



*2009*  
GENERAL  
LEGISLATIVE  
SESSION  
*wrap up*

UTAH LEAGUE OF  
CITIES AND TOWNS

## **ULCT Legislative Team**

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Lincoln coordinates legislative policy for municipalities and presents findings to State administrative and legislative branches. He administers the legislative policy committee and fields individual municipal questions, and writes a pre and post legislative report. Lincoln specializes in the Utah State Budget, transportation, economic development, and retirement issues.

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## **2009 Legislative Overview**

### **HB16 Assessment Area Amendments – Rep. Hunsaker**

ULCT Position: **Neutral**

Status: **Passed**

This bill authorizes other political subdivisions of the state, in addition to counties, cities, towns, special service districts, and local districts, to designate an assessment area and levy assessments; modifies which owners of property may file a protest to a proposed assessment area or assessment; modifies the conditions under which a local entity may designate an assessment area; modifies the conditions under which a local entity may add to a designated assessment area; modifies items that can be included in the levy of an assessment; modifies the possible makeup of a board of equalization for assessment purposes.

#### **Municipal Implication:**

The most significant law change that was included in this bill is the modification to the criteria that must be met in order to establish an assessment area. Under previous law the local entity creating the assessment area had to conduct an appraisal of the property and determine that the value of unimproved property would be three times higher than the assessment being levied in order to assess the property with the new levy. The bill allows for an alternative method of calculation by allowing for values to be derived by reviewing the tax assessments of the property as prepared by the assessor's office to determine if the value of the unimproved property would be three times higher than the assessment being levied for the improvements. The remainder of the changes are technical in nature.

### **HB18 Water Right Applications and Records – Rep. Painter**

ULCT Position: **Neutral**

Status: **Passed**

This bill defines terms; requires the state engineer to extend the time in which to complete an application if the applicant meets certain requirements; clarifies the calculation of time for extension of an application; authorizes, and in some cases requires, the extension of time on a water right application held by a public water supplier or a wholesale electrical cooperative; authorizes the segregation of a water right or an application; deletes the requirement to deny segregation for certain reasons; authorizes the consolidation of a water right or application

#### **Municipal Implication:**

This bill allows additional time for large water project developers to complete a water development project or the proof required for all or part of a water development project.

**HB23 Second Substitute Certified Tax Rate Amendments – Rep Hunsaker**

ULCT Position: **Neutral**

Status: **Passed**

This bill includes the revenue a taxing entity collects from redemptions as "ad valorem property tax revenues" for purposes of calculating the taxing entity's certified tax rate; requires a taxing entity's ad valorem property tax revenues budgeted for the prior year to be decreased by the average annual amount of revenue collected from redemptions during the prior five-year period for purposes of calculating a taxing entity's certified tax rate; exempts a taxing entity from the notice and hearing requirements of "Truth in Taxation" for a certain amount of budgeted revenue equal to the taxing entity's five-year average of redemptions from collections.

**Municipal Implication:**

This bill requires a municipality to factor in redemptions of previous year property tax delinquencies for the purposes of calculating the certified tax rate for that entity. The concept being that the property tax system guarantees a rate sufficient to produce the money budgeted in the prior year. Since redemptions provide additional revenue above the budgeted amount, this bill would require that the redemption amount be factored in to the calculation for establishing the following year's certified tax rate.

**HB27 Protection of Agricultural Practices – Rep. Morley**

ULCT Position: **Neutral as Amended**

Status: **Passed**

This bill eliminates the presumption that agricultural operations are conducted in accordance with sound agricultural practices and provides that agricultural operations are not nuisances.

**Municipal Implication:**

The bill essentially creates a rebuttable presumption that a agricultural practices are not a nuisance if they are conducted in accordance with sound agricultural practices. The bill does, however, allow for a nuisance to be declared if it is demonstrated that the practice is a general threat to health, safety and welfare of the public. This provision was put in at the request of the ULCT.

**HB31 Utah Sudden Cardiac Arrest Survival Act – Rep. Wimmer**

ULCT Position: **Support**

Status: **Passed**

This bill permits a person to administer CPR or use an Automatic Emergency Defibrillator (AED) on a person reasonably believed be in sudden cardiac arrest without a license or certificate and regardless of whether the person is trained to administer CPR or to use an AED. The bill also provides immunity from civil liability for certain acts or omissions relating to administering CPR, operating, designing, or managing a CPR or AED program, or providing instructions or training, or taking other specified action, in relation to CPR or AEDs, unless the actions constitute gross negligence or willful misconduct. Lastly, the bill requires a person who owns or leases an AED to report certain information, including the location of, or removal of, the AED, to the emergency medical dispatch center that provides emergency dispatch services for that area.

**Municipal Implication:**

This bill removes the civil liability for those administering CPR and using and AED machine. Since many municipalities are locating AEDs in city halls and other public venues, it was deemed prudent to waive liability for the use of such equipment. The bill was being pursued by many municipal public safety officials and organizations.

#### **HB43 Coordinating Municipal and Special District Elections – Rep Grover**

ULCT Position: **Watching**

Status: **Passed**

This bill provides that polling places for a local district and special service district board member election designated by a county clerk shall coincide with municipal general election polling places whenever feasible; repeals the requirement that separate election judges at the same polling place must be used if a local district or special service district election ballot cannot be consolidated with a municipal election ballot. Lastly, the bill establishes that a municipality as well as a county may be reimbursed by a local district or special service district holding an election for the costs of the election attributable to that local district or special service district.

#### **Municipal Implication:**

This bill will have some positive impact on Utah's municipalities providing more flexibility in conducting coordinated municipal and special district elections. It removes some of the redundant poll watching requirements and encourages, but does not require the consolidation of polling locations for municipal and special district elections. The bill also provides that a city or county can require reimbursement for conducting an election on behalf of a special district.

#### **HB49 Voter Challenge Amendments – Rep. Hansen**

ULCT Position: **Neutral**

Status: **Failed to Pass**

This bill would have provided the grounds upon which a person's right to vote in an election may be challenged during or before an election. It would have also required that written challenges to a person's right to vote in an election be filed in advance of the election and provided procedures for filing and resolving the challenges before the date of the election. Lastly, the bill would have required the election officer to notify each person whose right to vote in the election had been challenged in writing and permits the person who has been challenged to provide information in response to the challenge.

#### **Municipal Implication:**

This bill did not pass – No municipal implication

#### **HB61 Second Substitute Local Government Entity Changes – Rep. Holdaway**

ULCT Position: **Support as Substituted**

Status: **Passed**

This bill modifies and clarifies the process of certifying local government changes that affect or create local government boundaries and local government name changes. The bill provides a process for certifying final local entity plats for local government boundary changes; eliminates a requirement for municipalities to prepare articles of incorporation as part of the incorporation process and eliminates an alternative to filing articles of incorporation; modifies the authority of city officers-elect; modifies the duties of the lieutenant governor, county surveyors, and county recorders in the process of certifying local government boundary and name changes; modifies the process for a municipality to change its name; establishes the date of recording documents related to a boundary action as the effective date of the boundary action for purposes of assessing property affected by the boundary action; imposes restrictions

on a local entity's imposition of property taxes, assessments, or fees until documents related to the boundary action are recorded; modifies the event from which the effective date of a municipal annexation or boundary adjustment is calculated.

**Municipal Implication:**

Technical bill which should make it easier to incorporate, annex, or certify boundary change agreements.

**HB64 Substitute Deterring Illegal Immigration – Rep. Dee**

ULCT Position: **Neutral**

Status: **Passed**

This bill authorizes the Office of the Attorney General to administer and coordinate the of a multi-agency strike force to combat violent and other major felony crimes within the state associated with illegal immigration and human trafficking

**Municipal Implication:**

This bill allows for local law enforcement officers to voluntarily participate in a multi-agency strike force established by the Utah Attorney General.

**HB 66 Ninth Substitute Property Tax Amendments – Rep. Newbold**

ULCT Position: **No Position**

Status: **Failed to pass**

This intent of this bill was to create a statewide equalization program for the funding of public schools. The bill would have repealed the authority of school districts to levy certain property taxes; increases the statewide minimum basic tax rate, and in the fiscal year starting with fiscal year 2011-12 it would have required the Legislature to appropriate an amount of revenue equal to the increased revenue generated statewide from the minimum basic levy on an equal basis which was based upon the student population in the school district.

**Municipal Implication:**

This bill did not pass – no municipal impact

**HB 67 Public Hearings on Property Tax Increases – Rep. Froerer**

ULCT Position: **Support as Amended**

Status: **Passed**

This bill amends the format of the "Truth in Taxation" newspaper advertisement; excludes new growth from the taxing entity's budgeted revenue amounts for purposes of determining the taxing entity's percentage increase listed in a "Truth in Taxation" newspaper advertisement; modifies the advertisement requirements for a taxing entity when the taxing entity's public hearing is advertised by the county auditor; requires certain taxing entities to notify a county auditor of public hearings related to tax increases; requires the county auditor to compile the notices of public hearings; requires publication of the compiled information; requires certain taxing entities to provide information to taxpayers; provides for the payment of costs; addresses the scope of the provision.

**Municipal Implication:**

The bill makes modest changes in truth-in-taxation advertising procedures with primary impact on county government where county officials will now have responsibility for compiling and consolidating truth-in-taxation newspaper ads. The bill does exclude new growth from percentage increase information presented in the ads which should provide for more meaningful information.

**HB 68 Substitute Development Exactions – Rep. Painter**

ULCT Position: **Support**

Status: **Passed**

This bill enacts a definition of "water interest"; places limitations and restrictions on the imposition of an exaction for a water interest by a county, a county's culinary water authority, or a municipality; and requires culinary water authorities to provide the basis for its calculations of projected water interest requirements.

**Municipal Implication:**

This is a Land Use Task Force bill that resulted from 2008's HB51 Water Forfeiture bill. It was designed to address the unlikely situation in which a jurisdiction has sufficient water rights for its 40 year projection of future demands. If a jurisdiction already has sufficient water rights to meet its 40 year demand, then it no longer can exact water from developers (until its demand again exceeds its supply). The bill defines the term "water interest" to include all forms by which a municipality may hold water: deeded water rights, contract rights, shares in water companies, leaseholds, etc. For all municipalities, the bill requires that a water exaction must be based on a written formula and calculation that the applicant may scrutinize, and ultimately, may challenge as disproportionate to the proposed impact.

**HB 83 Property Tax Relief Programs – Rep. Froerer**

ULCT Position: **Watch**

Status: **Failed to pass**

This bill would have increased the household income qualifying limits for the homeowner's credit and increased the household income qualifying limits for the renter's credit.

**Municipal Implication:**

This bill failed to pass – no municipal impact

**HB 95 Second Substitute Restrictions on Use of Wireless Communication Devices in Vehicles – Rep. Riesen**

ULCT Position: **Support with Amendments**

Status: **Failed to pass**

This bill prohibits a person from using a wireless communication device while operating a moving motor vehicle on a highway in this state; provides exceptions to the wireless communication device prohibition; provides that it is a class C misdemeanor for violating the wireless communication device prohibition; and provides that enforcement for a violation of the prohibition on using a wireless communication device while operating a moving motor vehicle shall only be as a secondary action when the vehicle has been detained for a suspected violation of certain offenses.

**Municipal Implication:**

This bill failed to pass – no municipal impact

**HB 107 Second Substitute Economic Impact of Illegal Aliens – Rep. S. Clark**

ULCT Position: **Support**

Status: **Failed to pass**

This bill provided for a study, by the Office of the Legislative Auditor General, on the economic impact of illegal aliens residing within the state; provided that the study shall identify and summarize state and

local costs incurred from providing services to illegal aliens residing within the state as well as revenues received from illegal aliens residing within the state through the payment of taxes and fees to state and local government; and provided that the study shall include projections of costs and revenues for five, ten, and 25 years in the future and be a baseline for potential state legislation.

**Municipal Implication:**

This bill failed to pass – no municipal impact

**HB 118 Archives and Grama Revisions – Rep. Aagard**

ULCT Position: **Neutral**

Status: **Passed**

This bill adds a title section for the Archives and Records Service chapter; provides definitions; modifies language to comply with standardized definitions; provides that intentional and knowing destruction or mutilation of the record-copy of a record in violation of a retention schedule is a class B misdemeanor; clarifies that an employee of a governmental entity may be disciplined or fired for intentionally and knowingly destroying or mutilating a record in violation of a retention schedule.

**Municipal Implication:**

This bill clarified that knowingly and intentionally destroying a record-copy of a record with the intent to hide public information is a class B misdemeanor. The ULCT ensured that the bill was clear that this only applied to the record-copy of a record and also made it clear that the penalties only applied if it can be proven that the person destroyed the record copy with the intent of hiding public information. The bill will have limited applicability.

**HB 122 Government Records Access and Management Act Amendments – Rep. Aagard**

ULCT Position: **Support**

Status: **Failed to Pass**

This bill would have clarified that records may be classified as protected if they are prepared in anticipation of litigation; clarified that work product records may be classified as protected if the record involves anticipated or pending litigation; provided that records concerning a governmental entity's strategy may be classified as protected if the record is prepared for anticipated litigation, rather than only for pending litigation. The bill would have also prohibited a governmental entity's chief administrative officer, the records committee, and a court from releasing certain protected records via means of a balancing test unless it is determined, by a preponderance of the evidence or by clear and convincing evidence, as applicable, that the public interest favoring access to the record outweighs the interest favoring restriction of access to the record.

**Municipal Implication:**

This bill failed to pass – no municipal implication

**HB 125 Impact Fee Amendments – Rep. K. Powell**

ULCT Position: **Neutral**

Status: **Failed to pass**

This bill would have added AARP and the Utah Taxpayers Association to the list of required recipients of notice relating to impact fees and capital facilities plans; and modifies how that notice is to be given to include posting such notices on the Utah Public Notice Website.

**Municipal Implication:**

This bill failed to pass – no municipal implication

**HB 126 Second Substitute Voter Identification for Elections – Rep. Daw**

ULCT Position: **Neutral with Substitutes**

Status: **Passed**

This bill requires identification of voters and eliminates certain forms of identification as valid voter identification; requires valid voter identification be presented before a voter may vote.

**Municipal Implication:**

This bill will require voters to show a form of identification to the poll workers in order to vote in a municipal or general election. The bill does allow for a provisional ballot to be cast if identification cannot be produced. The voter then has five days to show identification to the county clerk in order for the provisional ballot to be accepted.

**HB 141 Second Substitute Billboard Amendments – Rep. C. Frank**

ULCT Position: **Neutral as substituted**

Status: **Passed**

This bill modifies the criteria under which a county or municipality is considered to have initiated the acquisition of a billboard structure by eminent domain when the county or municipality prevents the billboard owner from relocating the billboard; modifies the height limitation applicable to a billboard erected by an owner who modifies, upgrades, or relocates a billboard; increases from 60 to 90 days the period during which a county or municipality and billboard owner have to agree to a mutually acceptable location before the county or municipality is considered to have initiated the acquisition of a billboard by eminent domain; modifies the allowable height of an outdoor advertising sign whose height is adjusted by the owner because of an obstruction due to state agency action; and adds definitions to county and municipal land use provisions and to the Utah Outdoor Advertising Act.

**Municipal Implication:**

This bill will have some municipal impacts when dealing with the relocation of a billboard sign that has an obstructed view. The bill defines what constitutes “clear visibility” and then establishes that when relocated the billboard owner is entitled to clear visibility. There are, however, restrictions placed on that standard to ensure that the municipality maintains control of the height and spacing of billboards. In addition, the bill creates a visibility distinction between signs located on the freeway and signs located on surface streets.

**HB 154 State Construction Registry Amendments – Rep. Morley**

ULCT Position: **Support**

Status: **Passed**

This bill modifies the definition of final completion of an original contract and project; modifies the subcontractor preliminary notice requirements; modifies the notice of commencement filing requirements; modifies the DOPL standardized building permit numbering system; prohibits a compliance agency from deviating from the DOPL standardized building permit numbering system.

**Municipal Implication:**

This bill has little impact on municipalities, but does provide for more flexibility in the statewide standardization of building permit information that is outlined under 58-56-19. Instead of a rigid permit numbering system which required a set formula for generating a permit number, this bill allows for any

permit numbering system to be used so long as the permit number only contains alpha-numeric characters. Outside of that requirement any numbering system is deemed acceptable.

**HB 157 Substitute Property Tax Assessment Amendments – Rep. W. Harper**

ULCT Position: **Support**

Status: **Passed**

This bill amends the licensing requirements for first, second, and third class county assessors to require those county assessors to be state licensed or state certified appraisers prior to taking office as a county assessor; requires second through sixth class counties to levy an additional .000010 per dollar of taxable value for its Multicounty Assessing and Collecting Levy; requires certain revenue from the Property Tax Valuation Agency Fund to be disbursed to the Multicounty Appraisal Trust; decreases the county additional property tax for certain second and third class counties; provides a method to determine the amount of revenue to be transferred from the Property Tax Valuation Agency Fund to the Multicounty Appraisal Trust; provides that the Multicounty Appraisal Trust oversee the distributions of revenue received from the Property Tax Valuation Agency Fund.

**Municipal Implication:**

The focus of the bill is on the role and performance of county assessors. To the extent the legislation improves the overall assessment process of all property tax users, including municipalities, will benefit.

**164 Third Substitute Migratory Bird Production Areas – Rep. Oda**

ULCT Position: **Neutral as substituted and amended**

Status: **Passed**

This bill authorizes the creation of a migratory bird production area; authorizes a landowner to remove land from a migratory bird production area; requires a municipality to have the written permission of all landowners within a migratory bird production area to annex land within the production area; clarifies the effect the creation of a migratory bird production area would have on receiving the benefits of the Farmland Assessment Act; prohibits a county from enacting certain ordinances regarding a migratory bird production area; requires a county to exclude activities associated with a migratory bird production area from being a public nuisance; and establishes a defense for a migratory bird production area in civil or criminal nuisance actions.

**Municipal Implication:**

This bill originally would have created an additional environmental hurdle prior to initiation of eminent domain proceedings for the completion of public improvements and would have also allowed for the creation of Migratory Bird Production areas with little or no oversight or notice to the affected municipal or county government. Once amended and substituted at the ULCT request all references to condemnation were removed from the bill, so no additional standard was created prior to initiating condemnation proceedings. In addition, the bill was amended to ensure that local governments were noticed and allowed to protest the creation of a migratory bird production area. Also, the bill limits annexations of established production areas unless all property owners agree to the annexation. Lastly, at our request, the bill was amended to require that the establishment of a production area be designated prior to July 1, 2010 in order to better limit the frivolous creation of production areas.

**HB 185 Third Substitute Transportation Amendments – Rep. W. Harper**

ULCT Position: **Support**

Status: **Passed**

This bill changes the transportation projects for which a portion of certain general obligation bond proceeds previously authorized that were allocated for certain transportation projects shall be used; authorizes issuance of \$39,895,000 in general obligation bonds to pay all or part of the costs of constructing, reconstructing, renovating, or improving certain highways within a county of the first class; exempts the general obligation bonds from certain debt limitation provisions; provides that for a fiscal year beginning on or after July 1, 2010, the executive director shall use at least a certain portion of the fund monies in the County of the First Class State Highway Projects Fund to pay for: east-west transportation route improvements in a county of the first class; and state highway capacity improvement and congestion mitigation projects in a county of the first class.

**Municipal Implication:**

This bill applies to cities located in Salt Lake County and provides for the distribution of the local option sales tax transportation fund, otherwise known as the ¼ of the ¼. The bill provides funding for the following cities; Draper, Murray, Taylorsville, Salt Lake City, Sandy, Cottonwood Heights and maintains funding for Midvale, Riverton, West Jordan, West Valley and Salt Lake County.

**HB 201 Municipal Disincorporation Amendments – Rep. Froerer**

ULCT Position: **Oppose**

Status: **Failed to Pass**

This bill modifies a provision depriving district courts of jurisdiction to consider or order an election for a disconnection petition when the petition is filed within two years after the incorporation; and provides an exception to that provision if the municipality was incorporated on or after January 1, 2009 without an election to approve the incorporation or the incorporation petition did not contain the signatures of a majority of registered voters within the area proposed for incorporation. Essentially allowing for an immediate request for disincorporation of newly incorporated areas.

**Municipal Implication:**

This bill failed to pass – no municipal impact

**HB 205 Water Source Protection Amendments – Rep. M. Noel**

ULCT Position: **Watch**

Status: **Passed**

This bill limits the requirement to adopt a water source protection ordinance to counties of the first or second class; and limits the authorization of a municipality to adopt a water source protection ordinance to municipalities located within a county of the first or second class.

**Municipal Implication:**

Removes the implication in the law that municipalities are charged with the responsibility to be in the water source protection business.

**HB 226 Disaster Recovery and Emergency Management Amendments – Rep. Oda**

ULCT Position: **Watch**

Status: **Passed**

This bill clarifies that a responding political subdivision may loan equipment and donate services to a requesting, rather than a responding, political subdivision.

**Municipal Implication:**

This was a technical amendment with limited municipal impact.

**HB 227 Prohibition on Citation Quotas – Rep. N. Hansen**

ULCT Position: **Oppose**

Status: **Failed to Pass**

This bill prohibits state and local governmental entities and law enforcement agencies from requiring or directing that their law enforcement officers issue within any specified time period a specific number of citations, complaints, or warning notices: for violations of Title 41, Chapter 6a, Traffic Code; or violations of any local traffic ordinance, including any of the offenses described in Section 41-6a-208 , which addresses regulatory powers of local highway authorities.

**Municipal Implication:**

This bill failed to pass – no municipal impact

**HB 241 Priority of Water Rights – Rep. K. Gibson**

ULCT Position: **Neutral**

Status: **Passed**

This bill repeals a section relating to the priority of water rights in times of scarcity.

**Municipal Implication:**

The bill was passed with a year’s delayed effective date and a request for interim study to address the question of water rights preference in times of scarcity. This will be the source of lively debate during the interim, which will result in legislation that will clarify an issue that will benefit from thoughtful debate. In times of scarcity, among equal priority rights holders, should people or livestock get a drink?

**HB 246 Second Substitute Property Tax – Residential Exemption – Rep. Froerer**

ULCT Position: **Neutral**

Status: **Failed to Pass**

The bill would have amended the size of residential property that may qualify for a residential exemption due to a local zoning requirement for residential property or due to the covenants, conditions, and restrictions of a neighborhood, subdivision, or planned unit development; provides procedures to obtain a residential exemption for certain property owners with a primary residence with more than one acre of land; provides that a county assessor may require an owner of residential property to file a statement showing that the property qualifies for the residential exemption with the county assessor if: the residential property is sold; or the county assessor has reason to believe that the residential property no longer qualifies for the residential property tax exemption; provides a penalty for falsely obtaining a residential property tax exemption

**Municipal Implication:**

ULCT membership was split on support for this legislation. The stated objective was to apply the primary residential exemption to certain residential property involving acreage beyond the current 1 acre limitation. Supporters argued that current law unfairly excluded a limited number of property from receiving the property. Concern was expressed by others that there would be shifts among property tax payers to pay for the increased exemption and that there current law adequately covers the vast majority of residential property.

**HB 248 Substitute Regulating the Use of a Wireless Communication Device While Operating a Motor Vehicle**

ULCT Position: **Support with Amendments**

Status: **Failed to Pass**

This bill prohibits a person from using a handheld wireless communication device while operating a moving motor vehicle unless the wireless communication device is designed and configured to allow for hands-free talking and listening and is used in that manner; provides exceptions to the handheld wireless communication device prohibition; provides that it is an infraction for violating the handheld wireless communication device prohibition; provides that a violation of the handheld wireless communication device prohibition is not a reportable violation and points may not be assessed against a person for the violation; provides that enforcement of a violation of this section shall only be as a secondary action when the vehicle has been detained for a suspected violation of certain offenses.

**Municipal Implication:**

This bill failed to pass – no municipal implication

**HB 255 Repeal of Sales and Use Tax Exemption Relating to Mining – Rep. Watkins**

ULCT Position: **Support**

Status: **Failed to Pass**

This bill repeals a sales and use tax exemption for certain machinery, equipment, or parts relating to mining. The intent of the bill being to address an unanticipated revenue hit to some small mining communities where a large portion of sales include mining equipment.

**Municipal Implication:**

This bill failed to pass – no municipal impact

**HB 256 Substitute Livestock Watering Rights Amendments – Rep. M. Noel**

ULCT Position: **Watch**

Status: **Passed**

This bill repeals the authority of the Department of Agriculture and Food relating to a livestock water use certificate; authorizes a beneficial user to file a nonuse application for a livestock watering right; repeals the provision relating to a forage right; clarifies who can apply for a livestock water use certificate and water right; and requires the state engineer to provide an online application for a livestock water use certificate.

**Municipal Implication:**

Bill makes it easier for ranchers to protect their water rights from forfeiture from non-use.

**HB 257 Political Subdivision Clerk Amendments – Rep. Newbold**

ULCT Position: **Support**

Status: **Passed**

This bill modifies a provision stating that a report mailed to a political subdivision is considered received on the date indicated in the post office stamp to make it conditioned, for certain reports, upon the report having been mailed to the attention of the clerk or recorder of the political subdivision.

**Municipal Implication:**

This bill defines a “trigger report” as a correspondence sent to a political subdivision that requires a response by that political subdivision, and then states that the “trigger report” is deemed received on the date that it is stamped by the United States post office, so long as the report is addressed to either the intended county clerk or city recorder. In essence, the bill requires that such correspondence be addressed

to those individuals if a timely response is required. This bill was initiated by cities in an effort to better ensure timely responses to information that required a response.

**HB 258 Amendments to Notice Provisions for Subdivision Changes – Rep. K. Powell**

ULCT Position: **Support**

Status: **Passed**

This bill modifies a reference to a notice provision in a provision relating to proposed changes to subdivision plats.

**Municipal Implication:**

Corrects a technical error in the 2005 LUDMA revisions.

**HB 259 Substitute Changes to Impact Fees – Rep. Sandstrom**

ULCT Position: **Neutral as Substituted**

Status: **Passed**

This bill enacts a definition of "charter school" in impact fee provisions; repeals obsolete language relating to impact fees; clarifies the purposes of an impact fee capital facilities plan; modifies provisions relating to the written analysis associated with impact fees; modifies provisions relating to an impact fee enactment; limits impact fees that can be imposed on a school district or charter school; requires local political subdivisions and private entities to ensure that their impact fees comply with the requirements of this bill, even if the impact fee was earlier imposed but not paid; requires a local political subdivision or private entity to participate in mediation of any applicable fee if the state, a school district, or a charter school requests mediation; narrows a limitation on a county and municipality's ability to impose regulations on the location of a facility to apply only to certain educational facilities.

**Municipal Implication:**

Allows municipalities to fully apply land use ordinances to school district buildings that are not schools (bus barns, food preparation, administration buildings). Requires charter schools and traditional public schools to be treated the same for impact fee purposes, and to pay all impact fees except a parks impact fee. (We don't know of any jurisdiction who charged a school a parks impact fee.) The bill requires both public and charter schools to submit plans and encourages them to submit plans early, to "vest" their plans in current impact fee ordinances. The bill creates an informal mediation process for impact fees.

**HB 262 Substitute Licensing Eligibility – Rep. Sandstrom**

ULCT Position: **Oppose**

Status: **Failed to pass**

This bill requires an applicant for a business license issued by a municipality or a county to provide the municipality's or county's business licensing agency with documentation of the applicant's lawful presence in the United States; and requires an applicant for a license issued by the Division of Occupational and Professional Licensing to provide the division with an affidavit stating that the applicant is a citizen or lawfully present in the United States.

**Municipal Implication:**

This bill failed to pass – no municipal implication

**HB 272 Third Substitute Utah Scenic Byway Designation Amendments – Rep. Herrod**

ULCT Position: **Neutral as substituted**

Status: **Passed**

This bill changes the membership of the Utah State Scenic Byway Committee; provides that the governor shall appoint certain members to the Utah State Scenic Byway Committee; provides that the term of office for Utah State Scenic Byway Committee members is four years, except that the governor shall stagger certain terms; provides that the Legislature shall approve highway and state scenic byway nominations for National Scenic Byway or All-American Road designation; provides that a highway located within a county, city, or town within this state may not be included as part of a designation or nomination as a state scenic byway, National Scenic Byway, or All-American Road unless the nomination or designation is sanctioned in writing by an official action of the legislative body of each county, city, or town in which the highway passes.

**Municipal Implication:**

This bill statutorily codifies many of the practices already undertaken by the Utah Scenic Byway Committee. The bill does however, require that the affected local governments agree to the designation of a scenic byway prior to that byway being established. The bill also requires the approval of the local government if an existing scenic byway is to be segmented. If the local government fails to respond to a request for segmentation, the bill also provides an appeal provision to allow the segmentation request to go directly to the state scenic byway committee. The bill was highly scrutinized by the State Department of Tourism, Economic Development as well as the ULCT to ensure heightened local government participation in the designation and segmentation process for scenic byways.

**HB 273 Second Substitute Contracting for Inter-facility Medical Transports – Rep. M. Noel**

ULCT Position: **Oppose**

Status: **Failed to Pass**

This bill allows a political subdivision located within a county of the first or second class to issue a request for proposal for inter-facility transport services; allows a health care facility to contract with an inter-facility transport services provider who holds a license in a geographic service area in the state if: the 911 ambulance provider for the geographic service area is not the political subdivision; and a political subdivision has not issued an RFP for inter-facility transport; requires notice of a contract to be given to the department; establishes certain requirements for a limited inter-facility transport license; limits the marketing activities of an inter-facility transport provider; and defines certain activities as illegal activities.

**Municipal Implication:**

This bill failed to pass – no municipal implication

**HB 274 Substitute Local Government Fees and Charges – Rep. Wallis**

ULCT Position: **Support with Amendments**

Status: **Passed**

This bill requires specified public agencies to submit a development plan and schedule to local authorities to allow the local authorities to make assessments to provide information to the public agencies for inclusion in the process of compiling a development budget; provides that the specified public agencies vest in applicable local provisions, maps, and fees; clarifies that the fees which must be paid by an applicant before being entitled to approval of a land use application are application fees; limits hookup and other fees imposed by counties, municipalities, local districts, and special service districts.

**Municipal Implication:**

Sets up a fair and balanced process by which the state will pay all impact fees (except a parks impact fee) for all state construction. This resolves a longstanding dispute with the state over whether they are required to pay impact fees. The bill has parallel provisions with HB259 and clarifies that impact fees, by any name, are still impact fees that are regulated by the Impact Fees Act. The bill adds a fair amount of clarity to the Impact Fees Act, without modifying its essence in any respect.

**HB 278 B and C Roads Fund Amendments – Rep. M. Noel**

ULCT Position: **Watch**

Status: **Passed**

This bill provides that a county or municipality may use up to 30% of the class B and class C roads account funds allocated to the county or municipality to pay the costs of asserting, defending, or litigating local government rights under R.S. 2477 on class B, class C, or class D roads.

**Municipal Implication:**

The bill simply permits an additional use for which class B and C roads funds can be used to include litigation expenses associated with the litigation of RS2477 claims.

**HB 281 Wireless Device Use Limitations While Operating a Vehicle – Rep. Ray**

ULCT Position: **Support with Amendments**

Status: **Failed to Pass**

This bill prohibits a person from using a wireless communication device for text messaging or electronic mail communication while operating a moving motor vehicle on a highway in this state; prohibits a person from using a wireless communication device while operating a moving motor vehicle in a reduced speed school zone or a public parking lot unless the wireless communication device is designed and configured to allow for hands-free talking and listening and is used in that manner; prohibits a person younger than 18 years of age from using a wireless communication device while operating a H. moving .H motor vehicle on a highway in this state; provides exceptions to the wireless communication device prohibitions; provides that it is an infraction for violating a wireless communication device prohibition.

**Municipal Implication:**

This bill failed to pass – no municipal implication

**HB 290 Third Substitute Prohibition of Wireless Device Use in a Motor Vehicle – Rep. S. Clark**

ULCT Position: **Support with Amendments**

Status: **Passed**

This bill prohibits a person from using a handheld wireless communication device for text messaging or electronic mail communication while operating a moving motor vehicle on a highway in this state; provides exceptions to the handheld wireless communication device prohibition; provides penalties for violating the prohibition on using a handheld wireless communication device for text messaging or electronic mail communication while operating a moving motor vehicle; provides that criminal homicide is automobile homicide if a person operates a moving vehicle in a negligent or criminally negligent manner causing the death of another and was using a handheld wireless communication device for text messaging or electronic mail communication at the time of operation.

**Municipal Implication:**

This bill will only have an impact if a city or town has an ordinance governing use of wireless devices that is contrary to what is established with this bill. The bill deals only with text messaging or email communication and does not govern the use of a handheld telephone for the purposes of talking. The bill

also provides exceptions when using the device to report an emergency, criminal behavior, road side assistance or is being used by a public safety officer. The bill should have limited impact.

### **HB 323 Amendments Regarding Notice on Utah Public Notice Website – Rep. Winn**

ULCT Position: **Watch**

Status: **Passed**

This bill modifies the notice that certain entities are required to provide before preparing a proposed general plan or amendment, long-range plan, or capital facilities plan so that: some entities are required to provide notice on the Utah Public Notice Website rather than to the state planning coordinator; and those entities not required to provide notice on the Utah Public Notice Website but that voluntarily provide notice on that website need not provide notice to the state planning coordinator.

#### **Municipal Implication:**

This bill clarifies that land-use amendments that include general plan changes, long range plan changes, or capital facilities plan changes must be properly noticed on the Utah Public Notice Website. It also clarifies that if such notices are posted on the website that the additional notice to the state planning coordinator is not required. If, however, a jurisdiction is not required to use the Public Notice Website due to its small size, it still has to provide notice to the planning coordinator unless it chooses to voluntarily use the Utah Public Notice Website. This should be a fairly simple change in the noticing process for these items.

### **HB 327 Building Inspector Amendments – Rep. Aagard**

ULCT Position: **Support**

Status: **Passed**

This bill requires that a local regulator issuing a single-family residential building permit provide for a review of the building permit inspection.

#### **Municipal Implication:**

City Managers, Mayors and City Administrators can be asked to intervene in the personnel-related aspects of building code enforcement. We are not certain how this will change current practice, in that a citizen could always report a disrespectful staff member to the City Manager.

### **HB 342 Disproportionate Rental Fee Amendments – Rep. Froerer**

ULCT Position: **Support**

Status: **Passed**

This bill clarifies that a municipality that has not already imposed a disproportionate rental fee is authorized to impose the fee after meeting specified requirements and conditions; requires municipalities imposing a disproportionate rental fee for the first time to establish a good landlord program allowing the landlord to qualify for a reduction in the disproportionate rental fee if complying with certain requirements; removes the requirement to update the municipal services study every six years for municipalities with a good landlord program; clarifies and rewrites provisions that grandfather certain municipalities from certain requirements and restrictions; establishes a deadline for completing a municipal services study for certain municipalities; changes the term "governing body" to "legislative body" in certain provisions.

#### **Municipal Implication:**

This was a technical clean up bill initiated by the ULCT to allow for additional cities to impose disproportionate service fees to rental dwellings. The bill also requires that any new entity to impose the fee must also offer a good landlord program which allows for the fees to be lowered if certain criteria is met.

**HB 362 Government Records Amendments – Rep. G. Hughes**

ULCT Position: **No Position Taken**

Status: **Failed to Pass**

This bill corrects a cross-reference; modifies language to comply with standardized definitions; provides that intentional and knowing destruction or mutilation of the record-copy of a record in violation of a retention schedule is a class B misdemeanor; permits a governmental entity to charge a fee equal to the actual value of the costs of researching and responding to a records request if the requester has submitted more than 12 requests within a one-year period; exempts from the above requirement those requests that are made for a story or report for general publication; provides cross-references between the Archives and Records Service chapter and the Government Records Access and Management Act; clarifies that an employee of a governmental entity may be disciplined or fired for intentionally and knowingly destroying or mutilating a record in violation of a retention schedule.

**Municipal Implication:**

This bill failed to pass – no municipal implication

**HB 371 Second Substitute Transportation Governance – Rep. W. Harper**

ULCT Position: **Watch**

Status: **Passed**

This bill reduces the number of members on a public transit district board of trustees if more than 200,000 people reside within the boundaries of the public transit district; extends the terms of certain public transit district board members from two to four years; provides restrictions on appointment and officer selections for locally elected public officials serving on a public transit district board of trustees; provides transition provisions for existing public transit district board members whose positions are eliminated by reducing the number of members on certain public transit district boards of trustees; authorizes a public transit district to require certain persons to obtain a criminal background check; provides that information obtained by a public transit district from a criminal background check may only be used for certain purposes; provides that a person is ineligible for certain employment with a public transit district if the person has been convicted of certain offenses; requires the Department of Transportation to annually report to an appropriate legislative committee as designated by Legislative Management Committee the transfers that need to be made between all transportation-related funds to maintain the highway funding program as prioritized by the Transportation Commission.

**Municipal Implication:**

This bill changes the configuration of the UTA board by reducing the membership of the Board and limiting local officials from serving on the UTA Board. The intent behind the bill, as articulated by the legislature, is to ensure that the UTA board does not become too provincial and operates more as a single system. Local officials will still make appointments to the UTA board. In addition, the bill provides some technical amendments to address the transition process from the current board configuration to the new board configuration. The changes made in this bill were made in the final days of the session, precluding the ULCT policy committee from having an opportunity to take a formal position on the changes.

**HB 375 Local Government Records Amendments – Rep. Wilcox**

ULCT Position: **Neutral**  
Status: **Passed**

This bill requires political subdivisions to designate a person as the chief administrative officer for purposes of a records appeal.

**Municipal Implication:**

This bill should have limited applicability and simply requires that someone at the city be designated as the CAO for the purpose of a state records committee appeal.

**HB 380 Tourism, Recreation, Cultural, Convention, and Airport Facilities Tax Amendments – Rep. C. Frank**

ULCT Position: **Watching**  
Status: **Failed to Pass**

This bill enacts the Utah Food and Restaurant Promotion Fund, including: addressing funding for the fund; and requiring the commissioner of agriculture and food to expend monies deposited into the fund for certain purposes related to tourism promotion; requires the State Tax Commission to deposit certain revenues collected from a tax on food sold by restaurants into the Utah Food and Restaurant Promotion Fund.

**Municipal Implication:**

This bill failed to pass – no municipal implication

**HB 394 Uniform Building Code Commission Amendments – Rep. C. Wimmer**

ULCT Position: **Oppose**  
Status: **Failed to Pass**

This bill changes the membership of the Uniform Building Code Commission to remove members from the commission that are appointed by DFCM and also removed a fire official from the committee, it then appointed four individuals from the development community.

**Municipal Implication:**

This bill failed to pass – no municipal impact

**HB 402 Enforcement of Carbon Monoxide Detector Requirements – Rep. K. Garn**

ULCT Position: **No Position Taken**  
Status: **Passed**

This bill prohibits counties and municipalities from enforcing ordinances, rules, or regulations requiring the installation or maintenance of carbon monoxide detectors in residential dwellings against anyone other than the occupant of the dwelling, subject to an exception for new construction; and clarifies that local health department authority does not include the authority to enforce ordinances, rules, or regulations requiring the installation or maintenance of carbon monoxide detectors in residential dwellings against anyone other than the occupant of the dwelling.

**Municipal Implication:**

This bill requires that the enforcement of local ordinances governing the installation of carbon monoxide detectors can only be enforced against the tenant of the dwelling, functionally limiting the ability to enforce the ordinance requirement on the owner of rental dwelling. This bill may require those entities who have ordinances governing installation of carbon monoxide detectors to amend the enforcement

provisions of the ordinance to apply only to the tenant in existing dwellings. The ability to enforce with the owner is permitted on new construction.

**HB 409 Education Building Projects Zoning Exemption Amendments – Rep. C. Wimmer**

ULCT Position: **Support**

Status: **Failed to Pass**

This bill narrows the scope of a prohibition against county and municipal land use requirements so that it applies only to structures used in the process of providing instruction to pupils. Functionally allowing municipalities to impose land use requirements on education facilities that are built but are not used to educate children (i.e. administration buildings, bus maintenance facilities, etc.)

**Municipal Implication:**

While this bill did not pass, the favorable provisions included in this bill were added to HB259, which was passed.

**HB 414 Eminent Domain Modifications – Rep. C. Frank**

ULCT Position: **Oppose**

Status: **Failed to Pass**

This bill defines "litigation expenses"; provides that litigation expenses shall be awarded to the property owner if the final award amount exceeds the written offer by 5%; and specifies who determines the amount of litigation expenses.

**Municipal Implication:**

This bill failed to pass – no municipal implication

**HB 439 Substitute Amendments to City or Town Sales and Use Tax for Botanical, Cultural, Recreational, and Zoological Organizations or Facilities – Rep. K. Holdaway**

ULCT Position: **Support**

Status: **Failed to Pass**

This bill repeals language relating to a purpose statement; repeals language limiting the tax to a city or town located within a county of the second, third, fourth, fifth, or sixth class so that a city or town located within any county may impose the tax; provides that a city or town may impose the tax regardless of whether the county in which the city or town is located imposes the county option sales and use tax under Title 59, Chapter 12, Part 7, County Option Funding for Botanical, Cultural, Recreational, and Zoological Organizations or Facilities.

**Municipal Implication:**

This legislation would have provided additional flexibility for cities to utilize the ZAP/RAP tax.

**HB447 Emergency Medical Service System Act Amendments – Rep. Bigelow**

ULCT Position: **No Position Taken**

Status: **Passed**

This bill redistributes monies allocated for grants to improve the delivery of emergency from a statewide basis to rural areas of the state.

**Municipal Implication:**

This bill limits the availability of emergency service grants to only include rural areas, which are defined as an exclusive geographic service area as provided under Section 26-8a-402 that is a city, town, or other

similar community with a population of 10,000 or less based on the most recently published data of the United States Census Bureau. This bill will have an impact on an urban area's ability to access state grant money, but will make more grant money available to rural areas as defined in this bill. The bill was introduced and passed on the final three days of the session in order to assist with balancing the state budget.

**1<sup>st</sup> Sub. SB 18 Utah Transparency Advisory Board Amendments – Sen. Wayne Niederhauser**  
ULCT Position: **Support as Substituted**  
Status: **Passed**

This bill changes the composition of the Utah Transparency Advisory Board; provides for financial information from certain local entities to be included on the local entities' websites and linked to the Utah Public Finance Website; provides for an exception from liability provisions for improper disclosure of records under Title 63G, Chapter 2, Government Records Access and Management Act; provides time periods for the provision of financial information by local entities.

**Municipal Implication:**

This bill provides a process by which city and town financial information will be made available on a centralized public finance website that will be administered by the State. The bill allows for special compliance consideration for jurisdictions with budgets less than \$10 Million. Compliance with the public finance posting requirements has been delayed for cities and towns until May 2011. In addition, representation from cities and towns was added to the Transparency Advisory Committee to ensure that the compliance criteria established can be met by Utah's local governments.

**SB 24 Early Voting Amendments -- Sponsor: Sen. Peter Knudson**  
ULCT Position: **Neutral**  
Status: **Passed**

This bill repeals a requirement that counties of the first class provide at least one early voting polling place within each Utah State Senate district in the county and that at least one of those early voting polling places is open on each day that early voting is offered; requires that early voting polling places be proportionately distributed based on population within a county of the first class.

**Municipal Implication:**

This bill will have limited municipal impact, and simply provides additional flexibility to the county recorder in establishing early voting locations.

**SB 26 Open and Public Meetings Act – Meeting Record -- Sponsor: Sen. Peter Knudson**  
ULCT Position: **Support as Amended**  
Status: **Passed**

This bill clarifies that the minutes of a meeting must include information requested to be added by a member only if that information was part of the proceedings of the meeting; provides specific circumstances as to when the written minutes of an open meeting become a public record; requires a public body to establish and implement procedures for approval of written minutes; requires that a recording of an open meeting must be available to the public for listening within three business days after the meeting; repeals a requirement that a recording must be converted to written minutes within a reasonable time upon request; provides that a meeting recording is not required for site visits or traveling tour or for certain small local districts.

**Municipal Implication:**

This bill will have some impact on cities current meeting recording requirements. The bill specifies that meeting minutes are deemed to be public records once they have been completed and are ready for the governing body's inspection. Because those minutes have not yet been approved by the governing body, it should be noted that the minutes are not yet approved and are unofficial until the governing body votes to approve the minutes. The bill also requires that the city or town establish, in ordinance, a formal process for approving minutes if such a process is not already outlined. Lastly, the bill requires that the audio recording of a public meeting be made available for public inspection within three business days of the meeting.

**1<sup>st</sup> Sub SB 27 Election Law Changes -- Sponsor: Sen. Peter Knudson**ULCT Position: **Neutral**Status: **Passed**

This bill clarifies the requirements to be legally entitled to vote when voting in a precinct outside of one's own; changes the date for the Western States Presidential Primary election canvass; changes numerous provisions that require specific placement of various ballot items to more general placement requirements; clarifies that a proposed constitutional amendment is a "measure" for the purposes of Title 20A, Chapter 7, Issues Submitted to the Voters; addresses the responsibility for prosecuting misconduct of electors and officers; changes the unaffiliated candidate pledge to include a pledge concerning campaign financial disclosures; changes filing deadlines for certain city, town, or local district offices; allows an unaffiliated candidate for President or Vice President of the United States to use a designated agent to file a certificate of nomination; clarifies that a write-in candidate must file a declaration of candidacy in person or through a designated agent.

**Municipal Implication:**

This bill will have limited impact on Utah's cities and towns. The only change for cities includes a technical change in the filing deadline for a certificate of nomination for a municipal office. The date was changed from the sixth Tuesday before the primary election date, and now states that the filing date is July 15<sup>th</sup> by 5:00 pm on any odd numbered year.

**1<sup>st</sup> Sub. SB 29 Safe Drinking Water Act Amendments -- Sponsor: Sen. Dennis Stowell**ULC Position: **Neutral**Status: **Passed**

This bill requires the majority of the voting shareholders of a corporate public water system to approve the addition or removal of fluorine in the public water system; requires a corporate public water system to provide notice of fluorine content in certain circumstances.

**Municipal Implication:**

The bill simply allows corporate public water system shareholders to determine if fluorine will be added or removed from their public water system. The bill requires that any action to add or remove fluorine from the water system requires a majority vote of the voting shareholders. An exception to the voting provision was put into the bill at the ULCT request to not allow the vote of the shareholders to impact another public water suppliers fluoridation efforts even if that supplier supplies water to the corporate public water system.

**SB 39 Immigration Amendments -- Sponsor: Sen. Scott Jenkins**ULCT Position: **Neutral**Status: **Passed**

This bill defines a contract in relation to verification of the federal authorization status of a new employee as an agreement for the procurement of services that is awarded through a request for proposals process with a public employer; provides an exception from verification of lawful presence in the country for an individual who is to receive a state public benefit under Title 49, Utah State Retirement and Insurance Benefit Act.

**Municipal Implication:**

This bill defines what constitutes a contract for services by which verification of immigration status is required. The bill states that a contract is an agreement for the procurement of goods or services that are awarded through a request for proposal process by a public employer and includes a sole source contract. This definitional change relates to the immigration bill that was passed last year (SB81) which requires that a public entity verify that potential contractors participate in a Status Verification System to verify the status of employees of the contracting entity. This provision takes effect on July 1, 2009. The bill also aligns the state definition with the federal definition of what constitutes a public benefit whereby immigration status must be verified.

**3rd Sub. SB 41 Siting of High Voltage Power Line Act -- Sponsor: Sen. Peter Knudson**

ULCT Position: **Support as Substituted**

Status: **Passed**

This bill requires a public utility to notify an affected entity and affected landowner when applying for a land use permit to construct a high voltage power line; requires a public utility to conduct public workshops and distribute information to the public on the proposed high voltage power line; authorizes a public utility or local government to appeal a high voltage power line route to the Utility Facility Review Board.

**Municipal Implication:**

This legislation outlines procedures and processes for the siting of high voltage (230 KV and above) electric transmission lines. The process incorporates the current conditional use permit process and outlines and clarifies the appeals process.

**1st Sub. SB 47 County Regional Facilities Property Tax -- Sponsor: Sen. Gene Davis**

ULCT Position: **Support**

Status: **Failed to Pass**

This bill provides for the determination of the regional facility value for purposes of calculating an eligible municipality's distribution from the revenue collected from the county regional facilities tax; provides for an application process to the county auditor; requires the county auditor to distribute revenue collected from the county regional facilities tax to eligible municipalities.

**Municipal Implication:**

This legislation would have created a new tax levy to cover the impact of certain regional facilities. The revenues generated from the new tax would be capped and would be distributed among impacted entities.

**1st Sub. SB 53 Awarding of Attorneys Fees -- Sponsor: Sen. Stephen Urquhart**

ULCT Position: **Support**

Status: **Passed**

This bill provides that attorney fees may not be awarded under the private attorney general doctrine.

**Municipal Implication:**

The private attorney general doctrine is a doctrine, developed by the courts under their “equitable” powers to award attorneys’ fees to plaintiffs who are found by a court to have (a) vindicated a strong or important public policy, (b) incurred attorneys’ fees and costs that transcend the individual’s pecuniary interests, and (c) achieved an extraordinary result. In America, each party usually bears the cost of its attorneys’ fees, unless they have contracted otherwise. The private attorney doctrine was an exception to the “American Rule”. Typically, the private attorney general doctrine was used by private parties who challenged the state or a local government’s interpretation of their own laws. The doctrine was not often invoked. However, in all but one recorded case, the doctrine had been by private parties against state or local governments, raising the cost of litigation for the state and local governments.

**2<sup>nd</sup> Sub. SB 56 Military Installation Development Authority Amendments --Sponsor: Sen. Sheldon Killpack**

ULCT Position: **Support as Substituted**

Status: **Passed**

This bill authorizes the military installation development authority to levy a municipal energy sales and use tax, municipal telecommunications license tax, and a transient room tax; prohibits municipalities from levying a municipal energy sales and use tax, municipal telecommunications license tax, or a transient room tax in a project area described in a project area plan adopted by the military installation development authority; provides for a portion of sales and use tax revenues generated within a project area described in a project area plan adopted by the military installation development authority to be distributed to the military installation development authority.

**Municipal Implication:**

This bill is intended for use at Hill Air force Base. The bill allows the Military Installation Authority (MIDA) to levy certain taxes and collect tax increment on federally leased properties that otherwise are not taxed. The intent is for those funds to flow to the MIDA board for administration of development in the area with the remainder of the taxes to be distributed to the participating cities and counties. The intent of MIDA is to allow for a centralized board to manage and coordinate a multijurisdictional development where traditional municipal services will be provided by multiple entities. The bill was supported by the cities and counties involved in the project.

**SB 57 Local Option Transportation Corridor Preservation Funds -- Sponsor: Sen. Ralph Okerlund**

ULCT Position: **Support**

Status: **Passed**

This bill provides that monies in the Local Option Transportation Corridor Preservation Fund shall earn interest and that all interest earned on fund monies shall be deposited into the fund; requires the Department of Transportation to annually allocate the interest earned on fund monies to each county based on the proportionate amount of interest earned on each county's allocation of funds on an average monthly balance basis; provides that the initial allocation of fund interest shall include all interest earned on fund monies since the creation of the fund.

**Municipal Implication:**

This bill simply allows the Corridor Preservation Fund to accrue interest that can then be used in efforts to obtain Transportation Corridors.

**1<sup>st</sup> Sub. SB 63 Modifications to Recording Requirements -- Sponsor: Sen. Ralph Okerlund**

ULCT Position: **Oppose**

Status: **Failed**

This bill requires landowners to sign and dedicate a plat; prohibits a person from submitting a subdivision plat for recording unless the plat has been dedicated by each owner; modifies the process applicable to the dedication of public places under a plat; modifies provisions relating to vacating or changing a subdivision plat; modifies provisions relating to a legislative body's vacating a subdivision, street, alley, or easement and clarifies that the legislative body may vacate by recording an ordinance describing what is being vacated.

**Municipal Implication:**

This bill did not pass – no municipal impact

**1<sup>st</sup> Sub. SB 68 Mining Protection Amendments -- Sponsor: Sen. Sheldon Killpack**

ULCT Position: **Neutral as Substituted**

Status: **Passed**

This bill provides certain protection for specified mining uses of a mine operator that holds a large mine permit issued by the Division or Board of Oil, Gas, and Mining that have resulted, as of a specified date, in the production and selling of commercial quantities of a mineral deposit and that existed before a political subdivision limits the mining use; provides that vested mining uses, as defined, constitute a mining protection area; extends to mining protection areas some of the same protection or similar protection afforded agriculture and industrial protection areas; establishes a conclusive presumption for a vested mining use; defines features of a vested mining use; provides for the rights of a mine operator with a vested mining use; and provides a process for a mine operator to abandon a vested mining use.

**Municipal Implication:**

One of several bills introduced this session to circumvent local planning and zoning, in this case, primarily, for the Kennecott mines. The bill was modified early in the session to exclude sand and gravel operations. It was further limited toward the end of the session to pertain only to currently-owned lands or veins contiguous thereto.

**1<sup>st</sup> Sub. SB 73 Unincorporated Area Amendments -- Sponsor: Sen. Karen Mayne**

ULCT Position: **Support as Substituted**

Status: **Passed**

This bill modifies the municipal annexation process with respect to a proposed annexation of an area included within a township to include a process for withdrawal of the area from the township; repeals a provision prohibiting a municipality from denying, under certain circumstances, a petition proposing the annexation of an area located in a county of the first class; modifies the process for establishing a township and the authority of a county legislative body with respect to the establishment of a township.

**Municipal Implication:**

This bill fundamentally changes township status in Salt Lake County. The bill removes the concept of forced annexations which precluded a city from denying an annexation if the property taxes for municipal services for the annexing area would be lower if located within the city boundaries. The bill also allows for an annexation of an area located within a township if the area meets the annexation petition requirements and is approved by the accepting city and the county. If the county denies the annexation an independent panel is established to determine if the annexation shall proceed. The independent panel is comprised of one member appointed by the city, one member appointed by the county and then one member appointed by the other two appointees. This committee has final say in granting the annexation. The bill also includes provisions on how townships shall be established, which now requires an election. It also includes a dissolution by election process and withdrawal by petition process for townships

This bill is fairly complex in how it interfaces with current state law and should be read in context for a more complete understanding.

**3<sup>rd</sup> Sub. SB 76 Energy Amendments – Sponsor: Sen. Curtis Bramble**

ULCT Status: **Neutral**

Status: **Passed**

This bill modifies provisions related to independent entities; enacts the Utah Generated Renewable Energy Electricity Network Authority Act, including: defining terms; creating the authority as an independent state agency; creating a board; addressing powers and duties, including rulemaking authority; providing a process related to dissolution; providing for prioritization of transmission projects and approval of qualifying transmission projects; authorizing bonding by the authority; addressing fiscal years and annual budgets; addressing audits; and addressing application of other statutes; and makes technical and conforming amendments.

**Municipal Implication:**

The new authority could potentially impact Utah's municipal power cities and their governing organizations (UAMPS/UMPA). New transmission projects will need to coordinate with existing transmission capacity – which has a direct impact on Utah's municipal power operations. The new governing board will also include a representative from municipal power.

**4<sup>th</sup> Sub. SB 83 Condemnation Amendments -- Sponsor: Sen. Dennis Stowell**

ULCT Status: **Neutral as Substituted**

Status: **Passed**

This bill requires a condemnor acquiring property under threat of condemnation to provide a written statement identifying the public use for which the property is acquired; requires a condemnor to offer to sell the acquired property to the condemnee at the acquisition price before the property is put to a use other than the public use for which it was acquired, with exceptions; authorizes a condemnee to accept the offer and purchase the property at the acquisition price if the offer is accepted within a specified time; requires the condemnee to conclude the purchase of acquired property within a reasonable time after accepting the offer.

**Municipal Implication:**

The intent of this bill is to mirror the rights granted to a condemnee where the property was acquired under the threat of condemnation with the rights of a condemnee where an actual condemnation proceeding took place. It simply establishes that the condemning entity must declare, in writing, the public purpose for which the property was acquired and allow the condemnee, either under the threat or under actual condemnation, to purchase the property back at the acquisition price if the property was not used for the specified public purpose that was declared in writing. The bill does, however, only require written notice of the public use if the condemning entity indicates an intent to pursue eminent domain action to a judgment compelling the transaction. So, in short, "Friendly Condemnations" will not be affected since most of those circumstances the condemning entity does not have to express an intent to pursue eminent domain action to a judgment and therefore does not have to provide the written notice of the public purpose.

**1<sup>st</sup> Sub. SB 84 Impact Fees Revisions -- Sponsor: Sen. Greg Bell**

ULCT Position: **Support**

Status: **Passed**

This bill shortens from 14 to 10 days the period of time before a public hearing date that a notice of a capital facilities plan or amendment is required to be given; shortens from 14 to 10 days the period of time before adoption of an impact fee enactment that a local political subdivision is required to submit a copy of the written impact fee analysis and applies that time period to a new requirement to obtain a written certification; modifies impact fee reporting requirements; requires a local political subdivision to obtain a written certification from the person or entity that prepares the written impact fee analysis and specifies the content of that certification.

**Municipal Implication:**

A product of the Land Use Task Force, this bill brings notice mandates for impact fees into the notice parameters under LUDMA. It allows impact fees to be charged on nonresidential development for the proportionate share of the cost of typical fire trucks (> \$500,000). Further, it creates a standard of professional conduct for those who prepare impact fee analyses so cities can be better assured that the analyses that they pay professionals to prepare are ones which actually comply with the Impact Fees Act. Finally, the bill removed the requirement to report extensively about Impact Fee cash flows in the CAFR. The reporting is still required, but as a separate document, certified by your chief financial officer, and sent to the State Auditor.

**SB 89 Public Safety Retirement Death Benefit Modifications -- Sponsor: Sen. Jon Greiner**

ULCT Position: **Oppose**

Status: **Failed to Pass**

This bill raises the cap on the death benefits of retired members of the Public Safety Contributory Retirement System; and raises the cap on the death benefits of retired members of the Public Safety Noncontributory Retirement System.

**Municipal Implication:**

This bill did not pass – No municipal impact

**SB 94 Underground Sewer Utilities Facilities Amendments --Sponsor: Sen. Jon Greiner**

ULCT Position: **Support**

Status: **Passed**

This bill requires an owner's permission before an excavator may access or enter the owner's property or dwelling to locate a sewer lateral; requires an operator or person installing or replacing a sewer lateral cleanout beginning August 1, 2009 to install or replace the lateral so that it can be located; requires sewer operators to maintain records beginning August 1, 2009 identifying the location of new, replaced, or contractor-identified sewer lateral cleanouts; requires sewer operators to provide information pertaining to a sewer lateral cleanout location.

**Municipal Implication:**

Exempting home owner from being an operator: In order for this to be understood, one must read the changes in the law both last year and this year. In the 2008 session we successfully added language that exempts a sewer utility from marking a facility they do not own (54-8a-5(2)(e)). The additional language added in definition (10) in SB94 specifically excludes a homeowner from being deemed an operator and thus required to mark his lateral since it extends into the street. As such, the new law is specific that the sewer operator does not need to mark a lateral he does not own and the homeowner is not an operator and also does not need to mark. Hence the responsibility to prevent damage rests directly on the contractor.

Negotiations with the directional drilling operators arrived at the point that everyone agreed that if a driller could readily locate a cleanout, the driller could then, using a locating device to locate the exact

horizontal and vertical position of a lateral. Hence, the remainder of SB 94 is focused on making cleanouts locatable and a record of that location kept and available.

SB 94 in paragraph 54-8a-10.5 stipulates that

(1) After August 1, 2009 any cleanout installed or repaired must be done in such a manner that it can be located. The specific method that this is accomplished is up to the entity setting the building standards for the area the cleanout is installed. This could be as simple as installation of a metallic cap or at a specific location on property. A house sheet could also be drawn which gives the location of the cleanout with dimensions to two or more fixed objects. Once a cleanout is installed or repaired the contractor/owner must contact the sewer utility to allow it to record the location.

(2) Beginning August 1, 2009, the sewer operator (utility) must begin maintaining a record of the lateral cleanout location. This data could be the house sheet referenced above or it could be in another form such as a survey grade GPS coordinate. Again, the sewer operator may choose what form they want the record to be in. In addition, nothing prohibits the sewer operator from requiring this information from the contractor or the builder.

(3) Finally, a sewer operator must supply whatever records they have to the driller within 48 hours, when a request is received.

**SB 115 Payment of Mobile Home Park Relocation Expenses -- Sponsor: Sen. Wayne Niederhauser**  
ULCT Position: **Support**  
Status: **Passed**

This bill authorizes counties and municipalities to use certain property tax revenues to pay relocation expenses of mobile home park residents displaced by development activities that change the use of the property; and authorizes taxing entities to share certain property tax revenues with counties and municipalities for the purpose of paying those relocation expenses.

**Municipal Implication:**

This bill provides additional options for municipalities to assist in the relocation efforts for displaced mobile home park residents. In order to avoid challenges relating to an illegal gift of public funds, state law had to be amended to establish relocations efforts as a public purpose, and therefore allow the funds to be used for said purpose. The bill also allows for tax increment funds from RDA's to be used for relocations expenses as well.

**SB 128 Rainwater Harvesting -- Sponsor: Sen. Scott Jenkins**  
ULCT Position: **Watch**  
Status: **Failed to Pass**

This bill provides for the collection and use of precipitation without obtaining a water right under certain conditions. The bill limited the storage and collection capacity to 2500 gallons.

**Municipal Implication:**

This bill did not pass – No municipal impact

**2<sup>nd</sup> Sub. SB 131 Law Enforcement Service in Local Districts --Sponsor: Sen. Scott Jenkins**  
ULCT Position: **Neutral as Substituted**  
Status: **Passed**

This bill replaces "extended police protection" with "law enforcement service" in the list of services that a local district may be created to provide; eliminates the requirement to submit the creation of a local district to voters for their approval if the local district is created to provide law enforcement service;

requires county and municipal legislative body approval of a property tax imposed by a police local district; requires counties and municipalities participating in a police local district to reduce their certified tax rate to offset a tax levied by the district; modifies who appoints one member of a merit system commission for a first class county in which a police local district or police interlocal entity is created.

**Municipal Implication:**

The bill allows for the establishment of a Law Enforcement Service District and removes the requirement for voter approval for the establishment of the district. At the request of the ULCT the bill also includes a provision that the participating municipalities must approve any property tax imposed by the police district. The bill was being pursued by Salt Lake County and several municipalities that contract for police services from the County. It is anticipated that Salt Lake County will create a police district for the unincorporated portions of Salt Lake County as well as several municipalities. Other entities may also contract for services without joining the district. If a city joins the district they must offset the property taxes levied by the district by reducing their certified tax rate.

**SB 134 Transportation Funding Amendments --Sponsor: Stephen Urquhart**

ULCT Position: **Neutral as Amended**

Status: **Passed**

This bill prohibits the state, counties, and municipalities from spending project-specific funds allocated through a congressional authorization act for a transportation project that is eligible for funds apportioned to the state in support of the statewide transportation improvement program unless the specified project is included on the statewide transportation improvement program.

**Municipal Implication:**

This bill should have limited impact on Utah's municipalities. The bill simply states that congressional earmarks for "formula-based" funding must be included on the Statewide Transportation Improvement Program (STIP) prior to being spent. It does not preclude the establishment of the earmark prior to being placed on the STIP. This bill only applies to "formula-based" funding and does not apply to other federal funding options that are not apportioned based on a weighted formula that is established in the Highway Trust Fund Authorization Act.

**1<sup>st</sup> Sub. SB 135 Local District Taxing Authority -- Sponsor: Curtis Bramble**

ULCT Position: **Support as Substituted**

Status: **Passed**

This bill prohibits service areas that do not have elected boards, as defined, from levying and collecting a property tax, with certain exceptions; and provides a method for service areas to change the board of trustees so that all members are elected.

**Municipal Implication:**

Because this bill only applies to service areas and not service districts, this bill has no impact on the governance structure of municipally created special districts. It is, however, anticipated that the concept outlined in the bill will be discussed during the 2009 interim period to determine if the same model should be adopted for service districts. The bill, as written, simply states that the board of trustees for service areas must be independently elected or hold elected capacity for a jurisdiction within the service area in order for that board to have property taxing authority. All current service areas comply with the requirements outline.

**SB 145 Public Safety Retirees Death Benefit Revisions -- Sponsor: Sen. Jon Greiner**

ULCT Position: **Support**

Status: **Passed**

This bill allows a public safety retiree to choose a death benefit of 75%, instead of 65%, of the retiree's allowance to be paid to the surviving spouse in exchange for an actuarially reduced retirement allowance; provides that the public safety retiree must make the choice at the time of retirement; allows a 12-month window for certain public safety retirees to elect an increased spousal death benefit paid through a reduction in the retiree's allowance; requires the Retirement Board to make rules to administer the optional spousal death benefit.

**Municipal Implication:**

Because the bill requires an actuarial adjustment to retirement income if the higher death benefit is chosen by the retiree, the bill should have no actuarial impact on the public safety retirement system or contributory rate. We anticipate no municipal impact with this retirement benefit option.

**SB 153 County and Municipal Land Use Amendments --Sponsor: Sen. Mark Madsen**

ULCT Position: **Support**

Status: **Passed**

This bill prohibits counties and municipalities from requiring, as a condition of land use application approval, a person to obtain documentation regarding a school district's willingness, capacity, or ability to serve the development proposed in the land use application; prohibits counties and municipalities from charging fees that exceed applicable costs; and requires counties and municipalities, on request, to itemize and show the basis of fees they impose.

**Municipal Implication:**

This is a Land Use Task Force bill that was introduced to address the allegation that some jurisdictions were allowing school districts a "bite" of the exactions apply in the development process by allowing them to hold up development approval until they had reached an accord with the developer and then issued a "will serve" letter. In another UDOT-related context, the State Supreme Court had already outlawed the practice of local jurisdictions exacting concessions from developers to serve purposes that were unrelated to their municipal mission. This bill codifies the common law. Further, some jurisdictions were using development permit fees as a revenue generating opportunity (beyond the cost of processing the permit or providing the service). This practice is now illegal.

**SB 169 Gambling Amendments --Sponsor: Sen. Daniel Liljenquist**

ULCT Position: **Support**

Status: **Passed**

This bill includes the offense of "fringe gambling" as a criminal gambling offense.

**Municipal Implication:**

This bill defines fringe gambling to include any gambling, lottery, or video gaming device which is given, conducted, or offered for use or sale by a business in exchange for anything of value, or given away incident to the purchase of other goods or services. "Fringe gambling" does not include a gambling, lottery, video gaming device, or other promotional activity which is clearly occasional and ancillary to the primary activity of the business. The intent behind the bill is to allow cities to prosecute the "internet cafés" that are offering gaming services as a primary function of the business. This bill was requested by the ULCT.

**1<sup>st</sup> Sub. SB 171 Municipal Annexation Amendments -- Sponsor: Sen. Scott Jenkins**

ULCT Position: **Support**  
Status: **Passed**

This bill modifies a provision requiring the owner's signature on an annexation petition if only part of the parcel is proposed to be included in an annexation to specify that property with multiple parcel numbers but owned by the same owner is considered to be a single parcel; and provides that a municipality may annex an area without a property owner annexation petition if the area is an unincorporated island or peninsula of 50 acres or less and the municipality and county agree the area should be annexed. Removes the protest ability of a county in third through sixth class counties if the area to be annexed has not commercial, industrial or residential development and the landowner petitions for the annexation.

**Municipal Implication:**

This bill makes it easier to annex land into municipalities in three specific contexts: 1) if the land is undeveloped and the property owner wants to annex, the annexation can no longer be protested by "affected entities". Therefore, the land can be annexed if the municipality so desires; 2) if the land is within a peninsula or island, is less than 50 acres, and the county and the city agree that it belongs within the city, in rural counties, the land now can be annexed without the property owner's consent; 3) if the owner has multiple parcels of contiguous land, for annexation purposes, the land will be considered a single parcel. This provision will limit the discretion of the boundary commission over multiple parcels owned by a single landowner.

**2<sup>nd</sup> Sub. SB 176 Civil Fees in Small Claims Courts Amendments -- Sponsor: Sen. Jon Greiner**

ULCT Position: **Support**  
Status: **Passed**

This bill increases the jurisdictional amount for small claims court to \$10,000; increases the filing fee for a small claims affidavit from \$45 to \$60 if the claim is \$2,000 or less; increases the filing fee for a small claims affidavit from \$70 to \$100 if the claim is between \$2,000 and \$7,500; establishes the filing fee for a small claims affidavit at \$185 if the claim is between \$7,500 and \$10,000; increases the filing fee for a small claims counter affidavit from \$35 to \$50 if the claim is \$2,000 or less.

**Municipal Implication:**

As many small claims cases are coming before municipal courts, the increase in filing fees will aid in offsetting the cost of hearing these cases. This bill was requested by several municipalities that are seeing large increases in small claims cases.

**SB 178 Class B and C Roads Amendments --Sponsor: Sen. Kevin Van Tassell**

ULCT Position: **Support**  
Status: **Failed to Pass**

This bill increases the bid limit from \$125,000 to \$500,000 for construction and certain maintenance contracts for class B and C roads.

**Municipal Implication:**

This bill did not pass – no municipal impact

**SB 190 Acquisition of a Billboard by Eminent Domain -- Sponsor: Sen. Wayne Niederhauser**

ULCT Position: **Neutral as Amended**  
Status: **Passed**

This bill requires counties and municipalities considered to have initiated the acquisition of a billboard by eminent domain to pay just compensation; and defines the just compensation that counties and municipalities are required to pay.

**Municipal Implication:**

Because cities rarely, if ever, condemn a billboard this bill will have little or no impact. The bill does, however, stipulate the criteria a judge may consider in determining the just compensation that should be paid for the condemnation action. The bill was substantially amended at the ULCT request to ensure that factors unrelated to the billboard were not included in the criteria established to determine just compensation.

**SB 205 CDA and RDA Amendments --Sponsor: Sen. Curtis Bramble**

ULCT Position: **Neutral**

Status: **Passed**

This bill authorizes an agency created by a county to undertake urban renewal, economic development, or community development within a town under certain circumstances; modifies a provision relating to a public entity's assistance or cooperation in urban renewal, economic development, or community development; modifies a provision relating to a resolution or interlocal agreement authorizing an agency to be paid tax increment or sales tax revenue; requires the taxing entity committee to adopt an organizing resolution at its first meeting; modifies the amount of tax increment to be paid under an urban renewal project area plan for an inactive airport site.

**Municipal Implication:**

This bill requires that when establishing a project area, the Redevelopment Authority must declare the maximum amount of increment it intends to divert as well as the number of years it intends to divert increment. In addition the bill requires that when using tax increment for telecommunications infrastructure the RDA cannot discriminate against users of the infrastructure – essentially allowing all telecommunications providers to have equal access to the infrastructure. The bill also allows the county to adopt a project area within a town if the town fails to adopt a the project area and the project area is an abandoned industrial site. This last provision is limited in scope by the definition of an “abandoned industrial site” to essentially only apply to the Geneva Steel Site in Utah County. Lastly the bill removes the requirement to divert increment to affordable housing projects for newly created economic development areas.

**3<sup>rd</sup> Sub. SB 208 Utah Public Notice Website Amendments -- Sponsor: Sen. Stephen Urquhart**

ULCT Position: **Support**

Status: **Passed**

This bill amends provisions of the Utah Code to allow posting of legal notices on a website administered by the media.

**Municipal Implication:**

This bill went through several iterations, and finally ended up as a bill that allows for the creation and posting of legal notices on a website that will be administered by the media. The bill does require that notices be posted in the newspaper as well as the website beginning on January 1, 2010, but the website host(s) are precluded from charging a fee for the posting. It is anticipated that when a legal notice is purchased they newspaper will automatically upload the information to the website for you. The bill also states that the requirement to post in the newspaper will phase out on January 1, 2012 for those located in counties of the first and second class. At that time entities in counties of the first and second class will

only be required to post the notices on the website and cannot be charged more than \$10 for a legal notice posting.

**SB 209 Land Use, Development, and Management Act Amendments -- Sponsor: Sen. Greg Bell**  
ULCT Position: **Support**  
Status: **Passed**

This bill modifies county and municipal provisions relating to the notice required for a proposed subdivision or an amendment to a subdivision and makes them apply to amendments only; modifies county and municipal provisions relating to a hearing and notice requirement for a proposal to vacate, alter, or amend a public street or right-of-way to: make the provisions apply to a proposal to vacate some or all of a public street, right-of-way, or easement; replace the land use authority with the legislative body as the body responsible to hold a public hearing and provide notice.

**Municipal Implication:**

This is a Land Use Task Force bill that was introduced to clean up many of the “glitches” in the subdivision laws that resulted from the 2005 LUDMA revisions. Further, it makes it possible to vacate streets that are not part of a subdivision plat.

**SB 211 Building Code Amendments -- Sponsor: Sen. Curtis Bramble**  
ULCT Position: **Neutral as Amended**  
Status: **Passed**

The bill modifies the powers and duties of the Uniform Building Code Commission, including: authorizing the commission to recommend building codes to the Legislature for adoption; and authorizing the commission to adopt building codes for public welfare during the legislative interim that are repealed at the end of the next legislative session; modifies the powers and duties of the Fire Prevention Board, including: authorizing the board to recommend fire codes to the Legislature for adoption; and authorizing the board to adopt fire codes for public welfare during the legislative interim that are repealed at the end of the next legislative session.

**Municipal Implication:**

The bill transfers the power of the Uniform Building Code Commission and the Fire Prevention Board to the state legislature with respect to changes statewide construction code policies.

**SB 216 Revisions to Military Installation Development Authority -- Sponsor: Sen. Mark Madsen**  
ULCT Position: **Oppose**  
Status: **Passed**

The bill modifies the definitions of "development project" and "project area"; modifies the authority of the military installation development authority; provides that a project area may include specified private land, with the consent of the land's owner.

**Municipal Implication:**

This bill has impact on a proposed development in Summit County for a piece of Department of Defense property that has been identified for a recreational establishment for veterans. The bill allows the Military Installation Development Authority to act as the governing body for land-use, tax and redevelopment efforts on the property and an adjacent 100 acres of private property. By granting such rights to the MIDA Board, Summit County is effectively precluded from acting in that capacity. The bill does have a delayed effective date of Oct. 1, 2009 to allow the Air Force, Summit County and Park City to work together on an agreed upon site and solution. The bill could also apply to other areas where Department

of Defense property is located, but it is highly unlikely that it will be used for any project other than the Summit County project.

**SB 221 Dedication and Abandonment of a Highway -- Sponsor: Sen. Mark Madsen**

ULCT Position: **Oppose**

Status: **Failed to Pass**

This bill provides that a highway is dedicated and abandoned to the use of the public when it has been continuously used as a public thoroughfare without permission and without interruption for a period of ten years; provides that the dedication and abandonment provision does not apply if the ten-year period of continuous use is followed by a ten-year period in which the public use has been interrupted; provides that an interruption of the use is sufficient to defeat a dedication and abandonment claim, regardless of whether the public use is known or unknown by the owner.

**Municipal Implication:**

This bill did not pass – no municipal impact

**1<sup>st</sup> Sub. SB 235 Redistribution of Sales and Use Tax Revenues -- Sponsor: Sen. John Valentine**

ULCT Position: **Support as Substituted**

Status: **Passed**

This bill establishes procedures and requirements for the State Tax Commission to redistribute certain sales and use tax revenues from one county, city, or town to another county, city, or town under certain circumstances; allows a county, city, or town to file a petition for reconsideration with the State Tax Commission relating to a redistribution of certain sales and use tax revenues from one county, city, or town to another county, city, or town.

**Municipal Implication:**

This legislation establishes by statute the general provisions of a long-standing Tax Commission rule that limits redistribution of incorrectly distributed sales tax among political entities that impose a local option sales tax. In general corrective action will be limited to a 90 day look-back period.

**SB239 Transportation Revisions – Sponsor: Sen. Sheldon Killpack**

ULCT Position: **Neutral**

Status: **Passed**

This bill increases certain motor vehicle registration fees by \$20; provides that \$20 of certain motor vehicle registration fees shall be deposited in the Transportation Investment Fund of 2005; authorizes the issuance of general obligation bonds to pay for certain state highway or reconstruction projects.

**Municipal Implication:**

This bill has no negative impact on Utah's municipalities, but does allow for a continued diversion of revenue enhancements from the State Transportation Fund to other funds that are not required to be shared with local government through the B&C road allocation formula. This growing trend to not utilize the State Transportation Fund is of a broader concern that cities and towns are being left with little resources to maintain and construct new municipal roads.

