



2008 General Legislative Session Wrap-Up

Utah League of Cities and Towns



Back in the “Big House” Rededication of State Capitol-2008

April 2008



Legislative Team

Kenneth H. Bullock, Executive Director 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

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

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, Senior Policy Analyst 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

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.



Table of Contents

• <i>ULCT Policy Decision Process</i>	9
• <i>ULCT Legislative Policy Committee</i>	10-13
• <i>Municipal Finance Database</i>	14

House Bills

• <i>HB- 25 Access to Voter Date of Birth</i>	16
• <i>HB-29 Election Law—Financial Reporting</i>	17
• <i>HB-35 Motor and Special Fuel</i>	18
• <i>HB-40 Safe Drinking Water Revisions</i>	19
• <i>HB-43 Allowance for Polling Places for Early Voting</i>	20
• <i>HB-44 Declaration of Candidacy Revisions</i>	21
• <i>HB-48 Mobile Home Owners Rights</i>	22
• <i>HB-51 Water Rights Amendments</i>	23
• <i>HB 54 Property Tax Assessment Revisions</i>	24
• <i>HB-75 Inventory and Review of Commercial Activities</i>	25
• <i>HB-76 Government Competition and Privatization Act</i>	26
• <i>HB-77 Personal Property Tax Amendments</i>	27
• <i>HB-104 Urban Trails Appropriation</i>	28
• <i>HB-105 Transportation Infrastructure Loan Fund</i>	29
• <i>HB-115 Approp. For Utah Lake Transportation Study</i>	30
• <i>HB-116 Fluorine in Privately Owned Water Systems</i>	31
• <i>HB-124 Changes to Annexation Provisions</i>	32
• <i>HB-139 Wireless Internet Access Requirements</i>	33
• <i>HB-147 Restrictions on Auto Collection Activities</i>	34
• <i>HB-153 Impact Fee Amendments</i>	35

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Table of Contents Continued

• <i>HB-155 Property Tax—Residential Exemption</i>	36
• <i>HB-164 Town Incorporation Process Amendments</i>	37
• <i>HB-166 Minutes of Open and Public Meetings</i>	38
• <i>HB-172 Distribution of Local Option Sales Tax</i>	39
• <i>HB-177 Municipal Land Use Regulation of Potential Geological Hazard Areas</i>	40
• <i>HB-179 Water Rights Appropriation Amendments</i>	41
• <i>HB-182 Deadline for Voting Precinct Designation</i>	42
• <i>HB-183 Sales and Use Tax Amendments</i>	43
• <i>HB-206 Tax Amendments</i>	44
• <i>HB-216 Annexation Revisions</i>	45
• <i>HB-217 Property Tax — Modified Acquisition Value</i>	46
• <i>HB-222 Agricultural and Industrial Protection Area</i>	47
• <i>HB-224 Construction Standards for Assisted Living Fac.</i>	48
• <i>HB-229 Protection for Agricultural Practices</i>	49
• <i>HB-242 Transportation Funding Revisions</i>	50
• <i>HB-264 Prohibition of Citation Quotas</i>	51
• <i>HB-290 Municipal Oversight of Rental Dwellings</i>	52
• <i>HB-292 Taskforce to Study Radio Communications Sys.</i>	53
• <i>HB-293 Private Building Inspectors Authorized</i>	54
• <i>HB-296 Voting Machines Used by Municipalities</i>	55
• <i>HB-317 Election Day Voter Registration</i>	56
• <i>HB-323 Eminent Domain Amendments</i>	57
• <i>HB-341 Damage to Underground Facility Amendments</i>	58
• <i>HB-369 Municipal Rental Fee Amendments</i>	59
• <i>HB-385 Road and Rights of Way Amendments</i>	60
• <i>HB-405 Amendments to ZAP/RAP Tax</i>	61



Table of Contents Continued

- *HB-422 Political Subdivision Clerk Amendments* 62
- *HB-454 Regulation of Riparian Overlay Zones* 63
- *HB-464 Access to Landlocked Parcels* 64

Senate Bills

- *SB-12 Election Law Modifications* 65
- *SB-18 Public Safety Death Benefit Modification* 66
- *SB-19 Public Safety Retirement COLA Adjustment* 67
- *SB-20 Municipal Government Amendments* 68
- *SB-23 Revisions to Polling Places* 69
- *SB-29 Truth in Taxation Amendments* 70
- *SB-32 Local Government Bonding Act* 71
- *SB-38 Transparency in Government* 72
- *SB-45 Inventory of Competitive Activities of Local Gov.* 73
- *SB-46 Anti-Flow Control Amendments* 74
- *SB-53 Use of Initiative and Referendum on Land Use* 75
- *SB-54 Initiative and Referendum Petition Amendments* 76
- *SB-72 Justice Court Amendments* 77
- *SB-81 Illegal Immigration* 78
- *SB-86 Economic Analysis of Land Use Regulation* 79
- *SB-127 Underground Utility Facilities* 80
- *SB-168 Highway Funding Amendments* 81
- *SB-177 Local Government Disposal of Exacted Property* 82
- *SB-181 Off Highway Vehicle Use of Public Highways* 83
- *SB-196 County and Municipal Land Use Amendments* 84

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Table of Contents Continued

Senate Bills Continued:

• <i>SB-208 Transportation Corridor Amendments</i>	<i>85</i>
• <i>SB-211 Alcoholic Beverage Control Amendments</i>	<i>86</i>
• <i>SB-245 Funding Relating to Airports</i>	<i>87</i>
• <i>SB-253 County Law Enforcement Duties</i>	<i>88</i>
• <i>SB-269 Water Rights Ombudsman</i>	<i>89</i>
• <i>SB-279 Water and Land Use Development</i>	<i>90</i>
• <i>SB-283 Transportation Funding Amendments</i>	<i>91</i>
• <i>SB-286 Transportation and Transit Amendments</i>	<i>92</i>

<u>Master Study Items and Taskforces</u>	<i>93</i>
---	------------------

<u>Notes</u>	<i>94</i>
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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.

2007-08 ULCT LEGISLATIVE POLICY COMMITTEE

Voting Members of the ULCT Policy Committee

Tom Pollard, Mayor -- Alta
Kate Black, Town Clerk -- Alta
Paul Thomspon, Town Attorney -- Alta
Claudia Anderson, Mayor -- Bluffdale
Nancy Lord, Council Member -- Bluffdale
Joe Johnson, Mayor (President) -- Bountiful
Tom Hardy, City Manager -- Bountiful
LouAnn Christensen, Mayor -- Brigham City
Paul Larsen, Director, Economic Development -- Brigham City
Scott Ericson, Council Member -- Brigham City
Bruce Leonard, City Administrator -- Brigham City
Neal Peacock, Mayor (Board Member) -- Castle Dale
Joel Wright, Council Member -- Cedar Hills
Justin Allen, Council Member -- Centerville
Paul Cutler, Council Member -- Centerville
Ronald Russell, Mayor -- Centerville
Steve Thacker, City Manager -- Centerville
Chris Hillman, City Manager -- Clearfield
Brian Brower, City Attorney -- Clearfield
Dennis Cluff, City Manager -- Clinton
Bruce Jones, Council Member -- Cottonwood Heights
Jeff Stenquist, Council Member -- Draper
Darrell Smith, Mayor -- Draper
Michael Sears, Finance Director -- Draper
John Baxter, Mayor -- Elsinore
Max Forbush, City Manager -- Farmington
Scott Harbertson, Mayor -- Farmington
Sid Young, Council Member -- Farmington



2006-07 POLICY COMMITTEE CONTINUED

...CONTINUED

Eileen Moss, Council Member -- Fruit Heights
Mark Anderson, City Manager -- Heber City
J. Lynn Crane, Mayor -- Herriman
Barry Edwards, City Administrator -- Highland
Lynn Pace, Council Member -- Holladay
Randy Fitts, City Manager -- Holladay
Craig Hall, City Attorney -- Holladay
Douglas Stipes, Council Member -- Hyrum
Dale Coulam, City Attorney -- Ivins
Neka Roundy, Mayor -- Kaysville
J. Stephen Curtis, Mayor -- Layton
Gary Crane, City Attorney -- Layton
Joyce Brown, Council Member -- Layton
Alex Jensen, City Manager -- Layton
Johnny Barnes, Council Member -- Lehi
Howard Johnson, Mayor -- Lehi
Jamie Davidson, City Administrator -- Lehi
Bruce Carpenter, Council Member -- Lindon
Tami Pyfer, Council Member -- Logan
Randy Watts, Mayor -- Logan
Rich Anderson, Dir. Of Finance -- Logan
Gil Miller, Community Development Director -- Mantua
Ann Tolley, Council Member (Board Member) -- Mapleton
Bob Bradshaw, City Manager -- Mapleton
JoAnn Seghini, Mayor (Treasurer) -- Midvale
Kane Loader, City Administrator -- Midvale
Rose Mary Jones, City Recorder -- Millville
Dave Sakrison, Mayor -- Moab
Dean Pace, Mayor -- Morgan
Chesley Christensen, Mayor -- Mt. Pleasant
Krista Dunn, Council Member (Board Member) -- Murray
Michael Wagstaff, Deputy of Leg. Affairs -- Murray
Jan Wells, Chief of Staff -- Murray
Kathleen Cooper, Mayor -- Myton
Randy McKnight, City Administrator -- Nephi
Larry Anhder, City Manager -- Nibley City
Cary Watkins, Mayor -- North Logan
Lisa Watts Baskin, Council Member (Board Member) -- North Salt Lake
Bill Cook, Executive Director -- Odgen

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2006-07 POLICY COMMITTEE CONTINUED

...CONTINUED

Mark Johnson, Mgt. Services Director -- Ogden
Brandon Stephenson, Council Member (Board Member) -- Ogden
Shiree Thurston, Council Member -- Orem
Jim Reams, City Manager -- Orem
Jerry Washburn, Mayor (Board Member) -- Orem
Candy Erickson, Council Member -- Park City
Dana Williams, Mayor -- Park City
Gary Hill, Budget Manager -- Park City
Burtis Bills, Mayor -- Payson
Frank Mills, City Administrator -- Pleasant Grove
Joe Piccolo, Mayor -- Price
Randy Simmons, Mayor (Board Member) -- Providence
Lewis Billings, Mayor (Immediate Past President) -- Provo
Wayne Parker, CAO -- Provo
George Stewart, Council Member -- Provo
Neil Lindberg, Council Attorney -- Provo
Larry Lunnen, Council Member -- Richfield City
Bruce Burrows, Mayor -- Riverdale
Doug Peterson, Council Member (Board Member) -- Riverdale
Larry Hansen, City Administrator -- Riverdale
Bill Applegarth, Mayor -- Riverton
Brad Markus, Council Member -- Riverton
Jeff Hawker, Economic Development Director -- Riverton
Brad Hancock, City Manager -- Roosevelt
Chris Davis, City Manager -- Roy
Joe Ritchie, Mayor -- Roy
Jill Love, Council Member (1st Vice President) -- Salt Lake City
Carlton Christensen, Council Member -- Salt Lake City
Ben McAdams, Intergovernmental Affairs -- Salt Lake City
K. Eric Jergensen, Council Member -- Salt Lake City
Tom Dolan, Mayor -- Sandy
John Hiskey, Deputy Mayor -- Sandy
Bryant Anderson, Council Member -- Sandy
Steve Fairbanks, Council Member (2nd Vice President) -- Sandy
Matthew Brower, City Manager -- Santa Clara
Ken Leetham, City Manager -- Saratoga Springs
Jefferson Moss, Council Member -- Saratoga Springs
Scott Kahn, Council Member -- Saratoga Springs
Jim Gass, City Manager -- Smithfield
Ricky Horst, City Manager -- South Jordan



...CONTINUED

John Geilman, City Attorney -- South Jordan
Gary Whatcott, Deputy City Manager -- South Jordan
Rob Wall, -- South Jordan
Vickie Mattson, Council Member -- South Ogden
J. Scott Darrington, City Manager -- South Ogden
Bob Gray, Mayor -- South Salt Lake
Bill Anderson, Council Member -- South Salt Lake
Matt Dixon, City Manager -- South Weber
Farrell Pollard, Council Member -- South Weber
Wayne Anderson, Council Member -- Spanish Fork
David Oyler, City Manager -- Spanish Fork
Troy Fitzgerald, City Administrator -- Springville
Dan McArthur, Mayor (Board Member) -- St. George
Suzanne Allen, Council Member -- St. George
Shawn Guzman, City Attorney -- St. George
Timothy Isom, Mayor -- Sunset
Dean Steel, Council Member -- Syracuse City
Fred Panucci, Mayor -- Syracuse City
Lurlen Knight, Council Member -- Syracuse City
Russ Wall, Mayor -- Taylorsville
Richard Woodworth, City Manager -- Tremonton
JoAnn Cowan, Council Member (Board Member) -- Vernal
Ken Bassett, City Manager -- Vernal
Terrill Clove, Mayor -- Washington
Roger Carter, City Manager -- Washington
Steve VanderHeyden, Council Member -- Washington
Warren Vaughn, Council Member (Board Member) -- Washington Terrace
Mark Christensen, City Manager -- Washington Terrace
Tom Steele, Asst. City Manager -- West Jordan
Lyle Summers, Council Member -- West Jordan
Rick Davis, City Manager -- West Point
Mike Winder, Council Member (Board Member) -- West Valley City
Nicole Cottle, Deputy City Attorney -- West Valley City
Dennis Nordfelt, Mayor -- West Valley City
Kent Parry, Mayor -- Woods Cross
Gary Uresk, City Manager -- Woods Cross

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HOW DO WE TELL OUR STORY AND WHERE IS THE DATA COMING FROM?

In 1998 the ULCT began a municipal finance data project to gather and maintain budgetary and financial information from member communities. 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. 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.

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.

SAMPLE INFORMATION FROM FINANCE DATABASE

Based on family of five with an income of \$62,677				
Taxes	Amount	% of taxes	% of income	City Portion
Social security	\$7,155	45.1%	11.42%	\$0
State individual income	\$1,831	11.5%	2.92%	\$0
State/local sales	\$1,805	11.4%	2.88%	\$238
Municipal telecommunications				\$42
Utility Franchise				\$148
Medicare	\$1,673	10.5%	2.67%	\$0
Property tax	\$1,437	9.1%	2.29%	\$216
Auto taxes (gas tax)	\$913	5.8%	1.46%	\$83
Employment taxes	\$553	3.5%	0.88%	\$0
Excise taxes	\$281	1.8%	0.45%	\$0
Federal individual income tax	\$230	1.4%	0.37%	\$0
TOTAL	\$15,878	100%	25.34%	\$726
<small>Source: Utah Taxpayers; City portion added by ULCT</small>				
Municipal portion as a percent of income—1.2%				
Municipal portion as a percent of taxes—4.6%				



2008 Legislative Bill Summary



HB-25:
Access to Voter Date of Birth Records

Sponsor: Rep. Donnelson, G.

Bill Status: Failed to Pass

ULCT Position: Neutral

Purpose of the Bill:

This bill would have categorized the date of birth of an individual as a private record as defined under the Government Records Access Management Act. It would have, however, made the age of the voter a public record.

Municipal Implication:

This legislation would have had very little impact on Utah's cities and towns. It would have, however, posed some problems with the county/ city record keeping of the current information that is available for registered voters within the voter registration file, which is made available to the public at their request.

This bill did not pass.



HB-29 Second Substitute
Election Law—Financial Reporting

Sponsor: Rep. Daw, B.

Bill Status: Passed

ULCT Position: Support

Purpose of the Bill:

This bill requires municipalities and counties to make campaign finance disclosure statements that are filed by candidates for elective office available for public copying and inspection no later than the working day following the date of filing. In addition the bill requires municipalities and counties to either: post an electronic copy or the contents of the disclosure statement on the municipality's or county's website and provide the link to the lieutenant governor's office; or submit a copy of the statement for posting on the lieutenant governor's campaign finance disclosure website.

Municipal Implication:

This bill will have some impact on the election and campaign finance disclosure laws at the local level. While it maintains the current legal requirement that the records be made available for inspection within one business day after the filing, the bill adds a provision that requires the city to post the information on the city's website within seven business days or requires them to submit a hard copy of the information to the Lieutenant Governor's elections office within two days of the filing deadline for the Lieutenant Governor's office to post on behalf of the city or town.



HB-35
Motor And Special Fuel Tax Amendments

Sponsor: Rep. Frank, C

Bill Status: Passed

ULCT Position: No Position

Purpose of the Bill:

This bill authorizes the State Tax Commission to refund or credit motor fuel or special fuel tax paid on motor fuel or special fuel that is mixed with dyed diesel fuel or special fuel and is required to be re-refined. In addition, the bill provides that a claimant of a refund or credit has the burden of proof to establish a claim for a refund or credit

Municipal Implication:

There should be no municipal impact

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HB-40 Second Substitute
Safe Drinking Water Revisions

Sponsor: Rep. Andersen, S

Bill Status: Passed

ULCT Position: Support

Purpose of the Bill:

This bill requires a first or second class county to adopt an ordinance to protect a groundwater source of public drinking water that is county wide by May 2010. The bill does, however, authorize a municipality located in a first or second class county to adopt an ordinance to protect a groundwater source of public drinking water and stipulates that if enacted, the municipal ordinances may supersede another county or municipal ordinance in certain circumstances. Lastly, it requires the Drinking Water Board to provide guidelines and technical resources to a county or municipality.

Municipal Implication:

This bill will definitely have implications in cities located within first and second class counties. Since the counties will be required to adopt a groundwater protection ordinance by May 2010, it is important to work closely with the county to ensure their ordinance does not conflict with your land-use plan, and if it does you will either need to adopt a superseding municipal ground water protection ordinance that conforms to your land-use ordinance, negotiate with the county to gain conformity in the county ordinance, or change your land-use ordinance. It is highly recommended that the individual cities adopt ordinances to protect against potential unintended consequences of a county-wide ordinance. While the Drinking Water Board will be providing resources to assist with the effort, but the burden will likely be borne primarily by the cities.

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HB 43

Allowance of Polling Places for Early Voting

Sponsor: Rep. Donnelson, G.

Bill Status: Passed

ULCT Position: Support

Purpose of the Bill:

This bill amends early voting polling place location provisions to permit the election officer to use a non-government building or office for a polling place if there is no government building or office available that meets certain requirements.

Municipal Implication:

This bill provides greater discretion to election officers in determining early voting locations and stipulates that each polling place shall be located in a government building or office, unless the election officer determines that, in the area designated by the election officer, there is no government building or office available that can be scheduled for use during early voting hours; has the physical facilities necessary to accommodate early voting requirements; has adequate space for voting equipment, poll workers, and voters; and has adequate security, public accessibility, and parking.

So while the bill still provides preference to government buildings, it specifies that exceptions can be made under the above listed circumstances.

No changes in practices are required by this legislation.



HB 44

Declaration of Candidacy Revisions

Sponsor: Rep. Donnelson, G

Bill Status: Passed

ULCT Position: Neutral

Purpose of the Bill:

This bill changes the dates for filing a declaration of candidacy for local district board positions to be consistent with the filing dates required for municipal office candidates. It simply moves the filing date from August 15 to July 15

Municipal Implication:

There is no municipal impact.

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HB-48 Substitute
Mobile Homeowner's Rights

Sponsor: Rep. Riesen, P.

Bill Status: Passed

ULCT Position: Support

Purpose of the Bill:

This bill requires nine months notice before a lease may be terminated or a resident may be forced to vacate a mobile home park because of a change in land use or condemnation. The bill addresses the provision of notice of certain governmental proceedings surrounding a change in land use or condemnation and stipulates the provision of notice to a resident who is not a resident of the mobile home park at the time notice is initially given of a change in land use or condemnation. Lastly, the bill forbids ordinances by a town, city, or county concerning the closure of a mobile home park because of a change in land use or condemnation, stipulating that this section of the code is the definitive process for closure.

Municipal Implication:

The bill requires that at least nine months notice be given to a resident of a mobile home park before the resident is required to vacate the property due to a change in land-use. The bill waives such notice in the case of condemnation by a governmental entity. The bill also stipulates that seven day notice be provided to residents of any meeting of a governing body discussing the change in land-use or potential condemnation. All notice requirements in this section are borne by the mobile home park owner and not the city. The bill then stipulates that no municipal ordinance may be created to govern the closure of a park — essentially stating that the state statute and this section will govern closure requirements.

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HB 51 5th Substitute
Water Rights Amendments

Sponsor: Rep. Painter, P.

Bill Status: Passed

ULCT Position: Support (Initiated)

Purpose of the Bill:

This bill changes the nonuse period of a water right from five to seven years; clarifies the forfeiture procedure and the distribution of water after a forfeiture; allows a shareholder to file a nonuse application; protects a water right from forfeiture if: a public water supplier holds the water for the reasonable future water of the public and in some cases, receives approval of a change application; establishes how the reasonable future water requirements of the public are determined; changes the requirements for a nonuse application; clarifies the effect of a nonuse application; allows an applicant to file a subsequent nonuse application.

Municipal Implication:

This bill will have significant positive impacts on Utah's cities and towns by providing a protection from forfeiture for valid, existing water rights so long as the water rights are being held for the reasonable future demands of the public (up to 40 years of non-use is acceptable). The bill also allows for the filing of a change application and a non-use application without demonstrating the date and place of the last diversion for beneficial use. This allows for an appropriate filing of an application without having to demonstrate prior beneficial use. In addition the bill universally changes the non-use period from 5 to 7 years to assist the entire water community in dealing with sustained non-use for whatever reason. Cities are encouraged to help demonstrate "reasonable future demands of the public" by including a water allocation/use section in the land-use code to show how the planning horizon anticipates the use of water that is being held or acquired that may not be used for several years, as development continues.

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HB 54 Third Substitute
Property Tax Assessment Revisions

Sponsor: Rep. Harper, W.

Bill Status: Passed

ULCT Position: Support

Purpose of the Bill:

This bill requires a county assessor of a first or second class county to use a computer assisted mass appraisal system to conduct its annual update of property values; requires a county assessor to maintain a record of the last property review date for each parcel of real property located within the county assessor's county on the county's computer system; requires a county assessor to prepare a five-year plan to comply with the statutory property review requirements; requires a county assessor to create and update a database with sales and property characteristic information; and provides a penalty if a county assessor fails to comply with statutory property review requirements

Municipal Implication:

While this bill is important in the context of a mass appraisal system and the interplay between appraisals and municipal property tax, the bill will have no city impact. Major alterations may be required of the county assessor, but we do not anticipate any changes to city functions.

It is our hope that the changes and updating of the mass appraisal system will help alleviate future concerns with the Utah property tax system that were highlighted during last years property tax season.

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HB75 2nd Substitute
Inventory and Review of Commercial Activities

Sponsor: Rep. Frank, C.

Bill Status: Passed

ULCT Position: Neutral as Substituted

Purpose of the Bill:

This bill modifies the Privatization Policy Board of the state and addresses the membership of the board; addresses the duties of the board, including: creating an inventory of activities of state agencies; and creating an accounting method. The bill also requires the governor to review certain commercial activities of the state

Municipal Implication:

As substituted, this bill will have no impact on municipal government. It simply requires the state privatization board to review state practices to see what may be privatized. In addition, the bill changes some of the membership characteristics of the existing board. As originally drafted, the bill would have given jurisdiction to the board over local government activities as well. At our request that portion of the bill was removed.



HB 76
Government Competition Privatization Act

Sponsor: Rep. Frank, C.

Bill Status: Failed to Pass

ULCT Position: Opposed

Purpose of the Bill:

This bill would have repealed the existing Privatization Policy Board and enacted the Government Competition and Privatization Act, including creating the State Government Competition and Privatization Commission and the requirement that local governments create a local government competition and privatization commission.

Municipal Implication:

This bill did not pass — no municipal impact

The ULCT strongly opposed this bill, as it would have required the creation of a privatization board in all communities to address potential circumstances where a governmental activity competed with the private sector. In addition the bill would have given the local commission overriding authority of the council if it deemed the activity competed directly with the private sector. For constitutional reasons (ripper clause) as well as general policy reasons we opposed the bill.

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HB 77 2nd Substitute
Personal Property Tax Amendments

Sponsor: Rep. Dougall, J.

Bill Status: Passed

ULCT Position: Neutral

Purpose of the Bill:

This bill reworks personal property statutes. It won't produce any fiscal impact on revenue for the State, but will require programming cost for both the state and counties. It will reduce the overall personal property tax for local governments, but revenue reduction will be made up by shifting the tax to other property tax revenue. It was developed by the Interim Rev and Tax Committee. Rep. Dougall and Sen. Niederhauser are the sponsors of the bill and the Co Chairmen of the Interim Rev and Tax Committee.

Municipal Implication:

This bill will have no municipal impact as shifts in the property tax from taxes on personal property to real property will mask any changes.



HB 104 Third Substitute
Urban Trails Appropriation

Sponsor: Rep. Holdaway, K.

Bill Status: Passed

ULCT Position: Support

Purpose of the Bill:

This bill allocates funds to a grant program for urban trails development and specifically allocates funds for portions of the Bonneville Shoreline Trail.

Municipal Implication:

This bill allocates \$500,000 for urban trail development. The bill allocates \$250,000 to the Department of Natural Resources for urban trail grants and another \$250,000 for the Bonneville Shoreline Trail Program. These funds will be made available to local governments to create and improve urban trails.

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HB 105
Transportation Infrastructure Loan Fund Program

Sponsor: Rep. Fisher, Julie

Bill Status: Passed

ULCT Position: Support

Purpose of the Bill:

This bill expands the definition of transportation project to include a local highway as a project that is eligible for an infrastructure loan or infrastructure assistance from the Transportation Infrastructure Loan Fund.

Municipal Implication:

Prior to this bill's passage only state projects were eligible for consideration for low interest loans and assistance for the Transportation Infrastructure Loan Fund that was created and funded by the federal government and housed at the DOT. This bill extends the assistance program to now include local road projects. If you have interest in utilizing the fund or finding out more, please contact your local UDOT region director for more information.



HB 115 Substitute
Appropriation for Utah Lake Transportation Study

Sponsor: Rep. Sumsion, K.

Bill Status: Failed, but the project was funded

ULCT Position: Neutral

Purpose of the Bill:

This bill would have established an appropriation of \$3,000,000 to the Department of Transportation to study a raised highway that traverses Utah Lake.

Municipal Implication:

While this bill did not pass, the funding was put together in the appropriations bills to study the traversal proposal for Utah Lake. This was a priority item for several Utah County cities.



HB 116
Fluorine in Privately Owned Water Systems

Sponsor: Rep. Andersen, S.

Bill Status: Failed to Pass

ULCT Position: No Position

Purpose of the Bill:

This bill requires the majority of share holders of private water companies 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.

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HB 124
Changes to Municipal Annexation Provisions

Sponsor: Rep. Shurtliff, L.

Bill Status: Failed to Pass

ULCT Position: Opposed

Purpose of the Bill:

This bill would have extended to property owners in an area adjacent to an area proposed for annexation in a second class county the ability to protest the proposed annexation. It also would have extended to township planning commissions in second class counties the ability to recommend that the county legislative body protest a proposed municipal annexation

Municipal Implication:

This bill did not pass — No municipal impact.

While the bill did not pass, several cities are concerned that the annexation provisions that only apply in Salt Lake County will be extended to other counties, as was contemplated by this bill. There has been widespread dissatisfaction with the current annexation provisions in Salt Lake County and many cities in second class counties were concerned that they too could be constrained by similar provisions that were outlined in this bill.

Philosophically there was some concern that residents not directly affected by an annexation could protest an annexation of their neighbors. It was felt that only those directly affected should have a say in the annexation.



HB 139
Wireless Internet Access Requirements

Sponsor: Rep. Daw, B.

Bill Status: Failed to Pass

ULCT Position: Opposed

Purpose of the Bill:

This bill would have required a person maintaining a public wireless network to attempt to restrict access to a minor, and provided for a civil penalty against a person who does not restrict access to a public wireless network if a minor accesses material harmful to minors through that network.

Municipal Implication:

No municipal impact—this bill did not pass

As many cities and towns are now offering fee wireless internet in their downtown business districts, this bill proved troublesome to restricting access to certain sites for certain users. The bill was opposed by several organizations as the management of the outlined provisions were not achievable.

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HB 147
Restrictions on Regulation of Auto Collection Activities

Sponsor: Rep. Hendrickson, N.

Bill Status: Failed to Pass

ULCT Position: Opposed

Purpose of the Bill:

This bill would have prohibited counties and municipalities from prohibiting activities associated with the collection and restoration of collector vehicles if the vehicles are kept out of ordinary public view.

Municipal Implication:

The bill did not pass — no municipal impact.

This bill would have nullified any municipal ordinances governing the storage of running or “parts” vehicles that a person may have so long as such vehicles are kept from the ordinary public view (i.e. the sidewalk or front of the home).

This bill caused significant concern for those who are regulating inoperable vehicles or “parts” vehicles and currently have ordinances that prohibit the storing of such vehicles in the public view. The bill also prohibited ordinances that governed the methodology and type of car repair work that can be done at a residence.



HB 153
Impact Fee Amendments

Sponsor: Rep. Morley, M.

Bill Status: Passed

ULCT Position: Support

Purpose of the Bill:

This bill expands the notice provisions relating to the imposition or amendment to a capital facilities plan for the use of impact fees. The bill also changes the implementation schedule of new or altered impact fees to delay implementation by 90 days.

Municipal Implication:

The bill:

- Expands notice provisions within the Impact Fees Act to encourage early notice and participation in the impact fee analysis and ordinance development by the Utah Homebuilder's Association, the Utah Association of Realtors and the Utah Chapter of the Associated General Contractors of America;
- Provides for a 90-day delayed effective date for the implementation of new impact fees;
- Clarifies a practice that all believe is the current law: that a developer must receive a credit or proportionate reimbursement of an impact fee for system dedications or improvements that a developer is required to provide in excess of the requirements for the project.

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HB 155
Property Tax — Residential Exemption

Sponsor: Rep. Froerer, G.

Bill Status: Failed to Pass

ULCT Position: Neutral

Purpose of the Bill:

This bill would have amended the size of residential property that may qualify for a residential exemption due to a local zoning requirement for residential property. The bill also provided that a county assessor may require an owner of residential property to file a statement showing that the property qualifies for the residential property exemption with the county assessor.

Municipal Implication:

The bill did not pass — no municipal impact.

If the bill were to pass, it would have allowed for the residential exemption for large properties if such properties were prohibited from being smaller by the local zoning ordinance. Current state law limits the residential exemption to parcels of one acre or less.

This concept will likely be explored as a part of the property tax taskforce that will be formed this summer.

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HB 164 Fifth Substitute
Town Incorporation Process Amendments

Sponsor: Rep. Brown, M.

Bill Status: Passed

ULCT Position: Support

Purpose of the Bill:

This bill modifies the process of incorporating a town (an area with a population of 100 — 1000 people)

Municipal Implication:

While this law will have no impact on existing cities, the bill does substantially alter the incorporation process for new towns (100-1000 in population). The bill requires additional petition sponsors, changes the appointment of officials process, requires a feasibility study in certain circumstances and disallows large property owners from being petition sponsors. Due to the complexity and number of changes in the bill it is suggested that you read the complete bill for a detailed analysis.

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HB 166 2nd Substitute
Minutes of Open and Public Meetings

Sponsor: Rep. Brown, M.

Bill Status: Failed to Pass

ULCT Position: Oppose

Purpose of the Bill:

This bill would have required written minutes of open meetings to be available to the public within 14 days after the date of the meeting; clarifies that drafts of written minutes of an open meeting may be classified as a protected draft; provides that minutes of an open meeting are public records when they are distributed for approval by the public body.

Municipal Implication:

The bill did not pass — No municipal impact.

While the bill did not pass, the concern expressed that prompted the legislation is that some governing bodies are “sitting” on minutes in their protected, draft status and not approving the minutes and thus making them public. While most agree that this is not a practice to condone, there was still concern with the legislation, since many governing bodies do not deem the records “public” until they are voted on by the body. This would then, in essence, require a meeting at least every 14 days just to approve minutes. For our small jurisdictions, or for bodies that meet infrequently, the appeared overly burdensome. This issue will likely be discussed in the interim period leading up to the 2009 session.

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HB 172 Substitute
City and Town Option Sales Tax

Sponsor: Rep. Dee, B.

Bill Status: Passed

ULCT Position: Support

Purpose of the Bill:

This bill creates a part within the Sales and Use Tax Act authorizing the imposition of a city or town option sales and use tax by certain “hold-harmless” cities or towns for a certain time period; provides that a city or town legislative body may expend the sales and use tax revenues for the same purposes for which the city or town may expend the city's or town's general fund revenues. The bill also addresses the procedures and requirements for imposing the sales and use tax, including providing that the sales and use tax is an agreement sales and use tax.

Municipal Implication:

This bill provides that an additional 0.20% sales tax may be imposed by a city or town that was considered a “hold-harmless” sales tax city for the past 12 consecutive months. The tax may be imposed starting on January 1, 2009 and sunsets on June 30, 2016. The tax can be imposed by legislative action of the governing body and is effect for the city or town and any areas annexed in to the city or town until it is either repealed by the city or town or June 2016.



HB 177

County and Municipal Land Use Regulation of Geologic Hazard Areas

Sponsor: Rep. Morley, M.

Bill Status: Passed

ULCT Position: Support

Purpose of the Bill:

This bill authorizes counties and municipalities to enact an ordinance regulating land use and development in a flood plain or potential geologic hazard area to protect life or prevent the substantial loss of or damage to real property; and provides a process for assembling a panel of experts to decide the technical aspects of an appeal of a land use authority's decision administering or interpreting a county or municipal ordinance regulating land use and development in a flood plain or potential geologic hazard area.

Municipal Implication:

The bill:

- Authorizes local governments to regulate development in potential geologic hazard areas and flood plains to protect life and the substantial loss of real property;
- Resolves and prohibits a perceived practice in the development community that local governments would use geologic hazard and flood plain regulation as a pretext to prohibit growth;
- Defines potential geologic hazard and flood plain areas in a manner that is both consistent with scientific principles and adequate to regulate the risk;
- Provides for a three member technical appeal panel, which must be convened to resolve technical disputes over the application of local geologic hazard area or flood plain regulation.

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Page 41

HB 179
Water Rights Appropriation Amendments

Sponsor: Rep. Painter, P.

Bill Status: Failed to Pass

ULCT Position: Support

Purpose of the Bill:

This bill would have required the state engineer to approve an extension of time for a water right application if the water is being held for the reasonable future requirements of the public.

Municipal Implication:

The bill did not pass — No municipal impact.

Due to the passage of HB51 5th Substitute, it was deemed that this bill was not necessary. It was abandoned by the sponsor once HB51 passed.



HB 182
Deadline for Voting Precinct Designation

Sponsor: Rep. Hughes, G.

Bill Status: Passed

ULCT Position: Neutral

Purpose of the Bill:

This bill changes the date by which a county legislative body must designate voting precincts from February 1 on a regular general election year to January 1 on a regular general election year.

Municipal Implication:

This bill will have no municipal impact.

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HB 183 Substitute
Sales and Use Tax Amendments

Sponsor: Rep. Harper, W.

Bill Status: Failed to Pass

ULCT Position: Opposed

Purpose of the Bill:

This is the annual single rate sales tax bill that attempts to bring statewide conformity to the sales tax rate in all areas of the state. The bill alters the imposition and collection requirements for county and city ZAP/RAP taxes, alters the imposition and collection of the various transportation option taxes, and also alters the imposition and collection of other local option taxes, to include rural hospital, resort community, etc.

Municipal Implication:

This bill did not pass — no municipal impact.

While there are many positive attributes to the legislation, most agencies are simply concerned with the unintended consequences of such a broad piece of legislation. There were also some concerns with the requirement to offset any revenue increases associated with mandatory sales tax impositions with an equally offsetting property tax decrease. While theoretically this works, it can further exacerbate the problem in some jurisdiction of over-dependence on the volatile sales tax while undermining the calming factors of the property tax.

This bill will likely be back in 2009 for more discussion.



HB 206
Tax Amendments

Sponsor: Rep. Harper, W.

Bill Status: Passed

ULCT Position: No Position

Purpose of the Bill:

This bill reinstates the provisions that were removed during the large tax overhaul that took place in the last two previous years relative to sourcing requirements and other Streamlined Sales Tax conformity requirements.

Municipal Implication:

This bill will have no municipal impact. It simply changes some of the administrative responsibilities of the Tax Commission relative to Sales Tax.

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HB 216
Annexation Revisions

Sponsor: Rep. Last, B.

Bill Status: Passed

ULCT Position: Neutral

Purpose of the Bill:

This bill eliminates a definition for "conical surface area" and modifies a provision requiring the consent of a municipality operating or building an airport for an annexation of land to another municipality.

Municipal Implication:

This bill addresses some of the airport sighting problems that have occurred relative to the location of the Saint George airport. The bill now simply states that a municipality may not annex an unincorporated area within 5,000 feet of the center line of any runway of an airport operated or to be constructed and operated by another municipality unless the legislative body of the other municipality adopts a resolution consenting to the annexation. Should have limited municipal impact outside of the Saint George-Washington City area.



HB 217
Property Tax—Modified Acquisition Value

Sponsor: Rep. Froerer, G.

Bill Status: Failed to Pass

ULCT Position: Oppose

Purpose of the Bill:

This bill would have modified the definition of fair market value with regards to residential property to require a county assessor to value a residence at: for a residence purchased, newly constructed, or subject to a change in ownership on or after January 1, 2007, the acquisition price of the property; and for all other residential property, the fair market value of the residence on January 1, 2006.

Municipal Implication:

This bill would have substantially altered the property tax valuation system by changing the definition of fair market value from the amount at which property would change hands between a willing buyer and a willing seller to a definition based on the acquisition price of home. The difference is that as home prices appreciate, this proposed definition would hold the value at the acquisition price instead of reflecting the true market value. The result could mean wide-ranging discrepancies in value for similarly situated homes due to differences in the date of acquisition.

Most tax experts agreed that this would move away from a true “market value” based system and undermine many of the characteristics of fairness in taxation as it relates to property tax.

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HB 221
Agricultural And Industrial Protection Area Amendments

Sponsor: Rep. Mathis, J.

Bill Status: Passed

ULCT Position: Neutral as Amended

Purpose of the Bill:

This bill requires county and municipal planning commissions to identify and consider agriculture protection areas in drafting a land use element of a general plan and to avoid uses that are inconsistent with or detrimental to agriculture in those areas. In addition, the bill requires state agencies and political subdivisions to consider impacts on agriculture protection areas and reasonably comparable alternatives when designating a transportation corridor and to make reasonable efforts to minimize or eliminate detrimental impacts on agriculture.

Municipal Implication:

This bill will have very little practical impact on actual implementation of the land-use plan or final placement of transportation corridors. The bill simply states that cities and towns should consider the impact on agricultural protection areas when making a decision and make a reasonable effort to limit the detrimental impacts to agricultural areas. The bill simply requires enhanced consideration of such factors.



HB 224
Construction Standards for Type II Assisted Living
Facilities

Sponsor: Rep. Lockhart, B.

Bill Status: Failed to Pass

ULCT Position: Oppose

Purpose of the Bill:

This bill would have allowed a type II assisted living facility to be a two-story, wood-frame building under certain conditions.

Municipal Implication:

This bill did not pass — No municipal impact.

Many of our local code enforcers and building inspectors expressed concern with this legislation due to the potential evacuation problems that such facilities may have in the case of an emergency (particularly fire). This bill did not pass, but all parties agreed that it can likely be dealt with through the rule making process. The interested parties (to include inspectors) will be working on the draft rule during the spring and summer, which should address the local emergency evacuation concerns.

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HB 229 Substitute
Protections of Agricultural Practices

Sponsor: Rep. Morley, M.

Bill Status: Failed to Pass

ULCT Position: Oppose

Purpose of the Bill:

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

Municipal Implication:

This bill did not pass — no municipal impact.

This bill posed some concerns for those communities that are going through the transition from an agricultural based community to a more densely populated residential/commercial community. This bill established that agricultural practices are deemed to not be a nuisances if sound agricultural practices are being used. Code enforcement and our ability to respond to perceived nuisances may have been hampered by this legislation.



HB 242 Substitute
Transportation Funding Revisions

Sponsor: Rep. Harper, W.

Bill Status: Passed

ULCT Position: Support as Substituted

Purpose of the Bill:

This bill provides that \$30,000,000 of certain bond proceeds previously authorized shall be used to pay for or to provide funds to a municipality or county to pay for the costs of right-of-way acquisition, construction, reconstruction, renovations, or improvements to certain highways within Salt Lake County.

Municipal Implication:

This bill takes a portion of the bond proceeds from the \$10 vehicle registration surcharge for corridor preservation that was directed toward the acquisition of corridor for the mountain view project in Salt Lake County and redirects those funds to specific road projects in local communities.

Here is the breakdown of the funds identified (by city):

Taylorsville — \$6.5 Million

West Valley — \$2 Million

West Jordan — \$4 Million

Sandy — \$6.25 Million

Riverton — \$5 Million

Draper — \$11 Million

Murray — \$1 Million

Midvale — \$1 Million

Cottonwood Heights — \$1 Million

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HB 264
Prohibition of Citation Quotas

Sponsor: Rep. Hansen, N.

Bill Status: Failed to Pass

ULCT Position: Opposed

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.



HB 290
Municipal Oversight of Rental Dwellings

Sponsor: Rep. Froerer, G.

Bill Status: Passed

ULCT Position: Support as Amended

Purpose of the Bill:

This bill eliminates a provision exempting owners of buildings with two or fewer rental dwellings from regulatory business license or inspection requirements; eliminates a provision authorizing a municipality to impose a reasonable inspection fee for the inspection of a rental dwelling.

Municipal Implication:

This bill is a classic example of the legislative “give and take”. While the bill was positive in the respect that allows for cities to impose licensing requirements on one and two unit rental dwellings, the bill also precluded cities from imposing an inspection fee for the inspection of a rental dwelling. The law does, however, still allow for the business license fee to be comprehensive, where such fees can be rolled into the overarching license fee. In addition, the bill still allows for fines to be imposed on dwellings that fail an inspection.

Because the bill still allows for said fees to be rolled into the license fee, allows for the imposition of fines for non-compliance and extends licensing to one and two unit rentals, we supported the bill as a step in the right direction.

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HB 292
Taskforce to Study Radio Communications Systems

Sponsor: Rep. Dee, B.

Bill Status: Failed to Pass

ULCT Position: Support

Purpose of the Bill:

This bill provided for a 17 member task force, composed of legislators and others, to review and make recommendations concerning certain radio communications matters.

Municipal Implication:

This bill did not pass — no municipal impact.

The issue of conversion from broad band communications systems to narrow band communications systems by 2013 as ordered by the FCC is a real issue. If you have not begun to look at your emergency, and other, radio communications systems relative to the conversion, please begin the process as it is likely to creep up on you.

If you need more information about the FCC requirement, please don't hesitate to call.



HB 293 Second Substitute
Private Building Inspectors Authorized

Sponsor: Rep. Aagard, D.

Bill Status: Failed to Pass

ULCT Position: Opposed

Purpose of the Bill:

This bill requires counties and municipalities to maintain a list of licensed building who have requested to be included on the municipal list of authorized private building inspectors, allows building inspectors on the list to perform only those building inspections that they are certified to make; prohibits counties and municipalities from withholding approval of new construction of a residence based on the lack of approval from a county or municipal building inspector if, after the county or municipality has failed to make a timely building inspection, a building inspector on the inspector list certifies the construction to be in compliance with applicable standards.

The bill also prohibits counties and municipalities from withholding approval of an improvement or modification to an owner's existing residence based on a lack of approval from a county or municipal building inspector if a building inspector on the inspector list certifies that the improvement or modification complies with applicable standards; prohibits building inspectors on the inspector list from making inspections of work they have done or directed or on property they own; requires building inspectors hired by an owner to file a report of the building inspection with the county or municipality

Municipal Implication:

This bill did not pass — no municipal impact.

This bill was strongly opposed by the ULCT for several reasons. We will be working with the sponsor this interim to address his concern of timely inspections and see if alternative language can satisfy his concerns while still maintaining our direct oversight of inspections.

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HB 296
Voting Machines Used by Municipalities

Sponsor: Rep. Hansen, N.

Bill Status: Passed

ULCT Position: Supported

Purpose of the Bill:

This bill provides that costs assessed by a county clerk or a municipal clerk in relation to a municipal election or a bond or leeway election may not exceed the actual cost to the county clerk or municipal clerk assessing the fees or charges; provides that costs assessed by a county clerk to a municipality for a municipal election may not exceed the actual costs incurred by the county clerk.

Municipal Implication:

Since many cities and towns are now contracting with the county for election equipment this issue has become more pertinent. This bill simply limits the amount that can be charged to a city or town for the use of the county election resources to simple cost recovery and does not allow for charges to be imposed over the amount directly incurred by the county for providing said services.



HB 317
Election Day Voter Registration

Sponsor: Rep. Hansen, N.

Bill Status: Failed to Pass

ULCT Position: Oppose

Purpose of the Bill:

This bill would have allowed individuals to register to vote at their voting precinct's polling place on the date of the election; requires county clerks to provide election day registration information to any individual that seeks to register in person at the county clerk's office after the voter registration deadline has passed; requires county clerks to provide registration information to individuals that submit an untimely or incomplete voter registration form by mail, with a driver license form, or through a voter registration agency, and requires the clerk to notify the individual that the individual was not registered.

Municipal Implication:

This bill did not pass — no municipal impact.

While the bill largely affected county clerks, the bill would have also allowed for same day voter registration on election day for municipal elections, which may have posed some problems.

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HB 323 Substitute
Eminent Domain Amendments

Sponsor: Rep. Tilton, A.

Bill Status: Passed

ULCT Position: Neutral as Substituted

Purpose of the Bill:

As substituted, this bill clarifies 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.

Municipal Implication:

This bill should have very little municipal impact. While the original bill would have precluded the use of eminent domain to maintain emergency access, the bill was substantially modified at the ULCT's request to only clarify the current state of the law — that you cannot condemn for recreational trails that are not adjacent to roads. Meaning that you can condemn for roads and accompanying sidewalks but you cannot condemn for a trails project. Most had interpreted the law this way anyway and this bill will simply clarify that point.



HB 341
Damage to Underground Utility Facilities

Sponsor: Rep. Clark, D.

Bill Status: Passed

ULCT Position: Support

Purpose of the Bill:

This bill provides warning language that may be included with a building permit; addresses requirements for and effects of a notice of excavation; describes an underground facility that need not be marked; outlines a method for determining the precise location of a marked underground utility facility; provides a civil penalty for a violation of the chapter; provides for enforcement by the attorney general; and creates the Underground Facilities Damage Dispute Board to arbitrate disputes arising under the chapter

Municipal Implication:

- Extends the period to call blue stakes. Was at least 48 hours but less than seven days. Now changed to 48 hours and 14 days.
- Suggest that all permits that require excavation have language added stipulating the blue stakes requirement.
- Waives liability for marking known laterals that are owned by private owners.
- Only allows boring equipment within 24 inches of a marked line.
- Imposes a \$500 fine for noncompliance and up to \$2500 civil penalty for non-compliance with a total not to exceed \$100k per incident.
- Creates and arbitration board for civil penalties and damage dispute resolution (5 member board -AGC, Home Builders, Blue Stakes, Public Utilities, Operators).

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HB 369
Municipal Rental Fee Amendments

Sponsor: Rep. Walker, M.

Bill Status: Passed

ULCT Position: Support

Purpose of the Bill:

This bill allows a municipality six years rather than four years to conduct an updated municipal services study if the municipality has established a program providing a reduction in the disproportionate rental fee to a landlord who participates in a training program.

Municipal Implication:

This bill applies to those cities that impose a disproportionate service fee for rental dwellings. The bill simply extends the amount of time that a municipality has to conduct and update the necessary study for the reauthorization of such a fee. Current statute says the study must be completed every four years. This bill extends that time limit to six years if the city has created a “good landlord” training program.



HB 385
Roads and Right-of-Way Amendments

Sponsor: Rep. Noel, M.

Bill Status: Failed to Pass

ULCT Position: Opposed

Purpose of the Bill:

The bill provides that if a political subdivision of the state transfers and RS 2477 right of way, the right of way automatically reverts ownership back to the state of Utah

Municipal Implication:

This bill did not pass — no municipal impact.

While the bill seems innocuous, it was being used to compel a city in Utah to authorize a development in an area surround by the national forest. The city had denied the development on insufficient public access.

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HB 405
Amendments to Fund City ZAP/RAP Tax

Sponsor: Rep. Sandstrom, S.

Bill Status: Failed to Pass

ULCT Position: Support

Purpose of the Bill:

This bill defined "cultural organization"; extends the time period for imposing or reauthorizing a city or town option tax for botanical, cultural, recreational, and zoological organizations or facilities from eight years to ten years; allows a city or town to retain up to 1.5% of the city or town option tax for botanical, cultural, recreational, and zoological organizations or facilities to administer the tax.

Municipal Implication:

This bill did not pass — no municipal impact.

The bill would have provided some conformity to the city “ZAP” authorization and the county “ZAP” authorization. The two areas of discrepancy are the authorization period (Counties adopt for ten years, cities adopt for eight) and the ability to retain and administrative aspects of the tax (counties are specifically authorized, city authorization is unclear). This bill will likely be back next year for more discussion.



HB 422 2nd Substitute
Political Subdivision Clerk Amendments

Sponsor: Rep. Newbold, M.

Bill Status: Failed to Pass

ULCT Position: Support

Purpose of the Bill:

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

Municipal Implication:

This bill did not pass — no municipal impact

The intent of the bill was to ensure that certain documents were mailed to the attention of the clerk to assure that they were received and processed in a timely fashion. The bill limited this provision to items that are intended to “trigger” a response to a mailed document.

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HB 454
Regulation of Riparian Overlay Zones

Sponsor: Rep. Morley, M.

Bill Status: Failed to Pass

ULCT Position: Opposed

Purpose of the Bill:

This bill would have prohibited municipalities from adopting an ordinance restricting the use of land within an existing residential area because of its proximity to a stream or other body of water and if the land is more than 25 feet from the center of the stream or other body of water; and requires each municipality that has already adopted that kind of ordinance to repeal it.

Municipal Implication:

This bill did not pass — no municipal impact.

This bill was designed to repeal a recently passed municipal ordinance that governed the construction standards for areas near a stream or other body of water. While the bill did not pass, the ULCT has agreed to work with the affected city and interested parties to see if a mutually acceptable solution can be reached during the interim.



HB 464
Access to Land Locked Parcels

Sponsor: Rep. Walker, M.

Bill Status: Passed

ULCT Position: Neutral

Purpose of the Bill:

This bill modifies the duties of the Office of the Property Rights Ombudsman to include advising the owners of landlocked property.

Municipal Implication:

This bill should have little or no impact. It simply expands the scope of the Office of the Property Rights Ombudsman to allow him to also advise individuals on the issue of landlocked property (right to access a public street).

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SB 12
Election Law Modifications

Sponsor: Sen. Knudson, P.

Bill Status: Passed

ULCT Position: Neutral

Purpose of the Bill:

This bill consolidates the date for the lieutenant governor's certification of candidates, ballot measures, and other matters to a single date; modifies the date for circulation of the voter information pamphlet to accommodate the early voting period; provides alternative deadlines for submissions to the voter information pamphlet to accommodate voter information pamphlets issued for elections other than the regular general election; modifies language to clarify differences between a statewide voter information pamphlet and a local voter information pamphlet

Municipal Implication:

This became the technical “clean-up” bill for the election code as the state is still trying to conform the statute to the new electronic voting practices. The bill should not cause any significant impact, but election officials should read the bill to ensure compliance with the date changes.



SB 18
Public Safety Death Benefit Modifications

Sponsor: Sen. Greiner, J.

Bill Status: Failed to Pass

ULCT Position: Neutral

Purpose of the Bill:

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

Municipal Implication:

The bill raised the cap on the spousal death benefit from 65% to 75%. The fiscal impact of the bill was roughly a 0.7% — 1.3% increase of the contribution rate.

This was the first year that we have not opposed this bill due to the fiscal impact. Depending upon the state budget, this bill may be back again next year for additional consideration

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SB 19
Enhanced Public Safety Retirement System COLA Option

Sponsor: Sen. Bramble, C.

Bill Status: Passed

ULCT Position: Support

Purpose of the Bill:

This bill provides a maximum annual cost-of-living adjustment of 4% for state agency public safety members and retirees in lieu of the current 2.5%; allows other participating employers the option to offer a maximum annual cost-of-living adjustment of 4% for public safety members and retirees in lieu of the current 2.5%; allows a participating employer to make a one-time election to offer the enhanced cost-of-living adjustment, if made within a certain period of time; provides certain eligibility requirements for covered employees and retirees to receive the increased benefit; provides for procedures and rules to make the election and have the enhanced cost-of-living adjustment to become effective; provides that the enhanced cost-of-living adjustment may not be applied to a retirement allowance already received.

Municipal Implication:

This bill provides an option for a municipality to offer a 4% Retirement COLA benefit in lieu of the current 2.5% COLA. The bill does not, however, mandate such an increase. The fiscal note depends largely on who participates. If a city elects to provide the benefit it must be done prior to December 1, 2009 by resolution or ordinance. If such an election is made it becomes effective on January 1 of the following year. The bill also requires 72 months of service under the enhanced COLA in order to receive the benefit.

Because the bill provides for municipal self determination the ULCT Policy Committee recommended support of the bill.



SB 20
Municipal Government Amendments

Sponsor: Sen. Walker, C.

Bill Status: Passed

ULCT Position: Support (initiated)

Purpose of the Bill:

This bill rewrites and reorganizes provisions relating to forms of municipal government and municipal administration; repeals provisions relating to forms of municipal government that have been rewritten or made obsolete by the rewritten provisions; clarifies the forms of government under which a municipality may operate; clarifies provisions relating to the council-mayor, six-member council, and five-member council forms of municipal government; specifies that an election on a proposed change in the form of municipal government occur on a municipal general election or regular general election date; requires municipalities to operate under a council-mayor, six-member council, or five-member council form of government, except those currently operating under a specified council-manager form; requires municipalities operating under the former council-manager form of government to continue to operate under that form of government, subject to a future potential change to another form.

Municipal Implication:

This bill was drafted in response to several contemplated “changes in form of government” that have occurred in the last few years. The bill defines what constitutes a change in form and then requires an election for such a change. In addition, the bill provides voting authority to the mayor in any change in duties of the mayor or the mayors “default” powers. In addition, the bill stipulates voting requirements of the council if any of the “default” powers of the mayor are changed. The bill then grandfathered those operating under the manager by statute form of government.



SB 23
Public Safety Retirement Death Benefit Modifications

Sponsor: Sen. Knudson, P.

Bill Status: Passed

ULCT Position: Neutral

Purpose of the Bill:

This bill repeals the requirement that the local clerk or recorder transmit the pollbook (the record of names of voters) to the county clerk after the canvass of a November municipal election, local district election, bond election, or special election.

Municipal Implication:

This bill simply removes the requirement to submit the pollbook to the county clerk after the canvass has been completed. Should have very little impact.



SB 29 Substitute
Truth-in-Taxation Amendments

Sponsor: Sen. Niederhauser, W.

Bill Status: Passed

ULCT Position: No Position

Purpose of the Bill:

This bill amends provisions in the Minimum School Program Act and the Property Tax Act relating to property tax advertisement and hearing requirements.

Municipal Implication:

While the original bill would have had a significant impact on a city or towns ability to impose or raise the property tax (requiring a public vote on any increase above the CPI), the bill was largely scrapped when substituted and the substitute bill has no municipal impact and only applies to the minimum school program act.



SB 32 Substitute
Local Government Bonding Act

Sponsor: Sen. Jenkins, S.

Bill Status: Passed

ULCT Position: Support

Purpose of the Bill:

This bill addresses documents providing for the issuance of bonds; addresses a requirement that a local political subdivision conduct a public hearing to issue bonds; addresses the scope of the public hearing to include potential economic impacts on the private sector

Municipal Implication:

This sponsor of the bill worked very closely with the ULCT to craft this legislation. The bill simply requires that before the issuance of a GO Bond or Revenue Bond, a municipality must include, in the already required public hearing, an opportunity for the public to include statements on the potential economic impacts that the activity being financed by the bond may have on the private sector.

This bill is trying to ensure that local officials are aware of the private sector impact of certain governmental activities (i.e. recreation centers, pools, golf courses, etc.)

Because the bill does not require additional burdens, the ULCT Policy Committee supported the legislation.



SB 38 6th Substitute
Transparency in Government

Sponsor: Sen. Niederhauser, W.

Bill Status: Passed

ULCT Position: Support as Substituted

Purpose of the Bill:

This bill extends the date that notice of open and public meetings must be placed on the Utah Public Notice Website from April 1, 2008 to October 1, 2008; prohibits a court from voiding a final action taken by a public body for failure to comply with the posting written notice requirements on the Utah Public Notice Website if the posting is made for a meeting that is held prior to April 1, 2009; creates the Utah Public Finance Website for the purpose of providing public financial information, and provides that it be administered by the Division of Finance; requires state entities to provide public financial information that will be accessed through the Utah Public Finance Website; provides the required capabilities of the website, and provides for website accessibility; lastly the bill creates the Utah Transparency Advisory Board

Municipal Implication:

While the original draft would have required local governments to participate in the public finance website and make all financial documents available through electronic means on the state centralized website, this idea was quickly scrapped at the ULCT request. That portion of the bill will now only apply to certain state entities. It is, however, likely that efforts will be made to expand the website once implemented to include local governments. Upon doing so, local government representatives will be added to the advisory board to provide insight into which information should be made available through the website. Lastly the bill extends the timing of the current requirement that public meeting notices and links be provided to the state centralized website for public meeting notices. The deadline was moved from April 2008 to October 2008.



SB 45 2nd Substitute
Inventory for Competitive Activities of Local Entities

Sponsor: Sen. Stephenson, H.

Bill Status: Passed

ULCT Position: Neutral as Substituted and Amended

Purpose of the Bill:

This bill requires a county or city of the first class to create an inventory of activities by June 30, 2010; requires a county or city of the second class to create an inventory of activities by June 30, 2011; and requires reporting and disclosure of the inventory.

Municipal Implication:

This bill, as substituted and amended provides broad discretion on how an inventory of activities should be completed and simply states that such a list of activities required to be created. The bill only states that the list shall be created and the list shall classify whether an activity is considered a competitive activity and any efforts that have been made to privatize aspects of the activity. It then requires that the list be updated every two years and be submitted to the privatization policy board.

This bill should not cause significant burdens to the cities that are required to comply. The ULCT will be helping those entities with the process.



SB 46 3rd Substitute
Anti-Flow Control Amendments

Sponsor: Sen. Eastman, D.

Bill Status: Passed

ULCT Position: Neutral as Substituted

Purpose of the Bill:

This bill prohibits a public entity from requiring solid waste to be stored, recovered, or disposed of at a specific waste facility except in certain circumstances.

Municipal Implication:

Since very few entities currently implement “flow control” where they direct the disposal of privately picked up, non-residential waste to a public facility, this bill will likely have very little immediate impact. The bill does provide a 5 year grandfather for the one area of the state that currently imposes such a provision. The bill then states that a jurisdiction must demonstrate that there are not competing private providers that are willing to accept the non-residential waste generated within the jurisdiction if they are to direct the flow of that waste to a public facility.

In short, the bill grandfathers those that are currently engaged in the process and provides an opportunity for future circumstances where the market may not be adequate to provide such services.



SB 53 Substitute
Use of Initiative or Referendum for Administrative Land-Use Matters

Sponsor: Sen. Goodfellow, B.

Bill Status: Passed

ULCT Position: Support

Purpose of the Bill:

This bill prohibits the use of local initiatives for land use ordinances or changes in land use ordinances; and prohibits voters from requiring the implementation of a land use ordinance to be submitted to voters

Municipal Implication:

This bill should have little or no impact. It simply codifies current case law that the application of a land-use ordinance is not referable. While it still maintains that a change of the ordinance is referable, the application/administration of said ordinance is deemed an administrative application and is not referable as it may impede upon the property right of the individual.

The bill should further protect cities from referendums of the application of a city's land-use ordinance.



SB 54

Initiative and Referendum Petition Amendments

Sponsor: Sen. Goodfellow, B.

Bill Status: Passed

ULCT Position: Neutral

Purpose of the Bill:

This bill requires that a law that is proposed through a state or local initiative contain a title that clearly expresses the subject of the proposed law; requires that a law proposed through a state or local initiative contain only one subject; changes the deadline for submitting signature packets for local initiatives and local referenda from 120 days before the election to April 15; changes signature verification deadlines, circulation finance disclosure deadlines, and appeal deadlines to accommodate the change in the deadline for submitting the signature packets.

Municipal Implication:

This bill changes the filing date for a local initiative to April 15 if it is to be placed on the November general election. It then changes all of the other deadlines that are triggered off of the filing deadline for the initiative. While the change is important to note, it should have very little impact.



SB 72 Substitute
Justice Court Amendments

Sponsor: Sen. Hillyard, L.

Bill Status: Passed

ULCT Position: Support as Substituted

Purpose of the Bill:

To comply with Constitutional concerns expressed by the Utah Supreme Court relative to the operation an independence of Justice Courts

Municipal Implication:

Judicial Selection

County Justice Court Nominating Commission
Appointment from County Commission/optional government
Appointment from city government
Appointment from County Bar

The Commission makes recommendation of at least two names to executive of appointing jurisdiction.

The executive makes the appointment—subject to legislative branch ratification of appointment

Judicial Salaries

A full-time justice court salary range of 50% to 90% of District Court Judge
Part-time justice salary based on caseload as determined by Court Administrator.

Ex: City X determines it wants to pay a salary of 65% of D.C. judge; the court administrator determines its caseload is 10% of full-time. The salary is 10% of 65% of Dist. Ct. judge.

Raises in judicial salary are based on the average salary increase given the jurisdiction's other personnel. If city average raise is 4% then judge gets 4%.

Judicial Discipline/Retention

Subject to county-wide retention election based on 6yr. terms
Election to be held on general election ballot with other judicial retention elections.

Utah League of Cities and Towns



SB 81 Substitute
Illegal Immigration

Sponsor: Sen. Hickman, B.

Bill Status: Passed

ULCT Position: No position

Purpose of the Bill:

This was the omnibus immigration reform bill. While several other bills were introduced, this bill is the only one that passed.

Municipal Implication:

The bill contains several provisions. This synopsis only contains those provisions that pertain to local government authority.

THIS BILL TAKES EFFECT ON JULY 1, 2009

- The bill requires the attorney general to negotiate a Memorandum of Understanding with the United States Department of Justice or the United States Department of Homeland Security for the enforcement of federal immigration and customs laws within the state by state and local law enforcement personnel (We will be working with the AG to determine how, and if, local law enforcement will be included in the memorandum of understanding, and if so what their role will be — this has been of significant concern to some jurisdictions as it may be compromise local policing efforts)

- The bill prohibits a unit of local government from enacting an ordinance or policy that limits or prohibits a law enforcement officer or government employee from communicating or cooperating with federal officials regarding the immigration status of a person within the state.



SB 86

Economic Analysis of Cost of Land Use Regulation

Sponsor: Sen. Madsen, M.

Bill Status: Failed to Pass

ULCT Position: Opposed

Purpose of the Bill:

This bill would have required counties and municipalities to: deliver a form to each land use applicant that lists all requirements that exceed building code or health or safety requirements; allow property owners to file completed forms indicating the owner's calculation of the regulatory cost of the additional requirements; and preserve, index, and allow public access to completed regulatory cost forms that owners file.

The bill also would have prohibited counties and municipalities that fail to deliver the regulatory cost form to land use applicants from collecting a land use application fee.

Municipal Implication:

The bill did not pass — no municipal impact.

There was deep concern expressed by the ULCT regarding the potential of this new requirement. Concern was raised relative to the delineation of land-use requirements as well as the staffing requirements that such a system would require.



SB 127 Substitute
Underground Utilities Facilities Amendments

Sponsor: Sen. Greiner, J.

Bill Status: Failed to Pass

ULCT Position: Opposed

Purpose of the Bill:

This bill would have required the location of certain sewage facilities by a sewage facility operator even if the facility is not owned by the operator. It also addresses the manner of locating sewage facilities; addresses liabilities of a sewage facility operator; requires certain sewage facilities to be installed with the ability to be located.

Municipal Implication:

This bill did not pass — no municipal impact.

There was deep concern with the bills requirement to locate all sewer facilities and laterals regardless of ownership. The fiscal note on the bill would have been quite large for local governments to locate all existing and future facilities.

This bill will be back during the interim period and the 2009 session.



SB 168 Substitute
Highway Funding Amendments

Sponsor: Sen. Stowell, D.

Bill Status: Passed

ULCT Position: Support

Purpose of the Bill:

This bill provides that \$500,000 of the 30% appropriated from the Transportation Fund to the class B and class C roads account shall be transferred to the Department of Transportation to be used as nonlapsing dedicated credits for the State Park Access Highways Improvement Program. The bill also amends apportionment provisions for the distribution of class B and class C roads account funds.

Municipal Implication:

Changed the hold harmless cap on the B&C fund from 10,000 to 14,000 to allow communities between 10K and 14K in population to be given “hold-harmless” protections that guarantee a minimum distribution of said funds.

In addition, the bill provides \$500K to the State Park Access road fund that lapsed when the 1/16th was traded for a greater share of the B&C. Prior to the trading of the 1/16th, a portion of those funds were being used. The net effect of this change is minimal to the cities and counties.



SB 177

Local Government Disposal of Real Property Acquired by Exaction

Sponsor: Sen. Niederhauser, W.

Bill Status: Passed

ULCT Position: Neutral as amended

Purpose of the Bill:

This bill extends from five years to 15 years the period of time that a county or municipality must own surplus real property acquired by exaction before the county or municipality is no longer subject to a requirement that the county or municipality offer to reconvey the property to the original owner.

Municipal Implication:

Pretty strait forward. Simply changes the period of time that a city must offer to reconvey property to the original owner from 5 to 15 years if the property was acquired by exaction.



SB 181 Substitute
Off Highway Vehicle Use on Public Highways

Sponsor: Sen. Jenkins, S.

Bill Status: Passed

ULCT Position: Neutral as Substituted

Purpose of the Bill:

This bill permits 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. Lastly, the bill authorizes a municipality or county to designate a highway under its respective jurisdiction as open to street-legal all-terrain vehicle use, general off-highway vehicle use, or limited off-highway vehicle use

Municipal Implication:

The bill allows all-terrain vehicles to use the public roads if required modifications were made to the ATV to include proper licensure, lighting and safety requirements. The bill precludes such use in counties of the first class or in any city with a population of 7500 or greater. In addition, the bill provides some discretion by allowing a municipality or county to designate a highway under its respective jurisdiction as open to street-legal all-terrain vehicle use, general off-highway vehicle use, or limited off-highway vehicle use.

This bill takes effect on October 1, 2008



SB 196
County and Municipal Land Use Amendments

Sponsor: Sen. Niederhauser, W.

Bill Status: Passed

ULCT Position: Support

Purpose of the Bill:

The bill address the implementation of surety bonds for public improvements and the process of issuing and releasing bonds

Municipal Implication:

This bill largely deals with the issue of surety bonds or other improvement assurances that can be offered by a developer as a guarantee for proper completion of construction/subdivision improvements. The bill simply states that such assurances can be utilized by cities/counties and developers and then states that such assurances can only be held in place by the city/county for a period of one year unless prior poor performance by the developer or other environmental conditions exist. If such conditions or circumstances exist, a surety bond can be held for up to two years. In addition, the bill stipulates that a developer can request an inspection of such work and the inspection and final approval must be granted within 14 days for new improvements of within 45 days for repair work to a previous improvement.

Lastly the bill stipulates that all land-use development conditions must be contained within the land-use permit and cannot add new conditions to the issuance of the Certificate of Occupancy or acceptance of the subdivision improvements for failure to meet conditions that are not specified within the permit or accompanying documents.



SB 208 Substitute
Transportation Corridor Preservation Amendments

Sponsor: Sen. Killpack, S.

Bill Status: Passed

ULCT Position: Support

Purpose of the Bill:

This bill authorizes the Department of Transportation to identify and approve transportation corridors as high priority transportation corridors; requires the Department of Transportation to notify a municipality or county if a high priority transportation corridor is located within the boundaries of a municipality or county. The bill then requires a municipality or county to notify the executive director of the Department of Transportation if the municipality receives a land use application that relates to land located within the boundaries of a high priority transportation corridor; provides that a municipality or county may not approve certain land use applications until a certain time after notifications have been received by the Department of Transportation if a land use application relates to land located within the boundaries of a high priority transportation corridor.

Municipal Implication:

Allows the DOT to designate high priority transportation corridors. Requires notice of a land-use applications to be sent to the DOT if the application falls within a high priority corridor.

- Provides 30 days for DOT to negotiate with the property owner if it is a building permit or 45 days for a zone change or other application of use.
- The bill will preclude approval by the municipality unless that time expires or they are notified by the DOT at an earlier date that they waive the remainder of the owner negotiation period.



SB 211
Alcohol Beverage Control Amendments

Sponsor: Sen. Bramble, C.

Bill Status: Passed

ULCT Position: No Position

Purpose of the Bill:

This was a large rewrite of the act and changed provisions relating to alcohol display, marketing, placement as well as the issuance of alcohol sales permits and their proximity to public facilities

Municipal Implication:

Due to the comprehensive nature of the bill it is difficult to go over all impacts. The most significant municipal impact deals with licensing and the proximity to other public facilities or churches.

The new statute eliminates any possibility for a variance for a restaurant serving alcohol if they are located within a straight 200 foot line of a church. For restaurants that serve alcohol and are located within 600 feet of a church (measured from the principal entry of the establishment to the property line of the protected property using normal pedestrian travel), a variance may be reviewed under certain conditions.

Please review the law change on this issue and let us know if it poses any issues. We will be working with the legislature on this issue as it has already posed some unintended consequences in some jurisdictions.



SB 245 Fifth Substitute
Funding Relating to Airports, Highways and Transit

Sponsor: Sen. Bramble, C.

Bill Status: Passed

ULCT Position: Neutral

Purpose of the Bill:

reallocates a portion of the revenue received from the local option highway and transportation corridor preservation fee imposed in a county of the first class from the County of the First Class State Highway Projects Fund to the legislative body of a city of the first class located within a county of the first class that has an international airport. Authorizes a county of the second class to impose a local option sales and use tax to fund certain airport, highway, or public transit projects or services; addresses the procedures and requirements for imposing the local option sales and use tax to fund certain airport, highway, or public transit projects or services, including providing that the sales and use tax is an agreement sales and use tax; imposes a state sales and use tax under certain circumstances; addresses the procedures and requirements for imposing the state sales and use tax, modifies the sources of funding for the Local Transportation Corridor Preservation Fund; creates a special revenue fund known as the County of the Second Class State Highway Projects Fund, including: addressing funding of the fund; and addressing the purposes for which fund monies may be expended; provides that an airport operator may not use airport revenue to contribute to constructing, equipping, maintaining, or operating a fixed guideway.

Municipal Implication:

This bill significantly changes several aspects of the transportation option taxes and provides that second class counties will increase the transportation option tax to make up for the removal of sales tax on food items. In addition it allows for the implementation of the third quarter cent transportation option tax to be used as specified in statute. The bill is so comprehensive that a thorough reading is necessary to fully understand the implication of the changes.



SB 253
County Law Enforcement Duties

Sponsor: Sen. Waddoups, M.

Bill Status: Passed

ULCT Position: Support

Purpose of the Bill:

This bill requires county sheriffs in counties of the first class to provide law enforcement service as provided in an interlocal agreement; and provide law enforcement service to an unincorporated area of the county to the extent that another entity established to provide law enforcement service or extended police protection does not. In addition, the bill authorizes first class counties to enter into an interlocal agreement to provide law enforcement service.

Municipal Implication:

This bill provides another option of contracting with the Sheriff's department to provide law enforcement. It allows for the creation and implementation of an interlocal agreement for such services. In addition, a local district can also be created to provide law enforcement services to an area in SL County. Several cities may contemplate an metropolitan police agency to assume some responsibility of policing services and such services would be outlined in an interlocal agreement. This bill is limited to counties of the first class.



Page 89

SB 269 3rd Substitute
Water Rights Ombudsman

Sponsor: Sen. Stowell, D.

Bill Status: Failed to Pass

ULCT Position: Neutral

Purpose of the Bill:

This bill requires the Office of the Property Rights Ombudsman to provide information concerning water rights and proceedings concerning water rights to certain water right owners (50 Acre feet or less).

Municipal Implication:

This bill did not pass — no municipal impact.

The bill will likely be looked at again during the interim.



SB 279
Water and Land Use Development

Sponsor: Sen. Peterson, D.

Bill Status: Failed to Pass

ULCT Position: Opposed

Purpose of the Bill:

This bill would have prohibited a municipality from conditioning the granting of an annexation petition on a water right transfer unless certain requirements are met. It would have also prohibited a municipality or a county from requiring a land use applicant to transfer a water right in order to receive approval for a development if there is sufficient water serve the development. Lastly it would have required a municipality or a county to conduct a water supply study before requiring a land use applicant to transfer a water right.

Municipal Implication:

This bill did not pass — no municipal impact.

The ULCT land-use taskforce will be looking at this bill during the interim to discuss how annexations and the transfer of water rights interplay at the point of development.



SB 283
Transportation Funding Amendments

Sponsor: Sen. Killpack, S.

Bill Status: Passed

ULCT Position: Support

Purpose of the Bill:

This bill increases the amount of bonds authorized from \$1 Million to \$1.2 Million for highway construction and reconstruction projects prioritized through the Critical Highway Needs Fund.

Municipal Implication:

The bill won't have a direct impact on cities and towns transportation funds, but additional state projects are likely to be funded with the change in the bond cap.



SB 286
Transportation and Transit Amendments

Sponsor: Sen. Killpack, S.

Bill Status: Passed

ULCT Position: No position

Purpose of the Bill:

This bill provides that a public transit district is not required to conform to any municipal land use ordinances of a municipality that is located within the boundaries of a county of the first class or a county of the first classes' land use ordinances when constructing a rail fixed guideway public transit facility that extends across two or more counties.

Municipal Implication:

The bill precludes a local governments land use regulation authority for commuter rail stops along the commuter rail line. The bill was introduced in response to a dispute in South Salt Lake County. The bill is limited to counties of the first class and cities within counties of the first class. The prohibition of land-use authority only applies to the construction of the rail stop and necessary facilities and sunsets in 2013.



TASKFORCES AND ISSUES TO COME

MASTER STUDY ITEMS AND ISSUES TO COME:

1. Property Tax Issues
2. Additional Scrutiny of Local Gov. Services and Revenue
3. Land Use Powers
4. Retirement – Defined Benefit or Defined Contribution
5. Affordable Housing
6. Water, Water Protection, Change Applications



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