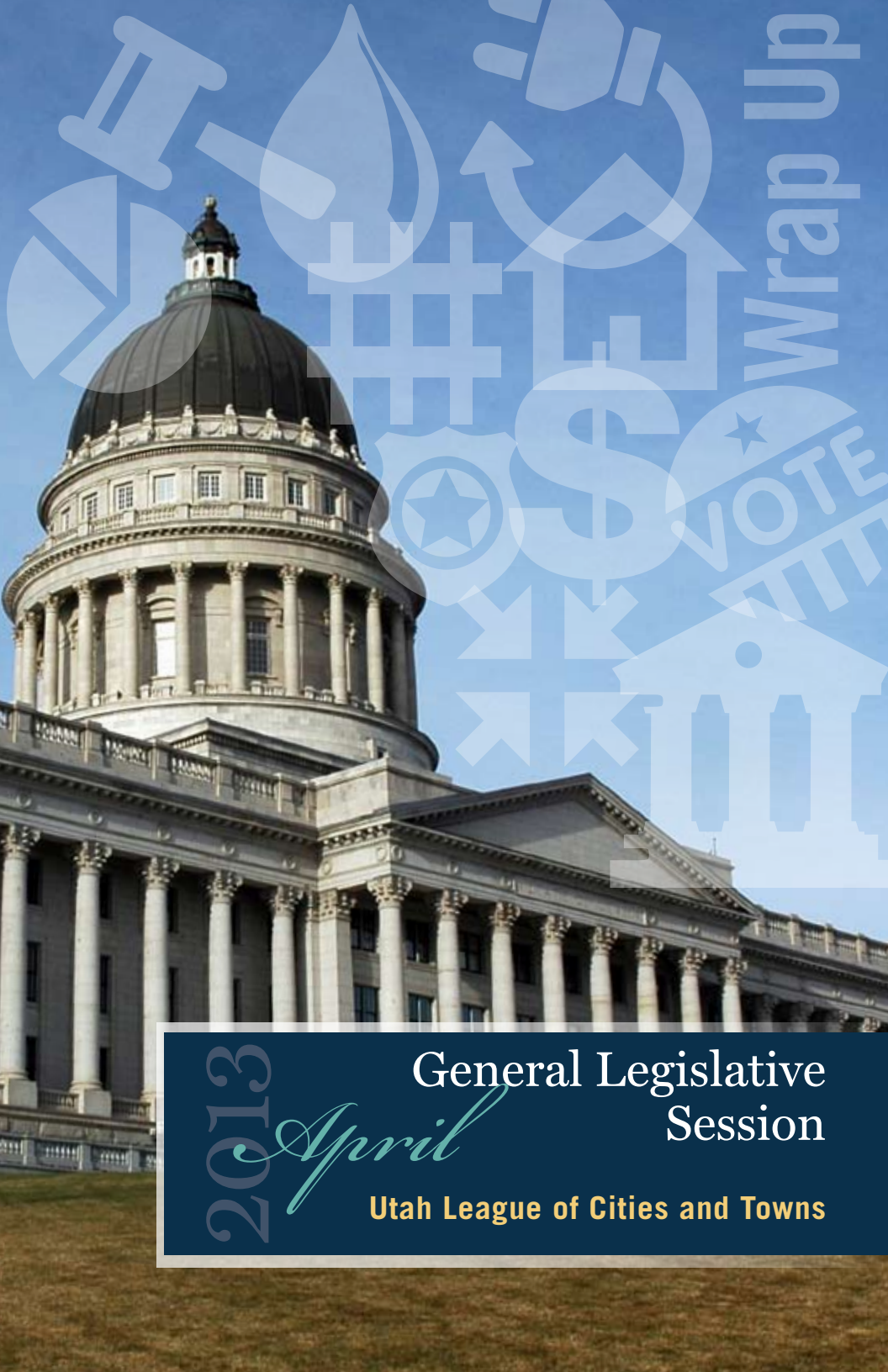

2013 April General Legislative Session

Utah League of Cities and Towns

ULCT Legislative Team

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

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

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

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

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

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2013 Legislative Update

HB 0017 | Personal Use of Campaign Funds

Sponsor: **Grover, K.**
Bill Status: **Failed**
ULCT Position: **Neutral**

Legislative Purpose for the Bill:
This bill enacts provisions that require a municipality or a county to adopt an ordinance prohibiting the use of campaign funds for personal expenditures.

Municipal Impact/Requirements:
This bill did not pass. There is no municipal impact.

HB 0024S01 | Utah Retirement System Amendments

Sponsor: **Ipson, D.**
Bill Status: **Passed**
ULCT Position: **Neutral**

Legislative Purpose for the Bill:
This was the annual retirement system "Clean-Up" bill, which made several technical changes that will have little or no impact on local governments. The bill did, however, also amend the retiree reemployment provisions by prohibiting a participating employer from making a retirement related contribution that exceeds the normal cost rate for all reemployeed retirees, not just full-time employees. It increases the amount that is required to be corrected in payments made by the office if an error is discovered that results in a modification of the benefit amount. The bill also repeals provisions that require death benefits to be provided through purchase of a group insurance policy for Tier I public employees and for Tier II employees and expands the offsets used in determining long-term disability benefits to include any benefit earned for the same period of disability as the benefit was based; Lastly the bill establishes investment requirements for employer contributions made on behalf of certain employees who are exempt from the four-year vesting requirements in the Tier II systems, and provides that employees who are exempt from the four-year vesting requirement in the Tier II systems and who terminate before the one-year election period are entitled to all employer contributions and associated investment gains and losses.

Municipal Impact/Requirements:
This bill can be best described as the "clean-up" bill for the Utah Retirement System. The bill makes several technical changes on how URS handles correspondence, reinvestement and other such items, but should have very little impact on cities.

HB 0030 | Line-of-duty Death and Disability Amendments

Sponsor: **Menlove, R.**
Bill Status: **Passed**
ULCT Position: **Neutral**

Legislative Purpose for the Bill:
This bill provides that a line-of-duty death for a public safety service or firefighter service employee includes a death that results from strenuous activity, including a heart attack or stroke, that occurs during training or another activity required by an act of duty as a public safety service or firefighter service employee. The bill also provides that a line-of-duty disability for a firefighter service employee includes a physical or mental disability that results from strenuous activity, including a heart attack or stroke, that occurs during training or another activity required by an act of duty as a firefighter service employee.

Municipal Impact/Requirements:
The bill does change some of the benefits for municipal employees under the death and disability coverage, which is outlined in the Retriement package for employees. The bill should have very little impact on the cost or day to day operations of a municipality.

HB 0036 | Storm Water Capture Amendments

Sponsor: **Nielson, J.**
Bill Status: **Passed**
ULCT Position: **Neutral**

Legislative Purpose for the Bill:
This bill prohibits the state engineer from commencing an enforcement action under certain circumstances and provides for the collection and use of precipitation without obtaining a water right in certain circumstances.

Municipal Impact/Requirements:
This bill allows a person to collect storm water on the surface or under the parcel of his/her land and prohibits the state engineer from commencing an enforcement action to halt it. The storage must be consistent with local ordinances, not interfere with existing water rights, absorb or release the water, and not be put to beneficial use.

HB 0039S01 | Candidate Amendments

Sponsor: **Powell, K.**
Bill Status: **Passed**
ULCT Position: **Neutral**

Legislative Purpose for the Bill:
This bill makes several changes for state office candidates, but in addition, the bill also increases the filing fee for a candidate for: a local school board by $25 and a federal, state, or county office, except presidential and judicial candidates, by $50. The bill also establishes a form for write-in candidates and most importantly authorizes certain candidates located outside the state to file a declaration of candidacy or certificate of nomination through a designated agent if certain conditions are met. Those conditions are: a) the person is located outside the state during the filing period because of employment with the state or the United States; or b) the person is a member of the active or reserve components of the Army, Navy, Air Force, Marine Corps, or Coast Guard of the United States who is on active duty or the National Guard on activated status. The person may communicate with the filing officer using an electronic device that allows the person and filing officer to see and hear each other and the person provides the filing officer with an email address to which the filing may send the copies described in Subsection 20A-9-201(3).

Municipal Impact/Requirements:
This bill may have some municipal impact in that the bill allows for a potential municipal candidate to declare candidacy through the use of an agent or by electronic means in some circumstances. While those times will likely be minimal, the law does now allow for such remote filings. The purposes for which the remote filing can occur are listed in the outline above.

HB 0040 | Scheduling of Special Elections

Sponsor: **Powell, K.**
Bill Status: **Failed**
ULCT Position: **Oppose as Amended**

Legislative Purpose for the Bill:
This bill would have precluded the scheduling of any special election for any purpose other than to have those elections held on the November election date.

Municipal Impact/Requirements:
This bill was amended to preclude our ability to hold any special elections for any purpose. While the ULCT policy committee saw the intent behind attempts to increase voter participation by having elections only on dates that are well know, we could not support limiting special elections to only the November date. This bill did not pass so no municipal impact.

HB 0058S01 | Protection of Athletes with Head Injuries Act Amendments

Sponsor: **Ray, P.**
Bill Status: **Passed**
ULCT Position: **Support**

Legislative Purpose for the Bill:
This bill modifies Title 26, Chapter 53, Protection of Athletes with Head Injuries Act, by amending the responsibilities of an amateur sports organization or its agent.

Municipal Impact/Requirements:
This bill eliminated municipal liability for head injuries sustained by youth at city fields or at recess, even if the city charges a user fee for the field. City recreation programs still must have a concussion and head injury policy and communicate that policy to parents.

HB 0060 | Utility Facility Siting

Sponsor: **Sagers, D.**
Bill Status: **Passed**
ULCT Position: **Support**

Legislative Purpose for the Bill:
This bill modifies the time period for hearings and decisions of the Utility Facility Review Board; establishes a deadline for the board to hold a hearing on the merits; establishes a presumption that the utility has taken certain action under specified circumstances; and makes technical changes.

Municipal Impact/Requirements:
This bill will have little municipal impact on most cities. However, the bill does make some minor changes to the procedures of the Utility Siting Committee, which has been established to help resolve disputes between local governments and utility providers. The bill will allow for more time to file for a siting committee review and provide certain presumptions of completion of a project if compliance of noticing is completed appropriately by the Utility.

HB 0066S05 | Political Subdivision Amendments

Sponsor: **Webb, R. C.**
Bill Status: **Passed**
ULCT Position: **Neutral**

Legislative Purpose for the Bill:
This bill amends notice requirements for an assessment area, specifies a deadline for filing a protest to an assessment area, requires a governing body to consider a timely filed protest at a public meeting, authorizes a local entity that is a municipality or county to collect an assessment fee in the same manner as a property tax, amends the definition of "adequate protests" for a local district, amends notice requirements for a local district, amends the definition of "adequate protests" for a special service district, amends notice requirements for a special service district, amends the filing deadline for a protest to a special service district, and makes technical and clarifying changes.

Municipal Impact/Requirements:
This bill will have no municipal impact. The bill originally stated that the creation of an assessment area would have been more difficult for cities, counties and special districts. We were, however, successful in working with the sponsor to amend the bill to exclude cities from the more difficult creation threshold for assessment areas.

HB 0072 | Safe Drinking Water Disclosure Act

Sponsor: **Barrus, R.**
Bill Status: **Passed**
ULCT Position: **Support**

Legislative Purpose for the Bill:
This bill requires that a public water system that fluoridates public water supplies under order of a local health department meet certain requirements. The bill also requires that a public water system review and maintain certain records relating to the fluoride the public water system uses to fluoridate public water supplies under order of a local health department and review and maintain certain records relating to fluoride used to fluoridate public water supplies. The department can also order a public water system to temporarily remove fluoride from public water supplies under certain circumstances and give public notice of the removal allows a local health department to order a public water system to temporarily remove fluoride from public water supplies under certain circumstances and give public notice of the removal. Finally, the bill requires the Division of Drinking Water to review and maintain certain records.

Municipal Impact/Requirements:
This bill will not require you to proactively do anything. However, the bill may allow the Health Department to require certain record keeping as it relates to water floridation. In addition, it allows for the removal of floridation at the discretion of the public water supplier in certain circumstances. In regard to everyday obligations, it should not require anything of the city.

HB 0076S01 | Concealed Weapon Carry Amendments

Sponsor: **Mathis, J.**
Bill Status: **VETOED**
ULCT Position: **Oppose**

Legislative Purpose for the Bill:
This bill provides an exemption for a person, who is 21 years of age or older and who may lawfully possess a firearm, from certain criminal provisions related to the carrying of an unloaded concealed firearm.

Municipal Impact/Requirements:
This bill was vetoed by Governor Herbert and the legislature is considering a special session to override the veto. The bill would have allowed any individual who could legally possess a firearm to carry the firearm without first obtaining a concealed weapons permit. Consequently, individuals currently denied a concealed weapons permit due to their criminal or violent background would be allowed to carry.

HB 0086 | Property Tax Rate Certification Date

Sponsor: **Nelson, M.**
Bill Status: **Passed**
ULCT Position: **No Positiion**

Legislative Purpose for the Bill:
This bill addresses a deadline for setting a property tax rate and related reporting requirements and makes technical and conforming changes.

Municipal Impact/Requirements:
This bill will have an impact on municipalities when setting the proposed tax rate. The law still requires that the taxing entity set the proposed tax rate prior to June 22nd. This bill, however, creates an exception to that, and allows for the taxing entity to postpone the setting of the tax rate if they do not receive the certified tax rate from the county auditor. The exception says that if the certified tax rate isn't received from the county within seven days of the June 22nd deadline, then the taxing entity receives an additional 14 days from the date in which they receive the certified tax rate from the county to adopt the proposed tax rate.

HB 0088S02 | Land Use Amendments

Sponsor: **Brown, M.**
Bill Status: **Passed**
ULCT Position: **Neutral with Amendments**

Legislative Purpose for the Bill:
This bill requires a municipality or county to give notice to an owner of private real property if the property is located within an area located in a proposed zoning map or map amendment, permits an owner of private real property located within a proposed zoning map or map amendment to file a written objection to the zoning map or map amendment, and requires the planning commission to consider the written objections and forward them to the legislative body.

Municipal Impact/Requirements:
This bill will requre a city to send a courtesy notice to all property owners within a proposed re-zone at least 10 days prior to the public hearing. The notice shall identify the current zone, the proposed new zone, what uses would be permitted or prohibited in the new zone, and inform the owner that he/she may object to his/her property's inclusion in the re-zone within 10 days of the first public hearing. The planning commission must consider the written objections that have been received before the planning commission's public hearing and and must forward all objections to the council, even those received after the planning commission's public hearing.

HB 0091S02 | Voter Registration–Election Day Voter Registration

Sponsor: **Chavez-Houck, R.**
Bill Status: **Failed**
ULCT Position: **No Position**

Legislative Purpose for the Bill:
This bill permits a person to register to vote on election day if: a) the person is otherwise eligible to vote; b) the ballot that the person voted is identical to the ballot in the precinct in which the person resides; and c) the person provides valid voter identification and proof of residence to the poll worker.

Municipal Impact/Requirements:
This bill would have allowed individuals who are otherwise eligible to vote to register on Election Day and have his/her vote count in that election. The new voter would have had to present identification and proof of residency and would cast a provisional ballot. Upon confirmation of his/her eligibility to vote, the vote would count. Under current law, an individual may cast a provisional ballot which will not count in the current election but will serve as registration for future elections. Under current law, if you move to a new residence within one month of Election Day, you cannot register to vote at the new location for the current election. Likewise, if you go to the wrong polling location (ie. due to redistricting), then your provisional ballot may not count. We expect this bill to return in future sessions.

HB 0094S04 | Free Market Protection and Privatization Board Act Amendments

Sponsor: **Stratton, K.**
Bill Status: **Passed**
ULCT Position: **Neutral with Amendments**

Legislative Purpose for the Bill:
This bill changes the Privatization Policy Board to the Free Market Protection and Privatization Board, changes the membership and terms of members of the board, provides that the Governor's Office of Planning and Budget shall staff the board, and permits the board to contract with a private entity for additional staff.

Municipal Impact/Requirements:
This bill will have little municipal impact. We were successful in working with the sponsor to exempt municipalities from the perview of the Free Market Privatization Board. The only municipal impact is that we still have a municipal appointment on the Policy Board.

HB 0095 | Amortization Rate Contribution for Reemployed Retirees Revisions

Sponsor: **Sagers, D.**
Bill Status: **Passed**
ULCT Position: **Neutral**

Legislative Purpose for the Bill:
This bill clarifies that a participating employer is only required to make the amortization rate contribution for a reemployed retiree who has completed the one-year separation after retirement and elects to continue to receive a retirement allowance.

Municipal Impact/Requirements:
This will have little day-to-day impact on municipalities, and simply clarifies contribution rates for reemployed retirees. The calculation and rate setting will be handled by URS.

HB 0108 | Metal Theft Amendments

Sponsor: **Draxler, J.**
Bill Status: **Passed**
ULCT Position: **Support**

Legislative Purpose for the Bill:
This bill provides increased penalties for repeat violations of the Regulation of Metal Dealers Act by dealers and sellers, clarifies that county and municipal governmental entities may deny or revoke licenses or other regulatory permits upon violation of the Regulation of Metal Dealers Act, and provides that all metal dealer transactions are subject to the Regulation of Metal Dealers Act by removing the exemption for small amounts of metal.

Municipal Impact/Requirements:
This bill gives more regulatory authority to municipalities to monitor the licensure and potential violations of the Metal Dealers Act. The bill now also includes all metal dealers in the act.

HB 111S02 | Eminent Domain Amendments

Sponsor: **Perry, L.**
Bill Status: **Passed**
ULCT Position: **Neutral with Amendments**

Legislative Purpose for the Bill:
This bill enacts provisions that require the Office of the Property Rights Ombudsman to provide certain information on its website, amends provisions related to the proposes for which eminent domain may be used, and enacts provisions that require a political subdivision (or a person who seeks to acquire property by eminent domain) to provide a property owner with certain information from the Office of the Property Rights Ombudsman.

Municipal Impact/Requirements:
This bill will have little impact on cities or towns. When the bill was introduced it included significant restrictions on the use of eminent domain. The bill was, however, changed significantly at our urging to simply clarify the notice provisions when condemning property and also removed a private right of condemnation that should substantially benefit those cities who wish to control access into their jurisdictions.

HB 0115S02 | Towing Amendments

Sponsor: **Stratton, K.**
Bill Status: **Passed**
ULCT Position: **Support**

Legislative Purpose for the Bill:
This bill provides that a tow truck operator, a tow truck motor carrier, and an impound yard shall accept payment by cash and debit or credit card, requires a tow truck motor carrier or impound yard to clearly and conspicuously post and disclose acceptable forms of payment, provides that a county or municipality may enact and enforce any towing ordinance that does not conflict with state law.

Municipal Impact/Requirements:
This bill was a ULCT initiated effort. The bill will not change many of the day-to-day municipal operations, but does fix a problem that has plauged several cities with the issue of "predatory towing". The bill does provide that the tow truck operator accept credit card, and are not only cash-based operations. In addition, it provides that the towing company must provide the customer with an outline of their rights under the law, and allows the state legislature to reveiw the towing rates, which will hopefully provide downward pressure on the cost of non-requested tows.

HB 0116 | Sudden Cardiac Arrest Survival Act Amendments

Sponsor: **Cunningham, R.**
Bill Status: **Passed**
ULCT Position: **Support**

Legislative Purpose for the Bill:
This bill requires that a person who owns or leases an AED report the installation or removal of an AED to the applicable local emergency dispatch center within 14 days after the day on which the AED is installed or removed. The bill also requires that an emergency medical dispatch center shall provide a person who calls to report an incident of sudden cardiac arrest with the location of an AED located at the same address where the incident of sudden cardiac arrest occurs and verbal instructions regarding how to help a patient suffering sudden cardiac arrest.

Municipal Impact/Requirements:
This bill allows people who own AEDs to register their address and location of the AED with the local emergency dispatch center and requires them to inform the center of the installation or removal of the AED (not including private residences or vehicles). The dispatch center must then, in an emergency, notify an emergency caller of the AED's location and then instruct the caller how to use the AED to help the patient suffering cardiac arrest.

HB 0118S02 | Automatic External Defibrillator Restricted Account

Sponsor: **Cunningham, R.**
Bill Status: **Passed**
ULCT Position: **Support**

Legislative Purpose for the Bill:
This bill creates the Automatic External Defibrillator Restricted Account, provides for the use of account funds, grants rulemaking authority to the Bureau of Emergency Medical Services for the use of account funds, and establishes restrictions on how account funds may be used.

Municipal Impact/Requirements:
This bill authorized $150,000 of state money to fund AEDs for local first responders, law enforcement and schools. The state will fund 50% of the AED cost for cities of the first, second, or third classes and 75% of the cost for smaller communities.

HB 0122 | Fees for Government Records Requests

Sponsor: **King, B.**
Bill Status: **Failed**
ULCT Position: **Oppose**

Legislative Purpose for the Bill:
This bill modifies a provision allowing a governmental entity to fulfill a records request without charge under certain circumstances to make it a requirement.

Municipal Impact/Requirements:
This bill would have required governments to fulfill a GRAMA request without charge if the record would primarily benefit the public. This bill is spillover from political battles between the Utah Democratic Party and the legislature during redistricting in 2011 and we expect continued proposals to modify GRAMA.

HB 0130S01 | Boundary Adjustment Amendments

Sponsor: **Brown, M.**
Bill Status: **Passed**
ULCT Position: **Neutral**

Legislative Purpose for the Bill:
This bill prescribes the method by which a property owner may: execute a parcel boundary adjustment and execute a boundary line agreement.

Municipal Impact/Requirements:
This bill allows a property owner to execute a parcel boundary adjustment by quitclaim deed and boundary line adjustment. Owners of adjoining property may adjust their mutual boundary so long as no additional parcel is created and each property is unsubdivided land. This provision has been available for lot owners but, as an unintended oversight, had not been available for parcel owners.

HB 0144S1 | Public Transit District Board Amendments

Sponsor: **Nelson, M.**
Bill Status: **Passed**
ULCT Position: **No Position**

Legislative Purpose for the Bill:
This bill adds a nonvoting member who represents all municipalities within the district that are located within a county that is not annexed into the public transit district to the board of trustees of a public transit district serving a population of more than 200,000 people and establishes procedures for municipalities to appoint the nonvoting member to the board of trustees of the public transit district.

Municipal Impact/Requirements:
This bill adds a nonvoting member to the board of trustees of a public transit district that serves 200,000+ people. The nonvoting member will represent all municipalities within the district in the county that are not part of the public transit district and is elected by municipal chief executive officers.

HB 0150 | Animal Shelter Amendments

Sponsor: **Romero, A.**
Bill Status: **Failed**
ULCT Position: **Neutral**

Legislative Purpose for the Bill:
This bill prohibits, with certain exceptions, an animal shelter from using carbon monoxide gas to euthanize an animal, authorizes an animal shelter to use certain methods to euthanize an animal, and requires an animal shelter to adopt a euthanization policy and training program.

Municipal Impact/Requirements:
This bill would have prohibited the euthanization of animals with carbon monoxide gas in animal shelters (with some exceptions). In those exceptions, the shelter could not euthanize multiple animals at once. We expect similar bills in the future.

HB 0164S2 | State and Political Subdivision Jurisdictional Amendments

Sponsor: **Roberts, M.**
Bill Status: **Passed**
ULCT Position: **Neutral**

Legislative Purpose for the Bill:
This bill describes the jurisdictional authority that may be exercised by a chief executive officer of a municipality or county, or a county sheriff, in response to action taken (or action not being taken) by the United States Bureau of Land Management (BLM) or the United States Forest Service (Forest Service) on federally managed land in the state that adversely affects or constitutes an imminent threat to the health, safety, or welfare of the people of the municipality or county. Those actions or inactions include providing written notice to the BLM or Forest Service and taking action to mitigate the risk to the health, safety, or welfare of the people of the municipality, if, after receiving notice, the BLM or Forest Service does not mitigate the risk to the health, safety, or welfare of the people of the municipality or county.

Municipal Impact/Requirements:
The only action required on this legislation would be in circumnstances where the city wanted to take a proactive role in mitigating an immient threat or risk to the city's citizens, but the issue occurs on federal forest service, or BLM land. The bill provides notice and action requirements of the city prior to them mitigating the risk on the federal land.

HB 0175 | Local Political Subdivision Bonding Notice Requirements

Sponsor: **Knotwell, J.**
Bill Status: **Passed**
ULCT Position: **Neutral with Amendments**

Legislative Purpose for the Bill:
This bill requires additional information in a notice of bonds to be issued. The bill also requires that, when a local political subdivision provides notice of the local political subdivision's intent to issue bonds, the notice shall include a copy of the resolution or other proceeding that provides for the issuance of bonds.

Municipal Impact/Requirements:
This bill will change the notice of bonds requirement for a city or town issuing bonds to require that an estimate on the total cost of the debt, what revenue source is securing the debt and what other debt is secured by the same revenue source, and where more information may be found about the proposed bond.

HB 0193S01 | Utah State Employment Amendments

Sponsor: **Dee, B.**
Bill Status: **Passed**
ULCT Position: **Support**

Legislative Purpose for the Bill:
This bill requires participating employers to maintain records indicating whether an employee is receiving certain benefits, modifies a provision relating to a requirement that an employer provide benefit information to specified employees, enacts a definition of "benefits normally provided" for purposes of the Public Employees' Contributory Retirement Act, the Public Employees' Noncontributory Retirement Act, and the New Public Employees' Tier II Contributory Retirement Act, and modifies a provision relating to the designation of positions that are exempt from career service provisions under the Utah State Personnel Management Act. The bill also enacts language relating to a hearing officer's decision relating to agency action in the context of a state employee grievance process, including requirements for the hearing officer's order and authorizes the executive director to adopt rules to establish the maximum number of hours of converted sick leave an employee may accrue.

Municipal Impact/Requirements:
The major portion of this bill deals with benefits that are required for certain employees. Under the Affordable Care Act there was a question as to whether the federal act required municipalities to cover health insurance cost for temporary or season workers, thus making them "benefited employees" which would be eligible for retirement benefits. This bill clarifies that the federally required health insurance does not constitute a "benefit" for the purposes of determining eligibility for retirement benefits. This bill will not require any changes at the municipal level and will be administered by the Utah Retirement System. This was a ULCT initiated bill request.

HB 0202 | Energy Conservation Code Amendments

Sponsor: **Wilson, B.**
Bill Status: **Passed**
ULCT Position: **Support**

Legislative Purpose for the Bill:
This bill adopts the 2012 edition of the International Energy Conservation Code, modifies certain provisions of the International Energy Conservation Code, and modifies certain energy provisions of the International Residential Code.

Municipal Impact/Requirements:
This bill simply adopts the 2012 IECC, and makes some minor modifications to the internation code requirements that will be specific to Utah. Please look to the code for specific provisions that will now apply. This was a priority bill for the ULCT.

HB 0203 | Revenue Streams as Bond Collateral

Sponsor: **Grover, K.**
Bill Status: **Failed**
ULCT Position: **Oppose**

Legislative Purpose for the Bill:
This bill prohibits the governing body of a local political subdivision from repaying a bond with a revenue source not specified in the bond when it was issued.

Municipal Impact/Requirements:
This bill failed and was heavily opposed by the ULCT. There will be no municipal impact.

HB 0204S05 | Election Amendments

Sponsor: **Eliason, S.**
Bill Status: **Passed**
ULCT Position: **Neutral**

Legislative Purpose for the Bill:
This bill clarifies how to cast a valid absentee ballot changes the date by which a voter is required to file an application for an absentee ballot.

Municipal Impact/Requirements:
This bill should have little municipal impact since elections and balloting is handled by the counties. This bill makes minor modifications to the way in which absentee ballots are cast.

HB 0205 | Contingency Plans for Political Subdivisions

Sponsor: **Ivory, K.**
Bill Status: **Passed**
ULCT Position: **Neutral**

Legislative Purpose for the Bill:
This bill requires a political subdivision that receives federal funds comprising 10% or more of the political subdivision's annual budget to develop and publish a contingency plan describing how the political subdivision will operate in the event that the federal funds it receives are reduced.

Municipal Impact/Requirements:
This bill requires a city that receives more than 10% of its annual budget from federal funds to develop one of two contingency plans. The first plan must explain how the city will operate if the federal funds are reduced by 5-25% in the next fiscal year and the second plan must explain how the city will operate if the federal funds are reduced by more than 25% in the next fiscal year.

HB 0207S01 | Open and Public Meeting Act Notice Amendments

Sponsor: **Powell, K.**
Bill Status: **Failed**
ULCT Position: **Neutral with Amendments**

Legislative Purpose for the Bill:
This bill requires a public notice of not less than 72 hours for each public meeting (except for emergency meetings, special sessions, extraordinary sessions, etc.) and provides that the public notice include an agenda on which all items then planned to be discussed at the meeting are listed.

Municipal Impact/Requirements:
This bill would have increased the 24 hour public meeting notice requirement up to 72 hours.

HB 0217S02 | State Fire Code Act Amendments

Sponsor: **Dunnigan, J.**
Bill Status: **Passed**
ULCT Position: **Support**

Legislative Purpose for the Bill:
This bill updates the editions of nationally recognized codes, amends provisions related to certain group care facilities and ambulatory surgical facilities, requires evacuation fire drills for secondary schools, modifies requirements regarding solar panels, modifies requirements regarding pump and riser rooms, and modifies requirements regarding the installation of automatic sprinkler systems.

Municipal Impact/Requirements:
This was also a ULCT priority bill. The bill updates the International Fire Code to the 2012 version of the code and makes some exceptions for Utah from the International Code. Please take a look for specific provisions that will apply to Utah.

HB 0224 | Impact Fees Amendments

Sponsor: **McCay, D.**
Bill Status: **Passed**
ULCT Position: **Support**

Legislative Purpose for the Bill:
This bill amends provisions governing certain entities that are required to comply with an impact fee facilities plan, amends provisions related to required information in an impact fee facilities plan, authorizes a private entity to establish an administrative appeals procedure to consider and decide a challenge to an impact fee, and amends provisions governing a request for an advisory opinion on an impact fee.

Municipal Impact/Requirements:
This was a Land Use Task Force bill and makes minor modifications to the impact fees act to specify how to protest the findings of a captial facilities plan, and further defines who can ask for an additional administrative hearing regarding the adoption of the capital facilities plan. The bill, also further defines the "level of service" for the purposes of the capital facilities plan to ensure that impact fees are roughly proportional to the impact of the development and the desired level of service for the community. These changes should be minimal and will likely only have impacts to the consultant used when creating the capital facilities plan.

HB 0236S01 | Land Development Revisions

Sponsor: **Brown, M.**
Bill Status: **Passed**
ULCT Position: **Neutral**

Legislative Purpose for the Bill:
This bill prohibits a county from adopting a land use ordinance that requires a property owner to revegetate or landscape and enacts provisions governing the application of a site plan.

Municipal Impact/Requirements:
This bill has no impact on municipalities. The bill does prohibit counties from adopting an ordinance to require a property owner to revegetate or landscape a single family dwelling disturbance area unless the property is a geologic hazard or located in a flood zone. It does not restrict a county's authority to require revegetation or landscaping of commercial or industrial projects or larger, conditional use projects. The bill does not prohibit an HOA from requiring landscaping of individual single family lots.

HB 0253 | Employment Verification Amendments

Sponsor: **Pitcher, D.**
Bill Status: **Failed**
ULCT Position: **Oppose**

Legislative Purpose for the Bill:
This bill would have addressed requirements to verify new hires, modifies liability protections for participation in verification, and requires private employers to indicate compliance with verification on filings related to commerce licenses. The bill would also have required public employers to indicate compliance with verification requirements on the Utah Public Finance Website.

Municipal Impact/Requirements:
This bill would have required public employers to indicate compliance with employer verification programs and publish that compliance on the Utah Public Finance Website. It did not pass, so no municipal impact.

HB 0263 | Underground Utility Amendments

Sponsor: **Romero, A.**
Bill Status: **Failed**
ULCT Position: **Neutral**

Legislative Purpose for the Bill:
This bill modifies the definition of "excavate" or "excavation" in the context of provisions relating to the marking of the location of underground utilities.

Municipal Impact/Requirements:
This bill would have expanded the definition of "excavate" to include an operation below the surface of the ground. This bill did not pass and will have no impact.

HB 0265 | Workforce Services Job Listings Amendments

Sponsor: **Ray, P.**
Bill Status: **Failed**
ULCT Position: **Oppose**

Legislative Purpose for the Bill:
This bill would have requires all government entities and private companies that contract with any government entity to advertise job openings on the state's website and would have added a provision to the procurement code requiring that language be added into contracts.

Municipal Impact/Requirements:
This bill did not pass so there is no municipal impact.

HB 0268S01 | Disorderly Conduct Amendments

Sponsor: **Ray, P.**
Bill Status: **Failed**
ULCT Position: **Oppose**

Legislative Purpose for the Bill:
This bill would have provided that displaying a dangerous weapon in public under certain circumstances may be disorderly conduct but would have confirmed that merely displaying a dangerous weapon in public without other behavior is not disorderly conduct.

Municipal Impact/Requirements:
This bill would have changed the definition of disorderly conduct by reducing the discretion of police officers to approach an individual who is openly carrying a firearm. Under the bill, even if a citizen called the police and was reasonably concerned for his/her safety, the officer could not approach the individual openly carrying the firearm and request him/her to leave the premises. The officer would instead have to wait for additional threatening behavior in order to approach the carrying individual. This is the second year that Representative Ray has proposed this type of legislation and ULCT and law enforcement will work with him to address our concerns before the 2014 session.

HB 0273 | Municipal Telecommunications Amendments

Sponsor: **Grover, K.**
Bill Status: **Failed**
ULCT Position: **Oppose**

Legislative Purpose for the Bill:
This bill would have required a municipality that offers cable television service or public telecommunication service to charge a rate that is just and reasonable for the service and would have prohibited a municipality from collecting compensation in excess of a rate or discounting a rate.

Municipal Impact/Requirements:
This was a significant issue for several communities who provide various telecommunications services. ULCT was successful in defeating this bill. Therefore, the bill will have no municipal impact.

HB 0289 | Fireworks Amendments

Sponsor: **Dunnigan, J.**
Bill Status: **Passed**
ULCT Position: **Support**

Legislative Purpose for the Bill:
This bill provides that the legislative body of a municipality may prohibit the discharge of fireworks in specified areas if the local fire code official determines that hazardous environmental conditions exist and with council action, provides that a county or municipality may not prohibit the lawful discharge of class C common state approved explosives, and clarifies that Utah Code Section 53-7-225 supercedes any other code provision regarding the sale and discharge of fireworks.

Municipal Impact/Requirements:
This bill expands the definition of "hazardous environmental conditions" so as to provide greater flexibility for municipal elected officials to ban fireworks during those conditions in those areas. The bill also clarifies that the fire code official can consult with the elected officials but only elected officials can issue the ban. As such, the legislative body of the city must determine whether to ban fireworks with expertise from the fire official.

HB 0310 | Construction Code Amendments

Sponsor: **Wilson, B.**
Bill Status: **Passed**
ULCT Position: **Support**

Legislative Purpose for the Bill:
This bill adopts the 2012 edition of certain nationally recognized building codes and modifies certain statewide amendments to the State Construction Codee.

Municipal Impact/Requirements:
This is the companion bill to the fire code and energy code. This bill was also a ULCT Priority and adopts the 2012 of the building code with certain exceptions, but will be uniform for Utah. Please review the State Construction Code for specifics on this bill.

HB 0316 | Traffic Amendments

Sponsor: **Anderson, Johnny**
Bill Status: **Passed**
ULCT Position: **No Position**

Legislative Purpose for the Bill:
This bill provides that a governing body of a city or town may not prohibit or regulate certain conduct on a highway if the prohibition or regulation is inconsistent with or conflicts with any provision in Title 41, Chapter 6a, Traffic Code. The bill also prohibits a local highway authority from enacting an ordinance that prohibits the use of a bicycle on any public street or highway without having first documented that the local highway authority has reviewed the safety history of the highway and considered other reasonable alternatives, including signage and routes, and clearly marks a safe alternative route for the prohibited section of highway. The bill also establishes an affirmative defense to a red light or red arrow violation for the operator of a motorcycle, moped, or bicycle in certain circumstances.

Municipal Impact/Requirements:
This bill allows a responsible motorcyclist or bicyclist to make a left turn against a steady red arrow when the light sensor has not detected the rider for at least 90 seconds and nobody else has a right of way.

HB 0322S03 | Local Government Clean-up Fees

Sponsor: **Hutchings, E.**
Bill Status: **Failed**
ULCT Position: **Oppose**

Legislative Purpose for the Bill:
This bill would have limited a fee a municipality may charge for a residential clean-up service, required a municipality to provide a property owner with a statement showing the municipality's's calculation method of a clean-up fee, and enacted language governing a lien certified for clean-up costs.

Municipal Impact/Requirements:
This bill did not pass. There is no municipal impact. We will however, be working with the sponsor during the interim to address his concerns with using the property tax lien to collect fines and penalties that are over-and-above the cost of the clean-up. This doesn't appear to be a major issue for most cities, so expect legislation in the coming session on this one.

HB 0330 | Financial Reporting Amendments

Sponsor: **Eliason, S.**
Bill Status: **Passed**
ULCT Position: **Neutral**

Legislative Purpose for the Bill:
This bill enacts the Political Subdivision Financial Reporting Certification which requires a specific form of certification of annual financial reports by the chief administrative officer and chief financial officer.

Municipal Impact/Requirements:
This bill will require city financial officer to certify the financials are true and accurate to the best of their knowledge. It shouldn't require any additional work, but does make a minor modification to the certification and completion process of the city's financials.

HB 0334 | Special Service District Reorganization

Sponsor: **McCay, D.**
Bill Status: **Passed**
ULCT Position: **Neutral**

Legislative Purpose for the Bill:
This bill amends provisions authorizing a county to establish a district, authorizes the legislative body of a county or municipality that created a special service district to adopt a resolution to reorganize the special service district as a local district, enacts provisions related to the reorganization of a special service district upon issuance of a certification of incorporation for the new local district by the lieutenant governor, and enacts provisions governing the reorganization of a special service district as a local district.

Municipal Impact/Requirements:
This bill allows for a special district to be reorganized if the creating entity so chooses. The bill should have limited applicability, but if a city which has created a district would like to reorganize the district and change board membership this bill allows for that process to occur.

HB 0348 | Local District Amendments

Sponsor: **Ipson, D.**
Bill Status: **Passed**
ULCT Position: **Neutral**

Legislative Purpose for the Bill:
This bill requires the legislative body of a newly incorporated municipality to adopt a resolution no later than 180 days after the effective date of incorporation to approve the withdrawal of an area from certain local districts.

Municipal Impact/Requirements:
This should have little or no impact on existing cities, but will apply to any newly incorporated municipality.

HB 0362S02 | Transparency in Public Employment Negotiation Process

Sponsor: **McCay, D.**
Bill Status: **Failed**
ULCT Position: **Oppose**

Legislative Purpose for the Bill:
This bill would have required negotiation meetings between public employers and public employee labor organizations to be open to the public, would have required public employers to provide public notice of a negotiation meeting, would have required public employers to keep minutes of negotiation meetings and to make audio recordings of those meetings and post them.

Municipal Impact/Requirements:
This bill would have required collective bargaining between public employers and public employee labor organizations to be conducted in open meetings. The sponsor indicated that he will propose similar legislation in the future.

HB 0377S01 | Transportation Funding Modifications

Sponsor: **Dee, B.**
Bill Status: **Passed**
ULCT Position: **Support**

Legislative Purpose for the Bill:
This bill reduces the bonding authority for certain bonds used to provide funding for projects prioritized through the Critical Highway Needs Fund. The bill also provides that a portion of certain bond proceeds shall be provided to the Department of Transportation to pay the costs of certain highway construction or reconstruction projects and to pay the costs of certain transportation infrastructure improvements. It also provides that a portion of certain bond proceeds shall be provided to the Department of Transportation to provide funds to pay the costs of the following in a county of the first class for right-of-way acquisition, construction, reconstruction, renovations, or improvements to certain highways, environmental impact studies, and public transit studies. It also provides that a portion of certain bond proceeds and funds available in the Transportation Investment Fund of 2005 shall be provided to the Transportation Infrastructure Loan Fund to make funds available for transportation infrastructure loans and transportation infrastructure assistance, flow, and construction timing for certain highway projects. It also provides that a portion of the revenue in the County of the First Class State Highway Projects Fund shall be transferred to the legislative body of a county of the first class to be used for certain purposes and provides a portion of the revenues in the Transportation Investment Fund of 2005 shall be transferred to the County of the First Class State Highway Projects Fund for fiscal year 2013-2014 only.

Municipal Impact/Requirements:
This bill provided additional revenue tools for municipal and county government for the purposes of transportation funding. The bill will not require any additional action from cities or towns, but did provide significant resources for local governments to use on specified transportation improvement projects. The bill used bonding capacity of the state and counties, in addition to dedicating a portion of the additional vehicle registration fee to underwrite the cost of the projects. This bill proved to be a significant funding tool for local government.

HB 0378S01 | Election Revisions

Sponsor: **Hall, C.**
Bill Status: **Passed**
ULCT Position: **Neutral**

Legislative Purpose for the Bill:
This bill amends provisions for a poll worker to provide a provisional ballot to a voter who may not live in the voting precinct but is a resident of the county and amends standards for counting votes on a ballot to provide for a voter using a ballot that is prepared for a different voting precinct. The bill also amends provisions that determine when a provisional ballot cast outside of the person's precinct of residence is counted by: a) removing the provision that the provisional ballot is counted only if the entire ballot is identical to the person's precinct of residence and b) providing that specific votes on a provisional ballot that are for candidate races or ballot propositions for which the voter is entitled to vote are counted.

Municipal Impact/Requirements:
This bill was referred to as the "up-ticket" voting bill. The bill still allows for votes to count on provisional ballots if the individual shows up to the wrong polling location. While the vote won't count for the specific location that they showed up to, it will still allow votes to count on any other race that is applicable to the voter in races that are for the broader geographic area. This should have little day-to-day impact on cities and towns, but will have an impact during municipal elections.

HB 0403 | Municipal Election Amendments

Sponsor: **Webb, R. C.**
Bill Status: **Passed**
ULCT Position: **Support**

Legislative Purpose for the Bill:
This bill changes the deadline for a person to file a declaration of candidacy in an election from June 15 of any odd-numbered year to June 7 of any odd-numbered year, changes the deadline for the local district clerk to certify the names of local district board candidates from July 20 of the municipal election year to June 12 of the municipal election year, changes the deadline for qualifying as a municipal political party from at least 55 days before the date of the municipal primary election to May 31 of any odd-numbered year, and changes the deadline for filing a declaration of candidacy to become a valid write-in candidate from 45 days before a municipal general election to 60 days before a municipal general election.

Municipal Impact/Requirements:
This bill was a ULCT initiated effort. The bill changes the municipal filing period for municipal office, and shortened it to one week. June 1-June 7th of an odd numbered year. The bill then subsequently changes the following deadlines on certifying the candidates and having a list of qualified candidates ready in time to comply with the requirement to accommodate overseas voters. This bill will apply to this election, so please make sure this is addressed quickly in your respective ordinances.

SB 0034 | Special Election Date for Ballot Propositions

Sponsor: **Stephenson, H.**
Bill Status: **Passed**
ULCT Position: **Neutral**

Legislative Purpose for the Bill:
This bill requires an election for a bond, debt, leeway, levy, or tax to take place on the first Tuesday after the first Monday in November.

Municipal Impact/Requirements:
This bill limits bond elections to the general election. This was done in order to facilitate greater voter participation on bond items.

SB 0058S02 | Amendments to Sales and Use Tax

Sponsor: **Harper, W.**
Bill Status: **Passed**
ULCT Position: **Amend**

Legislative Purpose for the Bill:
This bill addresses the disposition of sales and use tax revenue if Congress takes action to allow the collection of sales and use taxes by certain sellers that are not currently collecting sales and use taxes and requires the Division of Finance to make deposits and separately account for certain revenue.

Municipal Impact/Requirements:
This bill will have limited immediate impact on local government. The original bill would have required local governments to participate in efforts to lower the overall sales tax rate and dedicating a certain amount of the sales tax to transportation projects if we began receiving internet sales tax under the Main Street Fairness Act or the Marketplace Fairness Act. ULCT was, however, successful in amending the bill to take out those two requirements. The bill does still keep revenues associated with the federal Main Street Fairness Act or Marketplace Fairness Act in a restricted account for local governments. This was done in order to facilitate local governments discussion of possible changes to distribution and reorganization of municipal finance. The theory is that if cities just distribute the funds it will be difficult to reorganize those funds once they are committed to specific projects. If, however, they are held in a reserve account it will allow for the broader discussion on how best to allocate those funds and look at possible changes to the overall municipal tax structure.

SB 0066S01 | Referendum Revisions

Sponsor: **Reid, S.**
Bill Status: **Failed**
ULCT Position: **Support**

Legislative Purpose for the Bill:
This bill described requirements for a referendum petition to challenge a law passed by a local legislative body, provided that the law challenged in the referendum would not take effect unless and until the law is approved by a vote of the people. The city's budget officer, in consultation with the attorney for the local government, would have been required to determine whether, and to what extent, repealing the law has fiscal or legal implications, and shall prepare an unbiased, good faith written estimate of the fiscal and legal impact that will occur if the law is repealed. Finally, the local legislative body would have had to hold a public hearing to consider the estimate and determine whether to repeal the law that is challenged by the referendum.

Municipal Impact/Requirements:
This bill would have allowed cities to have prepared a good faith written estimate of the fiscal and legal impact of the passed law and the proposed referenda and then communicated the impact to residents. The conversation also included potentially modifying the signature requirements for citizen referendums on land use actions. The bill would have required both a certain percentage of the overall vote and a percentage of precincts in the city. Once that threshold was met, then the referendum would be on the November ballot. Due to outcry from constituents and the media, the legislature did not consider any referenda bills. ULCT hopes that the legislature will re-consider the issue in 2014.

SB 0072S08 | Prison Relocation and Development Amendments

Sponsor: **Jenkins, S.**
Bill Status: **Passed**
ULCT Position: **Neutral**

Legislative Purpose for the Bill:
This bill modifies provisions relating to the Prison Relocation and Development Authority, modifies the duties and responsibilities of the authority, and establishes a process for the authority to issue a request for proposals for a new prison development project, current prison land development project, or master development project, receive and evaluate proposals, and make a recommendation to the Legislature and governor.

Municipal Impact/Requirements:
This bill passed, but will likely have little impact to cities outside of Draper City. Draper has been actively involved in the discussions on this issue and will maintain control of the land use of the site of the current prison. Gunnison and other Sanpete County cities have expressed concern about the future of the Draper prison location and ULCT will continue to monitor the relocation progress.

SB 0076 | Outdoor Advertising Technology Amendments

Sponsor: **Knudson, P.**
Bill Status: **Failed**
ULCT Position: **Oppose**

Legislative Purpose for the Bill:
This bill would have prohibited a municipality or county from enacting or enforcing certain billboard ordinances relating to electronic or mechanical changeable message signs, prohibited a municipality or county from commencing eminent domain proceedings to prevent a billboard owner from upgrading a billboard to an electronic or mechanical changeable message sign, and amended the definition of maintenance to include upgrading a paper sign to electronic advertising.

Municipal Impact/Requirements:
This bill would have allowed a billboard owner to digitize any paper billboard on a state road and eliminate municipal authority to condemn billboards. This bill, along with the contrary ULCT-supported SB 240, was part of ongoing negotiations with the outdoor advertising industry. Ultimately, all sides agreed to not run legislation and continue negotiating.

SB 0077S02 | Availability of Government Information

Sponsor: **Henderson, D.**
Bill Status: **Passed**
ULCT Position: **Amend**

Legislative Purpose for the Bill:
This bill requires certain public bodies to post minutes and audio recordings of meetings on the Utah Public Notice Website and modifies provisions regarding the manner and time of making minutes public.

Municipal Impact/Requirements:
This bill will require the posting of "approved" minutes of a city council meeting on the public notice website within 2 business days of their approval. The bill also provides that draft minutes, which can be as simple as the agenda with an outline of action taken on each item, be made available for the public to review within 30 days of the meeting being held. There is, however, no posting requirement for the draft minutes. Subsequent drafts of the minutes are simply that, until such time that they are "approved" and then required to be made available on the public notice website. This bill also limits the application to only city council minutes and does not apply to 5th class cities or towns.

SB 0107S02 | Public Shooting Ranges

Sponsor: **Christensen, A**
Bill Status: **Passed**
ULCT Position: **Neutral as Amended**

Legislative Purpose for the Bill:
This bill grants the public access to use certain public shooting ranges, permits a fee to be charged for the public to use a public shooting range, and describes when a public shooting range can be restricted from public use.

Municipal Impact/Requirements:
This bill grants public access to certain public indoor or outdoor shooting ranges, not including ranges owned by local public safety agencies. As such, there would be limited impact on cities unless you operate a public shooting range that is not owned by your public safety agency.

SB 0109S04 | Change Application Procedure

Sponsor: **Okerlund, R.**
Bill Status: **Failed**
ULCT Position: **Support with Amendments**

Legislative Purpose for the Bill:
This bill would have allowed a change applicant or an aggrieved person who protested a change application to request an advisory opinion through the Office of the Property Rights Ombudsman and would have modified the procedure for submitting certain change application. The bill would have prohibited a water company, under certain circumstances, from filing a change application if the proposed change deprives an existing shareholder of the shareholder's water use right and modified the procedure for a shareholder in a water company to submit a change application. Finally the bill would have allowed the state engineer, under certain circumstances, to determine the quantity of water that is being beneficially used under a change application and limit approval of the change application based on that determination.

Municipal Impact/Requirements:
Established cities, growing cities, and rural cities worked together on SB 109 and we expect the legislature to re-consider a similar bill in the future. This bill would have restored the State Engineer to the role of "gate keeper" in the change application process & maintained the judiciary as the body responsible for adjudicating forfeiture. The bill also would have created a prompt process to resolve certain change applications with non-use challenges. The "swing-out" provision would have provided due process for all applicants, created a longer notice and investigation period, and provided certainty and finality for the certain applications. Initially, the swing-out was for municipalities only but legislators expanded it to apply to all change applicants. Due to concerns about the bill's new scope (including shareholders' rights), the bill failed on the final day of the session.

SB 0111 | Electronic Filing of Traffic Citations and Accident Reports

Sponsor: **Hillyard, L.**
Bill Status: **Passed**
ULCT Position: **Neutral**

Legislative Purpose for the Bill:
This bill requires that traffic citations be filed electronically with the courts using the courts' electronic filing interface and requires that motor vehicle accident reports be filed electronically with the Department of Public Safety.

Municipal Impact/Requirements:
Local law enforcement must electronically file accident reports with the Department of Public Safety and justice courts must electronically file traffic citations.

SB 0137 | Motor Vehicle Registration Enforcement Amendments

Sponsor: **Thatcher, D.**
Bill Status: **Passed**
ULCT Position: **No Position**

Legislative Purpose for the Bill:
This bill prohibits a local highway authority from enacting an ordinance, regulation, rule, fee, or criminal or civil fine pertaining to a registration violation or a registration decal that conflicts with or is more stringent than the registration requirements under Title 41, Motor Vehicles.

Municipal Impact/Requirements:
This bill should have little impact on cities or towns, but does not preclude local governments from citing vehicles for a faded registration sticker. It had apparently been an issue in some communities and this simply clarifies that since there is nothing the vehicle owner can do about the faded sticker, it shouldn't be a citable offense.

SB 0153 | Local Government Development Amendments

Sponsor: **Adams, J. S.**
Bill Status: **Passed**
ULCT Position: **Support**

Legislative Purpose for the Bill:
This bill amends a land use authority's authority to impose an exaction for another governmental entity, enacts language limiting a municipality's or county's regulation of a residential facility for persons with a disability, enacts provisions relating to a land use authority's acceptance of landscaping and infrastructure improvements, and requires a local district to comply with municipal or county land use and development requirements in certain circumstances.

Municipal Impact/Requirements:
This bill may require some changes as it relates to exactions, landscaping improvements and surety notes for public improvements installed by a developer. The bill requires objective standards to be created when evaluating landscaping improvements, specifies the type of surety that can be required of a developer on public improvements and the time frame by which the surety can be retained, and also specifies how a city handles the transfer of exactions to another jurisdiction if they have been exacted on their behalf. Please read this bill to ensure your process is following the new standards. The bill clarifies that in most circumstances, a public improvement warranty is limited one year. While the bill won't require substantive changes, they may be minor changes needed in your municipal code in order to comply.

SB 0158 | Municipal General Fund Amendments

Sponsor: **Henderson, D.**
Bill Status: **Passed**
ULCT Position: **Neutral**

Legislative Purpose for the Bill:
This bill amends the percentage of excess fund balance that a municipality may keep in its general fund from 18% to 25%.

Municipal Impact/Requirements:
This was a ULCT initiated bill. It will allow a municipality to keep 25% of the general fund in reserves and will apply to current year budgets.

SB 0167 | Alcoholic Beverage Control Amendments

Sponsor: **Valentine, J.**
Bill Status: **Failed**
ULCT Position: **Support**

Legislative Purpose for the Bill:
This bill would have created a "master full-service restaurant license" and "master limited-service restaurant license" and delays the enactment of the Transfer of Retail License Act.

Municipal Impact/Requirements:
This bill would have created a master restaurant license (both limited-service and full-service) which would have allowed one alcohol applicant to have just one master alcohol license for 5 or more chain restaurants. It did not pass but the legislature will continue to explore the concept which should make it easier for cities to attract limited service or full service restaurants.

SB 0172 | Use of Bond Proceeds by Political Subdivisions

Sponsor: **Valentine, J.**
Bill Status: **Passed**
ULCT Position: **Neutral**

Legislative Purpose for the Bill:
This bill prohibits political subdivisions from using bond proceeds for specified purposes beyond a limited time period.

Municipal Impact/Requirements:
This bill was introduced after significant discussion with several cities and their bond counsel. The bill should have limited impact, but does preclude use of bond proceeds from being used for ongoing operations and maintenance expenses for a bonded project. The bill limits use of bond proceeds to one year for O&M expenses. The remaining portion of the bond is to be used on capital expenses.

SB 0180 | Public Utilities Amendments

Sponsor: **Van Tassell, K.**
Bill Status: **Passed**
ULCT Position: **Support**

Legislative Purpose for the Bill:
This bill prohibits a municipality from providing electric service to a customer in an annexed area with certain exceptions. Those exceptions include when a customer requests the service and when a city enters into a written agreement with the customer so long as it is approved by the Public Service Commission. The bill also enacts procedures for transferring an electric facility and the reimbursement or arbitration for the cost.

Municipal Impact/Requirements:
This should have limited municipal impact because it only impacts cities with their own electric systems. The bill was agreed upon by all parties (city power and Rocky Mountain Power) to address the provision of electric utility outside of ones boundaries. This bill only impacts cities that own their own electric systems. It deals with two areas: (a) When a muni power city annexes territory being severed by another electric service provider and (b) those circumstances where any service provider provides service outside of existing service areas. In the case of annexation it provides time frames and procedures for how cities that annex new service areas compensate the outgoing provider for facilities now being taken over by the muni power city. In the case of extra-territorial service the bill grandfathers existing extraterritorial service arrangements and requires that any future arrangements must be mutually agreed on. The bill also addressed the dispute resolution process if the two parties cannot agree on terms of providing services outside of their respective boundaries.

SB 0181S01 | Political Subdivisions Property Amendments

Sponsor: **Harper, W.**
Bill Status: **Failed**
ULCT Position: **Neutral with Amendments**

Legislative Purpose for the Bill:
This bill would have prohibited a political subdivision from disposing of property unless the political subdivision received fair market value for the property.

Municipal Impact/Requirements:
This bill ultimately failed and will have no impact. While well intentioned, the bill could have caused significant impact to RDA's who often deal with property exchanges.

SB 0190S03 | Procurement Revisions

Sponsor: **: Jenkins, S.**
Bill Status: **Passed**
ULCT Position: **Neutral with Amendments**

Legislative Purpose for the Bill:
This bill designates records that would impair governmental procurement proceedings or give an unfair advantage to a potential contractor and records submitted in response to a request for information as protected. The bill describes the procurement units that have independent procurement authority, clarifies the prequalification process for potential bidders, offerers, or contractors, modifies public notice provisions, changes small purchase requirements, and modifies provisions relating to a cost-benefit analysis and the publication of scores awarded by an evaluation committee. The bill provides that a public transit district may contract with a county or municipality to fund a transportation project without going through a standard procurement process. The bill describes permitted and prohibited contract types, grants rule making authority, installment payments, procurement appeal provisions, and cooperative purchasing. Finally, the bill addresses unlawful or unethical procurement activity.

Municipal Impact/Requirements:
This bill is phase two of an overhaul of the Utah Procurement Code, including language on records, contracting, ethical requirements, and application to special service and transit districts. Cities specifically were exempted from this overhaul to the extent that cities have their own procedures. Cities were concerned about the applicability when city officials participate in a procurement process of special districts. Although the initial bill would have enhanced the ethics standard with stronger criminal sanctions, the enacted bill only subjects municipal officials to existing ethics provisions. Those ethics provisions will be reviewed during the interim.

SB 0196S03 | License Plate Reader Amendments

Sponsor: **Weiler, T.**
Bill Status: **Passed**
ULCT Position: **Neutral with Amendments**

Legislative Purpose for the Bill:
This bill provides that a person or governmental entity may not use an automatic license plate reader system except in certain circumstances and provides that captured plate data is a protected record under the Government Records Access and Management Act, if the captured plate data is maintained by a governmental entity. The bill also provides that captured plate data may only be shared for specified purposes, may only be preserved for a certain time, and may only be disclosed pursuant to a disclosure order or a warrant. Finally, the bill establishes procedures for a governmental entity or defendant in a criminal case to submit a preservation request for captured plate data.

Municipal Impact/Requirements:
This bill authorizes a city to use an automatic license plate reader system for public safety, enforcing parking laws, and enforcing motor carrier laws. The reader system turns an image of a license plate into computer-readable data and the captured plate data will include GPS coordinates, date and time, photographs, and the number. The captured data is a protected record. Private entities cannot preserve the records for longer than 30 days and cities cannot preserve the individual records for longer than 90 days (with some exceptions) even though cities can preserve the aggregate data for planning purposes. Cities cannot sell or share the data. The bill also creates a process for a defendant in a criminal case to access the records and other data via a court order.

SB 0200S03 | Local and Special Service Districts Amendments

Sponsor: **Stevenson, J.**
Bill Status: **Passed**
ULCT Position: **No Position**

Legislative Purpose for the Bill:
This bill enacts provisions prohibiting the creation and dissolution of a local district in certain circumstances. The bill also amends provisions that govern the terms of office of a local district board of trustees and board elections. The bill also amends provisions governing audits and employment by a local district.

Municipal Impact/Requirements:
This bill reduced the cost burden for public works projects from $10,000,000 to $1,000,000 for cities of the first class or local districts to contract for design-build. The city or district must consult with a professional engineer who has design-build experience before entering into the contract. The local district must engage in at least one of seven requirements and file a certification with the state auditor that the district is fulfilling its statutory obligations. If not, then the bill creates a process for the state auditor to dissolve a local district if the auditor determines that the district is not engaged in their required activity or service and the local district fails to respond to the auditor's deficiency notice. The bill also prevents local districts from being dissolved and then re-created in the same area and to provide the same service within a two year span.

SB 0201S01 | Public Use Trails Amendments

Sponsor: **Bramble, C.**
Bill Status: **Failed**
ULCT Position: **Support**

Legislative Purpose for the Bill:
This bill would have enacted provisions authorizing the use of eminent domain for certain trails, paths, or walkways; and makes technical corrections.

Municipal Impact/Requirements:
This bill would have authorized cities to utilize eminent domain in a first or second class county for trails, footpaths, or bike paths under certain circumstances. The trail must have been part of a regional transportation plan and meet three of the following requirements: be part of a 50 mile trail system, facilitate commuter biking, secure financing by April 1, 2013, more than one agency or city contributed to the development or cost of the project, and located at least in part in a first or second class city. Despite those limits, the bill still failed as the legislature did not have the appetite to re-consider eminent domain authorization though we hope similar legislation will return in the future.

SB 0211S01 | Redevelopment Agency Amendments

Sponsor: **Stevenson, J.**
Bill Status: **Passed**
ULCT Position: **Support**

Legislative Purpose for the Bill:
This bill authorizes a taxing entity committee to approve exceptions to the requirement that a project area budget include a maximum cumulative amount of tax increment, requires that certain urban renewal project budgets specify the maximum cumulative dollar amount of tax increment that the agency may receive, and requires that certain economic development project budgets specify the maximum cumulative dollar amount of tax increment that the agency may receive. The bill also amends tax increment provisions applicable to a pre-July 1, 1993, project area plan and enacts language prohibiting certain entities from recovering increased taxes paid to an agency in certain circumstances.

Municipal Impact/Requirements:
This bill was run in light of some issues discovered in Salt Lake County where property tax increment associated with a tax rate increase was being passed on to the RDAs as part of the increment distribution. There was some concern that the increment associated with the rate increase was not to be passed on. This bill grandfathered all prior rate increases to ensure adequate distribution to the RDAs but also stipulated that any future increment associated with a rate increase will not be passed on unless specifically specified in the RDA agreement. This bill as written will have no impact on current RDAs, but if you desire revenue associated with a rate increase, that will need to be specified in future project areas.

SB 0221 | Assessment Area Act Amendments

Sponsor: **Van Tassell, K.**
Bill Status: **Passed**
ULCT Position: **Support**

Legislative Purpose for the Bill:
This bill authorizes an interlocal entity or local district to issue a bond for an energy efficiency upgrade or a renewable energy system, requires that an assessment area for an energy efficiency upgrade or a renewable energy system be a voluntary assessment area, and exempts an energy efficiency upgrade or a renewable energy system voluntary assessment area from certain contract bid requirements. The bill also amends provisions governing assessment levy limits and costs, authorizes a local entity to levy an assessment against property owned by the federal government or a public agency in certain circumstances, and amends provisions authorizing installment payments for an assessment.

Municipal Impact/Requirements:
Cities can now issue bonds to finance an energy efficiency upgrade or renewable energy system in an assessment area. The assessment area for the upgrade or renewable energy system must be a voluntary assessment area. The city must provide to each property owner, including public property owners, the service providers authorized by the city to provide the upgrade or system and then property owner could select which provider to use.

SB 0229S01 | Appellate Bond for State Entities

Sponsor: **Bramble, C.**
Bill Status: **Passed**
ULCT Position: **Neutral**

Legislative Purpose for the Bill:
This bill requires that municipalities post a bond on appeal of a judgment over $5,000,000.

Municipal Impact/Requirements:
CAs with SJR 14, if a city appeals a judgment for any amounts in excess of $5,000,000, the city must post a bond.

SB 0240 | Billboard Amendments

Sponsor: **Urquhart, S.**
Bill Status: **Failed**
ULCT Position: **Support**

Legislative Purpose for the Bill:
This bill would have repealed provisions relating to a municipality's or county's ability to terminate a billboard/non-conforming sign and associated property rights and provide just compensation, acquisition of a billboard/non-conforming sign by eminent domain, or relocate a billboard/non-conforming sign in certain circumstances. The bill would have required a permit to be obtained prior to installing or converting each outdoor sign and would have prohibited the Department of Transportation from issuing a permit to construct or convert an outdoor advertising sign if the construction or conversion is inconsistent with or prohibited by a town, city, or county ordinance.

Municipal Impact/Requirements:
This bill would have reaffirmed local control over billboard conversion. It would have removed "unilateral relocation" provisions in current law which allow a billboard owner to move a sign to a more beneficial location without the consent of local government. It would also have changed how local government compensated billboard owners for their billboards and clarified that electronic conversion of a billboard is a greater impact on the community. This bill, and the opposing bill SB 76, were part of ongoing negotiations with the outdoor advertising industry. As part of the negotiation, both bills were scrapped.

SB 0245 | Court Fees for Political Subdivisions

Sponsor: **Thatcher, D.**
Bill Status: **Failed**
ULCT Position: **Oppose**

Legislative Purpose for the Bill:
This bill would have required a city to pay a defendant's court costs if an appellate judge reduces the overall fines and late penalties owed by at least 75% (defined as "substantially prevails"). The bill would have applied to all cases from small claims court to the Supreme Court and affect hundreds of misdemeanor charges. The bill could have resulted in judges' discretion & leniency being handcuffed as they would be less willing to reduce the financial penalty.

Municipal Impact/Requirements:
This bill did not pass; no municipal impact.

SB 0265S01 | Referendum Revisions

Sponsor: **Valentine, J.**
Bill Status: **Failed**
ULCT Position: **Support**

Legislative Purpose for the Bill:
This bill would have set different time periods for referendum petitions, exempted the referendum petition from the voter information pamphlet requirements, and addressed the tax rate if the referendum passes or fails.

Municipal Impact/Requirements:
This bill would have modified the timeline for referenda and developed a process that would allow for the entire signature gathering and review process to be completed so as to allow an election in the tax year of the proposed increase. The bill would have increased from 25 days to 30 days the amount of time for citizens to gather signatures and would have created a 30 day campaign cycle. In that cycle, the city could explain its perspective to the electorate. The election would occur in the same calendar year as the truth in taxation hearing so as not to place the city in budgetary limbo for an additional year. The bill was caught in fervor over the initial signature change proposal in SB 66 and the legislature refused to consider any referenda bills. ULCT hopes the legislature will re-consider the issue in 2014.

SJR 014S01 | Joint Resolution Amending Civil Procedure Rule 62

Sponsor: **Bramble, C.**
Bill Status: **Passed**
ULCT Position: **Oppose**

Legislative Purpose for the Bill:
This resolution states that a municipality is not a state agency for the purpose of appeals under Rule 62(e); and requires a bond to be posted for judgment amounts over $5,000,000, plus interest.

Municipal Impact/Requirements:
This resolution changes the Utah Rules of Civil Procedure so that when a city appeals a judgment for any amounts in excess of $5,000,000, the city must post a bond or other security. To stay the enforcement of any judgment over $5,000,000, the city must also post security (also see SB 229).

Icons

We have organized all of the bills according to their specific topic and assigned them a corresponding icon. The icons are identified below:

Benefits	Prison
Districts	Public Safety
Elections	Transparency
Finances	Transportation
General Government	Utilities
Land Use	Water
Legal	

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