

LIMITED PURPOSE LOCAL GOVERNMENT ENTITIES REVISIONS

Senator **Dennis E. Stowell** proposes the following amendments:

1. Page 6, Lines 153 through 154:

153 77-7-18, as last amended by Laws of Utah 2005, Chapter 2
154 ~~{78-27-63, as last amended by Laws of Utah 2007, Chapters 280, 329, and 357}~~ =
78B-4-509, as renumbered and amended by Laws of Utah 2008, Chapter 3

2. Page 93, Lines 2852 through 2857:

2852 (1) (a) (i) An improvement district that provides electric service as authorized under
2853 Subsection 17B-2a-403(1)(a)(iv) ~~{:~~
2854 ~~—(i)}~~ is a public utility and subject to the jurisdiction of the Public Service
2855 Commission ~~{+}~~ . ~~{+}~~ ~~{:~~
2856 (ii) An improvement district that was created before May 5, 2008 to provide electric service;
(A) may include only an area where:
2857 ~~{(A)}~~ (I) no retail electricity has been provided to commercial, industrial, residential, and

3. Page 93, Lines 2861 through 2864:

2861 ~~{(B)}~~ (II) electric service is provided to at least one user of electricity within the electric
2862 service district as of September 1, 1985; and
2863 ~~{(iii)}~~ (B) shall have filed an application for certification and received approval by the Public
2864 Service Commission by September 1, 1986.
(iii) An improvement district created on or after May 5, 2008 to provide electric service may not
include an area within:
(A) the certificated service area of:
(I) an investor-owned electric utility; or
(II) an electric cooperative; or
(B) the service area of a municipality that provides electric service.

4. Page 132, Lines 4058 through 4061:

4058 (5) "Local building authority" :
(a) means a nonprofit corporation that is:
4059 ~~{(a)}~~ (i) created as provided in Section 17D-2-201;
4060 ~~{(b)}~~ (ii) described in Section 17D-2-103; and

4061 ~~{(c)}~~ (iii) subject to and governed by the provisions of this chapter ~~{-}~~ ; and
(b) includes a nonprofit corporation created as a municipal building authority before May 5, 2008
under the law then in effect.

5. Page 246, Line 7593 through Page 247, Line 7628:

7593 Section 167. Section ~~{78-27-63}~~ 78B-4-509 is amended to read:
7594 ~~{-78-27-63. Inherent risks of certain recreational activities-- Claim barred against~~
7595 ~~county or municipality -- No effect on duty or liability of person participating in~~
7596 ~~recreational activity or other person.~~
7597 ~~----- (1) As used in this section:~~
7598 ~~----- (a) "Inherent risks" means those dangers, conditions, and potentials for personal injury~~
7599 ~~or property damage that are an integral and natural part of participating in a recreational~~
7600 ~~activity.~~
7601 ~~----- (b) "Municipality" has the meaning as defined in Section 10-1-104.~~
7602 ~~----- (c) "Person" includes an individual, regardless of age, maturity, ability, capability, or~~
7603 ~~experience, and a corporation, partnership, limited liability company, or any other form of~~
7604 ~~business enterprise.~~
7605 ~~----- (d) "Recreational activity" includes a rodeo, an equestrian activity, skateboarding,~~
7606 ~~skydiving, para gliding, hang gliding, roller skating, ice skating, fishing, hiking, walking,~~
7607 ~~running, jogging, bike riding, or in-line skating on property:~~
7608 ~~----- (i) owned, leased, or rented by, or otherwise made available to:~~
7609 ~~----- (A) with respect to a claim against a county, the county; and~~
7610 ~~----- (B) with respect to a claim against a municipality, the municipality; and~~
7611 ~~----- (ii) intended for the specific use in question.~~
7612 ~~----- (2) Notwithstanding anything in Sections 78-27-37, 78-27-38, 78-27-39, 78-27-40,~~
7613 ~~78-27-41, 78-27-42, and 78-27-43 to the contrary, no person may make a claim against or~~
7614 ~~recover from any of the following entities for personal injury or property damage resulting~~
7615 ~~from any of the inherent risks of participating in a recreational activity:~~
7616 ~~----- (a) a county, municipality, local district under Title 17B, Limited Purpose Local~~
7617 ~~Government Entities - Local Districts, or special service district under Title [17A] 17D,~~
7618 ~~Chapter [2, Part 13, Utah] 1, Special Service District Act[, or dependent district under Title~~
7619 ~~17A, Chapter 3, Dependent Districts]; or~~
7620 ~~----- (b) the owner of property that is leased, rented, or otherwise made available to a~~
7621 ~~county, municipality, local district, special service district, or dependent district for the purpose~~
7622 ~~of providing or operating a recreational activity.~~
7623 ~~----- (3) (a) Nothing in this section may be construed to relieve a person participating in a~~
7624 ~~recreational activity from an obligation that the person would have in the absence of this~~
7625 ~~section to exercise due care or from the legal consequences of a failure to exercise due care.~~
7626 ~~----- (b) Nothing in this section may be construed to relieve any other person from an~~

7627 ~~obligation that the person would have in the absence of this section to exercise due care or~~
7628 ~~from the legal consequences of a failure to exercise due care. }~~

78B-4-509. Inherent risks of certain recreational activities -- Claim barred against county or municipality -- No effect on duty or liability of person participating in recreational activity or other person.

(1) As used in this section:

(a) "Inherent risks" means those dangers, conditions, and potentials for personal injury or property damage that are an integral and natural part of participating in a recreational activity.

(b) "Municipality" has the meaning as defined in Section 10-1-104.

(c) "Person" includes an individual, regardless of age, maturity, ability, capability, or experience, and a corporation, partnership, limited liability company, or any other form of business enterprise.

(d) "Recreational activity" includes a rodeo, an equestrian activity, skateboarding, skydiving, para gliding, hang gliding, roller skating, ice skating, fishing, hiking, walking, running, jogging, bike riding, or in-line skating on property:

(i) owned, leased, or rented by, or otherwise made available to:

(A) with respect to a claim against a county, the county; and

(B) with respect to a claim against a municipality, the municipality; and

(ii) intended for the specific use in question.

(2) Notwithstanding anything in Sections 78B-5-817 through 78B-5-823 to the contrary, no person may make a claim against or recover from any of the following entities for personal injury or property damage resulting from any of the inherent risks of participating in a recreational activity:

(a) a county, municipality, local district under Title 17B, Limited Purpose Local Government Entities - Local Districts, or special service district under Title ~~{17A}~~ 17D, Chapter ~~{2, Part 13, Utah}~~ 1, Special Service District Act ~~{, or dependent district under Title 17A, Chapter 3, Dependent Districts}~~ ; or

(b) the owner of property that is leased, rented, or otherwise made available to a county, municipality, local district, or special service district ~~{, or dependent district}~~ for the purpose of providing or operating a recreational activity.

(3) (a) Nothing in this section may be construed to relieve a person participating in a recreational activity from an obligation that the person would have in the absence of this section to exercise due care or from the legal consequences of a failure to exercise due care.

(b) Nothing in this section may be construed to relieve any other person from an obligation that the person would have in the absence of this section to exercise due care or from the legal consequences of a failure to exercise due care.

Renumber remaining sections accordingly.