

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 **2014 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**



## **2014 County Legislation**

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The 2014 Legislative Session was a very successful one for county government. In addition to a number of small wins, a couple of major pieces of legislation that address issues counties have struggled with for years were passed into law. A complete tracking sheet of county legislation can be found on our website (UACnet.org), below is a list of some of the more substantial legislation dealing with county government of the session.

### **SB 241 – County Jail Contracting Amendments**

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SB 241 addresses a contentious issue between the legislature and county government for 20 years: covering the costs of condition of probation prisoners. These are state prisoners, tried in state court and sentenced to state prison. The judge then grants probation on condition that the prisoner spends up to one year in a county jail. For years the legislature and the counties have argued over the level the state should pay for the costs of these prisoners. In 2007, legislation was passed that set the state’s responsibility at 50 percent. Since then, however, the state has yet to meet that requirement.

SB 241 allows counties to release condition of probation prisoners when and if the state funding dips below 50 percent of the costs. In calculating the impact the bill would have, the Office of the Legislative Fiscal Analyst estimated that SB 241 could save counties nearly \$2.7 million based on previous years.

### **SB 61 – Revisions to Property Tax**

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SB 61 removes the August truth in taxation cycle for calendar year fiscal entities (including counties). Since the inception of truth in taxation, calendar year fiscal entities have had to go through two truth in taxation notices and hearings in December and then again in August when considering a property tax rate increase. Meanwhile, July 1 fiscal year entities have only been required to participate in the August truth in taxation cycle. This is due to the fact that property owners receive individual notice of August truth in taxation hearings, but receive no such notice in December. The legislature worried that without a second notice in August, calendar year fiscal entities wouldn’t receive the public scrutiny an increase in property tax warranted.

SB 61, which received a great deal of input from county officials, moves some dates associated with the budget setting period of a calendar year fiscal entity and requires notice of any potential property tax rate increase be mailed to every property owner within a jurisdiction in conjunction with the December truth in taxation hearing.

### **Other Enrolled Legislation of Note**

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- HB 404 raises the security surcharge \$10. The additional surcharge will cover the current \$1.8 million shortfall the state has failed to pay county government for court security in the past.
- SB 36 establishes a procedure by which a voter can have his or her voting records designated as private.
- SB 120 exempts county animal shelters from an expensive pharmaceutical license requirement for the handling of drugs used for euthanasia.

## 2014 Legislative Appropriations

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Perhaps the counties' toughest battle every legislative session centers on appropriations. There never seems to be enough money to go around. This year, however, fortune shined on Utah's counties and a number of appropriations and key pieces of legislation made for a very successful legislative session.

### Jail Contracting

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- The legislature moved \$2.8 million in one-time funding from last year's budget to ongoing funding in the FY 2015 budget.
- The legislature added an additional \$1.3 million in ongoing funding for growth in new beds.
- The legislature also appropriated an additional \$670,000 to increase the daily incarceration rate from \$46.85 to \$47.85.
- Finally, the legislature appropriated another \$500,000 in one-time money towards programming.

**Total Jail Contracting new ongoing and one-time money: \$5.3 million**

### Jail Reimbursement

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- The legislature appropriated an additional \$1 million towards jail reimbursement.
- Additionally, the legislature passed SB 241 which allows counties the freedom to release condition of probation prisoners early should the amount of condition of probation prisoners in county jails exceed the appropriated funding available from the state. The results of SB 241 could be a savings to county government in excess of \$2.6 million.

**Total Jail Reimbursement appropriations and savings: \$3.6 million**

### Court Security

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- The legislature passed HB 404 which raises the security surcharge \$10. The additional surcharge will cover the current \$1.8 million shortfall the state has failed to pay county government for court security in the past.

**Total Court Security increases: \$1.8 million**

### Mental Health

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- The legislature appropriated \$1.5 million in one-time funds for mental health early intervention for children/youth.
- The legislature also appropriated \$6.4 million in one-time money towards Medicaid match for local mental health centers. This is an additional \$4.4 million from last year's appropriations.
- The PAAG program which provides housing opportunities for people with long-term persistent mental illness received \$300,000 to continue and expand its services.
- Weber Human Services obtained funding for a two year mental health/physical health integration project. The funding totals \$1.5 million.

**Total Mental Health appropriations: \$9.7 million**

# **UAC TRACKING SHEET**



<b>Number</b>	<b>Short Title</b>	<b>Sponsor</b>	<b>Position</b>	<b>Contact</b>
HB 011	Overdose Reporting Amendments <i>Provides immunity for an individual who reports to the authority a drug overdose.</i>	Carol Spackman Moss		Adam
HB 017 s1	Interlocal Act Amendments <i>Requires members of an interlocal agreement to comply with law that is applicable to each public agency that is a member of the agreement.</i>	Johnny Anderson	Oppose	Adam
HB 020 s2	Emergency Vehicle Operator Duty of Care Revisions <i>Provides liability for an officer of the law in the event that a suspect is harmed during a chase.</i>	Brad Dee	Support	Adam
HB 025	Eminent Domain Amendments <i>Amends provisions to the eminent domain code.</i>	Lee Perry		Adam
HB 044 s4	Interstate Electric Transmission Lines <i>Requires a merchant electric transmission line to file an open solicitation notice with the Office of Energy Development.</i>	Stephen Handy	Oppose	Adam
HB 049 s2	Water Rights - Change Application Amendments <i>Modifies the procedure for filling a change application relating to water rights.</i>	Kay McIff	Oppose	Adam
HB 051 s2	State Tax Commission Report on Tax Provisions <i>Requires the State Tax Commission to make a yearly report to the legislature on a number of property tax issues.</i>	Joel Brisco		Brent
HB 057	Animal Shelter Amendments <i>Spells out procedures for the euthanizing of strays in animal shelters.</i>	Angela Romero		Brent
HB 063	Recall Elections Amendments <i>Prescribes a process for instigating a recall election for certain statewide officers.</i>	Gage Froerer	Oppose	Arie
HB 067 s1	Political Subdivision Jurisdiction Amendments <i>Authorizes a county chief executive officer or sheriff to exercise jurisdiction over a Nation Monument when deemed necessary.</i>	Marc Roberts	Support	Mark
HB 070 s2	Forcible Entry Amendments <i>Modifies the law concerning the use of forcible entry by law enforcement when making an arrest or conducting a search.</i>	Marc Roberts	Oppose	Brent
HB 083	Local Government Residential Reimbursement Authority <i>Authorizes a first class county to reimburse an eligible property owner should certain qualifications are met.</i>	Johnny Anderson		Brent
HB 085	Electronic Filing of Traffic Citations and Accident Reports Amendments <i>Exempts a law enforcement officer from filing a citation electronically where it isn't feasible to do so.</i>	Jon Cox	Support	Adam
HB 099	County Officer Election Revisions <i>Clarifies the manner in which a combined county officer's term is set prior to county staggered-term elections.</i>	Jack Draxler		Brent
HB 102 s1	Assessment Area Amendments <i>Imposes a number of changes to the code regarding assessment areas.</i>	Curt Webb		Brent
HB 105 s9	Plant Extract Amendments <i>Permits hemp extract for medical treatment provided an individual registers with the Department of Health.</i>	Gage Froerer		Adam
HB 110 s1	Renewable Energy Amendments <i>Allows a county or municipality to qualify as a contract customer for a renewable energy contract.</i>	Kraig Powell		Brent
HB 120 s1	Continuing Education on Federalism <i>Requires a county designated employee to take a continual education class every two years on Federalism.</i>	Ken Ivory	Support	Adam
HB 124	Expungement of Administrative Disciplinary Action <i>Provides that a licensee may apply for expungement of records for action taken against the licensee by an agency.</i>	Brian Greene		Brent
HB 125 s2	Electrical Transmission Facility Siting Study Act <i>Requires the Public Service Commission to conduct a study related to an electrical transmission facility.</i>	Roger Barrus	Support	Brent
HB 128 s1	Electronic Device Location Amendments <i>Requires a governmental entity obtain a search warrant before obtaining the location of an electronic device.</i>	Ryan Wilcox		Brent
HB 133 s1	Contingent Management for Federal Facilities <i>Prepares a way for the state to manage national parks, monuments, forests, and recreation areas in the event of a fiscal emergency.</i>	David Lifferth	Support	Mark
HB 135	Transportation Funding Amendments <i>Replaces a portion of the motor fuel tax with an increase in the sales tax and dedicates those revenues to transportation.</i>	Johnny Anderson		Brent
HB 147	Peace Officer Agreements with Federal Agencies <i>Specifies the terms under which a federal agency may enter into with a county sheriff to enforce federal, state, and local laws.</i>	Richard Greenwood	Support	Brent
HB 149	Amendments to Federal Law Enforcement Limitations <i>Spells out which state and local laws federal officials can enforce and which federal officials can enforce those laws.</i>	Mike Noel	Support	Mark
HB 155 s1	Utah Communication Agency Network and Utah 911 Committee Amendments <i>Creates the Utah Communication Agency and tasks it with 911 dispatch services.</i>	Brad Dee	Support	Brent
HB 156 s1	Election Day Voter Registration Pilot Project <i>Permits counties to participate in a same-day voter registration pilot project.</i>	Rebecca Chavez-Houck		Arie

Number	Short Title	Sponsor	Position	Contact
HB 158 s4	Grazing and Timber Agricultural Commodity Zones in Utah <i>Establishes Grazing and Timber Agricultural Commodity Zones throughout Utah.</i>	Mike Noel	Support	Mark
HB 160	Utah Wilderness Act <i>Provides the mechanism for identifying and designating protected wilderness areas in Utah.</i>	Stephen Handy	Neutral	Mark
HB 163	Appellate Bond Amendments <i>Repeals an exemption for a local government to issue an appellate bond during a lawsuit.</i>	Doug Sagers		Adam
HB 165 s1	Vote by Mail Amendments <i>Establishes vote by mail as the primary election process in the State of Utah.</i>	Steve Eliason	Oppose	Arie
HB 175	Constable Amendments <i>Creates the position of apprentice constable and spells out a new process for constables and their apprentices to be licensed.</i>	Curt Oda	Oppose	Brent
HB 183 s1	Federal Land Exchange and Sale Amendments <i>Requires SITLA to identify parcels of state and federal lands that are suitable for a federal land exchange.</i>	Mike Noel	Support	Mark
HB 188	Court Security Revisions <i>Requires the state to pay for court security provided by county deputies in state courts.</i>	Brad Dee	Support	Brent
HB 189	Inherent Risk of Recreational Activities Amendments <i>Holds an individual responsible for injury sustained on public property under reasonable circumstances.</i>	Keven Stratton	Support	Adam
HB 212	DNA Collection Amendments <i>Allows law enforcement to collect DNA for felony offenses in 2014 and requires them to do so beginning in 2015.</i>	Steve Eliason	Support	Adam
HB 220 s2	Land Use Amendments <i>Requires a county or municipality to justify any ordinance that is stricter than the state's land use chapters.</i>	Gage Froerer		Adam
HB 225 s1	Primary Law Enforcement Duties for Sheriffs <i>Designates the sheriff as the primary law enforcement authority for state law on federal land.</i>	Paul Ray		Brent
HB 232	Tax on Sand and Gravel Extraction <i>Permits a county (or municipality, if the county chooses not to) to impose a severance tax on sand or gravel extraction.</i>	Doug Sagers	Support	Brent
HB 238	Local Referendum Requirements Amendments <i>Limits the citizens permitted to participate in a local referendum issue to those affected geographically by the issue.</i>	Kraig Powell	Support	Arie
HB 242	Fees for Government Records Requests <i>Requires a governmental entity to fulfill a GRAMA request at no charge under certain circumstances.</i>	Brian King	Oppose	Adam
HB 244	Voting and Voter Registration Amendments <i>Enacts stricter proof of citizen requirements to vote in state and local elections.</i>	Jacob Anderegg	Oppose	Arie
HB 252 s1	Absentee Ballot Amendments <i>Prohibits exclusive by-mail elections.</i>	Jim Bird	Oppose	Arie
HB 255	Disclosure Requirements Prior to Sale of Real Estate <i>Requires a hazardous waste disclosure form be presented prior to real estate closing.</i>	Doug Sagers		Brent
HB 258 s2	Municipal Business Licensing Amendments <i>Prohibits a municipality from issuing a business license to an at-home business with less than \$250,000 annual revenue.</i>	Jacob Anderegg	Oppose	Arie
HB 262 s2	Local Governing Body Voting Amendments <i>Requires the vote of the majority of membership of any local government legislative body to take any legislative action.</i>	Kraig Powell	Neutral	Adam
HB 269	Land Subdivision Amendments <i>Requires a county to withhold a subdivision plat until tax clearance is provided.</i>	Kraig Powell		Adam
HB 273	Property Tax Residential Exemption Amendments <i>Allows a residential property to claim the primary residential property exemption provided it meets that criteria for over half the year.</i>	Lowry Snow	Support	Brent
HB 278	Highway Construction Bid Limit Reduction <i>Reduces the bid limit for construction or improvement on a class B or C road.</i>	Stephen Handy	Oppose	Brent
HB 302 s2	Voting Records Amendments <i>Makes the birth date a private record on voter registration lists.</i>	Becky Edwards	Support	Arie
HB 304	Law Enforcement Volunteer Amendments <i>Authorizes the county sheriff to approve a volunteer to serve in an emergency law enforcement event.</i>	Richard Greenwood	Support	Brent
HB 318 s1	Rights of Parents and Children Amendments <i>Permits a parent who has been served with a petition for termination of parental rights to request a jury trial.</i>	LaVar Christensen		Adam
HB 328	Construction and Fire Codes Amendments <i>Allows fourth, fifth, and sixth class counties to opt out of certain requirements of the fire and construction codes.</i>	Mike Noel		Adam
HB 339	County Budget Amendments <i>Allows a county to appropriate money or provide nonmonetary assistance to a nonprofit entity in certain circumstances.</i>	Jennifer Seelig	Support	Brent

Number	Short Title	Sponsor	Position	Contact
HB 344 s1	Incorporation Election Amendments <i>Authorizes a county to hold a special election on the proposed incorporation of a city or town.</i>	Jon Cox		Adam
HB 356 s1	New Convention Facility Development Incentive Provisions <i>Establishes a tax credit for the owner of a new convention hotel consisting of sales tax revenues with certain restrictions.</i>	Brad Wilson		Brent
HB 368	Jury Duty Amendments <i>Exempts counties with population under 75,000 from complying with certain jury duty limitations.</i>	Craig Hall	Support	Adam
HB 381 s1	Local Government Interfund Loans <i>Outlines parameters that must be followed when a local government issues an interfund loan.</i>	John Knotwell		Adam
HB 387	Highway Amendments <i>Enacts provisions relating to public uses constituting an abandonment and dedication of a highway to the public.</i>	Mike McKell	Oppose	Mark
HB 388 s1	Amendments to Transportation Funding <i>Authorizes a quarter cent sales tax for transit.</i>	Johnny Anderson	Support	Brent
HB 391 s1	Tangible Personal Property Tax Exemption <i>In conjunction with HJR 2, exempts certain tangible personal property from property tax.</i>	Jim Nielson	Oppose	Brent
HB 404	Court Security Fee Amendments <i>Increases the amount of court security surcharge deposited into the state treasurer's Court Security Account from \$8 to \$13.</i>	Paul Ray	Support	Brent
HB 407	Litigation Transparency Act <i>Requires that a person that sues the state or a political subdivision disclose the person's source of funding.</i>	Jacob Anderegg		Adam
HB 408	Election Requirements Amendments <i>Allows for space on a ballot for write-in candidates only when qualified written-in candidates have filed 60 days before an election.</i>	Kay Christofferson	Support	Arie
HB 415 s2	Local and Special Service District Elections Amendments <i>Allows local and special service district to move their elections from a Municipal Election to a General Election if they so choose.</i>	Steve Eliason		Arie
HB 422 s1	Initiative and Referendum Impact Disclosure <i>Requires a fiscal impact be included with any initiative and referendum issue on the ballot.</i>	Brad Last	Support	Adam
HB 435 s1	Taxation of Property Amendments <i>Requires a county assessor to consider whether property has been used for hazardous waste storage in determining fair market value.</i>	Doug Sagers		Arie
HCR 10	Concurrent Resolution on School and Institutional Trust Lands Exchange Act <i>Urges the US Congress to enact legislation affirming the federal land grant process and permit federal-state land exchanges.</i>	Mike Noel	Support	Mark
HJR 02	Joint Resolution on Business Personal Property Tax Exemption <i>Resolves to change the state constitution to exempt business personal property from property tax.</i>	Jim Nielson	Oppose	Brent
HJR 04	Joint Resolution on Recall Elections <i>Proposes to amend the state constitution to allow certain statewide officers subject to a recall election.</i>	Gage Froerer	Oppose	Arie
HJR 17	Joint Resolution on Jail Facilities <i>Supports the expansion of jail contracting with county government.</i>	Richard Greenwood	Support	Brent
SB 019 s1	Appointment and Qualification of Members of the State Tax Commission <i>Amends provisions relating to the qualifications of serving as a state tax commissioner.</i>	Howard Stephenson	Oppose	Brent
SB 021 s1	State Construction Code Amendments <i>Exempts from the permit requirements of the State Construction Code a structure that is solely used to sell certain seasonal crops.</i>	Margaret Dayton	Oppose	Adam
SB 022 s2	Workforce Services Job Listing Amendments <i>Requires local governments to advertise job openings with Workforce Services.</i>	Pete Knudson		Adam
SB 025	Candidate Certification Amendments <i>Extends the deadline for political parties to certify candidates by a week for 2014 only.</i>	Deidre Henderson	Support	Arie
SB 036 s5	Voter Information Amendments <i>Establishes a procedure by which a voter can have his or her voting records designated as private.</i>	Karen Mayne	Support	Arie
SB 060	Fuel Excise Tax Amendments <i>Replaces a portion of the flat gas tax with a percentage tax per gallon on the motor fuel tax.</i>	John Valentine	Support	Brent
SB 061	Revisions to Property Tax <i>Adjusts the timing of the budget setting process associated calendar year fiscal entities to allow for the removal of August truth in taxation.</i>	Deidre Henderson	Support	Brent
SB 070	State Data Portal Amendments <i>Modifies the duties of the Utah Transparency Advisory Board and its role in the availability of public information.</i>	Deidre Henderson		Adam
SB 076	Rural Economic Mapping and Partnership <i>Modifies the duties of the Office of Rural Development by requiring that it assist rural counties in creating strategies for economic development.</i>	Stuart Reid	Support	Adam
SB 088 s1	Child Interview Amendments <i>Protects child testimony at the Children's Justice Center from being accessible through GRAMA.</i>	Ralph Okerlund	Support	Adam

Number	Short Title	Sponsor	Position	Contact
SB 114	Canal Safety Act <i>Enacts the canal safety act.</i>	Gene Davis		Adam
SB 120 s3	Shelter Animal Vaccine Amendments <i>Exempts an animal shelter from obtaining a license as a pharmacy for purposes of handling drugs used for euthanasia.</i>	Scott Jenkins	Support	Brent
SB 134	Taxation Related Referendum Amendments <i>Shortens the time period for actions taken with regards to a referendum petition relating to change in property tax rates.</i>	John Valentine		Arie
SB 135 s2	Voter Registration Amendments <i>Moves the deadline for voter registration closer to an Election date.</i>	Scott Jenkins	Support	Arie
SB 136 s1	Local Elections Amendments <i>Prescribes an election process should a taxing entities budget decision need to go to a vote in the case of a successful referendum.</i>	Howard Stephenson		Arie
SB 153 s2	Association Foreclosure Amendments <i>Provides that a beneficiary of a trust deed that is secured by real property belonging to a condominium association pay any association costs.</i>	Steve Urquhart	Oppose	Adam
SB 154	All-terrain Vehicle Amendments <i>Repeals a prohibition for ATVs on certain city roadways.</i>	Scott Jenkins		Brent
SB 158	Cemetery Amendments <i>Requires ownership of cemetery burial plots be recorded with the county recorder.</i>	Scott Jenkins	Support	Adam
SB 161	Criminal Surcharge Amendments <i>Amends the division of money collected on criminal fees so that local government receives 5 percent more and state government 5 percent less.</i>	Wayne Harper		Brent
SB 169 s2	Public Meetings Materials Requirements <i>Requires electric copies of meeting materials be provided at certain public meetings.</i>	Deidre Henderson	Support	Adam
SB 174	Emergency Fiscal Procedures Counties <i>Allows for a county to make certain expenditure and budgetary changes for a natural or financial disaster.</i>	Deidre Henderson	Support	Adam
SB 176	Local Funding for Rural Health Care Amendments <i>Provides counties collecting the rural hospital local option sales tax more flexibility in the expense of those funds.</i>	Ralph Okerlund	Support	Adam
SB 180 s1	Property Tax Modifications <i>Adjusts the multicounty assessing and collecting tax levy.</i>	Wayne Harper		Brent
SB 184 s1	Local Government Inspection Amendments <i>Enacts several prohibitions to local government on construction inspections.</i>	Stuart Adams	Oppose	Adam
SB 198	Law Enforcement Exemption for Medical Information <i>Allows a health care provider to issue a statement as to whether a detainee is medically cleared for incarceration in certain circumstances.</i>	Stuart Adams		Adam
SB 216 s3	Municipal Formation Amendments <i>Enacts a provision that allows a county legislative body to incorporate the noncontiguous unincorporated county as a municipality.</i>	Karen Mayne		Mark
SB 221 s1	Indigent Counsel in Juvenile Court <i>Amends provisions related to the appointment of indigent counsel in juvenile court proceedings.</i>	Todd Weiler	Support	Adam
SB 228	Geographic Diversity Amendments <i>Requires that an initiative or referendum meet certain geographical requirements.</i>	Stuart Reid	Support	Arie
SB 232 s1	School Safety Tip Line <i>Creates a statewide School Safety Tip Line Commission to pursue the viability of creating a three-digit line for school safety calls.</i>	Daniel Thatcher	Oppose	Adam
SB 241 s1	County Jail Contracting Amendments <i>Allows a county to refuse to accept a condition of probation state prisoner if the state doesn't fund for that prisoner.</i>	Scott Jenkins	Support	Brent
SB 244 s1	Modifications to Property Tax <i>Authorizes a county treasurer to provide property tax notices electronically if a taxpayer elects to receive notice in that manner.</i>	Aaron Osmond	Support	Brent
SB 250	Public Duty Doctrine Amendments <i>Provides that a general duty a government owes the public does not create a specific duty to an individual.</i>	Curt Bramble		Adam
SB 267 s1	Governmental Immunity Act Amendments <i>Provides a process for governmental entities and claimants to correct an improperly delivered notice of claim for injury.</i>	Todd Weiler		Adam
SB 268	Prison Relocation Commission <i>Creates a new prison relocation commission.</i>	Jerry Stephenson		Brent
SCR 06 s1	Concurrent Resolution Calling on Congress to Provide Permanent Multiyear Funding for the Payment in Lieu of Taxes Program <i>Urges the US Congress to find a permanent funding mechanism for PILT.</i>	Ralph Okerlund	Support	Mark

# **ENROLLED BILLS**

*Special thanks to the Utah Prosecution Council whose Legislative Summary was used for part or whole of many of the following summaries.*



## **HB 11 Overdose Reporting Amendments**

**Sponsor: Carol Spackman Moss**  
**UAC Position: Neutral**  
**Enrolled**

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HB 11 provides that a person who reports a person's overdose from a controlled substance or other substance may claim an affirmative defense to specified charges of violating the Utah Controlled Substances Act if the person remains with the person who is subject to the overdose and cooperates with responding medical providers and law enforcement officers. The bill further provides that anyone else remaining with a person subject to an overdose and cooperating with medical providers and law enforcement is a mitigating factor when determining the penalty for a related violation of the Utah Controlled Substances Act.

## **HB 17 Interlocal Act Amendments**

**Sponsor: Johnny Anderson**  
**UAC Position: Oppose**  
**Enrolled**

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HB 17 requires members of an interlocal agreement to comply with each state law that is applicable to each public agency that is a member of the interlocal agreement. The bill has an implementation date of May 2015.

HB 17 was worked on a great deal during the Legislative Session. In its original iteration, HB 17 would have required members of an interlocal agreement to adopt the "most restrictive" rules, policies, and procedures among the public agencies that formed the interlocal agreement. The enrolled version of the bill is better than what was originally proposed, but concerns over its restrictions led to an implementation date after next year's Legislative Session in case further changes are needed.

## **HB 20 Emergency Vehicle Operator Duty of Care Revisions**

**Sponsor: Brad Dee**  
**UAC Position: Support**  
**Enrolled**

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HB 20 provides that the operator of a marked authorized emergency vehicle owes no duty of care to a person who is a suspect in the commission of a crime and evading, fleeing, or otherwise attempting to elude the operator of a marked authorized emergency vehicle or is in the motor vehicle with a suspect unless that individual is there involuntarily.

HB 20 should protect law enforcement agencies from cases of suspects suing law enforcement agencies for injury caused by fleeing arrest.

## **HB 25 Eminent Domain Amendments**

**Sponsor: Lee Perry**  
**UAC Position: Neutral**  
**Enrolled**

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HB 25 revises the public uses for which the right of eminent domain may be exercised to better reflect 21<sup>st</sup> century utilities. It also requires a political subdivision or other person exercising the right of eminent domain to provide a written statement of certain disclosures to a private property owner.

HB 25 was closely vetted during the interim by all interested parties, including representatives of UAC.

## **HB 44 Interstate Electric Transmission Lines**

**Sponsor: Stephen Handy**  
**UAC Position: Oppose**  
**Enrolled**

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HB 44 requires a merchant electric transmission line to file an open solicitation notice with the Office of Energy Development. It also requires in-state merchant generators to submit an expression of need to the same office.

HB 44 was worked on a great deal by competing electric transmission line owners. Originally, the bill had provisions granting counties some control over where a new transmission line could be placed. Those provisions were pulled from the bill, and with those changes UAC's original support of the bill was amended too.

## **HB 67 Political Subdivision Jurisdiction Amendments**

**Sponsor: Mark Roberts**  
**UAC Position: Support**  
**Enrolled**

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HB 67 authorizes a county chief executive officer or sheriff to exercise jurisdiction over a Nation Monument or national recreation area when deemed necessary in the event of a health, safety, or welfare emergency. The bill also spells out what steps the Attorney General's Office is to take in deciding whether to provide legal defense to the county.

In 2013, HB 164 was enrolled that provided the same authority to county officers to BLM or Forest Service lands. HB 67 expands that authority to include National Monuments and national recreation areas as well as includes direction to the Attorney General that wasn't in HB 164.

## **HB 70 Forcible Entry Amendments**

**Sponsor: Mark Roberts**  
**UAC Position: Oppose**  
**Enrolled**

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HB 70 modifies the law concerning the use of forcible entry by law enforcement when making an arrest or conducting a search. HB 70 requires law enforcement officers to identify themselves before forcing entry into a building unless doing so may endanger the law enforcement officers or another person or if doing so might risk loss of evidence. The bill also requires law enforcement officers to use the least amount of force necessary when executing forcible entry.

## **HB 85 Electronic Filing of Traffic Citations and Accident Reports Amendments**

**Sponsor: Jon Cox**  
**UAC Position: Support**  
**Enrolled**

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HB 85 exempts a citing law enforcement officer from filing a citation electronically when it is not reasonable to do so. The law enforcement officer is required, though, to be sure to file the citation with a justice court.

## **HB 99 County Officer Election Revisions**

**Sponsor: Jack Draxler**  
**UAC Position: Neutral**  
**Enrolled**

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HB 99 clarifies the manner in which a combined county officer's term is set prior to county staggered-term elections. In the event that two or more consolidated offices do not have the same term schedule, the county legislative body shall set the election schedule of the consolidated offices.

## **HB 105 Plant Extract Amendments**

**Sponsor: Gage Froerer**  
**UAC Position: Neutral**  
**Enrolled**

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HB 105 permits hemp extract for medical treatment of epilepsy provided an individual registers with the Department of Health and is issued a hemp extract registration card from that department. To qualify for the exemption a citizen must receive a written statement from a neurologist indicating intractable epilepsy.

## **HB 120**

### **Continuing Education on Federalism**

**Sponsor: Ken Ivory**  
**UAC Position: Support**  
**Enrolled**

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HB 120 requires the Commission on Federalism to create a curriculum on federalism. HB 120 also requires state agencies and political subdivisions of the state to designate a specialist on issues of federalism and requires those specialists to attend a seminar either in person or online on the principles of federalism developed by the Commission on Federalism.

HB 120 originally required all attorneys employed by government to participate in the training on federalism.

## **HB 128**

### **Electronic Device Location Amendments**

**Sponsor: Ryan Wilcox**  
**UAC Position: Neutral**  
**Enrolled**

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HB 128 requires a governmental entity obtain a search warrant before obtaining the location of an electronic device such as a cell phone. HB 128 waves the search warrant requirement in the event of an emergency that involves imminent risk of death or serious bodily injury.

## **HB 133**

### **Contingent Management for Federal Facilities**

**Sponsor: David Lifferth**  
**UAC Position: Support**  
**Enrolled**

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HB 133 authorizes the State of Utah to work with the federal government to operate and maintain national parks, monuments, forests, and recreation areas in the state during a federal fiscal emergency such as the federal government shutdown that took place during the Fall of 2013.

## **HB 147**

### **Peace Officer Agreements with Federal Agencies**

**Sponsor: Richard Greenwood**  
**UAC Position: Support**  
**Enrolled**

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HB 147 permits county sheriffs to enter into agreements with federal agencies that allow concurrent authority to enforce federal laws and state and local laws, provided that the agreement is limited to a term of not more than two years and the officers granted authority under the agreement have completed a 20-hour training course that is focused on Utah criminal law and procedure.

## **HB 149**

### **Amendments to Federal Law Enforcement Limitations**

**Sponsor: Mike Noel**  
**UAC Position: Support**  
**Enrolled**

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HB 149 prohibits state and local law enforcement officials from recognizing a federal employee's exercise of law enforcement authority, either on or off federally managed land, when the exercise is based on a state or local statute, ordinance, regulation, or rule. The bill allows exemptions to that rule when the federal employee acts in a case where the offence is an emergency and poses an immediate risk, a state or local law enforcement officer is not reasonably available to take action, and the federal employee acts within his or her enforcement power.

## **HB 155**

### **Utah Communication Agency Network and Utah 911 Committee Amendments**

**Sponsor: Brad Dee**  
**UAC Position: Support**  
**Enrolled**

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HB 155 merges the Utah Communications Agency Network, an independent state agency, and the Utah 911 Committee into an independent state agency named the Utah Communications Authority.

## **HB 156 Election Day Voter Registration Pilot Project**

**Sponsor: Rebecca Chavez-Houck**  
**UAC Position: Neutral**  
**Enrolled**

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HB 156 provides that a county or municipality may apply to participate in the pilot project to test whether it is advisable to implement Election Day voter registration in Utah. HB 156 spells out the procedure by which Election Day voter registration is to take place. The bill sunsets in 2017 at which time the Lt. Governor's Office is charged to report to the Legislature the merits of the project and whether or not such a process makes sense statewide.

## **HB 158 Grazing and Timber Agricultural Commodity Zones in Utah**

**Sponsor: Mike Noel**  
**UAC Position: Support**  
**Enrolled**

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HB 158 establishes Grazing and Timber Agricultural Commodity Zones throughout Utah. The bill clarifies that those zones are designed to preserve and protect the agricultural livestock and timber, logging, and forest production industries and maximize efficient and responsible restoration, reclamation, preservation, enhancement, and development of resources associated with those industries.

## **HB 160 Utah Wilderness Act**

**Sponsor: Stephen Handy**  
**UAC Position: Neutral**  
**Enrolled**

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HB 160 provides the mechanism for identifying and designating protected wilderness areas in Utah from state lands. The impetus behind the bill is should the federal government transfer land to the state, the state would need to have a way to create wilderness from state lands.

## **HB 183 Federal Land Exchange and Sale Amendments**

**Sponsor: Mike Noel**  
**UAC Position: Support**  
**Enrolled**

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HB 183 encourages the federal government to move forward with the exchange of federal and state lands by removing barriers to those exchanges and expediting the procedures and processes necessary to execute those land exchanges.

## **HB 212 DNA Collection Amendments**

**Sponsor: Steve Eliason**  
**UAC Position: Support**  
**Enrolled**

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HB 212 allows law enforcement to collect DNA samples at the time of booking for felony offenses. Prior to HB 212 DNA samples were collected at the time of sentencing if the suspect was found guilty. By moving the collection to booking, law enforcement agencies will be able to cast a wider net for potential cold cases as well as more quickly identify a suspect's innocence.

## **HB 220 Land Use Amendments**

**Sponsor: Gage Froerer**  
**UAC Position: Neutral**  
**Enrolled**

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HB 220 requires the land use authority to provide notice of a petition to vacate or amend a plat to each entity that provides a service to an owner of record of the portion of the plat that is being vacated or amended at least 10 calendar days before the land use authority may approve the vacation or amendment of the plat.

## **HB 225 Primary Law Enforcement Duties for Sheriffs**

**Sponsor: Paul Ray**  
**UAC Position: Neutral**  
**Enrolled**

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HB 225 identifies the county sheriff as the primary law enforcement authority of state law on federal land except as otherwise assigned by law to the authority of a state or municipal law enforcement agency.

## **HB 238 Local Referendum Requirements Amendments**

**Sponsor: Kraig Powell**  
**UAC Position: Support**  
**Enrolled**

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HB 238 provides that when a law passed by a local legislative body imposes a tax or other payment obligation on property in an area that does not include all precincts under the jurisdiction of the county, city, or town, the signatures required for a referendum, and the subsequent vote on the referendum, shall be by residents of the precincts to which the tax or other payment obligation applies.

## **HB 262 Local Governing Body Voting Amendments**

**Sponsor: Kraig Powell**  
**UAC Position: Neutral**  
**Enrolled**

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HB 262 requires a majority vote of the total number of voting members of a municipal council to pass an ordinance or resolution or take other action. The original version of HB 262 included county legislative bodies. The sponsor agreed to remove counties from the enrolled version of the bill.

## **HB 273 Property Tax Residential Exemption Amendments**

**Sponsor: Lowry Snow**  
**UAC Position: Support**  
**Enrolled**

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HB 273 allows a residential property owner to claim the primary residential property exemption provided the property meets the criteria of primary residential property for 183 consecutive days—over half a year and applies for the exemption with the county.

## **HB 304 Law Enforcement Volunteer Amendments**

**Sponsor: Richard Greenwood**  
**UAC Position: Support**  
**Enrolled**

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HB 304 allows the county sheriff to approve a volunteer who offers to donate a service for any law enforcement related activity conducted in response to the emergency situation, when the sheriff determines that a search and rescue emergency situation exists that requires law enforcement action.

## **HB 339 County Budget Amendments**

**Sponsor: Jennifer Seelig**  
**UAC Position: Support**  
**Enrolled**

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HB 339 allows a county to appropriate money to, provide nonmonetary assistance to, or waive fees required to be paid by a nonprofit entity, if, in the judgment of the county legislative body, the assistance contributes to the safety, health, prosperity, moral well-being, peace, order, comfort, or convenience of county residents. Additionally, a county may do likewise for a private enterprise provided it meets the same criteria as listed above and the county posts public notice of a public hearing on the proposed appropriation to the private entity, provides a study that measures the benefit to the county, and allow for citizen appeal.

## **HB 344**

### **Incorporation Election Amendments**

**Sponsor: Jon Cox**  
**UAC Position: Neutral**  
**Enrolled**

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HB 344 authorizes a county to hold a hold a local special election on the proposed incorporation of a city or town and requires that the incorporation election take place at the sooner of the General Election or special election.

## **HB 356**

### **New Convention Facility Development Incentive Provisions**

**Sponsor: Brad Wilson**  
**UAC Position: Neutral**  
**Enrolled**

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HB 356 establishes a tax credit for the owner of a new convention hotel or a local government entity, under certain circumstances, in the amount of state and local sales tax revenue generated from sales related to the construction of a new convention hotel and from sales on hotel property, and other local taxes. It also establishes benchmarks that must be met to qualify for the tax credit and requires a county in which a new convention hotel is located to make an annual payment into the Stay Another Day and Bounce Back Account.

## **HB 381**

### **Local Government Interfund Loans**

**Sponsor: John Knotwell**  
**UAC Position: Neutral**  
**Enrolled**

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HB 381 requires the terms and conditions of a local government interfund loan to be in writing and requires that any interfund loan be noticed and heard in a public hearing. These requirements are similar to those imposed on local government transfers of funds. Exemptions were added to the bill for short-term advances from the local district's cash and investment pool to individual funds that are repaid by the end of the fiscal year.

## **HB 404**

### **Court Security Fee Amendments**

**Sponsor: Paul Ray**  
**UAC Position: Support**  
**Enrolled**

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HB 404 increases the amount of the court security surcharge from \$40 to \$50 and increases the amount remitted to the state treasurer and distributed to the Court Security Account from \$8 to \$18. The additional surcharge will cover the current \$1.8 million shortfall the state has failed to pay county government for court security in the past.

## **HB 408**

### **Election Requirements Amendments**

**Sponsor: Kay Christofferson**  
**UAC Position: Support**  
**Enrolled**

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HB 408 changes the deadline for a write-in candidate to file a declaration of candidacy for a regular general election from 30 days to 60 days. It also requires a ballot to contain a space for a write-in candidate only if a write-in candidate is qualified for the election—something that is only logistically possible due to the move in the write-in candidate filing deadline date from 30 days before an election to 60 days before an election.

## **HB 415**

### **Local and Special Service District Elections Amendments**

**Sponsor: Steve Eliason**  
**UAC Position: Neutral**  
**Enrolled**

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HB 415 allows local and special service district to move their elections from a Municipal Election to a General Election if they so choose. To move an election, the local or special service district must prove to the Lt. Governor that doing so would be beneficial based on potential cost savings, a potential increase in voter turnout, or another material reason. The bill allows for a special district to move back to a Municipal Election cycle and allows for the terms of board members to be adjusted to satisfy the move from Municipal to General Election or back.

## **HB 422**

### **Initiative and Referendum Impact Disclosure**

**Sponsor: Brad Last**  
**UAC Position: Support**  
**Enrolled**

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HB 422 requires an initial fiscal impact estimate prepared by a county or city's budget officer in conjunction with legal counsel to contain information regarding the legal impact of the initiative. The legal impact of an initiative should consider the impact of a person's vested property rights, the effect on other laws or ordinances, the potential liability to the city or county, and any other significant legal impact.

## **HCR 10**

### **Concurrent Resolution on School and Institutional Trust Lands Exchange Act**

**Sponsor: Mike Noel**  
**UAC Position: Support**  
**Enrolled**

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HCR 10 urges the US Congress to enact legislation affirming the federal land grant process and permit federal-state land exchanges. HCR 10 is companion legislation to HB 183.

## **HJR 17**

### **Joint Resolution on Jail Facilities**

**Sponsor: Richard Greenwood**  
**UAC Position: Support**  
**Enrolled**

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HJR 17 supports the expansion of jail contracting with county government and includes the following counties in that expansion: Tooele, Weber, Davis, Iron, Kane, Emery, Grand, and Garfield.

## **SB 19**

### **Appointment and Qualification of Members of the State Tax Commission**

**Sponsor: Howard Stephenson**  
**UAC Position: Oppose**  
**Enrolled**

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SB 19 substantially changes the qualifications and appointment procedures for members of the Utah State Tax Commission. The bill repeals a provision that no more than two members of the same political party can serve on the tax commission and places preference to lawyers and CPAs while requiring knowledge in tax administration and "substantial" knowledge in one or more of the following: excise taxation, income tax, sales and use tax, and corporate tax.

## **SB 21 State Construction Code Amendments**

**Sponsor: Margaret Dayton**  
**UAC Position: Oppose**  
**Enrolled**

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SB 21 exempts from the permit requirements of the State Construction Code certain structures that are solely used to sell certain seasonal crops. To qualify for the exemption, a structure must be no more than 1,000 square feet and is used solely for the sale of seasonal crops sold by the producer of those crops, an employee of the producer of the crops or a family member of the producer of those crops.

## **SB 22 Workforce Services Job Listing Amendments**

**Sponsor: Pete Knudson**  
**UAC Position: Neutral**  
**Enrolled**

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SB 22 requires that local governments advertise job openings on a website operated by Workforce Services. State agencies are also required to do the same for job opportunities among state contractors.

## **SB 25 Candidate Certification Amendments**

**Sponsor: Deidre Henderson**  
**UAC Position: Support**  
**Enrolled**

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SB 25 amends the Election Code's deadlines for certifying a candidate for a primary election. For calendar year 2014 only, the deadline for a registered political party to certify its candidates for a primary election is 5 p.m. on April 28, 2014. Similarly, the 2014 deadline for the lieutenant governor to certify to county clerks the candidates appearing on the primary ballot shall be 5 p.m. on April 29, 2014. The provisions of this bill automatically repeal on January 1, 2015.

SB 25 is necessary to ensure that the political parties' conventions not fall over Easter weekend. County clerks agreed to work with the parties towards this solution.

## **SB 36**

### **Voter Information Amendments**

**Sponsor: Karen Mayne**  
**UAC Position: Support**  
**Enrolled**

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SB 36 amends the Election Code and the Government Records Access and Management Act with respect to the disclosure, provision or use of the list of registered voters or the information contained therein. The bill limits how and when a voter's date of birth may be released or used. It permits a voter to request that their voter registration record be classified as private under GRAMA if its disclosure is likely to place them at risk of being stalked or harassed. SB 36 also imposes criminal penalties and civil fines for any person who unlawfully obtains, provides, or uses a voter's date of birth obtained from a voter registration record.

Provisions of the abandoned HB 302 were merged with SB 36.

## **SB 61**

### **Revisions to Property Tax**

**Sponsor: Deidre Henderson**  
**UAC Position: Support**  
**Enrolled**

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SB 61 eliminates the requirement to hold a Truth-in-Taxation public hearing in August for calendar year entities. Instead, taxing entities are required to announce a tax increase in a public meeting that is held 14 days before the date of a regularly scheduled general or municipal election, giving due notice on the agenda for such announcement. Taxing entities must also provide mailed notice of the tax increase and public hearing (allowed through the treasurer's tax notice); advertise the tax increase with large borders and font size (traditional truth-in-taxation style); and hold a public hearing in December. An exception to the general requirement is made for a county executive calendar year taxing entity. This bill also amends the timing for a public hearing held for the purpose of considering the imposition of a judgment levy.

## **SB 70**

### **State Data Portal Amendments**

**Sponsor: Deidre Henderson**  
**UAC Position: Neutral**  
**Enrolled**

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SB 70 amends the duties and membership of the transparency advisory board to improve the information on the state website to better inform residents and to prioritize government information that would be valuable for public access. It provides that, by January 2016, the state website will be a point of access for GRAMA requests for persons seeking information from counties, cities and school districts— special and local districts are affected by 2017.

## **SB 88 Child Interview Amendments**

**Sponsor: Ralph Okerlund  
UAC Position: Support  
Enrolled**

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SB 88 provides that a video or audio recording of an interview, or a transcript of the video or audio recording, that is conducted at a Children's Justice Center is not a record under the Government Records Access and Management Act. The bill clarifies that a parent or guardian of the child victim may petition a juvenile or district court for an order allowing the parent or guardian to view a recording or transcript upon a finding of good cause. The bill also provides that it is a class B misdemeanor for any individual to distribute, release, or display any recording or transcript, except as otherwise provided in the bill.

## **SB 120 Shelter Animal Vaccine Amendments**

**Sponsor: Scott Jenkins  
UAC Position: Support  
Enrolled**

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SB 120 exempts county animal shelters from obtaining a license as a pharmacy for purposes of handling drugs used for euthanasia or rabies vaccination. Additionally, SB 120 allows an animal shelter employee to administer a rabies vaccination to a shelter animal without a veterinarian license provided the employee acts under the supervision of a veterinarian.

## **SB 134 Taxation Related Referendum Amendments**

**Sponsor: John Valentine  
UAC Position: Neutral  
Enrolled**

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SB 134 provides a consolidated time frame for actions regarding a referendum petition on an increase of property tax from a fiscal year entity. The consolidated time frame allows for the referendum (should it be successful) to appear on a Municipal or General Election ballot. Without SB 134 a successful referendum on a property tax increase wouldn't be placed on a ballot for another year. County election officials will have to consolidate their work under the provisions of the bill; however, the costs associated with that consolidated work is prescribed to the fiscal year taxing entity for which the referendum petition is drafted.

## **SB 135 Voter Registration Amendments**

**Sponsor: Scott Jenkins**  
**UAC Position: Support**  
**Enrolled**

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SB 135 moves the deadline a person can register to vote early from 30 days prior to an election to 15 days prior to an election, moves the deadline a person can register to vote on Election Day from 14 days to 7 days prior to an election, and allows a person to vote provisionally provided he or she registers to vote at least a day before an election.

## **SB 136 Local Elections Amendments**

**Sponsor: Howard Stephenson**  
**UAC Position: Neutral**  
**Enrolled**

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SB 136 allows for a special by-mail election be held within 30 days after a successful referendum petition on a property tax increase is certified. While SB 134 dealt with fiscal year taxing entities, SB 136 applies to calendar year entities (including counties), allowing the entity to the choice of holding a special election on the referendum challenge right away or waiting until the next primary or General Election.

## **SB 154 All-terrain Vehicle Amendments**

**Sponsor: Scott Jenkins**  
**UAC Position: Neutral**  
**Enrolled**

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SB 154 removes from cities with a population of 7,500 or greater the authority to restrict the use of street legal all-terrain vehicles on the streets and highways of the city. The bill does not apply to counties of the first class and cities within that county, where unless the county or city has specifically designated a street or highway for use of street legal ATVs.

## **SB 158 Cemetery Amendments**

**Sponsor: Scott Jenkins**  
**UAC Position: Support**  
**Enrolled**

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SB 158 requires an executive officer or an individual owner of a cemetery to provide a purchaser of a lot or burial right a certificate of a burial right and to file with the county recorder a transcript of a deed, certificate of sale, or evidence of burial rights.

**SB 169**  
**Public Meetings Materials Requirements**

**Sponsor: Deidre Henderson**  
**UAC Position: Support**  
**Enrolled**

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SB 169 amends the open meetings act by requiring that if a person makes a presentation of materials at a meeting covered by the act, regarding an agenda item, the person must provide an electronic or hard copy of the materials to the public body to include in the minutes.

**SB 174**  
**Emergency Fiscal Procedures Counties**

**Sponsor: Deidre Henderson**  
**UAC Position: Support**  
**Enrolled**

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SB 174 amends the county fiscal procedures act to permit a county, in responding to a natural disaster or fiscal emergency, to promptly amend the budget in a time frame permitted by the open meetings act. The county is required to provide newspaper notice and conduct a public hearing on the changes as soon as possible after the fact and adopt a resolution retroactively approving the emergency budget changes.

**SB 176**  
**Local Funding for Rural Health Care Amendments**

**Sponsor: Ralph Okerlund**  
**UAC Position: Support**  
**Enrolled**

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SB 176 creates for counties of the fifth class the authority to use a portion of the county sales tax to fund specific health care functions. This authority is already provided to counties of the sixth class. The legislation also authorizes a percent of the local sales tax to be imposed and the collections from that tax to be used to fund a long term care facility owned by a special service district.

## **SB 180 Property Tax Modifications**

**Sponsor: Wayne Harper**  
**UAC Position: Neutral**  
**Enrolled**

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SB 180 amends the rate for the multicounty assessing and collecting levy (“levy”), the allocation of revenue from the levy, requires the county to increase its county additional property tax rate to offset the decrease to the levy, provides the allocation of money in the Property Tax Valuation Agency Fund; consolidates additional county property tax administration levies, and amends funding for the Multicounty Appraisal Trust. It basically takes the State Auditor out of the process and equalizes the assessment and collection fees among the counties.

## **SB 184 Local Government Inspection Amendments**

**Sponsor: Stuart Adams**  
**UAC Position: Oppose**  
**Enrolled**

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SB 184 requires a city or county to provide building inspection within three days after collecting the inspection fee or contract with an independent inspector to do so. The bill also disallows the rejection of a building permit unless you inform the applicant of the code provisions with which the application does not comply, and describe how it does not comply. Additionally, a certificate of occupancy cannot be withdrawn unless additional changes are made to the project that would require a building permit.

## **SB 198 Law Enforcement Exemption for Medical Information**

**Sponsor: Stuart Adams**  
**UAC Position: Neutral**  
**Enrolled**

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SB 198 allows a health care provider to issue a statement as to whether a detainee is medically cleared for incarceration in certain circumstances if requested by the county in writing.

## **SB 216 Municipal Formation Amendments**

**Sponsor: Karen Mayne**  
**UAC Position: Neutral**  
**Enrolled**

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SB 216 applies to a county of the first class and addresses the status of the county's unincorporated areas. It temporarily suspends annexation and incorporation until Nov 2015 and requires that Salt Lake County study unincorporated area services, funding, and governance by December 2014. The bill adds animal services, storm drains, traffic engineering, business licensing and building permits to the list of municipal-type services requiring funding solely from the unincorporated area. Finally, it establishes a new local district to provide municipal services in Salt Lake County and provides for funding those services.

## **SB 221 Indigent Counsel in Juvenile Court**

**Sponsor: Todd Weiler**  
**UAC Position: Support**  
**Enrolled**

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SB 221 defines who is entitled to have counsel in juvenile court proceedings, and who is entitled to have court-appointed counsel in those proceedings. SB 221 clarifies that a court may appoint counsel only to a parent or legal guardian who is deemed to be indigent under Utah law. The legislation further limits the right to have counsel appointed to only those cases which are initiated by or are directly related to actions by the state or a political subdivision.

## **SB 232 School Safety Tip Line**

**Sponsor: Daniel Thatcher**  
**UAC Position: Oppose**  
**Enrolled**

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SB 232 creates a statewide School Safety Tip Line Commission within the Attorney General's office to pursue the viability of creating a three-digit line for school safety calls. The bill was amended late in the session from a version that would have taken local government's 311 telephone hotline.

## **SB 241 County Jail Contracting Amendments**

**Sponsor: Scott Jenkins**  
**UAC Position: Support**  
**Enrolled**

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SB 241 states that a county may release inmates from its jail—either probationers or persons on parole—if the state does not provide adequate funding to house those prisoners. The current law defines the adequate amount of funding as being the amount necessary to house the prisoners at 50 percent of the daily state incarceration rate. Essentially, the legislation says that a county may only be required to house inmates to the extent the Legislature appropriates funds to pay for their housing.

## **SB 244 Modifications to Property Tax**

**Sponsor: Aaron Osmond**  
**UAC Position: Support**  
**Enrolled**

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SB 244 authorizes a county treasurer to provide certain property tax notices by electronic mail under certain circumstances if a taxpayer elects to receive the property tax notice by electronic mail. In the event that an email address is invalid, the county treasurer shall mail the notice to the property tax owner.

## **SB 250 Public Duty Doctrine Amendments**

**Sponsor: Curt Bramble**  
**UAC Position: Neutral**  
**Enrolled**

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SB 250 provides that a general duty that a governmental entity owes to the public does not create a specific duty to an individual member of the public unless there is a special relationship between the governmental entity and the individual member of the public.

SB 250 is a restatement of the common law public duty doctrine and is in response to a recent Utah Supreme Court case.

**SB 267**  
**Governmental Immunity Act Amendments**

**Sponsor: Todd Weiler**  
**UAC Position: Neutral**  
**Enrolled**

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SB 267 amends provisions relating to the timeliness of a “notice of claim” against a governmental entity. It allows a claimant who in good faith files a notice of claim with an incorrect governmental entity an additional 30 days beyond the normal statutory time limit to refile the claim with the correct entity provided the claimant provides evidence of the good faith efforts to fill with the incorrect governmental entity.

**SB 268**  
**Prison Relocation Commission**

**Sponsor: Jerry Stephenson**  
**UAC Position: Neutral**  
**Enrolled**

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SB 268 creates a new prison relocation commission with membership consisting of four members of the House of Representatives and three members of the Senate, with two nonvoting members from the justice commission and the Department of Corrections.

**SCR 6**  
**Concurrent Resolution Calling on Congress to Provide Permanent  
Multiyear Funding for the Payment in Lieu of Taxes Program**

**Sponsor: Ralph Okerlund**  
**UAC Position: Support**  
**Enrolled**

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SCR 6 urges the US Congress to find a permanent funding mechanism for PILT.

# **FAILED BILLS**



## **HB 49**

### **Water Rights - Change Application Amendments**

**Sponsor: Kay McIff**  
**UAC Position: Oppose**  
**Failed**

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HB 49 would have modified the procedure for filling a change application relating to water rights and would have required parties to mediate issues arising from a change application before administrative review or litigation. Water rights are always a hotly contested issue and HB 49 was not able to muster the support in the Senate needed for a vote after passing out of the House.

## **HB 51**

### **State Tax Commission Report on Tax Provisions**

**Sponsor: Joel Brisco**  
**UAC Position: Neutral**  
**Failed**

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HB 51 would have required the State Tax Commission to make a yearly report to the legislature on a number of property tax issues and to provide the report to the Division of Finance to be posted on the Utah Public Finance Website. HB 51 failed to pass out of committee.

## **HB 57**

### **Animal Shelter Amendments**

**Sponsor: Angela Romero**  
**UAC Position: Neutral**  
**Failed**

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HB 57 would have spelled out procedures for the euthanizing of strays in animal shelters. The bill would have limited the use of carbon monoxide and would have required an animal shelter to adopt a euthanasia policy and training program. HB 57 passed out of the House, a Senate committee, and the Senate 2<sup>nd</sup> reading calendar; however, it was circled on the Senate 3<sup>rd</sup> reading calendar and was never voted on for a final time.

## **HB 63 Recall Elections Amendments**

**Sponsor: Gage Froerer**  
**UAC Position: Oppose**  
**Failed**

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HB 63 would have prescribed a process for instigating and implementing a recall election for the recall of the governor, the state auditor, the state treasurer, or the attorney general. The recent investigation and resignation of the attorney general was the impetus of the bill. UAC's opposition to the bill was tied to the \$2.3 million price tag to the counties should a special statewide recall election take place. This fiscal note, coupled with the \$330,000 cost to the state likely prevented the bill from getting any traction. It was held in committee.

## **HB 83 Local Government Residential Reimbursement Authority**

**Sponsor: Johnny Anderson**  
**UAC Position: Neutral**  
**Failed**

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HB 83 would have authorized a first class county to reimburse an eligible property owner should certain qualifications are met. HB 83 passed out of the House and a Senate committee but was never voted upon on the Senate floor.

## **HB 102 Assessment Area Amendments**

**Sponsor: Curt Webb**  
**UAC Position: Neutral**  
**Failed**

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HB 102 would have placed a one year moratorium on the creation of assessment areas and thereafter permits a process for contesting the creation of an assessment area. A contestable protest would have required written protests from the owners of at least 35 percent of the property value included within a proposed assessment area. The governing body then could have circulate a petition to designate the assessment area that must include more than 5 percent of the ownership of the written protests in conjunction with a public meeting.

HB 102 passed both bodies of the legislature but was vetoed by the Governor over concerns that it would have impacted a number of natural gas projects that some rural cities had lined up.

## **HB 110 Renewable Energy Amendments**

**Sponsor: Kraig Powell**  
**UAC Position: Neutral**  
**Failed**

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HB 110 would have allowed a county or municipality to qualify as a contract customer for a renewable energy contract and would have required the Public Service Commission to make rules to determine appropriate charges and credits for participating customers within a municipality or county. HB 110 failed to pass out of committee.

## **HB 124 Expungement of Administrative Disciplinary Action**

**Sponsor: Brian Greene**  
**UAC Position: Neutral**  
**Failed**

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HB 124 would have provided that a licensee may apply for expungement of records for action taken against the licensee by an agency against the individual under certain circumstances. Those circumstances include the requirements that the individual currently holds an unrestricted license, has had no disciplinary action against the license for at least three years, and has fully complied with agency requirements regarding previous disciplinary action. HB 124 failed to pass out of committee.

## **HB 125 Electrical Transmission Facility Siting Study Act**

**Sponsor: Roger Barrus**  
**UAC Position: Support**  
**Failed**

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HB 125 would have required the Public Service Commission to conduct a study related to an electrical transmission facility. HB 125 failed to pass out of committee.

## **HB 135 Transportation Funding Amendments**

**Sponsor: Johnny Anderson**  
**UAC Position: Neutral**  
**Failed**

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HB 135 would have replaced a portion of the motor fuel tax with an increase in the sales tax and dedicates those revenues to transportation. According to the fiscal note, HB 135 would have resulted in a negative impact to B and C road funds. The note suggested decrease by \$38.8 million in FY 2015 and decrease by \$38.7 million in FY 2016. HB 135 failed to pass out of committee.

## **HB 163**

### **Appellate Bond Amendments**

**Sponsor: Doug Sagers**  
**UAC Position: Neutral**  
**Failed**

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HB 163 would have repealed an exemption for a local government to issue an appellate bond during a lawsuit. HB 163 was never heard in committee.

## **HB 165**

### **Vote by Mail Amendments**

**Sponsor: Steve Eliason**  
**UAC Position: Oppose**  
**Failed**

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HB 165 would have established vote by mail as the primary election process in the State of Utah. The bill would have allowed for Election Day voting at vote centers and would have allowed for a jurisdiction to opt out of the vote by mail requirement through petition to the Lt. Governor's Office provided the petition meets certain requirements. County clerks worked with the sponsor closely to address their concerns; however, the bill was presented in committee and failed to pass out of committee before UAC could reconsider its position.

## **HB 175**

### **Constable Amendments**

**Sponsor: Curt Oda**  
**UAC Position: Oppose**  
**Failed**

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HB 175 would have created the position of apprentice constable and spells out a new process for constables and their apprentices to be licensed through the Bureau of Criminal Identification. HB 175 failed to receive a committee hearing.

## **HB 188**

### **Court Security Revisions**

**Sponsor: Brad Dee**  
**UAC Position: Support**  
**Failed**

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HB 188 would have required the state to pay for court security provided by county deputies in state courts. The bill would have shifted responsibility from the counties to the state court administrator for costs related to security administration, supervision, travel, equipment, and training of bailiffs. The fiscal note to HB 188 should a shift of up to \$17 million from the state to the counties over these costs. HB 188 was backup legislation in case HB 404 failed to pass. HB 404, which raised the court security surcharge by \$10, passed and covered the shortfall to court security; making HB 188 unnecessary. Despite that, HB 188 still passed the House before failing to receive a vote in the Senate.

## **HB 189**

### **Inherent Risk of Recreational Activities Amendments**

**Sponsor: Keven Stratton**  
**UAC Position: Support**  
**Failed**

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HB 189 would have held an individual responsible for injury sustained on public property under reasonable circumstances. HB 189 failed to pass out of committee.

## **HB 232**

### **Tax on Sand and Gravel Extraction**

**Sponsor: Doug Sagers**  
**UAC Position: Support**  
**Failed**

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HB 232 would have permitted a county (or municipality, if the county chooses not to) to impose a severance tax on sand or gravel extraction. HB 232 failed to receive a committee hearing.

## **HB 242**

### **Fees for Government Records Requests**

**Sponsor: Brian King**  
**UAC Position: Oppose**  
**Failed**

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HB 242 would have required a governmental entity to fulfill a GRAMA request at no charge up to \$1,000 if the GRAMA request is for the public's good, if the individual making the request is the subject of the records, or the requester's legal rights are directly implicated by the information in the records. HB 242 was held in committee.

## **HB 244**

### **Voting and Voter Registration Amendments**

**Sponsor: Jacob Anderegg**  
**UAC Position: Oppose**  
**Failed**

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HB 244 would have required stricter proof of citizen requirements to vote in state and local elections, but not, confusingly, federal elections. This is due to a recent US Supreme Court decision that expressly prohibited the proof of citizenship requirements espoused in HB 244 for federal elections. The sponsor of the bill met with county election officers and agreed to hold the bill and recommend a study on voter fraud to determine if HB 244 is necessary.

## **HB 252**

### **Absentee Ballot Amendments**

**Sponsor: Jim Bird**  
**UAC Position: Oppose**  
**Failed**

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HB 252 would have prohibited exclusive vote by mail elections in counties of the first class. It would have only allowed vote by mail elections in Salt Lake County provided the jurisdiction running the election provide a multiple of vote centers on Election Day. HB 252 failed to pass out of committee.

## **HB 255**

### **Disclosure Requirements Prior to Sale of Real Estate**

**Sponsor: Doug Sagers**  
**UAC Position: Neutral**  
**Failed**

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HB 255 would have required a hazardous waste disclosure form be presented prior to real estate closing. HB 255 failed to receive a committee hearing.

## **HB 258**

### **Municipal Business Licensing Amendments**

**Sponsor: Jacob Anderegg**  
**UAC Position: Oppose**  
**Failed**

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HB 258 would have prohibited a municipality from issuing a business license to an at-home business that meets certain qualifications. Most troubling to county government, HB 258 also would have prohibited municipalities from remitting information on these at-home businesses to county government for purposes of business personal property tax status. HB 258 failed to pass out of committee.

## **HB 269**

### **Land Subdivision Amendments**

**Sponsor: Kraig Powell**  
**UAC Position: Neutral**  
**Failed**

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HB 269 would have required municipality or a county to withhold an otherwise valid subdivision plat approval until the owner of the land provides the legislative body with a tax clearance. The current law is permissive in allowing local government to withhold plat approval until proof of tax clearance. HB 269 failed to receive a committee hearing.

## **HB 278**

### **Highway Construction Bid Limit Reduction**

**Sponsor: Stephen Handy**  
**UAC Position: Oppose**  
**Failed**

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HB 278 would have reduced the bid limit for construction or improvement on a class B or C road to \$100,000. HB 278 passed out of committee but was circled on the House floor and never voted upon by that body.

## **HB 302**

### **Voting Records Amendments**

**Sponsor: Becky Edwards**  
**UAC Position: Support**  
**Failed**

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HB 302 would have protected voter registration records by limiting the entities who can request them and by allowing voters to request to have their voter registration records listed as a private record. Many provisions of HB 302 were incorporated into SB 36. With the passage of SB 36, HB 302 was abandoned; but not before it passed out of the House and a Senate committee hearing.

## **HB 318**

### **Rights of Parents and Children Amendments**

**Sponsor: LaVar Christensen**  
**UAC Position: Neutral**  
**Failed**

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HB 318 would have permitted a parent who has been served with a petition for termination of parental rights to request a jury trial. HB 318 passed the House but was never considered in the Senate.

## **HB 328 Construction and Fire Codes Amendments**

**Sponsor: Mike Noel  
UAC Position: Neutral  
Failed**

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HB 328 would have allowed fourth, fifth, and sixth class counties to opt out of certain requirements of the fire and construction codes. HB 328 failed to pass out of committee.

## **HB 368 Jury Duty Amendments**

**Sponsor: Craig Hall  
UAC Position: Support  
Failed**

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HB 368 would have exempted counties with population under 75,000 from complying with jury duty limitations that prohibits more than one stint of jury duty during a two-year period. The fear with the current limitation (which was introduced in 2013) was that for small communities, the jury pool might be exhausted within any two-year period. HB 368 passed the House but was never voted upon in the Senate.

## **HB 387 Highway Amendments**

**Sponsor: Mike McKell  
UAC Position: Oppose  
Failed**

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HB 387 would have enacted provisions relating to public uses constituting an abandonment and dedication of a highway to the public. These provisions would have been detrimental to Utah's RS 2477 road litigation. HB 387 failed to pass out of committee.

## **HB 388 Amendments to Transportation Funding**

**Sponsor: Johnny Anderson  
UAC Position: Support  
Failed**

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HB 388 would have authorized a quarter cent sales tax for transit. Had the bill passed and had all local entities enacted the quarter cent sales tax, the Fiscal Analyst's office estimates it could have produced \$91.5 million annually for local governments. HB 388 passed the House but failed to receive a vote in the Senate.

## **HB 391**

### **Tangible Personal Property Tax Exemption**

**Sponsor: Jim Nielson**  
**UAC Position: Oppose**  
**Failed**

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In conjunction with HJR 2, HB 391 would have exempted certain tangible personal property from property tax. The Fiscal Analyst's office estimated a \$13.9 billion shift in property value had HB 391 passed. That shift would have been from businesses to other property owners—including homeowners. HB 391 failed to pass out of committee.

## **HB 407**

### **Litigation Transparency Act**

**Sponsor: Jacob Anderegg**  
**UAC Position: Neutral**  
**Failed**

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HB 407 would have required that a person that sues the state or a political subdivision disclose the person's source of funding if the state or political subdivision files a motion to disclose that fact. HB 407 failed to pass out of committee.

## **HB 435**

### **Taxation of Property Amendments**

**Sponsor: Doug Sagers**  
**UAC Position: Neutral**  
**Failed**

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HB 435 would have a county assessor to consider whether property has been used for hazardous waste storage in determining fair market value. HB 435 was amended by the sponsor to clarify that county assessors only had to consider such findings only if they were readily known. HB 435 passed out of the House but failed to receive a vote in the Senate.

## **HJR 2**

### **Joint Resolution on Business Personal Property Tax Exemption**

**Sponsor: Jim Nielson**  
**UAC Position: Oppose**  
**Failed**

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HJR 2 would have resolved to change the state constitution to exempt business personal property from property tax if the Legislature so chose. To that end, HB 391 was also introduced that did just that. The Fiscal Analyst's office estimated a \$13.9 billion shift in property value had HB 391 passed. That shift would have been from businesses to other property owners—including homeowners. HJR 2 failed to pass out of committee.

## **HJR 4**

### **Joint Resolution on Recall Elections**

**Sponsor: Gage Froerer**  
**UAC Position: Oppose**  
**Failed**

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HJR 4 would have amended the state constitution to allow certain statewide officers subject to a recall election. HJR 4 had a companion bill in HB 63 which spelled out the process for proposing and implementing such a recall election. UAC took a position to oppose these bills due to the cost to county government to administer such an election. HJR 4 passed out of committee but was not voted upon by the whole of the House body.

## **SB 60**

### **Fuel Excise Tax Amendments**

**Sponsor: John Valentine**  
**UAC Position: Support**  
**Failed**

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SB 60 would have replaced a portion of the flat gas tax with a percentage tax per gallon on the motor fuel tax and would have provided that an adjusted fuel tax rate shall take effect on July 1 of each year. Counties would have seen an increase to B road funds as the Transportation Fund grew. SB 60 passed the Senate and a House committee, but failed to get a vote on the House floor.

**SB 76**  
**Rural Economic Mapping and Partnership**

**Sponsor: Stuart Reid**  
**UAC Position: Support**  
**Failed**

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SB 76 would have modified the duties of the Office of Rural Development by requiring that it assist rural counties in creating a written strategic plan that maps economic development targets and strategies for the county. SB 76 failed to receive a committee hearing.

**SB 114**  
**Canal Safety Act**

**Sponsor: Gene Davis**  
**UAC Position: Neutral**  
**Failed**

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SB 114 would have enacted the canal safety act. The act would have included requirements for canal owners to assess the safety of their canals every five years and develop remediation plans should their canal be deemed unsafe. Those plans would need to be approved by the Division of Water Resources. SB 114 passed out of the Senate but was held in House committee.

**SB 153**  
**Association Foreclosure Amendments**

**Sponsor: Steve Urquhart**  
**UAC Position: Oppose**  
**Failed**

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SB 153 would have required the beneficiary of a trust deed that is secured by real property that is subject to an association of unit owners under the condominium act to pay the unit's share of certain common costs to the association beginning 150 days after the trustee records a notice of default. SB 153 failed on the Senate floor.

**SB 161**  
**Criminal Surcharge Amendments**

**Sponsor: Wayne Harper**  
**UAC Position: Neutral**  
**Failed**

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SB 161 would have amended the division of money collected on criminal fees so that local government receives 5 percent more and state government 5 percent less. SB 161 failed to receive a committee hearing.

**SB 228**  
**Geographic Diversity Amendments**

**Sponsor: Stuart Reid**  
**UAC Position: Support**  
**Failed**

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SB 228 would have required that an initiative or referendum meet certain geographical requirements. Those requirements would have included a percentage of signatures from each precinct within the jurisdiction from which the referendum initiated. The result of SB 228 would have been a much higher threshold to certify an initiative or referendum. SB 228 passed out of the Senate but failed to receive a vote in the House.

# **INTERIM STUDY ISSUES**



## 2014 Interim Study Issues

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The Legislative process doesn't stop at the end of the Legislative Session. The Legislature continues to meet once a month throughout the interim between Legislative Sessions to consider in greater detail a number of issues. Out of these interim committee meetings come legislation prepared and ready to introduce during the first days of the next year's Legislative Session.

Each year at the end of the Legislative Session, the Legislature introduces a master study list. Out of the master study list will come the majority of issues the Legislature will consider during its interim committee meetings although not every item on the master study list will be covered in the interim. Below are a number of items off of the master study list (SJR 20) that may impact county government.

- |   |  |
|---|--|
| 55. Absentee Ballot                                   | 173. Construction and Fire Codes                                   |
| 56. Ballots on Social Media                           | 174. County Governance   |
| 60. Costs of Records under GRAMA                      | 175. Good Landlord Program   |
| 63. Election Complaint Review                         | 176. Local Governments Qualifying as a Contract Customer           |
| 64. Election Day Voter Registration                   | 179. School Planning and Zoning                                    |
| 77. Nonbinding Opinion Questions                      | 183. Geographic Information Systems and Digital Mapping Technology |
| 82. Recall Elections                                  | 185. Interstate Transmission Line Corridors                        |
| 83. Signature Gathering                               | 186. Intra State Transmission Lines                                |
| 91. Aging and Adult Services                          | 193. Transmission Corridor Master Planning                         |
| 107. Bail Bond Agents                                 | 197. Business Personal Property Tax Exemption                      |
| 110. Counsel for Defendants                           | 199. Distribution of Local Sales and Use Tax                       |
| 112. Criminal Justice System Review                   | 204. Residential Assessed Valuation Property Tax Change            |
| 123. Litigation Transparency                          | 207. Tangible Personal Property Tax Exemption                      |
| 138. Mental Illness in County Jails                   | 209. Tax Rate Calculation  |
| 153. Euthanasia Standards                             | 225. Gas Tax   |
| 154. Jurisdiction over Federal Areas Within the State |  |
| 159. Payments in Lieu of Taxes                        |  |
| 162. Risks of Forest Overgrowth                       |  |