

Bill: 1st Substitute SB 169 – Governmental Immunity Act Amendments

Sponsor: Senator Todd Weiler

Floor Sponsor: TBD

UASD Position: Tracking

This Bill amends the Governmental Immunity Act.

Discussion: The sponsor recounted an old case between Siegfried and Jensen and the Utah Transit Authority (“UTA”), highlighting his belief that governmental entities sometimes create unnecessary hurdles using the Governmental Immunity Act. He expressed hope that this Bill would bring create greater transparency. The Bill requires a governmental entity to file a statement with Division of Corporations and Commercial Code containing the following information: any doing-business-as name the governmental entity utilizes, the office or agent designated to receive service of a summons and complaint, and the physical address to which service of a summons and complaint is to be delivered by hand or transmitted by mail. It prohibits a governmental entity that fails to file or update the statement described above from challenging the sufficiency of service of the summons and complaint.

Jake Lee, representing the Utah Association for Justice, spoke in support of the Bill. He emphasized the value of the Governmental Immunity Database as a tool for identifying governmental entities. He explained that, while the Database allows claimants to find the correct entity, a major issue arises when it is unclear where to send the claim. This confusion can lead to higher litigation costs. Senator Winterton referenced past legislation that prevents special service districts, or other entities, from using county names to avoid misdirected lawsuits. He asked how that current law might impact this Bill, particularly if certain entity names do not appear in the database. Mr. Lee responded that if an entity isn’t listed in the Utah Division of Corporations Business Entity Search or the Governmental Immunity Database, it creates difficulties for plaintiffs to file claims. He said that this Bill seeks to address that issue. The Committee adopted the 1st substitute, which modified the language to remove the term “fictitious name” due to concerns the sponsor’s constituents raised about its use. Senator McKell spoke in support of the Bill.

Yeas: 5

Nays: 0

N/V: 2

Outcome: 1st substitute SB 169 passed out of the Committee with a favorable recommendation.

Bill: 3rd substitute HB 12 – Division of Purchasing and General Services Amendments

Sponsor: Representative Val L. Peterson

Floor Sponsor: Senator Michael K. McKell

UASD Position: Tracking

This Bill modifies the Utah Procurement Code.

Discussion: Representative Peterson explained that this Bill makes three key changes. First, it removes the option for the Purchasing from Persons with Disabilities Advisory Board (“PPDAB”) to establish a central nonprofit association to assist with its functions. Instead, it authorizes the PPDAB to contract with an individual or entity for assistance. Second, it clarifies that awarding a contract to a vendor does not in itself create a binding procurement contract. Finally, it ensures that certain contractual terms cannot be included in a procurement contract unless the Assistant Attorney General grants a specific exemption. The Division Director from Purchase Services spoke in support of the Bill. The Committee adopted the 3rd substitute. There was no discussion from the public.

Yeas: 4

Nays: 0

N/V: 3

Outcome: 3rd substitute HB 12 passed out of the Committee with a favorable recommendation.

Bill: HB 25 – Retirement Amendments

Sponsor: Representative Cheryl K. Acton

Floor Sponsor: Senator Wayne A. Harper

UASD Position: Tracking

This Bill modifies provisions of the Utah State Retirement and Insurance Benefit Act.

Discussion: Representative Acton explained that this is a clean-up Bill that serves three key purposes. First, it aligns the record retention requirement with the statute of limitations. Second, it clarifies provisions regarding which entities are eligible to withdraw from participation in the Utah Retirement System (“URS”). Finally, the Bill repeals a section that previously allowed PEHP Health and Benefits to implement a prescribing policy for certain opioid prescriptions. The Utah Public Employees Association expressed its support for the Bill.

Yeas: 6

Nays: 0

N/V: 1

Outcome: HB 25 passed out of the Committee with a favorable recommendation.
