



UTAH ASSOCIATION OF COUNTIES

A Unifying Voice for County Government

Grateful
to Almighty
God for life
and liberty, we, the
people of Utah, in order
to secure and perpetuate
the principles of free gov-
ernment, do ordain and establish
this CONSTITUTION. All men
have the inherent and inalienable
right to enjoy and defend their lives
and liberties; to acquire, possess and
protect property; to worship according

to the dictates of their consciences; to assemble peaceably, protest against wrongs, and petition for redress of grievances; to communicate freely their thoughts and opinions, being responsible for the abuse of that right. All political power is inherent in the people; and all free governments **Utah Association of Counties** are founded on their authority for **2009 GENERAL LEGISLATIVE SESSION RECAP** their equal protection and benefit, and they have the right to alter or reform their government as the public welfare may require. The State of Utah is an inseparable part of the Federal Union and the Constitution of the United States is the supreme law of the land.

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LEGISLATIVE HIGHLIGHTS

It would be hard to claim that the Utah Association of Counties had a good Legislative Session (what with millions of dollars worth of cuts to jail reimbursement and health and human services), but outside of appropriation issues, it wasn't a *bad* session. Utah's counties successfully fought off several potentially damaging pieces of legislation, made compromises on others, and guided legislation of counties' interest through the legislative process.

Appropriations

For much of the Legislative Session, the Legislature seemed content to discontinue any state payment to county government for condition of probation state prisoners held in county jails. Jail reimbursement is always a big issue for the counties during the Legislative Session. And in 2009 it was even bigger issue. Up until a couple of weeks before the end of the Legislative Session, the preliminary state budget had no money for the program for FY 2010--a loss of \$11.6 million from FY 2008. Slowly, money was added to the program. At first, the Legislature set aside \$2 million for jail reimbursement and finally the day before the end of the session, the Legislature added an additional \$4.5 million for a total of \$6.5 million.

It is important to realize, though, that all \$6.5 million is one-time money. In years past, the counties could count on upwards of \$8.75 million in ongoing money plus additional one-time money from year to year. As long as the current economic crisis continues, county government in Utah will have a real fight to receive jail reimbursement money from the state.

The 2009 session appropriations process also presented major challenges for county health and human services providers. The Executive Appropriations committee asked the Health and Human Services appropriations subcommittee to come up with a 15 percent reduction in spending for FY 2010. The committee took that request seriously and their legislative fiscal analyst's first proposal included major reductions to mental health and substance abuse treatment programs and to services for our aging population while taking little from services delivered by the state department of human services. With the help of the committee members, UAC was able to see those cuts distributed more equitably by the end of the public hearing process. The final proposal sent to the Executive Appropriations Committee recommended balanced, although painful, reductions in county operated and state operated programs.

Although the cuts to base budgets in all health and human services delivered by the counties are significant, the impacts will be blunted as a result of the use of one time funds to "backfill" the cuts made in ongoing funding. The one time money came from reallocating state dollars and from federal stimulus money. An increase in the rate at which the federal government reimburses states for services to Medicaid eligible clients

will put more money into the treatment systems during FY 2010. This means, however, that in FY 2011, counties will experience substantial changes in capacity to serve county residents. All county health and human services agencies will need to take time to carefully consider how they will address this substantial reduction in funding.

In the end, county operated programs fared reasonable well for FY 2010. There were some significant reductions from the FY 2009 budget that were not backfilled and consequently service delivery capacity will be impacted in aging services, substance abuse treatment programs and mental health service delivery. Fortunately local health department funding from the state was not further reduced in any substantial way.

Legislation

The restaurant tax continues to be an issue of interest at the legislature. This year HB 380 would have diverted roughly \$1.5 million of restaurant taxes collected for an ad campaign devised by the Restaurant Association. The Utah Association of Counties was heavily involved in this issue and was pleased to see the bill fail to make it out of committee. SB 221 would have adversely affected Utah case law regarding what constitutes an interruption of continues public use for public highways. The bill was held to be worked on over the interim session after UAC pressure convinced the sponsor of the potential consequences associated with the bill.

UAC was able to make several compromises to bills that would have otherwise been extremely problematic to county government. The best example of this is HB 12, a bill as originally drafted would have resulted in the loss of millions of dollars to county government. HB 12 requires delinquent property tax collections be figured into the certified tax rate, thus lowering the rate and removing the additional tax revenue those collections produce. However, as compromised, HB 12 allows counties and other taxing entities to raise their certified tax rate to compensate for those losses to make them whole. HB 12 is just one of many bills compromised on with UAC's input.

UAC was also instrumental in seeing several bills of county interest through the legislative process. These bills include HB 61 which improves the process for documenting boundary changes, SB 57 which restores the interest from corridor preservation funds collected by counties to the counties, and SB 235 which addresses issues related to Tax Commission problems highlighted recently when telecommunications companies erroneously reported sales tax coming from the unincorporated counties instead of municipalities.

With the 2009 Legislative Session behind us, UAC is already working on the 2010 session. Unresolved issues like the restaurant tax, proof of citizenship to vote, and interruptions of continues public highway use will undoubtedly return and UAC will work with all sides to see if solutions that satisfy the counties can be reached.

For a more detailed accounting of these and many more bills, please review the sections titled "Enrolled Bills" and "Failed Bills" of this packet.

UAC TRACKING SHEET

Number	Title	Sponsor	Position	Status
HB 012	County Sheriff Qualification Amendments	Richard Greenwood	Support	Enrolled
HB 023 s2	Certified Tax Rate Amendments	Fred R. Hunsaker	Support	Enrolled
HB 028	Personal Property Tax Amendments	Craig A. Frank	Support	Enrolled
HB 043	Coordinating Municipal and Special District Elections	Keith Grover	Support	Enrolled
HB 044 s1	Local and Special Service District Election Amendments	Keith Grover	Support	Enrolled
HB 048	Ballot Question Amendments	Keith Grover	Support	Failed
HB 049 s1	Voter Challenge Amendments	Neil A. Hansen	Support	Failed
HB 056	Declaration of Candidacy Amendments	Douglas C. Aagard	Support	Enrolled
HB 061 s2	Local Government Entity Changes	Kory Holdaway	Support	Enrolled
HB 066 s9	Property Tax Amendments	Merlynn T. Newbold	Oppose	Failed
HB 067	Public Hearings on Property Tax Increases	Gage Froerer	Oppose	Enrolled
HB 068 s1	Development Exactions	Patrick Painter	Neutral	Enrolled
HB 099	Professional Licensure Exemptions	Larry B. Wiley	Oppose	Failed
HB 101	Assertive Community Mental Health Treatment Pilot Program	Carol Spackman Moss	Neutral	Failed
HB 115	County Conservation and Preservation Fund	Jack R. Draxler		Failed
HB 120 s2	Snake Valley Aquifer Research Team and Advisory Council	Bradley A. Winn	Support	Enrolled
HB 121 s2	Retired Volunteer Health Care Practitioner Act	Melvin R. Brown	Support	Enrolled
HB 122	Government Records Access and Management Act Amendments	Douglas C. Aagard	Support	Failed
HB 126 s2	Voter Identification for Elections	Bradley M. Daw	Neutral	Enrolled
HB 141	Billboard Amendments	Craig A. Frank	Oppose	Enrolled
HB 147	Resource Recovery by Governmental Entities	Tim M. Cosgrove	Oppose	Failed
HB 149	Forest Reserve Fund Revisions	Mike Noel	Support	Enrolled
HB 156 s1	Subdivision Approval Amendments	R. Curt Webb	Oppose	Failed
HB 157 s1	Property Tax Assessment Amendments	Wayne Harper	Support	Enrolled
HB 164 s3	Migratory Bird Production Areas	Curtis Oda	Neutral	Enrolled
HB 169 s1	Public Lands Policy Coordination Amendments	Mike Noel	Support	Enrolled
HB 187 s3	Recreational Use of Public Waters	Ben Ferry		Failed
HB 198	Marriage License Fee Amendments	Christine A. Johnson	Oppose	Enrolled
HB 201	Municipal Disincorporation Amendments	Gage Froerer	Support	Failed
HB 220 s2	State Payment and Reimbursement to County Correctional Facilities	Mike Noel	Support	Enrolled
HB 221	County Correctional Facilities Funding Amendments	Mike Noel	Support	Failed
HB 227	Prohibition on Citation Quotas	Neil A. Hansen	Oppose	Failed

Number	Title	Sponsor	Position	Status
HB 241	Priority of Water Rights	Kerry W. Gibson	Support	Enrolled
HB 246 s2	Property Tax - Residential Exemption	Gage Froerer	Oppose	Failed
HB 259 s2	Changes to Impact Fees	Stephen E. Sandstrom	Neutral	Enrolled
HB 272 s3	Utah Scenic Byway Designation Amendments	Christopher N. Herrod	Oppose	Enrolled
HB 273 s2	Contracting for Inter-facility Medical Transports	Mike Noel	Oppose	Failed
HB 274 s1	Local Government Fees and Charges to State Agencies	C. Brent Wallis	Neutral	Enrolled
HB 278	B and C Roads Fund Amendments	Mike Noel	Support	Enrolled
HB 287	Utah Education Network Amendments	Kory Holdaway	Support	Enrolled
HB 289	Background Checks for Qualifying Entities	Stephen E. Sandstrom	Support	Enrolled
HB 291	County Personnel Amendments	Brian S. King	Support	Enrolled
HB 309	County Fiscal Procedures Amendments	Christopher N. Herrod	Oppose	Enrolled
HB 366	Water Rights Addendums to Deeds	Ben Ferry	Oppose	Failed
HB 371 s2	Transportation Governance	Wayne Harper	Oppose	Enrolled
HB 375	Local Government Records Amendments	Ryan D. Wilcox	Support	Enrolled
HB 380	Tourism, Recreation, Cultural, Convention, and Airport Facilities Tax Amendments	Craig A. Frank	Oppose	Failed
HB 388	Highway Access to State Parks or Sovereign Lands	Roger E. Barrus		Failed
HB 390	Absentee Ballot Amendments	John G. Mathis		Enrolled
HB 404 s1	Disclosure of Real Property	Merlynn T. Newbold		Enrolled
HB 413 s1	County Authority Amendments	Ronda Rudd Menlove	Support	Enrolled
HB 418	Delinquent Property Tax Amendments	Gage Froerer	Neutral	Failed
HB 430	Economic Development Incentives for Alternative Energy Projects	Kevin S. Garn		Enrolled
HB 439 s1	Amendments to City or Town Sales and Use Tax for Botanical, Cultural, Recreational, and Zoological Organizations or Facilities	Kory Holdaway	Oppose	Failed
HCR 05 s1	Concurrent Resolution Urging the Realignment of Air Quality Requirements by the EPA	Ronda Rudd Menlove	Support	Enrolled
HJR 06	Joint Resolution Revising Property Tax Exemption	Patrick Painter	Oppose	Failed
HJR 11	Joint Resolution Expressing Support for and Recognizing the Value of Locally Elected Officials	Melvin R. Brown	Support	Enrolled

Number	Title	Sponsor	Position	Status
SB 018 s1	Utah Transparency Advisory Board Amendments	Wayne Niederhauser	Oppose	Enrolled
SB 020	Local Public Health Emergency Funding	Dennis Stowell	Support	Enrolled
SB 021 s1	State and Local Health Authorities Amendments	Dennis Stowell	Support	Enrolled
SB 024	Early Voting Amendments	Peter C. Knudson	Support	Enrolled
SB 026	Open and Public Meetings Act	Peter C. Knudson	Support	Enrolled
SB 027 s1	Election Law Changes	Peter C. Knudson	Support	Enrolled
SB 041 s3	Siting of High Voltage Power Line Act	Peter C. Knudson	Support	Enrolled
SB 047 s1	Grant in Lieu of Property Taxes Act	Gene Davis	Oppose	Failed
SB 053 s1	Awarding of Attorney Fees	Stephen H. Urquhart	Support	Enrolled
SB 056 s2	Military Installation Development Authority Amendments	Sheldon L. Killpack	Support	Enrolled
SB 057	Local Option Transportation Corridor Preservation Fund Amendments	Ralph Okerlund	Support	Enrolled
SB 063 s1	Modifications to Recording Requirements - Subdivisions	Ralph Okerlund	Support	Failed
SB 065 s1	Amendments to Property Tax Notice, Public Hearing, and Resolution Provisions	Dennis Stowell	Support	Enrolled
SB 068 s1	Mining Protection Amendments	Sheldon L. Killpack	Neutral	Enrolled
SB 069 s1	Proof of Citizenship Required to Vote	Mark Madsen	Oppose	Failed
SB 073 s1	Unincorporated Areas Amendments	Karen Mayne	Support	Enrolled
SB 076 s3	Energy Amendments	Curtis S. Bramble		Enrolled
SB 082	Local Health Authority Funding Amendments	Dennis Stowell	Support	Failed
SB 084 s1	Impact Fees Revisions	Gregory S. Bell	Support	Enrolled
SB 086	Amendments to Preferred Drug List	Allen M. Christensen	Support	Failed
SB 090	Metal Theft Amendments and Penalties	Jon J. Greiner	Support	Enrolled
SB 131 s2	Law Enforcement Service in Local Districts and Interlocal Entities	Scott K. Jenkins	Support	Enrolled
SB 134	Transportation Funding Amendments	Stephen H. Urquhart	Neutral	Enrolled
SB 135 s1	Local District Taxing Authority	Curtis S. Bramble	Support	Enrolled
SB 153	County and Municipal Land Use Amendments	Mark Madsen	Support	Enrolled
SB 161	Repeal of Maximum Charge to Publish Legal Notice	Kevin T. Van Tassell	Oppose	Enrolled
SB 164	In Person Voter Registration	Scott D. McCoy	Support	Failed
SB 171 s1	Municipal Annexation Amendments	Scott K. Jenkins	Oppose	Enrolled
SB 178	Class B and C Roads Amendments	Kevin T. Van Tassell	Support	Failed

Number	Title	Sponsor	Position	Status
SB 205	Community Development and Renewal Agency Amendments	Curtis S. Bramble		Enrolled
SB 208 s3	Utah Public Notice Website Amendments	Stephen H. Urquhart	Support	Enrolled
SB 209	Land Use, Development, and Management Act Amendments	Gregory S. Bell	Neutral	Enrolled
SB 210	Amendments to Property Tax	Curtis S. Bramble	Neutral	Enrolled
SB 216	Revisions to Military Installation Development Authority Act	Mark Madsen	Oppose	Enrolled
SB 221	Dedication and Abandonment of a Highway	Mark Madsen		Failed
SB 235 s1	Redistribution of Sales and Use Tax Revenues and Property Tax Adjustment	John L. Valentine	Support	Enrolled

ENROLLED BILLS

HB 12 County Sheriff Qualification Amendments

Sponsor: Richard Greenwood
UAC Position: Support
Enrolled

HB 12 corrects some technical errors associated with 2008's HB 305. It requires a candidate filing to run for county sheriff to provide a certificate from the Peace Officer Standards and Training (POST) Division verifying that the candidate has met the requirements for law enforcement officers.

Additionally, HB 12 requires an elected county sheriff at the time of taking office to be certified as a correctional officer or a correctional facility manager approved by the POST Council. The elected county sheriff shall remain a certified law enforcement officer and a correctional officer throughout the sheriff's term of office.

HB 23 Certified Tax Rate Amendments

Sponsor: Fred R. Hunsaker
UAC Position: Support
Enrolled

HB 23 requires that delinquent property tax collections be added to the certified tax rate, thus lowering the certified tax rate proportionately. UAC originally opposed HB 23 due to the fiscal impact it would have on county government—a loss of \$60 million to all taxing entities or roughly \$12 million to county government. A provision to the bill introduced prior to the final version allows taxing entities to increase their tax rates without going through truth in taxation to make them whole.

HB 28 Personal Property Tax Amendments

Sponsor: Craig A. Frank
UAC Position: Support
Enrolled

HB 28 provides that a county assessor may impose a penalty if a taxpayer fails to file a property tax statement by May 15 of the year the property tax statement is requested. If the property tax statement is requested after May 15, the county assessor may impose a penalty if a taxpayer fails to file a property tax statement thirty days after the postmarked date of a subsequent mailing.

HB 43

Coordinating Municipal and Special District Elections

Sponsor: Keith Grover
UAC Position: Support
Enrolled

HB 43 provides that polling places for municipal elections and special district elections be held in the same location when feasible. It also repeals the requirement that separate election judges at the same polling place must be used if a local district or special service district election ballot cannot be consolidated with a municipal election ballot.

HB 44

Local and Special Service District Election Amendments

Sponsor: Keith Grover
UAC Position: Support
Enrolled

HB 44 allows local districts and special service districts to conduct elections solely by mail. It also allows a candidate of a local district or special service district to forgo an election if running unopposed.

HB 43 and HB 44 were the results of a Legislative request to county clerks and special service district representatives to return to the Legislature with a simplified election process for special service districts.

HB 56

Declaration of Candidacy Amendments

Sponsor: Douglas C. Aagard
UAC Position: Support
Enrolled

HB 56 changes the dates for filing a declaration of candidacy and a petition of nomination dates for officers elected during a general election from between March 7 and March 17 to between the second Friday and the third Friday in March. This change was recommended by the Lt. Governor's Office to account for the Constitutional amendment that passed November, 2008 moving the start of the Legislative Session back a week and extending it a day—making the Legislative Session conflict with the March 7 to March 17 filing period.

HB 61 Local Government Entity Changes

Sponsor: Kory Holdaway
UAC Position: Support
Enrolled

HB 61 modifies and clarifies the process for certifying local government boundary changes. It is the culmination of five frustrating years for county recorders and surveyors to change the law to correspond to the unwritten process of certifying local government boundary changes.

HB 67 Public Hearings on Property Tax Increases

Sponsor: Gage Froerer
UAC Position: Oppose
Enrolled

HB 67 requires county auditors to consolidate and publish all second truth in taxation notices in a general circulation newspaper except in cases where a taxing entity crosses over two or more counties. The bill also requires taxing entities going through truth in taxation to notify the county auditor and pay for their portion of the newspaper ad.

UAC's opposition to the bill was based on the additional responsibilities it places on county government as well as the belief that the consolidation and publication of truth in taxation notices could more effectively be performed by the Utah State Tax Commission.

HB 68 Development Exactions

Sponsor: Patrick Painter
UAC Position: Neutral
Enrolled

HB 68 places limitations and restrictions on the imposition of an exaction for a water interest by a county, a county's culinary water authority, or a municipality. The bill also requires culinary water authorities to provide the basis for its calculations of projected water interest requirements.

HB 120

Snake Valley Aquifer Research Team and Advisory Council

Sponsor: Bradley A. Winn
UAC Position: Support
Enrolled

HB 120 creates the Snake Valley Aquifer Research Team and the Snake Valley Aquifer Advisory Council. The membership of the research team and advisory council are spelled out in the bill and the duties of the research team and advisory council are also outlined. The chief duty is to determine the potential impact of the use of groundwater resources in Snake Valley by the Southern Nevada Water Authority would have on the valley.

HB 121

Retired Volunteer Health Care Practitioner Act

Sponsor: Melvin R. Brown
UAC Position: Support
Enrolled

HB 121 waives the fees the state licensing board issues associated with health practitioners provided the applicant is only interested in practicing volunteer work for charity care at a charity location.

HB 126

Voter Identification for Elections

Sponsor: Bradley M. Daw
UAC Position: Neutral
Enrolled

HB 126 requires a voter to present proof of identification in order to participate in an election. Prior to HB 126 voters were only required to present proof of identification when voting for the first time in the state, voting early, or voting provisionally.

Through the Legislative process, the sponsor of HB 126 worked closely with county clerks to address concerns with original language of the bill to the point where UAC was able to remove its opposition to the bill.

HB 141 Billboard Amendments

Sponsor: Craig A. Frank
UAC Position: Oppose
Enrolled

HB 141 limits municipal and county regulatory authority over billboards. HB 141 considers counties to have initiated the acquisition of a billboard structure by eminent domain if the county prevents the billboard owner from moving the billboard structure within 5,280 feet of its previous location—double the distance previously allowed. HB 141 also modifies height limitations on modified, upgraded, or relocated billboard structures.

HB 149 Forest Reserve Fund Revisions

Sponsor: Mike Noel
UAC Position: Support
Enrolled

HB 149 changes the procedure for receiving apportioning federal funds received from forest reserve payments by providing that the funds shall be delivered to the state treasurer, rather than directly to the counties of the state. By doing this, HB 149 ensures that counties receive both their full proportion of federal secure rural school funds and federal payment in lieu of taxes (PILT). Had the federal secure rural school funds gone directly to the counties, Utah's counties would have had a proportionate decrease in PILT moneys. The passage of HB 149 should result in an additional \$7 million to Utah's counties.

HB 157 Property Tax Assessment Amendments

Sponsor: Wayne Harper
UAC Position: Support
Enrolled

HB 157 levies an additional 0.00001 per dollar taxable value in counties of the second through sixth class to be used for the purchase and upkeep of computer aided mass appraisal (CAMA) software for the purpose of more accurate property appraisal. The purchase of the CAMA software is to be overseen by UAC's Multicounty Appraisal Trust (MCAT). It's estimated that the increased tax levy will result in an additional \$1 million annually.

HB 164

Migratory Bird Production Areas

Sponsor: Curtis Oda
UAC Position: Neutral
Enrolled

HB 164 allows for the creation of a migratory bird protection area, prohibits a county zoning change within the migratory bird protection without written consent of all the landowners within the area, and prohibits a county from enacting certain ordinances regarding a migratory bird production area.

HB 164 was compromised over throughout the Legislative Session, to the point where UAC withdrew its opposition to the bill.

HB 169

Public Lands Policy Coordination Amendments

Sponsor: Mike Noel
UAC Position: Support
Enrolled

HB 169 eliminates the Public Lands Policy Coordinating Council instead placing the responsibilities formerly tied to that council with the Constitutional Defense Council. HB 169 also allows the Public Lands Policy Coordinating Office to make grants up to 16 percent of the office's total annual appropriations to a county or statewide association of counties for public lands matters that the Constitutional Defense Council and the Public Lands Policy Coordinating Office agree that the action provides a state benefit.

HB 198

Marriage License Fee Amendments

Sponsor: Christine A. Johnson
UAC Position: Oppose
Enrolled

HB 198 creates an optional \$10 fee attached to marriage licenses issued by county clerks. The fee goes to the Division of Child and Family Services for use in the operation of shelters for victims of domestic violence.

HB 220
State Payment and Reimbursement to County Correctional Facilities

Sponsor: Mike Noel
UAC Position: Support
Enrolled

HB 220 moves the responsibility to pay for condition of probation prisoners from the Department of Corrections to the Division of Finance. It also clarifies that while the state is expected to pay 50 percent of the state daily incarceration rate for condition of probation prisoners, payment from the Division of Finance is subject to legislative appropriations.

HB 241
Priority of Water Rights

Sponsor: Kerry W. Gibson
UAC Position: Support
Enrolled

HB 241 repeals a section of the code dealing with priority of water rights in times of scarcity. The section of the code HB 241 repeals gives priority to domestic water use first, agricultural water use second, and all other uses third. HB 241 has a delayed effective date of May 11, 2010 so as to give concerned parties of the bill time to work towards a potential compromise.

HB 259
Changes to Impact Fees

Sponsor: Stephen E. Sandstrom
UAC Position: Neutral
Enrolled

HB 259 prohibits a municipality or county from imposing an impact fee on a school district or charter school for a park, recreation facility, open space, or trail. It also prohibits an impact fee in the case of construction of a school if the school replaces an existing school and doesn't create additional demand. HB 259 also enacts language that creates a process for mediation between a school district or charter school and the taxing entity imposing the impact fee should disagreement concerning the impact fee arise.

HB 272

Utah Scenic Byway Designation Amendments

Sponsor: Christopher N. Herrod
UAC Position: Oppose
Enrolled

HB 272 tightens the requirements necessary to designate a highway as a state scenic byway or to nominate a highway as a National Scenic Byway or to receive All-American Road designation. The bill carves out an exemption for the Legacy Parkway.

The impetus for HB 272 was to prevent local and state government from exempting highways from billboard structures under the guise of scenic byway designation.

HB 274

Local Government Fees and Charges to State Agencies

Sponsor: C. Brent Wallis
UAC Position: Neutral
Enrolled

HB 274 limits hookup and other fees imposed by counties, municipalities, local districts, and special service districts to the reasonable cost of installing and inspecting the pipe, line, meter, or appurtenance to connect to the utility system. HB 274 allows impact fees for a road facility on the state only in the event that the state's development caused an impact on the road and no state or federal funds go into the road facility. HB 274 also sets in place steps for mediation in the event that there is a disagreement concerning impact fees.

HB 278

B and C Roads Fund Amendments

Sponsor: Mike Noel
UAC Position: Support
Enrolled

HB 278 provides that a county or municipality may use up to 30 percent of the class B and class C roads account funds allocated to the county or municipality to pay the costs of asserting, defending, or litigating local government rights under R.S. 2477 on class B, class C, or class D roads.

HB 287
Utah Education Network Amendments

Sponsor: Kory Holdaway
UAC Position: Support
Enrolled

HB 287 modifies the duties and authority of the Utah Education Network allowing it to provide network connections to the central administration of counties and municipalities for the sole purpose of transferring data to a secure facility for backup and disaster recovery.

HB 289
Background Checks for Qualifying Entities

Sponsor: Stephen E. Sandstrom
UAC Position: Support
Enrolled

HB 289 permits background checks of volunteers who provide services to vulnerable adults. HB 289 was legislation proposed by Salt Lake County Aging Services.

HB 291
County Personnel Amendments

Sponsor: Brian S. King
UAC Position: Support
Enrolled

HB 291 increases from 90 to 270 the number of days that county personnel rules are to provide as the maximum period for temporary, provisional, other non-career service, and emergency appointments. The move to 270 days aligns county personnel rules with the state.

HB 309
County Fiscal Procedures Amendments

Sponsor: Christopher N. Herrod
UAC Position: Oppose
Enrolled

HB 309 requires the transfer of any unencumbered or unexpended appropriation balance or any part from one expenditure account to another within a county department during the budget year be in accordance with budgetary and fiscal policies or ordinances adopted by the county legislative body. HB 309 also clarifies that county salaries can be paid semi-monthly or bi-weekly in addition to monthly.

HB 371

Transportation Governance

Sponsor: Wayne Harper
UAC Position: Oppose
Enrolled

HB 371 changes the makeup of the Transportation Commission by requiring the commission consist of one commissioner from each of UDOT's four regions and three at-large commissioners. Previously the commission consisted of six commissioners from specified regional areas and one at-large commissioner.

HB 375

Local Government Records Amendments

Sponsor: Ryan D. Wilcox
UAC Position: Support
Enrolled

HB 375 requires political subdivisions to designate a person as the chief administrative officer when dealing with GRAMA appeals. Previously, the law was ambiguous as to who the chief administrative officer was creating confusion for counties and other political subdivisions.

HB 390

Absentee Ballot Amendments

Sponsor: John G. Mathis
UAC Position: Neutral
Enrolled

HB 390 sets the Friday prior to an election as the last day for casting an in-office absentee ballot. Prior to HB 390, in-office absentee voting was available up until the day before an election.

Utah's rural counties pushed for HB 390 as the requirement to staff in-office absentee voting the day before an election was particularly difficult with limited staff. Some of Utah's urban counties opposed the bill. For these reasons, UAC declined to take a position on the bill.

HB 404 Disclosure of Real Property

Sponsor: Merlynn T. Newbold
UAC Position: Neutral
Enrolled

HB 404 requires a property owner to disclose in a property transaction that the owner's property is contaminated from methamphetamine use if the owner has actual knowledge of the contamination. HB 404 also permits the owner to decontaminate the owner's property from methamphetamine contaminants.

HB 413 County Authority Amendments

Sponsor: Ronda Rudd Menlove
UAC Position: Support
Enrolled

HB 413 allows a county to divide the county into divisions for the purpose of prescribing different fencing regulations for each division.

HB 413 is helpful for counties with both a very rural and urban component.

HB 430 Economic Development Incentives for Alternative Energy Projects

Sponsor: Kevin S. Garn
UAC Position: Neutral
Enrolled

HB 430 provides for the creation of renewable energy development zones by the Governor's Office of Economic Development and provides definitions related to renewable energy development zones and renewable energy development projects undertaken within those zones. HB 430 provides for an economic development tax credit to business entities upon meeting standards set by the Governor's Office of Economic Development that are based on requirements established in the act.

HCR 5 Concurrent Resolution Urging the Realignment of Air Quality Requirements by the EPA

Sponsor: Ronda Rudd Menlove
UAC Position: Support
Enrolled

HCR 5 urges the EPA to adopt Utah's recommended PM2.5 nonattainment areas as opposed to the EPA designated three PM2.5 nonattainment areas. The resolution argues that one of the EPA designated areas includes counties that do not have a problem with air quality while another area includes a county within Idaho and obviously outside of Utah's jurisdiction.

HJR 11 Joint Resolution Expressing Support for and Recognizing the Value of Locally Elected Officials

Sponsor: Melvin R. Brown
UAC Position: Support
Enrolled

HJR 11 expresses support to locally elected officials in meeting the needs of their constituents, recognizes that the most effective governance is conducted by that government closest to the people, and recognizes the unique ability locally elected officials have to bring their constituents together to develop community solutions to community problems.

SB 18 Utah Transparency Advisory Board Amendments

Sponsor: Wayne Niederhauser
UAC Position: Oppose
Enrolled

SB 18 requires county government (along with all other political subdivisions) to participate in the Utah Public Finance Website beginning on May 15, 2011. A representative of county government shall be appointed by the Governor to the Utah Transparency Advisory Board. The Transparency Advisory Board is the board that will determine what financial information the participating entities will post on the Utah Public Finance Website.

SB 20 Local Public Health Emergency Funding

Sponsor: Dennis Stowell
UAC Position: Support
Enrolled

SB 20 requires the Department of Health to establish a local health emergency assistance program to be drawn from by local health departments in times of emergency. The bill allows for the legislature to appropriate funds to the program when desired. Local health departments are required to match any funds provided through the program. The legislature chose not to appropriate any funds into the program this year.

SB 21 State and Local Health Authorities Amendments

Sponsor: Dennis Stowell
UAC Position: Support
Enrolled

SB 21 creates a committee made up of representatives of the state Department of Health and representatives of local health departments charged with evaluating the allocation of public health resources between the state Department of Health and local health departments. Prior to SB 21 the Department of Health only had to provide a means for local health departments comment on policies regarding the allocation of public health resources.

SB 24 Early Voting Amendments

Sponsor: Peter C. Knudson
UAC Position: Support
Enrolled

SB 24 repeals language requiring Salt Lake County to locate early voting locations within each state senate district within the county for Primary and General Elections. The bill requires Salt Lake County, instead, to ensure that early voting polling places are approximately proportionately distributed based on population within the county.

SB 26
Open and Public Meetings Act

Sponsor: Peter C. Knudson
UAC Position: Support
Enrolled

SB 26 clarifies that written minutes that have been prepared and are awaiting formal approval by the public body are public record and should be clearly identified as “awaiting formal approval.” SB 26 also states that recordings of a open meeting shall be available to the public for listening within three business days after the end of the meeting.

SB 27
Election Law Changes

Sponsor: Peter C. Knudson
UAC Position: Support
Enrolled

SB 27 addresses several technical changes to the election law requested by the Lt. Governor’s Office. UAC took a position to support SB 27 to support the efforts the Lt. Governor’s Office is making in the election code.

SB 41
Siting of High Voltage Power Line Act

Sponsor: Peter C. Knudson
UAC Position: Support
Enrolled

SB 41 addresses several issues when siting a high voltage power line. It requires a public utility to notify an affected entity and affected landowner when applying for a land use permit to construct a high voltage power line, it requires a public utility to conduct public workshops and distribute information to the public on the proposed high voltage power line, and it authorizes a public utility or local government to appeal a high voltage power line route to the Utility Facility Review Board.

SB 53
Awarding of Attorney Fees

Sponsor: Stephen H. Urquhart
UAC Position: Support
Enrolled

SB 53 prohibits a court from awarding attorney fees under the private attorney general doctrine. Without the private attorney general doctrine, parties will bear their own costs and fees when they bring or defend a lawsuit unless there is a statutory exception.

SB 56
Military Installation Development Authority Amendments

Sponsor: Sheldon L. Killpack
UAC Position: Support
Enrolled

SB 56 increases the authority of the military installation development authority by allowing it to levy a municipal energy sales and use tax, municipal telecommunications license tax, and a transient room tax. SB 56 also allows the military installation development authority to issue bonds and exercise police power within the project area.

SB 57
Local Option Transportation Corridor Preservation Fund Amendments

Sponsor: Ralph Okerlund
UAC Position: Support
Enrolled

SB 57 clarifies that the interest earned from the Local Option Transportation Corridor Preservation Fund shall remain with the fund for county use. SB 57 also requires UDOT to account for the interest earned from the fund since the inception of the fund—an appropriation of \$250,000.

SB 65
Amendments to Property Tax Notice, Public Hearing, and Resolution Provisions

Sponsor: Dennis Stowell
UAC Position: Support
Enrolled

SB 65 provides a mechanism for counties and other taxing entities running on a calendar fiscal year to eliminate the June truth in taxation hearing when considering an increase to their taxing rate.

SB 68
Mining Protection Amendments

Sponsor: Sheldon L. Killpack
UAC Position: Neutral
Enrolled

SB 68 provides that vested mining uses, as defined, constitute a mining protection area and extends to mining protection areas some of the same protection or similar protection afforded agriculture and industrial protection areas.

SB 73
Unincorporated Areas Amendments

Sponsor: Karen Mayne
UAC Position: Support
Enrolled

SB 73 modifies the process for establishing a township and the authority of a county legislative body with respect to the establishment of a township. It also provides a process for withdrawing and area from a township and dissolving a township.

SB 76
Energy Amendments

Sponsor: Curtis S. Bramble
UAC Position: Neutral
Enrolled

SB 76 creates the Utah Generated Renewable Energy Electricity Network Authority as an independent state agency. The authority is charged with determine if there is adequate transmission infrastructure and capacity to bring renewable energy sources to market and prioritize transmission locations. The board is authorized to issue a bond to finance, in whole or in part, a qualifying transmission project.

SB 84
Impact Fees Revisions

Sponsor: Gregory S. Bell
UAC Position: Support
Enrolled

SB 84 shortens the period of time from 14 days to 10 days for various steps required for the adoption of impact fees. Including: the time prior to a public hearing a notice of a capital facilities plan is to be given and the time prior to the adoption of an impact fee enactment a local government must submit a copy of the written impact fee analysis.

SB 90
Metal Theft Amendments and Penalties

Sponsor: Jon J. Greiner
UAC Position: Support
Enrolled

SB 90 provides that a defendant is liable for restitution for damages caused during the course of committing or attempting to commit a theft of regulated metal, and that the victim may also bring a civil action for damages.

SB 131

Law Enforcement Service in Local Districts and Interlocal Entities

Sponsor: Scott K. Jenkins
UAC Position: Support
Enrolled

SB 131 creates the option for a law enforcement local service district and sets rules for the administration, funding, and duties of such districts.

SB 131 was a major priority for Salt Lake County and some aspects of the bill apply only to counties of the first class.

SB 134

Transportation Funding Amendments

Sponsor: Stephen H. Urquhart
UAC Position: Neutral
Enrolled

SB 134 prohibits the state, counties, and municipalities from spending project-specific funds allocated through a congressional authorization act for a transportation project that is eligible for funds apportioned to the state in support of the statewide transportation improvement program unless the specified project is included on the statewide transportation improvement program.

SB 135

Local District Taxing Authority

Sponsor: Curtis S. Bramble
UAC Position: Support
Enrolled

SB 135 prohibits service area boards who are not elected from imposing a tax levy unless the issue is voted on by the voters within the service area or there is unanimous support among all the legislative bodies of the municipalities and counties within which the boundaries of the service area lie. SB 135 clarifies that an elected service area board includes both officers elected specifically to the board and a service area board consisting of elected county and municipal officials.

SB 153
County and Municipal Land Use Amendments

Sponsor: Mark Madsen
UAC Position: Support
Enrolled

SB 153 prohibits counties and municipalities from requiring, as a condition of land use application approval, a person to obtain documentation regarding a school district's willingness, capacity, or ability to serve the development proposed in the land use application. SB 153 also prohibits counties and municipalities from charging fees that exceed applicable costs and requires counties and municipalities, on request, to itemize and show the basis of fees they impose.

SB 161
Repeal of Maximum Charge to Publish Legal Notice

Sponsor: Kevin T. Van Tassell
UAC Position: Oppose
Enrolled

SB 161 removes the maximum charge of 30 cents per line newspapers can charge cities of the fourth and fifth class for legal notices. In its place, SB 161 prohibits newspapers from charging a rate greater than the open net rate for a similar notice by any other advertiser.

SB 171
Municipal Annexation Amendments

Sponsor: Scott K. Jenkins
UAC Position: Oppose
Enrolled

SB 171 provides that a municipality may annex an area without a property owner's consent if the area is an unincorporated island or peninsula of 50 acres or less and the municipality and county agree the area should be annexed.

SB 205
Community Development and Renewal Agency Amendments

Sponsor: Curtis S. Bramble
UAC Position: Neutral
Enrolled

SB 205 modifies provisions relating to community development and renewal agencies—commonly known as RDAs. The bill is deals with mostly technical changes on the periphery of RDA law.

SB 208

Utah Public Notice Website Amendments

Sponsor: Stephen H. Urquhart
UAC Position: Support
Enrolled

SB 208 requires local government starting 2010 to publish legal notices on both a website designed and administered by Utah's newspapers and in a newspaper. Starting in 2012, local government within a county of the first and second class are only required to publish legal notices on the newspaper-designed website (although they still have the option of publish in the newspaper). The newspaper-designed website is not permitted to charge a fee prior to 2012 and thereafter is not allowed to charge a fee of more than \$10 to post a legal notice.

UAC's support for SB 208 was for an early version of the bill in which the state was charged with the design and administration of the public notice website.

SB 209

Land Use, Development, and Management Act Amendments

Sponsor: Gregory S. Bell
UAC Position: Neutral
Enrolled

SB 209 modifies various county and municipal land use provisions dealing with a hearing and notice requirement for a proposal to vacate, alter, or amend a public street or right-of-way. SB 209 also eliminates the requirement for a planning commission recommendation on a subdivision plat in certain circumstances when the planning commission is not the land use authority.

SB 210

Amendments to Property Tax

Sponsor: Curtis S. Bramble
UAC Position: Neutral
Enrolled

SB 210 provides a method for determining the fair market value of centrally assessed aircraft at their wholesale price minus 20 percent as opposed the current method of using the aircraft's retail price. The result of SB 210 is a property tax shift from centrally assessed businesses operating aircraft to other property tax owners of \$3.6 million.

SB 216
Revisions to Military Installation Development Authority Act

Sponsor: Mark Madsen
UAC Position: Oppose
Enrolled

SB 216 expands the Military Installation Development Authority Act to allow private property be included in a project if the private property owner consents to the inclusion of the land in the project, the private land is contiguous to the military land, the total size of the project area is not greater than 100 acres, and the project area is located within a county of the third through sixth class.

SB 216 was crafted for a particular project located in Summit County. The severe limitations in the bill make it unlikely to affect any other area in the state.

SB 235
Redistribution of Sales and Use Tax Revenues and Property Tax Adjustment

Sponsor: John L. Valentine
UAC Position: Support
Enrolled

SB 235 establishes procedures and requirements for the State Tax Commission to redistribute certain sales and use tax revenues from one county, city, or town to another county, city, or town in the event that those revenues were distributed erroneously. SB 235 sets the look back time that tax revenues can be distributed to 90 days.

This bill arose out of a costly oversight by the Tax Commission regarding telecommunications companies resulting in years' worth of sales tax revenues to the counties being redistributed to the cities. SB 235 will mitigate the cost of these types of errors in the future.

FAILED BILLS

HB 48 Ballot Question Amendments

Sponsor: Keith Grover
UAC Position: Support
Failed

HB 48 would have limited the number of words allowed for a ballot title to 75 words for state, county, and municipals initiatives and referendums. The current limit for a ballot title is 100 words. This bill failed to receive a recommendation from a Senate committee after passing through the House of Representatives.

HB 49 Voter Challenge Amendments

Sponsor: Neil A. Hansen
UAC Position: Support
Failed

HB 49 would have tightened the requirements needed to meet in order to file a written voter challenge prior to an election. It also would have required that written challenges be submitted under oath and be subject to criminal penalties for false statements. HB 49 passed out of the House of Representatives yet failed to move out of the Senate Rules Committee.

HB 66 Property Tax Amendments

Sponsor: Merlynn T. Newbold
UAC Position: Oppose
Failed

HB 66 would have redistributed tens of millions of dollars among Utah's school districts and charter schools. With charter schools being the big winners and the Canyons and Park City School Districts being the big losers. UAC took a position to oppose HB 66 on the bases that with the amount of money being reallocated, there would definitely have to be truth in taxation hearings in those areas of the state where school districts lost money.

HB 66 was one of the more contentious bills of the 2009 Legislative Session. It was on its ninth substitute when it was defeated on the House floor.

HB 99
Professional Licensure Exemptions

Sponsor: Larry B. Wiley
UAC Position: Oppose
Failed

HB 99 would have removed the exemption from licensure which allows a licensed professional engineer to practice architecture and removed the exemption from licensure which allows a licensed architect to practice engineering or structural engineering. HB 99 never received so much as a committee hearing.

HB 101
Assertive Community Mental Health Treatment Pilot Program

Sponsor: Carol Spackman Moss
UAC Position: Neutral
Failed

HB 101 would have established a pilot program for the provision of assertive community treatment mental health services to eligible people, who are not receiving or are transitioning out of other mental health services. HB 101 passed the House of Representatives but failed to get a vote in the Senate.

HB 115
County Conservation and Preservation Fund

Sponsor: Jack R. Draxler
UAC Position: Neutral
Failed

HB 115 would have allowed the Farmland Assessment Act to authorize a county legislative body to deposit certain revenues received under the Farmland Assessment Act into a conservation and preservation fund. The purpose of these funds would have been to purchase land for the conservation or preservation of agricultural land, critical watershed land, critical wildlife habitat, open space, a park, a trail, or a combination of the above. HB 115 failed on the House floor.

HB 122

Government Records Access and Management Act Amendments

Sponsor: Douglas C. Aagard

UAC Position: Support

Failed

HB 122 would have tightened provisions to the Government Records Access and Management Act (GRAMA) related to litigation records. HB 122 would have allowed for records to be classified as protected if they were prepared in anticipation of litigation.

A version of HB 122 passed both the House of Representatives and the Senate. However, since the same version of the bill failed to pass both bodies, the bill failed to pass. The House had the option of concurring with the changes made in the Senate but chose not to. A conference committee made up of members of the House and Senate then met to work out a compromise, but no compromise came forward.

HB 147

Resource Recovery by Governmental Entities

Sponsor: Tim M. Cosgrove

UAC Position: Oppose

Failed

HB 147 would have required counties of the first and second class as well as state agencies and municipalities located within those counties to contract for recycling services for most county facilities. Counties would have been responsible to recycle paper, steel, and aluminum. HB 147 was held in committee and never received a vote.

HB 156

Subdivision Approval Amendments

Sponsor: R. Curt Webb

UAC Position: Oppose

Failed

HB 156 would have authorized an owner of a contiguous parcel of agricultural land within a county of the third, fourth, fifth, or sixth class to divide from the land one parcel per 100 acres, without complying with subdivision plat requirements or county subdivision ordinances.

HB 156 passed the Legislature but was one of two bills vetoed by the Governor over concerns that the bill didn't address health and safety issues associated with county zoning.

HB 187

Recreational Use of Public Waters

Sponsor: Ben Ferry
UAC Position: Neutral
Failed

HB 187 would have limited the public waters on certain private property in which a person may engage in a recreational activity.

HB 187 was one of the more debated bills of the session. It was defeated on the House floor, reconsidered, substituted, and ultimately defeated again.

HB 201

Municipal Disincorporation Amendments

Sponsor: Gage Froerer
UAC Position: Support
Failed

HB 201 would have allowed for an order of election for a disconnection petition if the municipality was incorporated on or after January 1, 2009 without an election to approve the incorporation or the incorporation petition did not contain the signatures of a majority of registered voters within the area proposed for incorporation. HB 201 specifically addressed an issue with Powder Mountain in Weber County. The bill failed to receive a vote in the Senate after passing out of the House of Representatives.

HB 221

County Correctional Facilities Funding Amendments

Sponsor: Mike Noel
UAC Position: Support
Failed

HB 221 would have clarified that the state pay counties for contract and condition of probation prisoners a percentage of *average* core incarceration rate. The bill failed to receive a vote in the Senate after passing the House of Representatives.

Included with the bill was a fiscal note of \$15 million reflecting the cost to fully fund those programs. Realistically, HB 221 had no chance of passing once it became clear just how serious state budget cuts would be.

HB 227
Prohibition on Citation Quotas

Sponsor: Neil A. Hansen
UAC Position: Oppose
Failed

HB 227 would have prohibited state and local law enforcement agencies from setting traffic citation quotas for their law enforcement officers. HB 227 failed in House committee.

HB 246
Property Tax - Residential Exemption

Sponsor: Gage Froerer
UAC Position: Oppose
Failed

HB 246 would have amended the size of residential property that may qualify for the residential exemption, provided the property was located in an area zoned for larger than one acre lots. Currently, the residential exemption applies to the first acre of a residential lot. HB 246 would have permitted up to six acres depending on what local zoning required. HB 246 failed to pass a Senate committee after passing out of the House of Representatives.

HB 273
Contracting for Inter-facility Medical Transports

Sponsor: Mike Noel
UAC Position: Oppose
Failed

HB 273 would have allowed a health care facility to contract with an inter-facility transport services provider who holds a license in a geographic service area in the state if the 911 ambulance provider for the geographic service area is not the political subdivision and a political subdivision has not issued an RFP for inter-facility transport. HB 273 failed on the House floor.

HB 366
Water Rights Addendums to Deeds

Sponsor: Ben Ferry
UAC Position: Oppose
Failed

HB 366 would have required that a person recording a deed conveying title to land or title to water include information on the grantor's water rights. HB 366 never made it to committee or received a vote.

HB 380

Tourism, Recreation, Cultural, Convention, and Airport Facilities Tax Amendments

Sponsor: Craig A. Frank

UAC Position: Oppose

Failed

HB 380 would have diverted 3.44 percent of the revenues collected from the tourism, recreation, cultural, and convention (TRCC) tax—commonly referred to as the restaurant tax—to a newly created Utah Food and Restaurant Promotion Fund. The Utah Food and Restaurant Promotion Fund would spend 78 percent of its revenues on an advertisement campaign for Utah’s restaurants and the remaining 22 percent to promote products grown and produced in Utah to Utah’s restaurants. The bill was defeated in House committee, brought back in the form of a substitute, and defeated again in committee.

HB 388

Highway Access to State Parks or Sovereign Lands

Sponsor: Roger E. Barrus

UAC Position: Neutral

Failed

HB 388 would have prohibited a county or municipality from establishing or operating a tollway or imposing or collecting a toll on a class B or class C road that provides access to a state park or sovereign lands. HB 388 was not considered by any Legislative committee and never received a vote.

HB 418

Delinquent Property Tax Amendments

Sponsor: Gage Froerer

UAC Position: Neutral

Failed

HB 418 would have increased the penalty imposed on delinquent property taxes from 2 percent to 3 percent, while providing that the penalty is only 2.5 percent if the property tax and penalty are paid within 61 days of the delinquency. HB 418 passed out of the House of Representatives and a Senate committee hearing, but failed to be heard on the Senate floor.

HB 439

Amendments to City or Town Sales and Use Tax for Botanical, Cultural, Recreational, and Zoological Organizations or Facilities

Sponsor: Kory Holdaway

UAC Position: Oppose

Failed

HB 439 would have permitted a city or town within Salt Lake County to impose an arts tax of 0.1 percent on top of the county's ZAP tax provided the citizens of that city or town approves the tax in an election. HB 439 failed to receive a vote in the Senate after it passed the House of Representatives on a close 38 to 33 vote.

HJR 6

Joint Resolution Revising Property Tax Exemption

Sponsor: Patrick Painter

UAC Position: Oppose

Failed

HJR 6 would have placed on the ballot an amendment to the Utah State Constitution that would have added private water treatment plants to the list of property exempt from property tax under a property tax exemption. HJR 6 was held by its sponsor so that the issue might be reviewed over the interim.

SB 47

Grant in Lieu of Property Taxes Act

Sponsor: Gene Davis

UAC Position: Oppose

Failed

SB 47 would have created a countywide property tax levy generating \$1 million in those counties wherein sits a municipality with over 33 percent of its acreage consists of property exempt from paying property tax. SB 47 would have required the county auditor to calculate each qualifying municipality's share of the tax levy and the county shall give that revenue to the qualifying municipalities. SB 47 failed to pass out of Senate committee.

SB 63

Modifications to Recording Requirements - Subdivisions

Sponsor: Ralph Okerlund
UAC Position: Support
Failed

SB 63 would have prohibited a person from submitting a subdivision plat for recording unless the plat has been dedicated by each owner. SB 63 also addressed several technical changes proposed by Utah's county recorders. SB 63 failed to receive a vote from the House of Representatives after passing the Senate.

SB 69

Proof of Citizenship Required to Vote

Sponsor: Mark Madsen
UAC Position: Oppose
Failed

SB 69 would have required persons that are registering to vote in the state for the first time or that are changing their registration from another state to provide evidence, either at the time of registration or at the time or voting, that they are citizens of the United States. SB 69 failed to receive a vote in the House of Representatives after passing out of the Senate.

The Utah Association of Counties and county clerks worked closely with the sponsor of SB 69 on compromise language to the bill that would likely have resulted in UAC's removal of opposition to the bill. The compromise language was never incorporated into the bill, however, as the bill never came before the legislature after the compromise was reached.

SB 82

Local Health Authority Funding Amendments

Sponsor: Dennis Stowell
UAC Position: Support
Failed

SB 82 would have required counties to create a separate property tax levy for local health departments by prohibiting counties from using general fund money for local health authorities unless the county levies a separate local health department tax at the maximum rate. SB 82 failed to receive a vote from the House of Representatives after passing out of the Senate.

SB 86
Amendments to Preferred Drug List

Sponsor: Allen M. Christensen
UAC Position: Support
Failed

SB 86 would have amended exceptions to the preferred drug list in the state Medicaid program by allowing for more generic drugs instead of brand name drugs. SB 86 would have saved the state upwards of \$1 million yet failed to receive so much as a committee hearing or vote.

SB 164
In Person Voter Registration

Sponsor: Scott D. McCoy
UAC Position: Support
Failed

SB 164 would have eliminated provisions concerning in person voter registration occurring at the county clerk's office and instead would have allowed for registration in person with the county clerk or the county clerk's designee. SB 164 passed out of Senate Committee but was never voted on the Senate floor.

SB 178
Class B and C Roads Amendments

Sponsor: Kevin T. Van Tassell
UAC Position: Support
Failed

SB 178 would have increased the bid limit from \$125,000 to \$500,000 for construction and certain maintenance contracts for class B and C roads. SB 178 failed to receive a committee hearing or vote.

SB 221

Dedication and Abandonment of a Highway

Sponsor: Mark Madsen
UAC Position: Neutral
Failed

SB 221 would have created a ten-year statute of limitations—as opposed to the current twelve-year limitations under federal law—to bring a lawsuit to keep a road open to the public. For the tens of thousands of miles of county roads in Utah that cross federal lands, SB 221 would not only change the limitations period 12 years to 10 years, it would also change when the limitations countdown starts to run. The SB 221 limitations countdown starts when the public merely stops using the road. The federal limitations countdown starts on a county-initiated lawsuit only upon a distinct purposeful act that effectively closes the road to public use, and on a state-initiated lawsuit the countdown starts only upon issuance of a formal written plan or policy, pursuant to which the road was closed.

SB 221 would also effectively decree that the ten years of public continuous use of a road which is necessary to dedicate the road to the public, will be interrupted and the ten-year clock reset, if the landowner closes a gate on merely one occasion or expels merely one traveler from the road. This is contrary to current Utah case law on what constitutes an interruption of continuous public use. SB 221 was held by the sponsor for interim study.

INTERIM STUDY ISSUES

Utah Association of Counties 2009-2010 Interim Study Issues

UAC Action List

1. Restaurant Tax
2. Resort Tax to Counties
3. Legal Notices (SB 208)
4. Removal of June Truth in Taxation (SB 65)
5. Greenbelt Roleback (HB 193)
6. Widland Fire Suppression

UAC Monitor List

1. Private Water Systems (HJR 6)
2. Dedication and Abandonment of a Highway (SB 221)
3. Voter Registration Proof of Citizenship (SB 69)

Legislative List (HJR 21)

46. Campaign Finance Reports
47. Candidate Eligibility
50. Election Laws
52. For and Against Votes for Referendum
53. GRAMA Issues (HB 122)
64. Assertive Community Mental Health Treatment Program (HB 101)
116. Fire Funding
117. Funding Fires with Premiums
126. Small Boat Fee Exemptions
127. Snake Valley Water Issues
131. Water Rights Addendum to Deeds (HB 366)
136. Impact Fees
137. Inter-County Competition (HB 374)
138. Local Districts Property Tax Levy Authority
147. Delinquent Tax Penalties
151. Greenbelt Rollback (HB 193)
154. Property Tax Assessment (HB 363)
155. Property Tax Exemption for Water-related Property (HJR 6)
157. RAP and ZAP Taxes
158. Residential Exemption (HB 246)
166. Tourism, Recreation, Cultural, Convention, and Airport Facilities Tax
168. Dedication and Abandonment of a Highway (SB 221)
170. Scenic Byway Designation (HB 272)