thereof at his

place of abode in maintaining a home for himself and family. Property not to exceed \$3,000 in value, owned by disabled persons who served in any war in the military service of the United States or of the state of Utah and by the unmarried widows and minor orphans of such disabled persons or of persons who while serving in the military service of the United States or the state of Utah were killed in action or died as a result of such service may be exempted as the legislature may provide.

The legislature shall provide by law for an annual tax sufficient, with other sources of revenue, to defray the estimated ordinary expenses of the state for each fiscal year. For the purpose of paying the state debt, if any there be, the legislature shall provide for levying a tax annually, sufficient to pay the annual interest and to pay the principal of such debt, within twenty years from the final passage of the law creating the debt.

Section 2. The Secretary of State is directed to submit this proposed amendment to the electors of the state of Utah at the next general election in the manner provided by law.

Section 3. If adopted by the electors of this state, this amendment shall take effect the first day of January, 1969.

AGRICULTURE LAND TAXATION

S. J. R. No. 2.

(Passed February 23, 1967.)

A Joint Resolution Proposing to Amend Article XIII, Section 3 of the Constitution of the State of Utah, to Provide That All Land Designated for Agricultural Use May Be Assessed for All Tax Purposes on the Consideration of Only Those Factors Relative to Such Agricultural Use.

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:

Section 1. It is proposed to amend Article XIII, Section 3 of the Constitution of the State of Utah to read as follows:

Section 3. The Legislature shall provide by law a uniform and equal rate of assessment and taxation on all tangible property in the State according to its value in money, and shall prescribe by law such regulations as shall secure a just valuation for taxation of such property, so that every person and corporation shall pay a tax in proportion to the value of his, her, or its tangible property, provided that the Legislature may determine the manner and extent of taxing transient livestock and livestock being fed for slaughter to be used for human consumption. Land used for agricultural purposes may, as the Legislature prescribes, be assessed according to its value for agricultural use without regard to the value it may have for other purposes. Intangible property may be exempted from taxation as property or it may be taxed in such manner and to such extent as the Legislature may provide. Provided that if intangible property be taxed as property the rate thereof shall not exceed five mills

on each dollar of valuation. When exempted from taxation as property, the taxable income therefrom shall be taxed under any tax based on incomes, but when taxed by the State of Utah as property, the income therefrom shall not also be taxed. The Legislature may provide for deductions, exemptions, and/or offsets on any tax based upon income. The personal income tax rates shall be graduated but the maximum rate shall not exceed six percent of net income. No excise tax rate based upon income shall exceed four percent of net income. The rate limitations herein contained for taxes based on income and for taxes on intangible property shall be effective until January 1, 1937, and thereafter until changed by law by a vote of the majority of the members elected to each house of the Legislature. All revenue received from taxes on income or from taxes on intangible property shall be allocated to the support of the public school system as defined in Article X, Section 2 of this Constitution.

Section 2. The Secretary of State is directed to submit this proposed amendment to the electors of the State of Utah at the next general election in the manner provided by law.

Section 3. If adopted by the electors of this state, this amendment shall take effect on January 1, 1969.

LEGISLATIVE EMPLOYEES' SALARIES

S. J. R. No. 3.

(Passed January 19, 1967.)

A Resolution Fixing Compensation of Officers and Employees of the Thirty-Seventh Legislature of Utah.

Be it resolved by the Legislature of the State of Utah:

WHEREAS, The Legislature of the State of Utah, acting under and by virtue of Section 36-2-2, Utah Code Annotated 1953, is empowered to fix the compensation of officers and employees of the Legislature;

NOW, THEREFORE, BE IT RESOLVED that the compensation of the officers and employees of the Thirty-Seventh Legislature be fixed as follows:

Secretary of the Senate	\$25.00 per day
Chief Clerk of the House	25.00 per day
Reference Attorneys	22.00 per day
Minute Clerk	17.00 per day
Docket Clerk	17.00 per day
Assistant to Reference Attorneys	15.00 per day
Sergeant-at-Arms	17.00 per day
Assistant Sergeant-at-Arms	13.00 per day
Assistant Sergeant-at-Arms & Chaplain	12.00 per day
Supervising Clerk	18.00 per day
Engrossing Clerk	15.00 per day
Reading Clerk	15.00 per day
Assistant Supervising Clerk	14.00 per day

Clerks	14.00 per day
Utility Clerk	14.00 per day
Typists	12.00 per day
Messenger & Clerk	11.50 per day
Messengers	11.50 per day
Receptionist	11.50 per day
Telephone Clerks	11.50 per day
Mail Room Clerks	11.50 per day
Janitors	11.50 per day
Doorman	11.50 per day

MANDATORY RETIREMENT OF JUDGES

S. J. R. No. 5.

(Passed March 9, 1967.)

A Joint Resolution Proposing to Amend Article VIII of the Constitution of the State of Utah by the Addition of Section 28, Authorizing the Legislature to Provide for the Mandatory Retirement and for Removal of Judges from Office.

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:

Section 1. It is proposed to amend Article VIII of the Constitution of the State of Utah by the addition of Section 28 to read:

Section 28. The Legislature may provide uniform standards for mandatory retirement and for removal of judges from office. Legislation implementing this section shall be applicable only to conduct occurring subsequent to the effective date of such legislation. Any determination requiring the retirement or removal of a judge from office shall be subject to review, as to both law and facts, by the Supreme Court.

This section is additional to, and cumulative with, the methods of removal of justices and judges provided in Sections 11 and 27 of this Article.

Section 2. The Secretary of State is directed to submit this proposed amendment to the electors of the state at the next general election in the manner provided by law.

Section 3. This amendment shall take effect on approval by the electors of the state.

LEGISLATIVE SESSIONS

S. J. R. No. 7.

(Passed February 17, 1967.)

A Joint Resolution Proposing to Amend Article VI, Section 2 and Section 16, of the Constitution of the State of Utah, Relating to the Time and Duration of Sessions of the Legislature.

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:

Section 1. It is proposed to amend Article VI, Section 2 and 16, of the Constitution of the State of Utah to read as follows:

Section 2. Sessions of the Legislature shall be held annually at the seat of government and shall begin on the second Monday in January. A general session shall be held during odd-numbered years, and a budget session shall be held during even-numbered years. Legislation not directly related to the state budget may be considered by the Legislature during budget sessions only if permitted by a joint resolution passed by two-thirds of the members elected to each house.

Section 16. No general session of the Legislature shall exceed sixty calendar days, except in cases of impeachment. No budget session shall exceed twenty calendar days, except in cases of impeachment. No special session shall exceed thirty calendar days, except in cases of impeachment. When any session of the Legislature trying cases of impeachment exceeds the number of calendar days it may remain in session as provided in this section, the members shall receive for compensation only the usual per diem expenses and mileage.

Section 2. The Secretary of State is directed to submit this proposed amendment to the electors of the State of Utah at the next general election in the manner provided by law.

Section 3. If adopted by the electors of this state, this amendment shall take effect the first day of January, 1969.

COMPENSATION OF LEGISLATORS

S. J. R. No. 8.

(Passed February 17, 1967.)

A Joint Resolution Proposing to Amend Article VI, Section 9 of the Constitution of the State of Utah, Relating to Compensation to be Paid to Members of the Legislature for their Services and the Payment of Expense and Mileage Allowances.

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:

Section 1. It is proposed to amend Article VI, Section 9 of the Constitution of the State of Utah to read as follows:

Section 9. The members of the Legislature shall receive compensation of \$25 per diem while actually in session, expenses of \$15 per diem while actually in session, and mileage as provided by law.

Section 2. The Secretary of State is directed to submit this proposed amendment to the electors of the state of Utah at the next general election in the manner provided by law.

Section 3. If adopted by the electors of this state, this amendment shall take effect on January 1, 1969.

STUDY OF PENSION FUNDS

S. J. R. No. 9.

(Passed March 9, 1967.)

A Joint Resolution of the Thirty-seventh Legislature of the State of Utah, Requesting the Utah Legislative Council and the Utah State Retirement Board to Make an Actuarial Study of Pension Funds.*Be it resolved by the Legislature of the State of Utah:*

WHEREAS, the Utah Firemen's Pension Fund, the Utah Highway Patrol Retirement System, and the Local City Police Retirement Systems are actuarially unsound; and

WHEREAS, the development of a statewide consolidated system of providing retirement protection for all public safety employees to be financed jointly by the members, the employer units, and state participation, appears to be a possible solution to the problem; and

WHEREAS, careful actuarial valuations and study are needed prior to the formulation of a consolidated program.

NOW, THEREFORE, BE IT RESOLVED by the Senate and the House of the Utah State Legislature that the Utah Legislative Council and the Utah State Retirement Board be directed to make an actuarial study and valuation of all the groups and systems herein named, investigate the feasibility of integrating federal social security coverage with a state retirement plan, develop a consolidated Public Safety Retirement System for the police, firemen, highway patrol and sheriffs' departments, and prepare the necessary legislation to set up such a system, together with alternative proposals for consideration of the 1969 Legislature; and

BE IT FURTHER RESOLVED that the local retirement systems be authorized and required to pay the actuarial study costs for evaluating their respective retirement systems; and

BE IT FURTHER RESOLVED that all departments, agencies and political subdivisions which may be affected by this resolution are hereby directed to cooperate fully with the study herein authorized and directed to be made.

**RESOLUTION OF CONDOLENCE ON DEATH
OF H. A. DIXON**

S. J. R. No. 10.

(Passed January 23, 1967.)

A Resolution of Condolences on the Death of Henry Aldous Dixon.*Be it resolved by the Legislature of the State of Utah:*

WHEREAS, the passing of the Honorable Henry Aldous Dixon on January 22, 1967, is a great loss to the State of Utah and to his many friends throughout the nation.

AND WHEREAS, the Honorable Henry Aldous Dixon served with

distinction as the United States Congressman from the First Congressional District of the State of Utah from 1954 until 1960.

AND WHEREAS, Dr. Dixon served as the ninth president of the Utah State Agricultural College, now known as Utah State University.

AND WHEREAS, Dr. Dixon served as the president of Weber Junior College, now known as Weber State College, from 1919 to 1920 and then from 1937 to 1953.

AND WHEREAS, Dr. Dixon also served as superintendent of Provo City Schools and in many other leadership positions.

AND WHEREAS, Dr. Dixon served as a member of the General Sunday School Board of The Church of Jesus Christ of Latter-day Saints for many years and in many other church capacities.

AND WHEREAS, Dr. Dixon's influence has been felt among education, business, church and legislative circles in this state and will be sorely missed.

AND WHEREAS, his absence leaves a void in the lives and interests of many Utah citizens.

NOW, THEREFORE, BE IT RESOLVED, that the Thirty-seventh Session of the Legislature of the State of Utah does hereby recognize the passing of the said Honorable Henry Aldous Dixon as being a great loss to his family, friends, associates and to the state in general.

BE IT FURTHER RESOLVED that there is hereby extended to his widow and family the heartfelt sympathy of the members of the legislature and the citizenry of the State of Utah on this occasion.

AND BE IT FURTHER RESOLVED that a copy of this resolution be transmitted to the widow and family as a token of our deep appreciation and esteem for the accomplishments and life of this man.

SITE TRANSFER

S. J. R. No. 11.

(Passed February 24, 1967.)

A Joint Resolution Directing the Utah State Public Welfare Commission to Transfer to the Utah State School for the Blind This Certain Parcel of Property Together with Improvements Thereon.

Be it resolved by the Legislature of the State of Utah:

WHEREAS, the Utah school for the blind has need of additional acreage and buildings for the purpose of establishing an improved educational program for the blind; and

WHEREAS, the Utah state public welfare commission, as the official board of the tuberculosis hospital, has declared its intent to vacate the land, buildings, and certain equipment in the institution, known as the state tuberculosis hospital; and

WHEREAS, the welfare commission has indicated a willingness to transfer the entire property and buildings and certain equipment of the hospital to the Utah school for the blind.

NOW, THEREFORE, BE IT RESOLVED that the Utah state public welfare commission be requested to effect the transfer to the Utah school for the blind the following described tract of land located in Weber county, state of Utah, together with all buildings located thereon and certain equipment which in the judgment of the Utah state welfare commission and the Utah state board of education would best remain with the institution:

A part of the Southwest Quarter ($\frac{1}{4}$) of Section Fifteen (15) in Township Six (6) North Range One (1) West of the Salt Lake Base and Meridian, United States Survey:

Beginning at a point on the West line of said Quarter sections, 643.5 feet North from the Southwest corner of Section 15; running thence North along the quarter section line 643.5 feet; thence East 1446.885 feet; thence South 1287.0 feet, to the South line of said Southwest quarter section; thence West 819.885 feet; thence North 643.5 feet; thence West 627.0 feet, to the place of beginning.

NATIONAL LEGISLATURES MONTH RESOLUTION

S. J. R. No. 18.

(Passed February 27, 1967.)

A Joint Resolution of the 37th Legislature of the State of Utah Requesting the Governor to Declare the Month of March as National Legislatures Month for Utah.

Be it resolved by the Legislature of the State of Utah:

WHEREAS, the legislatures of our country are engaged in solving some of the most complex problems of our times; and

WHEREAS, the decision making of the legislature brings it into close contact and involvement with many points of view that are often in conflict, requiring mediation and understanding;

WHEREAS, our legislatures have gone through significant changes and are generally in the process of upgrading themselves;

WHEREAS, our legislatures have through generations helped make our country strong, with their own strengths, their statutizing force, their creativeness, sensitivity and responsibility;

NOW, THEREFORE, BE IT RESOLVED, by the senate and the house of representatives of the 37th legislature of the state of Utah that the governor of the state of Utah be requested to proclaim the month of March as National Legislatures Month during which all religious, civic and fraternal groups are urged to undertake an examination of the legislative process with a view towards better understanding of their state legislatures and that the press, radio and television media also be urged to devote time and space to promoting a better understanding of representative government.

CENTRAL UTAH WATER PROJECT RESOLUTION

S. C. R. No. 1.

(Passed February 2, 1967.)

A Concurrent Resolution of the Senate and House of Representatives of the Thirty-Seventh Legislature of the State of Utah, the Governor Concurring Therein, Requesting the Congress, the President, and the Department of the Interior of the United States to Accelerate the Construction of the Bonneville Unit and the Planning and Construction of the Other Units (UPALCO, Jensen, Uintah, and Ute Indian) of the Central Utah Project.

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

WHEREAS, the record is replete with evidence that water development projects constructed by the U.S. Bureau of Reclamation contribute materially to the national welfare, and, in addition, reimbursable costs of such projects are repaid to the Federal Treasury; and

WHEREAS, the continued economic growth of the state of Utah is directly dependent upon the development and utilization of Utah's legal entitlement of Colorado River water, as set forth in the Colorado River Compact of 1922 and the Upper Colorado River Basin Compact of 1948 in order to provide water to meet increasing municipal, industrial, and agricultural requirements of the state; and

WHEREAS, units of the Central Utah Participating Project of the Colorado River Storage Project are under construction and in various stages of planning by the United States Bureau of Reclamation; and

WHEREAS, funds appropriated by the Congress for fiscal year 1966 for the Bonneville Unit of the Central Utah Project were diverted to other uses and of the \$7.5 million appropriated by Congress for fiscal year 1967, with direction from the Congress that these funds be spent exclusively on the Bonneville Unit, only \$4.6 million has been programmed by the United States Bureau of Reclamation for the current fiscal year; and

WHEREAS, the President of the United States included in his Budget Request an \$11.145 million program for fiscal year 1968 for continuing construction of the Bonneville Unit of the Central Utah Project.

NOW, THEREFORE, BE IT RESOLVED, that the Thirty-seventh Legislature of the State of Utah, the Governor concurring therein, does hereby unanimously support the President's budget request of \$11.145 million to continue construction of the Bonneville Unit of the Central Utah Project.

BE IT FURTHER RESOLVED, that the Congress of the United States is urged to appropriate the necessary funds to accomplish the President's program, and, that the Department of the Interior proceed with construction of works to utilize these funds during fiscal year 1968.

BE IT FURTHER RESOLVED, that to meet the future water requirements of Utah all of the Units of the Central Utah Project will be required at the earliest practicable date, and it is therefore urged that the Congress of the United States, the President, and the Department of the Interior continue to accelerate the construction of the Central Utah Project by authorizing the necessary works, appropriating the necessary funds, and issuing pertinent directives to the Bureau of Reclamation to accomplish the following:

- (1) A progressive and economic construction program on the Bonneville Unit of the Central Utah Project amounting to at least \$25 million for fiscal year 1969; and
- (2) The completion of advance planning reports and initiation of construction on the Congressionally-authorized Upalco and Jensen units of the Central Utah Project prior to 1969; and
- (3) The completion of feasibility reports prior to 1972 on the Uintah and Ute Indian units of the Central Utah Project.

BE IT FURTHER RESOLVED, that the Secretary of State of the State of Utah be, and he hereby is, directed to transmit copies of this resolution to the President of the United States, to the Secretary of the Interior, to the Director of the Bureau of the Budget, to the Upper Colorado River Commission and to the Senators and Congressmen representing the State of Utah in Congress.

Concurred February 10, 1967.

**REVEST TITLE OF PROPERTY IN
GRANITE WATER COMPANY**

S. R. No. 1.

(Passed February 3, 1967.)

A Resolution by the Senate of the Thirty-Seventh Legislature Approving and Consenting to Assignment and Conveyance to Revest Title of Property in Granite Water Company as Required Under Section 73-10-4, Utah Code Annotated, 1953, As Amended by Chapter 133, Laws of Utah, 1953, and Chapter 169, Laws of Utah, 1961.

Be it resolved by the Senate of the State of Utah:

WHEREAS, Granite Water Company under date of October 14, 1949, entered into contract, as authorized by the Law, with the Utah Water and Power Board, for the construction of a pipeline, electric power pressure system and relating appurtenant facilities for the conservation of water; and

WHEREAS, by the terms of said contract the Granite Water Company assigned and transferred certain properties hereinafter described to the Utah Water and Power Board and promised and agreed to construct for and thereafter purchase from the Utah Water and Power Board, the said project and appurtenances and that said contract has now been fully performed by the said Granite Water Company and the said water company has made all payments due under said contract.

NOW, THEREFORE, BE IT RESOLVED that the Utah State Senate pursuant to the requirements of Section 73-10-4 (11), does approve and consent to the execution by the Utah Water and Power Board of such deeds, transfers, and conveyances, as they are requisite and necessary to revest in Granite Water Company the title to the properties hereinafter described.

BE IT FURTHER RESOLVED, that a copy of this resolution be delivered to the Utah Water and Power Board to be attached to said deeds, transfers, and conveyances to be executed by the Utah Water and Power Board and delivered to Granite Water Company.

The properties, which are the subject of this resolution and are hereinabove referred to, are particularly described as follows:

All right, title and interest that vested in the State of Utah and the Utah Water and Power Board by virtue of that certain contract dated October 14, 1949, recorded in the office of the County Recorder of Salt Lake County, State of Utah, in Book 748, pages 550, 553, 554, 555 and 557, Refs. D42-245- 23, 16, 19, 21 and MISC. Index 3X, respectively; Book 762, page 34, Ref. D 42-245-25 and Book 792, page 69, Ref. D 42-245-40, Misc. Index 4X; and particularly, but not by way of limitation, all easements and rights-of-way, to construct, maintain and operate a pipeline, electric power pressure system and appurtenances, and all rights of any kind to the said pipeline and appurtenant facilities of Granite Water Company located in Sections 11 and 12, T3S, R1E, SLB&M, in Salt Lake County, State of Utah, and title and interest to Underground Water Claim number 15457 filed in the office of the State Engineer of the State of Utah.

**REVEST TITLE OF PROPERTY IN
ECHO WATER SYSTEM COMPANY**

S. R. No. 2.

(Passed February 3, 1967.)

A Resolution by the Senate of the Thirty-Seventh Legislature Approving and consenting to Assignment and Conveyance to Revest Title of Property in Echo Water System Company As Required Under Section 73-01-4, Utah Code Annotated, 1953, As Amended by Chapter 133, Laws of Utah, 1953, and Chapter 169, Laws of Utah 1961.

Be it resolved by the Senate of the State of Utah:

WHEREAS, Echo Water System Company, under date of July 6, 1959, entered into contract, authorized by law, with the Utah Water and Power Board, for construction of a pipeline and appurtenant facilities for the conservation of water, and

WHEREAS, by the terms of said contract the Echo Water System Company assigned and transferred certain properties hereinafter described to the Utah Water and Power Board and promised and agreed to construct for and thereafter purchase from the Utah Water and Power Board, the said project and appurtenances and that said contract has now been fully performed by the Echo Water System Company, and said company has made all payments due under said contract.

NOW, THEREFORE, BE-IT RESOLVED that the Utah State Senate, pursuant to the requirements of Section 73-10-4 (11), does approve and consent to the execution by the Utah Water and Power Board of such deeds, transfers and conveyance as they are requisite and necessary to revest in the Echo Water System Company the title to the properties hereinafter described.

BE IT FURTHER RESOLVED, that a copy of this resolution be delivered to the Utah Water and Power Board to be attached to said deeds, transfers and conveyances to be executed by the Utah Water and Power Board and delivered to the Echo Water System Company.

The properties, which are the subject of this resolution and are hereinabove referred to, are particularly described as follows:

All right, title and interest that vested in the State of Utah and the Utah Water and Power Board by virtue of that contract with Echo Water System Company, dated July 6, 1959, and recorded in the office of the County Recorder of Summit County, State of Utah, in Book 3A Misc. at pages 495, 497, and 498, and particularly but not by way of limitation, all easements and rights-of-way to construct, maintain and operate a pipeline, electric powered pressure system and appurtenances, and all rights of any kind to the steel pipeline and appurtenant facilities constructed by Echo Water System Company in Section 25, T3N, R4E, SLB&M; the right to use of water saved or conveyed through the use of the aforesaid project; water covered by Application No. 25085 on file in the office of the State Engineer; ten (10) shares of the capital stock of the Weber River Water Association represented by Certificate No. 301; the right to use of the water flowing from the Beckwith Springs situated 528.0 feet North and 66.0 feet East of the N.W. Corner of Section 20, T3W, R5E, of SLB&M as decreed by Weber River Decree No. 300; title to a well located South 713.8 feet and East 559.0 feet from the N $\frac{1}{4}$ corner of Sec. 25, T3N, R4E, SLB&M; title to a pipeline extending from said well 829.82 feet, N38° 20' E to an existing water main; pumping equipment, electrical facilities; and use of the water distribution system.

**REVEST TITLE OF PROPERTY IN
R.C.J.J. IRRIGATION COMPANY**

S. R. No. 3.

(Passed February 3, 1967.)

A Resolution by the Senate of the Thirty-Seventh Legislature Approving and Consenting to Assignment and Conveyance to Revest Title of Property in R.C.J.J. Irrigation Company As Required Under Section 73-10-4, Utah Code Annotated, 1953, and Amended by Chapter 133, Laws of Utah, 1953, and Chapter 169, Laws of Utah 1961.

Be it resolved by the Senate of the State of Utah:

WHEREAS, R.C.J.J. Irrigation Company, under the date of September 18, 1961, entered into contract, authorized by law, with the Utah Water and Power Board for drilling and equipping an irrigation well

with an electric pump and appurtenant facilities for the conservation of water, and

WHEREAS, by the terms of said contract the R.C.J.J. Irrigation Company assigned and transferred certain properties hereinafter described to the Utah Water and Power Board and promised and agreed to construct for and thereafter purchase from the Utah Water and Power Board, the said project and appurtenances and that said contract has now been fully performed by the R.C.J.J. Irrigation Company, and said company has made all payments due under said contract.

NOW, THEREFORE, BE IT RESOLVED that the Utah State Senate, pursuant to the requirements of Section 73-10-4 (11), does approve and consent to the execution by the Utah Water and Power Board of such deeds, transfers and conveyance as they are requisite and necessary to revest in the R.C.J.J. Irrigation Company the title to the properties hereinafter described.

BE IT FURTHER RESOLVED, that a copy of this resolution be delivered to the Utah Water and Power Board to be attached to said deeds, transfers and conveyances to be executed by the Utah Water and Power Board and delivered to the R.C.J.J. Irrigation Company.

The properties, which are the subject of this resolution and are hereinabove referred to, are particularly described as follows:

All right, title and interest that vested in the State of Utah and the Utah Water and Power Board by virtue of that contract with R.C.J.J. Irrigation Company, dated September 18, 1961, and recorded in the office of the County Recorder of Millard County, State of Utah, in Book 41 of Official Records at pages 417-426 inclusive, and particularly but not by way of limitation, title to the real estate upon which the irrigation well is constructed and the said well constructed thereon, in Millard County located N. 404 feet and E. 2631 feet from SW cor. Sec. 8, T22s, R5W, SLB&M; all easements and rights-of-way to construct, maintain and operate the irrigation well project and appurtenant facilities of R.C.J.J. Irrigation Company located in said Sec. 8, and title and interest to Underground Water Claims number 10473, 10474 and 10475 filed in the office of the State Engineer of the State of Utah.

COMMENDATION LINCOLN GRANT KELLY

S. R. No. 4.

(Passed February 17, 1967.)

A Resolution of the Senate of the Thirty-Seventh Legislature Commending the Life and Public Service of Lincoln Grant Kelly.

Be it resolved by the Senate of the State of Utah:

WHEREAS, there is hardly a facet of human endeavor in which Lincoln Grant Kelly has not participated and rendered a significant contribution, and

WHEREAS, evidence of his able leadership can be found in the honor roles of Utah government, education, law, banking, medicine, accounting, freemasonry, business, mining, religion and military service, as well as civic, professional, social and service club organizations, and

WHEREAS, his achievements specifically include:

- Chairman of Board of Governors of Intermountain Unit, Shriners Hospitals for crippled children
- Former Utah state auditor
- Teacher
- First director of the state of Utah's department of finance and purchase
- Member of the Board of Directors, advisor or consultant to financial and governmental institutions, fraternal orders and institutions of higher learning
- Past President, Utah Society of Certified Public Accountants
- Member of the Utah Foundation
- Member of the Utah and American Bar Associations
- Member of the Utah State Board of Accountancy
- University of Utah scholarship donor
- Charter member of the Utah Chapter, National Association of Accountants
- Recipient of the annual Business Award for Outstanding Achievement in Business from the College of Business of the University of Utah
- Former Vice President, American Institute of Certified Public Accountants
- Recipient of the Mountain States Accounting Conference Award for outstanding service in business and accounting
- Sovereign Grand Inspector General of Utah for the Ancient and Accepted Scottish Rite of Freemasonry
- Accounting system organizer for the finance department of the state of Utah and the state of Idaho
- Author of numerous articles and technical papers
- Holder of numerous offices, other honors and attainments too numerous to identify individually.

NOW, THEREFORE, we members of the Senate of the 37th Legislature of the state of Utah, do hereby offer a resolution commending these achievements and contributions to our community and state of Lincoln Grant Kelly, lawyer, certified public accountant, and distinguished citizen.

COMMENDATION LOUIS N. STRIKE

S. R. No. 5.

(Passed February 23, 1967.)

A Resolution by the Senate of the 37th Legislature of the State of Utah Commending the Life Work of Louis N. Strike.

Be it resolved by the State Senate of the State of Utah:

WHEREAS, Louis N. Strike has served as a community and business leader in the State of Utah; and,

WHEREAS, Louis N. Strike has contributed greatly to the spectacular growth of industry in the State of Utah and has founded, in connection with his activities, Ajax Presses, which has had great impact in the State's economy while exporting goods to every continent; and,

WHEREAS, Louis N. Strike has shared his good fortune while serving as benefactor and contributor to many philanthropic causes.

NOW, THEREFORE, BE IT RESOLVED by the State Senate that we do sincerely appreciate the great contribution that Louis N. Strike has made to the State of Utah as a result of his citizenship in the State.

BE IT FURTHER RESOLVED, that commendation is given to the said Louis N. Strike for his participation in industry and in civic development within the State.

BE IT FURTHER RESOLVED that this resolution be spread upon the records of the State Senate and a copy thereof be furnished to the said Louis N. Strike showing appreciation to him.

COMMENDATION W. RULON WHITE

S. R. No. 6.

(Passed February 27, 1967)

A Resolution of the Senate of the Thirty-Seventh Legislature Commending the Life and Public Service of W. Rulon White.

Be it resolved by the State Senate of the State of Utah:

WHEREAS, W. Rulon White, of Ogden, Utah, has been a prominent and eminent citizen of the state of Utah, and has contributed greatly to the development and growth of the state in business, in civic affairs, administrative and legislative activities, and

WHEREAS, the said W. Rulon White has operated within the state the W. R. White Pipe Company, wherein most of the cities and counties of the state have been furnished concrete pipe in connection with road construction and water conservation projects within the state, and

WHEREAS, the said W. Rulon White was mayor of the city of Ogden, and was in the legislature for many years and served as speaker of the house, and has held several other positions in connection with the political activities of this state, and

WHEREAS, W. Rulon White has contributed liberally to many institutions of the state.

NOW, THEREFORE, be it resolved that the Utah State Senate, in its 37th session, commend the life and contribution of the said W. Rulon White, and extend to him its sincere thanks and appreciation for his leadership and many gratuitous acts in the development of this state. That a copy of this resolution be placed in the senate journal, and a copy be sent to the said W. Rulon White.

COMMENDATION O. N. MALMQUIST

S. R. No. 7.

(Passed March 2, 1967.)

**A Resolution of the Senate of the 37th Legislature of the State of Utah
Commending the Newspaper Career of O. N. Malmquist.***Be it resolved by the Senate of the State of Utah:*

WHEREAS, O. N. Malmquist has, in his capacity of reporter for the Salt Lake Telegram and Salt Lake Tribune, covered sessions of the Utah Senate since 1929; and

WHEREAS, O. N. Malmquist has contributed greatly to public understanding of the issues and problems which have confronted twenty successive Legislatures; and

WHEREAS, O. N. Malmquist has, through his advice and counsel, been of invaluable assistance to members of the Senate for nearly forty years; and

WHEREAS, O. N. Malmquist has been recognized as virtually an ex-officio member of the Utah State Senate; and

WHEREAS the long and illustrious reporting career of O. N. Malmquist will be ended by retirement at the conclusion of this session of the 37th Utah Legislature; and

WHEREAS, the said O. N. Malmquist plans an extended trip to the capitals of Europe upon his retirement.

NOW, THEREFORE, BE IT RESOLVED by the State Senate that we do sincerely appreciate the great contribution made by O. N. Malmquist to the state of Utah during his newspaper career.

BE IT FURTHER RESOLVED, that commendation is given to the said O. N. Malmquist for his participation in the reporting of actions of Legislature of this state.

BE IT FURTHER RESOLVED that O. N. Malmquist be appointed an ambassador of good will from the Utah State Senate to all the foreign countries he visits.

BE IT FURTHER RESOLVED that this resolution be spread upon the records of the State Senate and a copy thereof be furnished to the said O. N. Malmquist showing our appreciation to him.

CONGRATULATIONS TO DIXIE COLLEGE

S. R. No. 9.

(Passed March 6, 1967.)

**A Resolution of the Senate of the 37th Legislature for the State of Utah
Extending Congratulations to Dixie College Regarding National Inter-collegiate Rodeo Association Finals.***Be it resolved by the Senate of the State of Utah:*

WHEREAS, Dixie College at St. George, Utah has recently been

selected by the National Intercollegiate Rodeo Association as the site of its National Intercollegiate Rodeo Association Finals for 1967, these Finals to be held in the Dixie Sun Bowl in St. George on June 27 through July 1, 1967;

WHEREAS, approximately 150 students representing the member colleges and universities of the National Intercollegiate Rodeo Association are expected to participate in these Finals;

WHEREAS, with over 150 colleges and universities throughout the United States and Canada being members of the National Intercollegiate Rodeo Association, the selection of Dixie College as the site for such Finals is a distinct honor to Dixie College and to the state of Utah.

NOW, THEREFORE, BE IT RESOLVED, that the Senate of the 37th legislature of the state of Utah does hereby extend its sincere congratulations to Dixie College for being selected the site of the such Finals.

BE IT FURTHER RESOLVED, that a copy of this resolution be sent to Dixie College, to the National Intercollegiate Rodeo Association, to the Salt Lake Tribune and the Deseret News and to other representatives of the press, and to the offices of the American Broadcasting Company, the Columbia Broadcasting Company and the National Broadcasting Company responsible for release of information regarding such Finals on television and radio.

ENDORING S. 97, 90TH CONGRESS—1ST SESSION

S. R. No. 10.

(Passed March 8, 1967.)

A Resolution by the Senate of the 37th Legislature, of the State of Utah, Endorsing S. 97 of the 90th Congress, 1st Session.

Be it resolved by the Senate of the State of Utah:

WHEREAS, there has been introduced in the 90th Congress, 1st session, bill S. 97 for the relief of Juan Miguel Apezteguia classifying him as a nonimmigrant alien and,

WHEREAS, said bill S. 97 introduced by Senator Moss of the state of Utah, is considered an appropriate and satisfactory bill.

NOW THEREFORE, BE IT RESOLVED, that the Utah State Senate of the 37th session does endorse and request the passage of S. 97 of the 90th Congress, 1st session.

BE IT FURTHER RESOLVED, that a copy of this resolution be sent to each of the Utah delegates in Congress.

EULOGY OF MAJOR BERNARD F. FISHER

H. J. R. No. 4.

(Passed January 24, 1967.)

A Resolution of Eulogy to Major Bernard F. Fisher, Who Received the Congressional Medal of Honor, for His Performance of His Duties in Viet Nam.*Be it resolved by the Legislature of the State of Utah:*

WHEREAS, Major Bernard F. Fisher was cited by the President of the United States, Thursday, January 19, 1967, and awarded our nation's highest honor, the Congressional Medal of Honor, for the performance of his duties in Viet Nam, and

WHEREAS, Major Fisher, for a good part of his life, has been a resident of the State of Utah, having graduated from Davis High School and the University of Utah, and

WHEREAS, the State of Utah is justly proud of this distinguished citizen, who has earned the plaudits of our nation and our state and brought great credit to the people of Utah in a manner in keeping with the highest traditions of this state.

NOW, THEREFORE BE IT RESOLVED by the House of Representatives of the State of Utah, the Senate Concurring that Major Bernard F. Fisher be highly commended for his acts of heroism above and beyond the call of duty performed while on duty with the U.S. Air Force in Viet Nam.

BE IT FURTHER RESOLVED that deep and sincere appreciation be expressed by the Legislature of the State of Utah for the exemplary qualities exhibited by this outstanding citizen which have brought great credit to himself, his family and the people of the State of Utah,

BE IT FURTHER RESOLVED that a copy of this resolution be delivered to Major Bernard F. Fisher and his family.

EULOGY OF THOMAS F. KEARNS

H. J. R. No. 6.

(Passed January 24, 1967.)

A Resolution of Condolence to the Family of Thomas F. Kearns, Sr.—in Memoriam.*Be it resolved by the Legislature of the State of Utah:*

WHEREAS, the life of Thomas F. Kearns, Sr. was interwoven with the growth and development of the State of Utah in the many fields of mining, oil and gas, publishing, real estate, ranching and many others, and

WHEREAS, notwithstanding all his many business interests, he found time to devote his energies to community problems, among which was pioneering the cause of Alcoholics Anonymous and the State Board of Alcoholism in their early growth and development, and

WHEREAS, he was always an active and devout patriot for his community and state as well as the nation at large, and

WHEREAS, he was one of the outstanding men of his generation and a real friend to Utah and her people.

NOW, THEREFORE, BE IT RESOLVED by the Legislature of the State of Utah: that the family of Thomas F. Kearns, Sr. be extended our sincere sympathy and condolences at this time of his passing, as well as our abiding gratitude for all that he accomplished for the people of the State of Utah,

BE IT FURTHER RESOLVED, that a copy of this resolution be sent to his family.

COMMENDATION: DAVID S. KING

H. J. R. No. 9.

(Passed February 7, 1967.)

A Joint Resolution of the Legislature of the State of Utah Expressing Congratulations and Commendation to Mr. David S. King on His Appointment As United States Ambassador to the Malagasy Republic.

Be it resolved by the Legislature of the State of Utah:

WHEREAS, the President of the United States has bestowed great honor on the State of Utah by appointing a native son, David S. King, as United States Ambassador Extraordinary and Plenipotentiary to the Malagasy Republic; and

WHEREAS, Mr. King has served the people of Utah with integrity and devotion as a representative to the Congress of the United States; and

WHEREAS, Mr. King will ennoble his nation, his state and his church by reflecting their ideals, virtues and character to the peoples of a foreign land;

NOW, THEREFORE, BE IT RESOLVED, that the Legislature of the State of Utah does express congratulations and commendation to Mr. David S. King for his appointment, and pays tribute to him as an able and devoted public servant.

BE IT FURTHER RESOLVED, that the Secretary of State of Utah forward a copy of this resolution to Mr. David S. King.

COMMENDATION: RICHARD L. EVANS

H. J. R. No. 16.

(Passed February 27, 1967.)

A Joint Resolution of the Legislature of the State of Utah Expressing Recognition and Commendation to Richard L. Evans, President of Rotary International.

Be it resolved by the Legislature of the State of Utah:

WHEREAS, Richard L. Evans of Salt Lake City, Utah, was elected 1966-67 world president of Rotary International, an organization of more than 600,000 business and professional men in 12,000 clubs in 134 countries; and,

WHEREAS, since his election Mr. Evans has traveled unceasingly throughout the world in the discharge of his duties as president of Rotary International, and as such as an ambassador of the State of Utah; and,

WHEREAS, Mr. Evans has dedicated himself to bringing about international understanding, goodwill, and peace through world community service;

NOW, THEREFORE, BE IT RESOLVED, that the Legislature of the State of Utah does express congratulations and gratitude for his diligent leadership in pursuit of freedom and liberty, and the recognition he has brought his country and state.

BE IT FURTHER RESOLVED, that the Speaker of the House of Representatives forward a copy of this resolution to Mr. Richard L. Evans.

COMMENDATION OF DR. HENRY EYRING

H. J. R. No. 23.

(Passed February 28, 1967.)

A Resolution Commending Dr. Henry Eyring for His Accomplishments in the Scientific World, and Particularly for the Honor Which He Received February 6, 1967, When He Was Presented the National Medal of Science by President Lyndon B. Johnson, and for the Honor He Has Brought the University of Utah and the State of Utah.

Be it resolved by the Legislature of the State of Utah:

WHEREAS, Dr. Henry Eyring is a distinguished resident of the State of Utah, and has for many years been a member of the faculty of the University of Utah, and has in the past received many honors for his accomplishments in the scientific world, which honors have brought fame to himself, his family, his church, the University of Utah and the State of Utah, and

WHEREAS, on February 6, 1967, President Lyndon B. Johnson presented the National Medal of Science to Dr. Eyring at the White House during a ceremony in which Dr. Eyring was one of eleven scientists honored by the presentation of this, the highest medal which the President can award a scientist, and

WHEREAS, this medal was presented in recognition of Dr. Eyring's contributions to our understanding of the structure and properties of matter, especially for his creation of absolute rate theory, one of the sharpest tools in the study of rates of chemical reaction, and

WHEREAS, Dr. Eyring is esteemed by all who know him as a dedicated scientist, humanitarian, and a man of faith.

NOW, THEREFORE, BE IT RESOLVED by the Legislature of the State of Utah:

1. That Dr. Henry Eyring is highly commended for his accomplishments, and for the great honor he has brought to himself, his family, church, university, and the State of Utah, by reason of the recognition he has received as a recipient of the National Medal of Science, and for his other accomplishments in the scientific world, and for the example which he is to all those fortunate enough to know him as scientist, teacher, or friend.

2. That a copy of this resolution be transmitted by the Secretary of State to Dr. Eyring and to the University of Utah.

INDIAN LAND REVENUES

H. J. R. No. 26.

(Passed March 9, 1967.)

A Resolution of the Senate and House of Representatives of the State of Utah Requesting the Congress of the United States to Pass an Amendment to 47 Stat. 1418, Approved by the Congress March 1, 1933, Relating to Certain Indian Lands in San Juan County, State of Utah, and to the Royalties and Other Funds Derived from the Exploitation of Oil and Mineral Rights Located on Such Lands.

Be it resolved by the Legislature of the State of Utah:

WHEREAS, the Congress of the United States on March 1, 1933 approved 47 Stat. 1418 and set apart certain Indian lands in San Juan County of the State of Utah, commonly known as the Anneth Strip and dedicated the gas, oil, and other revenues derived therefrom, to certain beneficial uses of the Utah segment of the Navajo Reservation, and

WHEREAS, these revenues have grown to be very substantial and have accumulated a fund which is not readily usable because of the restrictions in the federal law, and

WHEREAS, the Utah State Public Welfare Commission is providing public assistance to approximately half the Indian population in San Juan County, and

WHEREAS, it appears desirable to amend the federal law so that these funds can be used and invested in promoting the welfare of all of the Navajo Indians living in the Utah segment of the Navajo Indian Reservation.

NOW, THEREFORE, BE IT RESOLVED that the 37th Legislature of the State of Utah request and pray that the 90th Congress of the United States favorably consider and act upon amendments proposed to the enactment of March 1, 1933 so that the resources accumulated and those currently accruing may be beneficially used in the interest of the Navajo people.

BE IT FURTHER RESOLVED, that amendments to 47 Stat. 1418, be prepared by the Utah State Legislative Council, to implement

changes considered desirable by the Appropriations Committee of the 37th Legislature and the Legislative Council.

BE IT FURTHER RESOLVED, that the Secretary of State of the State of Utah is authorized and directed to send copies of this resolution to the Senate and House of Representatives of the United States, and to the Senators and Congressmen representing the State of Utah in the National Congress, and that the Congressman representing the 1st Congressional District of Utah be requested to introduce and sponsor the measure which shall be prepared by the Legislative Council of the State of Utah.

LEGISLATIVE COUNCIL ASSIGNMENT—INDIAN LANDS

H. J. R. No. 27.

(Passed March 9, 1967.)

A Joint Resolution of the Senate and House of Representatives of the State of Utah Assigning to the Utah Legislative Council Responsibility to Make a Study and Prepare Recommendations to the Congress of the United States Concerning Indian Lands in San Juan County and the Revenue Accruing Therefrom.

Be it resolved by the Legislature of the State of Utah:

WHEREAS, the congress of the United States enacted in 1933, 14 Stat. 1418 relating to Indian lands located in the Utah segment of the Navajo Indian Reservation in San Juan County and the revenue accruing therefrom, and

WHEREAS, at a later date the Legislature of the State of Utah by enactment created the Utah Indian Affairs Commission and vested it with responsibility to administer the funds accruing from gas, oil, and other mineral rights on the Indian reservation in San Juan County, and

WHEREAS, the restrictive conditions of the federal and state legislation do not permit what appears to the Legislature to be a wise use of these resources in the interests of the Navajo people, and

WHEREAS, the Public Welfare Department is providing substantial aid to the Navajos in San Juan County, and

WHEREAS, modification of the existing situation in the Navajo trust fund might relieve the necessity of providing welfare assistance and at the same time strengthen the economy and build the confidence of the Navajo people, and

WHEREAS, it is the opinion of the Legislature that the distribution of large sums of money to Indian families has been demoralizing, wasteful and undesirable.

NOW, THEREFORE, BE IT RESOLVED, that the 37th Legislature of the State of Utah, both houses concurring herein, request the Utah Legislative Council to study the situation relating to the responsibilities of the Utah Indian Affairs Commission in the administration of the funds available to said commission, and draft a proposed amend-

ment to the federal enactment of 1933 which will make possible a proper use of the money available for the Navajo Indians.

BE IT FURTHER RESOLVED, that the Legislative Council give due consideration to the views of the Appropriations Committee of the 37th Legislature in drafting the proposals which will be submitted to the Congress of the United States.

BE IT FURTHER RESOLVED, that Congressman Lawrence Burton be specifically requested to introduce and sponsor this resolution before the Congress of the United States and that the Council be authorized at the proper time to appear before the appropriate Committees of the Congress to further the enactment of the proposals of the Council.

STUDY OF BRANCH BANKING LAWS

H. J. R. No. 30.

(Passed March 9, 1967.)

A Joint Resolution of the Thirty-Seventh Legislature of the State of Utah Requesting the Legislative Council to Study the Branch Banking Laws of Utah.

Be it resolved by the Legislature of the State of Utah:

WHEREAS, national banks in Utah are governed by federal law and state banks are governed by state law; and

WHEREAS, a recent opinion of the United States Supreme Court has reaffirmed the proposition that under existing Utah law national banks may establish branches only where such establishment is permitted to state banks by state law; and

WHEREAS, any change in the branch banking laws of Utah could lead to a new interpretation by the courts and federal regulatory authorities which would permit national banks to establish branches at times or under circumstances when state banks could not establish branches; and

WHEREAS, such a competitive advantage if enjoyed by national banks would induce many state banks to become national banks and thus impair the right of the state to regulate the business of banking in the State of Utah; and

WHEREAS, it has been represented to the Legislature that there is a public need for additional branch banks and drive-in facilities in certain areas of the state.

WHEREAS, it is deemed desirable to maintain the status quo in the banking system while such a study is being conducted.

NOW, THEREFORE, BE IT RESOLVED, that the legislative council undertake a study of the branch banking laws of the state to determine what changes, if any, should be made thereto, such study to include consideration of the needs of the public for additional banking

facilities, the effect of such new facilities on existing banks and the effect of any changes on the relationship between national banks and state banks in the state.

LEGISLATIVE COUNCIL ASSIGNMENTS

H. J. R. No. 31.

(Passed March 9, 1967.)

A Joint Resolution of the Senate and House of Representatives of the State of Utah Making Assignments of Study to the Utah Legislative Council and Requesting a Report to the 38th Legislature.

Be it resolved by the 37th Legislature of the State of Utah:

WHEREAS, the Utah Legislative Council is created by law as a continuous research body to serve the Legislature of the State of Utah for the improvement of legislative functions, the examination of existing statutes, and the study of governmental organization, issues of public policy and questions of statewide importance; and

WHEREAS, the 37th Legislature has been confronted with important legislative problems concerning the welfare of the State of Utah which are now in need of proper solution;

NOW, THEREFORE, BE IT RESOLVED that the 37th Legislature of the State of Utah, both Houses concurring therein, request the Utah Legislative Council to study and prepare as it may determine but not limited to the following items a legislative program for the 38th Legislature of the State of Utah:

1. Higher Education—To study the government and management of post high school educational institutions.
2. Property Assessment—To study the problems of full value property assessment and the effect of tax limitations.
3. Taxation—To study the revision of income, corporation, and inheritance tax laws to conform more closely to Federal tax laws and to study the adjustment of rate structures and Federal tax offsets to achieve equity, simplification and to maintain revenue to the state, and as contemplated by Senate Bill No. 54.
4. Long-range Goals—To study and prepare an analysis of long-range policy goals for the state in economic and social planning including: (a) re-evaluation of past committee procedure and methodology; (b) examination of the process for establishing broad policy goals; (c) determine the means for incorporating goals into the legislative process; (d) review the planning efforts of the Governor for consistency with legislative planning; (e) study federal funds and their impact on state and local functions and programs; and (f) research for means of making legislative goals a compliment to state government.
5. School Finance Formula—To study the school finance and school building aid programs of the state, including problems of finance, allocation of funds to districts, equity in formulas, definitions, federal funds, and meeting total needs.

6. Public Assistance—To study the program of public assistance, including the cost of living provisions, the comparative level of assistance, eligibility requirements, maximum grants, inequities among various categories of assistance and administrative policies.

7. Conditions of Indian People—A study of conditions relating to adult and juvenile criminal responsibilities of Indian citizens; equal justice for Indians; responsibilities for acts; and civil responsibilities.

8. Health Services—A study of the means of providing health services for certain qualified needy persons under Title XIX, Public Law 89-97, as contemplated in SJR No. 16 of the 37th Legislature.

9. Fire Rating—To study fire rating methods in the state, including the structure, practices and operations of fire rating bureaus operating in the state with a view to determine whether a state sponsored fire rating program would provide savings on the purchase of fire insurance for public, commercial, and private buildings within the State of Utah, as contemplated in HJR No. 20 of the 37th Legislature.

10. Narcotic and Dangerous Drugs—To study the problem of improper use and illegal sale of dangerous and narcotic drugs, depressants and stimulants. Such study to be conducted by a special committee of specialists, legislators and other citizens.

11. Industrial School—To determine where the school should be placed within the organization structure of the State of Utah, as contemplated in HJR No. 22 of the 37th Legislature.

12. Legislative reapportionment—To study problems arising as the result of recent court decisions and possible implications for the State of Utah.

13. Mine Safety—To study appropriate measures required to comply with regulations adopted under the federal mine safety act; the study to be made in cooperation with the Industrial Commission.

14. Government Consolidation—To study possible consolidation and administration of special taxing districts and local governmental authorities and further state consolidation.

15. Retirement Credit—Study need for allowing credit to public employees who served in the military prior to 1961 and who subsequently returned to public service.

16. Foster Care—To study the program of foster care in Utah.

17. Nursing Homes—To study the nursing home program in Utah.

18. Interest Charges—To study the practice of computing interest and charges on loans and installment purchases.

19. A study toward continued upgrading of the legislative process.

20. Study and recommendation for re-codification of Utah Labor Laws, as contained in H.J.R. No. 32.

21. Study and recommendation for statuary for exterior of the Capitol Building.

22. A study of the advisability of formulating a systematic procedure of assessment against the various special funds of the state, as a means to more equitably provide for their proportionate share in

the cost of government overhead and thereby eliminate a multiplicity of appropriations.

23. To study in conjunction with State Board of Education the feasibility of making a pilot study of a 4 quarter school year and system in the public education program. The objective being to better utilize the tremendous capital investment in our school system now used only 75% of the time.

24. To study the coordination of computers and computer systems of all state agencies and the objective of developing a master plan and or coordinator thereof.

25. To study the use of data processing relative to legislative processes.

26. Study of Banking Laws and recommendation for revision and improvement.

27. Study of the cost to the State of Utah for the apprehension, prosecution, and imprisonment of bad check writers, and suggested legislation to help bring this serious problem under better control.

RESTRICTIONS ON GRANTS IN AID

H. C. R. No. 1.

(Passed March 8, 1967.)

A Resolution of the House of Representatives and the Senate of the State of Utah, the Governor Concurring Therein, Recommending to the President of the United States, and to the Congress of the United States, That Categorical Grants in Aid to The Various States Be Discontinued in Favor of Block Grants in Aid to the States.

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

WHEREAS, the relationship that exists between the federal government and the governments of the various states is a matter of vital concern to the people of the State of Utah; and

WHEREAS, the states play an indispensable role in our federal system of government; and

WHEREAS, unless the trend toward restrictive categorical federal grants in aid to the states is reversed, these grants will so restrict the action, the judgment and the discretion of state legislatures and executive officers that a states freedom of movement will be significantly inhibited; and

WHEREAS, there is a need and a justification for grants in aid designating the general public purposes for which such grants shall be used, but leaving to the states broad discretion as to the method of application of such grants to the designated purposes.

NOW, THEREFORE, BE IT RESOLVED, that the 37th session of the Legislature of the State of Utah, the Governor of the State of Utah concurring therein, do hereby recommend to the President of the United States and to the Congress of the United States that grants of

federal funds to the various states be in the nature of block grants designating in general terms the governmental services to which such grant shall be put, but leaving to the states broad discretion in the planning, adoption and implementation of the programs to carry out the purposes of the grants.

BE IT FURTHER RESOLVED, that the present categorical grants which closely restrict the freedom of the state in applying such grants to public purposes frequently result in the expenditure of such monies in a manner which may not fully recognize local or regional conditions or needs and which therefore fail to obtain the maximum public good therefrom.

BE IT FURTHER RESOLVED, that while block grants are of aid to the states in carrying out their function of rendering service to the people of the various states and enabling the states to fulfill their role in the federal-state relationship, categorical grants which inhibit the freedom and discretion of the states tend to reduce the states to the level of administrative arms of the federal government and seriously inhibit the ability of the states to carry out their proper role in our federal system of government; therefore, categorical grants should be replaced with block grants.

Concurred March 9, 1967.

RESOLUTION OF CONDOLENCE TO

REPRESENTATIVE J. REESE HUNTER AND FAMILY

H. R. No. 1.

(Passed January 11, 1967.)

A Resolution of Condolence to Representative J. Reese Hunter and to His Family—in Memoriam.

Be it resolved by the House of Representatives of the State of Utah:

WHEREAS, John A. Hunter, the Father of Representative J. Reese Hunter passed away the 6th day of January, 1967, in Los Angeles, California; and

WHEREAS, the passing of John A. Hunter is a great loss to Representative Hunter and his family;

NOW THEREFORE BE IT RESOLVED that the House of Representatives of the State of Utah, does hereby express regret and sympathy to Representative J. Reese Hunter and to his bereaved family.

BE IT FURTHER RESOLVED that a copy of this resolution be delivered to Representative J. Reese Hunter and to his family.

ENFORCEMENT DRIVER LICENSE LAW

H. R. No. 2.

(Passed March 4, 1967.)

A Resolution of the House of Representatives of the State of Utah Requesting Judges to Enforce Drivers License Laws More Strictly and Require Violators to Serve Jail Sentences.

Be it resolved by the 37th Legislature of the State of Utah:

WHEREAS, in excess of 7,000 drivers have had their driving privileges suspended or revoked in the State of Utah in the year 1966 and

WHEREAS it is estimated that nearly 75% of persons who have been on suspension or revocation continue to drive after their driving privilege has been so taken away from them and

WHEREAS many of such suspended or revoked drivers are responsible for accidents during such suspension or revocation periods which result in serious property damage, personal injury, and death to other persons and

WHEREAS, under 41-2-30, Utah Code Annotated 1953, any person who is convicted of driving while his privilege is suspended or revoked shall be punished by imprisonment in the county or municipal jail and

WHEREAS very few judges require persons who are convicted of driving while under suspension or revocation to actually suffer any such imprisonment and

WHEREAS it is the belief of the members of the Legislature that more stringent enforcement of driver licensing laws, and particularly the imposition of realistic jail sentences, will deter many such drivers from driving when under suspension or revocation, and from committing other driving violations which justify or cause suspension or revocation of their privilege, thereby making the highways safer for the great majority of the citizens who drive properly.

NOW THEREFORE, BE IT RESOLVED that the members of the House of Representatives of the Utah State Legislature go on record as urging the Judges of this state to utilize the provisions of law pertaining to the unlawful operation of a motor vehicle by one whose driver's license has been suspended or revoked, and to require that every such offender actually serve some imprisonment as punishment for such violations.

BE IT FURTHER RESOLVED that a copy of this Resolution be sent to the Supreme Court, each District Court and City Court Judge and each Justice of the Peace in the State of Utah.

COMMENDATION—UTAH STATE UNIVERSITY

H. R. No. 3.

(Passed February 17, 1967.)

A Resolution of the Utah State House of Representatives Commending Utah State University for Its Work in Research Relating to Air and Water Pollution and Control.

Be it resolved by the House of Representatives of the State of Utah:

WHEREAS, the 1967 Agriculture Industry Conference of Utah State University with the theme, "Controlling Pollution, the Key to Improving our Environment," contributed to public understanding of the growing problems of pollution within the state and the nations, and

WHEREAS, Utah State University has conducted significant re-

search in the field of air fluoride pollution which assisted in the settlement of disputes involving a major Utah industry, and

WHEREAS, the University has assembled an able staff which has for many years studied water quality, the effects of air contaminates, solid waste disposal, and related matters, and

WHEREAS, this Legislature recognizes the urgent need to reduce air and water pollution in Utah to protect the health and welfare of its citizens and has enacted a pollution control law to this end,

NOW, THEREFORE, BE IT RESOLVED: by the House of Representatives that the Utah State University be commended for its efforts to improve the air and water resources of the state, and

BE IT FURTHER RESOLVED that the University be encouraged to continue to pursue research directed at reducing the pollution of our environment.

PIONEER CRAFT HOUSE

H. R. No. 4.

(Passed March 4, 1967.)

A Resolution Commending all Those Associated with the Pioneer Craft House on Successfully Completing 20 Years of Service to the Salt Lake Community.

Be it resolved by the House of Representatives of the State of Utah:

WHEREAS, the Pioneer Craft House was established in Salt Lake City, Utah in March, 1947, after being originally housed at the Auerbach Company as a Utah Centennial Project, and

WHEREAS, for the past twenty years the Pioneer Craft House has served the Salt Lake Community, both the young and the old including teachers, community leaders and lay people, and

WHEREAS, the Pioneer Craft House has just signed a forty year contract with the Granite School District and proposed capital improvements have been met by gifts from foundations, businesses and individuals, thus securing it as a permanent center safeguarding our unique Utah Culture for the enrichment of future generations,

NOW THEREFORE BE IT RESOLVED by the House of Representatives of the State of Utah that all individuals and institutions associated with the Pioneer Craft House are highly commended for the excellent work they are doing for all the citizens of this state in preserving and promulgating our unique Utah Culture.

BE IT FURTHER RESOLVED that a copy of this resolution shall be sent to individuals associated with the Pioneer Craft House.

STUDY OF COMMUNISM IN SCHOOLS

H. R. No. 5.

(Passed March 9, 1967.)

A House Resolution Encouraging the State Board of Education to Include a Course of Study on Communism in the High School Curriculum of the State and Specifically Encouraging the Use of the Book "A Study of Communism," By J. Edgar Hoover.

Be it resolved by the 37th Legislature of the State of Utah:

WHEREAS, Communism constitutes a clear and present danger to the government of the United States and the government of the State of Utah, and

WHEREAS, it is important that high school students be informed of said danger, and be fortified against such danger by being taught concerning its aims and methods, and

WHEREAS, J. Edgar Hoover is a great American, a dedicated public servant, and eminently informed about the workings of Communism, and without peer as to knowledge concerning efforts by the Communist conspiracy to subvert the government of the United States, and

WHEREAS, J. Edgar Hoover has written a book called "A Study of Communism," which is published by Holt, Rinehart and Winston, Inc., and

WHEREAS, 517 people have petitioned the Legislature to include such book in the high school curriculum of the State of Utah.

NOW THEREFORE, BE IT RESOLVED, that the State Board of Education of the State be encouraged to include the textbook, "A Study of Communism," published by Holt, Rinehart and Winston, Inc., as the text to be used in classes in the high schools of the State of Utah, dealing with Communism.

BE IT FURTHER RESOLVED, that a copy of this resolution be forwarded to the Utah State Board of Education.

ENDORISING S. 97—90TH CONGRESS, 1ST SESSION

H. R. No. 6.

(Passed March 9, 1967.)

Resolution by the House of the 37th Legislature, State of Utah, Endorsing S. 97 of the 90th Congress 1st Session.

Be it resolved by the House of Representatives of the State of Utah:

WHEREAS, there has been introduced in the 90th congress, 1st session, bill S. 97 for the relief of Juan Miguel Apezteguia classifying him as a nonimmigrant alien and,

WHEREAS, said bill S. 97 introduced by Senator Moss of the State of Utah, is considered an appropriate and satisfactory bill.

NOW THEREFORE, BE IT RESOLVED, that the Utah State House of Representatives of the 37th session does endorse and request the passage of S. 97 of the 90th congress, 1st session.

BE IT FURTHER RESOLVED that a copy of this resolution be sent to each of the Utah delegates in congress.

RECODIFICATION OF LABOR LAWS

H. R. 7.

(Passed March 9, 1967.)

A Joint Resolution of the 37th Legislature of the State of Utah Expressing the Concern of the Legislature in the Recodification of Labor Laws of the State of Utah and in Senate Bill 178 Which Was Introduced in This Legislature, Expressing the Appreciation of the Legislature for the Efforts of the Labor Law Review Committee and Assigning to the Legislative Council Responsibility to Undertake a Further Study and Make Recommendations to the Next Session of the Legislature Concerning Such Recodification.

Be it resolved by the Legislature of the State of Utah:

WHEREAS, a Labor Law Review Committee was appointed by Governor Calvin L. Rampton to examine the labor laws of the state of Utah and to prepare a report in time for the 37th Legislature;

WHEREAS, the Labor Law Review Committee at great expenditure of time and effort made a lengthy, detailed study of the labor laws of the state of Utah and prepared and submitted the desired report;

WHEREAS, a bill was prepared on the basis of this report and introduced in the Senate of the 37th Legislature as S.B. 178, its purpose being that of recodifying Title 34, Utah Code Annotated 1953;

WHEREAS, S.B. 178 was not introduced in the Senate until the 29th day of the session, did not reach the floor of the Senate until the 54th day of the session, and was not passed by the Senate and transmitted to the House of Representatives until the 55th day of the session;

WHEREAS, the Labor Committee of the House of Representatives was unable to hold a hearing in respect to this Bill, the result being that it reached the floor of the House of Representatives on the 59th day without the benefit of such hearing;

WHEREAS, the Legislature of the state of Utah feels that the matters considered by this Bill are of great significance to the state of Utah and should be considered further by the Legislature;

NOW, THEREFORE, BE IT RESOLVED, that the 37th Legislature of the state of Utah go on record as favoring the recodification of at least that portion of the labor laws of the state of Utah which was the subject of S.B. 178 and that the Legislative Council be directed to make further studies in respect to such laws and present to the next Legislature its findings in this regard.

BE IT FURTHER RESOLVED, that the Legislature of the state of Utah hereby extends its appreciation to the Labor Law Review Committee for all of its efforts in respect to their study and the preparation of S.B. 178.

BE IT FURTHER RESOLVED, that copies of this Resolution be transmitted to the Governor, to the Legislative Council and to all of the members of the Labor Law Review Committee.

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