



## 2007 General Legislative Session Wrap-Up

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### Utah League of Cities and Towns



*Laws Are Being Made — How Are YOU  
Relevant?*

April 2007



## **Legislative Team**

### **Kenneth H. Bullock, Executive Director** [kbullock@ulct.org](mailto:kbullock@ulct.org)

Ken is responsible for the overall management of day-to-day League operations and activities. He works closely with the League Board of Directors and ensures that Board objectives are achieved. Ken represents the League on various committees and boards and has routine contact with government officials, business leaders and the public.

### **Lincoln Shurtz, Director of Legislative Affairs** [lshurtz@ulct.org](mailto:lshurtz@ulct.org)

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.

### **Jodi Hoffman, Land Use Analyst** [jhoffman@xmission.com](mailto:jhoffman@xmission.com)

Jodi coordinates legislative policy for municipalities and presents findings to State administrative and legislative branches. She assists in the administration of the legislative policy committee and fields individual municipal questions. Her specific areas of expertise include municipal land use legislation.

### **Roger Tew, Tax Analyst** [rtew@ulct.org](mailto:rtew@ulct.org)

Roger coordinates legislative policy for municipalities and presents findings to State administrative and legislative branches. Roger also fields individual municipal questions and concerns. His specific areas of expertise include tax policy and telecommunications issues.

### **Neil Abercrombie, Policy Analyst** [nabercrombie@ulct.org](mailto:nabercrombie@ulct.org)

Neil coordinates the League's budget database. He assists individual communities with budget and policy research issues and handles fiscal policy research questions and general municipal government public policy.

### **Cameron Diehl, Legislative Assistant** [cdiehl@ulct.org](mailto:cdiehl@ulct.org)

Cameron monitors state legislation relating to municipalities and conducts research on the impact of both state and local public policy.



## Table of Contents

- *ULCT Policy Decision Process* 9
- *ULCT Legislative Policy Committee* 10-13
- *Municipal Finance Database* 14

## House Bills

- *HB- 10 Open and Public Meetings Act Amendments* 16
- *HB-14 Election Law Revisions* 17
- *HB-21 Public Safety Retirement Conversion Window* 18
- *HB-38S Amendments to Local Option Sales and Use Taxes on Certain Accommodations and Services* 19
- *HB-46S Disaster Recovery Funding* 20
- *HB-53 Share Assessment Act* 21
- *HB 61 Election Law Amendments* 22
- *HB-69 2S County and Municipal Land Use Provisions Regarding Schools* 23
- *HB 78S Property Tax Deferral—Senior Citizens* 24
- *HB-98 County Option Sales and Use Tax for Highways, Fixed Guideways or Systems of Public Transit Amendments* 25
- *HB-102 2S Land and Water Reinvestment* 26
- *HB-105S Illegal Immigration Enforcement Act* 27
- *HB-108 4S Transportation Study—East-West Corridor in Salt Lake County and Counties of the Second Class* 28

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**Table of Contents Continued**

- *HB-109 Municipal Voting Requirement for Sale of Public Land* 29
- *HB-117S Transfer of Density* 30
- *HB-119S Emergency Communication Funding* 31
- *HB-120 Utility Facility Review Board* 32
- *HB-129S Land Use Provisions* 33
- *HB-140S Safe Drinking Water Amendments* 34
- *HB-142S Fee in Lieu of Property Tax Amendments* 35
- *HB-158 4S Amendments to Transportation Provisions* 36
- *HB-166 Transportation Revisions* 37
- *HB-187 Eminent Domain Amendments* 38
- *HB-188 Easements—Counties and Municipalities* 39
- *HB-198S Public Safety Retirement* 40
- *HB-203 Local Option Distribution Formula for the Distribution of the Local Option Sales and Use Tax* 41
- *HB-204 Modifications to Open and Public Meetings* 42
- *HB-222 4S Open and Public Meetings—Electronic Notice* 43
- *HB-226 Sales and Use Tax—Highways and Public Transportation Amendments* 44
- *HB-233 Environmentally Restricted Zoning Districts* 45
- *HB-238 Municipal Telecommunications License Tax Amendments* 46
- *HB-251 Auditing of Leases Related to Revenue Bonds* 47



**Table of Contents Continued**

- *HB-255 Prohibition of Citation Quotas* 48
- *HB-260 2S Post Retirement Employment* 49
- *HB-282 Sales and Use Taxation of Food and Ingredients* 50
- *HB-285 LUDMA Amendments* 51
- *HB-296S Approval of Subdivisions* 52
- *HB-306 Municipal License fees and Taxes Amendments* 53
- *HB-314S Transportation Funding Revisions* 54
- *HB-334 3S Eminent Domain* 55
- *HB-347S Municipal Election Law Provisions* 56
- *HB-352 4S Local Government Regulation of Billboards* 57
- *HB-362S Annexation Amendments* 58
- *HB-365S Eminent Domain Authority of Community  
Development and Renewal Agencies* 59
- *HB-377 2S Retirement Benefit Amendments* 60
- *HB-378S Sales and Use Tax Amendments* 61
- *HB-383S Amendments to Transportation Funding* 62
- *HB-387 Post-retirement Benefits Restrictions* 63
- *HB-393 Truth in Bonding* 64
- *HB-425S Street-legal All-terrain Vehicle Amendments* 65
- *HB-457 Municipal Amendments* 66

**Senate Bills**

- *SB-17S Traffic Code Amendments* 67
- *SB-30S Creation of a New School District Amendments* 68
- *SB-39 Public Safety Retirement Death Benefit Modification* 69
- *SB-41 3S Local Issues Amendments* 70

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**Table of Contents Continued**

**Senate Bills Continued:**

• <i>SB-64S Cultural and Convention Facilities Tax</i>	71
• <i>SB-67 Utah Public Notice Website Provisions</i>	72
• <i>SB-69 Transportation Corridor Preservation Fund</i>	73
• <i>SB-95 Permanent Instream Flow to Preserve Water Quality</i>	74
• <i>SB-98 2S Government Immunity for Trails</i>	75
• <i>SB-119 Municipal License Fee on Public Assembly</i>	76
• <i>SB-130 Municipal Code Amendments</i>	77
• <i>SB-132 Property Tax Abatement or Deferral</i>	78
• <i>SB-145 Multi-channel Video or Audio Service Tax—County or Municipality Franchise Fee Tax Credit</i>	79
• <i>SB-158S B and C Roads Amendments</i>	80
• <i>SB-163 Amendments to Municipal and County Land Use</i>	81
• <i>SB-170S Distribution of Local Sales and Use Tax Revenues</i>	82
• <i>SB-172 Municipal Land Use Changes</i>	83
• <i>SB-183 Restrictions on Designation of Wetlands</i>	84
• <i>SB-191 Governmental Immunity Limits Amendments</i>	85
• <i>SB-209 State Franchising Authority for Video Services</i>	86
• <i>SB-211 3S Election Law Changes</i>	87
• <i>SB-215 Amendments to Land Use Development and Management Act</i>	88
• <i>SB-218 2S Community Development and Renewal Agency Amendments</i>	89
• <i>SB-223 2S Tax Amendments</i>	90



**Table of Contents Continued**

- *SB-241 Election Law Modifications* 91
- *SB-261 2S Disposition of Real Property* 92
  
- *TASKFORCE ITEMS* 93
- *ITEMS FOR FUTURE LEGISLATIVE DISCUSSION* 93
- *NOTES* 94



*ULCT*  
*LEGISLATIVE PROCESS CHART*





**HOW DOES THE ULCT WORK?**



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## **WHO IS SETTING THE ULCT POLICY?**

The ULCT Legislative Policy Committee is composed of elected and appointed municipal officials through out the state of Utah. It is a comprehensive group of individuals who meet once a month through out the year, and weekly during the legislative session. The ULCT Policy Committee maintains a balance between both Wasatch Front and Non- Wasatch Front Officials, as well as maintaining a balance between elected and appointed officials from municipal government.

### **2006-07 ULCT LEGISLATIVE POLICY COMMITTEE**

#### **Wasatch Front Elected Officials**

Tom Pollard, Mayor — Alta

Nancy Lord, Council Member — Bluffdale

Joe Johnson, Mayor (1st Vice President) — Bountiful

Ronald Russell, Mayor — Centerville

Justin Allen, Council Member -- Centerville

Bruce Jones, Council Member -- Cottonwood Heights

Darrell Smith, Mayor -- Draper

Jeff Stenquist, Council Member — Draper

Scott Harbertson, Mayor -- Farmington

Sid Young, Council Member -- Farmington

Eileen Moss, Council Member -- Fruit Heights

J. Lynn Crane, Mayor -- Herriman

Lynn Pace, Council Member — Holladay

Neka Roundy, Mayor -- Kaysville City

J. Stephen Curtis, Mayor (Immediate Past President) -- Layton

JoAnn Seghini, Mayor (Past President) -- Midvale

Krista Dunn (Board Member), Council Member -- Murray

Brandon Stephenson, Council Member -- Ogden

Bruce Burrows, Mayor -- Riverdale

Bill Applegarth, Mayor — Riverton

Jeff Richie, Mayor -- Roy City

Eric Jergensen, Council Member -- Salt Lake City

Jill Remington Love, Council Member (2nd Vice President) - Salt Lake City

Tom Dolan, Mayor (Past President) -- Sandy City

Steve Fairbanks, Council Member -- Sandy City

George Garwood, Jr., Mayor (Past President) — South Ogden

Vickie Mattson, Council Member — South Ogden

Bob Gray, Mayor — South Salt Lake

#### **Utah League of Cities and Towns**



## **2006-07 POLICY COMMITTEE CONTINUED**

### **Wasatch Front Elected Officials — continued**

Bill Anderson, Council Member -- South Salt Lake  
Farrell Poll, Council Member — South Weber  
Timothy Isom, Mayor — Sunset  
Fred Panucci, Mayor -- Syracuse City  
Lurlen Knight, Council Member -- Syracuse City  
Russ Wall, Mayor -- Taylorsville  
Lyle Summers, Council Member — West Jordan  
Dennis Nordfelt, Mayor -- West Valley City  
Mike Winder, Council Member — West Valley City

### **Wasatch Front Appointed Officials**

Kate Black, Town Clerk -- Alta  
Paul Thompson, Attorney — Alta  
Tom Hardy, City Manager -- Bountiful  
Steve Thacker, City Manager -- Centerville  
Larry Waggoner, City Attorney -- Clearfield  
Dennis Cluff, City Manager -- Clinton City  
Michael Sears, Finance Director -- Draper  
Max Forbush, City Manager -- Farmington  
Randy Fitts, City Manager -- Holladay  
Craig Hall, City Attorney -- Holladay  
Gary Crane, City Attorney -- Layton  
Alex Jensen, City Manager — Layton  
Kane Loader, City Administrator -- Midvale  
Michael Wagstaff, Deputy for Legislation & Communications -- Murray  
Jan Wells, Chief of Staff -- Murray  
Bill Cook, Executive Director of Council -- Ogden  
Mark Johnson, Management Services Director -- Ogden  
Jan Ukena, City Planner — Riverdale  
Larry Hansen, City Administrator — Riverdale  
Chris Davis, City Manager -- Roy City  
John Hiskey, Deputy Mayor -- Sandy City  
Ricky Horst, City Manager -- South Jordan  
Gary Whatcott, Deputy City Manager -- South Jordan  
Scott Darrington, City Manager -- South Ogden  
Mark Christensen, City Manager -- Washington Terrace  
Richard Davis, City Manager -- West Point  
Nicole Cottle, Deputy City Attorney -- West Valley City  
Gary Uresk, City Administrator -- Woods Cross

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## **2006-07 POLICY COMMITTEE CONTINUED**

### **Non-Wasatch Front Elected Officials**

Lou Ann Christensen, Mayor -- Brigham City  
Reese Jensen, Council Member — Brigham City  
Neal Peacock, Mayor (Board Member) — Castle Dale  
Joel Wright, Council Member — Cedar Hills  
John Baxter, Mayor — Elsinore  
Mike Leonhardt, Council Member -- Garden City  
Fred Oates, Mayor -- Harrisville City  
Pat Manis, Council Member -- Hinckley  
Douglas Stipes, Council Member -- Hyrum  
Jeff Acerson, Mayor -- Lindon  
Randy Watts, Mayor — Logan  
Tami Pyfer, Council Member -- Logan  
Dave Sakrison, Mayor (Board Member) -- Moab  
Dean Pace, Mayor — Morgan  
Chesley Christensen, Mayor -- Mt. Pleasant  
Cary Watkins, Mayor — North Logan  
Jerry Washburn, Mayor -- Orem City  
Shiree Thurston, Council Member -- Orem City  
Dana Williams, Mayor -- Park City  
Candy Erickson, Council Member (Board Member) -- Park City  
Burtis Bills, Mayor — Payson  
Joe Piccolo, Mayor (Past President) -- Price  
Randy Simmons, Mayor — Providence  
Lewis Billings, Mayor (1st Vice President) -- Provo  
George Stewart, Council Member — Provo  
Larry Lunnen, Council Member (Board Member) -- Richfield City  
Timothy Parker, Mayor — Saratoga Springs  
Jefferson Moss, Council Member — Saratoga Springs  
Dan McArthur, Mayor (Past President) -- St. George  
Suzanne Allen, Council Member (Board Member) -- St. George  
Mary Edwards, Council Member -- Stockton  
JoAnn Cowan, Council Member (Board Member)-- Vernal

### **Non-Wasatch Front Appointed Officials**

Bruce Leonard, City Administrator -- Brigham City  
Mark Anderson, City Manager -- Heber City  
Rose Mary Jones, Recorder — Millville  
Randy McKnight, City Administrator -- Nephi City  
Larry Andher, City Manager — Nibley City  
Jim Reams, City Manager -- Orem City  
Tom Bakaly, City Manager -- Park City



**Non-Wasatch Front Appointed Officials — continued**

Gary Hill, Analyst -- Park City  
Frank Mills, City Administrator - Pleasant Grove  
Wayne Parker, Chief Admin Officer -- Provo  
Matthew Brower, City Manager -- Santa Clara  
Jim Gass, City Manager — Smithfield  
Layne Long, City Administrator — Springville  
Shawn Guzman, City Attorney -- St. George  
Richard Woodworth, City Manager -- Tremonton  
Ken Bassett, City Administrator -- Vernal

**WHERE IS THE MUNICIPAL INFORMATION  
COMING FROM?**

In 1998 the ULCT began a municipal finance data project to gather and maintain budgetary and financial information from member communities. An amazing 69 communities responded to our request, and participated that first year. Each subsequent year we have seen the number of communities participating inch towards the century mark, giving us an even firmer grasp on both the local government revenue and expenditure picture. The League has compiled, analyzed, and used this information to enhance our efforts at the State Legislature and support our member communities.

Over the past several years, the League has merged its process with the State Auditor's office, and compiled a new, comprehensive UT-2 Municipal Finance Database. Under this new project, we are now collecting and maintaining the fiscal data for all municipalities within the State of Utah. This information has become the official State record for municipal budgetary information, and is often used by Legislative Research, the Governor's Office of Planning and Budget, and many other State organizations, as well as the US Census Bureau. The League of Cities & Towns often uses this information to quantify the fiscal impact of potential legislation, show revenue and expenditure trends at the municipal level, and show legislators what certain policy shifts may mean to communities they represent.

In our efforts to describe the fiscal situation of local government, we have also begun sifting through the archived records of municipal government and compiling a fiscal history of municipal government that will span 30 plus years and with every additional year of information the municipal fiscal picture becomes less pixilated.

If you have questions regarding this information or would like to know where your community fits in, please contact Neil Abercrombie at the League office, 801-328-1601.

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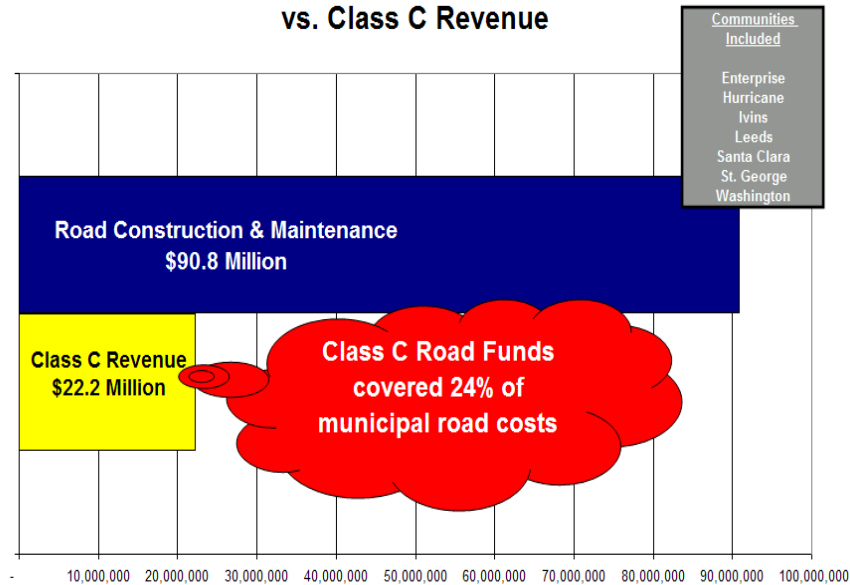


**WHAT DOES IT LOOK LIKE?**

This is a graphical representation of the information collected out of the ULCT Municipal Finance Database. Information of this nature is used to give quantifiable testimony regarding the fiscal implication of legislation as pertains to local government.

**SAMPLE INFORMATION FROM FINANCE DATABASE**

**Senate District #29, Bill Hickman  
12 Year Municipal Road Construction Expenditures  
vs. Class C Revenue**





**2007 Legislative Bill Summary**

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**HB-10:**

**Open and Public Meetings Act Amendments**

**Sponsor:** Rep. Wayne Harper

**Bill Status:** Passed

**ULCT Position:** Neutral

**Purpose of the Bill:**

This bill clarifies that the definition of public body includes a public body created by the Utah Constitution as well as by statute, rule, ordinance, or resolution and amends content requirements for written minutes and recordings of open meetings.

**Municipal Implication:**

This legislation will have very little impact on Utah's cities and towns. The bill simply clarifies that the open and public meetings act applies equally to bodies created by the Utah State Constitution as it does to statutorily created bodies. In addition, the bill clarifies that votes taken by the public body, summary of comments made by the public body or recognized guests, and the substance of all matters proposed or acted on by the public body must be articulated in the written minutes for the meeting. Lastly the bill requires that the minutes are clearly to identify the date, time, and place of the meeting.





**HB-14**  
**Election Law Revisions**

**Sponsor:** Rep. Doug Aagard

**Bill Status:** Passed

**ULCT Position:** Neutral

**Purpose of the Bill:**

This bill modifies definitions related to poll workers and election judges. It removes the requirement for voters to provide their voting precinct number on the voter registration form and requires the voter registration form to list the name of all registered political parties. It also adjusts the date to challenge names listed on the official register to accommodate early voting, provides quorum requirements for local and state boards of canvassers, modifies a date for the provision of ballots to be consistent with similar date requirements, modifies language relating to municipal ballot formatting to be more consistent with electronic ballot requirements and requires the lieutenant governor to maintain a current list of registered political parties.

**Municipal Implication:**

This bill make very minor technical changes to the Election Code (20A) to harmonize the definition of an “election judge” and a “poll worker”. In addition, the bill adds clarifying language to the formatting of the ballot for municipal elections to ensure that a municipality that wishes to use electronic voting can still do so and comply with the ballot formatting requirements.



**HB-21**

**Public Safety Retirement Conversion Window**

**Sponsor:** Rep. Merlynn Newbold

**Bill Status:** Passed

**ULCT Position:** Support

**Purpose of the Bill:**

This bill modifies the Utah State Retirement and Insurance Benefit Act by providing a conversion window between the Public Safety Contributory Retirement System and the Public Safety Noncontributory Retirement System.

**Municipal Implication:**

This bill allows public safety officers employed by participating cities to transition from a contributory retirement system to a noncontributory retirement system. The bill creates the conversion window from July 01, 2007 through December 31, 2007.

**Want to See the Full Text?**

**Please Visit [www.ulct.org](http://www.ulct.org) and follow the legislative links**



**HB-38 Substitute**  
**Amendments to Local Option Sales and Use Taxes on**  
**Certain Accommodations and Services**

**Sponsor:** Rep. Merlynn Newbold

**Bill Status:** Passed

**ULCT Position:** No position

**Purpose of the Bill:**

This bill addresses the expenditure or pledging of certain revenues collected from a local option sales and use tax on certain accommodations and services under the Transient Room Tax by requiring a percentage of those revenues to be deposited into a newly created Transient Room Tax Fund. It also clarifies that only a county of the first class may impose a tax on certain accommodations and services and under the Tourism, Recreation, Cultural, and Convention Facilities Tax.

**Municipal Implication:**

Welcome ReAL Salt Lake soccer. This bill was utilized to created a restricted account where funds generated under the Transient Room Tax in Salt Lake County will be restricted to the Transient Room Tax account. Funds from that account can be utilized to mitigate parking and traffic associated with a convention center located in Salt Lake County. No more than \$20 Million can be spent on such mitigation efforts. These funds will likely be used in conjunction with the South Town Exposition Center and ReAL shared parking facility.

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**HB 46 Substitute**  
**Disaster Recovery Funding**

**Sponsor:** Rep. Curt Oda

**Bill Status:** Passed

**ULCT Position:** Support

**Purpose of the Bill:**

This bill addresses emergency expenditures by local governments and enacts the Disaster Recovery Funding Act by creating the State Disaster Recovery Restricted Account. It transitions current loan programs for disasters to the Disaster Recovery Funding Act; modifies the duties of the Division of Emergency Services and Homeland Security (directing the division to address state emergency disaster services), authorizes local governments to create local disaster funds and addresses the governor's powers in cases of emergency. It also coordinates the State Disaster Recovery Restricted Account with outside funds and addresses limitations on spending.

**Municipal Implication:**

This bill allows a city or town to create a special fund know as the local government disaster fund. The bill allows a city or town to deposit general funds and acquire additional funds to be deposited in the special fund. The bill allows for funds to accumulate from year to year with no “fund balance” restriction. The bill allows a local government to divert up to 10% of estimated revenues for a given year into the fund. The bill also allows a city or town to spend up to 10% of the funds deposited in a given year on emergency preparedness. The bill requires that a budget be prepared for the fund and restricts inter-fund transfers from the local government disaster fund for non-emergency purposes.



**HB 53**  
**Share Assessment Act**

**Sponsor:** Rep. James Gowans

**Bill Status:** Passed

**ULCT Position:** Support

**Purpose of the Bill:**

This bill describes how shares may be assessed, provides rules for assessing shares and allows enforcement of assessments by various methods, including sale of shares with unpaid assessments.

**Municipal Implication:**

This legislation was endorsed by all interested groups to include the Utah League of Cities and Towns and the Utah Association of Special Districts. The bill deals with the assessment of private shares in a corporation or non-profit entity to include a water company. The bill primarily focused on the assessments associated with shared ownership and clarified the process for enforcing assessments to include the sales of shares to cover any unpaid assessment. The bill will have limited application, but was a nice clarification for many cities and towns that may be involved with water companies.

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**HB-61**  
**Election Law Amendments**

**Sponsor:** Rep. Doug Aagard

**Bill Status:** Passed

**ULCT Position:** Neutral

**Purpose of the Bill:**

This bill changes the deadline for challenging the nomination of a person in a primary election from ten days after the date of the primary election to ten days after the date of the primary election's canvass. It also changes the date for the lieutenant governor to certify the ballot titles for constitutional amendments to be consistent with the certification date for the names of judges up for retention election and modifies the deadline for publishing notice of open offices to provide consistency with county notice requirements.

**Municipal Implication:**

This bill will have very little impact on municipal elections. The bill does however include a minor change in challenging primary election results. Instead of allowing ten days after the primary election, the new law allows ten days after the completion of the canvass for the primary election. The bill should have nominal impacts.

**Want to See the Full Text?**

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**HB 69 Second Substitute**  
**County and Municipal Land Use Provisions Regarding**  
**Schools**

**Sponsor:** Rep. Larry Wiley

**Bill Status:** Passed

**ULCT Position:** Support (ULCT Initiated)

**Purpose of the Bill:**

This bill allows a municipality to impose regulations on a charter school construction project to avoid unreasonable risk to health or safety. The bill also clarifies that charter schools are subject to certain impact fees as specified under Title 11 Chapter 36. Lastly the bill clarifies the use of building inspectors that must be used when conduction building inspections.

**Municipal Implication:**

The bill provides modest improvements to the land use practices and building inspection practices associated with public and charter schools. The bill allows the city to regulate activities that may cause unreasonable health or safety risks and also clarifies that a municipal building inspector is the preferred inspector for school inspections. The bill does, however, provide alternative inspection methods. In addition, the bill clarifies that certain impact fees can be imposed on public or charter schools as outlined under the Impact Fees Act— i.e. on-site impacts.

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**HB 78 Substitute**  
**Property Tax Deferral—Senior Citizens**

**Sponsor:** Rep. Gage Froerer

**Bill Status:** Failed

**ULCT Position:** No Position

**Purpose of the Bill:**

This bill would have modified the provisions relating to the abatement or deferral of property taxes for the poor and provided that certain property may not be subjected to a tax sale during the period of deferral if a county grants a deferral. It also would have allowed the county to grant a deferral of a certain portion of a claimant's residential property taxes for certain individuals 70 years of age or older or an unmarried surviving spouse. It would have required the commission to distribute monies to the counties upon sale of the property and required the county to transfer the deferred taxes and the interest to the General Fund.

**Municipal Implication:**

This bill did not pass — No municipal impact.

The ULCT did, however, express some concern about creating a deferral of property tax. If a portion of the property tax is deferred for some individuals it creates a smaller “pool” of individuals that would be responsible for paying the necessary taxes. Depending on the size of the deferral, some communities could see a significant reduction in the size of the property tax “base”.

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**HB 98 County Option Sales and Use Tax for Highways,  
Fixed Guideways or Systems of Public Transit**

**Sponsor:** Rep. Craig Frank

**Bill Status:** Passed

**ULCT Position:** Support

**Purpose of the Bill:**

This bill modifies the Local Government Bonding Act, the Sales and Use Tax Act, and the Transportation Finances Act by amending provisions relating to certain transportation local option sales and use tax provisions.

**Municipal Implication:**

This bill authorizes sales and use tax revenues generated by the County Option Sales and Use Tax for Highways, Fixed Guideways, or Systems of Public Transit to be used on local highway projects of regional significance. Prior to this legislation such funds could only be used on state facilities or mass transit. This bill provides greater flexibility to local communities to determine transportation priorities and use locally generated funds to address those priorities. The bill also authorizes local governments to use negotiable bonds associated with the County Option Sales and Use Tax for Highways to pay for the construction and environmental work associated with the locally determined regional priorities.



**HB 102 Second Substitute**  
**Land and Water Reinvestment**

**Sponsor:** Rep. David Clark

**Bill Status:** Passed

**ULCT Position:** Support

**Purpose of the Bill:**

This bill appropriates \$2,000,000 to the Department of Natural Resources for watershed rehabilitation, appropriates \$2,000,000 to fund the LeRay McAllister Critical Land Conservation Fund and appropriates \$2,000,000 to fund the Rangeland Improvement Fund.

**Municipal Implication:**

The ULCT has continued to fight for additional funding for the LeRay McAllister Critical Land Conservation Fund. This legislation appropriated an additional \$2 Million in one-time funds to that effort. Requests for projects need to be submitted to the Quality Growth Commission for consideration. For additional information, please contact the ULCT.

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**HB 105 Substitute**  
**Illegal Immigration Enforcement Act**

**Sponsor:** Rep. Glenn Donnelson

**Bill Status:** Failed

**ULCT Position:** Oppose

**Purpose of the Bill:**

This bill would have modified the Public Safety Code by providing for the enforcement of federal immigration laws by certain state or local law enforcement officers.

**Municipal Implication:**

This bill did not pass — No municipal impact.

This bill would have placed local enforcement officers at the forefront of the immigration issue by granting them the same functions as a federal immigration officer and, under certain circumstances, required that local law enforcement officers perform all functions of a federal immigration officer.

Several local law enforcement groups expressed concerns regarding available resources to take on the additional work load. Local government officials also expressed concerns regarding the “chilling effect” this may have when working on neighborhood policing issues with immigrant populations.



**HB 108 Fourth Substitute**  
**Transportation Study—East-west Corridors in Salt Lake**  
**County and Counties of the Second Class**

**Sponsor:** Rep. Ron Bigelow

**Bill Status:** Passed

**ULCT Position:** Support

**Purpose of the Bill:**

This bill requires the Department of Transportation to study the need for east-west transportation improvements in Salt Lake County, Davis County, Utah County and Weber County; and requires the department to report study findings, including improvement costs and timeline estimates, to the Legislature prior to September 30, 2008.

**Municipal Implication:**

This bill was introduced to ensure that the east-west transportation needs in the four Wasatch Front Counties will keep pace with the unprecedented population growth. The bill require the DOT to assess the growth, growth patterns, local planning considerations, and transportation needs in Salt Lake, Davis, Utah and Weber Counties. Since much of the growth is happening on the west-side of the four counties the primary emphasis of the study is the east-to-west transportation needs in those areas. The bill appropriated \$3.5 million to conduct the assessment.

**Want to See the Full Text?**

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**HB 109**

**Municipal Voting Requirement for Sale of Public Land**

**Sponsor:** Rep. Neil Hansen

**Bill Status:** Failed

**ULCT Position:** Oppose

**Purpose of the Bill:**

This bill would have required voter approval of a municipality's intended disposal of a parcel of real property with a value of \$1,000,000 or more.

**Municipal Implication:**

This bill did not pass — No municipal impact.



**HB 117 Substitute**  
**Transfer of Density**

**Sponsor:** Rep. Gage Froerer

**Bill Status:** Passed

**ULCT Position:** Support as substituted

**Purpose of the Bill:**

This bill authorizes counties and municipalities to designate areas as sending and receiving zones and to allow the transfer of development rights from a landowner in a sending zone to a landowner in a receiving zone.

**Municipal Implication:**

The bill simply enables a city or town to consider the transfer of development rights, in the form of density credits, from one area of the city to another area of the city. This bill does not require that a city consider such action, but simply clarifies that such practices are acceptable.



**HB 119 Substitute**  
**Emergency Communication Funding**

**Sponsor:** Rep. Brad Dee

**Bill Status:** Passed

**ULCT Position:** Support

**Purpose of the Bill:**

This bill eliminates provisions reimbursing certain communications providers for costs associated with Phase I E-911 service and allows monies from the E-911 Emergency Service Fund to be used to assist in development of Phase II E-911 service. It also imposes the emergency services telephone charge on services with access to the public switched telephone network, including voice over Internet protocol and reduces a charge on communications services that funds emergency communication services from 65 cents per line to 61 cents. Finally the implementation date is changed from July 1, 2008 to July 1, 2007.

**Municipal Implication:**

This bill will have very little impact on cities and towns. The bill expedites the process and development of Phase II E-911 by allowing funds designated for initial phase to be spent on Phase II E-911 development and deployment. Consistent with that, the bill reduces the emergency communication fee from 65 cents to 61 cents per line as was anticipated when the initial fee was imposed.

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**HB 120 Substitute**  
**Utility Facility Review Board**

**Sponsor:** Rep. Aaron Tilton

**Bill Status:** Passed

**ULCT Position:** Support as substituted

**Purpose of the Bill:**

This bill applies the provisions of Title 54, Chapter 14, Electrical Facility Review Board Act, to a gas corporation and reduces the time within which the board must issue a written decision.

**Municipal Implication:**

Prior to this legislation, the law provided a Utility Facility Review Board for power companies. The law allowed a power company to petition to the Utility Facility Review Board to determine if the requirements or conditions imposed by the local government in association with the construction of a power facility may or may not be imposed because of the potential such restrictions may have on the power companies ability to provide safe, reliable, and adequate service to its customers. The Board has been rarely used by the power company.

While this legislation started out as an attempt to not only allow a gas company to participate in the same review process, it would have also broadened the scope of the review board to consider additional local government actions and award damages under various circumstances to both gas and power companies. The ULCT worked closely with the utilities and the bill sponsor to restrict the board to the current review criteria and just allow the gas company to participate in the process. The bill passed under that scenario. In essence, the bill simply includes the gas company in the process that was previously statutorily defined to apply only to power companies. The criteria and power of the Board was not changed.

**Utah League of Cities and Towns**





**HB 129 Substitute**  
**Land Use Provisions**

**Sponsor:** Rep. Mike Morley

**Bill Status:** Passed

**ULCT Position:** Support

**Purpose of the Bill:**

This bill modifies the standard that county and municipal land use authorities use in determining whether to vacate, alter, or amend a plat and modifies the county and municipal officials who are involved in the process of vacating or altering a street or alley.

**Municipal Implication:**

.The bill clarifies that the planning commission is responsible for providing input to the land-use authority for the vacation of a street or alley. Under this circumstance, the city is responsible in determining who shall sit as the land-use authority. Prior to the change in law, the bill required a land-use authority to provide input to the chief executive officer on the vacation of a street or alley. While the chief executive officer can sit as the land-use authority, the bill also allows another person or another public body to serve as the land-use authority.

The process does change nominally but the primary changes are definitional.

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**HB 140 Substitute**  
**Safe Drinking Water Amendments**

**Sponsor:** Rep. Sylvia Andersen

**Bill Status:** Failed

**ULCT Position:** Neutral

**Purpose of the Bill:**

This bill requires the legislative body, special district board, or board of directors of a water system consisting of less than 5,000 connections to give approval before fluorine or any of its derivatives or compounds can be added to the water system.

**Municipal Implication:**

The bill did not pass — no municipal impact.

This bill had an interesting trip through the legislative process. The initial draft focused on creating comprehensive watershed protection programs for counties with multiple water service providers. The bill was then substituted late in the session, scrapping all language pertaining to watershed protection and instead focused on fluoridation of water for small water districts. The late shift in focus sealed the dismal fate of this bill.



**HB 142 Substitute**  
**Fee in Lieu of Property Tax Amendments**

**Sponsor:** Rep. Richard Wheeler

**Bill Status:** Passed

**ULCT Position:** Support

**Purpose of the Bill:**

This bill requires certain public agencies to pay an annual fee in lieu of a property tax, provides a method of calculation to determine the amount of the annual fee and provides that certain public agencies have the same obligations, credits, rights and protections as a project entity.

**Municipal Implication:**

In 2002, the legislature authorized changes in the inter-local agreement statute to facilitate large energy development projects – specifically the Intermountain Power Project 3<sup>rd</sup> Unit. HB 142 is a technical amendment that clarified that non-Utah participants in such projects would be subject only to the property tax and not both the property tax and the in-lieu tax paid by Utah cities that are part of the project. In addition, the bill expanded the property tax settlement provisions associated with IPP units 1 & 2 to include unit 3.

The bill facilitates the development of the IPP 3<sup>rd</sup> unit which involves a number of Utah cities.

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**HB 158 Fourth Substitute**  
**Amendments to Transportation Provisions**

**Sponsor:** Rep. Wayne Harper

**Bill Status:** Passed

**ULCT Position:** Neutral

**Purpose of the Bill:**

This bill renames the Public Transportation System Tax Highway Fund as the County of the First Class State Highway Projects Fund and requires fund monies to be used to pay debt service and bond issuance costs for certain general obligation bonds. It also provides that a portion of the local corridor preservation fee imposed in a county of the first class and a portion of the public transit tax revenue in a county of the first class be deposited into said Fund. It authorizes issuance of \$100,000,000 general obligation bonds to pay all or part of the cost of acquiring rights-of-way and constructing a highway construction project within the Mountain View Corridor and exempts the general obligation bonds from certain debt limitation provisions. It also provides that local revenues from a county of the first class that are deposited in the County of the First Class State Highway Projects Fund shall be considered a local matching contribution.

**Municipal Implication:**

This bill only pertains to Salt Lake County. The bill requires that 70% of the county imposed vehicle registration surcharge is used for right-of-way acquisition associated with Mountain View Corridor. In addition, the bill requires that 1/16th of a cent sales tax authorized under the initial public transit tax be spent to also acquire right-of-way for Mountain View Corridor. The bill then authorizes the DOT to bond up to 100 million dollars against those two revenue streams for immediate corridor acquisition. The bill does not, however, affect any municipal revenue source.

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**HB 166**  
**Transportation Revisions**

**Sponsor:** Rep. Wayne Harper

**Bill Status:** Failed

**ULCT Position:** Oppose

**Purpose of the Bill:**

This bill would have dissolved the Utah Transit Authority (UTA) and changed certain sales and use taxes for public transit to state imposed taxes rather than local option sales and use taxes. It would then have required the Utah Department of Transportation (UDOT) to provide public transit services to counties, cities, towns, or unincorporated areas that were previously serviced by UTA.

**Municipal Implication:**

This bill did not pass — no municipal impact

This bill was heavily lobbied by the Utah Transit Authority and the Utah League of Cities and Towns. The bill would have dissolved the locally controlled transit authority and placed it under the purview of the DOT. The ULCT expressed concern about centralizing the control of UTA and taking local governments out of the decision making process for current and future transit needs.

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**HB 187**  
**Eminent Domain Amendments**

**Sponsor:** Rep. Roger Barrus

**Bill Status:** Failed

**ULCT Position:** Oppose

**Purpose of the Bill:**

This bill would have modified a provision requiring damages to be assessed on behalf of a property owner, part of whose property is being acquired by eminent domain, to provide that damages accruing to the remaining property due to construction of the improvement are to be assessed whether or not the construction actually occurred on the portion being taken.

**Municipal Implication:**

The bill did not pass — No municipal impact.

The bill would have required that municipal governments pay severance damages associated with the potential for construction on a parcel of condemned property even if the construction that would have caused the damages is never commenced. The rationale is that the property owner should be awarded damages based on the potential for damage versus actual damages because a portion of the property was acquired by eminent domain, even though existing law requires that just compensation be paid for any condemnation in addition to what was being requested under these circumstances. If passed, this bill could have significantly increased the cost of acquiring property for public improvements such as roads, utility corridors, etc.

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**HB 188**  
**Easements—Counties and Municipalities**

**Sponsor:** Rep. Aaron Tilton

**Bill Status:** Passed

**ULCT Position:** Support as Amended

**Purpose of the Bill:**

This bill allows a property owner to realign certain easements acquired by a county or municipality using eminent domain powers at the owner's expense.

**Municipal Implication:**

If a municipality acquires a utility easement through the exercise of its eminent domain power, the property owner may realign the easement at the owner's expense unless the alignment cannot be reasonably changed because of engineering or safety requirements. The bill will likely have very little impact on municipalities, but under certain circumstances property owners may request utility relocations.



**HB 198 Substitute**  
**Public Safety Retirement**

**Sponsor:** Rep. Ron Bigelow

**Bill Status:** Failed Due to Funding Request

**ULCT Position:** Support with Funding

**Purpose of the Bill:**

This bill would have increased the cost-of-living allowance (COLA) for members of the Public Safety Contributory Retirement System and of the Public Safety Noncontributory Retirement System. It also would have increased the allowance payable to the surviving spouse of a retiree of either system. The bill was funded through a portion of the tax on property insurance and life insurance.

**Municipal Implication:**

For the first time, the legislature introduced this piece of legislation with full funding to ensure that local governments would not be required to provide the enhanced benefit with no additional funding tools. The bill ultimately failed due to the state funding request. While it appears that there is broad consensus that our public safety officers deserve the benefit enhancement, there is still disagreement on who should be responsible for paying the increased cost associated with the benefit. It is likely that this bill will again be debated in the next legislative session.

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**HB 203**

**Local Option Distribution Formula for the Distribution of the Local Option Sales and Use Tax**

**Sponsor:** Rep. Scott Wyatt

**Bill Status:** Failed

**ULCT Position:** Oppose

**Purpose of the Bill:**

This bill would have established a procedure for a qualifying county, and a two-thirds majority of the municipalities within a qualifying county, to agree to an alternate distribution formula for the 1% local option sales and use tax revenues within the incorporated and unincorporated areas. It would have provided that such an agreement be approved by a majority vote of the voters in the affected county.

**Municipal Implication:**

The bill did not pass — No municipal impact.

The bill would have allowed 2/3 majority of municipalities and the county to potentially alter the sales tax distribution formula for all cities and towns within that county. There was concern expressed that the minority cities within the county that may oppose such a change could be forced to participate in an alternative distribution formula without their consent. Obviously the financial situation of such cities would become somewhat precarious and the potential for change may have an impact on the ability to finance and bond in the future.



**HB 204**  
**Modifications to Open and Public Meetings**

**Sponsor:** Rep. Scott Wyatt

**Bill Status:** Passed

**ULCT Position:** Neutral

**Purpose of the Bill:**

This bill clarifies that public bodies created by the Utah Constitution are subject to the requirements of the act. It also clarifies that notice of an emergency meeting shall include notice of the time, place and topics of the meeting. Finally, it provides that, at the discretion of the presiding member of the public body, topics raised by the public may be discussed at a meeting even if they have not been placed on the agenda so long as no final action is taken at the meeting.

**Municipal Implication:**

.The major issue being dealt with in the bill was whether or not issues raised at a public meeting, but not listed on the agenda, could be discussed during the meeting. There was some disagreement as to the intent of the Open and Public Meetings act changes from last year's session regarding this issue. This bill simply clarified the intent of the legislature to allow the presiding officer of the meeting to determine what is appropriate for discussion, and also clarifies that this section of the code is intended to simply restrict a public bodies ability to take final action on items not specifically listed on the approved and properly noticed agenda, while still allowing discussion on unlisted items to ensue.

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**HB 222 Fourth Substitute**  
**Open and Public Meetings—Electronic Notice**

**Sponsor:** Rep. John Dougall

**Bill Status:** Passed

**ULCT Position:** Support as Substituted

**Purpose of the Bill:**

This bill requires a public body to provide public notice of its meetings on the Utah Public Notice Website but provides exceptions for posting notice on the newly created Utah Public Notice Website by a municipality or a district that has a budget of less than \$1 million. It prohibits a court from voiding a final action of a public body due to a technology failure affecting posting public notice on the Internet under certain circumstances and provides requirements for the website.

**Municipal Implication:**

This bill will significantly change the public noticing requirements for public meetings. **It is important to note that the bill has a delayed effective date of April 01, 2008.** So nothing in the bill will affect noticing requirements between now and then. The bill does create a state website that will host all public notices. The bill then requires cities and towns to post their notices on the state sponsored website in order to comply with the public notice requirements. The bill also allows cities and towns to no longer send notice of public meetings to the local media if such notices are posted to the website and the press can receive email updates of such notices. The bill also creates an exception for this requirement for municipalities with a budget of less than \$1 million. The remainder of the bill deals with technical changes to facilitate the construction of the new public notice website.



**HB 226**

**Sales and Use Tax—Highways and Public Transportation  
Amendments**

**Sponsor:** Rep. John Dougall

**Bill Status:** Passed

**ULCT Position:** Support

**Purpose of the Bill:**

This bill provides that a county, city, or town is not required to be located within a transit district to impose certain local option sales and use taxes for highways, public transportation, and fixed guideways. It also modifies the percentages of revenues designated for certain uses for purposes of the revenues generated by the additional public transit tax within a county of the first class.

**Municipal Implication:**

The bill would allow a city or town to impose the local option sales tax for highways, public transportation and fixed guideways under 59-12-501 without being in a public transit district. In essence the bill allows a city or town to self provide and self fund a public transportation system without being a part of a larger transit district. The bill then requires that 20% of the funds be spent on reconstruction efforts on I-15 and 80% of the funds can be spent for fixed guideway systems and public transportation. This bill specifically applies to Utah County and what is referred to as the “Alexander .25% local option sales tax”.

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**HB 233**  
**Environmentally Restricted Zoning Districts**

**Sponsor:** Rep. Mike Morley

**Bill Status:** Failed

**ULCT Position:** Oppose

**Purpose of the Bill:**

This bill would have enacted a definition for environmentally restricted zoning districts and would have limited the ability of counties and municipalities to deny a land use application for land located within an environmentally restricted zoning district. It would have required approval of a land use application to the extent that land located within an environmentally restricted zoning district complies with requirements, even if the remainder does not and would have established a presumption in favor of a land use application relating to land located within such a district. It would have created a procedure of binding arbitration of an appeal authority's decision on a land use application for land located within an environmentally restricted zoning district and required a court to award a reasonable attorney fee to a prevailing applicant in a court review of an appeal authority's final decision.

**Municipal Implication:**

This bill did not pass — No municipal impact.

The bill would have fundamentally altered the land-use process for environmental zones to include local hillside ordinances, watersheds, flood zones and others. The bill changes the legal presumption of validity in favor of the applicant and against the city under certain circumstances, and required binding arbitration on matters affected by these changes. The bill was strongly opposed by the ULCT.

**Utah League of Cities and Towns**



**HB 238**  
**Municipal Telecommunications License Tax Amendments**

**Sponsor:** Rep. Wayne Harper

**Bill Status:** Passed

**ULCT Position:** Neutral at 3.5%

**Purpose of the Bill:**

This bill, beginning on July 1, 2007, reduces the municipal telecommunications license tax rate from a maximum rate of 4% to a maximum rate of 3.5%. It also exempts a municipality from providing notice to the State Tax Commission before changing the rate and modifies notice requirements of a municipal telecommunications license tax under certain circumstances.

**Municipal Implication:**

The bill will have municipal revenue implications. As of July 1, 2007 the maximum municipal telecommunications tax will be capped at 3.5%. This bill has been contemplated for some time. When the broader telecommunications tax was originally authorized in 2003 the understanding was that it would generate the same amount of money as the previously authorized 6% franchise tax that just applied to land-line telephones. This tax, which applies to land-line and cellular phones, has produces far more revenue that originally anticipated at the 4% rate. As such, the ULCT agreed to honor the commitments made in 2003 and remained neutral on the reduction in the maximum telecommunications tax rate to better reflect the intent of the 2003 authorizing legislation. The rate we agreed to was 3.5%.

If you need information on the specific revenue implications please call the ULCT offices.

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**HB 251**  
**Auditing of Leases Related to Revenue Bonds**

**Sponsor:** Rep. Neil Hansen

**Bill Status:** Failed

**ULCT Position:** Oppose

**Purpose of the Bill:**

This bill would have modified the Local Government Bonding Act to require certain contract clauses related to the financial condition of a private entity that is making lease payments pledged to pay the principal or interest on revenue bonds.

**Municipal Implication:**

This bill did not pass — No municipal impact.

This bill would have had significant negative ramifications on the ability to acquire bonds since it essentially gives the municipality the ability to amend a financial agreement after it has been bonded against. The bill also would have required extensive annual auditing of all public/private partnerships including partnerships with private water companies, garbage collection companies, airport lessees, etc.

Since most public entities are already reviewing the financial strength of private company partners before entering into a contract, the Policy Committee felt that this bill was burdensomely redundant.



**HB 255**  
**Prohibition of Citation Quotas**

**Sponsor:** Rep. Neil Hansen

**Bill Status:** Failed

**ULCT Position:** Oppose

**Purpose of the Bill:**

This bill would have modified municipal, county, and public safety provisions of the Utah Code to prohibit state and local governmental entities and law enforcement agencies from imposing traffic citation quotas on law enforcement officers.

**Municipal Implication:**

This bill did not pass — No municipal impact.

While all policing agency that testified to the bill assured the legislature that citation quotas were not being used, there was still some concern that cities and towns were using daily and weekly citation quotas for police officers to ensure that ticket revenues were maintained. Despite continue assurances against the preconceived notion of a “quota” the bill would have had some unintended consequences such as prohibiting police departments from using citation numbers as a performance measure when determining the effectiveness of their police officers. The bill was actively opposed by all police agencies as well as the ULCT and Utah Association of Counties.

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**HB 260 Second Substitute**  
**Post Retirement Employment**

**Sponsor:** Rep. Glenn Donnelson

**Bill Status:** Passed

**ULCT Position:** Neutral

**Purpose of the Bill:**

This bill modifies the Utah State Retirement and Insurance Benefit Act by amending reemployment restrictions for certain retirees.

**Municipal Implication:**

The initial bill would have required that an agency who reemploys a retiree cancel the retiree's retirement allowance if the retiree is reemployed on a full-time basis unless a total separation from employment with the same agency has occurred for a period of not less than six consecutive months after the date of retirement. Under this form, the bill was heavily oppose by most public entities. The bill then was significantly amended to just make minor technical changes to the bill regarding the definition of a participating "agency" to ensure that the current law apply equally to all participating agencies. After the bill was stripped of the contentious language the ULCT Policy Committee changed its position from oppose to neutral. The bill passed under that configuration.



**HB 282**

**Sales and Use Taxation of Food and Food Ingredients**

**Sponsor:** Rep. Merlynn Newbold

**Bill Status:** Failed

**ULCT Position:** Oppose

**Purpose of the Bill:**

This bill would have provided that food and food ingredients are not subject to certain local sales and use taxes. It would have created a restricted special revenue fund to distribute monies to fund rural health care facilities and services that are impacted and would have increased the maximum tax rate for the resort communities local sales and use tax from 1% to 1.1%.

**Municipal Implication:**

This bill did not pass — no municipal impact

This bill was the initial attempt to remove food from the sales tax base for the special tax levies to include resort community tax levies, ZAP/RAP Levies, Public Transit Levies and Municipal Transportation Sales Tax Levies. The bill only provided minor revenue offsets for the resort community tax, essentially leaving the other services funded by the special levies under-funded. While this bill did not pass, the same concept was also introduced in SB223 which did provide the necessary local revenue offsets. Please see the synopsis for SB223 for more information.

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**HB 285**  
**Land Use Development Management Act Amendments**

**Sponsor:** Rep. Aaron Tilton

**Bill Status:** Passed

**ULCT Position:** Support

**Purpose of the Bill:**

This bill clarifies that the subdivision plat approval of an owner or operator of underground and utility facilities does not warrant or verify the location of those facilities or affect the owner or operator's rights.

**Municipal Implication:**

In essence, the bill codifies what was traditionally articulated on approved plats. So instead of having a large paragraph describing the nuances of the placement of underground utilities within the platted development, the bill statutorily includes such provisions so that the underground utility can just have a signature block on approved plats saying that the plat conforms with the requirements as outlined in statute.

The statutory language they will attest to is as follows:

*The approval of an owner or operator of the utility indicates only that the plat approximates the location of the existing underground and utility facilities but does not warrant or verify their precise location; and does not affect a right that the owner or operator has under: Title 54, Chapter 8a, Damage to Underground Utility Facilities to include a recorded easement or right-of-way; the law applicable to prescriptive rights; or any other provision of law.*



**HB 296 Substitute**  
**Approval of Subdivisions**

**Sponsor:** Rep. Gage Froerer

**Bill Status:** Failed

**ULCT Position:** Support

**Purpose of the Bill:**

This bill would have eliminated a requirement for a planning commission recommendation before a person may record a subdivision plat and would have required county and municipal land use authorities to give notice and hold a public hearing before approving a subdivision plat.

**Municipal Implication:**

This bill did not pass — No municipal impact.

This bill would have eliminated a planning commission hearing on routine and uncontested subdivision plat approvals. Such waivers were to be awarded at the municipalities discretion.

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**HB 306**  
**Municipal License Fees and Taxes Amendments**

**Sponsor:** Rep. Greg Hughes

**Bill Status:** Failed

**ULCT Position:** Oppose

**Purpose of the Bill:**

This bill would have limited a disproportionate rental fee to \$21 per unit and would have relieved a municipality of an obligation to update its municipal services study every four years if it had not raised its disproportionate rental fee since the last study.

**Municipal Implication:**

This bill did not pass — no municipal impact.

The bill would have significantly limited a city or towns ability to impose a science based disproportionate business fee on rental units. The current fee structure requires a city to conduct a study to determine the fee to be imposed. The fee must be based on the disproportionate services received by the rental units responsible for paying the fee. The fee is not, however, capped at a certain rate. This bill would have capped the maximum disproportionate fee at \$21 despite studies that may justify a higher fee.



**HB 314 Second Substitute**  
**Transportation Funding Revisions**

**Sponsor:** Rep. Becky Lockhart

**Bill Status:** Passed

**ULCT Position:** Support

**Purpose of the Bill:**

This bill creates the Critical Highway Needs Fund, requires the Division of Finance to annually deposit \$90,000,000 of certain sales and use tax revenue into the Critical Highway Needs Fund and authorizes the issuance of general obligation bonds to pay for certain state highway construction or reconstruction projects.

**Municipal Implication:**

While the bill is specifically designated to address critical state highway needs, it is imperative that cities and towns know about the process. The bill allows the DOT to create a \$1 Billion dollar bonding pool to take care of some critical needs through out the state. The DOT will be going through the prioritization process in the next few months. If you think you have a worth project in your area now is the time to start working with the DOT for potential funding. No project selected can be in excess of \$100 Million dollars.

If you have questions on how to get involved please call the ULCT office for more information.

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**HB 334 Third Substitute**  
**Eminent Domain**

**Sponsor:** Rep. Aaron Tilton

**Bill Status:** Failed

**ULCT Position:** Oppose

**Purpose of the Bill:**

This bill would have established a task force to study issues related to eminent domain. It also would have clarified an exclusion from a public use relating to trails, paths, or other ways for walking, hiking, bicycling, equestrian use, or other recreational uses for which eminent domain may not be used and excluded emergency access ways and open land as public uses for which eminent domain may be used. It also would have excluded certain parks from the scope of what is a public use for purposes of eminent domain and would have expressed legislative intent concerning S.B. 117 passed during the 2006 General Session.

**Municipal Implication:**

The bill did not pass — no municipal impact.

This bill would have continued to erode the municipal authority to determine legitimate uses for eminent domain for recreational purposes to include certain parks and trails. The bill also included legislative intent language to apply retroactively to eminent domain cases involving trails and parks that are either resolved or pending in the courts.



**HB 347 Substitute**  
**Municipal Election Law Provisions**

**Sponsor:** Rep. Doug Aagard

**Bill Status:** Passed

**ULCT Position:** Support (ULCT Initiated)

**Purpose of the Bill:**

This bill moves the date of the municipal primary election from October to September and adjusts the deadline for filing declarations of candidacy and nomination petitions for municipal elections. It modifies provisions governing the days and hours of poll operation for early voting in local special elections, municipal primary elections, and municipal general elections and provides that use of machines that provide disability access is not required for early voting in any of those elections. It also permits municipalities to combine up to four voting precincts into a single precinct for voting purposes in municipal elections, provides that the use of electronic voting machines is not required for municipal primary elections or municipal general elections and permits poll workers who are assigned to a voting precinct during a municipal election to reside within the county not just the assigned precinct.

**Municipal Implication:**

The bill addresses five key issues:

1. Changes the municipal primary date to ensure early voting can be properly conducted (New Primary Date is the Second Tuesday after the first Monday in September)
2. Changes the filing dates for municipal office to reflect changes in the primary date (Filing is now July 1—July 15)
3. Provides options when conducting municipal elections to include electronic voting, paper ballots or optical scan ballots.
4. Provides additional flexibility to cities when conducting early voting
5. Allows greater consolidation of voting precincts for municipal elections to control costs of administering the election.

For more information on these changes please call the ULCT.

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**HB 352 Fourth Substitute**  
**Local Government Regulation of Billboards**

**Sponsor:** Rep. Mel Brown

**Bill Status:** Passed

**ULCT Position:** Oppose

**Purpose of the Bill:**

This bill provides that a county or municipality is considered to have initiated the acquisition of a billboard structure by eminent domain if the county or municipality prevents a billboard owner from structurally modifying or upgrading a billboard or relocating a billboard to another specified location.

**Municipal Implication:**

This legislation has two key provisions. (1) The first provision gives municipalities and billboard owners the ability to move any existing billboard from its current location to any other mutually agreeable location within the municipality, notwithstanding any prohibitions that may exist in the local ordinance. The billboard industry claimed that this provision was necessary in many municipalities where the location of an existing billboard is holding up development of the property, and both the billboard owner and the municipality would like to move it, but local ordinance will not allow for relocation. (2) The second provision gives billboard owners the right to move any billboard from its current location to another location within a 1/2 mile radius, as long as the new location is within a commercial, manufacturing or industrial zone. Prior to doing so, however, the billboard owner must first meet with the city and attempt to identify a mutually agreeable location (as discussed in the first section of the bill). If the City and the billboard owner cannot agree an acceptable location within 60 days, the billboard owner may relocate the sign within the parameters identified. Lastly the bill still preserves the municipalities ability to condemn the sign if the city is desirous of simply limiting the reconstruction of existing billboards.



**HB 362 Substitute**  
**Annexation Amendments**

**Sponsor:** Rep. Greg Hughes

**Bill Status:** Passed

**ULCT Position:** Support

**Purpose of the Bill:**

This bill changes a time period before which a public hearing on a proposed annexation may not be held from 60 to 30 days after adoption of a resolution proposing the annexation. It also authorizes a municipality to adopt an annexation ordinance without allowing or considering protests if the owners of 75% of the land with 75% of the value have consented to the annexation. It eliminates the requirement of county legislative body approval for a certain type of annexation and modifies the criteria for a municipality to annex an unincorporated island or peninsula without an annexation petition. It also makes adjustments for annexations with relationship to nearby municipal airports.

**Municipal Implication:**

This legislation was initiated to address the annexation issues associated with islands and peninsulas. The bill streamlines the annexation process for islands or peninsulas where the proposed annexation involves less than 800 residents. The bill removes county consent requirements, limits the public notice requirements so long as the island or peninsula being considered is being pursued with the consent of 75% of the landowners representing 75% of the land value of the proposed annexation. Lastly, the bill deals with the annexation restrictions that would apply to areas where a municipal airport will be located. This provision was intended to address issues associated with the proposed St. George airport.

**Want to See the Full Text?**

**Please Visit [www.ulct.org](http://www.ulct.org) and follow the legislative links**



**HB 365 Substitute**  
**Eminent Domain Authority of Community Development**  
**and Renewal Agencies**

**Sponsor:** Rep. Steve Urquhart

**Bill Status:** Passed

**ULCT Position:** Support (ULCT Initiated)

**Purpose of the Bill:**

This bill authorizes community development and renewal agencies to acquire property by eminent domain in an urban renewal project area under certain circumstances and in an earlier established project area if, under prior law, the agency made a finding of blight. It conditions an agency's authority to acquire by eminent domain single-family owner occupied residential property or commercial property on the owner's consent or on a petition by other property owners and a 2/3 vote of the agency board and imposes prerequisites on community development and renewal agencies before they may acquire property by eminent domain. It also authorizes a property owner to bring a civil action against a community development and renewal agency for the agency's violation of a requirement to provide a written declaration and authorizes a court to award necessary compensation.

**Municipal Implication:**

This bill reinstates the power of eminent domain to redevelopment agencies which may create urban renewal projects that require condemnation action to address blight issues. The bill provides a five year window to utilize eminent domain once project plan becomes effective. Without owners consent, eminent domain requires a 2/3 vote of all members of the agency board and a written petition from the landowners located within the project area. The petition must demonstrate the consent of 80% of the landowners representing 70% of the value thereof before eminent domain can be exercised, and under limited circumstances only requires 75% of the landowners representing 60% of the value thereof. The bill still holds a very high threshold for using eminent domain for redevelopment purposes, but does reinstate the authority for those limited circumstances.

**Utah League of Cities and Towns**



**HB 377 Second Substitute**  
**Retirement Benefit Amendments**

**Sponsor:** Rep. John Dougall

**Bill Status:** Failed

**ULCT Position:** No position

**Purpose of the Bill:**

This bill would have allowed a person who begins employment on or after July 1, 2007, with the Department of Technology Services to be excluded, upon written request, from coverage under the Public Employees' Noncontributory Retirement System.

**Municipal Implication:**

This bill did not pass — No municipal impact.

This bill began as an attempt to let all public employees, to include local government employees, who have the opportunity to participate in the Utah State Retirement System to opt-out of the Defined Benefit system and opt for the same contribution to be made to a Defined Contribution plan (401K). Due to heavy lobbying by members of the public sector the bill was significantly altered to only apply to employees who are employed by the Department of Technology Services for the State. Once those amendments were made, the ULCT took a “no position” on the bill.

While the bills did not pass, and under its final form did not affect local governments, this is indicative of the direction the “retirement debate” is heading. There is very strong pressure to move the state retirement from a Defined Benefit to a Defined Contribution system. Look for this same debate to take place in the coming year(s).

**Want to See the Full Text?**

**Please Visit [www.ulct.org](http://www.ulct.org) and follow the legislative links**



**HB 378 Substitute**  
**Sales and Use Tax Amendments**

**Sponsor:** Rep. Wayne Harper

**Bill Status:** Failed

**ULCT Position:** Oppose

**Purpose of the Bill:** This bill would have enacted the Botanical, Cultural, Recreational, and Zoological Organizations or Facilities Fund Act and required adjustments to the property tax certified tax rate if a county, city, or town imposed a local option sales and use tax for transportation for the first time on or after January 1, 2008. It also would have modified state and local sales and use taxes and tax rates, including reducing the state sales and use tax rate, addressed the sales and use taxation of amounts paid or charged for food and food ingredients and modified the distribution of revenues collected from certain local option sales and use taxes. The bill also would have enacted a state sales and use tax for transportation and provided that the revenues collected from the taxes should be deposited into the Public Transportation System Tax Highway Fund, the Transportation Corridor Preservation Fund for Counties of the First or Second Class, the Transportation Debt Service Fund for Transit Districts Operating in a County of the First Class or the Transportation Investment Fund of 2005.

**Municipal Implication:**

This bill did not pass — No municipal impact.

This is a tough bill to discuss in the limited space available, but is safe to say that it would fundamentally change all aspects of local taxation. The bill was strongly opposed by the ULCT.

If you would like more information please call the ULCT.



**HB 383 Substitute**  
**Amendments to Transportation Funding Provisions**

**Sponsor:** Rep. Becky Lockhart

**Bill Status:** Passed

**ULCT Position:** Support (ULCT Initiated)

**Purpose of the Bill:**

This bill reallocates the 1/16% sales and use tax revenue dedication for class B and class C roads, corridor preservation, and the State Park Access Highways Improvement Program to the Transportation Fund but changes the percentage of the Transportation Fund revenue that is deposited in the class B and class C roads account from 25% to 30%.

**Municipal Implication:**

This bill increase the local government share of the State Transportation Fund from 25% of all revenues received to 30% of all revenues received. In order to get the increased share of the fund we did have to give up a 1/16% state sales tax dedication to local road projects. The net result of the increased share of the transportation fund minus the 1/16% state sales tax dedication is revenue positive for local governments. Cities and Counties can anticipate a net increase of roughly \$6 Million in new B&C road funds. In addition, since the transportation fund is growing, we will greater proportionate share of the associated growth.

**Want to See the Full Text?**

**Please Visit [www.ulct.org](http://www.ulct.org) and follow the legislative links**



**HB 387**  
**Post-retirement Benefits Restrictions**

**Sponsor:** Rep. John Dougall

**Bill Status:** Failed

**ULCT Position:** Oppose

**Purpose of the Bill:**

This bill would have provided that employees that are reemployed prior to April 30, 2007 by a participating employer may be given a defined contribution at the same percentage of a retiree's salary that the participating employer would have been required to contribute if the retiree were an active member. It also would have required a participating employer that hires a retiree beginning April 30, 2007, to contribute 1.5 percent of the retiree's salary to a retiree designated defined contribution plan and would have prohibited a participating employer from providing health care coverage to the retiree or dependents during any period that the retiree is the primary covered individual of a post-retirement health insurance plan.

**Municipal Implication:**

This bill did not pass — No municipal impact.

This bill would have restricted reemployed retirees from receiving a full contribution to a (401K) program in addition to drawing the Utah State Retirement simultaneously. The bill limited the contribution to a 401K to 1.5% of the employees salary. The bill was strongly opposed by the public retirement “lobby”.



**HB 393**  
**Truth in Bonding**

**Sponsor:** Rep. Greg Hughes

**Bill Status:** Passed

**ULCT Position:** Neutral

**Purpose of the Bill:**

This bill requires that the ballot proposition for bond elections include information about property tax increases required to service the bonds.

**Municipal Implication:**

The bill will require that additional ballot language accompany ballot propositions for additional public bonding. This bill addresses all public bonds, including municipal bonds. The legislation requires that if a bond is proposed that will have an impact of more than \$15 per year for the average residence the following language must now be added to the ballot question.

*Passage of the proposition means that the tax on a (insert the average value of a residence in the taxing entity rounded to the nearest thousand dollars) residence would increase \$\_\_\_\_\_ per year. The tax on a (insert the value of a business having the same value as the average value of a residence in the taxing entity) business would increase \$\_\_\_\_\_ per year.*

**Want to See the Full Text?**

**Please Visit [www.ulct.org](http://www.ulct.org) and follow the legislative links**





**HB 425 Substitute**  
**Street-legal All-terrain Vehicle Amendments**

**Sponsor:** Rep. Mike Noel

**Bill Status:** Failed

**ULCT Position:** Neutral

**Purpose of the Bill:**

This bill would have permitted individuals to operate a street-legal all-terrain vehicle on a highway in certain instances, would have defined the registration, equipment, taxation, licensing, and other requirements for an all-terrain vehicle to operate as a street-legal all-terrain vehicle and would have exempted street-legal all-terrain vehicles from certain off-highway vehicle requirements and restrictions.

**Municipal Implication:**

The bill did not pass — No municipal impact.

The bill would have allowed all-terrain vehicles to use the public roads if required modifications were made to the ATV to include proper licensure, lighting and safety requirements.



**HB 457**  
**Municipal Amendments**

**Sponsor:** Rep. Chris Herrod

**Bill Status:** Failed

**ULCT Position:** Oppose

**Purpose of the Bill:**

This bill would have required the advice and consent of the municipal council or legislative body with respect to the removal of department heads and officers and employees, commissions, boards, and committees, and for planning commission members.

**Municipal Implication:**

This bill did not pass — No municipal impact.

The bill addressed forms of government restrictions under various forms of government to include advise and consent on the firing of certain boards, commissions and department heads. While the current statute address advise and consent on hiring under certain circumstances this legislation would have introduced the same concept for firing. The concept of the bill will likely be discussed in the larger context of a legislative taskforce this summer dealing with the various forms of municipal government and the powers of the council and mayor under each authorized form of government.

**Want to See the Full Text?**

**Please Visit [www.ulct.org](http://www.ulct.org) and follow the legislative links**



**SB 17 Substitute**  
**Traffic Code Amendments**

**Sponsor:** Sen. Scott Jenkins

**Bill Status:** Passed

**ULCT Position:** No position

**Purpose of the Bill:**

This bill provides that an unmarked vehicle may be used for routine enforcement of certain violations and requires the Department of Transportation to establish the safe and prudent speed limit on each section of highway under its jurisdiction and requires that each speed limit be based on a traffic and engineering study.

**Municipal Implication:**

The bill outlines circumstances when an unmarked vehicle may enforce certain traffic violations on the interstate system. The violations outlined are as follows:

1. Left Lane Restrictions
2. Safely passing another vehicle
3. Safe following distance restrictions
4. Operating a vehicle on the right side of the road
5. Careless driving associated with use of a cellular phone or other distractions

The bill then requires that speed limits for state highways be determined by traffic and engineering studies performed by the DOT.



**SB 30 Substitute**  
**Creation of a New School District Amendments**

**Sponsor:** Sen. Carlene Walker

**Bill Status:** Passed

**ULCT Position:** Support

**Purpose of the Bill:**

This bill clarifies the duties of a new district and the district from which the new district was created with respect to providing educational services and makes exceptions to requirements applicable to a proposal by interlocal agreement participants to create a new school district where the proposal would otherwise geographically isolate an area within a municipality that is served by a separate school district. It creates transition teams to represent the new district and the district from which the new district was created and authorizes a mayor or the mayor's designee of a municipality that is partly or entirely within the boundaries of a school district to attend and participate in school board meetings.

**Municipal Implication:**

Last year the ULCT took the broad position to support the ability of cities and towns to create new school districts. This bill was a “clean-up” bill to define the process for creating a new school district. While the bill address a majority of the technical issues, there is still one fundamental issue that still needs to be addressed. The issue of representation during the potential split of an existing district is critical to ensuring that a proposed split is not done to the detriment of any one community. Several ideas of how that would be accomplished have been “floated”, but no one idea has emerged as the solution. It is likely that this issue will be debated heavily during the coming year.



**SB 39**  
**Public Safety Retirement Death Benefit Modifications**

**Sponsor:** Sen. Jon Greiner

**Bill Status:** Failed

**ULCT Position:** Oppose

**Purpose of the Bill:**

This bill would have raised the cap on the death benefits of retired members of the Public Safety Contributory Retirement System and would have raised 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.

This bill would have provided additional death benefits for retired members of the public safety retirement system, to include municipal public safety officers. The problem is that the extra benefit would have been required with no additional resources to cover the increased costs associated with the benefit. Because the benefit was left unfunded, the ULCT Policy Committee took an opposition position to the bill. The issue will likely be debated again, in some form, in the coming year.



**SB 41 Third Substitute**  
**Local Issues Amendments**

**Sponsor:** Sen. Carlene Walker

**Bill Status:** Passed

**ULCT Position:** Support as Substituted

**Purpose of the Bill:**

This bill prohibits the establishment of a manager form of municipal government until May 5, 2008 and requires the repeal of an ordinance establishing a manager form of government if adopted on or after January 1, 2007. It also creates the Local Issues Task Force, providing for membership and compensation of members and duties of the task force and requiring a report to the Political Subdivisions Interim Committee.

**Municipal Implication:**

This bill proved to be very controversial during this year's session. The bill attempted to address implementation issues associated with the city manager by ordinance form of municipal government. In the early drafts, the bill simply did away with the city manager form of government all together. This concept was opposed by the ULCT. Fortunately the ULCT Policy Committee and staff were able to work with the sponsor to place a moratorium on changing forms of government to provide an opportunity to address the issue in the coming year. The key issue that will need to be addressed is whether a public vote should or should not be required to change a form of government. The current statute allows a change under certain circumstance without a vote of the public. We will be working with a legislative taskforce on this issue and other related "forms of government" issues in the coming months.



**SB 64 Substitute**  
**Tourism, Recreation, Cultural and Convention Facilities**  
**Tax —Advisory Board**

**Sponsor:** Sen. Michael Waddoups

**Bill Status:** Passed

**ULCT Position:** No position

**Purpose of the Bill:**

This bill requires an advisory board to be established to advise a county of the first class on the expenditure of revenues collected from a tax under the Tourism, Recreation, Cultural, and Convention Facilities Tax.

**Municipal Implication:**

This bill started the legislative process by moving the county TRCC tax authority to municipal government in first class counties. By the time the session ended, the bill simply created an advisory board with municipal representation to review and determine the expenditure of such funds on Tourism, Recreation, Cultural and Convention facilities. The bill only applies to Salt Lake County.



**SB 67**  
**Utah Public Notice Website Provisions**

**Sponsor:** Sen. Dennis Stowell

**Bill Status:** Failed

**ULCT Position:** No position

**Purpose of the Bill:**

This bill establishes Title 63F, Chapter 1, Part 7, Utah Public Notice Website, which establishes a statewide public notice website, requires notice of public meetings to be posted to the website, and permits public entities to post notice on the website and to abbreviate the notice published in the newspaper.

**Municipal Implication:**

This bill did not pass — No municipal impact.

The bill embodied the same concepts as HB222 regarding the creation of a public notice website. The bill was a little more ambitious with the notice requirements for the website to include not only public notices but all legal notices as well. While this bill failed, HB222 did pass. Please review the summary of HB222 for more detail on the concept.





**SB 69**

**Local Transportation Corridor Preservation Fund  
Amendments**

**Sponsor:** Sen. Sheldon Killpack

**Bill Status:** Passed

**ULCT Position:** Support

**Purpose of the Bill:**

This bill clarifies that the Local Transportation Corridor Preservation Fund shall be used to preserve highway corridors. It requires the county's council of governments to establish a priority list of highway corridor preservation projects within the county and obtain approval of the list from the county's legislative body and stipulates that said council of governments may only submit one priority list of highway corridor preservation projects within the county per calendar year. Accordingly, the county legislative body may only consider and approve one priority list of projects per calendar year and provides that a highway authority may not apply for monies to purchase a right-of-way for a state highway unless the highway authority has a transportation corridor property acquisition policy or ordinance in effect that meets federal requirements and an access management policy or ordinance in effect.

**Municipal Implication:**

The bill was intended to ensure that said funds were not being spent to preserve corridors for fixed guideway systems (light rail/commuter rail). The bill then included a series of technical modifications to outline the process of prioritizing projects for funding consideration.



**SB 95**

**Permanent Instream Flow to Preserve Water Quality**

**Sponsor:** Sen. Mike Dmitrich

**Bill Status:** Failed

**ULCT Position:** Support

**Purpose of the Bill:**

This bill would have authorized the Water Quality Board to make rules regarding certification of instream flow change applications. It also would have allowed a municipality, a special service district, a special service improvement district, a county water and sewer improvement district, a county service area, a water conservancy district, or an interlocal entity to file a change application for an instream flow to protect water quality or quantity or comply with state water quality standards.

**Municipal Implication:**

This bill did not pass — No Municipal Impact

In short, the bill would have allowed a change application to be filed by a special district, municipality or county water district to classify “instream flow” as the highest and best use. The rationale behind the bill is that if water in the stream is necessary for dilution of sewer discharge that is a justifiable use and change applications for such use should be awarded. The bill did not pass.



**SB 98 Second Substitute**  
**Governmental Immunity for Trails**

**Sponsor:** Sen. Chris Butters

**Bill Status:** Passed

**ULCT Position:** Support

**Purpose of the Bill:**

This bill provides that governmental immunity is not waived for a pedestrian or equestrian trail that is along a ditch, canal, stream, or river, regardless of ownership or operation of the ditch, canal, stream, or river so long as the trail is designated under a general plan. It also grants the same level of immunity from suit to the owner (as possessed by the government entity) of a ditch, canal, stream, or river property if the damage or personal injury results from the use of a pedestrian or equestrian trail that is along a ditch, canal, stream, or river that is designated and a written agreement exists with the municipality or county opening the right-of-way to public use.

**Municipal Implication:**

This bill simply extends governmental immunity to cases where injury or damages result from the use of pedestrian or equestrian trails that also may serve as access trails for ditches, canals or streams. In order to qualify for governmental immunity under such circumstances, said trails would have to be designated under the municipal general plan as part of the municipal/county trail system and a written agreement must be entered into designating the trail as available for public use.



**SB 119**

**Municipal License Fee or Tax on Public Assembly  
Facilities**

**Sponsor:** Sen. Brent Goodfellow

**Bill Status:** Passed

**ULCT Position:** Support

**Purpose of the Bill:**

This bill increases the maximum per ticket license fee or tax that a municipality may impose on a public assembly facility from \$1 to \$5 and clarifies that a municipality may not impose a license fee or tax on a public assembly facility owned and operated by another political subdivision, other than a community development and renewal agency, without written consent.

**Municipal Implication:**

This bill allows all municipalities to charge up to a \$5 ticket license fee on tickets issued at a public facility or related facility. Prior to this change in the law the maximum fee was \$1 per ticket. This bill is most applicable for public convention centers, entertainment centers, concert venues and other related public facilities.



**SB 130**  
**Municipal Code Amendments**

**Sponsor:** Sen. Dan Eastman

**Bill Status:** Failed

**ULCT Position:** Oppose

**Purpose of the Bill:**

This bill would have authorized a municipality to annex an unincorporated area without an annexation petition if the area had been owned for at least 30 years and was contiguous to the municipality. It also would have eliminated the requirement for a petitioner seeking to disconnect an area from a municipality to prove that the disconnection will not leave or create an unincorporated island or peninsula and made leaving or creating an unincorporated island or peninsula a factor that a court must have considered in determining whether a petitioner seeking to disconnect an area from a municipality had met the petitioner's burden of proof.

**Municipal Implication:**

This bill did not pass — No municipal impact.

This bill changed aspects of the disconnection and annexation laws to allow a municipal owned piece of property that is located in an adjacent city to be annexed without the annexation petition requirements that are otherwise required for any annexation not involving municipal owned property. This issues was being pursued to address a specific dispute between North Salt Lake and Salt Lake City. Ultimately Salt Lake City and North Salt Lake came to a set of agreeable terms that did not require passage of this legislation. It is clear, however, that the disconnection statute is being increasingly scrutinized as several cities have been dealing with disconnection battles. It is likely that we will see future legislation dealing with municipal disconnections associated with development disputes.



**SB 132**  
**Property Tax Abatement or Deferral**

**Sponsor:** Sen. Dennis Stowell

**Bill Status:** Failed

**ULCT Position:** No position

**Purpose of the Bill:**

This bill would have modified the provisions relating to the abatement or deferral of property taxes for the poor and provided that certain property may not be subjected to a tax sale during the period of deferral if a county grants a deferral. It would have also eliminated the requirement that a deferral applicant obtain approval from the applicant's mortgage lender before a county may grant a deferral.

**Municipal Implication:**

This bill did not pass — No municipal impact.

The ULCT did, however, express some concern about creating a deferral of property tax. If a portion of the property tax is deferred for some individuals it creates a smaller “pool” of individuals that would be responsible for paying the necessary taxes. Depending on the size of the deferral, some communities could see a significant reduction in the size of the property tax “base”.



**SB 145**

**Multi-channel Video or Audio Service Tax—County or Municipality Franchise Fee Tax Credit**

**Sponsor:** Sen. Wayne Niederhauser

**Bill Status:** Failed

**ULCT Position:** Support

**Purpose of the Bill:**

This bill would have provided a nonrefundable tax credit for a multi-channel video or audio service provider, required a multi-channel video or audio service provider to pass through an amount equal to the tax credit to purchasers located within the state, and provided that a tax on amounts paid or charged for multi-channel video or audio service may not be reduced as a result of the amount a multi-channel video or audio service provider passes through to its customers within this state.

**Municipal Implication:**

This bill did not pass — No Municipal Impact

While this bill did not pass, the tax credit outlined in this legislation was included in the omnibus tax bill — SB223. So, in essence, cable providers will be able to receive a state tax credit to compensate them for the local franchise fees paid to local governments. The bill will not have any financial impact for local governments.



**SB 158 Substitute**  
**B and C Roads Amendments**

**Sponsor:** Sen. Dennis Stowell

**Bill Status:** Passed

**ULCT Position:** Support as Substituted

**Purpose of the Bill:**

This bill authorizes a county or municipality to use the Federal Emergency Management Agency schedule of equipment rates when providing an accounting of costs and expenditures for an improvement performed by force account on a class B or C road.

**Municipal Implication:**

This bill simply expands the uses for which local road funds can be expended. The bill also clarifies the standardized accounting procedures that must be used when allocating costs associated with the B&C funds. The bill has very little impact on the cost allocations associated with the B&C funds and municipal government in general.





**SB 163**  
**Amendments to Municipal and County Land Use**

**Sponsor:** Sen. Dennis Stowell

**Bill Status:** Passed

**ULCT Position:** Neutral

**Purpose of the Bill:**

This bill defines "fire authority" and encourages counties and municipalities to receive a recommendation from the fire authority before approving a plat.

**Municipal Implication:**

This bill began the legislative process by requiring a “sign-off” from the fire authority prior to plat approval. At the request of the ULCT the bill was changed to simply encourage municipalities to receive recommendations from the local fire authority prior to awarding plat approvals.



**SB 170 Substitute**  
**Distribution of Local Sales and Use Tax Revenues**

**Sponsor:** Sen. Gene Davis

**Bill Status:** Passed

**ULCT Position:** Support

**Purpose of the Bill:**

This bill modifies the calculation of the minimum tax revenue distribution certain counties, cities, and towns receive.

**Municipal Implication:**

The bill allows cities that receive sales tax revenues under the “hold-harmless” provisions to use the greater of two tax distribution years when determining the base sales tax allocations that they will receive. The bill allows the hold-harmless cities to use either the 2004-05 fiscal year or the 2000-01 fiscal year when determining the base allocation.

If you have questions on the specific impact to the affected cities, please call the ULCT.



**SB 172**

**Municipal Land Use, Development and Management Changes**

**Sponsor:** Sen. Sheldon Killpack

**Bill Status:** Failed

**ULCT Position:** Oppose

**Purpose of the Bill:**

This bill excludes a permitted or conditional use water or sewer facility from a municipality's land use and other requirements under certain circumstances.

**Municipal Implication:**

This bill did not pass — No municipal impact.

The bill would have exempted water or sewer facility from gaining a conditional use permit from the municipal land-use authority. The bill would have essentially made water or sewer facilities permitted uses without municipal consent. This was again a bill designed to address a very specific circumstance in Salt Lake County. Fortunately, the issues was resolved without the need to pass the legislation.

It is clear, however, that the placement of regional facilities continues to be a growing issue that needs to be addressed. With continued growth and density, the placement of such facilities becomes very contentious. It is likely that regional facility placement will be an issue in the coming year(s).



**SB 183**  
**Restrictions on Designation of Wetlands**

**Sponsor:** Sen. Sheldon Killpack

**Bill Status:** Passed

**ULCT Position:** Neutral

**Purpose of the Bill:**

This bill prohibits counties and municipalities from designating or treating land as wetlands unless the land has been designated as wetlands by an agency of the federal government.

**Municipal Implication:**

This bill will require that a city or town gain federal wetlands designation prior enacting ordinances that treat a specific area as a wetland. Since few cities have the resources to conduct wetlands assessments, it was thought that we should just be using the federal standard when determining state wetlands. A city can however require a developer to do a wetlands assessment prior to approving development in areas in question.



**SB 191**  
**Governmental Immunity Limits Amendments**

**Sponsor:** Sen. Howard Stephenson

**Bill Status:** Passed

**ULCT Position:** Neutral

**Purpose of the Bill:**

This bill amends judgment limitation amounts to reflect amounts currently in effect as adjusted by the state risk manager based on changes in the Consumer Price Index and adds language to clarify that judgment limitation amounts specified in the statute are periodically adjusted.

**Municipal Implication:**

This was a technical clean-up bill for the broad governmental immunity limits that are in place for local governments. The bill clarified the use of the CPI when setting liability caps associated with governmental immunity and also clarified that such caps will be adjusted every other year to reflect changes in the CPI.



**SB 209**  
**State Franchising Authority for Video Services**

**Sponsor:** Sen. Curt Bramble

**Bill Status:** Failed

**ULCT Position:** Oppose

**Purpose of the Bill:**

This bill would have allowed the Department of Commerce to grant a franchise for cable or video service and would have addressed the powers of and limitations on local governments with respect to state franchisees.

**Municipal Implication:**

This bill did not pass — No municipal impact.

The bill would have created a statewide franchise arrangement for cable service and removed franchising authority from local governments. The bill would have also redefined taxable cable services to restrict the taxation of several services that are currently taxed under existing franchise arrangements. Lastly, the bill would have restricted existing franchise arrangements from having any “build-out” provision to ensure comprehensive cable service within a geographical area.



**SB 211 Third Substitute**  
**Election Law Changes**

**Sponsor:** Sen. Howard Stephenson

**Bill Status:** Passed

**ULCT Position:** Neutral

**Purpose of the Bill:**

This bill eliminates satellite registration, requires all counties to use the statewide voter database, provides that voters who register in person at the office of the county clerk after the voter registration deadline but at least 15 days before the date of the election may vote on the day of the election (but not during early voting) and permits a provisional ballot to be counted if the person voting was registered to vote anywhere in the state instead of just in the county where the provisional ballot was cast, provided that other, existing voting requirements are met.

**Municipal Implication:**

The bill has no municipal impact, but does affect elections in general. The bill restricts the use of satellite voter registration and makes nominal changes to the use of provisional ballots. In addition, the bill requires that all counties use the statewide voter database, which is currently used by all counties except Salt Lake County. No changes are necessary for conducting municipal elections.



**SB 215**  
**Amendments to Land Use Development and Management Act**

**Sponsor:** Sen. Greg Bell

**Bill Status:** Passed

**ULCT Position:** Support (ULCT Initiated)

**Purpose of the Bill:**

This bill modifies language relating to the purposes of the county and municipal land use, development, and management provisions; enacts provisions relating to a county or municipality's processing of a land use application; and modifies the standard that applies in determining the validity of a county or municipal decision, ordinance, or regulation.

**Municipal Implication:**

The bill includes the concept of promoting “fundamental fairness” in land issue decisions under the general provisions of the Land-Use Development and Management Act. Fundamental fairness is deemed as considering surrounding land uses and the balance of the foregoing purposes with a landowner's private property interests. The bill also requires a timely review of the completeness of the application for land-use decisions. Lastly, the bill allows an applicant to raise and resolve in a single appeal any land use determination made including an allegation that a reasonable period of time has elapsed to determine the completeness of the application. The bill requires a finding on the appeal within 45 days of the appeal being made, and if denied must articulate the reasoning behind the denial.





**SB 218 Second Substitute**  
**Community Development and Renewal Agency**  
**Amendments**

**Sponsor:** Sen. Curt Bramble

**Bill Status:** Passed

**ULCT Position:** Support

**Purpose of the Bill:**

This bill modifies the definition of urban renewal to include environmental remediation. It modifies the definition of base taxable value to mean, for a project on an inactive industrial site, the year after the date the inactive industrial site is sold for remediation and development. It also expands the permissible uses of tax increment to cover environmental remediation activities that occur both after and before adoption of a project area plan and provides an exception to blight study and blight hearing requirements for agencies that find blight based on a finding relating to an inactive industrial site. It also authorizes the taxing entity committee to hire a consultant to assist in the taxing entity committee's approval or disapproval of an agency's finding of blight and makes the consultant's findings binding. ; Finally, it eliminates taxing entity committee and community legislative body consent requirements for the use of tax increment and sales tax proceeds for certain improvements undertaken in connection with a community development project area plan.

**Municipal Implication:**

This bill served three purposes. (1)The bill provided the technical clean-ups from last year's comprehensive rewrite. (2) the bill allows the Taxing Entity Committee to determine if blight actually exists in an RDA area and allows them to hire a consultant to assess such findings. (3) Lastly, the bill adds environmental remediation to the list of blight characteristics to ensure that an RDA can be utilized for the Geneva Steel remediation project in Utah County.



**SB 223 Second Substitute**  
**Tax Amendments**

**Sponsor:** Sen. Wayne Niederhauser

**Bill Status:** Passed

**ULCT Position:** Support as Substituted

**Purpose of the Bill:**

This bill reduces the single rate individual income tax rate from 5.35% to 5% and enacts a nonrefundable tax credit under the Single Rate Individual Income Tax Act allowed on the basis of the deductions a person claims and personal exemptions. It also reduces the state sales and use tax rate from 4.75% to 4.65% and reduces the state sales and use tax rate imposed on food and food ingredients. It authorizes certain counties, cities, or towns to increase local transportation tax rates from .25% to .30% and exempts those tax rate increases from voter approval requirements and provides that food and food ingredients are not subject to certain local sales and use taxes. It creates a restricted special revenue fund to distribute monies to fund rural health care facilities and services that are impacted by providing that food and food ingredients. It also increases the maximum tax rate for the resort communities local sales and use tax from 1% to 1.1%. It also provides a nonrefundable tax credit under the Multi-Channel Video or Audio Service Tax Act for a multi-channel video or audio service provider.

**Municipal Implication:**

Municipal governments are impacted by some of the sales tax changes. Specifically, food was eliminated from the tax base of the “boutique” or “specialty” tax rates. These tax rates include certain transportation levies, the resort community tax, and the ZAP/RAP tax. In the case of the transportation and resort community taxes the rates were increased on non-food items to mitigate revenue losses. Due to the comprehensive nature of this bill, please call the ULCT for a more detailed explanation of the municipal impacts.



**SB 241**  
**Election Law Modifications**

**Sponsor:** Sen. Pete Knudson

**Bill Status:** Passed

**ULCT Position:** No position

**Purpose of the Bill:**

This bill permits the election officer to process and count absentee ballots prior to the date of the canvass, provided that the election officer does not release the results of the count until the time of the canvass. It also requires each election officer to publicly release the results of all absentee ballots counted as of the date of the election but permits the election officer, during the period between the election and the date of the canvass, to publicly update the number of absentee ballots that the election officer has received. It also moves the last day to declare candidacy for the Western States Presidential Primary from January 15 to October 15 of the previous year.

**Municipal Implication:**

This bill will have little impact on municipal elections. The only change with municipal implications is the ability to county absentee ballots prior to the date of the canvass. All other changes will be borne by the county or state elections office.



**SB 261 Second Substitute**  
**Disposition of Real Property**

**Sponsor:** Sen. Wayne Niederhauser

**Bill Status:** Passed

**ULCT Position:** No position

**Purpose of the Bill:**

This bill requires the disposition of property by a county or municipality to be in the public interest and addresses a county's or municipality's disposal of property acquired by exaction.

**Municipal Implication:**

If a municipality plans to dispose of surplus real property that was acquired by an exaction and the property been owned by the municipality for less than five years, the municipality shall first offer to re-convey the property, without receiving additional consideration, to the person who granted the property to the municipality. A person to whom a municipality offers to re-convey property then has 90 days to accept or reject the municipality's offer. If a person to whom a municipality offers to re-convey property declines the offer, the municipality may offer the property for general sale. There was also an exception to this provision for the disposal of property acquired by exaction by a community development or urban renewal agency.



## **TASKFORCES AND ISSUES TO COME**

### **TASKFORCES AND MASTER STUDY ITEMS:**

1. Creation of New School Districts
2. Powers of Eminent Domain
3. Telecommunications Reform
4. Forms of Municipal Government

### **ISSUES TO COME:**

1. Additional Scrutiny of Local Gov. Services and Revenue
2. Land Use Powers
3. Retirement – Defined Benefit or Defined Contribution
4. Energy Sales Tax Assessment
5. Potential Additional Reductions of Sales Tax on Food
6. Eminent Domain for Recreation Purposes
7. Placement of Regional Facilities
8. Impact Fees
9. Affordable Housing
10. Water, Water Protection, Change Applications



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