

1 **RESTRICTIONS ON POLITICAL SUBDIVISIONS**
2 **REGARDING THE REGULATION OF KNIVES**

3 2011 GENERAL SESSION

4 STATE OF UTAH

5 **Chief Sponsor: Ryan D. Wilcox**

6 Senate Sponsor: Allen M. Christensen

8 **LONG TITLE**

9 **General Description:**

10 This bill prohibits a municipality, a county, and a local district from regulating the use
11 of a knife unless specifically authorized.

12 **Highlighted Provisions:**

13 This bill:

- 14 ▶ defines terms;
- 15 ▶ prohibits a municipality, a county, and a local district from regulating the use of a
16 knife unless specifically authorized; and
- 17 ▶ makes technical corrections.

18 **Money Appropriated in this Bill:**

19 None

20 **Other Special Clauses:**

21 None

22 **Utah Code Sections Affected:**

23 AMENDS:

24 **17B-1-103**, as last amended by Laws of Utah 2010, Chapter 150

25 ENACTS:

26 **10-8-47.5**, Utah Code Annotated 1953

27 **17-50-332**, Utah Code Annotated 1953

28

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

30 Section 1. Section **10-8-47.5** is enacted to read:

31 **10-8-47.5. Knives regulated by state.**

32 (1) As used in this section, "knife" means a cutting instrument that includes a
33 sharpened or pointed blade.

34 (2) The authority to regulate a knife is reserved to the state except where the
35 Legislature specifically delegates responsibility to a municipality.

36 (3) (a) Unless specifically authorized by the Legislature or, subject to Subsection
37 (3)(b), a municipal ordinance with a criminal penalty, a municipality may not enact or enforce
38 an ordinance or a regulation pertaining to a knife.

39 (b) A municipality may not enact an ordinance with a criminal penalty pertaining to a
40 knife that is:

41 (i) more restrictive than a state criminal penalty pertaining to a knife; or

42 (ii) has a greater criminal penalty than a state penalty pertaining to a knife.

43 Section 2. Section **17-50-332** is enacted to read:

44 **17-50-332. Knives regulated by state.**

45 (1) As used in this section, "knife" means a cutting instrument that includes a
46 sharpened or pointed blade.

47 (2) The authority to regulate a knife is reserved to the state except where the
48 Legislature specifically delegates responsibility to a county.

49 (3) (a) Unless specifically authorized by the Legislature or, subject to Subsection
50 (3)(b), a county ordinance with a criminal penalty, a county may not enact or enforce an
51 ordinance or a regulation pertaining to a knife.

52 (b) A county may not enact an ordinance with a criminal penalty pertaining to a knife
53 that is:

54 (i) more restrictive than a state criminal penalty pertaining to a knife; or

55 (ii) has a greater criminal penalty than a state penalty pertaining to a knife.

56 Section 3. Section **17B-1-103** is amended to read:

57 **17B-1-103. Local district status and powers.**

- 58 (1) A local district:
- 59 (a) is:
- 60 (i) a body corporate and politic with perpetual succession;
- 61 (ii) a quasi-municipal corporation; and
- 62 (iii) a political subdivision of the state; and
- 63 (b) may sue and be sued.
- 64 (2) A local district may:
- 65 (a) acquire, by any lawful means, or lease any real property, personal property, or a
- 66 groundwater right necessary or convenient to the full exercise of the district's powers;
- 67 (b) acquire, by any lawful means, any interest in real property, personal property, or a
- 68 groundwater right necessary or convenient to the full exercise of the district's powers;
- 69 (c) transfer an interest in or dispose of any property or interest described in Subsections
- 70 (2)(a) and (b);
- 71 (d) acquire or construct works, facilities, and improvements necessary or convenient to
- 72 the full exercise of the district's powers, and operate, control, maintain, and use those works,
- 73 facilities, and improvements;
- 74 (e) borrow money and incur indebtedness for any lawful district purpose;
- 75 (f) issue bonds, including refunding bonds:
- 76 (i) for any lawful district purpose; and
- 77 (ii) as provided in and subject to Part 11, Local District Bonds;
- 78 (g) levy and collect property taxes:
- 79 (i) for any lawful district purpose or expenditure, including to cover a deficit resulting
- 80 from tax delinquencies in a preceding year; and
- 81 (ii) as provided in and subject to Part 10, Local District Property Tax Levy;
- 82 (h) as provided in Title 78B, Chapter 6, Part 5, Eminent Domain, acquire by eminent
- 83 domain property necessary to the exercise of the district's powers;
- 84 (i) invest money as provided in Title 51, Chapter 7, State Money Management Act;
- 85 (j) (i) impose fees or other charges for commodities, services, or facilities provided by

86 the district, to pay some or all of the district's costs of providing the commodities, services, and
87 facilities, including the costs of:

88 (A) maintaining and operating the district;

89 (B) acquiring, purchasing, constructing, improving, or enlarging district facilities;

90 (C) issuing bonds and paying debt service on district bonds; and

91 (D) providing a reserve established by the board of trustees; and

92 (ii) take action the board of trustees considers appropriate and adopt regulations to
93 assure the collection of all fees and charges that the district imposes;

94 (k) if applicable, charge and collect a fee to pay for the cost of connecting a customer's
95 property to district facilities in order for the district to provide service to the property;

96 (l) enter into a contract that the local district board of trustees considers necessary,
97 convenient, or desirable to carry out the district's purposes, including a contract:

98 (i) with the United States or any department or agency of the United States;

99 (ii) to indemnify and save harmless; or

100 (iii) to do any act to exercise district powers;

101 (m) purchase supplies, equipment, and materials;

102 (n) encumber district property upon terms and conditions that the board of trustees
103 considers appropriate;

104 (o) exercise other powers and perform other functions that are provided by law;

105 (p) construct and maintain works and establish and maintain facilities, including works
106 or facilities:

107 (i) across or along any public street or highway, subject to Subsection (3) and if the
108 district:

109 (A) promptly restores the street or highway, as much as practicable, to its former state
110 of usefulness; and

111 (B) does not use the street or highway in a manner that completely or unnecessarily
112 impairs the usefulness of it;

113 (ii) in, upon, or over any vacant public lands that are or become the property of the

114 state, including school and institutional trust lands, as defined in Section 53C-1-103, if the
115 director of the School and Institutional Trust Lands Administration, acting under Sections
116 53C-1-102 and 53C-1-303, consents; or

- 117 (iii) across any stream of water or watercourse, subject to Section 73-3-29;
- 118 (q) perform any act or exercise any power reasonably necessary for the efficient
119 operation of the local district in carrying out its purposes;
- 120 (r) (i) except for a local district described in Subsection (2)(r)(ii), designate an
121 assessment area and levy an assessment on land within the assessment area, as provided in
122 Title 11, Chapter 42, Assessment Area Act; or
- 123 (ii) for a local district in a critical management area described in Subsection
124 17B-1-202(1)(c), designate an assessment area and levy an assessment on a groundwater right
125 to facilitate a groundwater management plan;
- 126 (s) contract with another political subdivision of the state to allow the other political
127 subdivision to use the district's surplus water or capacity or have an ownership interest in the
128 district's works or facilities, upon the terms and for the consideration, whether monetary or
129 nonmonetary consideration or no consideration, that the district's board of trustees considers to
130 be in the best interests of the district and the public; and
- 131 (t) upon the terms and for the consideration, whether monetary or nonmonetary
132 consideration or no consideration, that the district's board of trustees considers to be in the best
133 interests of the district and the public, agree:
 - 134 (i) with:
 - 135 (A) another political subdivision of the state; or
 - 136 (B) a public or private owner of property:
 - 137 (I) on which the district has a right-of-way; or
 - 138 (II) adjacent to which the district owns fee title to property; and
 - 139 (ii) to allow the use of property:
 - 140 (A) owned by the district; or
 - 141 (B) on which the district has a right-of-way.

- 142 (3) With respect to a local district's use of a street or highway, as provided in
143 Subsection (2)(p)(i):
- 144 (a) the district shall comply with the reasonable rules and regulations of the
145 governmental entity, whether state, county, or municipal, with jurisdiction over the street or
146 highway, concerning:
 - 147 (i) an excavation and the refilling of an excavation;
 - 148 (ii) the relaying of pavement; and
 - 149 (iii) the protection of the public during a construction period; and
 - 150 (b) the governmental entity, whether state, county, or municipal, with jurisdiction over
151 the street or highway:
 - 152 (i) may not require the district to pay a license or permit fee or file a bond; and
 - 153 (ii) may require the district to pay a reasonable inspection fee.
 - 154 (4) (a) A local district may:
 - 155 (i) acquire, lease, or construct and operate electrical generation, transmission, and
156 distribution facilities, if:
 - 157 (A) the purpose of the facilities is to harness energy that results inherently from the
158 district's:
 - 159 (I) operation of a project or facilities that the district is authorized to operate; or
 - 160 (II) providing a service that the district is authorized to provide;
 - 161 (B) the generation of electricity from the facilities is incidental to the primary
162 operations of the district; and
 - 163 (C) operation of the facilities will not hinder or interfere with the primary operations of
164 the district;
 - 165 (ii) (A) use electricity generated by the facilities; or
 - 166 (B) subject to Subsection (4)(b), sell electricity generated by the facilities to an electric
167 utility or municipality with an existing system for distributing electricity.
 - 168 (b) A district may not act as a retail distributor or seller of electricity.
 - 169 (c) Revenue that a district receives from the sale of electricity from electrical

170 generation facilities it owns or operates under this section may be used for any lawful district
171 purpose, including the payment of bonds issued to pay some or all of the cost of acquiring or
172 constructing the facilities.

173 (5) A local district may adopt and, after adoption, alter a corporate seal.

174 (6) (a) As used in this Subsection (6), "knife" means a cutting instrument that includes
175 a sharpened or pointed blade.

176 (b) The authority to regulate a knife is reserved to the state except where the
177 Legislature specifically delegates responsibility to a local district.

178 (c) Unless specifically authorized by the Legislature by statute, a local district may not
179 adopt or enforce a regulation or rule pertaining to a knife.