



UTAH ASSOCIATION OF SPECIAL DISTRICTS 2024

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By the end of the 2024 session of the Utah State Legislature, the Association was following and addressing 215 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 State Capitol, at which all interested local district and special service district representatives were welcome to join in person or online via Zoom. 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 65 Bills, 50 (77%) 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 16 Bills that the Association opposed, 0 passed (100%).

This Review does not include every passed Bill that may impact your district and no one district will be impacted by all of the Bills that are reviewed. It does also include a few notable Bills that failed to pass. 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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Table of Contents

ELECTIONS, INITIATIVES, & REFERENDA.....	5
H.B. 79 – Initiatives and Referenda Amendments	5
H.B. 80 – Candidate and Officeholder Disclosure Modification	5
H.B. 176 – Elected Officials Vacancy	5
H.B. 515 – Election Administration Modifications	6
S.B. 37 – Election Law Revisions.....	6
S.B. 94 – Elections Records Amendment	6
EMPLOYMENT & RETIREMENT.....	7
H.B. 55 – Employment Confidentiality Amendments.....	7
H.B. 60 – Phased Retirement Extension	7
H.B. 251 – Post Retirement Reemployment Amendments.....	8
H.B. 261 – Equal Opportunities Initiatives	8
H.B. 396 – Workplace Discrimination Amendments	9
H.B. 411 – Local Government Entity Drug-free Workplace Policy Amendments.....	9
H.B. 460 – Government Employee Conscience Protection Amendments.....	9
S.B. 34 – Utah State Retirement Revisions.....	10
GENERAL GOVERNMENT.....	10
H.B. 35 – Metro Township Modifications.....	10
H.B. 244 – Office of Legislative Auditor General Requirements	11
S.B. 150 – Exercise of Religion Act	11
S.B. 259 – Requirements for Special Districts Providing Services	12
INFRASTRUCTURE & TRANSIT	12
H.B. 13 – Infrastructure Financing District	12
H.B. 74 – Utility Relocation Cost Sharing Amendments	13
H.B. 142 – Railroad Drone Amendments	13
S.B. 145 – Utility Easement Amendments.....	14
MEETINGS, RECORDS, & PUBLIC NOTICE	14
H.B. 36 – Open and Public Meetings Act Amendments	14
H.B. 266 – Government Records Ombudsman Amendments.....	15
S.B. 240 – Government Records Access and Management Act Amendments.....	15
PROCUREMENT	15

H.B. 125 – Procurement Code Amendments	15
H.B. 343 – Design Professional Services Amendments	16
PROPERTY.....	16
H.B. 88 – Landowner Liability Amendments	16
H.B. 289 – Property Rights Ombudsman Act	16
H.B. 407 – Eminent Domain Restrictions	17
H.B. 584 – Economic Interruption Amendments	17
S.B. 59 – Government Leased Property Tax Exemption.....	17
S.B. 67 – Public Thoroughfare Amendments.....	17
S.B. 185 – Residential Building Inspections.....	18
PUBLIC SAFETY	18
H.B. 64 – State Construction and Fire Code Amendments.....	18
H.B. 67 – First Responder Mental Health Grant Amendments	18
H.B. 68 – Drug Sentencing Modifications.....	19
H.B. 84 – School Safety Amendments	19
H.B. 102 – Peace Officer Standard and Training	20
H.B. 155 – Changes to Fireworks Provisions	20
H.B. 177 – Forcible Entry Warrant Amendments.....	21
H.B. 211 – Penalty for False Statement During Drug Arrest.....	21
H.B. 225 – Unlawful Kissing of a Minor or Child.....	21
H.B. 257 – Sex-based Designations for Privacy, Anti-bullying, and Women’s Opportunities ..	22
H.B. 333 – Fireworks Modifications	22
H.B. 378 – First Responder Mental Health Amendments	23
H.B. 418 – Student Offender Reintegration Amendments.....	23
H.B. 432 – Child Abuse and Neglect Reporting Amendments.....	24
H.B. 437 – Fire Amendments	24
H.B. 567 – Fire Regulation Amendments	24
S.B. 119 – Fire and Rescue Training Amendments.....	25
S.B. 231 – Public Surveillance Prohibition Amendments	25
REVENUE, TAXATION, AND FINANCE	25
H.B. 10 – Public Fund Amendments.....	25
H.B. 66 – Property Tax Relief Amendments	26
S.B. 29 – Truth in Taxation Modifications	26

S.B. 86 – Local Government Bond Amendments	26
TECHNOLOGY	27
H.B. 404 – Public Entity Restrictions	27
H.B. 491 – Data Privacy Amendments.....	27
S.B. 98 – Online Data Security and Privacy Amendments	28
S.B. 131 – Information Technology Act Amendments	28
S.B. 135 – Advanced Air Mobility and Aeronautics Amendments	28
S.B. 149 – Artificial Intelligence	28
WATER.....	29
H.B. 11 – Water Efficient Landscaping Requirements.....	29
H.B. 42 – Water Rights Publication Amendments.....	29
H.B. 61 – Water Measuring and Accounting Amendments	30
H.B. 62 – Utah Water Ways Amendments	30
H.B. 249 – Utah Legal Personhood Amendments	30
H.B. 275 – Water Amendments	30
H.B. 280 – Water Related Changes	31
H.B. 295 – Produced Water Amendments	31
H.B. 453 – Great Salt Lake Revisions	31
S.B. 18 – Water Modifications.....	32
S.B. 39 – Water Shareholder Amendments.....	33
S.B. 125 – Secondary Water Amendments	33
S.B. 211 – General Water Infrastructure Amendments	33
S.B. 270 – Utah Lake and Great Salt Lake Study Amendments	34

ELECTIONS, INITIATIVES, & REFERENDA

H.B. 79 – Initiatives and Referenda Amendments

Sponsor: Representative Jennifer Daily-Provost

UASD Position: Track

This bill addresses an ADA-related shortcoming in the Election Code. Under current law, individuals with disabilities that prevent them from physically filling out a ballot can vote by mail with assistance, allowing their vote to be verified by the county clerk and counted. This bill extends that process to the initiative and referendum sections of the Election Code. Additionally, the bill modifies the requirements for removing a signature from a petition or referendum, mandates that signature gatherers provide specific documents and information to signers, and requires local clerks to provide petition sponsors with a copy of voter information.

H.B. 80 – Candidate and Officeholder Disclosure Modification

Sponsor: Representative Paul Cutler

UASD Position: Support

This bill requires elected officers of political subdivisions and members of state land use authorities to file an annual conflict of interest disclosure statement. The clerk of the political subdivision or land use authority must post an electronic copy of the disclosure on their website and provide a link to the Lieutenant Governor's Office for inclusion on the state conflict of interest disclosure website. The disclosure must remain publicly accessible on the entity's website until the elected officer leaves office.

This law applies to trustees of special districts and special service districts only if their district's annual budget is equal to or exceeds ten times the revenue expenditure threshold described in Subsection 51-2a-201(1), which is the requirement for an annual audit by a certified public accountant. Currently, this threshold is set at ten million dollars, meaning the law applies only to districts with annual budgets of ten million dollars or more.

H.B. 176 – Elected Officials Vacancy

Sponsor: Representative Ryan Wilcox

UASD Position: Support

H.B. 176 permits a reservist member of the armed forces who holds a public office to continue performing their official duties if their active-duty military service leave does not exceed 270 days. If the leave extends beyond this period, the official may take a military leave of absence for up to 400 days, provided they submit written notice to the governing body. This leave of absence does not result in a vacancy in the elected official's office.

H.B. 515 – Election Administration Modifications

Sponsor: Representative

UASD Position: Track

H.B. 515 applies exclusively to situations where an election results in a tie vote. The bill mandates an automatic recount in the event of a tie. If the recount confirms the tie, the process for breaking the tie will proceed according to existing state statutes.

S.B. 37 – Election Law Revisions

Sponsor: Senator Lincoln Filmore

UASD Position: Support

S.B. 37 is an election law "cleanup" bill that makes several changes to election requirements, including provisions specific to special districts and special service districts. The bill allows the board of a special district to apply to the Lieutenant Governor for permission to hold board elections during municipal general elections instead of regular general elections, or vice versa. To align election years, the Lieutenant Governor may shorten the term of a special district board member by one year if necessary to ensure approximately half the board members' terms expire every two years.

The bill clarifies that the board of trustees or administrative control board of a special district serves as the board of canvassers for special district elections. It also requires filing officers to inform candidates that they must provide an actively-monitored email address for election-related communications, which is not considered a record under the Government Records Access and Management Act (GRAMA). Additionally, election officers must notify voters via email if a candidate withdraws, based on the timing of the withdrawal. Finally, the bill permits government agencies to release the voter registration record of an at-risk government employee, following the same requirements imposed on county clerks for releasing the voter registration records of protected individuals.

S.B. 94 – Elections Records Amendment

Sponsor: Senator Karen Kwan

UASD Position: Support

S.B. 94 prohibits election officers from disclosing the name or address of a protected individual while curing ballots. This change ensures consistent handling of voter records when they are released to the public.

EMPLOYMENT & RETIREMENT

H.B. 55 – Employment Confidentiality Amendments

Sponsor: Representative Kera Birkeland

UASD Position: Track, UASD amended

H.B. 55 establishes that any nondisclosure or non-disparagement clause related to sexual harassment or sexual assault—or allegations of either—is unenforceable. Confidentiality clauses concerning sexual misconduct as a condition of employment are deemed against public policy, void, and unenforceable. Employers are prohibited from retaliating against employees who make allegations of sexual harassment or assault or who refuse to agree to a confidentiality clause or an employment contract containing such a clause as a condition of employment. Employers attempting to enforce a confidentiality clause regarding sexual misconduct are liable for all costs, including reasonable attorney fees, arising from legal actions to enforce the clause and cannot seek monetary damages for breaches of the clause.

The legislation does not prohibit agreements between an employee alleging sexual harassment or assault and their employer from including clauses restricting disclosure of the monetary settlement amount. Additionally, the legislation does not affect restrictions on employees from disclosing an employer's non-public trade secrets, proprietary information, confidential information unrelated to illegal acts, or data protected by law or legal privilege.

H.B. 60 – Phased Retirement Extension

Sponsor: Representative Cheryl Acton

UASD Position: Support

In 2016, the Utah Legislature passed S.B. 19, which permits employers participating in the Utah Retirement System (URS) to offer phased retirement. This program allows retirees to work half-time while receiving a reduced retirement allowance, without cost-of-living adjustments and without accruing additional retirement benefits after transitioning to half-time status. Before implementing phased retirement, participating employers must establish written policies and enter into written agreements with retirees who have not met the one-year employment separation requirement under Utah Code Ann. § 49-11-505. The required elements of these policies and procedures are outlined in Utah Code Ann. § 49-11-1202(1).

Initially introduced as a pilot program with a sunset date, phased retirement has been used infrequently and has demonstrated no increase in costs to the URS. Given its effectiveness, H.B. 60 removes the sunset date, allowing phased retirement to continue as a permanent option.

H.B. 251 – Post Retirement Reemployment Amendments

Sponsor: Representative Matthew Gwynn

UASD Position: Track

H.B. 251, the product of four years of negotiations and two interim discussions, establishes a cost-neutral pathway for retirees in the Tier I and Tier II Utah Retirement System (URS) to be reemployed by entities within the system. Under this bill, retirees may return to work after a 90-day separation, but their benefits will be reduced by 20% (15% for public safety employees) during reemployment, and cost-of-living adjustments (COLAs) will be suspended for the duration of reemployment. Employers will be required to pay the full retirement contribution rate into the system while the retiree is reemployed.

After the retiree concludes their reemployment, they will receive 100% of their benefits, and COLAs will resume. Alternatively, the bill allows employees and employers to opt for the current one-year separation model, which does not reduce benefits or freeze COLAs. In this case, the employer is only responsible for paying the system's unfunded liability during the reemployment period.

H.B. 261 – Equal Opportunities Initiatives

Sponsor: Representative Katy Hall

UASD Position: Track

H.B. 261 focuses on public schools, higher education, and all governmental employers. The bill prohibits governmental employers from requiring, requesting, soliciting, or compelling employees, as a condition of employment or promotion, to submit statements or documents related to policies, programs, or initiatives concerning "prohibited discriminatory practices." These practices include anti-racism, bias, critical race theory, implicit bias, intersectionality, prohibited discriminatory practices, or racial privilege. This prohibition does not apply to submissions or documentation that constitute a bona fide occupational qualification for the position. Additionally, governmental employers are prohibited from mandating instructional programs or materials that promote "prohibited discriminatory practices," including in-person or online seminars, discussion groups, workshops, or related materials.

If federal law requires a governmental employer to accept or require a prohibited submission, the employer may do so only to the extent required by federal law and must limit the use of the information to satisfy federal requirements. This does not apply to federal grants or programs that require engagement in "prohibited discriminatory practices" if such grants or programs are reviewed and approved by the employer's executive director, legislative body, or governing body. Any federal grant or program that necessitates engagement in these practices must be reported to the Executive Appropriations Committee after approval.

The legislation does not limit a governmental employer's ability to establish policies necessary for compliance with state or federal laws, including those related to prohibited discrimination or harassment.

H.B. 396 – Workplace Discrimination Amendments

Sponsor: Representative Brady Brammer

UASD Position: Track

H.B. 396 aligns state law with recent Supreme Court rulings on religious expression under Title VII. The bill prohibits employers from compelling employees to act or communicate in ways that they reasonably believe would burden or offend their "sincerely held" religious beliefs. It also establishes a process for employers to accommodate employees' religious liberties.

The bill defines "religiously objectionable expression" as any expression, action, or inaction that burdens or offends a sincerely held religious belief. This includes matters such as dress and grooming requirements, speech, scheduling, prayer, and abstentions, including those related to healthcare. Employers may not compel employees to engage in religiously objectionable expression unless accommodating the employee would impose an undue burden. Such burdens are defined as substantially interfering with the employer's core mission, operational effectiveness, financial feasibility, or the ability to provide necessary training and safety instruction.

To receive an accommodation, employees must formally request compliance and allow the employer a reasonable opportunity to accommodate their needs. Employers with fewer than 15 employees are exempt from the scheduling accommodation requirements.

H.B. 411 – Local Government Entity Drug-free Workplace Policy Amendments

Sponsor: Representative Cory Maloy

UASD Position: Track

Before the passage of H.B. 411, governmental entities were limited to using split urine tests for employee and volunteer drug testing, a method that is both costly and time-consuming. H.B. 411 permits the use of oral drug tests as a faster and more cost-effective alternative. The bill provides local governmental entities with the option to use either oral testing or split urine testing, depending on their needs.

H.B. 460 – Government Employee Conscience Protection Amendments

Sponsor: Representative Michael Petersen

UASD Position: Track with Concern

This bill provides protections and "reasonable accommodations" for the beliefs and conscience of government employees by allowing them to be exempt from tasks that conflict with their religious beliefs or personal conscience. The bill defines "conscience" as a sincerely held belief regarding the rightness or wrongness of an action and "undue hardship" as a substantial burden or adversity to a governmental entity's operations or budget caused by

granting an employee's request. It establishes specific conditions under which employees can request exemptions and criteria for governmental entities to approve or deny such requests.

The bill prohibits retaliatory action against employees who submit eligible requests and outlines consequences for non-compliance by both parties. Employees' beliefs must be reasonable and may not be asserted for improper purposes. When evaluating whether a request imposes an undue hardship, governmental employers can consider the number of similar requests the employee has made in the past 12 months. First responder agencies are exempt from the accommodation requirement if the objection relates to tasks involving public safety.

The bill also creates a cause of action for employees whose requests are denied, allowing them to seek relief through legal action. In certain cases, the Attorney General is authorized to file suit on behalf of the employee. This legislation aims to protect employees with firmly held beliefs, whether based on religion or personal conscience, without requiring adherence to a specific religion.

S.B. 34 – Utah State Retirement Revisions

Sponsor: Senator Wayne Harper

UASD Position: Support; UASD Amended

S.B. 34 is the annual "cleanup" bill for the Utah Retirement System (URS), making administrative and technical adjustments to Title 49. These changes do not affect member benefits. Before passage, the bill was amended to remove language related to first responders, providing greater clarity and reassurance to public safety employees that their retirement benefits remain unchanged.

GENERAL GOVERNMENT

H.B. 35 – Metro Township Modifications

Sponsor: Representative Jordan Teuscher

UASD Position: Support

H.B. 35 permits the five metro townships in Salt Lake County to transition into towns and cities, effective May 1, 2024. This change will require the mayor of each municipality to be elected directly by its citizens, replacing the current system in which the metro township council appoints a mayor from among its members, similar to how special district boards select a chair. Additionally, this transition will grant these municipalities property taxing authority, placing them on equal footing with all other cities and towns in the state. The current councilmembers of each metro township will retain their roles as councilmembers after the change takes effect on May 1.

H.B. 244 – Office of Legislative Auditor General Requirements

Sponsor: Representative Jefferson Burton

UASD Position: Track

H.B. 244 addresses concerns that state agencies and local government entities do not take audits conducted by the Office of Legislative Auditor General (OLAG) seriously. The bill requires audited entities to waive any privilege that would otherwise allow them to withhold information requested by OLAG. It also mandates that public entities respond to audit recommendations and take action to address each one.

The chief officer of an audited entity must submit a written audit response plan detailing how each recommendation in the Legislative Auditor's report will be addressed. If the entity cannot comply with certain recommendations, it must communicate the reasons to OLAG. Failure to act on the recommendations or provide a written explanation for noncompliance could result in the freezing of the entity's assets. OLAG has committed to working with entities to provide guidance and find workable solutions when compliance is challenging.

In specific cases, the chief officer must update the audit response plan semi-annually and submit updates to the legislative committee designated by the Audit Subcommittee and OLAG. This obligation ends when OLAG confirms to the Audit Subcommittee that all recommendations in the audit report have been fully implemented.

S.B. 150 – Exercise of Religion Act

Sponsor: Senator Todd Weiler

UASD Position: Track

S.B. 150 aligns state law with a recent U.S. Supreme Court decision on the free exercise of religion. The bill prohibits governmental entities from substantially burdening a person's free exercise of religion unless the burden is essential to furthering a compelling governmental interest and is achieved using the least restrictive means.

Individuals who believe their free exercise of religion has been burdened by a governmental entity can assert the violation as a claim or defense in judicial or administrative proceedings to seek relief. If an individual prevails in such an action, they are entitled to recover attorney fees and costs.

The bill defines "free exercise of religion" as the right to act or refuse to act based on a sincerely held religious belief, regardless of whether the exercise is compulsory or central to a broader religious system.

S.B. 259 – Requirements for Special Districts Providing Services

Sponsor: Senator Kirk Cullimore

UASD Position: Support; UASD Bill

S.B. 259 is the UASD annual cleanup bill, addressing administrative and procedural clarifications for special districts. The bill specifies filing dates and times for declarations of candidacy for elected positions on special district boards and refines the process for boundary adjustments when 100% of private real property owners and a designated number of registered voters in the affected area agree to the change. It also clarifies financial controls and authorizations for electronic financial transactions, including direct deposits, wire transfers, and other electronic payment methods.

Under limited circumstances, the bill allows a municipality not entirely contained within an improvement district to appoint a member to the Board of Trustees. Upon annexation, residents and businesses in the annexation area will be treated the same as those within the existing special service district. Additionally, the bill simplifies the procedure for boundary adjustments in special districts where the Governor serves as the appointing authority by permitting the special district itself to hold the required public hearing, rather than the Governor.

INFRASTRUCTURE & TRANSIT

H.B. 13 – Infrastructure Financing District

Sponsor: Representative James Dunnigan

UASD Position: Track; UASD amended

H.B. 13 establishes a new governmental entity called an Infrastructure Financing District (IFD). The IFD is a financing mechanism designed to reduce development costs by enabling developers to access loans at municipal bond interest rates. These loans must be fully repaid before a newly constructed residential unit or building can undergo final inspection and receive a certificate of occupancy from the county or municipality with land use authority. IFDs are independent of and separate from any other political subdivision of the state. The land use authority must approve the lot and the project, and the creation of an IFD within its boundaries does not impact the municipality's or county's bond rating. All debts, obligations, or liabilities of an IFD are borne solely by the IFD and do not transfer to other political subdivisions or the state.

IFDs may only use assessment bonds (loans) to develop public infrastructure improvements within their boundaries. Eligible public infrastructure includes facilities or systems for sewer, storm drainage, natural gas, electricity, energy storage, renewable energy, microgrids, telecommunications, streets, roads, curbs, gutters, sidewalks, solid waste, parking facilities, public transportation, green spaces, parks, trails, and recreational amenities. Excluded are privately owned infrastructure, including homeowner association property. An IFD may be created if a petition signed by and a resolution adopted with the consent of 100% of surface

property owners within the assessment area is filed with the county attorney and approved by the Lieutenant Governor's Office. Additionally, the estimated cost of the public infrastructure within the proposed IFD boundary must exceed \$1,000,000. Generally, IFD boundaries do not affect inclusion in other special districts, except that no area may overlap multiple IFDs. An IFD must dissolve within 180 days of repaying 100% of its debt.

UASD collaborated with the bill's sponsor to clarify that if a special district or special service district will own and operate infrastructure installed by an IFD, the infrastructure must meet the district's specifications and pass inspection before being accepted. IFDs must adhere to all applicable design, inspection, and operational requirements of the governing county, municipality, or special district. Upon completion of the infrastructure funded by the IFD, ownership must be conveyed to the appropriate entity (county, municipality, or special district) at no cost to that entity.

H.B. 74 – Utility Relocation Cost Sharing Amendments

Sponsor: Representative

UASD Position: Support

This bill amends provisions related to the allocation of costs for relocating utility infrastructure within state highways and certain public transit rights-of-way. H.B. 74 establishes a cost-sharing model: if the Utah Department of Transportation (UDOT) or the Utah Transit Authority (UTA) holds the right-of-way and their project requires the utility to be relocated or protected, or if the utility requests to use the project to move or upgrade their infrastructure, the costs will be shared equally (50/50). If the utility holds the right-of-way and UDOT or UTA utilizes it, UDOT or UTA will cover 100% of the relocation costs. Agreements between utilities and UDOT or UTA made prior to the implementation of this legislation are grandfathered, ensuring that those agreements remain in effect. Additionally, when utility infrastructure needs to be moved or protected, UDOT and the utility must collaborate to identify potential conflicts and minimize disruptions to reduce costs.

H.B. 142 – Railroad Drone Amendments

Sponsor: Representative Ryan Wilcox

UASD Position: Support

H.B. 142 permits law enforcement officers and employees of large public transit facilities to use drone technology near or above public transit facilities. The bill also allows employees or contractors of large public transit districts to operate unmanned aircraft to inspect transit facilities. This legislation aims to significantly enhance the safety of public transit employees and contractors.

S.B. 145 – Utility Easement Amendments

Sponsor: Senator Dan McCay

UASD Position: Track; UASD Amended

Before excavating, an excavator must notify each operator with underground facilities in the proposed excavation area, either by telephone or electronic communication. This notice is now valid for 21 days, up from the previous 14 days. Within 48 hours of receiving the notice, the operator must either mark the location of its underground facilities in the excavation area or notify the excavator—via phone, electronic message, or at the site—that no facilities are present.

If the operator uses Blue Stake's electronic positive response system, it must provide a response through the system indicating whether the information is available. If an operator fails to mark facilities or respond within 48 hours, the excavator may begin excavation if there are no visible indications of underground facilities in the area. However, excavation cannot commence if the excavator is aware of or observes signs of unmarked facilities in the excavation area.

If Blue Stake receives a no-response notice, the operator must mark the facilities or arrange for marking within four business hours. In case of a dispute, excavators and utilities can opt for arbitration or mutually agreed mediation. If markings are disturbed, making them unclear, the excavator must notify the utility or Blue Stakes, and the operator has 48 hours to remark the area.

MEETINGS, RECORDS, & PUBLIC NOTICE

H.B. 36 – Open and Public Meetings Act Amendments

Sponsor: Representative James Dunnigan

UASD Position: Track

H.B. 36 clarifies the orchestration of public meetings by prohibiting a quorum of a public body from "acting together outside a meeting in a concerted and deliberate way to predetermine an action to be taken during a meeting on a relevant matter." Social gatherings are exempt from the Open and Public Meetings Act (the "Act") unless used to circumvent the Act. The Act defines a "meeting" as a gathering of a public body or specified body with a quorum present, convened by an authorized individual following the legal process for such convening, and conducted for the express purpose of acting as a public or specified body to receive public comment, deliberate, or take action on a relevant matter. A "relevant matter" refers to any matter within the authority of the public or specified body. For public bodies with both executive and legislative responsibilities, a "relevant matter" excludes managerial or operational issues.

H.B. 266 – Government Records Ombudsman Amendments

Sponsor: Representative Anthony Loubet

UASD Position: Track

Under the current process, individuals may file a records request under the Government Records Access and Management Act (GRAMA). If the request is denied, they can appeal to the governmental entity. If the appeal is unsuccessful, the requester may escalate the matter to the State Records Committee and, if issues remain unresolved, to the State Ombudsman.

H.B. 261 streamlines this process by allowing the GRAMA Ombudsman to be involved earlier if both parties agree to proceed directly to mediation, bypassing the State Records Committee and district court. The bill also requires governmental entities to provide the Ombudsman's contact information when denying an appeal and to inform requesters of their right to mediation at the initial denial stage.

S.B. 240 – Government Records Access and Management Act Amendments

Sponsor: Senator Curtis Bramble

UASD Position: Track

S.B. 240 clarifies that a daily calendar is considered a protected record under the Government Records Access and Management Act (GRAMA). The bill also allows a district court to assess reasonable attorney fees and costs incurred by a requester who substantially prevails in a judicial appeal regarding access to records under a GRAMA request. However, a court may only award attorney fees and costs incurred 20 or more days after the requester provides an adequate written explanation of the basis for their position. This explanation must be given to the governmental entity, political subdivision, or other party against whom the requester seeks the award, whether as part of or outside an administrative or court proceeding. This provision ensures transparency and fairness in the process of determining record access disputes.

PROCUREMENT

H.B. 125 – Procurement Code Amendments

Sponsor: Representative Anthony Loubet

UASD Position: Support

This bill incorporates interlocal cooperation entities into the Utah Procurement Code unless they adopt purchasing rules that meet the standards outlined in the legislation.

H.B. 343 – Design Professional Services Amendments

Sponsor: Representative Bridger Bolinder

UASD Position: Track

H.B. 343 amends the definition of "design professionals" in the State Procurement Code to include landscape architects. This change enables landscape architects to oversee contracts for landscape projects.

PROPERTY

H.B. 88 – Landowner Liability Amendments

Sponsor: Representative Jeffrey Stenquist

UASD Position: Support

H.B. 88 adds rock climbing and "other similar activities, or any combination of similar activities," to the list of recognized recreational purposes. This change provides additional liability protection for property owners, shielding them from legal responsibility if someone is injured while rock climbing in designated recreational areas.

H.B. 289 – Property Rights Ombudsman Act

Sponsor: Representative Kera Birkeland

UASD Position: Track; UASD amended

Representative Birkeland has repeatedly attempted to pass broad legislation that would heavily favor private property owners at the expense of governmental entities, potentially causing significant financial harm. The initial draft of H.B. 289 proposed that a party prevailing in court against a governmental entity on an issue previously decided in their favor by the Office of Property Rights Ombudsman ("Ombudsman") would automatically be entitled to attorney fees and consequential damages. This would have effectively transformed the Ombudsman into a quasi-judicial body, deterring governmental entities from appealing unfavorable decisions to district court and stifling litigation. Additionally, the undefined consequential damages provision could financially devastate small towns, cities, special districts, and special service districts.

After amendments, the bill was narrowed significantly. It now allows a prevailing party to be awarded attorney fees in court only if the Ombudsman previously ruled in their favor on the issue. Furthermore, the bill specifies that for the court to award a civil penalty of \$250 per day or consequential damages, it must determine that the opposing party knowingly and intentionally violated the law relevant to the cause of action. These changes ensure a more balanced approach while maintaining fairness and financial stability for governmental entities.

H.B. 407 – Eminent Domain Restrictions

Sponsor: Representative Bridger Bolinder

UASD Position: Track

Over the past year, the Legislature identified a significant loophole in the statute governing eminent domain, which has been exploited by mining companies to harm competitors. H.B. 407 addresses this issue by prohibiting private individuals or entities from exercising eminent domain over property already designated for mining use. This prohibition does not apply to the state or its political subdivisions.

H.B. 584 – Economic Interruption Amendments

Sponsor: Representative Matt McPherson

UASD Position: Support

This bill establishes a new crime for property damage that causes economic interruption to a business or governmental entity. It also includes a sentencing enhancement for defendants with prior convictions for the same offense.

S.B. 59 – Government Leased Property Tax Exemption

Sponsor: Senator Lincoln Fillmore

UASD Position: Track

S.B. 59 builds on previous legislation regarding governmental tax exemptions. The bill exempts privately owned property leased entirely to a governmental entity under a triple net lease from property taxes for the duration of the lease. This ensures that the governmental entity tenant is not required to pay property taxes, which would otherwise be their responsibility under such a lease.

To qualify for the exemption, the following conditions must be met: the governmental agency must lease the entire taxable parcel, the lease must cover the entire taxable year, and the lease must be a triple net lease where property taxes are the tenant's responsibility.

S.B. 67 – Public Thoroughfare Amendments

Sponsor: Senator Scott Sandall

UASD Position: Track

If a highway, street, or road across private land has not been used by the public for over 50 years, formal abandonment is not required, and ownership of the road reverts to the adjoining record owner or owners. The road will no longer be considered a public thoroughfare. This legislation applies only to roads on private land and does not affect roads claimed by the state or county under R.S. 2477 or those crossing federal lands.

S.B. 185 – Residential Building Inspections

Sponsor: Senator Evan Vickers

UASD Position: Track; UASD Amended

This bill aims to reduce construction costs, particularly for residential projects, by addressing delays in municipal building inspections. While most city inspectors provide timely service, some lawmakers believe delays in certain municipalities significantly increase construction costs. Under the bill, if a municipality fails to conduct an inspection within three business days, the contractor may hire a third-party building inspector from an approved list of inspection firms. These firms must be licensed under Title 58, Chapter 56, Building Inspector and Factory Built Housing Licensing, and must be independent from the contractor. Inspectors from adjacent cities or counties also qualify.

Contractors wishing to engage a third-party inspection firm must notify the local regulator of their intent to do so. Once the inspection is complete, the third-party firm must submit the inspection report to the local regulator, who is required to cover the inspection cost unless it exceeds the original scope of work. The local regulator must issue a certificate of occupancy or letter of completion based on the third-party inspection report.

The bill also clarifies that local regulators are not liable for inspections conducted by third-party firms. By ensuring timely inspections and providing a process for third-party involvement, the bill seeks to streamline construction timelines and reduce associated costs.

PUBLIC SAFETY

H.B. 64 – State Construction and Fire Code Amendments

Sponsor: Representative Thomas Peterson

UASD Position: Track

There is an industry shortage of emergency disconnects for single-family dwellings. To address this issue, H.B. 64 permits the use of electric meters in family housing. The bill incorporates the State Fire Prevention Board's recommendations for amending the International Building Code, International Residential Code, International Mechanical Code, National Electrical Code, International Existing Building Code, and International Fire Code. Additionally, the bill adopts the 2024 edition of the Liquefied Petroleum Gas Code.

H.B. 67 – First Responder Mental Health Grant Amendments

Sponsor: Representative Ryan Wilcox

UASD Position: Support

H.B. 67 builds on legislation passed during the 2023 Legislative Session that established the First Responder Mental Health Services Grant Program. This bill facilitates participation in the program by creating two distinct time periods during which individuals may apply. It also expands eligibility to include individuals who work alongside first responders, such as

dispatchers and technicians. For the purposes of this grant program, a "first responder" includes law enforcement officers, emergency medical technicians, advanced emergency medical technicians, paramedics, firefighters, correctional officers, special function officers employed by a local sheriff, search and rescue workers under a local sheriff's supervision, forensic interviewers or victim advocates employed by children's justice centers, credentialed criminal justice system victim advocates who respond to incidents with law enforcement, crime scene investigator technicians, wildland firefighters, investigators or prosecutors handling cases of sexual crimes against children, and civilian employees of first responder agencies authorized to view or access information related to crimes, accidents, or other traumatic events.

H.B. 68 – Drug Sentencing Modifications

Sponsor: Representative Andrew Stoddard

UASD Position: Support

This bill mandates courts to impose a mandatory sentence on individuals convicted of a first- or second-degree felony if it is proven beyond a reasonable doubt that, during the commission or furtherance of the offense, the individual used, drew, or displayed a dangerous weapon or used a non-firearm weapon in an angry, threatening, intimidating, or coercive manner. The dangerous weapon must be readily accessible for immediate use during the distribution of illegal drugs. The bill also imposes mandatory sentencing on individuals convicted of first- or second-degree felony drug distribution while distributing or intending to distribute firearms. This legislation aims to address the growing issue of dangerous drug trafficking in Utah.

H.B. 84 – School Safety Amendments

Sponsor: Representative Ryan Wilcox

UPD position: Support

H.B. 84 establishes comprehensive safety measures for schools, requiring state buildings with over 300 occupants, all new public schools, and existing schools with over 50 occupants to install emergency communication systems, silent alarms, and early warning systems as directed by fire code officials. It mandates the presence of an armed and trained individual at every school during school hours, fulfilled by a school resource officer (SRO), a trained school guardian, or a private security guard. School guardians, who cannot be teachers or principals, receive liability protection when acting within their duties and must complete extensive training developed by the State Security Chief in collaboration with local law enforcement. The bill also sets minimum safety standards and reporting requirements to enhance school security.

The State Security Chief and county school security chiefs are tasked with conducting annual security and building assessments for every school, coordinating safety responsibilities, and implementing safety improvements. County security chiefs must oversee training, evaluate the qualifications of safety personnel, and administer the school guardian program in their respective jurisdictions. Law enforcement agencies with SRO units must develop policies

addressing officer selection, training, oversight, and accountability, while the State Security Chief provides a model policy for consistency.

Additional provisions include anti-bullying measures requiring multidisciplinary teams to conduct threat assessments before reintegrating students, along with a timeline for implementation of the bill's requirements. Private schools must designate a safety liaison and ensure access to necessary resources, while micro schools with fewer than 100 students are exempt. H.B. 84 allocates funding to assist school districts in meeting these requirements and will take effect on July 1, 2024.

H.B. 102 – Peace Officer Standard and Training

Sponsor: Representative Andrew Stoddard

UASD Position: Support

Recognizing the diverse roles of law enforcement officers, the Legislature has made adjustments to the Peace Officer Standards and Training (POST) requirements through H.B. 102. The bill introduces flexibility by allowing certain training requirements, which may not apply to all officers, to be completed over a three-year period instead of annually. It authorizes the local chief law enforcement officer or executive officer of an officer's employing agency to review and tailor training programs to ensure compliance with annual training requirements while aligning them with the specific needs of their agency or department.

Beginning July 1, 2024, all currently employed peace officers must complete training at least once every three years on mental health and crisis intervention responses; interventions for mental illnesses, autism spectrum disorder, and other neurological and developmental disorders; and responses to sexual trauma, including investigations of sexual assault and abuse. Training on these subjects will count toward the 40-hour annual training requirement in the year it is completed.

H.B. 155 – Changes to Fireworks Provisions

Sponsor: Representative Matt McPherson

UASD Position: Track; UASD Amended

H H.B. 155 clarifies that restrictions on the legal timeframes for selling fireworks do not apply to online sales made to out-of-state buyers. However, fireworks retailers are prohibited from selling fireworks to in-state buyers outside of the legal sale periods. Initially, the bill proposed removing all restrictions on online fireworks sales for both in-state and out-of-state buyers. This proposal faced strong opposition from the fire safety community due to the significant safety risks it would pose.

H.B. 177 – Forcible Entry Warrant Amendments

Sponsor: Representative Matthew Gwynn

UASD Position: Support

H.B. 177 does not expand or apply to no-knock warrants. Instead, it provides an exception to the requirement that law enforcement officers knock, announce their presence, and wait a reasonable time before forcibly entering a premises under specific circumstances. The bill applies when officers have been on the scene for a significant period, the individual inside is aware of their presence, has been asked to surrender, and a warrant to enter has been granted. In such situations, officers are not required to knock and announce before serving the warrant. This exception is intended to reduce the risks associated with the initial breach of a home, which is often the most dangerous moment for both law enforcement and individuals inside. By allowing for tactical surprise, the bill aims to enhance the safety of officers, civilians, and suspects.

H.B. 211 – Penalty for False Statement During Drug Arrest

Sponsor: Representative Ken Ivory

UASD Position: Support

This bill increases the penalty for individuals who falsely claim to have ingested drugs before their arrest. Such false statements require law enforcement officers to transport the individual to a hospital for treatment and wait until a doctor examines and clears them before proceeding with the booking process, wasting valuable law enforcement and hospital resources. Beginning May 1, 2024, arresting officers may inform individuals that an additional class B misdemeanor will be added if a doctor determines no drugs were ingested. This provision allows individuals to amend their initial statement if it is untrue. The bill aims to promote the efficient use of taxpayer-funded resources.

H.B. 225 – Unlawful Kissing of a Minor or Child

Sponsor: Representative Andrew Stoddard

UASD Position: Support

This bill provides law enforcement and prosecutors with a tool to protect children by addressing grooming behavior before it escalates to aggravated sexual abuse. Prior to the passage of H.B. 225, there was no law allowing charges against an adult who "French kisses" a child or minor; such cases were typically charged as disorderly conduct. This was problematic because it failed to establish a record of grooming or sexual abuse, hindering future investigations.

H.B. 225 creates the offense of "unlawful kissing of a child," making it a class A misdemeanor for an adult to kiss a child under 14 years old with tongue penetration. It also establishes "unlawful kissing of a minor," a class A misdemeanor for an adult who knowingly and intentionally French kisses a minor aged 14 to 17. A "Romeo and Juliet" clause applies to the latter offense, limiting it to cases where the adult is 10 or more years older than the minor.

Additionally, a defendant may claim they believed the 14- to 17-year-old minor was an adult as a defense.

This legislation addresses a significant gap in the law, allowing patterns of grooming and abuse to be tracked and prosecuted more effectively.

H.B. 257 – Sex-based Designations for Privacy, Anti-bullying, and Women’s Opportunities

Sponsor: Representative Kera Birkeland

UASD Position: Track

While many provisions of H.B. 257 apply specifically to public schools, the bill also addresses sex-designated shower and locker room facilities where the general public expects privacy. The bill requires government entities to report complaints or allegations of lewdness, voyeurism, or loitering within privacy spaces to law enforcement. For facilities open to the public, government entities must adopt a privacy compliance plan, ensure single-occupant facilities are included in new construction, and consider retrofitting or remodeling existing spaces to improve privacy.

For new construction, government entities must include single-occupant facilities. For existing privacy spaces, they must evaluate the feasibility of retrofitting or remodeling to add floor-to-ceiling walls and doors, curtains, or other comparable privacy protections. To accommodate these changes, the bill permits reducing the number of required fixtures by up to 20% to provide sufficient space for retrofits. "Open to the general public" does not include spaces restricted to government employees or areas not typically accessible to the public. Individuals may only access sex-designated changing rooms in public facilities if their sex matches the designation, they have legally amended their birth certificate, or they have undergone gender reassignment surgery.

The State Auditor is authorized to investigate alleged violations of these requirements. If a violation is confirmed, the governmental entity has 30 days to correct it. Failure to comply after 30 days may result in fines of up to \$10,000 per day, imposed by the Attorney General. Additionally, the Attorney General is tasked with defending, indemnifying, and holding harmless government entities that enforce this legislation.

H.B. 333 – Fireworks Modifications

Sponsor: Representative James Dunnigan

UASD Position: Support; UASD Amended

H.B. 333 grants fire districts the authority to issue firework discharge permits. Municipalities, counties, or fire districts may require a fee, insurance, or a bond as a condition for issuing a permit. The bill also updates the classification of explosives.

H.B. 378 – First Responder Mental Health Amendments

Sponsor: Representative Ryan Wilcox

UASD Position: Track with Concern

H.B. 378 requires the Department of Public Safety (DPS) to provide annual training on critical incident stress management and informational resources to first responder agencies, targeting both agency management and employees. The DPS may also assist first responder agencies in drafting grant applications. The bill establishes a process for first responders to access mental health care and expands the department's scope to better administer programs in rural areas. It also mandates annual training for critical incident stress management program volunteers and extends mental health services to civilian employees, such as records managers, who are authorized to access information on crimes, accidents, or other traumatic events.

The bill requires first responder agencies to annually inform all employed first responders and qualifying civilian employees about the availability of mental health resources and provide directions for accessing those resources. Agencies must also explain how to appeal a denial of mental health resources to the DPS following separation or retirement. Each agency must designate a mental health resources liaison, notify the DPS of their identity, and update the department when a new liaison is assigned.

Mental health resources must include regular screenings for all employees, assessments and access to mental health services within 48 hours for personnel involved in critical incidents, and ongoing access to mental health programs for spouses and children of first responders, as well as for retired or separated first responders and their spouses. The bill outlines procedures for denying mental health resource requests and reporting uncured denials. Funding is available through grants for agencies to provide mental health care for first responders. This legislation takes effect on July 1, 2024.

H.B. 418 – Student Offender Reintegration Amendments

Sponsor: Representative Ashlee Matthews

UASD Position: Support

H.B. 418 aims to protect victims of sexual crimes from having to attend school with their assailants. The bill requires local school boards to adopt policies addressing situations where a student has committed a violent felony or sexual crime, including hazing. The policies must distinguish between crimes committed on school property and those occurring off-campus. Additionally, schools must establish procedures for school resource officers to provide input regarding the safety risks posed by reintegrating such students. School resource officers must also be informed about any student on probation.

The bill mandates that an alternative placement be arranged for offending students if they attend the same school as their victim or if a restraining order exists against them involving a student or staff member at that school. A student who has committed a sexual crime may only return to the same school as the victim with the victim's consent.

Furthermore, the bill allows individuals to seek damages from the parent or guardian of a minor who repeatedly commits offenses on school grounds under Titles 76 (Utah Criminal Code) or 80 (Utah Juvenile Code). However, parents or guardians are not liable if they made reasonable efforts to supervise the minor, reported the misconduct to law enforcement, or if the court finds good cause. The court may also waive damages in such cases. H.B. 418 takes effect on July 1, 2024.

H.B. 432 – Child Abuse and Neglect Reporting Amendments

Sponsor: Representative Anthony Loubet

UASD Position: Support

H.B. 432 strikes a balance between safeguarding the confidentiality of clergy duties and protecting children. The law permits clergy to report abuse while preserving their privilege not to testify as a witness in such cases. This change enables law enforcement to initiate a fact-finding investigation conducted by an objective third party, based on information voluntarily provided by clergy regarding an individual confessing to harming a child. Reporting to law enforcement under this law is permissive, not mandatory.

H.B. 437 – Fire Amendments

Sponsor: Representative Casey Snider

UASD Position: Track

H.B. 437 requires the Division of Forestry, Fire, and State Lands ("Division") to conduct a scientific assessment of issues related to the wildfire risk assessment mapping tool, focusing specifically on risks to dwellings within the wildland-urban interface area. The bill allows the Division to adjust participation commitments based on findings from the mapping tool. Additionally, the Division may modify cooperative fire protection agreements with counties, cities, towns, or special service districts by adjusting assessments for participation based on the Consumer Price Index for All Urban Consumers, as published by the Bureau of Labor Statistics. These adjustments must follow a formula established by the Division through rulemaking in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act.

The bill also makes technical updates to the Wildland-Urban Interface Prevention, Preparedness, and Mitigation Fund and adjusts the timing of transfers involving the Industrial Assistance Account and the Wildland-Urban Interface Prevention, Preparedness, and Mitigation Fund. H.B. 437 takes effect on May 1, 2024.

H.B. 567 – Fire Regulation Amendments

Sponsor: Representative Walt Brooks

UASD Position: Track

H.B. 567 addresses burn restrictions in the Utah Code that previously prevented individuals in St. George, Utah from conducting open burns during their peak burning season in November. The legislation permits open burns between November 1 and March 31 in areas

with proper fire suppression systems, provided specific conditions are met. These include compliance with air quality index requirements. Open burns are strictly prohibited for the disposal of trash, rubbish, tires, or any material containing oil, whether used in the burn or to ignite or sustain the fire.

S.B. 119 – Fire and Rescue Training Amendments

Sponsor: Senator Wayne Harper

UASD Position: Support

The Utah Fire Rescue Academy, located at Utah Valley University (UVU), will expand its training offerings with the passage of S.B. 119 to include aircraft rescue. The training program has secured funding for a new prop airplane, which will be housed at the Provo Airport to support this specialized training.

S.B. 231 – Public Surveillance Prohibition Amendments

Sponsor: Senator Dan McCay

UASD Position: Track; UASD Amended

This bill requires law enforcement agencies to obtain a search warrant before accessing biometric surveillance information, such as real-time facial recognition data, except in specific circumstances. Agencies must also adopt a written policy outlining the use, management, and auditing of biometric surveillance information. This policy must be made publicly available on the agency's website or the Utah Public Notice Website.

Exceptions to the warrant requirement include situations where the use of biometric surveillance is authorized on certain properties under a judicially recognized exception or when there is an immediate public safety threat. Facilities such as airports, courthouses, government-owned or operated elementary and secondary schools, and critical infrastructure owned or operated by government entities are exempt from these warrant requirements.

REVENUE, TAXATION, AND FINANCE

H.B. 10 – Public Fund Amendments

Sponsor: Representative Walter Neil

UASD Position: Track

H.B. 10 requires the State Treasurer to report, on or before October 31 of each calendar year, the current balance of the Public Treasurers' Investment Fund (PTIF) as of June 30 for each entity that has transferred money into the fund. The PTIF is a public fund established for the deposit, investment, or reinvestment of funds transferred by a governmental entity's treasurer to the State Treasurer, in accordance with Section 51-7-5. Governmental entity funds not transferred to the State Treasurer under Section 51-7-4 may still be deposited into the PTIF at

the discretion of the governmental entity's treasurer responsible for their control or management.

H.B. 66 – Property Tax Relief Amendments

Sponsor: Representative Phil Lyman

UASD Position: Track

H.B. 66 adjusts the income qualifications for circuit breaker tax relief and authorizes the State Tax Commission to establish rules defining the circumstances under which an extension of the application deadline for circuit breaker tax relief may be granted.

S.B. 29 – Truth in Taxation Modifications

Sponsor: Senator Chris Wilson

UASD Position: Track

S.B. 29 grants the authority to defer charges listed on a property tax notice, aiming to help lower-income families and senior citizens remain in their homes. While the fees or charges appear on property tax notices, they are not necessarily property taxes. The bill also enhances transparency for taxing entities planning to impose a levy.

A taxing entity must hold a public hearing at least 10 days after notifying property owners of a proposed tax increase. The notice must now include the additional dollar amount of ad valorem tax revenue expected annually from the proposed increase, a brief statement of the primary purpose for the increase, and the intended use of the additional revenue. The notice must also provide the date, time, and location of the hearing, along with the taxing entity's website address. Additionally, county auditors are authorized to verify a taxing entity's compliance with public notice requirements under Truth in Taxation.

S.B. 86 – Local Government Bond Amendments

Sponsor: Senator Lincoln Fillmore

UASD Position: Track; UASD Amended

With the passage of S.B. 86, local political subdivisions are prohibited from issuing lease revenue bonds if the total amount of such bonds issued within any consecutive three-year period exceeds \$200,000,000. This limitation does not apply to bonds issued for the purpose of funding correctional facilities.

Local government entities intending to issue a lease revenue bond must meet specific notice requirements and hold a public hearing before issuing the bond. The hearing must begin at or after 6:00 p.m. and may be scheduled on the same day as another public hearing, either immediately before or after, but it must be conducted as a separate hearing.

Additionally, local building authorities issuing lease revenue bonds on or after May 1, 2024, must adhere to the same requirements and limitations outlined in the bill.

TECHNOLOGY

H.B. 404 – Public Entity Restrictions

Sponsor: Representative Candice Pierucci

UASD Position: Track

This bill prohibits state agencies from purchasing technology manufactured by restricted foreign entities, including those from Russia, China, and Iran. It also prevents cities from establishing sister city relationships with cities outside the United States that host slave labor camps. Additionally, the bill prohibits the state from purchasing products entirely produced by forced labor.

H.B. 491 – Data Privacy Amendments

Sponsor: Representative Jefferson Moss

UASD Position: Track with Concern

This bill establishes the state data privacy policy, outlining broad goals for protecting personal data within Utah. It creates the Utah Privacy Governing Board to recommend policy changes, the Office of Data Privacy to coordinate privacy protections, and a Privacy Ombudsman to address concerns and complaints. Governmental entities that sell personal data must justify such actions, with "sell" defined as the exchange of personal data for monetary consideration, excluding fees charged for access to records under approved fee schedules. The policy requires governmental entities to protect individuals' personal data by providing clear notice of data processing activities, processing only the minimum necessary data for lawful purposes, implementing consent mechanisms, and enabling individuals to access, control, and correct their data. Entities must safeguard personal data confidentiality, integrity, and availability, ensure compliance with applicable laws, and balance privacy with operational needs.

By May 1, 2025, governmental entities must implement privacy programs detailing policies, practices, and procedures for data processing. Employees with access to personal data must complete privacy training within 30 days of employment and annually thereafter. Contractors entering agreements after May 1, 2024, who process or access personal data, are subject to the same requirements as governmental entities. The bill also specifies requirements for personal data request notices, amendment or correction requests, data retention and disposition, and data breach notifications to affected individuals, the Cyber Center, and the Office of the Attorney General (Utah Code Ann. §§ 63A-19-402 through 63A-19-406). These requirements supplement, not replace, other privacy laws and liabilities.

S.B. 98 – Online Data Security and Privacy Amendments

Sponsor: Senator Wayne Harper

UASD Position: Track

This bill establishes the required response protocols for online data breaches and outlines the responsibilities of the state's Cyber Security Center in managing such incidents.

S.B. 131 – Information Technology Act Amendments

Sponsor: Senator Wayne Harper

UASD Position: Track

S.B. 131 addresses the use of deep fakes and artificial intelligence (AI) manipulation of videos and photographs in political campaigns. The bill mandates that any AI-edited video or photograph include a disclaimer. Courts may impose a civil penalty of up to \$1,000 for each violation.

S.B. 135 – Advanced Air Mobility and Aeronautics Amendments

Sponsor: Senator Wayne Harper

UASD Position: Track; UASD Amended

S.B. 135 requires roadable aircraft to be registered both as motor vehicles and as aircraft and outlines the distribution of registration fees for roadable aircraft and advanced air mobility systems. Initially, the bill sought to ban the use of drones manufactured in China or Russia by any governmental entity. However, the amended version, effective May 1, 2024, only prohibits governmental entities from purchasing or operating unmanned aircraft systems made or assembled in China or Russia for inspecting critical infrastructure.

The UASD collaborated with the bill's sponsor to ensure that political subdivisions can continue using their existing drones manufactured in China. These drones are currently more cost-effective and efficient compared to alternatives on the market. Public entities utilizing such drones for critical infrastructure inspections have until July 1, 2028, to replace them.

S.B. 149 – Artificial Intelligence

Sponsor: Senator Kirk Cullimore

UASD Position: Track

S.B. 149 establishes policies for artificial intelligence (AI) practices and regulations to address concerns about AI's potential, such as deep fakes, while fostering innovation. The bill creates the Office of Artificial Intelligence Policy ("Office") and a regulatory AI analysis program, enables temporary mitigation of regulatory impacts during AI pilot testing, and establishes the Artificial Intelligence Learning Laboratory Program to assess technologies, risks, and policies. It also mandates disclosure when individuals interact with AI in regulated occupations and strengthens consumer protections by integrating AI-related enforcement into the Deceptive

Practices Act. Under this legislation, AI cannot be used as a defense for unlawful or criminal actions.

The bill requires clear and honest disclosure when businesses use AI chatbots. Chatbots must identify themselves if asked by a consumer and provide mandatory initial disclosure that AI is being used to address the consumer. Businesses can utilize the Artificial Intelligence Learning Laboratory Program to test and develop AI programs. The Laboratory serves two functions: it operates a proactive learning agenda to identify key areas for regulatory testing and acts as a regulatory mitigation mechanism during AI pilot testing.

WATER

H.B. 11 – Water Efficient Landscaping Requirements

Sponsor: Representative Doug Owens

UASD Position: Support

Effective May 1, 2024, for any new construction or reconstruction on local governmental entity property within the Great Salt Lake Basin, the entity is prohibited from installing, maintaining, or using overhead spray irrigation in landscaped areas, except in active recreation areas. Additionally, local governmental entities are prohibited from using overhead spray irrigation to irrigate park strips, areas less than eight feet wide, or planting beds within active recreation areas. Local governmental entities may not circumvent these restrictions by designating areas as active recreation areas if they are larger than reasonably necessary for their intended use. These restrictions do not prevent the temporary use of overhead spray irrigation for the time needed to establish healthy root systems for drought-tolerant perennial plants. For the purposes of these requirements, recreation areas include spaces such as amphitheaters, golf courses, cemeteries, and other areas used for recreational activities.

H.B. 42 – Water Rights Publication Amendments

Sponsor: Representative Joel Briscoe

UASD Position: Support

When an individual submits an application related to a water right, the State Engineer is required to publish a notice of the application once a week for two consecutive weeks in a newspaper of general circulation in the county where the water source is located and where the water will be used. This bill permits the State Engineer to confirm the publication of such notices through electronic means.

H.B. 61 – Water Measuring and Accounting Amendments

Sponsor: Representative Carl Albrecht

UASD Position: Support

For 125 years, the state has utilized various methods to measure rivers. This bill empowers the State Engineer to establish rules governing "water measurement, telemetry, and reporting" and incorporates "water distribution accounting" into these efforts. By doing so, the bill provides the State Engineer with an additional tool to enhance the measurement of rivers and streams throughout Utah.

H.B. 62 – Utah Water Ways Amendments

Sponsor: Representative Doug Owens

UASD Position: Support

This bill originated from the Unified Economic Opportunity Commission (UEOC) with the goal of educating Utah's children about water use. It tasks Utah Water Ways with developing a curriculum on water use, which can be utilized by teachers in Utah schools. However, the bill does not mandate that schools or teachers adopt this resource. Instead, it provides an optional tool for teachers to use if they choose. The aim is to offer a resource that helps educators teach students about water use, waterways, canals, and the fundamentals of how water is managed in Utah.

H.B. 249 – Utah Legal Personhood Amendments

Sponsor: Representative Walt Brooks

UASD Position: Track

H.B. 249 addresses the concept of granting personhood to bodies of water by clarifying in state law that personhood applies exclusively to human beings. The bill was introduced in response to efforts in other states to legally designate the Colorado River as a person with the rights associated with personhood.

H.B. 275 – Water Amendments

Sponsor: Representative Casey Snider

UASD Position: Track

H.B. 275 prohibits homeowners' associations from requiring property owners to install or maintain lawns or turf. The bill also mandates that the Division of Water Rights establish rules requiring certain data to be submitted electronically by a city of the first class (e.g., Salt Lake City) or a water conservancy district serving areas within a county of the first or second class. This applies if the city or district is located within specific drainage areas, including those of the Great Salt Lake, Bear River, Bear Lake, Weber River, Jordan River, Utah Lake, or other tributaries between the Bear River and Jordan River, excluding Tooele Valley.

Additionally, the bill allows funding originally allocated for secondary water metering through grants to be repurposed for other water conservation efforts if the entity demonstrates to the Division of Water Resources that the alternative use will result in measurable water savings.

H.B. 280 – Water Related Changes

Sponsor: Representative Casey Snider

UASD Position: Support

A recent audit revealed significant shortfalls in the state's planning for future water needs, highlighting a lack of integration between state and local water development plans. In response, this bill establishes a framework to address the audit's findings and creates the Water Infrastructure Fund, designed as a long-term funding mechanism to meet Utah's water needs.

To address the estimated \$38 billion required to resolve the state's water infrastructure deficiencies, the bill mandates a study on financing water infrastructure projects and enacts planning and prioritization measures. These include creating a unified water infrastructure plan, establishing a system for ranking and prioritizing projects, defining related duties, and requiring reserve studies and capital asset management.

H.B. 295 – Produced Water Amendments

Sponsor: Representative Steven Lund

UASD Position: Track

H.B. 295 permits "produced water" from oilfields to be cleaned and, under strict guidelines, reused in another oil or gas field. The water used in oil and gas processes has high salinity and is unsuitable for consumptive use. Typically, such water is disposed of through the Division of Environmental Quality. This bill allows the producing oil or gas company to sell the used water to another business within the same industry, narrowly tailoring the legislation to impact only the oil and gas sector.

The Board of Oil, Gas, and Mining is tasked with regulating the disposition, transfer, use, transport, recycling, treatment, and disposal of produced water, including its injection. Any disposal by injection must comply with authority delegated by the U.S. Environmental Protection Agency, ensuring the protection of surface water and freshwater resources. The bill does not authorize the use of produced water for consumptive beneficial purposes without a water right and does not bypass Title 73 or the authority of the State Engineer.

H.B. 453 – Great Salt Lake Revisions

Sponsor: Representative Casey Snider

UASD Position: Track

This bill addresses mineral lease and royalty agreement provisions, setting the amounts that extraction operators must pay to the state. A key focus of the bill is the management of

water in the Great Salt Lake, challenging the misconception that water flowing into the lake is "wasted water." Utah follows the prior appropriation system, granting senior water rights priority over junior rights. However, in some years, senior upstream water right holders cannot fully use their rights, while junior water right holders near the Great Salt Lake enjoy full usage. The bill aims to create equity in this system while safeguarding the lake's health.

Under the bill, the Great Salt Lake strategic plan, adopted under Section 73-32-204, must consider land within the Great Salt Lake meander line, even if excluded from the lake's water due to berms or other infrastructure. The Division, in consultation with the Great Salt Lake Commissioner, must develop a comprehensive management plan and analyze the infrastructure and engineering needs for salinity management. Additionally, the Division must work with the Division of Wildlife Resources to identify projects on sovereign lands that enhance wildlife habitats through improved water flow and management of native and invasive plant species.

The State Engineer is tasked with regulating water measurement, appropriation, apportionment, and distribution within the Great Salt Lake meander line. By October 1, 2025, a distribution management plan must be adopted to establish requirements for measuring, quantifying, and reporting diversions, depletions, and return flows tied to Great Salt Lake water rights, as well as procedures for apportioning and distributing these rights.

S.B. 18 – Water Modifications

Sponsor: Senator Scott Sandall

UASD Position: Support

S.B. 18 addresses parameters and participation barriers within the Agricultural Water Optimization Program, which received \$200 million in additional funding from the Legislature. The bill builds upon the 2023 H.B. 277, which allowed water rights to be maintained without use, provided the water was utilized for beneficial purposes. During implementation, errors were identified that required correction to ensure water right holders could apply for a saved water designation for unused agricultural water, rather than being forced to "use it or lose it."

The bill modifies forfeiture provisions related to saved water, grants rulemaking authority for saved water administration, and addresses issues such as changes to water rights, proofs, certificates of appropriation, and segregation. It also clarifies language on agricultural water optimization and adjusts grant requirements to incentivize modern irrigation systems, such as drip and surge irrigation.

S.B. 18 authorizes the State Engineer to establish rules for quantifying, reporting, verifying, and segregating saved water and its subsequent beneficial use. A person may file a change application to quantify saved water or use it separately from its underlying water right, provided conditions are met to prevent increased depletion, unauthorized diversions, or violations of existing agreements. Saved water may not be used on additional acreage and is limited to nonconsumptive beneficial uses unless depletion and diversions are accounted for.

Although saved water can be monetized, it cannot be used to expand farming operations. This legislation ensures sustainable water management while supporting agricultural optimization.

S.B. 39 – Water Shareholder Amendments

Sponsor: Senator Scott Sandall

UASD Position: Support

S.B. 39 extends the time frame for a water company's response to a shareholder's proposed change application from 60 days back to the original standard of 120 days. This change aims to reduce the burden on groups that meet infrequently.

S.B. 125 – Secondary Water Amendments

Sponsor: Senator David Hinkins

UASD Position: Track

S.B. 125 modifies provisions related to secondary water metering requirements, exempting certain rural areas with fewer than 2,500 secondary water connections from mandatory metering. This exemption applies to small rural systems with minimal or no storage that rely primarily on stream flow. While the bill removes the universal requirement for secondary water meters, it allows for metering at strategic points within a system as approved by the State Engineer, rather than requiring meters on every secondary water connection. These changes free up some secondary water metering grant funds for use in the Great Salt Lake Basin. The bill also increases grant funding limits for secondary water suppliers. Suppliers with 7,000 or fewer connections are now eligible for up to \$10,000,000 in total grants, up from the previous \$5,000,000. Suppliers with more than 7,000 connections can receive up to \$20,000,000, increased from the original \$10,000,000.

S.B. 211 – General Water Infrastructure Amendments

Sponsor: Senate President Stuart Adams

UASD Position: Support

This legislation establishes a long-term framework to address Utah's future water needs, building on the foresight of previous generations who secured reliable water sources for the state's current population. The bill creates a 100-year vision for water sustainability by appointing a Utah Water Agent and forming the Water District Water Development Council ("Council") under the Interlocal Cooperation Act. The state's four largest water conservancy districts must collaborate with the Division of Water Resources to create the Council as a joint administrator of a cooperative undertaking.

The Council serves as an advisory body with no authority to own property, set policy, appropriate funds, levy taxes, issue bonds, or hold water rights. Its primary role is to plan for generational water infrastructure and promote responsible water development within the jurisdiction of the participating water conservancy districts. The Council is required to report annually to the Legislature.

The Utah Water Agent, appointed by the Governor with Senate approval, will work within the state and the region to support the Council's efforts. Together, the Water Agent and the Council aim to ensure future generations have access to adequate and reliable water supplies to meet their needs.

S.B. 270 – Utah Lake and Great Salt Lake Study Amendments

Sponsor: Senator Curtis Bramble

UASD Position: Track

S.B. 270 directs the Division of Forestry, Fire, and State Lands ("Division") to conduct a study on enhancing the benefits of Utah Lake while adhering to the Division's management authority over sovereign lands. The study must respect existing water rights and interests related to water collection, storage, and delivery projects associated with Utah Lake. Additionally, the Division must consult with the State Engineer to identify conditions that could impact the state's ability to deliver water from Utah Lake to the Great Salt Lake under an approved instream flow change application.

The Division is required to complete this study by November 1, 2025.