UTAH ASSOCIATION OF SPECIAL DISTRICTS

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2016 BILL REVIEW

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By the end of the 2016 session of the Utah State Legislature, the Association was following 200 Bills, the most ever, but had reviewed a far greater number of Bills. Many Bills were reviewed and investigated to make sure they had no impact on local districts or special service districts and, once the lack of impact 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 52 Bills, ¾ of which passed, and opposed 16 Bills, only one of which passed -- on reconsideration during the waning moments of the legislative session.

Statutory references and quotations in this Review come from the Enrolled Bills, not from the prior version of the Utah Code. Consequently, if a reader verifies statutory references and quotations by looking at the pre-2016 Legislative session version of the Utah Code, the quotations likely will vary, and the referenced Code Section may be absent. Unless there is an earlier or later effective date, however, on May 10, 2016 the statutory changes referenced in this Review will be the law in Utah.

This analysis does not include every passed Bill 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 online 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 H. Anderson, at (801) 323-2234 or mhanderson@fabianvancott.com.

BOARD SELECTION AND COMPOSITION:

H.B. 21, Election Revisions by Rep. Steve Eliason, UASD Position – Track:

H.B. 21 requires election officers to process "valid provisional ballots" in the same manner as absentee ballots. Additionally, this law now requires an election officer to publicly release the results of all absentee and provisional ballots counted during the period beginning on the day after the election and ending on the day before the canvass date. Previously, election officers were not allowed to release the results from absentee ballots counted after the date of the election through the date of canvass. The only exception to releasing results from a particular day is if doing so would likely result in disclosing a vote cast by an individual voter. Permission must be given by the Lieutenant Governor's officer to use this exception.

H.B. 77, Special District Amendments by Rep. Stephen Handy, UASD Position – Support:

H.B. 77 is a UASD "cleanup" Bill. Cleanup Bills generally are designed to correct minor issues in the law. This Bill is very narrow in its application. Prior to the creation in Salt Lake County of a service area to provide fire protection, paramedic and emergency services and prior to the creation of a second service area to provide law enforcement services, the legislature passed laws to allow both service areas to be created without voter approval. The law mandates that each member of the Board of Trustees of either service area must be an elected official of the appointing county or municipality. A question arose concerning whether the elected officials appointed to those boards must reside within the boundaries of the service area. H.B. 77 clarifies that "[a] member of the board of trustees of a service area … [such as the fire protection and the law enforcement service areas created in Salt Lake County] who is an elected official of the county appointing the individual, is not subject to the … [the residency requirement] if the elected official was elected at large by the voters of the county." Utah Code Ann. § 17B-1-302(1)(d). The Bill also amends reporting requirements related to the automatic withdrawal of a municipality from a fire protection, law enforcement or municipal services district that was created without voter approval and clarifies the timing within which documentation respecting a withdrawal of an area from a local district must be filed with the Lieutenant Governor. *Id.* § 17B-1-512(1)(b).

H.B. 198, Ballot Proposition Amendments by Rep. Justin Fawson, UASD Position – Track:

This Bill addresses preparing and publishing arguments for and against a ballot proposition, including the duties of an election officer. Significantly, the Bill defines "eligible voter" as "a legal voter who resides in the jurisdiction of the county, city, or town that is holding an election on a ballot proposition" (Utah Code Ann. § 20A-7-101(4)) and replaces the word "person" with "eligible voter" in a number of places, thereby making it clear that only eligible voters are to be directly involved in arguments for or against a ballot proposition, including rebuttal arguments.

S.B. 26, Election Notice Amendments by Sen. Margaret Dayton, UASD Position – Support:

Before each election, a printed notice providing information such as the date and hours of the election, polling locations, and qualifications for persons to be entitled to vote, must be published in a newspaper of general circulation and on the public legal notice website established by Utah's newspapers pursuant to Utah Code Ann. § 45-1-101. S.B. 26 provides for either publishing a printed notice where the required information can be obtained or mailing "the notice to each registered voter who resides in the area to which the election pertains at least five days before election day" in place of the newspaper and public legal notice website publication. Utah Code Ann. §§ 20A-5-101(3) and (4)(b).

S.B. 27, Absentee Ballot Amendments by Sen. Margaret Dayton, UASD Position – Support:

This Bill changes the date by which an election officer is required to mail absentee ballots from 28 days before the election to no later than 21 days before the election, thereby giving the election officer an additional week within which to accomplish that task. Utah Code Ann. § 20A-3-305(1)(b).

EMPLOYMENT:

S.B. 59, Antidiscrimination and Workplace Accommodations Revisions by Sen. Todd Weiler, UASD Position – Track:

Current law requires a public employer, such as a local district or special service district, to "provide access to a clean and well-maintained refrigerator or freezer for the temporary storage of the public employee's breast milk." Utah Code Ann. § 34-49-202(3)(a). S.B. 59 adds Subsection (3)(b), which provides that "a public employer with a public employee not working in an office building may, in the alternative, provide a nonelectric insulated container for storage of the public employee's breast milk", which may be particularly helpful for transit districts whose drivers are almost always on the move. The Bill also requires employers, including governmental employers, "to provide reasonable accommodations for an employee related to pregnancy, childbirth, breastfeeding, or related conditions … unless the employer demonstrates that the accommodation would create an undue hardship on the operations of the employer". *Id.* § 35A-5-106(1)(g)(i). The Bill defines an "undue hardship" as "an action that requires significant difficulty or expense when considered in relation to factors such as the size of the entity, the entity's financial resources, and the nature and structure of the entity's operation." *Id.* § 35A-5-102(1)(w). S.B. 59 also prohibits an employer from terminating or denying employment opportunities if a reasonable accommodation for the employee's pregnancy, childbirth, breastfeeding or related condition that would not create an undue hardship on the employer can be identified. *Id.* 54A-5-106(1)(g). The new law allows an employer to "require an employee to provide a certification from the employee's health care provider concerning the medical advisability of a reasonable accommodation" but the employer "may not require an employee to obtain a certification from the employee's health care provider for more frequent restroom, food, or water breaks" related to pregnancy, childbirth, breastfeeding or related conditions. *Id.* § 34A-5-106(7). However, an employer is not required "to permit an employee to have the employee's child at the workplace for purposes of accommodating pregnancy,

childbirth, breastfeeding, or related conditions." *Id.* All employers are required to "include in an employee handbook, or post in a conspicuous place in the employer's place of business, written notice concerning an employee's rights to reasonable accommodations for pregnancy, childbirth, breastfeeding, or related conditions." *Id.*

ENERGY/ENVIRONMENT:

H.B. 87, Clean Fuel Conversion Amendments by Rep. Stephen Handy, UASD Position – Support:

Prior to the passage of this Bill, there existed the Clean Fuels and Vehicle Technology Fund, from which the Utah Department of Environmental Quality could make loans or grants for (1) the conversion of vehicles to use a clean fuel, (2) the purchase of an OEM vehicle (a vehicle which was manufactured as a clean vehicle), or (3) to a person who installs conversion equipment. H.B. 87 removes that third category from the original fund and creates a new fund, called the Conversion to Alternative Fuel Program Fund, to provide grants to people who install conversion equipment. The rules regarding such grants have not changed—only the funding source. As was the law before, a person who installs conversion equipment on an eligible vehicle may apply for a grant, which may not exceed the lesser of 50% of the cost of the conversion system and labor, or $2,500, per vehicle, and the installer must pass along any savings to the owner of the vehicle. Additionally, the Bill repeals tax credits for conversion equipment for vehicles, effective January 1, 2017. Unrelated to vehicle conversions or the issuance of grants, this Bill also amends the definition of a "qualifying electric vehicle," in relation to tax credits granted for the purpose of *new* electric vehicles. Rather than saying that the vehicle must be fueled by electricity only, as the law stated previously, the Bill clarifies that the vehicle must draw propulsion energy from a battery with at least 10 kilowatt hours of capacity.

S.B. 115, Sustainable Transportation and Energy Plan Act by Sen. J. Stuart Adams, UASD Position – Oppose:

Depending upon which press release one chooses to believe, the Bill will limit the authority of the Public Service Commission (PSC) over rates charged by Rocky Mountain Power, will shift to ratepayers risks that currently are borne by the power company, will be a set-back for the development of cleaner power sources, and is too complex and risky for rate payers or the Bill is prudent and will benefit ratepayers long-term by, among other things, allowing Rocky Mountain Power to establish a "rainy day fund" to collateralize the cost to replace coal fired power plants that must close as a result of federal regulations while focusing on air quality, zero-emissions transportation and other priorities. S.B. 115 was one of the more hotly contested Bills during the session. However, some of the points of contention were softened as the Bill went through a series of substitutions. Originally, the Bill was almost universally opposed by clean energy and consumer advocates. However, it appears that most of the solar industry issues were addressed in the final Bill and a number of organizations changed their position from opposed to neutral. The UASD opposed the Bill because of a concern that it will result in higher electricity costs to be paid by all customers, including local districts and special service districts.

ETHICS:

H.B. 359, Political Subdivision Ethics Commission Amendments by Rep. Jack Draxler, UASD Position – Track:

Under H.B. 359, a person who wishes to file a complaint with the Political Subdivisions Ethics Review Commission against an officer or employee of a political subdivision will no longer file the complaint with the Lieutenant Governor's office. Instead, a complaint must be filed with the individual whose name and address are posted on the homepage of the Lieutenant Governor's website. Utah Code Ann. § 11-49-501(2).

S.B. 205, Ethics Revisions by Sen. Ralph Okerlund, UASD Position – Support:

S.B. 205 clarifies that, under the Utah Public Officers and Employees Ethics Act, there is no conflict of interest when two or more government positions are held by the same individual "unless the conflict of interest is also due to a personal interest of the individual that is not shared by the general public." Utah Code Ann. § 67-16-11(2)(b). It is common for mayors, municipal council members, county commissioners, etc. to serve on the board of trustees of a local district or the administrative control board of a special service district that provides service within the municipality or the county. Furthermore, some local district trustees serve on the board of more than one local district. For example, a water improvement district trustee might also serve on the board of trustees of a water conservancy district that provides wholesale water service to the improvement district. With this clarification, there should be no issue relative to the legitimacy of serving on more than one governmental legislative body, even if those governmental entities do business with each other.

FUNDING/TAXATION:

H.B. 12, Disaster Recovery for Local Governments by Rep. Curt Oda, UASD Position - Support (with amendment):

This Bill creates the Local Government Emergency Response Loan Fund under the existing Disaster Recovery Funding Act (the "Act") of the Public Safety Code. While the Act, in 2007, already created the State Disaster Recovery Restricted Account, which provides funding to state agencies for services rendered in response to emergency disaster services, this new fund created by H.B. 12 provides a similar source of funding for other local governmental entities, including districts. Qualifying districts may apply through the Division of Emergency Management (the "Division") for a short-term loan from the fund to pay for costs incurred by the local government entity for providing emergency disaster services or to provide matching funds necessary to secure federal funding or grants related to a declared disaster. To qualify, a district must not be in default of any other state loans and must agree with the terms of the loan, which terms and other rules will be established by the Division. The interest rate and maximum payback period of a loan made under this law will depend on how much money the district has already reserved in its own local government disaster fund pursuant to Utah Code Ann. § 53-2a-605. For example, the most favorable loan terms under this law will be granted to districts that have reserved in their local government disaster funds an average of 90% to 100% of the amount authorized under Utah Code Ann. § 53-2a-605 over the previous five fiscal years. Loans to these districts will include an interest rate of the state's prime rate plus zero percent, with a maximum

payback period of 10 years. If districts reserve smaller percentages of the amount authorized, less favorable terms will apply, and in no event will a loan be given to a district that has reserved in its local government disaster fund an average of less than 50% of the amount authorized under Utah Code Ann. § 53-2a-605. To the extent that the Division receives multiple concurrent applications for loans, priority is to be given to entities based on the extent that entity has participated in creating its own local government disaster fund.

H.B. 17, Assessment Area Foreclosure Amendments by Rep. R. Curt Webb, UASD Position – Track (with concern):

As originally introduced, this Bill generated significant concerns even though it was recommended by the Political Subdivisions Interim Committee. As a result, the Bill went through a number of refinements as reflected in a series of Substitute Bills. As required by current law, when a governing body decides to create an assessment area, it must first issue a notice. If the assessment area is to be a voluntary assessment area that contains only property the owners of which have voluntarily consented to the creation of the assessment area, the notice must include a property owner consent form that estimates the total assessment to be levied against each particular parcel of property, describes certain benefits and designates the date and time by which the executed consent form must be returned to the governing body. H.B. 17 adds a requirement that, if the governing body intends to utilize a non-judicial "power of sale" foreclosure in place of a judicial (court) foreclosure, the consent form must so state and explain that, if an assessment or an installment of an assessment is not paid when due, the property owner's property may be sold to satisfy the amount due plus interest, penalties and costs. Utah Code Ann. § 11-42-202(1)(l)(iv). The Bill establishes two assessment lien enforcement procedures, namely a pre May 10, 2016 procedure and a post May 10, 2016 procedure. *Id. §§* 11-42-502 and -502.1. Pre May 10, 2016 enforcement procedures apply to either an enforcement proceeding that was initiated before that date or a later enforcement proceeding for an assessment bond or a refunding assessment bond that was issued before May 10, 2016, has not reached final maturity, and has not been refinanced on or after May 10, 2016. That procedure is the same as the statutory enforcement procedure that was applicable before the adoption of H.B. 17. Post May 10, 2016 assessment lien enforcement procedures are limited to (a) the process stated in Title 59, Chapter 2, Part 13 of the Utah Code for the sale of real property for delinquent general property taxes or (b) a judicial foreclosure unless the property is located in a voluntary assessment area and the current owner of record of the property has executed a property owner's consent form. However, as stated in Utah Code Ann. § 11-42-502.1(5)(b): "The use of one or more of the remedies described in this part does not deprive the local entity of any other available remedy or means of collecting the assessment or enforcing the assessment lien."

H.B. 25, Property Tax Changes by Rep. Daniel McCay, UASD Position – Track:

This is one of two Bills passed by the Legislature that addresses the inability of local taxing entities effectively to recover lost property tax revenues when the period applicable to a redevelopment agency expires and the privately owned property within the redevelopment area in effect goes back on the tax rolls. New Utah Code Ann. § 59-2-924(1)(j) defines "project area new growth" as meaning "an amount equal to the incremental value that is no longer provided to

an agency as tax increment." The term "eligible new growth" is defined as "the greater of: (i) zero; or (ii) the sum of: (A) locally assessed new growth"; (B) centrally assessed new growth; and (C) project area new growth. *Id.* § 59-2-924(1)(f). For a more complete explanation, please see the discussion of S.B. 151 below.

H.B. 428, Local Government Bonding Amendments by Rep. Douglas Sagers, UASD Position – Support:

Until June 30, 2021, a local political subdivision, including local districts and special service districts, may issue a bond to pay the portion of any claim, settlement or judgment that exceeds $3,000,000, provided that the maturity date of the bond does not exceed 21 years and further provided that the political subdivision first complies with "Truth in Taxation" notice and public hearing requirements of Utah Code Ann. § 59-2-919 and the levy does not exceed .001 per dollar of taxable value of taxable property. Utah Code Ann. §§ 11-14-103(1)(d), (4), and (5), 63G-7-702(1)(b)(iii) and (3), and 63G-7-704(1)(a), (2)(b) and (4).

S.B. 68, Property Tax Amendments, and S.J.R 3, Proposal to Amend Utah Constitution – Property Tax Exemptions, both by Sen. Wayne Harper, UASD Position – Support:

S.B. 68 will take effective on January 1, 2017 provided that the amendment to the Utah Constitution proposed by S.J.R. 3 is approved by a majority of the voters during the 2016 General Election. The effect of the voters' approval of the proposed amendment to Utah Constitution, thereby implementing S.B. 68, is that machinery and equipment with an economic life of 3 or more years that is leased to the state or any political subdivision of the state (a "long-term lease"), including local districts and special service districts, is exempt from the payment of a property tax as provided in Utah Code Ann. § 59-2-1116.

Another Bill supported by the Association, H.B. 122, would have eliminated the sales tax on construction materials for a government project, regardless of whether the government entity or the contractor purchased the materials and regardless of whether the contractor or government employees installed the materials. Under current law, a local district or a special service district may purchase construction materials without paying a sales tax provided that district employees install the materials. If, however, the labor is not performed by district employees, sales taxes must be paid, even if the district purchases and delivers the materials to the contractor for installation. Even though this Bill didn't pass, there is always next year!

S.B. 80, Infrastructure Funding Amendments by Sen. J. Stuart Adams, UASD Position – Support:

This Bill is an important cog in Utah's ongoing efforts to prepare for the future water supply needs of the state. Over a five year period, revenue from a 1/16% (one sixteenth of one percent) sales tax will gradually be shifted from transportation to funding for water infrastructure. The Bill identifies other sources of revenue, including a tax imposed on motor and special fuels, for the Transportation Investment Fund of 2005. This was a high priority Bill for the Association.

S.B. 119, Debt Collection Amendments by Sen. Lyle Hillyard, UASD Position – Support:

S.B. 119 authorizes any political subdivision of the State of Utah, including local districts and special service districts, to enter into an interlocal agreement with the Office of State Debt Collection to collect the political subdivision's accounts receivable that have been unpaid for more than 90 days. Utah Code Ann. § 63A-3-502(4)(n).

S.B. 151, Community Development and Renewal Agencies Act Revisions by Sen. Wayne Harper, UASD Position – Track:

This Bill is a major re-write of laws applicable to what has been known as the "Development Renewal Agency Act," which is renamed as the "Community Reinvestment Agency Act" (the "Act"). Development and renewal agencies created under the Act will, in the future, be called community reinvestment agencies. Local taxing entities are asked to enter into a contract whereby they agree to forego receipt of all or a portion of the real property taxes collected on privately owned property within the redevelopment area for a period of time, with the assurance that, over time, the taxing agency will recover the lost property taxes because the assessed value of the property will increase dramatically as a result of the subsidized redevelopment. This may be an over-simplification, but a local taxing entity's certified tax rate is statutorily designed to guarantee that the taxing entity will receive, year-to-year, the same property tax revenues that it received the year before, plus new growth. However, redevelopment areas effectively coming back on the tax rolls do not, under prior law, qualify as new growth. The result being that, unless the local taxing entity goes through statutory Truth in Taxation procedures to increase the certified tax rate by an amount that will generate the amount of anticipated new property tax revenue from the redevelopment area, that increase will not be realized and, instead, the certified tax rate will be reduced slightly. S.B. 151 is one of two Bills introduced this year to address that problem. The operative language is found in Utah Code Ann. § 59-2-924(1)(c): "(i) When a project area funds collection period as defined in Section 17C-1-102 ends, the project area's incremental value as defined in Section 17C-1-102 shall be: (A) considered new growth; and (B) added to [new growth] amount described in Subsection (1)(b). (ii) The amount calculated in Subsection (1)(c)(i)(B) shall not equal less than zero." The Fiscal Note prepared for S.B. 151 declares: "By classifying a project coming off of a redevelopment agency as new growth, this bill may increase revenue to local taxing entities by an estimated $60 million in 2017 and $14 million in 2018 … [and] may result in businesses and individuals not seeing what otherwise would have been a tax rate reduction, equating to an estimated $60 million in 2017 and $14 million in 2018."

S.B. 164, Local Government Modifications by Sen. Deidre Henderson, UASD Position – Support (after amendment):

S.B. 164 is another Bill that the Association was able to support after the sponsor listened to concerns and made adjustments to her Bill. The final version of S.B. 164 consists of a Bill supported by the Association (the original Bill) and a Bill that was being tracked, H.B. 473, Local Government Revisions by Rep. John Knotwell. H.B. 473 got into the Legislative hopper relatively late in the legislative session, so it effectively was substituted into S.B. 164 (notice the similar titles of both Bills). The H.B. 473 provisions are technical clarifications, rather than substantive changes to the law, insofar as local districts and interlocal cooperation entities are concerned. If a local district or an interlocal cooperation entity has a deficit fund balance at the close of a fiscal year, the governing body of the entity is required to "include an item of

appropriation for the deficit in the current budget of the fund equal to: (a) at least 5% of the total revenue of the fund in the last completed fiscal year; or (b) if the deficit is equal to less than 5% of the total revenue of the fund in the last completed fiscal year, the entire amount of the deficit." Utah Code Ann. §§ 11-13-513(2) and 17B-1-613(2). The provisions that were original to S.B. 164 deal with the content of a property tax notice and the ability of a taxpayer who pays less than the full amount due on the taxpayer's property tax notice to direct how the county treasurer allocates the partial payment. Prior law required the payment to be applied proportionately to the property taxes, assessments and other permitted charges listed on the property tax notice. Now, the tax payer will have the right to direct the allocation of a partial payment as provided in Utah Code Ann. § 59-2-1317(7), with a retrospective operation back to January 1, 2016.

S.B. 235, Local District Tax Revisions by Sen. Lincoln Fillmore, UASD Position – Oppose:

Very few Bills that fail to pass are included in the annual UASD Bill Review. S.B. 235 is an exception because of the harm it could do and the likelihood of a new Bill being generated this summer and fall during interim meetings for consideration by the Legislature next year. Under current law, the Board of Trustees of a local district that assesses a property tax may, as the need arises, utilize statutory Truth in Taxation procedures, which are quite rigorous, to approve a property tax rate increase provided that a majority of the Trustees are "elected officials", meaning that they are directly elected to the Board of Trustees by the district's voters, or they are appointing authority elected officials such as mayors, city council members and county commissioners. S.B. 235 would have mandated that every member of the Board of Trustees be directly elected to the position for the Board to possess taxing authority. Thus, any property tax increase or the assessment of a new property tax, instead of being within the province of the Board, would have to be approved by a majority of the registered voters within the district or by the legislative body of each municipality and each county that is partially or completely located within the boundaries of the district. 1st Sub. S.B. 235 would have modified the 100% approval requirement by allowing the legislative bodies of at least two-thirds of the municipalities and counties within the district to approve the property tax increase; but that modification did not include water conservancy districts, for which approval by all of the municipal and county legislative bodies would still have been required.

GOVERNMENTAL IMMUNITY:

S.B. 203, Immunity Amendments by Sen. J. Stuart Adams, UASD Position – Support:

S.B. 203 provides that a governmental entity's officers' and employees' immunity from suit for an injury or damage resulting from the implementation of, or failure to implement, measures to respond to emergency or public health conditions includes the use, provision, operation and management of an emergency shelter, housing, a staging place, or a medical facility. Utah Code Ann. § 63G-7-201(2)(c). It also provides that "[a] person or entity owing a building or other facility and an operator of or an employee in a building or facility is immune from liability with respect to any decisions or actions related to emergency or public health conditions … while acting under the general supervision of or on behalf of any public entity." *Id.* § 63G-8-201(3).

INITIATIVE AND REFERENDUM:

H.B. 10, Initiative and Referendum Amendments by Rep. Brian Greene, UASD Position – Track:

This Bill was one of the first big issues faced by the UASD legislative team during the first week of the session. In its original form, H.B. 10 would have expanded the definition of a "local legislative body" that is subject to local initiatives and referenda (whereby citizens may attempt to repeal or enact a local law) to include the governing bodies of all political subdivisions, including local districts, special service districts and interlocal cooperation entities. Along with others, the Association testified in committee in opposition to the Bill. Through much hard work and cooperation, the status quo has been maintained respecting which local government legislative bodies are subject to the initiative and referendum process (counties and municipalities).

LAW ENFORCEMENT:

H.B. 155, Reporting of Child Pornography by Rep. Craig Hall, UASD Position – Support:

This Bill enacts a new statute into the Utah Criminal Code, requiring any computer technician—defined as any person who installs, maintains, troubleshoots, upgrades, or repairs computer hardware, software, personal computer networks, or peripheral equipment within the scope of the individual's employment—to report any instance of what appears to be child pornography found on any computer of the employer (such as a district). The report must be made to state or local law enforcement, the Cyber Tip Line at the National Center for Missing and Exploited Children, or an employee designated by the employer, who must then make the formal report himself. A computer technician who willfully fails to report child pornography is subject to a class B misdemeanor. The identity of the computer technician who reports the pornographic image will be kept confidential except to the extent necessary for the criminal investigation and judicial process.

H.B. 269, Recycling of Copper Wire by Rep. Fred Cox, UASD Position - Support:

When scrap metal prices are high, the theft of copper wire and other metal supplies is a problem. There have even been reports of the theft of manhole covers. H.B. 269 strengthens the regulation of scrap metal processors, secondary metals dealers and metals refiners (each a "dealer") by imposing a mandatory fine of not less than $750.00 on any dealer who is convicted of a Class C misdemeanor, and of no less than $2,500.00 if the conviction is for a Class A misdemeanor, based upon a violation of Title 76, Chapter 6, Part 14 of the Utah Code, "Regulation of Metal Dealers". Utah Code Ann. § 76-6-1407(1)(a)(ii) and (b)(ii). In addition, any seller of regulated metal who willfully makes a false statement or provides untrue information will be guilty of a Class B misdemeanor, with a mandatory fine of no less than $1,000.00 for the first conviction, and of a Class A misdemeanor, with a mandatory fine of no less than $2,500.00, for any subsequent conviction. *Id*. § 76-6-1408.

H.B. 391, Law Enforcement Revisions by Rep. Michael Noel, UASD Position – Track:

This Bill could also be listed under a "Public Lands" or "Federal Lands" heading. It declares that the chief executive officer of a political subdivision or a county sheriff may determine whether the Bureau of Land Management or the United States Department of the Interior is complying with federal law relating to agreements for local law enforcement to enforce federal law and regulations on public lands or whether a federal law enforcement official is exceeding the law enforcement official's jurisdictional authorization. The law provides for the chief executive officer or county sheriff, after consulting with the attorney general, to serve a notice of the determination and the demand on the federal agency and, if the federal agency does not respond to the demand by the date indicated in the notice, or the federal agency indicates that it is unwilling to comply with the demand "the chief executive officer or county sheriff may, after consultation with the county attorney, the governor, and the attorney general, pursue all available legal remedies." Utah Code Ann. § 53-13-106.12(7)(a). See also *Id.* § 53-13-106.11(7)(a).

LOCAL AND SPECIAL SERVICE DISTRICTS:

H.B. 347, Local and Special Service District Amendments by Rep. Stephen Handy, UASD Position – Support:

This is another UASD cleanup Bill. As originally introduced, S.B. 347 clarified that a member of the board of trustees of a local district is expected to complete statutorily required training within one year after taking office and that "a member of the board of trustees of a local district takes office each time the member is elected or appointed to a new term, including an appointment to fill a midterm vacancy". Utah Code Ann. § 17B-1-312(1)(b). Consequently, whether a trustee has been elected or appointed to her first term or her fifth term, or any term in between, the trustee is to complete training provided by the Utah State Auditor in conjunction with the Utah Association of Special Districts. The original Bill also included a technical correction to make it clear that, if a fee increase public hearing is combined with the district's annual budget public hearing, the required public notice "shall be published, posted, or mailed in accordance with the joint public notice provisions" of Utah Code Ann. § 17B-1-643, which contains the statutory procedure for imposing or increasing a service fee. *Id.* § 17B-1-643(2)(e)(ii). Finally, the original version of the Bill removed a provision that declared that a person may not ride a transit vehicle without paying the fare, to eliminate a conflict with another provision of law.

S.B. 12 was passed by both houses of the Legislature quite quickly. It included a declaration, in Utah Code Ann. § 53-3-202(3)(b), that "[a] person may not drive a motor vehicle as a private passenger carrier on a highway of this state unless the person has: (i) a taxi cab endorsement issued by the division [of motor vehicles] on the person's license certificate; or (ii) a commercial driver license with: (A) a taxicab endorsement; (B) a passenger endorsement; or (C) a school bus endorsement." When the possible implications of that provision on transit districts came into focus, it was too late to attempt to amend S.B. 12, so 1st Sub H.B. 347 was used to clarify that "[t]he provisions of Subsection 53-3-202(3)(b) do not apply to a motor vehicle owned in whole or in part by a public transit district." *Id.* § 17B-2a-803(5). When 1st Sub H.B. 347 (discussed below) was prepared, S.B. 142 was not gaining much traction in the legislature. Consequently, the "guts" of S.B. 142 were included in 1st Sub H.B. 347. The precaution proved to be

unnecessary. S.B. 142 started moving and was passed by both Houses of the Legislature earlier than H.B. 347.

PROCUREMENT:

S.B. 184, Procurement Code Modifications by Sen. Scott Jenkins, UASD Position - Track:

Each year for the past several years there has been at least one major Bill dealing with procurement. This year, that Bill is S.B. 184 9135 page Bill that reorganizes significant portions of the Utah Procurement Code, Title 63G, Park 6a of the Utah Code. For example, previously there were two separate definition sections, one for general definitions and one for terms applicable to governmental bodies. Those sections have been combined and somewhat modified. The Association initially had a number of concerns with the Bill, most of which were of a relative minor nature. We met with Kent Beers, the Chief Procurement Officer for the state of Utah, to discuss our concerns, virtually all of which were appropriately addressed in an adopted substitute version of the Bill. It is hoped that the updated Utah Procurement Code will be more user friendly. It is not feasible, in the space allotted, to include a detail explanation of the nuances of this Bill. It is anticipated, however, that procurement training will be available at the Annual UASD Convention this coming November and a new Purchasing Policy template will be generated to replace the template that may currently be found on the UASD website.

S.B. 197, Resale of Procurement Item Amendments by Sen. Karen Mayne, UASD Position – Track:

S.B. 197 enacts new Utah Code Ann. §§ 11-54-101, -102, and 103 and 63G-6a-110. The Bill provides that a local government entity, including a local district or a special service district, that sells a procurement item back to the original seller of the item for a profit (an amount that exceeds the amount originally paid for the procurement item): "(1) shall require the buyback purchaser to pay cash for the procurement item; (2) may not accept the excess repurchase amount in the form of a credit, discount, or other incentive on a future purchase that the local government entity makes from the buyback purchaser; and (3) may not use the excess repurchase amount to acquire an additional procurement item from the person who paid the excess repurchase amount." *Id*. § 11-54-103, *also see* § 63G-6a-110(2).

RECORDS:

H.B. 63, Fees for Government Records Requests by Rep. Brian King, UASD Position – Track:

When processing a records request under the Government Records Access and Management Act ("GRAMA"), a governmental entity is allowed to charge a reasonable fee to cover the governmental entity's cost for providing the public record. Utah Code Ann. § 63G-2-203(1). Under certain circumstances, this fee may be waived, in the circumstances set forth in Utah Code Ann. § 63G-2-203(4). A person who believes his or her fee waiver was wrongfully denied may appeal the decision to the chief administrative office of the governmental entity. This sole

purpose of this Bill is to clarify that the adjudicative body hearing the appeal must review the fee waiver *de novo*. This means the complainant may provide new information for consideration on appeal, and the body will make its decision without giving deference to the original decision maker's determination.

H.B. 241, Computer Abuse and Data Recovery Act by Rep. Rebecca Chavez-Houck, UASD Position – Support:

H. B. 241 enacts the Computer Abuse and Data Recovery Act as Title 63D, Chapter 3, Part 1 of the Utah Code (the "Act"), which provides civil penalties for any individual who, without proper authorization, accesses a protected computer. A protected computer is "a computer that: (i) is used in connection with the operation of a business, state government entity, or political subdivision; and (ii) requires a technological access barrier for an individual to access the computer [but] … does not include a computer that an individual can access using a technological access barrier that does not, to a reasonable degree of security, effectively control access to the information stored in the computer." Utah Code Ann. § 63D-3-102(6). A civil action may be brought for the recovery of: actual damages, including lost profits, economic damages and the reasonable cost of remediation efforts related to the violation; the profit gained by the defendant through trafficking in anything obtained as a result of the violation; and the return of anything obtained through the violation; in addition to injunctive or other equitable relief to prevent a future violation. *Id.* § 63D-3-105(1). The prevailing party in an action arising under the Act is entitled to an award of reasonable attorney fees. *Id.* § 63D-3-105(2). A civil action under the Act may not be brought more than three years after the day on which the violation occurred, the violation was discovered, or a person acting with reasonable diligence should have discovered the violation. *Id.* § 63D-3-105(4).

S.B. 99 Transparency for Political Subdivisions by Sen. Deidre Henderson, UASD Position – Track (with concern):

S. B. 99 requires every local and special service district to post the name, phone number and e-mail address of every board member on the Utah Public Notice Website. The information must be updated within 30 days after the membership of the board changes or there is any change in a board member's phone number or e-mail address. Utah Code Ann. § 17B-1-303(9). This posting is required regardless of whether a county or municipal legislative body also serves as the board of the local or special service district. Prior to S.B. 99, all local districts and special service districts, along with other governmental entities, were required to post financial information on the Utah Public Finance Website unless the annual budget of the entity was lower than the threshold established by the Utah Transparency Advisory Board (the "Board"). S.B. 99 eliminates the Board's ability to establish such a threshold and requires all governmental entities, including all local and special service districts, to provide public financial information on the Utah Public Finance Website or provide a link on the Utah Public Finance Website to the financial information on the district's website. The following information must be provided: the name of entity making the expenditure; the name of the recipient of the expenditure; the date of the expenditure; the amount of the expenditure; the purpose of the expenditure; the name of each contracting party and an electronic copy of the contract (if there is a contract); and any other criteria designated by Board rule. Any district that previously was not required to make its

public financial information accessible via the Utah Public Finance Website must begin doing so by January 1, 2017, except districts with an annual budget of less than $100,000, which have until July 1, 2017 to come into compliance. *Id.* § 63A-3-405(4) and (5) As originally introduced, S.B. 99 required any entity coming under the posting requirement for the first time to make its financial information accessible via the Utah Public Finance Website to "permit information that is generated on or after the first day of the participating local entity's fiscal year that includes May 10, 2016, to be accessible via the website." Under adopted S.B. 99, compared to the original version of the Bill, an entity with a January 1, through December 31 fiscal year, which includes the vast majority of local districts, will have an extra year, and any local district or special service district with an annual budget of $100,000 or less will have an extra year and a half, to come into compliance.

RETIREMENT:

Each legislative session has a number of Bills dealing with the same subject. One such recurring theme for the 2016 legislative session was retirement under the State Retirement System. Only a sampling of these Bills is included here.

H.B. 439, Retirement Amendments for Felony Conviction by Rep. Daniel McCay, UASD Position – Track:

This Bill enacts a new section of the Utah State Retirement and Insurance Benefit Act requiring the forfeiture of certain State retirement benefits if an employee is convicted of an employment-related offense. For forfeiture to occur, the offense must be a felony committed during the performance of the employee's duties, within the scope of the employee's employment, or under color of the employee's authority. The benefits forfeited include the employee's accrual of service credit, employer contributions to defined contribution plans, and other related benefits from a State retirement plan. The employee's own contribution to a defined contribution plan will not be forfeited. Any employer participating in the Utah State Retirement System must notify the state retirement office if an employee is charged with, acquitted of, or convicted of an employment related felony. If the employee is ultimately convicted, the employer must conduct an investigation and inform the Utah State Retirement System of whether the conviction is, in fact, for an employment related offense and the date on which the offense was initially committed. An employee may appeal the finding of the employer's investigation. This statute will be effective regarding any conviction made after the effective date of this Act.

S.B. 19, Phased Retirement by Sen. Todd Weiler, UASD Position – Track:

S.B. 19 enacts new Title 49, Chapter 11, Part 12 of the Utah Code, with an effective date of July 1, 2016 and a sunset date (a built in repeal date) of July 1, 2021. This Bill allows an employer that participates in the State Retirement System to participate in a phased retirement that allows a retiree to continue to work half-time and receive a reduced retirement allowance with no cost of living adjustment and no additional retirement accrual after the conversion to half-time status. Before offering phased retirement, a participating employer must establish written policies and enter into a written agreement with any participating retiree who has not satisfied the 1 year employment separation requirement under Utah Code Ann. § 49-11-505. The elements that must

be included in the phased retirement written policies and procedures are listed in Utah Code Ann. § 49-11-1202(1).

S.B. 29 Retirement Systems Amendments by Sen. Todd Weiler, UASD Position – Support:

This Bill amends the Utah State Retirement and Insurance Benefit Act. The amendments include: allowing Utah Retirement Systems (URS) to make payments to a deceased member's beneficiaries 30 days, instead of three months, after the date of death; clarifying that a public safety employee who is transferred or promoted to an administration position within the same department primarily to manage or supervise public safety service employees will continue to earn public safety service credit; clarifying that, if intoxication or the use of alcohol or drugs by a public service employee contributed to the employee's death or disability, the death or disability does not qualify as being "in the line of duty"; providing that the total amount contributed by the participating employer and the total amount contributed by an elected official under the Tier II defined contribution plan vests immediately and is non-forfeitable; verifying that years of service credit includes any fraction of a year to which the member may be entitled and if a member's years of service credit is within 1/10 of one year of the total years required for vesting at the time of vesting, the member is to be considered to have the number of years required for vesting; and clarifying that annual compensation used to calculate final average salary of a covered employee (a member) is to be based upon a calendar year for a member employed by a participating employer that is not an education institution or a contract year (or school year) for a member employed by an educational institution.

SEWER SYSTEMS:

S.B. 34, Sewer Lateral Disclosures by Sen. Karen Mayne, UASD Position – Support (after amendment):

As originally introduced, the Association had concerns with this Bill. However, Senator Mayne listened to those concerns and amended her Bill. S. B. 34 adopts Utah Code Ann. § 11-8-4, which requires public owners of sanitary sewer systems, including local districts and special service districts, to distribute a disclosure that includes the definition of a sewer lateral (a pipe that connects a property to the sanitary sewer main) and states whether the record owner of the property or the public owner is responsible to repair and replace the sewer lateral. The disclosure may be distributed on customer bills, be included in a newsletter, be conspicuously placed on the public owner's website, be part of a broad-based social media campaign, or be distributed by any other means that is reasonably calculated to make the disclosure available to those served by the public sewer system. The disclosure must be given at least once each calendar year, but the new law does not impose any liability on the public owner for failure to comply.

S.B. 142, Improvement District Amendments by Sen. Todd Weiler, UASD Position – Support:

S.B. 142 authorizes an improvement district that operates a system for the collection, treatment or disposition of sewage to also acquire, construct and operate a resource recovery project, which is defined as "a project that consists of facilities for the handling, treatment and processing through anaerobic digestion, and resource recovery, of solid waste consisting primarily of organic matter." Utah Code Ann. § 19-6-508(1). The Bill specifies the authority held by such an improvement district and authorizes an improvement district to implement a resource recovery project through one or more agreements with a public agency and/or private person. *Id.* § 19-6-508(3). This Bill will enable an improvement district to accept organic waste that otherwise might have been taken to a landfill and to convert that waste through anaerobic digestion into energy in the form of methane gas and inert materials. Instead of being released into the atmosphere as a pollutant, the captured methane can be used to generate electricity or it can be processed and introduced into a natural gas pipeline for distribution to customers, and the inert material might be utilized as a component in commercial fertilizer.

WATER AND WATER RIGHTS:

H.B. 222, Nonuse Application Amendments by Rep. Timothy Hawkes, UASD Position – Support:

This Bill amends the water rights forfeiture statute. Previously, Utah Code Ann. § 73-1-4(2)(b)(iv) stated that approval of a nonuse application does not protect a water right that is already subject to forfeiture. This Bill expands on that language and states that the rule also applies if one or more or successive overlapping nonuse applications are approved. Additionally, the Bill states that the approval or one or more nonuse applications do not constitute beneficial use of water for the purpose of calculating when a judicial forfeiture action must be commenced under the statute.

H.B. 305, Water Rights and Resources Amendments by Rep. Joel Briscoe, UASD Position – Track:

This Bill amends the Safe Drinking Water Act to allow the Division of Water Rights to collect and validate water use data, and to promulgate rules regarding what data must be reported. The accuracy of all data reported by a public water supplier must be verified by the signature and certification number of a certified operator, or by the signature and stamp of a professional engineer performing the duties of a certified water operator. This Bill was enacted in response to the water audit findings in 2015 in an effort to receive more accurate data from water suppliers.

H.C.R. 1, Concurrent Resolution on Waters of the United States by Rep. Michael Noel, UASD Position – Support:

This Concurrent Resolution declares the State Legislature's disapproval of the Environmental Protection Agency's ("EPA's") expansion of the regulatory definition of the term "waters of the United States" under the federal Clean Water Act to include ephemeral drainages, dry washes, gullies, coulees and arroyos, which only move water after rain. The Legislature believes that this expanded definition results in an unlawful exercise of federal regulatory authority and unlawfully expands federal jurisdiction over a broad range of usually dry land and water features in Utah.

The Legislature and Governor support the legal challenge brought by Utah Attorney General Sean Reyes to vacate the final rule.

H.J.R. 4, Joint Resolution on Water Infrastructure Transfer by Rep. Mike McKell, UASD Position – Support:

In this Joint Resolution, the Legislature urges Utah's federal congressional delegation to support Utah water users in securing title transfer of reclamation water projects from the United States Congress. It explains that Congress has always anticipated that, upon repayment, reclamation projects would be transferred to local water users. The Legislature urges that water rights can be best and most economically administered by the local water users subject to state law. The Strawberry Valley Project, Moon Lake Project, Emery County Project, Sanpete Project and Provo River Project were specifically named in the resolution.

S.B. 23, Water Law-Protected Purchaser Amendments by Sen. Margaret Dayton, UASD Position – Support:

S.B. 23 adds new requirements to the definition of a "protected purchaser" of a share of stock issued by a land company or a water company ("water stock"). In addition to requiring a protected purchaser to give value, not to have notice of an adverse claim to the water stock at the time of acquisition, and to obtain control of the water stock, a protected purchaser must either have paid an assessment levied by the company against the water stock at least four of the prior seven years or have used, either directly or indirectly, the water available under the water stock for at least four of the prior seven years. Utah Code Ann. § 78-8-303(1). Assessment payments made by and the water use of the protected purchaser's predecessors in interest are credited to the protected purchaser. A qualified protected purchaser takes the water stock free of any adverse claim. *Id.* § 70A-8-303(2).

S.B. 110, Water Quality Amendments by Sen. David Hinkins, UASD Position – Support:

H.B. 110 allows a party seeking a permit from the Division of Water Quality (DWQ) to challenge a DWQ "proposal", which is "any science-based initiative proposed by the division on or after January 1, 2016, that would financially impact a challenging party and that would: (i) change water quality standards; (ii) develop or modify total maximum daily load requirements; (iii) modify wasteloads or other regulatory requirements for permits; or (iv) change rules or other regulatory guidance." Utah Code Ann. § 19-5-105.3(1)(c). A key element of the new law is its application to "technology based nutrient effluent limits", which are defined as "maximum nutrient limitations based on the availability of technology to achieve the limitations, rather than on a water quality standard or a total maximum daily load standard." *Id*. § 19-5-105.3(1)(e). If the challenge is directed at a technology based nutrient effluent limit, the written notice must be provided to DWQ "before the technology based nutrient effluent limit is adopted into a permit issued by the division;" but if the challenge is not related to a technology based nutrient effluent limit, the written challenge requesting an independent peer review must be submitted to DWQ "before the proposal has been adopted by the division or the [water quality] board". *Id.* § 19-5-105.3(2)(b) and (c). An independent peer review is to be completed within one year of the creation of the peer review panel, at the cost of the challenging party. Specific details

concerning the composition of the panel, the timing and procedure to challenge a proposal, and other details may be found in new Utah Code Ann. § 19-5-105.3.

S.B. 251, Water Infrastructure Funding Amendments by Sen. J. Stuart Adams, UASD Position – Support:

This is a companion Bill to S.B. 80, Infrastructure Funding Amendments, by Senator Adams. It allows money to be taken from the Water Infrastructure Restricted Account to study the rules, criteria, targets, processes and plans for the development of water projects on the Colorado River and the Bear River and establishes new procedures for funding state projects on those rivers. The Division of Water Resources and Board of Water Resources will work with the State Water Development Commission to review a number of items including the collection of accurate water data, creating new conservation targets, and reviewing proposed constructions plans and loan repayment models for the proposed water projects. They are required to report to the Natural Resources, Agriculture, and Environment Interim Committee and the Legislative Management Committee no later than October 30, 2016, and to continue to provide regular updates to the Legislative Management Committee.

WILDLAND FIRES:

H.B. 464, Public Lands Wildfire Study by Rep. Ken Ivory, UASD Position – Support:

H.B. 464 appropriates $200,000 in fiscal year 2016 from the General Fund to the Department of Agriculture and Food to enable the Conservation Commission within the Department of Agriculture and Food to work with Utah State University and conservation districts to conduct a study and analysis of the environmental and economic impact of potential catastrophic wildfires on public lands within Utah and changing rangeland and forest management practices to reduce the probability and severity of wildfires. The study is to, among other things, identify the most cost-effective wildfire preparedness actions and develop a statistical model to enable public land managers to more efficiently allocate funds between wildfire expenditures and other expenditures. The final study report, including proposed legislation and recommendations is to be submitted to the Legislature's Commission for the Stewardship of Public Lands before December 31, 2016.

S.B. 122, Wildland Fire Policy Updates by Sen. Evan Vickers, UASD Position – Support:

S.B. 122 provides a statutory mechanism whereby wildland fire suppression costs that currently are a local responsibility will be assumed by the state through the Division of Forestry, Fire, and State Lands (the "Division") provided that the Division and the local governmental authority have entered into a formal agreement to that effect. The Fiscal Note prepared by the Office of Legislative Research and General Counsel projects that the Bill could cost the Division $4,800,000 per year from the Wildland Fire Suppression Fund, starting in fiscal year 2017, based on expected wildland fire suppression costs and one half of the salary of a fire warden in Salt Lake County. The Bill is also estimated to reduce revenue to the Wildland Fire Suppression

Fund by approximately $1,100,000 per year, for a net estimated impact on the state of $5,900,000 per year.

At the local government level, it is estimated that the Bill will reduce the amount spent by local governments on wildland fire suppression by $2,900,000 per year. Each participating county will no longer be required to pay an average premium of $44,000 per year into the Wildland Fire Suppression Fund, which accounts for the $1,100,000 per year lost revenue to the Fund, and will no longer spend, on average, an additional $62,000 per year for wildland fire suppression ($1,800,000 total). Salt Lake County may be required to pay $40,000 per year to fund one-half of the salary of a fire warden.

The original version of S.B. 122 defined an "eligible entity" that could recover its wildland fire suppression costs from the state and initiate a civil action to recover its costs incurred fighting a fire on privately owned land as "a county, a municipality, or a special service district with: (a) wildland fire suppression responsibility; and (b) taxing authority for a specific geographic jurisdiction." State-wide, a number of counties and municipalities do not have their own fire departments, relying instead upon "fire districts." While many of those fire districts are special service districts, particularly in rural areas, a great number of them are local districts, and they were being overlooked. UASD requested and obtained an amendment to the Bill to add "local district" to the definition of "eligible entity" in Utah Code Ann. § 65A-8-203(1). This is only one of dozens of Bill amendments sought and obtained by the UASD for the benefit of its members. The "eligible entity" definition now also includes "a service area", an apparent recognition that many fire districts have been organized under the Service Area Act. Since all service areas are local districts, that addition does not appear to be necessary, but it does no harm.

Other accomplishments of S.B. 122 include the introduction of the concept "wildland urban interface" and the addition of responsibilities for the Division, counties, and municipalities (most of the statutorily mandated responsibilities of municipalities are new). Any county or municipality that does not enter into an eligible contract with the Division "shall be responsible for wildland fire costs within the county or municipality's jurisdiction". *Id*. § 65A-8-203(3)(c). That is a powerful incentive for counties and municipalities to contract with the Division and, possibly, to also contract with the local fire district for the pass-through of state funds to the appropriate "eligible entity". Further motivation is supplied by new Utah Code Ann. § 65A-8-203.2, pursuant to which the Division will bill any county or municipality that is not covered by a cooperative agreement with the Division for the cost of wildfire suppression accrued by the state within the jurisdiction of that county or municipality.

Included among the increased responsibilities the Division are: "(e) restoring and maintaining landscapes ensuring landscapes across the state are resilient to wildfire-related disturbances, in accordance with fire management objectives; (f) creating fire-adapted communities, ensuring that human populations and infrastructure can withstand a wildfire without loss of life or property; (g) improving wildfire response, ensuring that all political subdivisions can participate in making and implementing, safe, effective, and efficient risk-based wildfire management decisions; [and] (h) reducing risks to wildlife such as the greater sage grouse". *Id*. § 65A-8-103(1). Increased responsibilities of counties and municipalities include: "(a) reduce the risk of

wildfire to unincorporated ["incorporated" in a municipality], privately owned or county [or municipality] owned forest, range, watershed, and wildland urban interface land within the county's [or municipality's] boundaries, with private landowner permission, through appropriate wildfire prevention, preparedness, and mitigation actions; and (b) ensure effective wildfire initial attack on unincorporated [or incorporated,] privately owned or county [or municipality] owned forest, range, watershed, and wildland urban interface land within the county's [the municipality's] boundaries." *Id*. §§ 65A-8-202(3) and -202.5(3). However, a county or municipality may assign those responsibilities "to a fire service provider or an eligible entity … through contract, delegation, interlocal agreement, or another method." *Id.* §§ 65A-8-202(4) and -202.5(4). It may be appropriate for fire districts, regardless of the specific district type, to (l) coordinate with local counties and municipalities to implement requirements of this new law and (2) enter into a cooperative agreement with the Division "to receive financial and wildfire management cooperation and assistance". *Id.* § 65A-8-203(2).

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