UTAH ASSOCIATION OF SPECIAL DISTRICTS

2021 BILL REVIEW

By

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By the end of the 2021 session of the Utah State Legislature, the Association was following and addressing 201 Bills. During the session, many additional Bills were reviewed and investigated to make sure they had no impact on local districts or special service districts that, 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," 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 anchor location, the Central Utah Water Conservancy District, at which all interested local district and special service district representatives were welcome to join online via Zoom or in-person at the anchor location. 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 51 Bills, 42 (90%) of which passed. The Association opposed a number of Bills, many which were eventually amended or substituted, resulting in the Association changing its position on those Bills to Support or Track. Of the remaining 15 Bills that the Association opposed, 14 failed to pass.

This Review does not include every passed Bill that may impact your district, but does include a few notable Bills that failed to pass, and no one 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 local and special service 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 LeGrand Bitter, Heather Anderson, Mark Anderson, or Rachel Anderson with further questions.

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COVID-19

H.B. 308 – COVID-19 Vaccine Amendments
Sponsor: Representative Robert Spendlove
UASD Position: Track

With very limited exceptions, H.B. 308 prohibits a governmental entity from requiring, "directly or indirectly, that an individual receive an emergency COVID-19 vaccine." Utah Code Ann. § 26-68-102(2) and (3).

H.J.R. 4 – Joint Resolution Approving Acceptance of Federal Funds
Sponsor: Representative Jefferson Moss
UASD Position: Support

On December 27, 2020, following Congressional approval, the President signed into law Public Law 116-260, Consolidated Appropriations Act, 2021. This joint resolution of the state legislature approves the State of Utah's acceptance of federal funds in excess of $10,000,000 to be utilized for Covid-19 related emergency response and relief.

ELECTIONS

H.B. 70 – Ballot Tracking Amendments
Sponsor: Representative Dan Johnson
UASD Position: Track

H.B. 70 requires the Lieutenant Governor's Office to create a system to track ballots that are deposited in a drop box or mailed and maintain a website that allows a voter to confirm the status of their tracked ballot. This program will be implemented on May 1, 2022.

H.B. 312 – State Residency Amendments
Sponsor: Representative Jordan Teuscher
UASD Position: Track

H.B. 312 makes clear that if an individual who files a declaration of candidacy has been absent from the state for a period of more than 180 consecutive days (6 months) during the applicable residency period, the individual must submit evidence to the filing officer to show that the individual intended to return to the state during the time of the individual's absence from the state. There is a rebuttable presumption that the individual intended to return to the state if the individual submits evidence of the individual's intent to the filing officer at the time that the individual files a declaration of candidacy, or the individual was absent from the state because the individual was employed in the service of the United States or Utah, was a student at an institution of learning, or engaged solely in religious, missionary, philanthropic or humanitarian activities. An individual may challenge a declared candidate's residency status through a valid written objection. The written rebuttal must have clear and convincing evidence in order to be considered. The time to rebut a candidate's filing with either the county clerk or Lieutenant Governor's Office has been increased from 5 days to 10 days after the candidate files the declaration of candidacy.

GOVERNMENTAL IMMUNITY

S.B. 151 – Governmental Immunity Act Notice of Claim Amendments
Sponsor: Senator Todd Weiler
UASD Position: Track

S.B. 151 requires governmental entities, including local and special service districts, to file with the Division of Corporations and Commercial Code (the "Division") a statement that includes both the physical address to which notices of claim may be delivered by hand or transmitted by mail and "the e-mail address to which a notice of claim is to be sent, for a notice of claim that a claimant chooses to send by e-mail, and the e-mail address of the … attorney… who represents the governmental entity." Henceforth, a notice of claim is required to be delivered by hand or transmitted by mail to the physical address provided to the Division or be sent by electronic mail to the e-mail address provided by the governmental entity, provided that a claimant who uses electronic mail to deliver a notice of claim "shall contemporaneously send a copy of the notice of claim by electronic mail to the … attorney … who represents the governmental entity." Utah Code Ann. § 63G-7-401(3)(c) and (d) and (5)(a)(iii).

LAND USE AND INFRASTRUCTURE

H.B. 82 – Single Family Housing Modifications
Sponsor: Representative Raymond Ward
UASD Position: Track

H.B. 82 went through a number of drafts prior to being signed into law. UASD worked extensively with the sponsor and other municipal stakeholders, including the Greater Salt Lake Municipal Services District (the "MSD"), to get much needed amendments for local districts, special service districts, municipalities, and other service providers. With some exceptions, the Bill requires land use authorities to allow accessory dwelling units ("ADUs") in most areas that are zoned for residential use. An ADU must be created within the existing footprint of the home. This requirement was amended into the Bill at the request of UASD and the MSD to provide protections for culinary and wastewater sewer providers. To qualify for an ADU, the home may not be a mobile home and must be the primary residence of the property owner; be rented for a minimum of 30 days (no short-term rentals are allowed); and be constructed/created in adherence to all current building, fire, and health codes. A municipality or county may prohibit the creation of an ADU if the lot is 6,000 square feet or less; require the homeowner to obtain a permit or license before renting an ADU; prohibit the installation of a separate utility meter for an ADU; require that an ADU be designed in a manner that does not change the appearance of the structure as a single-family home; require an additional on-site parking space for an ADU regardless of whether the primary home is new construction or an existing house; and require the replacement of any parking spaces that were utilized if the ADU is created within a garage or a carport. Utah Code Ann. § 10-9a-530.

H.B. 98/H.B. 1003 – Local Government Building Regulation Amendments
Sponsor: Representative Paul Ray
UASD Position: Track/Amended

H.B. 98 was a developer driven Bill designed to allow a building permit applicant to engage an independent third-party building inspector to conduct an inspection and to opt out of a governmental plan review process and engage a licensed building inspector to review and approve the building plans and issue a certificate of occupancy if the county or municipality fails to meet statutory deadlines. It would also exempt a construction project involving repairs to residential structures damaged by a natural disaster from specified state construction code and building permit requirements, eliminating any governmental inspection until after repair work has been completed. The Bill would allow a builder/ developer to hire a third-party building inspector for any single- or two-family home or townhouse if the structure is not inspected by the land use authority's building inspector within three business days after receiving the request for an inspection. The deadline, but not the penalty, is a current statutory requirement. Under H.B. 98, a third-party building inspector hired and paid for by the builder could also issue a certificate of occupancy. The Bill would prevent a municipality or a county (for unincorporated areas) from requiring the resubmittal of plans with errors or deficiencies, with the exception of geotechnical or geological deficiencies, and a municipality or county would only be allowed to require one resubmittal of plans to address deficiencies found in a geotechnical or geological report. The Bill would have taken away virtually all of a land use authority's ability to require that houses that sustain damage due to a natural disaster be repaired to meet current fire and building code requirements.

H.B. 98 was vetoed by Governor Cox due to concerns over Utah communities losing flood insurance coverage provided through FEMA's National Flood Insurance Program. In response to the Governor's veto, H.B. 1003 was passed by the Legislature during a Special Session on May 19, 2021. H.B. 1003 is more limited than H.B. 98, and avoids the FEMA issues. The primary thrust of H.B. 1003 is to limit, and in many cases eliminate, the ability of a municipality or a county (if the area is unincorporated) to dictate "building design elements" for one- and two-family dwellings, including such things as exterior color, interior layout and number or type of rooms, rear yard landscaping (but rear yard water efficient landscaping may be required), etc. Recognized exceptions include historic districts and requirements imposed by negotiated development agreements. Municipalities and counties are prohibited from putting a limit on building permit applications that may be submitted and from refusing to accept a building permit fee that is tendered with a building permit application. Hopefully, this will not result in residential construction in areas where essential services, such as water or sanitary sewer, are not adequate to meet demand. The Bill defines what constitutes a "complete building permit application," which may benefit builders by providing a check list of what must be submitted and benefit municipalities and counties by clearly spelling out what the builder must submit. The Bill severely limits the ability of a county or municipality to send residential plans back to the applicant for resubmittal to addresses Code compliance issues. Under the Bill, deficiencies are intended to be addressed during construction rather than prior to construction. Hopefully, this will not result in more expense and delays in the field. H.B. 1003 does not include language that would enable a builder to hire an independent contractor to conduct inspections and issue certificates of occupancy and does not cover natural disasters, which may be the subjects of future legislation.

H.B. 107 – Subdivision Plat Amendments
Sponsor: Representative Joel Ferry
UASD Position: Support

H.B. 107 requires that a property owner seeking a county's or municipality's approval to record a subdivision plat must describe any water conveyance facilities located, entirely or partially, within the plat. The county or municipality must notify, through written mail, the owners of the water conveyance facilities regarding the proposed subdivision within 20 days after the day on which the property owner submits a completed subdivision plat land use application. Any affected water use facility may submit to the county or municipality comments regarding access to the water conveyance facility, maintenance of the water conveyance facility, protection of the water conveyance facility, safety of the water conveyance facility or any other issue related to water conveyance facility operations. A water facility owner's failure to provide comments to a municipality does not affect or impair the municipality's authority to approve the subdivision plat.

H.B. 151 – State Infrastructure Bank Amendments
Sponsor: Representative Brady Brammer
UASD Position: Support

The State Infrastructure Bank Funds have historically been allowed to be used to build parking structures so long as they were close to intermodal stations. The intermodal language was inadvertently dropped in legislation that passed during the 2020 Legislative Session. The Bill fixes that inadvertent error. H.B. 151 adds the term "publicly owned infrastructure project" defined as a project to improve sewer or water infrastructure that is owned by a public entity. With the passage of H.B. 151, State Infrastructure Bank Funds may be used to finance transportation projects and publicly owned infrastructure projects.

H.B. 256 – County Land Use and Development Amendments
Sponsor: Representative Jordan Teuscher
UASD Position: Track

H.B. 256 may be a reaction to the Olympia Hills development in unincorporated Salt Lake County. In its final form, the Bill declares that a provision in a county development agreement entered into on or after May 5, 2021 "is unenforceable if the provision requires an individual or an entity, as a condition for issuing building permits or otherwise regulating development activities within an unincorporated area of the county, to initiate a process for a municipality to annex the unincorporated area," but that restriction "does not affect or impair the enforceability of any other provision in the development agreement." Utah Code Ann. § 17-27a-102(4).

H.B. 409 – Municipal and County Land Use and Development Revisions
Sponsor: Representative Steve Waldrip
UASD Position: Support

H.B. 409 is the annual Land Use Development and Management Act ("LUDMA") Bill. Any municipality that is a city of the first, second, third, or fourth class, a city of the fifth class with a population of 5,000 or more, if the city is located within a county of the first, second, or third class, and a metro township with a population of 5,000 or more must ensure that each member of the municipality's planning commission completes four hours of annual land use training as follows: one hour of annual training on general powers and duties under Title 10, Chapter 9a, Municipal Land Use, Development, and Management Act and three hours of annual training on land use. This three-hour training may include appeals and variances, conditional use permits, exactions, impact fees, vested rights, subdivision regulations and improvement guarantees, land use referenda, property rights, real estate procedures and financing, zoning--including use-based and form-based, and drafting ordinances and code that complies with statute. A newly appointed planning commission member **may not** participate in a public meeting as an appointed member until the member completes the training. A planning commission member may qualify for one completed hour of required training if the member attends, as an appointed member, 12 public meetings of the planning commission within a calendar year. A municipality must monitor compliance with the training requirements and maintain a record of training completion at the end of each calendar year for each planning commission member. A municipality must provide this training through municipal staff, the Utah League of Cities and Towns or a list of training courses selected by the Utah League of Cities and Towns and/or the Division of Real Estate.

With few exceptions, for a period of 10 years after the day on which a subdivision plat is recorded, a municipality may not impose on a building permit applicant for a single-family dwelling located within the subdivision for any land use regulation that is enacted within 10 years after the day on which the subdivision plat is recorded. This does not apply to any changes in the requirements of the applicable building code, health code, fire code or other similar regulations.

To make a parcel boundary adjustment, a property owner must execute a boundary adjustment through a quitclaim deed or a boundary line agreement. Utah Code Ann. § 10-9a-524. The quitclaim deed or boundary line agreement must be recorded in the office of the county recorder of the county in which each property is located. To make a lot line adjustment, a property owner must obtain approval of the boundary adjustment, execute a boundary adjustment through a quitclaim deed or a boundary line agreement and record the quitclaim deed or boundary line agreement in the office of the county recorder of the county in which each property is located. A parcel boundary adjustment is not subject to review of land use authority unless the parcel includes a dwelling and the land use authority's approval is required. Utah Code Ann. § 10-9a-524(5). The recording of a boundary line agreement or other document used to adjust a mutual boundary line that is not subject to review of a land use authority does not constitute a land use approval and does not affect the validity of the boundary line agreement or other document used to adjust a mutual boundary line.

A municipality or county may withhold approval of a land use application for property that is subject to a recorded boundary line agreement or other document used to adjust a mutual boundary line if the municipality determines that the lots or parcels, as adjusted by the boundary line agreement or other document used to adjust the mutual boundary line, are not in compliance with the municipality's or county's land use regulations in effect on the day on which the boundary line agreement or other document used to adjust the mutual boundary line is recorded. If properly executed and acknowledged as required by law, an agreement between owners of adjoining property that designates the boundary line between the adjoining properties acts, upon recording in the office of the recorder of the county in which each property is located, as a quitclaim deed to convey all of each party's right, title, interest, and estate in property outside the agreed boundary line that had been the subject of the boundary line agreement or dispute that led to the boundary line agreement. Adjoining property owners executing a boundary line agreement must ensure that the agreement includes a legal description of the agreed upon boundary line and of each parcel or lot after the boundary line is changed. The name and signature of each grantor that is party to the agreement, a sufficient acknowledgment for each grantor's signature, the address of each grantee for assessment purposes, a legal description of the parcel or lot each grantor owns before the boundary line is changed and the date of the agreement if the date is not included in the acknowledgment in a form substantially similar to a quitclaim deed is required. If any of the property subject to the boundary line agreement is a lot, an amended plat must be prepared before executing the boundary line agreement. If none of the property subject to the boundary line agreement is a lot, the boundary line agreement must include a statement citing the file number of a record of a survey map, unless the statement is exempted by the municipality or county. A boundary line agreement that complies with this process presumptively has no detrimental effect on any easement on the property that is recorded before the day on which the agreement is executed, unless the owner of the property benefitting from the easement specifically modifies the easement within the boundary line agreement or a separate recorded easement modification or relinquishment document and relocates the parties' common boundary line for an exchange of consideration.

With limited exceptions, irrespective of a municipality's or county's ordinances or policies, a boundary line agreement that only affects parcels is not subject to any public notice, public hearing or preliminary platting requirement, the review of a land use authority or an engineering review or approval of the municipality. If a parcel that is the subject of a boundary line agreement contains a dwelling unit, the municipality may require a review of the boundary line agreement if the municipality adopts an ordinance that requires review and approval for a boundary line agreement containing a dwelling unit and includes specific criteria for approval. The review must be completed within 14 days after the day on which the property owner submits the boundary line agreement for review. If a municipality or county, upon a review determines that the boundary line agreement is deficient or if the municipality or county requires additional information to approve the boundary line agreement, the municipality or county must send, within 14 days, written notice to the property owner that describes the specific deficiency or additional information that the municipality or county requires to approve the boundary line agreement and states that the municipality or county must approve the boundary line agreement upon the property owner's correction of the deficiency or submission of the additional information. If a municipality or county, upon a review, approves the boundary line agreement, the municipality or county must send written notice of the boundary line agreement's approval to the property owner within 14 days. If a municipality or county fails to send a written notice within 14 days, the property owner may record the boundary line agreement as if no review was required. A municipality or county may enter into a development agreement containing any term that the municipality or county considers necessary or appropriate to accomplish the purposes of Chapters 10 or 17 of the Utah Code.

A development agreement may not limit a municipality's or a county's authority in the future to enact a land use regulation or take any action allowed under the Code, require a municipality or county to change the zoning designation of an area of land within the municipality or county in the future, or contain a term that conflicts with, or is different from, a standard set forth in an existing land use regulation that governs the area subject to the development agreement, unless the legislative body approves the development agreement in accordance with the same procedures for enacting a land use regulation. This includes a review and recommendation from the planning commission and a public hearing. A development agreement that requires the implementation of an existing land use regulation as an administrative act does not require a legislative body's approval. A municipality or county may not require a development agreement as the only option for developing land within the municipality or county. To the extent that a development agreement does not specifically address a matter or concern related to land use or development, the matter or concern is governed by this chapter and any applicable land use regulations. With few exceptions, a municipality may not, as part of an infrastructure improvement, require the installation of pavement on a residential street at a width in excess of 32 feet if the municipality requires low impact development for the area in which the residential street is located. This does not apply if a municipality or county requires the installation of pavement in a vehicle turnaround area or to address specific traffic flow constraints at an intersection or other area.

A municipality or county must, by ordinance, establish any standards that the municipality or county requires, as part of an infrastructure improvement, for fire department vehicle access and turnaround on roadways. The municipality must ensure that the standards established are consistent with the State Fire Code. A "residential street" is defined as a public or private roadway that currently serves, or is projected to serve, an area designated primarily for single-family residential use. It requires at least two off-site parking spaces for each single-family residential property abutting the roadway and has, or is projected to have, on average traffic of no more than 1,000 trips per day.

The joining of a lot, or lots, to a parcel does not constitute a subdivision as to the parcel or subject the parcel to the municipality's or the county's subdivision ordinance. A land use authority may not approve a petition for a subdivision amendment under this section unless the amendment identifies and preserves any easements owned by a culinary water authority and sanitary sewer authority for existing facilities located within the subdivision.

In lieu of vacating some or all of a public street through a plat or amended plat, a legislative body may approve a petition to vacate a public street. Utah Code Ann. § 10-9a-608. Proof of written notice to operators of utilities and culinary water or sanitary sewer facilities located within the bounds of the public street or municipal utility easement sought to be vacated must be given in writing Utah Code Ann. § 10-9a-609.5. The action of the legislative body vacating some or all of a public street or municipal utility easement that has been dedicated to public use operates to the extent to which it is vacated, upon the effective date of the recorded plat or ordinance, as a revocation of the acceptance of and the relinquishment of the municipality's or county's fee in the vacated public street or municipal or county utility easement and may not be construed to impair any right-of-way or easement of any parcel or lot owner, the rights of any public utility or the rights of a culinary water authority or sanitary sewer authority. A legislative body may not approve a petition to vacate a public street unless the vacation identifies and preserves any easements owned by a culinary water authority and sanitary sewer authority for existing facilities located within the public street. Utah Code Ann. § 17-27a-523. The boundary line agreement must clearly state every detailed step and necessary recording in the office of the recorder of the municipality or county in which each property is located.

H.B. 433 – Amendments Related to Infrastructure Funding
Sponsor: Representative Mike Schultz
UASD Position: Support

H.B. 433 authorizes the issuance of $264,000,000 in bonds for specified transportation and transit projects. The Bill provides for uses of the bond proceeds, limits the issuance of bonds, enacts other provisions relating to the issuance of the bonds, provides for certain sales tax revenue to be deposited into a specified transportation investment fund and allocates and appropriates money for infrastructure projects. The Bill also allows for funds to be used to invest in parks and trails for recreational use. A one-time appropriation of $733,000,000 was issued from the Transportation Investment Fund ("TIF") of 2005 and a one-time appropriation $101,600,000 was appropriated from the General Fund to the Transit Transportation Investment Fund. This state funding can be utilized by transit districts when applying for matching federal funding. The Unified Transit Authority ("UTA") has a strategic plan to utilize the transit transportation funds. This transportation funding is designed to be utilized to create greater connectivity, with improved/increased housing opportunities that should create enhanced economic development.

S.B. 33 – Uniform Building Code Commission Amendments
Sponsor: Senator Curtis Bramble

UASD Position: Support

S.B. 33 adopts the 2020 edition of the National Electrical Code, Appendix C of the International Building Code and amends statewide amendments to the International Building Code and the International Residential Code to reference the 2020 edition of the National Electrical Code. The Bill amends the composition of the Uniform Building Code Commission to include a licensed architect who specializes in residential architecture or a residential home designer, a member of an association of building owners, one additional contractor which must specialize in residential construction and a heating, ventilation, and air conditioning ("HVAC") contractor licensed by the state. For the purposes of adequate fire protection, an individual structure built in accordance with the International Residential Code must have a fire flow rate that is greater than 2000 gallons per minute or have a fire sprinkler system for one- or two-family dwelling units or a town home. The Bill also postpones the adoption of national and international building codes by one year.

S.B. 37 – Public Infrastructure District Revisions
Sponsor: Senator Dan McCay
UASD Position: Support

S.B. 37 moves public infrastructure districts (PIDs) to a part of the Utah Code that doesn't directly impact local districts and special service districts. With the passage of this Bill, PIDs are now governed by Title 17D, Chapter 4, Public Infrastructure District Act of the Utah Code.

S.B. 217 – Housing and Transit Reinvestment Zone Act
Sponsor: Senator Wayne Harper
UASD Position: Support

S.B. 217 creates Utah Code Ann. §§ 63N-3-601 known as the "Housing and Transit Reinvestment Zone Act." With the current housing shortage, housing, and transit reinvestment zones ("zone") allows high-density mixed-use development within a 1/3 mile of a public transit station. This type of development is meant to higher the utilization of public transit, increase the availability of housing--including affordable housing, conserve water resources through efficient land use, improve air quality by reducing fuel consumption and motor vehicle trips, encourage transformative mixed-use development and investment in transportation and public transit infrastructure in strategic areas and promote strategic land use and municipal planning in major transit investment corridors.

The Bill clearly states what must be included in a municipality's or public transit county's proposal for a housing and transit reinvestment zone includes. The municipality or public transit county must submit an analysis of the feasibility, efficiency and other aspects of the proposed housing and transit reinvestment zone. The Bill creates and defines membership of the Housing and Transit Reinvestment Zone Committee ("committee"). The committee is required to evaluate a proposed housing and transit reinvestment zone. If certain criteria are met, the committee has the authority to approve the zone. The Bill defines the administration of tax increment revenue generated pursuant to the housing and transit reinvestment zone and provides procedures for a housing and transit reinvestment zone that overlaps with a community reinvestment project. If the community reinvestment project area plan captures less than 80% of the tax increment from a taxing entity, or if a taxing entity is not participating in the community reinvestment project area plan, the housing and transit reinvestment zone may capture the difference between 80% and the percentage of tax increment captured pursuant to the community reinvestment project area plan. If a community reinvestment project area plan expires before the housing and transit reinvestment zone, the housing and transit reinvestment zone may capture the tax increment allocated to the community reinvestment project area plan for any remaining portion of the term of the housing and transit reinvestment zone.

There are certain protections of tax increment revenues for any participating taxing entity. Utah Code Ann. §§ 63N-3-609. The notice of commencement of collection of tax increment must be sent by mail or electronically to the tax commission, the State Board of Education, the state auditor, the auditor of the county in which the housing and transit reinvestment zone is located, each taxing entity affected by the collection of tax increment from the housing and transit reinvestment zone and the Governor's Office of Economic Development.

A housing and transit reinvestment proposal shall, in consultation with the tax commission create a sales and use tax boundary. A certain portion of sales and use tax increment generated within a sales and use tax boundary that corresponds to the housing and transit reinvestment zone boundary is required to be deposited into the Transit Transportation Investment Fund. Prioritization provisions of funds will be given to a project that is part of an housing and transit reinvestment zone.

MEETING AND RECORDS TRANSPARENCY

H.B. 27 – Public Information Website Modifications
Sponsor: Representative Candice Pierucci
UASD Position: Track

During the 2019 Utah Legislative Session, the legislature passed a Bill moving the responsibility of the Utah Public Finance Website from the Division of Finance to the State Auditor's Office. The language regarding the managing of the various state public information websites, as well as the transparency board, was left in the Division of Finance's section of the State Code while the responsibilities for those websites rested with other state agencies. H.B. 27 clarifies which state agencies maintain each of the transparency websites. The Bill also clarifies the responsibilities of the Utah Transparency Advisory Board. The Board has one individual representing special districts.

H.B. 243 – Privacy Protection Amendments

Sponsor: Representative Francis Gibson
UASD Position: Support

H.B. 243 is designed to protect personal information that is gathered and retained by governmental entities. The Bill creates two government operations privacy officers, one appointed by the Governor and on appointed by the State Auditor. The privacy officer appointed by the State Auditor will oversee local government entities. A Personal Privacy Oversight Commission, made up of 12 appointed individuals, is also created in H.B. 243. The state privacy officer is authorized to review the data practices of state and local governmental entities.

H.B. 293 – Open Meeting Minutes Amendments
Sponsor: Representative Mike Petersen
UASD Position: Track/Amended

H.B. 293 requires a local district or a special service district to post to the Utah Public Notice Website a copy of the approved minutes and any public materials that were distributed at the meeting. That requirement may be satisfied by posting "to the state website a link to a website on which the approved minutes and any public materials distributed at the meeting are posted." Utah Code Ann. § 52-4-203(4)(g)(ii). The quoted language was added to the Bill at UASD's request.

S.B. 72 – Open and Public Meetings Amendments
Sponsor: Senator Lincoln Fillmore
UASD Position: Support

S.B. 72 adds a provision to the Open and Public Meetings Act that prohibits a public body from taking a vote in a closed meeting "except for a vote on a motion to end the closed portion of the meeting and return to an open meeting." Utah Code Ann. § 52-4-204(3)(b).

S.B. 125 – Open and Public Meetings Act Amendments
Sponsor: Senator David Buxton
UASD Position: Support

With limited exceptions, S.B. 125requires a public body that convenes and conducts an electronic meeting to provide space and facilities at an anchor location for members of the public to attend open portions of the meeting; and authorizes the public body to provide electronic means for members of the public who are not physically present at the anchor location to attend the meeting remotely. However, the requirement to provide an opportunity for members of the public to physically be present at the anchor location does not apply to an electronic meeting if the chair determines that conducting the meeting with members of the public physically present "presents a substantial risk to the health and safety of those present or who would otherwise be present at the anchor location; or … the location where the public body would normally meet has been ordered closed to the public for health or safety reasons;

and (ii) the public notice for the meeting includes: (A) a statement describing the chair's determination…: (B) a summary of the facts upon which the chair's determination is based; and (C) information on how a member of the public may attend the meeting remotely by electronic means." The Bill also authorizes the individual chairing an electronic meeting to determine that continuing the meeting with members of the public physically present "presents a substantial risk to the health or safety of those present at the anchor location; and … announces during the electronic meeting the chair's determination," including a summary of the facts upon which the determination is based; provided that "in convening the electronic meeting the public body has provided means by which members of the public who are not physically present at the anchor location may attend the electronic meeting remotely by electronic means." Utah Code Ann. § 52-4-207(4) and (5). Effective May 5, provisions in S.B.125 replaced the law under which electronic meetings have been conducted during the COVID-19 pandemic.

S.B. 201/S.B. 1007 – Public Notice Amendments
Sponsor: Senator Karen Mayne
UASD Position: Support

In this 227-page Bill, Senator Karen Mayne universally eliminated statutory requirements that public notices be published in a newspaper, while leaving all other statutory notice requirements intact. The Utah League of Cities and Towns pointed out that a number of provisions in the Utah Code allowed, rather than mandated, a newspaper notice or advertisement as an optional means of providing public notice and that, in some circumstances, a newspaper notice may be easier and less expensive than the alternative. In response, Senator Mayne sponsored S.B. 1007, which was passed by the Legislature during a Special Session on May 19, 2021. S.B. 1007 restores a number of the alternative newspaper notice options. In addition, notice requirements that include a population qualifier (such as posting at least one notice for each 2,000 residents) are now subject to a cap of not more than ten individual postings. The combined effect of these Bills will save local and special service districts, along with other units of local government, tens of thousands of dollars each year.

PERSONNEL AND BOARD MEMBERS

H.B. 121 – Local District Amendments
Sponsor: Representative Stephen Handy
UASD Position: Support

H.B. 121 is a very narrowly tailored UASD Bill. The Bill allows a local district that has fewer than 3,000 people living in-state within 40 miles of the district's boundaries to employ a Trustee as an employee or under contract.

S.B. 16 – Utah Retirement Systems Amendments
Sponsor: Senator Wayne Harper
UASD Position: Track

S.B. 16 is the annual clean-up Bill for the Utah Retirement System ("URS"). This Bill clarifies service credits and contributions. A person may not receive service credit for a term of employment until all required contributions related to that service credit have been paid to the Utah State Retirement Office ("office"). The language in the Bill clarifies that fraud and criminal violations for unlawfully obtaining or appropriating benefit payments to now include obtaining a direct deposit or electronic benefit payment that the individual is not entitled to without taking appropriate measures to return the retirement benefits to the office. The Bill updates the appeals procedures. The rules implemented in this section of Code establish procedures and requirements for adjudicative proceedings that must be substantially similar to, or incorporate provisions of, the Utah Rules of Civil Procedure, the Utah Rules of Evidence, and Title 63G, Chapter 4, Administrative Procedures Act. The Bill clarifies that the office may not cancel the retirement allowance of a retiree who is reemployed with a participating employer within one year of the retiree's retirement date if the retiree is at least 50 years old and is retiring from a public safety system or a firefighter system, or is at least 55 years old for all other occupations within the URS. Utah Code Ann. § 49-11-625 lays out the process required for withdrawing an independent entity from the URS. Employees are not eligible for service credit in the URS if an employee is employed with a withdrawing entity that has elected under Section 49-11-625, before July 1, 2022, to exclude all employees from participation in this system. The Bill clarifies the forfeiture of retirement benefits for certain job-related felony convictions. The Bill also clearly states the process for purchasing additional service credits.

S.B. 113 – Transportation Amendments
Sponsor: Senator Wayne Harper
UASD Position: Support

S.B. 113 is the annual clean-up Bill from the Transportation Interim Committee. Among numerous other things, the Bill helps to prevent gaps in trustee service by clarifying that a trustee of a large transit district (UTA) continues to serve until a successor is duly nominated, appointed, and qualified.

S.B. 115 – Retirement System Transparency Requirements
Sponsor: Senator Lincoln Fillmore
UASD Position: Track

S.B. 115 requires any Utah Retirement System ("URS") participating employer to provide employee compensation information for each fiscal year ending on or after June 30, 2022 to the State Auditor's Office to be posted on the Utah Public Finance Website or through the URS participating employer's own website with a link to the Utah Public Finance Website.

PROCUREMENT

S.B. 188 – Procurement Code Revisions
Sponsor: Senator Derrin Owens
UASD Position: Track

This year's legislative contribution to the Utah Procurement Code is very modest. It provides that, in evaluating bids, a procurement unit is to seek "to achieve the greatest long-term value to the state and the procurement unit." The Bill also provides that "[a] contractor under a multiple award contract resulting from a bidding process may not lower the contract price unless the contractor's solicitation response that led to the contract award was the lowest price solicitation response." Utah Code Ann. §§ 63G-6a-606(1)(b) and 63G-6a-1206.5(3).

PUBLIC SAFETY

H.B. 25 – Mental Health Protections for First Responders
Sponsor: Representative Karen Kwan
UASD Position: Support

H.B. 25 extends the Mental Health for First Responders Workgroup until September 30, 2025. At which time, the workgroup must present a final report, including legislative recommendations, to the Business and Labor Interim Committee. One representative on the workgroup is a representative from the Utah Association of Special Districts. The workgroup will review and make recommendations on the following issues: the alleviation of barriers—including financial barriers to mental health treatment for first responders inside and outside of the workers' compensation system, statutory requirements for compensability of mental stress claims from first responders under the Workers' Compensation Act and improving a first responder's accessibility to mental health treatment.

H.B. 58 – Riot Amendments
Sponsor: Representative Ryan Wilcox
UASD Position: Track

H.B. 58 increases the charges for an individual who is arrested at a riot to a third-degree felony if the individual causes substantial or serious bodily injury, substantial property damage including arson or is in possession of a dangerous weapon. An individual who is arrested for rioting under the terms of a third-degree felony may not be released from custody until the individual appears before a magistrate or judge.

H.B. 59 – Intimate Image Distribution Prohibition Revisions
Sponsor: Representative Andrew Stoddard
UASD Position: Track

Any individual who obtains an intimate image during the course of a criminal action may not knowingly or intentionally display, duplicate, copy or share the intimate image unless it is done solely for the purpose of the adjudication, defense, prosecution or investigation of a criminal matter involving the intimate image, each individual who is the subject of the intimate image gives permission in writing allowing the image to be displayed, duplicated, copied or shared, or the intimate image was not created by or provided to the individual under circumstances in which the depicted individual has a reasonable expectation of privacy. This law came about due to the cringeworthy actions of a university police officer who worked the Lauren McCluskey stalking case. That officer was subsequently fired from the department.

H.B. 60 – Conceal Carry Firearms Amendments
Sponsor: Representative Walt Brooks
UASD Position: Track

H.B. 60 changes the conceal carry laws in Utah allowing any individual 21 or older to legally carry a concealed firearm without a conceal carry permit. The Bill also allows funds to be transferred from the Concealed Weapons Account to the Division of Substance Abuse and Mental Health to be used for suicide prevention efforts.

H.B. 65 – Wildland Fire Amendments
Sponsor: Representative Casey Snider
UASD Position: Support

H.B. 65 provides a pay increase for fire wardens allocated from the Sovereign Lands Management Account in an effort to bring these positions' pay into parity for their municipal and federal counterparts. The Bill authorizes a study to map the wildland urban interface. Fires that occur in wildland urban interface areas tend to be the costliest to fight. The wildland urban interface map should help to identify areas to focus wildfire suppression efforts.

H.B. 96 – Emergency Management Amendments
Sponsor: Representative Suzanne Harrison
UASD Position: Support

H.B. 96 requires counties and municipalities, but not local districts or special service districts, to designate an emergency manager and requires the emergency manager to create an emergency operations plan "to coordinate emergency preparedness, response, mitigation, coordination, and other recovery activities; and … coordinate with other emergency managers and officials to ensure efficient, appropriate, and coordinated emergency preparedness response, mitigation and recovery." Each impacted political subdivision is required to provide for emergency interim succession of the emergency manager as provided in the Emergency Interim Succession Act found in Title 53, Chapter 2a, Part 8 of the Utah Code. Each county is required to create and maintain an emergency operations plan but a municipality, may either create and maintain its own emergency operations plan or adopt the emergency operations plan created by the county. Utah Code Ann. §§ 53-2a-1402 and 53-2a-1403.

H.B. 162 – Peace Officer Training Amendments
Sponsor: Representative Angela Romero
UASD Position: Track

H.B. 162 requires a peace officer's annual training to include no less than 16 hours of mental health and crisis intervention responses, arrest control and de-escalation training.

H.B. 227 – Self Defense Amendments
Sponsor: Representative Karianne Lisonbee
UASD Position: Support

H.B. 227 introduces a process to allow an individual with Class A Misdemeanor or felony charges, using a justifiable use or threatened use of force defense, to request a hearing, similar to a preliminary hearing, at least 28 days prior to trial. The state must meet its burden of clear and convincing proof during the hearing in order to continue on to a trial. If a judge rules that the individual was justified in their use of force, the individual will be able to avoid the time and expense of a jury trial. At trial, a court's determination that the state met the state's burden during the pretrial justification hearing is not admissible and may not be referenced by the prosecution. The pretrial justification hearing process is not valid if the use of force was against a law enforcement officer while performing their official duties as an officer.

H.B. 237 – Lethal Force Amendments
Sponsor: Representative Jennifer Daily-Provost
UASD Position: Support

H.B. 237 was drafted in collaboration with many stakeholders, including law enforcement. The Bill makes clear that law enforcement officers will not use lethal force on an individual who is only a threat to themselves.

H.B. 248 – Mental Health Support Program for First Responders
Sponsor: Representative Karen Kwan
UASD Position: Support

H.B. 248 requires the Division of Substance Abuse and Mental Health to administer a $500,000 grant program to provide mental health resources for first responders. First responder agencies may submit a request for proposal ("RFP") to receive a grant to implement or strengthen a program to provide mental health resources.

H.B. 264 – Law Enforcement Weapons Use Amendments
Sponsor: Representative Angela Romero
UASD Position: Support

H.B. 264 requires a law enforcement officer to file a report any time the officer points a firearm or aims a conductive energy device at an individual during the performance of the officer's job duties. The report must be submitted to the officer's law enforcement agency within 48 hours after the incident for a supervisory officer to review. An officer does not need to file a report when pointing a weapon during law enforcement training exercises or during an "officer involved critical incident." An officer involved critical incident means the officer used deadly force or caused the death or serious bodily injury to another person. In such an instance, numerous other reports would be required.

H.B. 303 – Emergency Medical Services Revisions
Sponsor: Representative Dan Johnson
UASD Position: Support

H.B. 303 makes emergency medical services ("EMS") an essential service. All current contracts with EMS/ambulance providers will remain in place. This Bill allows all counties and municipalities in the state to receive EMS.

H.B. 307 – Training for Peace Officers
Sponsor: Representative Steve Christiansen
UASD Position: Support

H.B. 307 creates a $500,000 grant program for the purpose of training law enforcement officers on outward mindset and equality. "Outward mindset and equality training program" is defined as "a training program approved by the Division of Peace Officer Standards and Training ("POST") and intended and designed to train peace officers to develop an outward mindset in policing by learning methods and techniques for treating all people justly and equally." The division must review and approve a curriculum training program that meets the requirements and, under the direction of the POST Council, administer a grant program to provide a requesting agency with full or partial funding for an approved outward mindset and equality training program.

The training program must include the implementation and practice of an applied self-awareness model focusing on behavioral modification and increased self-awareness changes that influence interpersonal relationships, collaboration, and productivity. The training should enable peace officers to learn techniques to move from an inward mentality to an outward, collective benefitting mentality that supports the officer's ability to see and treat all people justly and equally, conducting self-assessments of behavior consistent with an outward, collective benefitting mentality, modules on policing in a way that is more collaborative. As well as training on planning methods to achieve individual, community, and organizational law enforcement objectives.

This grant program is funded from July 1, 2021 through June 30, 2022.

S.B. 13 – Law Enforcement Internal Investigation Requirements
Sponsor: Senator Jani Iwamoto
UASD Position: Track

S.B. 13 requires the employing agency of a law enforcement officer, whose employment was terminated with the agency during an open internal investigation regarding that officer and involving an alleged violation, to notify the Division of Peace Officer Standards and Training

("POST") within the Utah Department of Public Safety of the investigation. If an employing agency receives credible allegations and opens an internal investigation within two years after a peace officer's employment has terminated, the employing agency must notify the division within 30 days of opening the investigation and provide a reasonable estimated date of completion for the investigation. The Bill extends the number of days to notify the division of a peace officer's termination from 7 days to 30 days. The employing agency must report the allegations to the division whether or not the employing agency opens an internal investigation in accordance with Utah Code Ann. § 53-6-211. The employing law enforcement agency and/or POST are required to provide information regarding a law enforcement officer upon request from a perspective employer.

S.B. 73 – Vehicle Registration Checkoff and Fee Amendments
Sponsor: Senator Lincoln Fillmore
UASD Position: Support

S.B. 73 allows a person who applies for a motor vehicle registration or registration renewal to designate a voluntary contribution of $3 for the purpose of supporting the Emergency Medical Services Grant Program and the Search and Rescue Financial Assistance Program. The Bill also creates a credit for fees and taxes the Division of Motor Vehicles charged to a person registering a vehicle if the purchaser registered the leased vehicle as the lessee. This Bill takes effect on January 1, 2022.

S.B. 101 – Motor Vehicle Amendments
Sponsor: Senator Wayne Harper
UASD Position: Support

Current law prohibits the use of a handheld wireless communication device while operating a moving motor vehicle, with some exceptions. S.B. 101 clarifies that a "handheld wireless communication device" does not include a two-way radio device.

S.B. 109 – Emergency Services Amendments
Sponsor: Senator Wayne Harper
UASD Position: Support

S.B. 109 directs the State Emergency Medical Services Committee ("committee") to select appropriate vendors to establish certification requirements for emergency medical dispatchers. Emergency medical dispatchers have been added to the group of emergency medical personnel that fall under the purview of the committee. With this addition, part of the committee's duties is to determine a method to monitor the certification status and continuing medical education hours for emergency medical dispatchers. The Bill applies existing liability protections to emergency medical dispatchers certified by the State Emergency Medical Services Committee. S.B. 109 amends the background check requirements for individuals certified by the State Emergency Medical Services Committee to include background checks for emergency medical dispatchers seeking certification, unless the emergency medical dispatcher can demonstrate that the emergency medical dispatcher has received and currently holds an approved Department of Public Safety background clearance.

The certification and accreditation authority of the Utah Fire Prevention Board now includes establishing criteria for the certification of firefighters, pump operators, instructors, fire officers, fire investigators, and rescue personnel not certified or licensed under any other section of the Utah Code and establishing criteria for the accreditation and reaccreditation of fire service training organizations.

S.B. 155 – 988 Mental Health Crisis Assistance
Sponsor: Senator Daniel Thatcher
UASD Position: Support

S.B. 155 creates the Statewide Behavioral Health Crisis Response Account ("account") for the purpose of support, implementation of services or enhancements of those services in order to rapidly, efficiently, and effectively deliver 988 services in the state. Funds distributed from the account to county local mental health and substance abuse authorities for the provision of crisis services are not subject to the 20% county match. The funds from this newly created account will be expended to the Statewide Mental Health Crisis Line ("988"), including coordination with 911 emergency services, local substance abuse authorities and local mental health authorities. Funds from the account may be used to provide prolonged mental health services for up to 90 days after the day on which an individual experiences a mental health crisis. At the end of each fiscal year, a detailed report of the funds expended and the calls received by the 988 program will be presented to the Behavioral Health Crisis Response Commission, the Social Services Appropriations Subcommittee, and the Legislative Management Committee. This Bill created a number of new seats on the Behavioral Health Crisis Response Commission ("commission"), including one individual appointed by the chair of the commission who represents 911 call centers and public safety answering points and one individual appointed by the chair of the commission who represents emergency medical services. The commission will study and make recommendations as to how to best utilize the newly created 988 mental health crisis services.

S.B. 240 – County Recreational Area Amendments
Sponsor: Senator Curtis Bramble
UASD Position: Support

S.B. 240 enables the Town of Brighton to take over land use jurisdiction within the Town, repeals detailed requirements respecting membership on the mountainous planning district planning commission and replaces those requirements with a statement that the planning commission members will be "appointed by the county executive with the advice and consent of the county legislative body" and repeals the sunset dates for Sections and Subsections in the County Land Use, Development, and Management Act that deal with the mountainous planning district. The removal of the sunset clause in S.B. 240 allows Salt Lake County to continue funding fire and medical emergencies inside of the recreation areas in Big

Cottonwood Canyon. Unified Fire Authority operates fire stations in both Little and Big Cottonwood Canyons, providing fire and paramedic transport services to the canyon residents and all individuals who recreate in the Canyons. This fire station is critical to have an immediate emergency response in the Canyons. The passage of S.B. 240 allows the Town of Brighton to work in conjunction with Salt Lake County to continue to fund the life and property saving fire station in Big Cottonwood Canyon.

REVENUE AND TAXATION

H.B. 30 – Tax Modifications
Sponsor: Representative Stewart Barlow
UASD Position: Support

H.B. 30 clarifies the signature requirement on the form a new property owner of a residential property must use to declare that the property qualifies for the primary residence tax exemption. The Bill makes clear that the State Tax Commission has the authority to provide tax collection data to counties and municipalities, including metro townships. The Bill gives the calculations for tax credits to match the applicable income tax rate and integrates the income tax code provisions from the 2020 Third Special Session, H.B. 3003, as well as the sales tax code provisions from the 2020 Fourth Special Session, H.B. 4002, into the Utah Code.

H.B. 63 – Impact Fees Amendments
Sponsor: Representative Candice Pierucci
UASD Position: Support

H.B. 63 allows impact fees to take into account overhead expenses. “Expense for overhead” is defined as a cost that a local political subdivision or private entity incurs in connection with developing an impact fee facilities plan, developing an impact fee analysis, or imposing an impact fee, including any related overhead expenses. The calculations must be consistent with generally accepted cost accounting practices.

H.B. 244 – First Class County Highway Road Funds Amendments
Sponsor: Representative James Dunnigan
UASD Position: Track

H.B. 244 may impact road and street construction for the communities served by the Greater Salt Lake Municipal Services District (the “MSD”), including the Kearns Metro Township (“Kearns”) and the Magna Metro Township (“Magna”). The Bill includes “local option highway construction and transportation corridor preservation fee” funding for Kearns and Magna over a 15-year period. Other designated municipalities in Salt Lake County will receive a share of the County of the First-Class Highway Projects Fund. “Beginning in a fiscal year beginning on or after July 1, 2023, and for 15 years thereafter,” Salt Lake County is directed to transfer to Kearns and Magna a portion ($300,000 and $225,000, respectively) of the local option highway construction and transportation corridor preservation fee imposed on each motor vehicle registration within Salt Lake County. Utah Code Ann. § 41-1a-1222(4). This Bill is different from past highway funding Bills in that it gives money directly to municipalities, rather than listing specific projects that are to be funded.

S.B. 18 – Property Tax Exemption Amendments
Sponsor: Senator Wayne Harper
UASD Position: Track

With the passage of S.B. 18, beginning on January 1, 2022, de minimis business tangible personal property with a total aggregate taxable value per county of less than $25,000 is exempt from being taxed as personal property. A signed statement must be submitted to the county assessor for five consecutive years to qualify for the exemption.

S.B. 58 – Metro Township Amendments
Sponsor: Senator Karen Mayne
UASD Position: Support

S.B. 58 authorizes a metro township to impose a municipal energy sales and use tax or a municipal telecommunications license tax after holding a public hearing. Notice of the public hearing must be provided at least fourteen days in advance of the hearing by mailing the notice to each mailing address in the metro township, posting the notice on the Utah Public Notice Website and posting the notice to the metro township's website (if there is one). The Bill also requires the State Tax Commission to provide the collection data necessary to verify that revenues collected by the Commission are properly distributed to the metro township. Utah Code Ann. § 10-3c-204(2) and (3). This Bill will enhance the ability of the Greater Salt Lake Municipal Services District to serve the metro townships in its jurisdiction.

S.B. 176 – Mineral Lease Funds Amendments
Sponsor: Senator Ronald Winterton
UASD Position: Support

S.B. 176 allows the Permanent Community Impact Fund Board to make a grant or loan regardless of whether the project results in more than one impact or outcome, including an increase in natural resource development or an increase in economic development.
To the extent allowed under the Mineral Leasing Act, the use of the lease revenues, bonus payments from federal mineral lease revenues, bonus payments on federal oil shale lease tracts U-A and U-B and all other bonus payments on federal mineral leases may be used for the planning, construction and maintenance of public facilities or public services. If the public service is a contract with a public postsecondary institution, the contract must be based on an application to the impact board from the impacted county, and approved by the county legislative body. The provisions of this Bill apply retroactively to any claim for which a court of competent jurisdiction has not issued a final unappealable judgment or order.

S.B. 240 – County Recreational Area Amendments

Sponsor: Senator Curtis Bramble
UASD Position: Support

Among other things, S.B. 240 repeals the sunset dates for statutory provisions related to mountainous planning districts and specified provisions relating to a county's funding of municipal services in a designated recreational area, which will allow Salt Lake County to continue to fund Unified Fire and Unified Police activities in the Canyons surrounding the Salt Lake Valley.

WASTE AND RECYCLING

H.B. 236 – Waste Tire Recycling
Sponsor: Representative Stephen Handy
UASD Position: Support

H.B. 236 allows state and local government owned landfills to request reimbursement from the Waste Tire Recycling Fund for costs to remove and transport tires to a recycler. Facilities in a first- or second-class county may not be reimbursed an amount that exceeds $80,000 per fiscal year. This limitation does not apply a county of the third through sixth class. The cost of transporting waste tires from a transfer station to a landfill operated by a governmental entity is not eligible for reimbursement. To be eligible for reimbursement, an operator of a state or local government landfill or transfer station must submit to the Director of the Division of Waste Management and Radiation Control a statement confirming that the waste tires were received at the landfill or transfer station, that the landfill waste tire pile consists solely of waste tires diverted from the landfill or transfer station waste stream, describing the size and location of the landfill waste tire pile and the landfill or transfer station waste receipt records indicating the origin of the waste tires.

WATER AND WATER RIGHTS

H.B. 14 – Water Conservation District Amendments
Sponsor: Representative Stephen G. Handy
UASD Position: Support

H.B. 14 is a very narrowly tailored Bill. It establishes the process for filling a board vacancy of a water conservancy district that is located in more than one county. To fill such a vacancy, the board must give notice of the vacancy to all of the county legislative bodies that nominated the vacating trustee. Those county legislative bodies must then collectively compile a list of three nominees to fill the board vacancy to submit to the Governor. The Governor, with the advice and consent of the Senate, will appoint one of the nominees to fill the vacancy on the water conservancy district's board.

H.B. 24 – State Engineer Electronic Communications
Sponsor: Representative Joel Ferry

UASD Position: Support

H.B. 24 allows the state engineer to send electronic communications approving an application to change a small amount of water (one residence, ¼ acre of irrigable land, and a livestock watering right for up to 10 cattle) under Section 73-3-5.6 if receipt of the electronic communications is verifiable. This Bill also allows the state engineer to send electronic communications, if receipt is verifiable, for the approval or rejection of an application under Section 73-3-10, for proof of appropriation or permanent change of water put to beneficial use under Section under 73-3-16, lapses in applications under Section 73-3-18, proof of completion, certification or lapse of recharge permit under Section 73-3b-203, and for proof of completion, certification or lapse of recovery permit under Section 73-3b-206.

H.B. 29 – Statewide Aquatic Invasive Species Emergency Response Plan
Sponsor: Representative Kevin J. Stratton
UASD Position: Support

H.B. 29 requires the Division of Wildlife Resources ("Division") to develop a statewide aquatic invasive species response plan to address the potential spread of aquatic invasive species, such as the invasive Dreissena mussels. The Division will coordinate with public and private entities, including water conservancy districts and sanitary sewer districts, that may be helpful in preventing contamination and remediating the potential spread of aquatic invasive species throughout the state. The Division will review the emergency response plan annually. The plan may only be implemented if the Division detects invasive aquatic species at a body of water, facility, or water supply system within the state. The emergency response plan must be submitted by the Division to the Natural Resources, Agriculture, and Environment Interim Committee by August 1, 2021. The Committee will have the authority to accept the plan, return the plan to the Division for further study and evaluation and/or take action to fund the emergency response plan.

H.B. 208 – Water Quality Act Amendments
Sponsor: Paul Ray
UASD Position: Track

H.B. 208 deals with the penalties for violating rules and ordinances regarding water quality. The Bill makes an organization responsible for the water quality violations of an employee whose illegal actions were wholly within the scope of their employment. Under those circumstances, the individual would not be subject to the civil or criminal legal actions for violating water quality rules and ordinances, but rather, their employer would be held civilly and/or criminally responsible.

H.B. 297 – Colorado River Amendments
Sponsor: Brad R. Wilson
UASD Position: Support

Rarely is a Bill important enough to the state for the Speaker of the House and the President of the Senate to be its sponsors. H.B. 297 is that Bill. Utah is behind the curve compared to other states within the Colorado River Compact regarding the management of the state's water allocation. H.B. 297 attempts to remedy this by creating the Colorado River Authority ("Authority"). The mission of the Authority is to protect, conserve, use and develop Utah's waters of the Colorado River system.

The Authority will be made up of six individuals who will focus on protecting and preserving Utah's interest in the Colorado River. The Bill allows the Authority to go into a closed meeting under all of the same provisions as defined in the closed meeting provisions within the Open and Public Meetings Act, with the following additional provisions: for the purpose of discussing an interstate claim to the use of water in the Colorado River System, and, if failing to the close the meeting would reveal contents of a record classified as protected under the Government Records Access Management Act ("GRAMA"), reveal a legal strategy relating to the state's claim to the use of water in the Colorado River system, harm the ability of the Authority or river commissioner to negotiate the best terms and conditions regarding the use of water in the Colorado River system or give an advantage to another state or to the federal government in negotiations regarding the use of water in the Colorado River system. The Bill also adds a number of protected records under GRAMA related to the above stated provisions pertaining to the Colorado River system. The Legislature made the appropriations to fund the Authority non-lapsing.

H.B. 297 creates a new Section of Code (Section 63M Chapter 14 Colorado River Authority of Utah Act) detailing the organization, scope, authority, make-up of the six authority members, mission, rules and reporting requirements. Any compact the river commissioner enters into with the Colorado River Basin States on behalf of the State of Utah must be approved by the Utah State Legislature, the Governor, and the appropriate federal agency when the federal agency's approval is required. The Legislature also created the Colorado River Authority Restricted Account within the General Fund that will receive contributions from the entities that utilize the Colorado River system to fund the Authority, it's employees and consultants.

H.C.R. 1 – Concurrent Resolution Encouraging a Balanced Approach to the Release of Water from Flaming Gorge
Sponsor: Representative Scott H. Chew
UASD Position: Track

House Concurrent Resolution 1 addresses concerns raised by stakeholders of the Green River regarding the management of the Flaming Gorge Dam. The Resolution is designed to encourage finding alternate methods of managing the Flaming Gorge Dam that could result in healthier habitats for endangered fish, while reducing the physical and economic impacts of river flow fluctuations. HCR 1 encourages cooperative discussions between the Utah Division of Water Resources and the local communities, recreational businesses, ranchers, farmers, landowners, and individuals who work and live within the river corridor.

S.B. 96 – Legislative Water Development Commission Amendments
Sponsor: Senator Jani Iwamoto
UASD Position: Support

S.B. 96 clarifies that nonvoting members of the Legislative Water Development Commission ("commission") may not be considered for the purposes of determining a quorum. This change places the commission in conformity with all other legislative commission's rules regarding determining a quorum. The Bill also repeals the sunset date provision.

S.B. 199 – Water Amendments
Sponsor: Senator Michael K. McKell
UASD Position: Track

Lawmakers have been trying to address the need for secondary water metering as a way to increase user accountability and encourage water conservation in a fiscally responsible and achievable manner for years. S.B. 199 is a step towards addressing secondary water metering by directing the Legislative Water Development Commission to develop a unified, statewide water strategy to promote water efficiency and conservation.

The Bill requires secondary water suppliers, beginning January 1, 2022, to establish a meter installation reserve for metering installation and replacement projects. Secondary water suppliers may not raise rates by more than 10% in a calendar year for costs associated with metering unless the increase is necessary due to some form of catastrophic failure or unless the secondary water supplier provides a statement to each end user the reason for the increased rate prior to raising the rate by more than 10%. Secondary water suppliers that provide pressurized secondary water to a commercial, industrial, institutional, or residential user must develop and file a plan, or update the current plan if a similar plan has already been filed, for metering the use of the pressurized water with the Division of Water Resources no later than December 31, 2025. The plan must include the cost of full metering by the secondary water supplier, the amount of time it will take the secondary water supplier to complete full metering-including the anticipated start and completion dates and how the metering will be financed. Full metering of secondary water systems must be completed by the end of 2040.

S.B. 199 allows the Division of Water Resources ("Division") to make matching grants each year for financing the cost of secondary water metering by small secondary water retail suppliers. The Legislature allocated $2,000,000 to the Division to be used to fund these grants. The grant may not be used for new services, exceed 50% of the supplier's cost of installing the meters or supplant federal, state, or local money previously allocated to pay the small secondary water supplier's cost of installing secondary water meters. A small secondary water supplier is defined as any city, town or metro township that supplies pressurized secondary water only to the end user, or, an entity that supplies 5,000 or fewer connections.

S.B. 225 – Navajo Water Rights Negotiation

Sponsor: Senator David P. Hinkins
UASD Position: Support

The State of Utah and the United States Congress negotiated a settlement agreement with the Navajo Nation nearly two decades ago. The agreement gives the Navajo Nation the right to use water from sources located within Utah, and, adjacent to or encompassed within the boundaries of the Navajo Reservation. The United States holds the Navajo Nation's water rights in a trust for the use and benefit of the Navajo Nation. These water rights may never be subject to forfeiture or abandonment. The Navajo Nation may lease the water rights. The Department of the Interior established and manages the Navajo-Utah Settlement Trust Fund which will contribute over $200 million to build water systems. The Utah State Legislature appropriated $8 million dollars to cover Utah's percentage of funding the planning, designing, constructing, operating, maintaining, and replacing Navajo water development projects within Utah's boundaries under the 2015 Navajo-Utah Water Rights Settlement ("settlement"). S.B. 225 gives the state engineer the authority to determine whether the conformed agreement is consistent with the settlement and make recommendations to the Governor and the Legislative Management Committee to sign the conformed settlement agreement. The Bill transfers the money appropriated from the State's Navajo Water Rights Negotiation Account to the Division of Water Rights for the purpose of participating in the settlement of federal reserved water rights claims by the Navajo Nation.

S.J.R. 14 – Joint Resolution on Settlement of Federal Reserved Water Right Claims
Sponsor: Senator David P. Hinkins
UASD Position: Support

Senate Joint Resolution 14 is the companion Bill to Senator Hinkins' S.B. 225. The Resolution explains the good faith negotiations for a proposed water right claim settlement between the State of Utah and the Navajo Nation. With the passage of HR 113 by the United States Congress in 2021, the Navajo-Utah Water Rights Settlement was allocated $200 million dollars for funding drinking water projects for the portion of the Navajo Nation located with Utah. The settlement agreement requires Utah to pay a small percentage and provide $8 million for the funding of the water supply projects. The settlement agreement provides the Navajo Nation with 81,500 acre-feet of water annually from Utah's portion of the Colorado River allocation. The passage of this Resolution fulfills the legal requirement that the State Legislature approves of the financial settlement and the settlement agreement.

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