

LOCAL GOVERNMENT AUTHORITY

AMENDMENTS

2008 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: D. Chris Buttars

House Sponsor: _____

LONG TITLE

General Description:

This bill modifies provisions relating to the authority of a county or municipal legislative body.

Highlighted Provisions:

This bill:

- ▶ prohibits county and municipal legislative bodies from creating or establishing a registry or any other means to define, identify, or recognize a domestic partnership, civil union, or other domestic relationship other than marriage for any purpose; and
- ▶ invalidates any ordinance, resolution, rule, regulation, or other action of a county or municipal legislative body in violation of the prohibition.

Monies Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

10-8-84, as last amended by Laws of Utah 2000, Chapter 323

17-53-201, as last amended by Laws of Utah 2001, Chapter 241



28 *Be it enacted by the Legislature of the state of Utah:*

29 Section 1. Section **10-8-84** is amended to read:

30 **10-8-84. Ordinances, rules, and regulations -- Passage -- Penalties.**

31 (1) ~~[The]~~ (a) Subject to Subsection (1)(b), a municipal legislative body may pass all
32 ordinances and rules, and make all regulations, not repugnant to law, necessary for carrying
33 into effect or discharging all powers and duties conferred by this chapter, and as are necessary
34 and proper to provide for the safety and preserve the health, and promote the prosperity,
35 improve the morals, peace and good order, comfort, and convenience of the city and its
36 inhabitants, and for the protection of property in the city.

37 (b) (i) A municipal legislative body may not create or maintain a registry or other
38 means to define, identify, or recognize a domestic partnership, civil union, or other domestic
39 relationship other than marriage for any purpose, including:

40 (A) establishing, recognizing, or administering a right of use and access to a public
41 building or facility;

42 (B) granting a right to health care visitation; and

43 (C) granting any other right or benefit.

44 (ii) An ordinance, resolution, rule, regulation, or other action of a municipal legislative
45 body in violation of Subsection (1)(b)(i) is void.

46 (2) The municipal legislative body may enforce obedience to the ordinances with fines
47 or penalties in accordance with Section 10-3-703.

48 Section 2. Section **17-53-201** is amended to read:

49 **17-53-201. General powers, duties, and functions of county legislative body.**

50 (1) Except as expressly provided otherwise in statute, each county legislative body
51 shall exercise all legislative powers, have all legislative duties, and perform all legislative
52 functions of the county, including those enumerated in this part.

53 (2) A county legislative body may take any action required by law and necessary to the
54 full discharge of its duties, even though the action is not expressly authorized by statute.

55 (3) (a) A county legislative body may not create or maintain a registry or other means
56 to define, identify, or recognize a domestic partnership, civil union, or other domestic
57 relationship other than marriage for any purpose, including:

58 (i) establishing, recognizing, or administering a right of use and access to a public

59 building or facility;

60 (ii) granting a right to health care visitation; and

61 (iii) granting any other right or benefit.

62 (b) An ordinance, resolution, rule, regulation, or other action of a county legislative

63 body in violation of Subsection (3)(a) is void.

Legislative Review Note
as of 2-5-08 7:38 AM

Office of Legislative Research and General Counsel

S.B. 267 - Local Government Authority Amendments

Fiscal Note

2008 General Session
State of Utah

State Impact

Enactment of this bill will not require additional appropriations.

Individual, Business and/or Local Impact

Enactment of this bill likely will not result in direct, measurable costs and/or benefits for individuals, businesses, or local governments.
