



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 **2010 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

Given the current financial climate, the Utah Association of Counties came into the recently completed 2010 Legislative Session with a limited number of UAC-sponsored legislation and a goal of keeping the Legislature from doing any great harm to county government. UAC was successful on both accounts.

Several critical pieces of legislation for county government that were discussed throughout the months leading up to the Legislature were enrolled into law. These include: 1) HB 143 which prohibits BLM, Forest Service, and National Park Service Rangers from arresting, citing, or booking Utahns for state law offenses; 2) HB 259 which makes corrections to MCAT and the assessing and collecting levy; 3) SB 53 which protects citizens from superfluous voter challenges; and 4) SB 156 which includes county government under the umbrella of the antitrust act.

UAC was able to protect county interests from harm in two major ways: first, it successfully managed to fight off damaging legislation and second, it fought for fair appropriations for state programs managed by county government.

The most dangerous piece of legislation facing county government this year was HB 48. In its original form, the bill would have repealed the restaurant tax but replaced it with a 0.1 percent county option sales tax. However, the bill was later substituted to be a straight repeal of the restaurant tax after proponents of the bill faced too much opposition from retailers over the sales tax increase. Fortunately, this was a battle that UAC was ready to fight. Ever since the 2009 Session, UAC has been preparing for this issue and, as a result, was able to give strong testimony against the bill. Ultimately, HB 48 failed to pass out of the House Revenue and Taxation Committee.

Another piece of legislation that was troublesome to county government was SB 203 which would have removed any authority of the county legislative body when filling vacancies in county elected offices. This bill made it much farther in the process than HB 48, passing all the way through the Senate before it failed to be heard on the last night of the Legislative Session. It is a safe bet that some version of this bill will return in 2011. UAC will work through the interim to ensure that we are on top of the issue.

Like all other parts of the budget, county government saw cuts in appropriations. However, given the budget shortfalls the state was dealing with, county government made out alright. The legislature appropriated \$6 million towards jail reimbursement down from the \$6.5 million appropriated last year, but certainly better than where it sat through most of the session.

In light of the funding challenges faced by all recipients of state money this session, County programs in human services fared comparatively well and did not face any

crippling losses to programs or personnel. Although a number of programs suffered losses in funding as a result of the expiring of one time funding resources, there were no additional cuts made to the programs in Aging Services, Mental Health services, or Substance abuse treatment services. The attached chart shows final net cuts to programs that will occur in the FY 2011 budget. As you see, Aging Services fared quite well and the other programs took minor additional reductions.

Program	Ongoing Cut	One Time backfill	Net cut
*Aging Support	--	--	--
*Aging Pass Through	--	--	--
*Nursing Home Alternatives	--	--	--
*Provider rate rollback—SA	(382,900)		*(382,900)
*Substance Abuse Prev/Trtmnt	(500,000)		*(500,000)
Women with Children Drug Trtmnt	(44,200)		(44,200)
*Provider rate rollback—MH	(975,300)		*(975,300)
*Mental Health Services Delivery	(1,750,000)		*(1,750,000)
Mental Health Centers	(600,000)	613,000	13,000
Children’s Outplacement from USH	(51,900)		(51,900)
Drug Boards	(350,000)		(350,000)
*Drug Offender Reform Act	(2,009,400)	1,960,000	(49,000)

* Cuts made during 2009 General Session which were backfilled and set to take effect on July 1, 2010 unless again funded.

With the 2010 Legislative Session over, UAC turns its attention towards 2011. Please make plans to be involved. Because any success UAC enjoys at the Legislature is due in large part to the efforts of its membership.

UAC TRACKING SHEET

Number	Title	Sponsor	Position	Status
HB 022	Inmate Health Insurance Amendments	Paul Ray	Support	Failed
HB 044	Referendum Ballot Proposition Amendments	Fred Hunsaker		Enrolled
HB 046	Motor Vehicle Act Amendments	Julie Fisher	Support	Enrolled
HB 048	Amendments to the Tourism, Recreation, Cultural, Convention, and Airport Facilities Tax Act	Craig Frank	Oppose	Failed
HB 054	Property Tax Exemption for Water Facilities	Patrick Painter		Enrolled
HB 057	Extension of Sunset for Design-build Contract Award Authorization	Julie Fisher	Support	Enrolled
HB 061	Real Property Sales Information Disclosure	Gage Froerer	Support	Failed
HB 079	Valid Voter Identification Amendments	Marie Poulson		Failed
HB 080	Public Access to Private Stream Beds	Lorie D. Fowlke		Failed
HB 085	Responsible Development of Nuclear Power Generation	F. Jay Seegmiller	Oppose	Failed
HB 094 s1	Uniform Fiscal Procedures Act Amendments for Towns, Cities, and Counties Amendments	Fred Hunsaker	Neutral	Enrolled
HB 102 s2	Agriculture Sustainability Act	Jack R. Draxler	Support	Failed
HB 107	Animal Shelter Amendments	Jennifer M. Seelig		Enrolled
HB 109	Volunteer Government Workers Act Definitions	Jackie Biskupski	Support	Enrolled
HB 110	County Jail Inmate Medical Costs	Brad Daw	Support	Enrolled
HB 115	Counsel for Indigents in Juvenile Court Proceedings	Kraig Powell	Support	Enrolled
HB 129	Amendments to Education Financing	Merlynn T. Newbold	Oppose	Failed
HB 131 s1	B and C Road Construction Amendments	Mike Noel	Oppose	Failed
HB 136	Jail Contracting and Reimbursement	Mike Noel	Support	Failed
HB 141 s2	Recreational Use of Public Water on Private Property	Kay McIff		Enrolled
HB 143	Eminent Domain Authority	Christopher N. Herrod	Neutral	Enrolled
HB 145 s2	Renewable Energy Financing Provisions	Brad Last	Support	Enrolled
HB 146	Law Enforcement by Federal Land Management Agency	Mike Noel	Support	Enrolled
HB 148	Sales and Use Tax Changes	Wayne Harper	Oppose	Failed
HB 173 s1	911 Amendments	Brad Dee	Support	Enrolled
HB 182	Property Tax - Home Owner Exemption Modification	Gage Froerer	Oppose	Failed
HB 204	Jury Trial Amendments	Wayne Harper	Oppose	Failed
HB 205 s1	Impact Fee Amendments	Stephen E. Sandstrom	Oppose	Enrolled
HB 209	Offender Regulation Amendments	Christine F. Watkins	Support	Enrolled
HB 210	Eminent Domain Modifications	Craig Frank	Oppose	Failed

Number	Title	Sponsor	Position	Status
HB 216 s1	Incorporation of a Town Amendments	Gage Froerer	Neutral	Enrolled
HB 218	Municipal Disincorporation Revisions	Gage Froerer	Support	Failed
HB 219 s1	Delinquent Property Tax Amendments	Gage Froerer	Oppose	Enrolled
HB 224	Uniform Real Property Transfer on Death Act	Lorie D. Fowlke	Oppose	Failed
HB 228	Renewable Energy Source Amendments	Roger Barrus	Support	Enrolled
HB 244	Provisional Ballot Amendments for Unregistered Voters	Rebecca Chavez-Houck		Failed
HB 258	Voting Precinct Boundaries	Kenneth W. Sumsion	Oppose	Enrolled
HB 259 s2	Property Tax Amendments	Wayne Harper	Support	Enrolled
HB 265	Real Property Amendments	Gage Froerer	Support	Enrolled
HB 266 s1	Government Records Access and Management Act Revisions	Kraig Powell		Failed
HB 278 s2	Government Records Access and Management Act Amendments	Christopher N. Herrod	Neutral	Enrolled
HB 279	County Recorder Amendments	Curt Webb	Support	Enrolled
HB 283 s1	Fees in Special Service Districts	John Mathis	Oppose	Failed
HB 291	Applicability of Land Use Provisions to Federal Government	Keith Grover		Failed
HB 298 s1	Land Use Authority Notification of Canal Development	Ben Ferry	Support	Enrolled
HB 307	General County Powers Amendments	Greg Hughes	Support	Enrolled
HB 314 s1	Water Rights Addendums to Deeds	Ben Ferry	Neutral	Enrolled
HB 321 s1	Bond Election Notification Revisions	Greg Hughes	Support	Enrolled
HB 322	Property Tax Valuation Amendments	Neil Hansen	Oppose	Failed
HB 323 s1	School and Institutional Trust Lands Amendments	Kenneth W. Sumsion	Neutral	Failed
HB 324 s1	Public Lands Litigation	Kenneth W. Sumsion	Neutral	Enrolled
HB 337	Uniform Driver License Act Amendments	Becky Lockhart	Support	Enrolled
HB 348	Sheriffs Fees	Richard Greenwood	Support	Enrolled
HB 368	Election Day Voting Centers	Rebecca Chavez-Houck		Failed
HB 377	Department of Human Services Licensing Amendments	Paul Ray	Support	Failed
HB 383	County Tax Amendments	Wayne Harper	Support	Failed
HCR 15	Resolution to the Secretary of Transportation on Revocation of Driver Licenses	Becky Lockhart	Support	Enrolled
HJR 02	Joint Resolution on Property Tax Exemption for Water Facilities	Patrick Painter		Enrolled
HJR 07	Joint Resolution Prohibiting Property Transfer Tax	Gage Froerer	Support	Failed

Number	Title	Sponsor	Position	Status
SB 030	Local Option Sales and Use Taxes for Transportation Act	Wayne Niederhauser	Support	Enrolled
SB 034	Municipal Disincorporation Amendments	Alan Christensen	Support	Failed
SB 037	Impact Fee Revisions	Wayne Niederhauser	Support	Enrolled
SB 042	Retirement Eligibility Modifications	Daniel R. Liljenquist		Failed
SB 043 s3	Post-retirement Employment Amendments	Daniel R. Liljenquist	Support	Enrolled
SB 053	Voter Challenge Revisions	Peter C. Knudson	Support	Enrolled
SB 060 s1	Search and Rescue Funding	Ralph Okerlund	Support	Enrolled
SB 063 s3	New Public Employees' Tier II Contributory Retirement Act	Daniel R. Liljenquist	Neutral	Enrolled
SB 068 s1	Local Health Authority Funding Amendments	Dennis E. Stowell		Failed
SB 081 s2	Eminent Domain Amendments	Lyle W. Hillyard	Neutral	Enrolled
SB 097 s1	Farmland Assessment Act Amendments	David P. Hinkins	Support	Enrolled
SB 099 s2	Water Companies and Water Right Change Requests	John L. Valentine		Failed
SB 119 s2	Special Elections Modifications	Howard A. Stephenson		Enrolled
SB 125	Intangible Property Amendments	Curt Bramble		Enrolled
SB 126	Subdivision Amendments	Stuart Adams	Neutral	Enrolled
SB 156 s1	Antitrust Act Amendments	Stephen H. Urquhart	Support	Enrolled
SB 163	Health Regulation of Geothermal Pools and Baths	Mark Madsen	Oppose	Failed
SB 172 s3	Local District Taxing Authority Amendments	Curt Bramble		Enrolled
SB 186	Amendments to Emissions Inspections	Mark Madsen	Oppose	Failed
SB 194	Assessment Area Act Amendments	Wayne Niederhauser	Support	Failed
SB 197 s1	Community Development and Renewal Agency Amendments	Curt Bramble		Enrolled
SB 199 s1	Government Boundary Modifications	Ralph Okerlund	Support	Failed
SB 203	Vacancies in County Elected Offices	Howard Stephenson	Oppose	Failed
SB 215	Highway Project Funding - Salt Lake County	Wayne Niederhauser	Support	Enrolled
SB 244	Annexation Amendments	Curt Bramble	Oppose	Failed
SB 269	County Powers to Resolve Lawsuits via Development Agreements	Stuart Adams	Support	Failed
SB 275 s2	Removing Signature from Initiative and Referendum Petition	Howard A. Stephenson		Enrolled

ENROLLED BILLS

HB 44

Referendum Ballot Proposition Amendments

Sponsor: Fred Hunsaker
UAC Position: Neutral
Enrolled

HB 44 clarifies referendum ballot language. The bill changes referendum ballot language so that a vote "for" on a referendum question means the voter is in favor of the law taking effect while a vote "against" means that the voter is not in favor of the law taking effect.

HB 46

Motor Vehicle Act Amendments

Sponsor: Julie Fisher
UAC Position: Support
Enrolled

HB 46 gives a county that is required to impose a motor vehicle emissions inspection and maintenance program the authority to impose an additional \$3 local emissions compliance fee. The bill then requires any county that imposes that fee to use the revenue generated from that fee for the establishment and enforcement of an emissions inspection and maintenance program.

HB 54

Property Tax Exemption for Water Facilities

Sponsor: Patrick Painter
UAC Position: Neutral
Enrolled

HB 54 enacts a property tax exemption to non-profit entities which provide water for irrigation, provide water for domestic use, or provide water to a public water supplier.

The passage of HB 54 is contingent on the passage of a constitutional amendment included in HJR 2 to be voted on by the citizens of the State during the November 2010 General Election.

HB 57
Extension of Sunset for Design-build Contract Award Authorization

Sponsor: Julie Fisher
UAC Position: Support
Enrolled

HB 57 extends until July 1, 2015, the sunset of a provision authorizing a transportation agency (including a county agency) to award a design-build contract for a transportation project that has an estimated cost of \$5 million or less to a qualified eligible proposer if there is only one bid received and the transportation agency determines that the proposal price is reasonable.

HB 94
Uniform Fiscal Procedures Act Amendments for Towns, Cities, and Counties Amendments

Sponsor: Fred Hunsaker
UAC Position: Neutral
Enrolled

HB 94 requires the governing body of a municipality or county to give public notice and hold a hearing before allocating or transferring funds between a utility enterprise fund and another fund.

HB 107
Animal Shelter Amendments

Sponsor: Jennifer M. Seelig
UAC Position: Neutral
Enrolled

HB 107 gives the governing body of a county or municipality the discretion to determine whether to make an impounded animal available to be used for research or educational purposes provided that certain qualifications have first been met. Those qualifications include the animal being impounded for at least five days and the animal shelter having made a reasonable effort to find the rightful owner of the animal.

HB 109 Volunteer Government Workers Act Definitions

Sponsor: Jackie Biskupski
UAC Position: Support
Enrolled

HB 109 modifies the Volunteer Government Workers Act by amending the definition of "compensatory service worker." The bill amends the definition to include a person who is performing public service as a condition, or as part of, incarceration, a plea, or sentencing.

HB 110 County Jail Inmate Medical Costs

Sponsor: Brad Daw
UAC Position: Support
Enrolled

HB 110 provides that a county will cover any medical costs of an inmate that exceed the coverage of an inmate's private insurer. HB 110 also permits the county to seek reimbursement for medical costs from an inmate who has the financial means to pay those costs.

HB 115 Counsel for Indigents in Juvenile Court Proceedings

Sponsor: Kraig Powell
UAC Position: Support
Enrolled

HB 115 limits the scope of services the county is responsible for when counsel is appointed for an indigent in juvenile court to the proceedings for which counsel is appointed and not to defend against the filing of a petition to terminate parental rights or other issues.

HB 141 Recreational Use of Public Water on Private Property

Sponsor: Kay McIff
UAC Position: Neutral
Enrolled

HB 141 addresses public use of public waters on public and private property. In doing so the bill differentiates between water which is public and water beds which belong to the property owner. The result is that rivers and streams that run through private property are accessible to float down but not walk on.

HB 143 Eminent Domain Authority

Sponsor: Christopher N. Herrod
UAC Position: Neutral
Enrolled

HB 143 authorizes the state to exercise eminent domain authority on property possessed by the federal government. Any attempt to do so will likely result in litigation which is why HB 143 has a companion bill (HB 324) which provides funding for the Attorney General's office to cover legal costs.

HB 145 Renewable Energy Financing Provisions

Sponsor: Brad Last
UAC Position: Support
Enrolled

HB 145 removes barriers for third-party financial arrangements for the instillation of solar power. The bill helps businesses, local governments, and non-profits (schools, churches, etc) interested in installing on-site renewable energy generation do so by taking advantage of innovative financing mechanisms and available tax incentives for renewable energy.

HB 146 Law Enforcement by Federal Land Management Agency

Sponsor: Mike Noel
UAC Position: Support
Enrolled

HB 146 clarifies that federal employees who manage federal lands may not enforce Utah law and may only exercise federal law enforcement authority unless they are specifically authorized by a state or local law enforcement agency. The bill provides that Utah does not recognize federal agency (defined as an agency that manages federal land) authority beyond that necessary to manage, use, and protect federally managed lands.

HB 173
911 Amendments

Sponsor: Brad Dee
UAC Position: Support
Enrolled

HB 173 permits a study of public safety answering points (where 911 calls are directed) to determine if there are better ways to run those answering points. Additionally, the bill permits the 911 surcharge to fund those studies.

HB 205
Impact Fee Amendments

Sponsor: Stephen E. Sandstrom
UAC Position: Oppose
Enrolled

HB 205 requires that an impact fee enactment allow, in certain circumstances, a school district or a charter school receive a credit against or proportionate reimbursement of an impact fee.

HB 209
Offender Regulation Amendments

Sponsor: Christine F. Watkins
UAC Position: Support
Enrolled

HB 209 provides that in addition to the annual fee of \$100 that registered sex offenders are currently required to pay to the Department of Corrections, a fee of not more than \$25 if an agency other than the Department of Corrections registers the offense.

HB 216
Incorporation of a Town Amendments

Sponsor: Gage Froerer
UAC Position: Neutral
Enrolled

HB 216 requires that the legislative body of a county, based on certain results of the municipal incorporation financial feasibility study either: 1) approve a petition to incorporate, 2) deny a petition to incorporate, 3) impose conditions on the area proposed to be incorporated, or 4) alter the boundaries of the area proposed to be incorporated.

HB 219 Delinquent Property Tax Amendments

Sponsor: Gage Froerer
UAC Position: Oppose
Enrolled

HB 219 increases the penalty imposed on delinquent property taxes from 2 percent to 2.5 percent but provides that the penalty is only 1 percent if the delinquent property taxes and the penalty are paid by the January 31 immediately following the delinquency date. HB 219 also provides that the interest rate that attaches to delinquent taxes and the penalty is no less than 7 percent and no greater than 10 percent.

HB 228 Renewable Energy Source Amendments

Sponsor: Roger Barrus
UAC Position: Support
Enrolled

HB 228 changes the definition of renewable energy sources to include energy derived from municipal solid waste.

HB 258 Voting Precinct Boundaries

Sponsor: Kenneth W. Sumsion
UAC Position: Oppose
Enrolled

HB 258 prohibits a county legislative body from changing voting precincts between January 1 of a year immediately preceding a census year and the day on which the Legislature divides the state into districts based on the new census information. This may result in under and over utilized voting precincts as population centers change.

HB 259 Property Tax Amendments

Sponsor: Wayne Harper
UAC Position: Support
Enrolled

HB 259 sets a date for counties of the third through sixth class to be using a computer-aided mass appraisal system and changes the maximum contribution counties are required to make to the assessing and collecting levy.

HB 265 Real Property Amendments

Sponsor: Gage Froerer
UAC Position: Support
Enrolled

HB 265 spells out in greater detail the type of considerations a county assessor should factor into the assessment of a golf course or hunting club. Additionally, the bill lists three valuation methods an assessor can use when assessing the value of these types of properties including: 1) the cost approach, 2) the income capitalization approach, and 3) the sales comparison approach.

HB 279 County Recorder Amendments

Sponsor: Curt Webb
UAC Position: Support
Enrolled

HB 279 deals with a number of issues relating to the County Recorder's Office, including: 1) an amendment to the requirements to submit a subdivision plat for recording, 2) prohibition from bringing an action against a recorder as a result of information contained in a recorded instrument, and 3) an amendment dealing with provisions relating to the rescinding or cancelling of a trustee's deed, among other issues.

HB 298 Land Use Authority Notification of Canal Development

Sponsor: Ben Ferry
UAC Position: Support
Enrolled

HB 298 requires canal companies to provide to the municipality or county within which the companies operate canals a general description of the canal with global positioning satellite information. In return, the local government is required to notify any canal company of a land use application within 100 feet of a canal.

HB 307

General County Powers Amendments

Sponsor: Greg Hughes
UAC Position: Support
Enrolled

HB 307 prohibits a county or a governmental instrumentality of a county from performing an action, providing a service, exercising a power, or performing a function in another county or a municipality within the other county without first entering into an agreement with the other county.

HB 314

Water Rights Addendums to Deeds

Sponsor: Ben Ferry
UAC Position: Neutral
Enrolled

HB 314 allows a person submitting for recording a deed conveying title to land or title to water rights to submit also a water rights addendum identifying and describing the water rights being conveyed. The bill requires grantors and grantees to sign any water rights addendum that is submitted, requires the state engineer to use the approved water rights addendum form and to make the form available to the public, and requires county recorders to transmit a copy of a recorded applicable deed and water rights addendum to the state engineer.

HB 321

Bond Election Notification Revisions

Sponsor: Greg Hughes
UAC Position: Support
Enrolled

In the case of a bond election, HB 321 requires additional information to be provided in a voter information pamphlet. Additionally, it changes ballot notification requirements by: 1) requiring additional information to be provided on the ballot, 2) deleting a provision requiring the type of bond to be identified on the ballot, and 3) deleting a provision requiring notification of payment sources if the bond is payable from tax proceeds and operating revenues.

HB 324

Public Lands Litigation

Sponsor: Kenneth W. Sumsion
UAC Position: Neutral
Enrolled

HB 324 is a companion bill to HB 143 which authorizes the state to claim federal land through eminent domain. HB 324 covers the inevitable litigation costs associated with HB 143 by appropriating \$1 million each year for the next three years from the Land Exchange Distribution Account to the Constitutional Defense Restricted Account for legal services and just compensation for property taken.

HB 324 also directs the attorney general to file certain eminent domain or quiet title actions on specific property possessed by the federal government.

HB 337

Uniform Driver License Act Amendments

Sponsor: Becky Lockhart
UAC Position: Support
Enrolled

HB 337 spells out that the Drivers License Division is not required to suspend a person's driver's license for certain drug-related offences if the person begins a licensed substance abuse treatment program. The bill also has provisions to get the license suspended if the person fails to complete the substance abuse treatment program.

HB 348

Sheriffs Fees

Sponsor: Richard Greenwood
UAC Position: Support
Enrolled

HB 348 adjusts sheriffs' fees and permits a county legislative body to set certain fees charged by the sheriff's office.

HCR 15

Resolution to the Secretary of Transportation on Revocation of Driver Licenses

Sponsor: Becky Lockhart
UAC Position: Support
Enrolled

HCR 15 expresses opposition to a federal requirement that the state of Utah pass a law requiring revocation or suspension of a person's driver license for any drug-related offense, and expresses the Legislature's and the Governor's determination that Utah law will provide exceptions to the revocation or suspension of a driver license for any drug-related offense.

HCR 15 is a companion resolution to HB 337.

HJR 2

Joint Resolution on Property Tax Exemption for Water Facilities

Sponsor: Patrick Painter
UAC Position: Neutral
Enrolled

HJR 2 places an issue on the 2010 General Election ballot an amendment to the Utah State Constitution that would exempt property and land owned by a nonprofit entity that provides domestic water. HJR 2 is a companion to HB 54.

SB 30

Local Option Sales and Use Taxes for Transportation Act

Sponsor: Wayne Niederhauser
UAC Position: Support
Enrolled

SB 30 recodifies a great deal of the language regarding local option sales taxes for transportation.

SB 37
Impact Fee Revisions

Sponsor: Wayne Niederhauser
UAC Position: Support
Enrolled

SB 37 amends public notice requirements for a local political subdivision that imposes an impact fee and directs a local government entity to refund an impact fee if a court ruling is consistent with an advisory opinion issued by the Office of Property Rights Ombudsman on the impact fee.

SB 43
Post-retirement Employment Amendments

Sponsor: Daniel R. Liljenquist
UAC Position: Support
Enrolled

SB 43 prohibits state and local government employees from “double dipping” retirement by removing the requirement that an agency pay the same percentage of salary to the retiree as the employer would have had the retiree were an active member of the retirement system. Instead the retiree return to work can either reenter the system or receive a retirement allowance and forfeit any retirement contribution associated with the reemployment.

SB 53
Voter Challenge Revisions

Sponsor: Peter C. Knudson
UAC Position: Support
Enrolled

SB 53 sets standards for voter challenges and requires that written challenges be submitted under oath and be subject to criminal penalties for false statements.

SB 60

Search and Rescue Funding

Sponsor: Ralph Okerlund
UAC Position: Support
Enrolled

SB 60 clarifies what a reimbursable expense is in regards to the search and rescue financial assistance program.

Originally, SB 60 would have created a mechanism for citizens to purchase a Utah outdoor search and rescue card. The money raised from the card would help offset the costs associated with search and rescue efforts and provide insurance to citizens who purchased the card and require a search and rescue effort. The original version of the bill was pulled to give the interested parties a chance to work through the details.

SB 63

New Public Employees' Tier II Contributory Retirement Act

Sponsor: Daniel R. Liljenquist
UAC Position: Neutral
Enrolled

SB 63 creates a new retirement system for state or local government employees hired on or after July 1, 2011. The new tier comes with fewer benefits including full retirement benefits available after 25 years (up from 20 years) for law enforcement and fire fighters and full retirement benefits available for all other employees after 35 years (up from 30 years).

SB 81

Eminent Domain Amendments

Sponsor: Lyle W. Hillyard
UAC Position: Neutral
Enrolled

SB 81 creates a time line for a defendant or a plaintiff to file a settlement offer concerning eminent domain issues as well as spells out requirements for a settlement offer. The bill also authorizes the court to, under certain circumstances, award litigation expenses.

SB 97
Farmland Assessment Act Amendments

Sponsor: David P. Hinkins
UAC Position: Support
Enrolled

SB 97 allows land subject to a forest stewardship plan to be assessed on the basis of the value that the land has for agricultural use if the land otherwise qualifies to be assessed on that basis.

SB 119
Special Elections Modifications

Sponsor: Howard A. Stephenson
UAC Position: Neutral
Enrolled

SB 119 prohibits a local political subdivision from holding a local special election for a bond, levy, leeway, or sales tax issue without at least two-thirds of all members of the local legislative body calling the local special election

SB 125
Intangible Property Amendments

Sponsor: Curt Bramble
UAC Position: Neutral
Enrolled

SB 125 expands the definition of intangible property for property tax purposes to include renewable energy tax credits and incentives.

SB 126
Subdivision Amendments

Sponsor: Stuart Adams
UAC Position: Neutral
Enrolled

SB 126 provides an exemption to the public hearing requirement for vacating, altering, or amending a plat if petitioners within the subdivision file a petition that only applies to their lots and do not violate a land use ordinance or a development condition.

SB 156
Antitrust Act Amendments

Sponsor: Stephen H. Urquhart
UAC Position: Support
Enrolled

SB 156 includes county government in the federal antitrust act.

Prior to SB 156, the code allowed for “municipalities”. When this was interpreted by the State Supreme Court to apply only to cities and towns, it became necessary to change the wording. SB 156 replaced “municipality” with “political subdivision”.

SB 172
Local District Taxing Authority Amendments

Sponsor: Curt Bramble
UAC Position: Neutral
Enrolled

SB 172 prohibits local districts from imposing property tax increases unless the board of the local districted is either elected or made up of a majority of elected officials, a majority of registered voters approve a tax increase, or the majority of the legislative bodies of the municipalities and counties within which the local district services approves the property tax increase.

SB 197
Community Development and Renewal Agency Amendments

Sponsor: Curt Bramble
UAC Position: Neutral
Enrolled

SB 197 allows money to be moved freely between project areas within a community development or redevelopment agency with approval from the taxing entity committee. It also allows a private entity to receive reimbursement for environmental clean-up costs incurred prior to the creation of the project area. Finally, the 20 percent housing set-aside is now largely discretionary since it is dependent on available funding.

SB 275**Removing Signature from Initiative and Referendum Petition****Sponsor: Howard A. Stephenson****UAC Position: Neutral****Enrolled**

SB 275 removes the requirement that a signature of a notary be required to remove a voter's signature off of a statewide initiative or referendum petition. The bill requires that county clerks forward any requests for removal from a petition to the Lt. Governor who is charged to remove the voters' names from a petition.

FAILED BILLS

HB 22 Inmate Health Insurance Amendments

Sponsor: Paul Ray
UAC Position: Support
Failed

HB 22 would have provided that the health insurance an inmate of a correctional facility pay its share of any medical or dental costs associated with that inmate while incarcerated. The bill failed on the house floor by a vote of 30 for and 44 against.

HB 48 Amendments to the Tourism, Recreation, Cultural, Convention, and Airport Facilities Tax Act

Sponsor: Craig Frank
UAC Position: Oppose
Failed

HB 48 would have repealed the restaurant tax in a county once any bond indebtedness tied to that tax expired. An earlier version of the bill repealed the 1 percent restaurant tax but gave a 0.1 percent county option sales tax to replace lost revenues. The original version of the bill was modified for two major reasons: 1) the 0.1 percent county option sales tax would have resulted in tax increase on the order of \$5 million and 2) retailers and their lobby were unhappy with the prospect of an increase of the sales tax.

HB 48 failed to pass out of committee with a vote of 6 for and 9 against.

HB 61 Real Property Sales Information Disclosure

Sponsor: Gage Froerer
UAC Position: Support
Failed

HB 61 would have required property owners to share the sales price of a property with the county assessor. This bill lost support when its companion resolution prohibiting a property transfer tax (HJR 7) was dismissed by the Constitutional Revision Commission. Without the constitutional amendment prohibiting a property transfer tax, the shaky support the bill had from the real estate industry disappeared quickly. The bill failed to receive so much as a committee hearing.

HB 79
Valid Voter Identification Amendments

Sponsor: Marie Poulson
UAC Position: Neutral
Failed

HB 79 would have added valid Medicare cards to the list of acceptable voter identification documentation. The bill failed on the house floor with a vote of 27 for and 47 against.

HB 80
Public Access to Private Stream Beds

Sponsor: Lorie D. Fowlke
UAC Position: Neutral
Failed

HB 80 would have permitted recreational activity on public waters over private beds. Compared to HB 141 which passed, HB 80 sided with the public interested in recreation more so than the property owners. HB 80 failed on the house floor with a vote of 23 for and 50 against.

HB 85
Responsible Development of Nuclear Power Generation

Sponsor: F. Jay Seegmiller
UAC Position: Opposed
Failed

HB 85 would have requires a nuclear power corporation to obtain from the Public Service Commission (PSC) a certificate of convenience and necessity before constructing or operating a nuclear power plant. The bill also would have required that the PSC only issue a certificate after it first determines that there is a federally licensed facility in the United States with adequate capacity to dispose of the nuclear power plant's high-level nuclear waste and the proposed nuclear power plant is economically advantageous to ratepayers. HB 85 failed to receive so much as a committee hearing.

HB 102

Agriculture Sustainability Act

Sponsor: Jack R. Draxler
UAC Position: Support
Failed

HB 102 would have created a fund for supporting agriculture sustainability funded by rollback taxes collected after the sale of agricultural property. Taxing entities would be held harmless through a one-time increase in their taxing levy. HB 102 was held in committee.

HB 129

Amendments to Education Financing

Sponsor: Merlynn T. Newbold
UAC Position: Oppose
Failed

HB 129 would have altered the statewide minimum tax levy for public education as well as required the legislature to increase the value of the weighted pupil unit for purposes of determining school districts' income tax funding by an amount equal to the increased amount of revenue generated statewide by the minimum basic tax rate from the prior year. The result being a shift in revenues to each school district in the state, leaving some school districts better off and some school districts worse off financially. HB 129 failed to pass out of committee with a vote of 7 for and 8 against.

HB 131

B and C Road Construction Amendments

Sponsor: Mike Noel
UAC Position: Oppose
Failed

HB 131 would have prohibited a county or municipality from bidding on certain class B and class C road maintenance or construction projects if the class B or class C road is not under the county or municipality's jurisdiction unless fewer than two bids are received from private contractors. The bill passed out of committee, but was later returned to the committee where it was held for the remainder of the session.

HB 136

Jail Contracting and Reimbursement

Sponsor: Mike Noel
UAC Position: Support
Failed

HB 136 would have effectively ended the jail reimbursement program by making condition of probation prisoners subject to the same requirements as contract prisoners. The bill had an \$18 million fiscal note. HB 136 made it out of the house but was never heard in the senate.

HB 148

Sales and Use Tax Changes

Sponsor: Wayne Harper
UAC Position: Oppose
Failed

HB 148 would have folded most of the so-called “boutique” sales taxes into a single statewide sales tax rate. Included in the number of sales taxes that would have gone away was the restaurant tax. By moving the sales tax to a single statewide rate, Utah could qualify for the streamline sales tax initiative nationwide and better collect sales tax on internet and catalog sales. UAC’s opposition was directed towards the bill would have been to the type of projects funded by the restaurant tax. HB 148 failed to come out of committee.

HB 182

Property Tax - Home Owner Exemption Modification

Sponsor: Gage Froerer
UAC Position: Oppose
Failed

HB 182 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. The bill would have permitted up to six acres depending on what local zoning required. HB 182 didn’t receive so much as a committee hearing.

HB 204

Jury Trial Amendments

Sponsor: Wayne Harper
UAC Position: Oppose
Failed

HB 204 would have expanded the right to a jury trial in criminal cases where the possibility of incarceration is unlikely, but the defendant is charged with theft, attempted theft, or domestic violence. HB 204 failed to receive so much as a committee hearing.

HB 210

Eminent Domain Modifications

Sponsor: Craig Frank
UAC Position: Oppose
Failed

HB 210 would have provided that litigation expenses shall be awarded to the property owner in a disputed eminent domain challenge if the final award amount exceeds the written offer by 5 percent as determined by an arbitrator, the court, or through mediation. HB 210 failed to receive so much as a committee hearing.

HB 218

Municipal Disincorporation Revisions

Sponsor: Gage Froerer
UAC Position: Support
Failed

HB 218 would have allowed the citizens within a municipality that was incorporated without the vote of the citizens to file for disincorporation provided it is filed within two years of the incorporation. The bill was narrowly drafted to apply to only one community in Weber County. HB 218 passed out of the house but failed in senate committee on a vote of 3 for and 3 against.

HB 224
Uniform Real Property Transfer on Death Act

Sponsor: Lorie D. Fowlke
UAC Position: Oppose
Failed

HB 224 would have created a new part in the Probate Code entitled the Uniform Real Property Transfer on Death Act. The bill would have provided that the act is nonexclusive and does not affect any other method of transferring real property allowed under Utah law and provided that a transfer on death deed is revocable and nontestamentary. The bill failed in committee by a vote of 5 for and 5 against.

HB 244
Provisional Ballot Amendments for Unregistered Voters

Sponsor: Rebecca Chavez-Houck
UAC Position: Neutral
Failed

HB 244 would have permitted same day registration for voters by counting the provisional ballot an unregistered voter casts provided the voter correctly fills out a registration form in conjunction with the provisional ballot. HB 244 failed to receive so much as committee hearing.

HB 266
Government Records Access and Management Act Revisions

Sponsor: Kraig Powell
UAC Position: Neutral
Failed

HB 266 would have required a governmental entity to provide gross compensation information for all elected or appointed employees by name and to provide gross compensation information for all other employees, provided that the disclosure identifies each employee by job title, rather than by name. HB 266 sent back to the rules committee by the house committee hearing it.

HB 283
Fees in Special Service Districts

Sponsor: John Mathis
UAC Position: Oppose
Failed

HB 283 would have prohibited a legislative body from delegating to an administrative control board of a special service district the power to establish or increase a fee. Only elected special service district boards or boards consisting of elected officials would have been able to establish or increase a fee. HB 283 made it to the senate second reading calendar but failed to be heard on the senate floor.

HB 291
Applicability of Land Use Provisions to Federal Government

Sponsor: Keith Grover
UAC Position: Neutral
Failed

HB 291 would have modified county and municipal land use provisions to provide that they apply to land owned by the federal government to the fullest extent allowed by federal law and required the federal government to comply, to the extent allowed under federal law, with county and municipal land use ordinances. HB 291 was returned to rules by a house committee.

HB 322
Property Tax Valuation Amendments

Sponsor: Neil Hansen
UAC Position: Oppose
Failed

HB 322 would have replaced Utah's fair market value based property assessment system with one that assesses value based on purchase price. The bill failed to receive so much as a committee hearing.

HB 323
School and Institutional Trust Lands Amendments

Sponsor: Kenneth W. Sumsion
UAC Position: Neutral
Failed

HB 323 would have funded the provisions relating to HB 143 through the Land Grant Management Fund. Ultimately, the sponsor of HB 323 elected to fund the provisions of HB 143 through the Land Exchange Distribution Account of the constitutional defense fund instead. HB 323 passed out of committee but was never considered on the house floor.

HB 368
Election Day Voting Centers

Sponsor: Rebecca Chavez-Houck
UAC Position: Neutral
Failed

HB 368 would have allowed an election officer to designate one or more election day voting centers for voters who reside within the local political subdivision holding an election. This could have resulted in cost savings to the local government administering the election. HB 368 failed to receive so much as a committee hearing.

HB 377
Department of Human Services Licensing Amendments

Sponsor: Paul Ray
UAC Position: Support
Failed

HB 377 would have permitted, under limited circumstances, a person to have direct access to children or vulnerable adults, who would otherwise be prohibited from that access due to certain misdemeanor or infraction convictions, in order to permit the person to provide peer counseling, peer support, or supported employment services. HB 377 was abandoned when proponents of the bill found a non-legislative means to accomplish the bill's objective.

HB 383 County Tax Amendments

Sponsor: Wayne Harper
UAC Position: Support
Failed

HB 383 would have permitted Salt Lake County to impose a franchise tax in place of the fee currently being collected in areas of the county that are receiving service from the unified police department. HB 383 failed to receive a committee hearing.

HJR 7 Joint Resolution Prohibiting Property Transfer Tax

Sponsor: Gage Froerer
UAC Position: Support
Failed

HJR 7 would have placed on the General Election ballot a constitutional amendment to prohibit a transfer tax on the sale of real property. HJR 7 was a companion resolution to HB 61 which would have required property owners to share the sales price of a property with the county assessor. HJR 7 was considered before the Constitutional Revision Commission in December, 2009 but failed to receive an endorsement from that commission. As a result, the resolution failed to receive so much as a committee hearing during the Legislative Session.

SB 42 Retirement Eligibility Modifications

Sponsor: Daniel R. Liljenquist
UAC Position: Neutral
Failed

SB 42 would have extended the time for state and local government employees to reach full retirement up to an additional five years. The more time an employee was in the system, the less additional years the employee would be required to work. The bill was abandoned by the sponsor before receiving so much as a committee hearing.

SB 68

Local Health Authority Funding Amendments

Sponsor: Dennis E. Stowell
UAC Position: Neutral
Failed

SB 68 would have added two additional members to a committee that reviews the allocation of public health resources between the Department of Health and local health departments. The two additional members would have been selected from the Legislature. The bill failed to receive a vote on the senate floor.

A previous, substituted version of SB 68 would have required county government to fund local health departments through a dedicated property tax levy. This version of the bill was abandoned over concerns from county officials.

SB 99

Water Companies and Water Right Change Requests

Sponsor: John L. Valentine
UAC Position: Neutral
Failed

SB 99 would have 1) provided restrictions on a water company's denial of a shareholder's change request, 2) allowed a water company to require a shareholder to pay certain water company costs in connection with the shareholder's change request, and 3) prohibited a water company from requiring a shareholder, as part of the share assessment process, to pay a proportionate share of the costs of an action concerning the shareholder's change request. SB 99 failed on the senate floor with a vote of 9 for and 19 against.

SB 163

Health Regulation of Geothermal Pools and Baths

Sponsor: Mark Madsen
UAC Position: Oppose
Failed

SB 163 would have limited health departments' authority to regulate or inspect a member-owned geothermal pool or bath. The bill passed out of the senate but failed to be considered in the house.

SB 186

Amendments to Emissions Inspections

Sponsor: Mark Madsen
UAC Position: Oppose
Failed

SB 186 would have standardized the regulation of certified emission inspectors performed by county health departments. Specifically, SB 186 would have spelled out the fine amounts the health department could impose if a certified emission inspector either willfully or unintentionally failed to perform their job adequately. SB 186 passed out of the senate but failed to receive a vote in the house.

SB 194

Assessment Area Act Amendments

Sponsor: Wayne Niederhauser
UAC Position: Support
Failed

SB 194 would have authorized a local entity to designate a voluntary assessment area for an energy efficiency upgrade or a renewable energy system and authorized that entity to provide to an owner of property to be assessed for an energy efficiency upgrade or a renewable energy system a list of service providers. SB 194 passed out of committee but failed to receive a vote on the senate floor.

SB 199

Government Boundary Modifications

Sponsor: Ralph Okerlund
UAC Position: Support
Failed

SB 199 would have required a county recorder, a county surveyor, and the state cadastral surveyor to cooperate in correcting a municipal boundary in geographic information systems data to accurately represent the location of the municipal boundary. UAC's support of SB 199 fluctuated from day to day as the bill went through multiple changes. Ultimately, the sponsor of the bill agreed to hold the bill when county officials expressed concern over the final version of the bill.

SB 203

Vacancies in County Elected Offices

Sponsor: Howard Stephenson
UAC Position: Oppose
Failed

SB 203 would have given complete power to political parties when filling vacancies in the legislative body of counties of the first and second class. The current system of having the county political party supply three nominations to the county legislative body to select from would have been replaced with a single nomination. SB 203 passed out of the senate but failed to receive a vote in the house.

The original version of SB 203 would have given the political parties complete control in filling all vacancies for elected officials in all of Utah's 29 counties. The bill's scope was limited to just include the legislative bodies of counties of the first and second class in order to receive the votes the sponsor need to see the bill pass out of the senate.

SB 244

Annexation Amendments

Sponsor: Curt Bramble
UAC Position: Oppose
Failed

SB 244 would have allowed a municipality to incorporate an area that isn't contiguous with that municipality. This would have resulted in the incorporation of a ski resort in unincorporated Salt Lake County into a nearby city. SB 244 passed out of committee but never received a vote on the senate floor.

SB 269

County Powers to Resolve Lawsuits via Development Agreements

Sponsor: Stuart Adams
UAC Position: Support
Failed

SB 269 would have authorized a county legislative body to enter into a written agreement with a property owner in order to reach a settlement in active litigation. SB 269 failed to receive as much as a committee hearing.

INTERIM STUDY ISSUES

**Utah Association of Counties
2010-2011 Interim Study Issues**

UAC Action List

1. Widland Fire Suppression
2. Search and Rescue Funding
3. B & C Road Bid Limits
4. Vacancies of County Offices
5. Medical Insurance for Inmates
6. Electronic Signatures
7. Condition of Probation Prisoners
8. Staggered County Elections
9. Restaurant Tax
10. Indigent Defense
11. Ethics Act for Employees
12. Mapping Government Boundaries

UAC Monitor List

1. Eminent Domain on Federal Land
2. Dedication and Abandonment of a Highway
3. Common Interest Ownership Act
4. Health Regulation of Geothermal Pools
5. County Land Use Regulations over SITLA Land
6. Law Enforcement by Federal Land Management Agency

Legislative List (SJR 21)

8. Common Interest Ownership (HB 399)
15. Disclosure of Methamphetamine Contaminated Property (HB 190)
32. Real Property Sales Information (HB 61 & HJR 7)
71. Agriculture Sustainability (HB 102)
85. Election Administration by County Clerks
86. Election Code Changes Related to Federal Legislation
88. Election Day Registration
91. Ethics Act
93. Municipal Disincorporation (HB 218)
95. Non-partisan County Election Code Amendments
96. Online Voter Registration
101. Use of Electronic Signatures for Petitions
103. Voting by Mail (HB 358)
164. Search and Rescue Funding (SB 60)
176. Fire Funding
177. Groundwater Protest and Studies
202. Property Tax Exemption (HB 182)
203. Property Tax Valuation (HB 322)
206. Tax Increases Not Approved by Voters
214. B and C Road Maintenance Funding
215. Class B and C Road Bids
217. County Emissions Penalties
237. Community Development and Renewal Agency (SB 197)