

List of Utah Attorney General Opinions 1990 – 2012

1990 Opinions

Informal Opinion No. 90-01

June 26, 1990

Re: Legal restrictions on the investment of endowment funds

Printed in Administrative Bulletin 90-22, November 15, 1992, p.2

Available on Westlaw

Formal Opinion No. 90-01

February 8, 1990

Re: Compensation of appointed State officers

Printed in Administrative Bulletin 90-16, August 15, 1990, p.27

Available on Westlaw

Informal Opinion No. 90-02

July 17, 1990

Re: Variable annuities contracts

Printed in Administrative Bulletin 90-24, December 15, 1992, p.20

Available on Westlaw

Informal Opinion No. 90-03

April 24, 1991

Re: Opinion request on binding effect of obligor directions regarding application of payment to Office of Recovery Services

Printed in Administrative Bulletin 91-10, May 15, 1991, p.19

Available on Westlaw

Informal Opinion No. 90-04

September 14, 1990

Re: Leasing of motor pool vehicles

Available on Westlaw

Informal Opinion No. 90-05

February 24, 1992

Whether a Transient Room Tax may be imposed for purposes other than establishing, financing, and promoting recreational, tourist, and convention bureaus.

Printed in Administrative Bulletin 92-6, March 15, 1992, p.6

Available on Westlaw

Formal Opinion No. 90-08

April 5, 1990

Re: Campaign activities of a member of the Utah Highway Patrol

Printed in Administrative Bulletin 91-10, May 15, 1991, p.7
Available on Westlaw

Opinion No. 90-09 – withdrawn

Opinion No. 90-10 – withdrawn

Informal Opinion No. 90-11
May 2, 1991

1. Do community mental health centers have the right to deny services to any mentally ill client based upon their I.Q. or any disability?
2. Do community mental health centers have the right to deny services to any mentally ill client with a medical card?

Printed in Administrative Bulletin 91-11, June 1, 1991, p.8
Available on Westlaw

Informal Opinion No. 90-12
December 13, 1990

Re: Constitutionality of U.C.A. 58-55-6(2)(i)

Printed in Administrative Bulletin 91-2, January 15, 1991, p.6
Available on Westlaw

Informal Opinion No. 90-13
June 7, 1991

Re: Opinion concerning appointment of judges to Utah Military Court

Printed in Administrative Bulletin 91-13, July 1, 1991, p.13
Available on Westlaw

Informal Opinion No. 90–14
June 5, 1990

Re: Legality of giving aviation fuel tax funds to privately-owned, publicly-used airports

Printed in Administrative Bulletin 90-20, October 15, 1990, p.3
Available on Westlaw

Opinion No. 90-15 – same as Opinion No. 90-12; see Opinion No. 90-12.

Informal Opinion No. 90–16
June 5, 1990

Re: Mandatory no contact orders in domestic violence cases Utah Code Ann. § 77-36-3.5

Printed in Administrative Bulletin 90-21, November 1, 1990, p.6
Available on Westlaw

Informal Opinion No. 90-17
August 28, 1990

Re: Collateral sources and responsibility of crime victims payment of victim expenses

Available on Westlaw

Opinion No. 90-018 – Withdrawn

Opinion No. 90-019 – Withdrawn

Opinion No. 90-020 – Withdrawn

Opinion No. 90-021 – Withdrawn

Informal Opinion No. 90–22

July 25, 1990

Re: Legality of school teacher running for school board

Available on Westlaw

Opinion No. 90-023 – Withdrawn

Informal Opinion No. 90-24

September 25, 1990

Re: Separation of powers under the Optional Forms of Municipal Government Act (Utah Code Ann. §§ 10-3-1201 to -22) and its effect upon the operation of municipal libraries

Available on Westlaw

Opinion No. 90-025 – Withdrawn

Informal Opinion No. 90-26

December 6, 1990

Re: Validity of Duchesne County May 1990 tax sale

Printed in Administrative Bulletin 91-1, January 1, 1991, p.7

Available on Westlaw

Informal Opinion No. 90-27

March 5, 1991

Re: Request for legal opinion antitrust considerations and N.F.P.A. 58 sec. 4-2.2.1

Printed in Administrative Bulletin 91-7, April 1, 1991, p.29

Available on Westlaw

Informal Opinion No. 90-29

September 10, 1990

Re: Consolidation of duties of county treasurer and county auditor

Available on Westlaw

Opinion No. 90-30 – Withdrawn

Opinion No. 90-32 – Placed on hold May 8, 1992 by requesting agency

Opinion No. 90-33 – Withdrawn

Opinion No. 90-34 – Withdrawn

Informal Opinion No. 90-35

December 11, 1990

Re: Authority of the Bureau of Radiation Control to regulate x-ray film processing

Printed in Administrative Bulletin 91-1, January 1, 1991, p.12

Available on Westlaw

Opinion No. 90-36 – Withdrawn

Opinion No. 90-37 – Withdrawn

Informal Opinion No. 90-38

March 24, 1992

Whether a temporary pass program for interstate common and contract carriers to move through Ports of Entry in Utah could be implemented based on existing statutes of the State of Utah and Rules and Regulations of the Public Service Commission

Printed in Administrative Bulletin 92-8, April 15, 1991, p.8

Available on Westlaw

Informal Opinion No. 90-39

January 8, 1991

Re: Does the use of revenue received from taxes on income for the support of the Public School System include both the Public Education System (traditional K-12) and the higher education system

Printed in Administrative Bulletin 91-2, January 15, 1991, p.20

Available on Westlaw

1991 Opinions

Letter Opinion (no number)

February 8, 1991 or April 9, 1991 (unclear which date)

Prospective incorporation by reference of administrative rules

Printed in Administrative Bulletin 91-9, May 1, 1991, p.6

Formal Opinion No. 91-01

April 17, 1991

Re: Item veto power regarding Appropriation Bill

Available on Westlaw

Opinion No. 91-02 – Withdrawn

Informal Opinion No. 91-03

February 18, 1991

Re: Restriction of traffic on Highway 189 through Provo Canyon

Printed in Administrative Bulletin 91-7, April 1, 1991, p.8

Available on Westlaw

Informal Opinion No. 91-04

April 29, 1991

Re: Adequacy of state law enabling Utah to be eligible for Title VI State Revolving Fund Capitalization Grants

Printed in Administrative Bulletin 91-11, June 1, 2015, p.7

Available on Westlaw

Informal Opinion No. 91-05

May 23, 1991

Re: Legalities of marriages performed by Justices of the Peace

Printed in Administrative Bulletin 91-12, June 15, 2015, p.21

Available on Westlaw

Opinion No. 91-07

February 27, 1991

Constitutionality of Utah Code Ann. Section 11-10-2.

Available at State Law Library

Opinion No. 91-08 – Renumbered, issued as FO 91-01

Informal Opinion No. 91-09

April 22, 1991

Re: Dual position-holding of the Director of the Division of Travel Development

Printed in Administrative Bulletin 91-10, May 15, 1991, p.10

Available on Westlaw

Opinion No. 91-10 – Withdrawn

Informal Opinion No. 91-11

December 16, 1993

Re: Validity of Utah marriage after Santo Domingo divorce

Printed in Administrative Bulletin 94-5, March 1, 1994, p.13

Available on Westlaw

Informal Opinion No. 91-12

August 23, 1991

Re: Petition limiting the terms of public office holders

Printed in Administrative Bulletin 91-20, October 15, 1991, p.32

Available on Westlaw

Opinion No. 91-13 – Withdrawn

Informal Opinion No. 91-14

June 5, 1992

Re: Disposition of fines involving Wildlife Resources violations

Printed in Administrative Bulletin 92-13, July 1, 1992, p.9

Available on Westlaw

Informal Opinion No. 91-15

March 2, 1992

Whether the one percent tax which may be imposed on prepared foods and beverages that are sold by restaurants applies to sales of prepared foods by grocery stores, convenience stores, and fast-food outlet drive-up windows

Printed in Administrative Bulletin 92-6, March 15, 1992, p.13

Available on Westlaw

Informal Opinion 91-16

<date unknown>

Constitutionality of a portion of House Bill 436 (1991 General Session) which amended Utah Code Ann. 10-3-928 and which statutorily authorized city attorneys to prosecute violations of certain state laws occurring within the boundaries of their municipalities

Available at State Law Library

Opinion No. 91-17 – Withdrawn

Opinion No. 91-18 – Withdrawn

Opinion No. 91-19

December 10, 1992

Legality of recording State business phone calls

Available at State Law Library

Opinion No. 91-20

December 23, 1992

Opinion request on responsibilities of the Division of Mental Health and local mental health authorities relating to civilly and criminally committed persons.

Available at State Law Library

Informal Opinion No. 91-21

May 24, 1991

Re: Regarding the constitutionality of Utah Code Ann. § 11-10-2 (Supp.1990)

Available on Westlaw

Opinion No. 91-022 – Withdrawn

Opinion No. 91-023 – Withdrawn

Opinion No. 91-024 – No opinion issued

Opinion No. 91-027 – Withdrawn

Informal Opinion No. 91-28

January 3, 1992

Re: Royalties assessed for the harvesting of brine shrimp from the Great Salt Lake

Printed in Administrative Bulletin 92-3, February 1, 1992, p.10

Available on Westlaw

Informal Opinion No. 91-29

December 23, 1991

State's ability to control air pollution sources outside of designated nonattainment areas.

Printed in Administrative Bulletin 92-2, January 15, 1992, p.6

Available on Westlaw

Informal Opinion No. 91-30

March 24, 1992

Re: The scope of service for which federal financial participation (FFP) can be claimed for certified registered nurse midwife (CNM) services

Printed in Administrative Bulletin 92-8, April 15, 1992, p.14

Available on Westlaw

Informal Opinion No. 91-31

February 11, 1992

Millard County Revenue Sharing

Printed in Administrative Bulletin 92-5, March 1, 1992, p.7

Available at State Law Library

Opinion No. 91-32

June 9, 1992

State Board of Education Authority for Early Retirement Plan

Printed in Administrative Bulletin 92-14, July 15, 1992, p.5

Available at State Law Library

1992 Opinions

Opinion No. 92-01 – Recalled by Opinion No. 92-01a

February 3, 1993

Application of Privilege Tax

Printed in Administrative Bulletin 93-16, August 15, 1993, p.4

Available at State Law Library and [Utah Government Digital Library](#)

Opinion No. 92-01a (Amended Opinion)

January 26, 1996

ISSUE: Is the use of federal property that is held under a terminable permit for service in federal government contracting work subject to Utah's privilege tax when the property is used by an independent contractor in connection with a business conducted for profit?

ISSUE: Is the use of federal property that is held under a terminable permit for service in federal government contracting work subject to Utah's privilege tax when the property is used by an independent contractor in connection with a business conducted for profit?

Available on Westlaw

Opinion No. 92-02 – Withdrawn

Opinion No. 92-03

February 24, 1993

Use of Mineral Lease Monies for Economic Development

Printed in Administrative Bulletin 93-16, August 15, 1993, p.5

Available at State Law Library and [Utah Government Digital Library](#)

Informal Opinion No. 92-05

April 2, 1992

Re: Authority of the Salt Lake County Sheriff

Available on Westlaw and [Utah Government Digital Library](#)

Opinion No. 92-06 – Mooted by legislation; no opinion issued

Informal Opinion No. 92-08

June 16, 1992

Re: Whether the eminent domain power may be used by the Division of Facilities Construction and Management for acquisition of private property for State buildings and grounds

Printed in Administrative Bulletin 92-15, August 1, 1992, p.6

Available on Westlaw and [Utah Government Digital Library](#)

Opinion No. 92-09 – Withdrawn

Opinion No. 92-10 – Moot; not issued

Opinion No. 92-11 – Mooted by election so not issued

Opinion No. 92-12

December 29, 1992

Re: Disposition of National Cold Fusion Institute assets and expenses

Available on Westlaw

Informal Opinion No. 92-16

October 15, 1992

Whether the Utah Procurement Code applies to expenditures from the Petroleum Storage Tank Fund, and specifically whether owners and operators of leaking underground storage tanks which are covered by the Fund must follow the requirements of the Procurement Code to be eligible for reimbursement or funding

Printed in Administrative Bulletin 92-21, November 1, 1992, p.11

Available on Westlaw and [Utah Government Digital Library](#)

Informal Opinion No. 92-17

March 12, 1993

Re: Allocation of space in the "Wurlitzer Building"

Printed in Administrative Bulletin 93-16, August 15, 1993, p.11

Available on Westlaw and [Utah Government Digital Library](#)

Opinion No. 92-18

July 27, 1995

Re: Interpretation of the Federal Hatch Act as it applies to employees of the State who are candidates for partisan political office

Printed in Administrative Bulletin 95-16, August 15, 1995, p.6

Available on Westlaw and [Utah Government Digital Library](#)

AG Opinion 92-020

June 7, 1994

Graduation Prayer Authorized or Encouraged by a School District

Printed in Administrative Bulletin 95-6, March 15, 1995, p.3

Available on [Utah Government Digital Library](#)

Opinion No. 92-22 – Withdrawn

Opinion No. 92-23

October 22, 1992

Opinion as to the ADA in relation to the state's policy of treating each state agency, department and institution as a separate employer for purposes of the Act

Printed in Administrative Bulletin 93-14, July 15, 1993 p.6

Available on Westlaw and [Utah Government Digital Library](#)

Opinion No. 92-24

October 28, 1992

Re: Truck restrictions in Provo Canyon

Printed in Administrative Bulletin 93-14, July 15, 1993, p.9

Available on Westlaw and [Utah Government Digital Library](#)

Opinion No. 92-25

September 14, 1992

Re: Annexation to county, interpretation of U.C.A. § 17-2-6.

Available on Westlaw and [Utah Government Digital Library](#)

Opinion No. 92-26

June 28, 1993

Re: Whether Utah Code Ann. § 17-15-3 requires that a construction manager be selected by competitive bidding

Printed in Administrative Bulletin 94-5, March 1, 1994, p.15

Available on Westlaw and [Utah Government Digital Library](#)

Opinion No. 92-29

December 21, 1992

1) How long does a sentence of restitution, pursuant to Utah Code Ann. § 76-3-201(3) (Supp.1992), last?

2) Is a sentence of restitution separate and independent from the sentence of incarceration? Does a sentence of restitution remain in full force and effect even after the sentence of incarceration has been satisfied?

Printed in Administrative Bulletin 93-14, July 15, 1993, p.12

Available on Westlaw and [Utah Government Digital Library](#)

Informal Opinion No. 92-30

December 28, 1992

Re: Application of the Victim's Bill of Rights to Juvenile Courts

Printed in Administrative Bulletin 93-14, July 15, 1993, p.14

Available on Westlaw and [Utah Government Digital Library](#)

Opinion No. 92-31

April 6, 1993

Re: Channel One advertising in public schools

Available on Westlaw and [Utah Government Digital Library](#)

Informal Opinion No. 92-31

February 11, 1992

Re: Millard County revenue sharing

Printed in Administrative Bulletin 93-17, September 1, 1993 and Administrative Bulletin 94-5, March 1, 1994, p.18

Available on Westlaw

Opinion No. 92-32 – Withdrawn

Opinion No. 92-33

September 16, 1993

Orderly School Termination Procedures Act

Available at State Law Library and [Utah Government Digital Library](#)

Opinion No. 92-34

March 22, 1993

Re: Refinancing of bonds pursuant to H.B.65 (Utah Code Ann. § 53A-16-104)

Printed in Administrative Bulletin 93-17, September 1, 1993, p.12

1993 Opinions

Opinion No. 93-02

March 31, 1993

Re: Service of process by corrections officers

Printed in Administrative Bulletin 93-17, September 1, 1993, p.16

Available on Westlaw

Opinion No. 93-04 – Withdrawn

Opinion No. 93-05 – Withdrawn

Opinion No. 93-06 – Refer to 93-02

Opinion No. 93-08 – Moot; opinion not issued

Informal Opinion No. 93-12

August 17, 1993

Re: Authority of a Circuit, District, or Juvenile Court to appoint a Public Prosecutor at county expense

Printed in Administrative Bulletin 94-5, March 1, 1994, p.22

Available on Westlaw

Opinion No. 93-16

August 16, 1993

Re: Emission inspection exemptions for pickup trucks used for farm purposes

Printed in Administrative Bulletin 94-5, March 1, 1994, p.25

Available on Westlaw

Opinion No. 93-17 – Not issued

Opinion No. 93-18

December 28, 1995

RE: Imposition of Business License Fees on State-Chartered Credit Unions

ISSUE: Whether a Utah municipality (1) may impose business license fees on State chartered credit unions. In particular, you ask whether a municipality may impose a business license fee which is based upon sales, gross revenues, asset size, gross or net income, or similar methods, instead of a fee based upon the reasonable costs of performing the licensing function.

Printed in [Administrative Bulletin 96-3](#), February 1, 1996, p.32

Available on Westlaw

Opinion No. 93-20

December 28, 1993

Re: Responsibility for sidewalk construction

Printed in Administrative Bulletin 94-5, March 1, 1994, p.29

Available on Westlaw

Informal Opinion No. 93-22

December 20, 1993

Foster Parent Care of Medically Fragile Children

Printed in Administrative Bulletin 95-6, March 15, 1995, p.8

Available at State Law Library

Opinion No. 93-023

March 1, 1995

Power of a Municipality to Adopt an Ordinance Regulating Automobile Emissions

Printed in Administrative Bulletin 95-13, July 1, 1995, p.19

Available at State Law Library

Formal Opinion No. 93-025

May 25, 1995

1. Does the Americans with Disabilities Act (ADA) invalidate the prison's mandatory testing system or preclude the Department from using information about an inmate's HIV status in determining housing, employment, or segregation.
2. Can the Department of Corrections lawfully provide the Board of Pardons and Parole with information about a parole applicant's HIV status, which was obtained as a result of mandatory testing, for the Board's use in determining eligibility for, or the conditions of parole?
3. Whether the Department is prohibited from informing, or is under any legal obligation to inform members of the public or individuals with whom a parolee may live once released, that the inmate is HIV positive.

Printed in Administrative Bulletin 95-13, July 1, 1995, p.22

Available on Westlaw

1994 Opinions

Formal Opinion No. 94-03

March 9, 1995

Is placement of a developmentally disabled/mentally retarded person in the "least restrictive and most enabling environment" a constitutionally protected liberty interest? If so, is placement in an ICF/MR a violation of that standard in every case, or is placement in an ICF/MR still appropriate when that is the preferred choice of the person or their legal representative?

Printed in Administrative Bulletin 95-6, March 15, 1995, p.9

Available at State Law Library

Opinion No. 94-06

July 27, 1995

Under what circumstances may the Great Seal of the State of Utah be reproduced and are there any restrictions on its use?

Printed in Administrative Bulletin 95-18, September 15, 1995, p.3
Available on Westlaw

Opinion No. 94-07

June 7, 1994

There were several questions (Only three will be addressed in this summary.) regarding how the provisions of U.C.A. 76-7-305 requiring a 24 hour waiting period and informed consent are implemented:

- Will a telephone call 24 hours in advance to a doctor be considered sufficient to fulfill the requirements for the 24 hour waiting period?
- How can the doctor be assured that the person calling is in fact the person who will be the patient?
- Would the informed consent law be satisfied if a clinic has a nurse or counselor answer inquiries by prospective patients and give information pursuant to the statute?

Printed in Administrative Bulletin 94-16, August 15, 1994, p.11
Available at State Law Library

Opinion No. 94-08

December 10, 1994

Does the responsibility for auditing the Commission on Criminal and Juvenile Justice rest with the Commission or with the Utah State Auditor.

Printed in Administrative Bulletin 95-6, March 15, 1995, p.13
Available at State Law Library

Opinion No. 94-09

January 30, 1995

ISSUE: Whether, Under U.C. A. § 30-1-4.5, the judicial or administrative order regarding the “determination of establishment of a marriage” must be made and entered before one year following the termination of the relationship if it is to have any effect.

Printed in Administrative Bulletin 95-13, July 1, 1995, p.28
Available at State Law Library

Opinion No. 94-013

March 6, 1995

Use of an audio tape over the telephone to obtain informed consent to abortion.

Printed in Administrative Bulletin 95-6, March 15, 1995, p.14

1995 Opinions

Opinion No. 95-01

January 9, 1995

ISSUE: Does attorney client privilege apply between legal services officers (persons employed with legal training and experience, i.e. attorneys) and other state agency officers or the agency itself?

Available at State Law Library

Opinion No. 95-02

February 28, 1996

ISSUE: How may Utah County use transient room taxes? Basically Utah Code Ann. § 17-31-2 requires that the funds be dispursed [sic] or used to promote tourism. The statute permits Utah County to use transient room tax revenues to send county representatives to tourism trade shows, but not to send representatives to Olympic Games Awards Ceremonies, nor to fund the Central Utah Film Commission.

Printed in [Administrative Bulletin 96-6](#), March 15, 1996, p.16

Available on Westlaw

Opinion No. 95-03

September 28, 1995

ISSUE: Can a school district levy the debt service and capital outlay tax authorized by the Public Education Code U.C.A. § 53-16-104(1)(c)(1994) if and/or when it is also levying [sic] the unlimited tax authorized by the Utah Municipal Bond Act U.C.A § 11-14-19 (1992)? Short answer: except when the debt limit established by the Utah Constitution is reached (4% of the value of the taxable property), a school district can levy taxes authorized by both the Public Education Code and the Utah Municipal Act.

Printed in Administrative Bulletin 95-20, October 15, 1995, p.6

Available on Westlaw

1996 Opinions

No opinions

1997 Opinions

Opinion No. 97-01

March 5, 1997

Should the Drivers License Division take administrative action against a juvenile's driving privileges when it receives a juvenile court order and when it receives a record showing a conviction. Conclusion: the juvenile court adjudication does not constitute a "conviction" and therefore the Division should only take action based on the order.

Printed in [Administrative Bulletin 97-8](#), Aril 15, 1997, p.3

Available on Westlaw

Opinion No. 97-04

December 22, 1997

ISSUE: Is there a legal requirement that school districts only use materials adopted by the State Board of Education; under what conditions would school districts be required to purchase and use material on the adopted list; and if no state money is used in the purchase, do school districts legally have the autonomy to select an use materials not approved by the state?

Printed in [Administrative Bulletin 98-2](#), January 15, 1998, p.3
Available on Westlaw

1998 – 2000 Opinions

No opinions

2001 Opinions

Opinion No. 01-01

July 12, 1991

ISSUE: Would the courts consider that the constitutional publication requirements regarding submission of Proposition 1 for voter consideration were sufficiently met, even though there was not strict compliance with the constitutional and statutory noticing provisions and the amendment was not specifically mentioned in the ballot title?

Available on Westlaw

Opinion No. 01-02

November 30, 2001

ISSUE: Is Department of Human Resource Management's rule 477-9-1(5) prohibiting state employees from carrying firearms "in any facility owned or operated by the state, or in any state vehicle, or at any time or any place while on state business" contrary to Utah law?

Printed in [Administrative Bulletin 2002-1](#), January 1, 2002, p.1
Available on Westlaw

2002 Opinions

Opinion No. 02-01

January 30, 2002

ISSUE: Whether the term "political activities" contained in the Voluntary Contributions Act includes "lobbying." Opinion concludes that "lobbying" is excluded from the Voluntary Contributions Act's definition of "political activities."

Available on Westlaw

Opinion No. 02-02

July 6, 2002

ISSUE: Whether Utah County's former military leave policy of providing eleven days paid military leave to Utah County employee reservists violates the equal protection provisions of the Fourteenth Amendment to the US Constitution by failing to provide for an equal period of paid leave for non-reservist employees who desire to pursue outside employment. Additionally whether the leave policy results in an unlawful transaction or disbursement of government funds or resources based on lack of adequate consideration.

Available on Westlaw

Opinion No. 02-03

October 25, 2002

ISSUE: Whether the Utah Constitution permits executive branch agencies to employ in-house legal counsel from sources other than through the Office of the Attorney General.

Available on Westlaw

2003 Opinions

Opinion No. 03-01

August 18, 2003

ISSUE: Does the Lieutenant Governor, upon the resignation of the Governor, succeed to the Office of Governor or become an "acting" Governor? Based upon the provisions of Article VII, § 11 of the Utah Constitution, the history of the adoption of that section and its amendment in 1980, case law and actions in other states (there being no Utah case on point), and the efficient operation of government, it is my conclusion that upon resignation of the Governor, the Lieutenant Governor succeeds to that office, and becomes the Governor.

Available on Westlaw

2004 – 2005 Opinions

No opinions

2006 Opinions

Informal Opinion No. 06-02

October 30, 2002

ISSUE: Do local health departments (LHDs) have the authority to assess fees to school districts for making state-required inspections of school food service facilities?

Available on Westlaw

2007 Opinions

Informal Opinion No. 07-01

July 17, 2007

ISSUE: Constitutionality of SB 30.

It is the opinion of the Office of the Utah Attorney General that when a city initiates a request to create a new school district pursuant to Utah Code Ann. §53A-2-118(5)(b)(I), the legislative decision to limit the eligible voters to those residents living within the geographic boundaries of the city should be reviewed by the courts using a rational basis standard. Legitimate state interests can be put forth which support this enactment which, when considered in light of the presumption of constitutionality afforded all duly enacted state laws, should result in the courts affirming the Legislature's discretion to draw the territorial boundary lines in the manner provided for in S.B. 30.

Available on Westlaw and [Utah Government Digital Library](#)

2008 - 2011 Opinions

No opinions

2012 Opinions

Informal Opinion No. 2012-01

January 1, 2012

The purpose of this Opinion is to provide state and local law enforcement with guidelines concerning the enforcement of the "Utah Illegal Immigration Enforcement Act" (the "Act.") It is not intended to limit law enforcement's underlying authority. The Act, in most respects, does not significantly change state or local law enforcement's existing authority pertaining to aliens unlawfully present in the United States.

Available on Westlaw