

**Senator D. Chris Butters** proposes the following substitute bill:

**LOCAL GOVERNMENT AUTHORITY**

**AMENDMENTS**

2008 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: D. Chris Butters**

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, mayors of municipalities, and county executives, 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;

- ▶ invalidates any ordinance, resolution, rule, regulation, or other action of a county or municipal legislative body in violation of the prohibition; and

- ▶ provides an exception.

**Monies Appropriated in this Bill:**

None

**Other Special Clauses:**

None

**Utah Code Sections Affected:**



26 AMENDS:

27 **10-8-84**, as last amended by Laws of Utah 2000, Chapter 323

28 **17-53-201**, as last amended by Laws of Utah 2001, Chapter 241

29 **17-53-301**, as last amended by Laws of Utah 2001, Chapter 241

30 ENACTS:

31 **10-3-405**, Utah Code Annotated 1953



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

34 Section 1. Section **10-3-405** is enacted to read:

35 **10-3-405. Mayor action creating domestic relationship registry prohibited.**

36 (1) A mayor of a municipality may not by executive order or any other means create or  
37 maintain a registry or other means that defines, identifies, or recognizes a domestic partnership,  
38 civil union, or other domestic relationship other than marriage for any purpose, including to:

39 (a) establish, recognize, or administer a right of use and access to a public building or  
40 facility;

41 (b) grant a right to health care visitation; and

42 (c) grand any other right or benefit.

43 (2) An executive order or other rule, regulation, or other action of a mayor in violation  
44 of Subsection (1) is void.

45 (3) An executive order or other action by a mayor that makes health care benefits  
46 generally available to all public employees and an approved additional named insured,  
47 including a financially dependent adult designee, does not violate Subsection (1) or (2) if the  
48 executive order or other action does not:

49 (a) otherwise violate public policy; or

50 (b) define or establish a separate and distinct category of citizens or domestic  
51 relationships other than marriage and recognized family associations involving blood relatives.

52 Section 2. Section **10-8-84** is amended to read:

53 **10-8-84. Ordinances, rules, and regulations -- Passage -- Penalties.**

54 (1) ~~[The]~~ (a) Subject to Subsection (1)(b), a municipal legislative body may pass all  
55 ordinances and rules, and make all regulations, not repugnant to law, necessary for carrying  
56 into effect or discharging all powers and duties conferred by this chapter, and as are necessary

57 and proper to provide for the safety and preserve the health, and promote the prosperity,  
58 improve the morals, peace and good order, comfort, and convenience of the city and its  
59 inhabitants, and for the protection of property in the city.

60 (b) (i) A municipal legislative body may not create or maintain a registry or other  
61 means that defines, identifies, or recognizes a domestic partnership, civil union, or other  
62 domestic relationship other than marriage for any purpose, including to:

63 (A) establish, recognize, or administer a right of use and access to a public building or  
64 facility;

65 (B) grant a right to health care visitation; and

66 (C) grant any other right or benefit.

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

69 (iii) An ordinance, resolution, rule, regulation, or other action by a municipal  
70 legislative body that makes health care benefits generally available to all public employees and  
71 an approved additional named insured, including a financially dependent adult designee, does  
72 not violate Subsection (1)(b)(i) or (ii) if the ordinance, resolution, rule, regulation, or other  
73 action does not:

74 (A) otherwise violate public policy; or

75 (B) define or establish a separate and distinct category of citizens or domestic  
76 relationships other than marriage and recognized family associations involving blood relatives.

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

79 Section 3. Section **17-53-201** is amended to read:

80 **17-53-201. General powers, duties, and functions of county legislative body.**

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

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

86 (3) (a) A county legislative body may not create or maintain a registry or other means  
87 to define, identify, or recognize a domestic partnership, civil union, or other domestic

88 relationship other than marriage for any purpose, including:

89 (i) establishing, recognizing, or administering a right of use and access to a public  
90 building or facility;

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

92 (iii) granting any other right or benefit.

93 (b) An ordinance, resolution, rule, regulation, or other action of a county legislative  
94 body in violation of Subsection (3)(a) is void.

95 (iii) An ordinance, resolution, rule, regulation, or other action by a county legislative  
96 body that makes health care benefits generally available to all public employees and an  
97 approved additional named insured, including a financially dependent adult designee, does not  
98 violate Subsection (1)(b)(i) or (ii) if the ordinance, resolution, rule, regulation, or other action  
99 does not:

100 (A) otherwise violate public policy; or

101 (B) define or establish a separate and distinct category of citizens or domestic  
102 relationships other than marriage and recognized family associations involving blood relatives.

103 Section 4. Section **17-53-301** is amended to read:

104 **17-53-301. General powers, duties, and functions of county executive.**

105 (1) The elected county executive is the chief executive officer of the county.

106 (2) Except as expressly provided otherwise in statute and except as contrary to the  
107 powers, duties, and functions of other county officers expressly provided for in Chapters 16,  
108 17, 18, 19, 20, 21, 22, 23, and 24, each county executive shall exercise all executive powers,  
109 have all executive duties, and perform all executive functions of the county, including those  
110 enumerated in this part.

111 (3) ~~(A)~~ (a) Subject to Subsection (3)(b), a county executive may take any action  
112 required by law and necessary to the full discharge of the executive's duties, even though the  
113 action is not expressly authorized in statute.

114 (b) (i) A county executive may not by executive order or any other means create or  
115 maintain a registry or other means that defines, identifies, or recognizes a domestic partnership,  
116 civil union, or other domestic relationship other than marriage for any purpose, including to:

117 (A) establish, recognize, or administer a right of use and access to a public building or  
118 facility;

119           (B) grant a right to health care visitation; and  
120           (C) grand any other right or benefit.  
121           (ii) An executive order or other rule, regulation, or other action of a county executive  
122 in violation of Subsection (3)(b)(i) is void.  
123           (iii) An executive order or other action by a county executive that makes health care  
124 benefits generally available to all public employees and an approved additional named insured,  
125 including a financially dependent adult designee, does not violate Subsection (3)(b)(i) or (ii) if  
126 the executive order or other action does not:  
127           (A) otherwise violate public policy; or  
128           (B) define or establish a separate and distinct category of citizens or domestic  
129 relationships other than marriage and recognized family associations involving blood relatives.

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**S.B. 267 1st Sub. (Green) - Local Government Authority Amendments**

**Fiscal Note**

2008 General Session

State of Utah

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**State Impact**

Enactment of this bill will not require additional appropriations.

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**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.

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