



UTAH ASSOCIATION OF SPECIAL DISTRICTS

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2015 BILL REVIEW

By the end of the 2015 session of the Utah State Legislature, the Association was following almost 190 Bills, but had reviewed many more Bills. Many Bills were reviewed and investigated to make sure they had no impact on local districts or special service districts and, once that was confirmed, were dropped from the weekly Legislative Summary. “H.B.” stands for “House Bill” and “S.B.” stands for “Senate Bill”. Most of the Bills were “tracked” or “followed”, but a number of them were actively supported or opposed by the Association. During the course of the forty-five day legislative session, weekly meetings were held at the Capitol at which all interested local district and special service district representatives were welcome. Bills were reviewed during those meetings and the position of the Association on each Bill was determined. By the end of the legislative session, the Association supported 45 Bills, 39 of which passed, and opposed 9 Bills, only 1 of which passed.

This analysis covers a relatively small sample of the Bills that may impact your district, and it is unlikely that any district will be impacted by all of the Bills that are reviewed. The reviews, in most instances, merely touch upon some of the salient features of the Bill. Most of the reviewed Bills are not limited to local districts and special service districts. They may, for example, also apply to counties, municipalities, etc. However, this review is limited to the impact on districts. If, from the brief summary presented below, it appears that a Bill may be applicable to your district, you are urged to review the entire Bill, which may be viewed on line at www.le.utah.gov (go to “Bills”, then click on “Passed Bills”, then scroll down and click on the desired Bill number) and, if appropriate, to consult your attorney. You may also contact the Association’s General Counsel, Mark Anderson, at (801) 323-2234 or mhanderson@fabianvancott.com.

ANTIDISCRIMINATION:

HB 105 Antidiscrimination Modifications

Sponsor: Representative Justin Miller

UASD Position: Track

The Utah Antidiscrimination Act already prohibits an employer from taking adverse employment actions because of race; color; sex; pregnancy, childbirth, or pregnancy-related conditions; age, if the individual is 40 years of age or older; religion; national origin; or disability. HB 105 amends the definitions section of the Act to clarify that pregnancy, childbirth, or pregnancy-related conditions includes breastfeeding or medical conditions related to breastfeeding. Thus, employers may not harass, reduce privileges, demote, or take any other sort of adverse employment action against a woman because of her need for a time and place to pump breast milk, for instance.

HB 242 State and Local Government Employee Policies

Sponsor: Representative Justin Miller

UASD Position: Track

HB 242 enacts an entirely new Chapter of the Labor Code (Title 34 chapter 49) titled “Nursing Mothers in the Workplace”. While HB 242 applies to “public employers”, districts are not, by definition, part of that group. However, the law may be expanded to include districts in the future. The Bill requires a public employer to provide reasonable breaks for an employee to breastfeed or express (pump) milk for at least one year after the birth of a child. A private, clean, and sanitary location must be provided for this purpose—a restroom does not qualify! Access to a clean and well-maintained refrigerator to store breast milk and a written policy supporting breastfeeding are required.

SB 296 Antidiscrimination and Religious Freedom Amendments

Sponsors: Senators Stephen H. Urquhart and J. Stuart Adams

UASD Position: Support

History may remember this Bill as the pivotal event of the 2015 legislative session. It represents a compromise between religious, business, individual rights and other interests. Of greatest importance to districts, the Bill defines “gender identity” and “sexual orientation” and adds sexual orientation and gender identity to the list of protected classes for employment purposes. The law now prohibits discrimination in employment, based on race; color; sex; pregnancy; child birth, or pregnancy-related conditions; age (if the individual is 40 years of age or older); religion; national origin; disability; sexual orientation; or gender identity. Utah Code Ann. § 34A-5-106(1)(a)(i). The Bill includes safeguards such as: An employer may adopt reasonable dress and grooming standards that are not otherwise prohibited by law so long as “reasonable accommodations” are afforded to all employees based on gender identity. *Id.* § 34A-5-109. An employer may also adopt “reasonable rules and policies that designate sex-specific facilities, including restrooms, shower facilities, and dressing facilities, provided that the employer’s rules and policies ... afford reasonable accommodations based on gender identity to all employees.” *Id.* § 34A-5-110. The Bill also includes freedom of expression and religious liberty protections.

SB 297 Protections for Religious Expression and Beliefs About Marriage, Family or Sexuality

Sponsor: Senator J. Stuart Adams

UASD Position: Support

This Bill deals primarily with conducting and declining to conduct certain marriages and prohibits government retaliation in response to the exercise of the protections contained in the Bill. Since districts are not in the business of solemnizing marriages, the Bill may have little direct impact on districts.

ELECTIONS:

HB 51 Voter Eligibility Amendments

Sponsor: Representative Curt Webb

UASD Position: Track

HB 51 amends the statute that allows a person to challenge another person's right to vote. The amendment includes a new provision allowing an individual who challenges someone's voter eligibility to submit supporting documents, affidavits, or other evidence in addition to the written challenge. The challenged voter may also submit supporting documents, affidavits, and other evidence to support his or her right to vote. If the election officer's decision is appealed, this Bill requires the court to uphold the decision unless it was arbitrary, capricious, or unlawful. In considering a challenge, the district court may only review the information submitted by the challenger and the challenged person, along with any other facts and information used by the election officer to make the original determination.

HB 70 Posting Political Signs on Public Property

Sponsor: Representative Brad Daw

UASD Position: Track

HB 70 adds a new section to the Political Campaign Signs chapter of the Election Code, which new section is specifically applicable only to local government entities, officers, employees, and other people with control over public property. Under this new law, if your district posts or permits to be posted a political sign on its public property, you must allow anyone else to post a political sign on your property. You may impose requirements and restrictions regarding the posting of signs, including requirements that *no* posting is allowed, but such rules must be applied to everyone consistently, and must be politically neutral and content neutral. The Bill does not apply to public property while it is rented out to a private party for a private event, such as a meeting or convention.

HB 177 Modifications to Voting Law

Sponsor: Representative Fred Cox

UASD Position: Track

HB 177 makes minor changes to the Election Code relative to records of a voter's political party affiliation and to absentee ballots. First, the Bill provides that, if a person registers to vote but does not designate a party affiliation, the county clerk is to record the voter's affiliation as the party that the voter designated the last time the voter registered. The clerk should only record someone as being "unaffiliated" if the voter has never designated a party or most recently changed his or her affiliation to "unaffiliated." Regarding absentee ballots, the Bill provides that absentee ballot applications must now ask the voter to indicate either that he or she wishes to remain an absentee voter until he or she requests otherwise, or that the voter wishes to remain an absentee voter until a date specified by the voter. What was optional before is now mandated: a county clerk must establish and maintain an absentee voter list containing the name of each voter who requests absentee voter status.

HB 219 Election Day Voter Registration Pilot Project Amendments

Sponsor: Representative Rebecca Chavez-Houck

UASD Position: Track

In 2014, legislation was passed creating the Election Day Voter Registration Pilot Project, which allows counties and municipalities to accept same-day voter registrations and the casting of same-day provisional ballots on election day. The program, which started on June 1, 2014 and runs to January 1, 2017, is intended to provide a means to gather information and report back to the legislature concerning whether voter participation increases and what problems arise when same-day registration and voting is allowed. This year's HB 219 expanded the Pilot Project to allow same-day registration and the casting of same-day provisional ballots during early voting periods as well as on election day itself. As of last November, five counties had signed up for the Pilot Project: Salt Lake, Weber, Davis, Sanpete, and Kane Counties.

HB 220 Vote By Mail Amendments

Sponsor: Representative Rebecca Chavez-Houck

UASD Position: Track

HB 220 clarifies provisions that determine when a mail-in absentee ballot is considered to be valid. Previously, the law stated that a mail-in absentee ballot was considered valid if, among other requirements, it was postmarked before election day. This Bill adds language stating that a mail-in absentee ballot will also be considered valid if, short of being postmarked, the ballot is otherwise clearly marked as received by the post office before election day.

ENVIRONMENT:

HCR 5 Concurrent Resolution Regarding an Interlocal Agreement with Jordan River Commission

Sponsor: Representative Rich Cunningham

UASD Position: Support

This concurrent resolution voices support for the interlocal cooperation agreement that established the Jordan River Commission in 2010 for the purpose of developing and implementing a comprehensive management plan for the Jordan River and its stream banks, encouraging and promoting multiple uses of the Jordan River, conserving and protecting the river's natural resources, maintaining and developing recreational access to the river, and monitoring and promoting responsible economic development activities around the river. The resolution specifically expresses support and approval of the involvement of the Utah Transit Authority and state agencies, including the Department of Natural Resources and the Department of Environmental Quality, in the Jordan River Commission.

SB 89 Aquatic Invasive Species Fee

Sponsor: Senator Scott Jenkins

UASD Position: Support

SB 89 modifies the fees that are to be collected by the Utah Division of Parks and Recreation for motorboat and sailboat registrations. In addition to regular motorboat and sailboat registration

fees, an additional “aquatic invasive species mitigation fee” of \$10.00 will be charged. Collected mitigation fees are to be held in the restricted “Boating Account” as part of the general fund, and may only be used to combat invasive species.

ETHICS:

SB 32 Amendments to Limitations and Reporting for Food and Awards

Sponsor: Senator Karen Mayne

UASD Position: Track

SB 32 amends parts of the Lobbyist Disclosure and Regulation Act, which prohibits certain expenditures exceeding \$10 by lobbyists or government officers for the benefit of designated public officials (legislators, persons elected to the executive branch, and certain individuals appointed to or employed in the executive branch). The Bill provides that the \$10 limit does not apply if the value of the food or beverage does not exceed the food reimbursement rate set by the director of the Division of Finance (the current daily allowance, as of May 2015, is \$39/day). Awards given in a public setting and that have the name of the honoree permanently marked on the award are also exempted from the \$10 limit.

Health Care:

SB 172 Emergency Medical Services Amendments

Sponsor: Senator Curtis Bramble

UASD Position: Support

SB 172 enacts a new Chapter in the Utah Health Care Code, entitled “Ambulance Service Provider Assessment”, Title 26, Chapter 37a of the Utah Code. The Bill imposes a uniform assessment on ambulance service providers, which is to be collected by the Division of Health Care Financing. The funds received under this program will be used to offset Medicaid administration expenses and the non-federal portion of fee-for-service ambulance provider rates. Assessments will be billed quarterly and penalties will be imposed for failure to pay required assessments. The Bill provides that this chapter will be repealed when, as certified by the Executive Director of the Department of Health, the assessment has been determined to be disqualified from counting toward Medicaid funds that are available for use in determining the federal financial participation.

LOCAL AND SPECIAL SERVICE DISTRICTS:

SB 138 Service District Amendments

Sponsor: Senator Jerry Stevenson

UASD Position: Support

This is one of two UASD “Cleanup” Bills. This Bill deals solely with local districts. It makes it easier to withdraw from one local district an area that is receiving the same service from another local district by eliminating the public hearing requirement. It clarifies that a resolution approving or rejecting a proposed withdrawal from a local district must be adopted within 90 days after the public hearing or, if no hearing is held, within 90 days after the filing of a

withdrawal petition. At the request of the State Auditor's office, a requirement that the State Auditor provide forms to be used by a local district budget officer is replaced by a requirement that the tentative budget be prepared "in a format prescribed by the state auditor". It clarifies that the notice for a local district budget public hearing is to be published in a newspaper of general circulation within the locality, but the newspaper needn't be published in the county where the local district is located. (A newspaper may circulate generally within a county even though it is published outside of the county, and there are counties in Utah in which no newspaper is published.) SB 138 also clarifies that, if a local district budget public hearing is held in conjunction with a fee increase public hearing, the more stringent notice requirements applicable to a fee increase public hearing must be followed. Finally, the Bill corrects an erroneous statutory cross reference respecting transit police officers.

SB 139 Service District Amendments

Sponsor: Senator Jerry Stevenson

UASD Position: Support

This is the other UASD "Cleanup" Bill. This Bill deals solely with special service districts. The Bill clarifies that a creating county or municipality may "specify the members of the initial administrative control board by name or other designation that clearly identifies each member of the initial administrative control board" to clarify that the legislative body of the county or municipality need not go through statutory appointment procedures when appointing the initial administrative control board of a special service district. Utah Code Ann. § 17D-1-301(2)(c). It also clarifies that, when a county or municipal legislative body is conducting a special service district annexation or adding a service to be provided by an existing special service district, it is acting as the governing body of the special service district.

NEPOTISM:

HB 73 Nepotism Amendments

Sponsor: Representative Bruce Cutler

UASD Position: Track

HB 73 amends the anti-nepotism statute to include grandparents and grandchildren in the definition of a "relative". Other technical amendments were also made.

PROCUREMENT:

HB 309 Amendments to the Procurement Code

Sponsor: Representative V. Lowry Snow

UASD Position: Support

The main thrust of HB 309 is to define "design professional services" and "design professional", which includes architecture, professional engineering, professional land surveying and master planning and programming. Part 15 of the Procurement Code (Title 63G Chapter 6a of the Utah Code) is renamed from "Architect-Engineer" to "Design Professional" Services. Part 15 is further modified to specify criteria that may be included in a request for a statement of qualifications for design professional services. A request for a "statement of qualifications [for

design professional services] may not include a request for a price or a cost component for the design professional services.” Utah Code Ann. § 63G-6a-1502.5(2). An evaluation committee consisting of at least three members, none of whom have a conflict of interest with any of the design professionals under consideration, is to rank the top three design professionals, after which the procuring entity may conduct compensation negotiations. HB 309 clarifies that, after consulting with legal counsel, the head of the procurement unit (which includes a district), after determining that a procurement or a contract is out of compliance, with applicable law or rules, may correct or amend the procurement or contract to bring it into compliance, or cancel the procurement or contract if correction is not feasible or if cancelation is in the best interest of the procurement unit. The Bill clarifies that a contract between procurement units is not subject to the requirements of the Procurement Code. It also clarifies that rules governing small purchases may apply to any procurement item, including construction, job order contracting, design professional services, other professional services, information technology, and goods.

SB 121 Procurement Code Revisions

Sponsor: Senator Karen Mayne

UASD Position: Support

SB 121 adds additional criteria, relating to worksite safety, by which a procurement unit may judge potential vendors. First, when requesting a statement of qualifications during a prequalification process, a district may request that the vendor submitting such a statement include information about the vendor’s work site safety program, including work site safety requirements that the vendor imposes on subcontractors. Information about a potential vendor’s work site safety program may also be used when evaluating bids or proposals.

PROPERTY RIGHTS:

HB 192 Property Rights Ombudsman Amendments

Sponsor: Representative Timothy Hawkes

UASD Position: Support

HB 192 amends a provision related to the Office of the Property Rights Ombudsman. The statute already stated that the Office of the Property Rights Ombudsman cannot represent private property owners, state agencies, or local governments in court proceedings. This Bill expands several portions of this prohibition. First, the prohibition applies to individual attorneys in the Property Rights Ombudsman Office. Furthermore, they aren’t merely prohibited from representing *property owners*, but are also prohibited from representing *any* party, individual, or entity in a legal action arising under Title 13, Chapter 43 of the Utah Code. Finally, a provision is added to the law stating that an attorney-client privilege is not created by any action taken by an attorney employed by the Office of the Property Rights Ombudsman or any action taken by a neutral third party acting as a mediator or arbitrator or rendering an advisory opinion.

PROPERTY TAXES:

HB 111 Payment of Property Tax Amendments

Sponsor: Representative Curt Webb

UASD Position: Track

HB 111 makes minor changes to Utah's Property Tax Act by providing that county treasurers and other public officials, public entities, and public employees may not require the payment of a property tax before the due date—typically November 30. The Bill also changes several references to the property tax “delinquent” date to instead refer to the “property tax due” date.

PUBLIC EMPLOYEES:

SB 11 Utah Retirement Code System Revisions

Sponsor: Senator Todd Weiler

UASD Position: Track

SB 11 modifies provisions of the Utah State Retirement and Insurance Benefit Act relating to the Utah Retirement Systems (URS). The Bill clarifies that political subdivisions, including districts, may not exempt a total of more than 50 positions, or up to 10% of its employees, whichever is less, from participating in URS, and that this applies to the total number of exempted positions for employees covered under *both* the Tier I (defined benefit/pension) and Tier II (hybrid or defined contribution) retirement systems. The Bill also provides that if an active member dies, the employer nonelective contributions made on behalf of the employee to a defined contribution plan are exempt from the statutory vesting requirements and vest to the member upon death.

SB 65 In-State Tuition for Families of Fallen Public Safety Officers Amendments

Sponsor: Senator Curtis Bramble

UASD Position: Support

SB 65 modifies provisions of the Utah Code that allow certain qualifying surviving family members of a police officer or firefighter killed in the line of duty to attend a state institution of higher education free of charge. The Bill expands the definition of “tuition” to include general course fees. The Bill also deletes previous qualifications related to the financial situation of the student, thereby allowing qualified surviving family members to receive tuition waivers regardless of financial need.

SB 111 Occupational Safety and Health Regulation

Sponsor: Senator Scott Jenkins

UASD Position: Support

SB 111 makes minor changes to the Utah Occupational Safety and Health Act, clarifying that employers must not only provide their employees with employment and a safe working environment free from hazards that could cause death or serious physical harm, but also must comply with occupational safety and health standards promulgated under the Act. The Bill further clarifies that employees must comply with occupational safety and health standards

promulgated under the Act and any rules and orders issued under the Act that are applicable to the employee's own conduct.

SB 135 Workers' Compensation Coverage for Firefighters

Sponsor: Senator Karen Mayne

UASD Position: Track

SB 135 enacts new Section 34A-3-113 as part of the Utah Occupational Disease Act to address workers' compensation benefits coverage for firefighters. The Bill creates a rebuttable presumption of coverage if a firefighter contracts one of the following cancers: pharynx, esophagus, lung, or mesothelioma. In order for this rebuttable presumption to apply, the firefighter must undergo annual physical examinations, have been actively employed as a firefighter and regularly responded to firefighting emergency calls for eight-years or more, and have not used tobacco for the eight years preceding the reporting of the cancer. As this is a *rebuttable* presumption, the Bill makes it clear that the presumption of liability can be rebutted if a preponderance of the evidence shows that the cancer did not arise out of the firefighter's employment. The Bill also explains, for statute of limitations purposes, the date as of which a firefighter's cause of action arises.

PUBLIC MEETINGS:

HB 117 Public Meeting Notice Requirements

Sponsor: Representative Jon Stanard

UASD Position: Track (UASD amended)

HB 117 modifies the Open and Public Meetings Act. Previously, local districts and special service districts that had an annual budget of less than \$1 million were encouraged, but not required, to post a written notice of their board meetings on the Utah Public Notice Website. This Bill eliminates that exemption, and the law now requires all public entities, regardless of budget size, to post notices electronically in addition to traditional notice methods. However, if an affected entity's limited resources make compliance difficult, the entity may request technical assistance from the Division of Archives and Records Services.

SERVICE FEES AND ASSESSMENT AREAS:

HB 190 Assessment Area Act Modifications

Sponsor: Representative R. Curt Webb

UASD Position: Track

HB 190 amends provisions applicable to the designation of an assessment area and the levy of an assessment, generally making it more difficult to designate an assessment area, and easier for property owners to resist the designation of an assessment area. The changes include reducing the property owner protest level that will derail a designation of an assessment area from 50% down to 40% and increasing from 30 days to 60 days the time period during which a person may contest a designation of an assessment area or the amount of an assessment. HB 190 defines an "environmental remediation activity", which may be the basis for establishing an assessment. It also defines "unassessed benefitted government property", and requires that the owners of

property that is to be assessed be notified of the fact that they will each pay a proportionate share of the assessment cost applicable to an unassessed benefitted government property. It further mandates individualized property owner notice requirements that must be satisfied as a precondition of collecting an assessment from a property owner. The Bill also prohibits the boundaries of any new assessment area from being “coextensive or substantially coterminous” with the boundaries of the creating local entity, thereby effectively prohibiting a new county-wide, city-wide or district-wide assessment area. HB 190 also makes it clear that property owners may not be assessed for the cost of oversized facilities that will serve properties lying outside of the assessment area. The law, in addition to requiring specific notifications, lays out public hearing and public meeting procedures that are applicable to designating an assessment area and establishing an assessment, and clarifies that an assessment charge must be based upon the benefit to the subject property and the actual reasonable cost of providing the benefit.

SB 193 Local Government Amendments

Sponsor: Senator Deidre Henderson

UASD Position: Track

The UASD put a great deal of effort into this Bill, which started life as adversarial legislation but evolved into a reasonable clarification and limitation on assessments and local district and special service district service fees. Of particular importance to local districts and special service districts, SB 193 mandates that, before imposing or increasing a service fee, a district must demonstrate the need for the new fee or the fee increase. In addition to other notice requirements, a notice of a public hearing to consider a new fee or a fee increase must now be published on the Utah Public Notice Website. Effective January 1, 2016, when past due fees are certified to the county treasurer, they will have the same priority as, but will be separate and distinct from, a property tax lien, and will be separately identified on any property tax notice issued by the county treasurer. Commencing in 2016, that notice, in addition to separately itemizing the district’s unpaid fee, administrative cost, and interest, will state “that if less than the full amount of the property tax and local district fees included on the property tax notice are paid, the payment will be applied proportionately to the balances due for property taxes and local district fees ... unless otherwise specified by the taxpayer and the taxpayer demonstrates the unpaid fees are being challenged by the taxpayer.” Utah Code Ann. § 17B-1-902(2)(b)(iii). Similarly, assessments are to be separately stated on property tax notices issued by the county treasurer. New Utah Code Section 17B-1-902.1, effective May 12, 2015, limits the interest rate that may be applied to past due service fees to the federal short term rate determined by the Secretary of the Treasury plus 18 percentage points. Interest may be charged monthly, but may not be compounded more frequently than annually. In addition, a district may charge and collect one of the following: (i) a one time penalty charge of not to exceed 8% of the past due fee or (ii) an administrative cost covering collection costs, reasonable attorneys fees actually incurred and any other costs; but a district may not charge interest on an administrative cost.

TRANSPARENCY:

SB 112 Public Reporting Requirements

Sponsor: Senator Wayne Harper

UASD Position: Track

SB 112 modifies the definitions section of Title 63A, Chapter 3, Part 4 of the Utah Code dealing with the Utah Public Finance Website, which is administered by the Division of Finance for the purpose of allowing taxpayers to view and track the use of taxpayer dollars by state entities, independent entities, and participating local entities. Local districts, special service districts, and interlocal entities created under the Interlocal Cooperation Act are already included under the definition of “participating local entities,” and must comply with statutory reporting requirements. However, the Bill clarifies that *taxed* interlocal entities, as defined in the Interlocal Cooperation Act, are *not* included in the definition of “participating local entities” and thus are not subject to the statutorily mandated reporting requirements. The Bill adds that the definition of “participating local entity” also includes any entity that is *part of* a participating local entity, if the entity is considered a component unit of the entity under governmental accounting standards issued by the Governmental Accounting Standards Board. Utah Code Ann. § 63A-3-401.

TRANSPORTATION:

SCR 8 Concurrent Resolution Regarding Transportation for Persons with Disabilities

Sponsor: Senator Karen Mayne

UASD Position: Support

This Bill express support for the Utah Transit Authority Coordinated Mobility Department’s efforts to serve all transportation service providers for older adults, persons with disabilities and other citizens in an effort to inventory all mobility resources available to address unmet transportation needs and encourages transportation service providers to supply the requested information. It also encourages ongoing efforts to promote cooperation and coordination by transportation service providers for persons with disabilities.

WATER:

HB 25 Water Law Application Revisions

Sponsor: Representative Lowry Snow

UASD Position: Support

HB 25 modifies the change application procedure. This Bill is a response to the 2011 Utah Supreme Court decision, *Jensen v. Jones*, 2011 UT 67, which concluded that the state engineer did not have the authority to consider prior non-use (i.e. forfeiture) of the water right as a justification for denying a change application. HB 25 gives the state engineer specific statutory authority to do so. The Bill allows a water right holder to begin the change application process by requesting a consultation with the state engineer or his designee for a non-binding discussion about potential issues, including potential forfeiture issues, which are encompassed with the newly defined term “quantity impairment”. After a change application is filed, timely protests alleging quantity impairment may be filed, or the state engineer, within 90 days after the

application was filed, may give notice of quantity impairment issues. If either of these events occurs, the applicant has the burden of proving that there will not, in fact, be any quantity impairment. The Bill does, however, allow a change application to be approved, even if other vested water rights are impaired in certain circumstances, when there is adequate mitigation or just compensation.

SB 15 Water Law—Forfeiture Exemptions

Sponsor: Senator Margaret Dayton

UASD Position: Support

SB 15 clarifies that, if the owner of a water right is diligently pursuing certification of an approved change application, the period of nonuse of the water during this time does not count against the owner for purposes of abandonment and forfeiture of water rights under Utah Code Ann. § 73-1-4.

SB 40 Water Law—Application Withdrawal

Sponsor: Senator Margaret Dayton

UASD Position: Support

SB 40 amends a provision of the water appropriation statutes to allow an applicant to withdraw an unperfected application for the right to use water or to change the use of water, by so notifying the state engineer in writing. The withdrawing applicant is not entitled to a refund of fees. Upon receipt of the application withdrawal, the state engineer must promptly update the records to reflect the withdrawal and that the application “is of no further force or effect.” Utah Code Ann. § 73-3-6(3).

SCR 2 Concurrent Resolution Regarding Navajo Water Rights Settlement

Sponsor: Senator David P. Hinkins

UASD Position: Support

This Concurrent Resolution of the Legislature and the Governor declares support for the negotiated settlement of federal reserve water rights, particularly the state of Utah/Navajo Nation Reserved Water Rights Settlement proposed by a negotiating committee composed of Navajo Nation and Utah representatives which, at the time of passage of the Concurrent Resolution, was being considered by a United States negotiating team.