UTAH ASSOCIATION OF SPECIAL DISTRICTS

2022 BILL REVIEW

By

Heather N. Anderson	Mark H. Anderson	Rachel S. Anderson
Government Affairs Director	**General Counsel**	**Associate Counsel**

By the end of the 2021 session of the Utah State Legislature, the Association was following and addressing 241 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 62 Bills, 48 (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 13 Bills that the Association opposed, all of them 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.

LeGrand Bitter – legrand@uasd.org – *office:* (801) 614-0405, *cell*: (801) 725-1312

Heather Anderson – writeheather@gmail.com – *cell:* (310) 404-9966

Mark Anderson – mhanderson@fabianvancott.com – *office:* (801) 323-2234

Rachel Anderson – randerson@fabianvancott.com – *office:* (801) 323-2206

COVID-19 AND HEALTH

H.B. 63 – COVID-19 Vaccine Exemptions
Sponsor: Representative Jefferson Burton
UASD Position: Track

H.B. 63 adds to the list of "adverse actions" the separation of an employee from another employee *solely* on the basis of COVID-19 vaccination status. Under the Bill, any employer who requires proof of an employee's or prospective employee's COVID-19 vaccination status must accept, in lieu of a vaccination, a statement from the employee that receiving a COVID-19 vaccine would be injurious to the health and well-being of the employee, conflict with a sincerely held religious belief, practice, or observance of the employee, conflict with a sincerely held personal belief of the employee, or a letter from the employee's primary care physician stating that the employee was previously infected with COVID-19. Unless otherwise required by law, an employer may not keep a record or copy of an employee's proof of COVID-19 vaccination or test results. For an employer to legally require an employee to receive the COVID-19 vaccine, there must be a valid reason based on the employee's job duties and responsibilities and, if reassignment of the employee is practical, reassignment must occur rather than requiring the employee to be vaccinated. If an employer requires COVID-19 testing, the employer must pay for the test. An employer may verbally ask employees to voluntarily disclose their vaccination status, but an employer cannot force an employee to answer or take an adverse action based on the employee's COVID-19 vaccination status. If any of the requirements placed on an employer by the Bill substantially impairs the fulfillment of a contract entered into before May 4, 2022, to which the employer is a party, the requirement won't apply to the employer.

Another vaccine exemption Bill, H.B. 60, would have made it illegal for an employer to require an employee to be vaccinated against any disease. No vote was taken on the Bill in the Senate, and the Bill failed. UASD worked with the sponsor to provide protections for wastewater and fire districts by allowing a governmental entity to require the vaccination of an employee who may have direct exposure to human blood, human fecal matter, or other potentially infectious materials during the performance of the employee's duties, unless vaccination is contradicted for medical reasons or due to a sincerely held religious belief, practice, or observance of the employee.

S.B. 137 – Property Decontamination Amendments
Sponsor: Senator Karen Mayne
UASD Position: Support

S.B. 137 modifies the authority of a municipality to abate properties contaminated by methamphetamine. Currently, county health departments may close a home due to methamphetamine contamination. However, the health departments lack the authority to enforce abatement of the property. This Bill gives municipalities clear authority in the Code to clean up hazardous (dangerous and illegal) materials after a county health department closes a home due to contamination. A municipality may require that an owner or occupant use the abatement services of a certified decontamination specialist to abate hazardous materials. A municipality may adopt an ordinance imposing penalties for a violation of an order issued by the local health department due failing to abate the hazardous materials. A fine may not be imposed until after the appeal and administrative proceeding process is completed or the property owner, occupant, or another person responsible for the property has missed the 180-day deadline for filing the appeal. The property owner has 6 months after being given written notice, and all appeals have been exhausted, to clean up the hazardous material prior to the municipality stepping in to abate the home at the property owner's expense.

ELECTIONS

S.B. 11 – Local Election Amendments
Sponsor: Senator Jani Iwamoto
UASD Position: Support

Current law allows a municipal legislative body to cancel an election if the elected positions are unopposed and an ordinance to cancel an uncontested election has been adopted. The municipal legislative body must adopt a resolution cancelling the election at least 20 days prior to the scheduled election date. Write-in candidates are required to file a declaration of candidacy at least 60 days prior to the election date. S.B. 11 expands the current law to allow an uncontested race to be cancelled by a municipal legislative body. UASD worked diligently to make sure that district elections were included in the Bill. A local district board may cancel a local election if the ballot for the local district election will not include any contested local district races or ballot propositions. The local district board must pass a resolution no later than 20 days before the day of the scheduled election that cancels the election, certifies that the ballot would not include any contested races or ballot propositions, and states that the candidates who qualified for the ballot are considered elected. A local district board may cancel a local district race if the race is uncontested by following the same requirements as apply to cancelling an uncontested election. This change may save municipalities and local districts the unnecessary expense of uncontested elections, race, or ballot propositions. The law also applies to a special service district with an elected administrative control board. *See* Utah Code Ann. § 20A-1-102(31).

S.B. 19 – Election Revisions
Sponsor: Senator Daniel Thatcher
UASD Position: Track

S.B. 19 makes a number of changes to election law as requested by the county clerks. The Bill adjusts the date of any statewide or local special election held during an odd numbered year to coincide with municipal elections. If an error or omission has occurred in the publication of sample ballots, a candidate or the candidate's agent may file a petition for ballot correction with the district court without paying any fee. S.B. 19 adds the alteration of an official ballot without lawful authority to the list of offenses that qualify as an infraction under Section 20A-1-

604. An election officer must make sample ballots available for inspection at least 45 days before the election. Prior to this legislation, sample ballots were only required to be made available 7 days prior to the election. If a political party is no longer a registered political party in the state, any voter registered to that party will be changed to “unaffiliated” and the county clerk must notify the voter electronically or by mail of this change and the deadlines to register for another political party. Any municipality that wishes to participate in the Municipal Alternative Voting Methods Pilot Project (ranked choice voting) established in 2019, must fulfill all of the requirements to participate by May 1 during any odd numbered year, rather than the second Monday in May.

S.B. 38 – Ballot Amendments
Sponsor: Senator Daniel Thatcher
UASD Position: Support

Prior to the passage of S.B. 38, the law required the entire legal language for any proposition or resolution be printed on the ballot. In an effort to decrease cost, this Bill allows a short title and summary of each proposition or referendum be printed on the ballot. Each ballot must include an accompanying insert with additional information on the referendum or proposition, including a link to a location on the Lieutenant Governor's or local election officer’s website providing additional information.

EMPLOYMENT AND RETIREMENT

H.B. 287 – Volunteer Government Workers Amendments
Sponsor: Representative James Dunnigan
UASD Position: Track

Many governmental organizations have individuals who volunteer, most notably volunteer firefighters. Many organizations have a desire to pay volunteers, provide a stipend for scholarships or give appreciation gifts. However, prior to the passage of this Bill, if the supervisory governmental agency provided any of these perks, the volunteers would not be allowed to qualify for workers compensation coverage. H.B. 287 allows volunteers who receive reimbursement for reasonably incurred expenses, a stipend for future higher education expenses awarded from the National Service Trust, nonpecuniary items or meals that do not exceed $50, other items including uniforms, safety equipment or personal protective equipment used while performing their volunteer duties and health insurance through the Volunteer Emergency Medical Service Personnel Health Insurance Program to be eligible for workers compensation coverage through their supervisory agency.

H.B. 449 – Bereavement Leave Modifications
Sponsor: Representative Rex Shipp
UASD Position: Track

All state, county, municipal and higher education employers must provide at least 3 paid work days for bereavement leave to an employee who is impacted by a miscarriage or stillbirth. This includes an employee whose would have been the biological or adoptive parent of a child born as the result of a pregnancy. This requirement was not placed on districts.

S.B. 24 – Utah Retirement System Amendments
Sponsor: Senator Wayne Harper
UASD Position: Track

S.B. 24 is the annual Utah Retirement System ("URS") clean-up Bill. The Bill requires all participating URS employers to submit in their annual reports a certification for each employee that states whether the employee is an eligible employee who is accruing service credit, an ineligible employee who may not accrue service credit, a reemployed retiree or an employee who is eligible for employer contributions to a defined contribution plan. The legislation aligns the time period for determining final average salary with the time period for calculating years of service credit.

The Bill clarifies that any public safety employee that accrued credit under the Tier I system, who is transferred or promoted to an administration position with duties that consist primarily of management or supervision of public safety service employees within the same department, will continue participation in the Tier I system. The chief of any fire department or district is now included in the list of job positions that may be exempted from participating in the New Public Safety and Firefighters Tier II Contributory Retirement Act but the chief must file a written request with the URS to be exempted. Any member who is exempt from participation in the Utah Retirement Systems is exempt from earning years of service credit during the period of the exemption. The Bill repeals the New Public Safety and Firefighter Tier II Retirement Benefits Restricted Account and takes effect July 1, 2022.

S.B. 40 – Utah Protection of Public Employees Act Amendments
Sponsor: Senator Daniel Thatcher
UASD Position: Track

S.B. 40 clearly states that an employee who brings an action under the Utah Protection of Public Employees Act has the burden of proving, by a preponderance of the evidence, that the employee engaged in good faith protected reporting and suffered a retaliatory action. If the employee satisfies the burden of proof, the public employer has the burden of proving, with substantial evidence, that the employer's action was justified. If the employer meets that burden of proof, the employee must then prove, with a preponderance of evidence, that the employer's justification is pretextual.

S.B. 46 – Medical Cannabis Patient Protection
Sponsor: Senator Daniel Thatcher
UASD Position: Track

A governmental entity employer may not discriminate based on an employee's status as a medical cannabis cardholder or an employee's medical cannabis recommendation from a qualified medical provider. The employer must treat an employee's medical cannabis prescription the same way it treats any employee's prescriptions for any prescribed controlled substance.

S.B. 63 – Bereavement Leave Amendments
Sponsor: Senator Wayne Harper
UASD Position: Track

As with H.B. 449, this Senate Bill requires all state, county, municipal, and higher education employers to, by ordinance or resolution, provide at least 3 paid work days for bereavement leave to an employee who is impacted by a miscarriage or stillbirth. This includes an employee who would have been the biological or adoptive parent of a child born as the result of a pregnancy. While this requirement was not placed on districts, it is useful to know the benefits being provided by virtually all other forms of state and local governmental entities.

S.B. 95 – Limitations on Employer Liability
Sponsor: Senator Derrin Owens
UASD Position: Track

In an effort to help reduce recidivism, the Legislature passed S.B. 95 which provides limitations on the liability for the state and any political subdivision of the state who hires an individual with a criminal record. A cause of action may not be brought against a state or local government employer for negligently hiring an employee based solely on evidence that the employee has been previously convicted. This only applies to the fields of automotive repair and maintenance, construction, culinary arts, manufacturing, oil, gas, or mining, retail sale of goods or services or transportation of freight, merchandise, or other property by a commercial vehicle. A governmental employer may still be sued for negligence under certain circumstances, but an employer cannot be targeted for hiring, or having hired, someone with a felony record. For instance, these protections do not apply in a cause of action concerning the misuse of funds or property of a person if the employee was previously conviction for an offense that includes fraud or the misuse of funds as an element of the offense, and it was foreseeable that the position for which the employee was hired would involve duties in managing funds or property. There is a repeal date of July 1, 2025 to allow time to determine if there is a change in recidivism rates that correlate to this policy.

S.B. 144 – Genetic Privacy Amendments
Sponsor: Senator Michael Kennedy
UASD Position: Track

There are protections in current law against employers and insurance companies discriminating based on genetic information. S.B. 144 makes any information regarding an individual's genetic information private. It restricts employers and health insurance providers from requesting or inquiring about genetic tests, test results and procedures. There is an exemption for insurance companies if a claim for payment for the procedure has been made against an individual's health insurance policy.

GENERAL GOVERNMENT

H.B. 238 – State Holiday Modifications
Sponsor: Representative Sandra Hollins
UASD Position: Track

With the adoption of H.B. 238, the State of Utah recognizes Juneteenth National Freedom Day as an official state holiday. Juneteenth was declared a federal holiday in 2021. Texas was the last state in the Confederacy with institutional slavery. June 19, 1865 is the date the Union Army proclaimed that all enslaved people in Texas were free. If June 19^{th} falls between Tuesday and Friday, the holiday will be observed on the immediately preceding Monday. If it falls on a Saturday or Sunday, the holiday will be observed on the following Monday.

H.B. 388 – Local District Amendments
Sponsor: Representative Stephen Handy
UASD Position: Support (UASD Bill)

H.B. 388, the UASD "cleanup" Bill, makes a number of changes proposed by the UASD, as well as others that have been requested by districts.

Before a local district can be created, a county or municipality has a first right of refusal to provide the requested service(s) in lieu of creating the district. This Bill clarifies that, if a county or municipality adopts a resolution agreeing to provide the requested service(s), the resolution must include a reasonable, enforceable timeline to begin providing the service. H.B. 388 allows a district to obtain theft or crime insurance from an insurance company in lieu of providing a fidelity bond. Coverage may be provided under a group theft or crime insurance policy, thus providing broader coverage for all board members, officers, and other employees, which may eliminate duplicate coverage and generate cost savings for the district. Similar provisions apply to counties (Utah Code Section 17-16-11), municipalities (Utah Code Section 10-3-831), and public treasurers (Utah Code Section 51-7-15). H.B. 388 clarifies that a municipal services district ("MSD") may provide staffing and administrative services for a municipality or county as agreed by the parties. The Bill deletes an outdated Utah Code provision, making it easier for law enforcement officers employed by a transit district to assist other law enforcement agencies.

The Bill allows, with restrictions, a resident who lives within the boundaries of the local district, or an owner of land that receives service from the district, or an agent or officer of the landowner, in a basic local district or any other type of local district in a county of the fourth, fifth or sixth class to serve on the district board of trustees. H.B. 388 allows for a more timely mid-term replacement of a board member, after the appointing authority has satisfied all statutory requirements, by removing the requirement that the appointing must wait two full months before filling the vacancy. The Bill clarifies that, in order to become a candidate for an elected local district board position, an individual must file a declaration of candidacy in person with an official designated by the local district during the local district's standard office hours, if the standard office hours provide at least three consecutive office hours each day during the candidate filing period that is not a holiday or weekend. If the standard office hours of a local district do not provide at least three consecutive office hours each day, a three-hour consecutive time period each business day must be designated by the local district during which a district official will be available to accept declarations of candidacy.

One of the most important changes in this Bill is a provision that will allow a district board to adopt rules regarding per diem and travel expenses. In addition to covering travel by district employees, the change in the statute will allow a district board to adopt rules to address special circumstances encountered for approved board member attendance at a conference, convention, meeting, or other official district business. Otherwise, district board members will be subject to rules promulgated for state travelers by the Director of the Department of Finance. The UASD will provide a template that can be used by districts to properly address the change in the law. H.B. 388 also adds clarifying language to conform to the Utah Procurement Code respecting the adoption of purchasing rules.

H.B. 454 – Local District Amendments
Sponsor: Representative Stephen Handy
UASD Position: Support (UASD Bill-failed due to time)

During recodification of the district code in 2007, an attorney within the Office of Legislative Research and General Counsel decided to change the name "special districts" to "local districts." The apparent intent of the name change was to reduce confusion between the two general types of districts. Utah is the only state in the nation with term “local districts” and, is therefore, at risk of losing out on federal funding that specifically mentions “special districts.” H.B. 454 changes “local districts” back to “special districts.” The statutory structure and all requirements that apply to Section 17B districts will remain unchanged.

The Office of Legislative Research and General Counsel had to open up every section of the Utah Code where “local district” is mentioned to change the name. This caused the 446-page Bill to be made public too late in the Legislative Session to receive a committee hearing.

Therefore, it did not pass. Senator Thatcher has agreed to make H.B. 454 an interim committee Bill. It should pass through the Legislature in the first half of the 2023 Legislative Session.

S.B. 22 – Public-Private Partnership Amendments
Sponsor: Senator Ann Millner
UASD Position: Track

S.B. 22 removes the repeal date for the Public-private Partnerships Act and allows the Governor's Office of Economic Development ("GOED") to perform facilitating functions as a single point of contact for information on public-private partnerships ("partnership") in the state or for GOED to contract with another individual to facilitate those functions. The Bill encourages a government entity anticipating the possibility of entering a public-private partnership to consult with, and take advantage of, the expertise of the GOED facilitator when determining whether to enter into a public-private partnership and the best way to structure the partnership. The facilitator must create and maintain a website that includes the process for entering into a public-private partnership, help government entities and person's seeking investment opportunities through a partnership to understand the available opportunities and work to help move the state to the forefront throughout the country in the area of private participation in public infrastructure development through public-private partnerships.

<u>LAND USE AND INFRASTRUCTURE</u>

H.B. 132 – Uniform Easement Relocation Act
Sponsor: Representative Lowry Snow
UASD Position: Track

The Uniform Relocation Act establishes a judicial procedure to allow an owner of land through which an easement is located to relocate the easement provided that the relocation doesn't materially reduce the usefulness of the easement, impose a burden on the easement holder, or impair a purpose for which the easement was created or the safety of someone using the easement, or reduce the value or harm the condition of the easement holder's property. All expenses to relocate the easement must be paid by the property owner who relocates the easement. UASD worked successfully to amend the Bill to exclude all public entity easements. All conservation easements, negative easements, public-entity easements, public-utility easements, an easement associated in any way with a public transit facility, and water-conveyance easements are excluded from a judicial easement relocation action and are protected by the Act.

H.B. 181 – Railroad Crossing Maintenance Amendments
Sponsor: Representative Mike Schultz
UASD Position: Support

H.B. 181 clearly gives the Utah Department of Transportation ("UDOT") the authority to allocate responsibility for the costs of maintenance of railroad crossings, including maintenance of safety devices and crossing materials, between the railroad and the public agency involved. A public agency or the railroad may, in writing, request a review by UDOT of a specific railroad crossing and UDOT may modify the allocation. The railroad is responsible for the physical maintenance and labor performed on an at-grade railroad crossing. A railroad involved in the improvement of a railroad crossing must make reasonable efforts to participate in determining the need, design, and impacts of a new or improved crossing and enter into a contract with UDOT in a “timely” manner or pay a penalty. One of the most vital aspects of the Bill is that a railroad may not require up-front payment of costs as a condition for the railroad company's review, approval, and inspection of a new or improved railroad crossing.

H.B. 232 – Utah Lake Authority
Sponsor: Representative Brady Brammer
UASD Position: Track

H.B. 232 creates the Utah Lake Authority and gives the Lake Authority primary responsibility and authority for the management of Utah Lake and land use authority over publicly owned land within the Authority’s boundary. The Lake Authority is to work with other governmental entities and other stakeholders to, among other goals, improve the quality of water flowing into and out of Utah Lake. Except as may otherwise be provided in an agreement between the parties, the Lake Authority does not have jurisdictional control or power over any other political subdivision nor does the Lake Authority have jurisdiction respecting the regulation of water quality; water rights; water collection, storage or delivery; or water facilities that the Authority does not own. The Authority may, however, coordinate efforts of applicable state and local government entities, property owners, water right owners, and other stakeholders to develop and implement a management plan for Utah Lake. In these roles, the Lake Authority replaces the Utah Lake Commission that was established by interlocal agreement. The Lake Authority will be funded by sales tax revenues collected within the Lake Authority’s boundaries, which is the same funding mechanism that is being used by the Utah Inland Port Authority. The Bill requires the Lake Authority to report its actions to the Natural Resources, Agriculture and Environment Interim Committee of the Legislature on or before October 31, 2023. An earlier draft of the Bill authorized a $2.00 per month fee that could have been assessed against each sewer connection located in Utah County that is served by a sewer system that discharges effluent directly or indirectly into Utah Lake. That fee was eliminated from the final version of the Bill.

H.B. 240 – Utah Lake Amendments
Sponsor: Representative Kevin Stratton
UASD Position: Track

The Bill lays out the requirements for the 15 member Utah Lake Authority (“Authority”) Board. The Bill does not address the Utah Lake Restoration Project. The Authority does not have land use authority or authority over water rights. The Department of Natural Resources holds the land rights. The Authority may, in writing to the Legislature and Governor, recommend the disposal of state land in and around Utah Lake as compensation for restoring portions of the Lake. If the Division of Forestry, Fire and State Lands ("Division") recommends that the state dispose of land in and around the Lake, the Legislature and Governor may dispose of state land through adopting a concurrent resolution that states the restoration project will accomplish the restoration objectives defined by the Division, the disposal is a fiscally sound and fair method of providing for the comprehensive restoration of Utah Lake and is constitutionally sound and legal.

H.B. 303 –Local Land Use Amendments
Sponsor: Representative Val Peterson
UASD Position: Track

In recent years, the Legislature has enacted a number of Bills, largely at the behest of developers and builders, dealing with municipal and county land use and development authority, including H.B. 303. Utah is facing a critical shortage of moderate income housing units. H.B. 303 prohibits a county or municipality from requiring the development of moderate income housing units unless the developer voluntarily agrees in writing to include moderate income housing units, which agreement may include incentives, such as the waiver of requirements or approving a density increase or other benefits that may be provided by the county or municipality. In determining whether to approve or deny a land use application, a municipality or county is prohibited from taking into consideration the applicant's decision not to participate in the development of moderate income housing units. The only exceptions apply to a municipality that imposes a resort community sales and use tax if the municipality enacted an ordinance before January 1, 2022 that requires the development of moderate income housing units as a condition of approval of a land use application or a county of the third class in which a ski resort is located in the unincorporated area of the county, provided that the county enacted a moderate income ordinance before January 1, 2022.

Other provisions in the Bill do such things as: authorizing a county or municipal legislative body to adopt a land use regulation that specifies that combining lots does not require a subdivision plat amendment; requiring that a condominium plat must be approved by a municipality or county if the plat complies with the Condominium Ownership Act unless the plat violates a land use regulation of the municipality or county; and establishing detailed requirements for the recordation of a boundary line agreement establishing the location of the boundary between adjoining properties where the location of the boundary is ambiguous, uncertain or disputed. As provided in new Utah Code Ann. § 57-1-45(5): "[a] boundary line agreement [whether the location of the boundary is ambiguous, uncertain or disputed] . . . : (a) does not affect any previously recorded easement unless the easement is expressly modified by the boundary line agreement." Boundary line agreements are not subject to review or approval by a municipal or county land use authority, but neither do they constitute a land use approval by a municipality or county.

Two principal elements of the Bill are: 1) citizens of a municipality are prohibited from challenging a municipal election; and 2) the cost of providing moderate income housing is primarily the responsibility of municipalities and counties and their citizens, not developers.

H.B. 322 – Public Transit Capitol Development Modifications
Sponsor: Representative Kay Christofferson
UASD Position: Support

H.B. 322 places the management and oversight of all large public transit districts' (i.e., Utah Transit Authority "UTA") fixed guideway projects and fixed guideway capitol development projects that include state funding under the jurisdiction of the Utah Department of Transportation ("UDOT"). Due to the current projects in place, this Bill reallocates the funding from the Transportation Investment Fund of 2005 from UTA to UDOT to fulfill the various project requirements. UTA and UDOT must coordinate on all aspects of a fixed guideway capital development projects including planning, project development, outreach, programming, environmental studies and impact statements, impacts on public transit operations, and construction. Prior to July 1, 2022, UDOT and UTA must enter into an agreement for UTA to pay UDOT $5,000,000 per year for 15 years. These funds must be used to facilitate the purchase of zero emissions or low emissions rail engines and trainsets for regional public transit rail systems. UTA maintains control over any project that does not have state funding or utilize state property.

H.B. 357 – Eminent Domain Appraisal Amendments
Sponsor: Representative Michael Petersen
UASD Position: Track with concern

H.B. 357 pertains to the condemnation proceeding requirements when eminent domain is challenged in court. If an appraisal on the property sought to be condemned occurred more than 90 days prior to a settlement offer in an eminent domain case, an addition appraisal may be obtained at the request and expense of the plaintiff. The appraisal with the higher value will be used to determine just compensation for a settlement offer. A defendant may waive, in writing, the additional appraisal. Any appraisal on the property is not admissible and may not be referred to in case of a trial.

H.B. 443 – Utah Inland Port Authority Amendments
Sponsor: Representative Mike Schultz
UASD Position: Track

H.B. 443 amends the Utah Inland Port Authority Act by, among other things, reducing the size of the Utah Inland Port Authority Board, from 11 voting members down to 5 voting members and 3 non-voting members, by eliminating all of the voting local government members, including 2 Salt Lake County officials, 2 Salt Lake City officials, one West Valley City official, and the Magna Metro Township Mayor, thereby effectively placing the Authority under state control. The Bill requires Salt Lake City and the Authority to enter into an agreement pursuant to which the City will process land use applications for Port Authority jurisdictional land lying within the City and will commit to provide at least one full-time employee who is dedicated to processing those land use applications. In addition, Salt Lake City, the City's

Community Development and Renewal Agency (the “Agency”) and the Port Authority are to enter into an agreement relating to the distribution of exempt area property taxes that will enable the City to receive and utilize a portion of those property tax receipts for designated purposes, such as affordable housing. The Bill authorizes the Port Authority to pay, on a post-performance basis, substantial inducements to private property owners in recognition of capital expenditures of at least $100,000,000 or the creation of at least 250 and up to 1,000 high paying jobs. Salt Lake City, the Agency and the Port Authority are also authorized to enter into a contract dealing with the expenditure of mitigation money, including equal amounts for environmental mitigation projects within Port Authority jurisdictional lands and for mitigation projects for affected communities within Salt Lake City that are adjacent to Port Authority jurisdictional land. Among other activities, the Authority may develop and implement world-class, state-of-the-art, zero emissions logistics to support continued growth of the state’s economy and promote efficient and sustainable supply chain logistics.

H.B. 462 – Utah Housing Affordability Amendments
Sponsor: Representative Steve Waldrip
UASD Position: Track

At its core, H.B. 462 requires cities of the first through the fourth class, fifth class cities with a population of 5,000 or more if they are located in a county of the first through third class, a metro township with a population of 5,000 or more and counties of the first, second or third class that have a population greater than 5,000 in unincorporated areas, to include a moderate income housing element that meets detailed statutory requirements in their respective general plans. The Bill contains rigid compliance deadlines and recording requirements, with a “carrot and stick” approach to enforcement. Counties and municipalities that comply may be entitled to preferential treatment in receiving grants and financial incentives while those that do not will be prohibited from receiving the same. Specified municipalities and counties are to include a moderate income housing element in their general plans that will provide a “realistic opportunity to meet the need for additional moderate income housing within the next five years;” and must select at least three moderate income housing strategies (including such things as higher densities, allowing moderate income residential development in commercial or mixed use zones, providing funding and investment opportunities, creating or allowing for reduced regulations related to internal or detached accessory dwelling units in residential zones, and eliminating or reducing parking requirements and land use regulations, etc. Particular provisions apply to development within a specified distance of a fixed guideway public transit station (within a one half-mile radius if rail service is provided or a one quarter-mile radius if only bus service is provided, measured from the center of the public transit station platform). The Bill also spells out the roles of metropolitan planning organizations. With limited exceptions, a specified municipality or county in which a fixed guideway public transit station is located is required to develop and adopt a station area plan and appropriate land use regulations to implement the plan before a new fixed guideway public transit station begins transit services or, if there is an existing fixed guideway public transit station, on or before December 31, 2025. Some extra time is allotted for a municipality that has more than four existing fixed guideway public transit stations to come into full compliance; and two or more municipalities with jurisdiction over a station area may coordinate their efforts to develop a shared station area plan for the entire station area.

All affected stakeholders are to be involved in the development of the station area plan, including other impacted communities, the public transit district, the applicable metropolitan planning organization, the Department of Transportation, landowners within the station area and local residents and business owners. In new Utah Code Ann. § 35A-8-101(4) "moderate income housing" is defined as "housing occupied or reserved for occupancy by households with a gross household income equal to or less than 80% of the median gross income for households of the same size in the county in which the housing is located" and subsection (5) states that "'[m]oderate income housing units' means a housing unit that qualifies as moderate income housing." The same "moderate income housing" definition is stated in new Utah Code § 63L-12-101(2). This definition effectively replaces the definition of "affordable housing unit" which meant a rental housing unit the occupants of which had an income of no more than 50% of the median income for households where the housing unit was located, with a limit of no more than 31% of the household's gross income going to housing costs, including utilities.

Of particular interest to local and special service districts that charge impact fees is an absolute prohibition against imposing an impact fee "on development activity that consists of the construction of an internal accessory dwelling unit . . . within an existing primary dwelling." Utah Code Ann. § 11-36a-202(2)(a)(vi). New Utah Code Ann. § 20A-7-601(1) defines "qualifying county" as "a county that has created a small public transit district . . . on or before January 1, 2022" and defines "qualifying transit area" as being "a station area . . . for which the municipality with jurisdiction over the station area has satisfied the [statutory] requirements . . . as demonstrated by the adoption of a station area plan or resolution . . . or . . . a housing and transit reinvestment zone . . . created within a qualifying county." Section 20A-7-601 also defines a "transit area land use law" as "a land use law that relates to the use of land within a qualifying transit area." Subsection 20A-7-601(5) establishes minimum signature thresholds that are required for a petition seeking to have a transit area land use law passed by the local legislative body submitted to the vote of the people. H.B. 462 places a new restriction in Utah Code Ann. § 20A-7-602.8(2)(b) by declaring that "a proposed referendum is not legally referable to voters for a transit area land use law, as defined in Section 20A-7-601, if the transit area land use law was passed by a two-thirds vote of the local legislative body."

The Bill appropriates $1,882,000 to such uses as the development of a statewide data base for moderate income housing units; providing assistance to landlords under the Landlord Incentive Program; to enable the Department of Workforce Services to hire one full time equivalent employee; and the Department of Workforce Services to provide funding to a nonprofit entity that provides training and education on land use law, including regional land use training and workshops for local officials and policy makers on housing issues.

S.B. 140 – Housing and Transit Reinvestment Zone Amendments
Sponsor: Senator Wayne Harper
UASD Position: Support

S.B. 140 is a continuation and expansion of 2021's S.B. 217 by allowing housing and transit reinvestment zones around bus rapid transit ("BRT") and TRAX stations. The language in the Bill defines size limitations, defines what qualifies as housing, requires the city or county to adopt relevant zone changes, improves items in the Gap Analysis, and amends provisions related to state participation. The possible impacts on parking within the city must be studied and evaluated as part of a housing reinvestment zone proposal. The maximum number of housing and transit reinvestment zones at light rail stations is eight in any given county. The maximum number of housing and transit reinvestment zones at bus rapid transit stations is three in any given county. Equal participation by each affecting taxing entity is required and relevant zoning changes must be made before the housing and transit reinvestment zone may be approved by the Housing and Transit Reinvestment Zone Committee.

MEETING AND RECORDS TRANSPARENCY

H.B. 22 – Open and Public Meetings Act Modifications
Sponsor: Representative Douglas Welton
UASD Position: Track

During a Special Session in 2021, the Legislature passed a law to allow public meetings to be held and attended 100% electronically under limited circumstances. H.B. 22 clarifies that a public body must adopt a resolution that establishes the conditions under which a remote member may be counted as part of the quorum for a meeting held after December 31, 2022. If a public body is statutorily authorized to allow a member to act by proxy (local districts have no such statutory authority) the public body must adopt a rule, ordinance, or resolution to establish the conditions under which a member may vote or otherwise act by proxy during an electronic meeting. Unless the vote is unanimous, all votes during an electronic meeting must be taken by roll call.

H.B. 96 – Government Records Fee Amendments
Sponsor: Representative Dan Johnson
UASD Position: Support

Prior to the passage of H.B. 96, a fee could not ever be charged for the first 15 minutes of staff time required to respond to a Government Records Access Management Act ("GRAMA") request. H.B. 96 changes that provision to allow a government entity to charge for the entirety of staff time responding to a GRAMA request if the person who submitted the request has submitted a separate request within the preceding 10 days. This does not apply to representatives of the media.

H.B. 237 – Local District Modifications
Sponsor: Representative Adam Robertson
UASD Position: Track (UASD amended)

Current law requires a district to make its tentatively adopted tentative budget available for public inspection at the district's principal place of business during regular business hours at least seven days before a final budget is adopted. H.B. 237 adds the requirement that if the district has a website, the adopted tentative budget must be published on the district's website. In addition, the district must also either 1) post the tentative budget on the Utah Public Notice Website or 2) publish a link on the Utah Public Notice Website to the tentative budget on the district's website or to a website on which the tentative budget is published, at least seven days before a final budget is adopted.

H.B. 399 – Government Records Amendments
Sponsor: Representative Ryan Wilcox
UASD Position: Support

H.B. 399 came about because the State Records Committee requested guidance from the Legislature regarding the legal level of protection for "Garrity interviews." "Garrity Rights" protect public employees from being compelled to incriminate themselves during investigatory interviews conducted by their employers. These rights stem from the 5th and 14th Amendments to the US Constitution. This Bill will enable government employees to openly disclose information when a wrongdoing investigation is underway without fear that their statements may be used against them. Under H.B. 399, an employee's statement, given as part of a governmental entity's personnel or administrative investigation into possible misconduct under threat of disciplinary action based on the employee's refusal to provide the information, is a protected record under the Government Records Access and Management Act ("GRAMA") and may not be used against the employee in a criminal proceeding. The Bill does not change anything regarding the balancing test within GRAMA, the release of police body camera footage, or non-Garrity interviews with law enforcement officers or witness statements.

H.B. 439 – Elected Public Body Transparency Amendments
Sponsor: Representative Cheryl Acton
UASD Position: Track

H.B. 439 requires the minutes of a public meeting in which elected officials vote on action items to include the names of every yeah vote, every nay vote and every member who was absent for the vote. This list is required for every vote taken, including unanimous votes. The intent is to make it easier for members of the public to know how each elected official voted on every action item.

S.B. 254 – Government Records Access Revisions
Sponsor: Senator Kirk Cullimore
UASD Position: Support (UASD Bill)

S.B. 254 exempts a governmental entity's plan to prepare for or mitigate terrorist activity or for emergency and disaster response and recovery from the Government Records Access and Management Act (GRAMA). The Bill also exempts from GRAMA the results of, or data collected from, a public entity's risk assessment or security audit, but a certification that a community water system has conducted a risk and resilience assessment under federal law is not exempted. The Bill also allows engineering or architectural drawings of a drinking water or wastewater facility and, with a limited exception, records detailing tools or processes the drinking water or wastewater facility uses to secure, or prohibit access to, engineering or architectural drawings, to be protected under Utah Code Ann. § 63G-2-305. As with all protected records, governmental entities may share protected records with each other as they deem appropriate.

This is the first step to protect critical water and wastewater infrastructure. Over the next year, UASD will work with the State Engineer and the Division of Drinking Water to draft legislation that will make water and wastewater Geographic Information System (GIS) data and maps protected records, without creating unintended consequences or conflicts with state agencies that desire to make some GIS data available to the public.

PUBLIC SAFETY

H.B. 16 – Emergency Response Amendments
Sponsor: Representative James Dunnigan
UASD Position: Support

H.B. 16 adopted a new Part 15 in Title 53, Section 2a of the Utah Code called "Emergency Response Team." An "emergency responder" includes a firefighter, structural engineer, physician, paramedic, or technical rescue specialist that is placed in the direction or control of the Division of Emergency Management ("Division") in response to a disaster, emergency, or important event. An agreement between the Division and a participating agency to form an emergency response team must include terms for reimbursing the agency for costs related to operating the emergency response team. A member of an emergency response team is considered an employee of the Division for the purpose of receiving workers' compensation benefits if the individual is injured or contracts an occupational disease while acting within the scope of the individual's duties. The emergency responder also receives the protection and indemnification normally afforded a Division employee while acting within the scope of the individual's duties when working as part of an emergency response team. Therefore, if a firefighter or paramedic is injured while responding to a declared emergency outside of their agency's jurisdiction, the emergency responder will be covered under workers' compensation.

H.B. 23 – First Responder Mental Health Services Amendments
Sponsor: Representative Douglas Welton
UASD Position: Support

H.B. 23 requires all first responder agencies (fire protection, paramedic, law enforcement and emergency services) to provide or make available mental health resources to all current and retired first responders, as well as the spouses and children of first responders who die in the line of duty. This includes all law enforcement officers, emergency medical technicians and paramedics, firefighters, dispatchers, correctional officers, special function officers, search and rescue workers, crime scene investigation technicians, and credentialed criminal justice system victims' advocates. "Mental health resources" is defined as an assessment to determine appropriate mental health treatment that is performed by a mental health therapist, outpatient mental health treatment provided by a mental health therapist *or* peer support services provided by a peer support specialist who is qualified to provide peer support services. The Legislature appropriated $5,000,000 to fund grants that will enable first responder agencies to provide access to mental health resources. The Bill outlines what must be provided by an agency when applying for a grant that will be awarded by the Department of Public Safety. A first responder agency may not apply for a grant to fund a program already in place. However, an agency may submit a proposal to fund an expansion of an already existing program. The Department of Public Safety may adopt rules to set parameters for mental health services for retirees.

H.B. 19 – DNA Specimen Analysis Amendments
Sponsor: Representative Steve Eliason
UASD Position: Track

H.B. 19 deals with obtaining and destroying DNA specimen taken at the time of booking into a county jail. If, at the time of booking, the sheriff is able to obtain information from the Bureau of Forensic Services stating that the Bureau has received a DNA specimen for the person and the sample analysis is pending, the sheriff may choose whether to obtain an additional DNA specimen. The county sheriff's office must provide notice of the process to request the DNA specimen be destroyed and the results removed from the DNA database under certain circumstances to a person whose DNA is obtained during the booking process. Those circumstances include: if a final judgment reverses the conviction, judgment, or order that created an obligation to provide a DNA specimen; if all charges arising from the same criminal episode for which the DNA specimen was obtained have been resolved by a final judgment of dismissal with prejudice or acquittal; or if no charges are filed within one year after the day the person was booked. The most vital change ensuing from the passage of H.B. 19 for law enforcement agencies is that a person's DNA specimen results may be uploaded into the DNA database 60 days after an arrest warrant is issued for failure to appear in court. This closes a loophole that allowed fugitives to keep their DNA out of the database by failing to appear in court.

H.B. 32 – Health Care Worker Protections
Sponsor: Representative Robert Spendlove
UASD Position: Support

There have been increased attacks on healthcare personnel during the past two years as the world has dealt with the pandemic. Therefore, the Legislature decided to enhance the penalty from a class A misdemeanor to a third-degree felony for an individual, who is not a prisoner or a detainee, who knowingly and intentionally assaults or threatens violence against a health care provider, medical service worker, or health facility employee that results in substantial bodily injury. This includes protection for firefighters while acting within the scope of their EMS duties. The Bill has a repeal date of January 1, 2027.

H.B. 65 – Forensic Biological Evidence Preservation
Sponsor: Representative Brian King
UASD Position: Track

H.B. 65 requires that all biological evidence that may reasonably be used to incriminate or exculpate a person for a violent felony offense be preserved for the longer of the length of the statute of limitations for the violent felony committed where no charges have been filed, the felony remains unsolved, the length of time an individual convicted of a violent felony offense and/or co-defendant remains in custody or an amount of time sufficient to develop the DNA profile and allow for independent testing. If the evidence is too large to practically be stored, the evidence collecting or retention agency must remove the portions of the physical evidence likely to contain biological evidence related to the violent felony offense and preserve enough biological evidence sufficient to permit future DNA testing. This does not apply to biological evidence obtained during an investigation concerning driving under the influence solely for toxicological purposes. The Bill enacts a mechanism for an entity to dispose biological evidence before the timeframe has expired if notice of intention to dispose of the evidence has been given to the individual and their attorneys.

H.B. 70 – Public Safety Disability Benefits Amendments
Sponsor: Representative Matthew Gwynn
UASD Position: Track

Currently, if a public safety employee is injured in the line of duty and placed on permanent disability, the time worked towards their pension stops at that point. The permanently disabled public safety employee had to wait until the age of 65 to receive 20% of their pension. H.B. 70 ensures the full pensions of law enforcement officers and firefighters placed on long term disability due to an illness or injury incurred in the line of duty by requiring all participating public safety employers to provide a benefit protection contract that maintains the service credits of employees who become permanently disabled while performing their job duties. A participating employer may elect to provide a benefit protection program for other injuries or illnesses, but it is not required. This Bill takes effect on July 1, 2022.

H.B. 123 – Use of Force Revisions
Sponsor: Representative Kera Birkland
UASD Position: Track

Officer involved use of force incidents where an officer caused the death or serious bodily injury of an individual must be investigated. H.B. 123 requires that the county or district attorney's findings or analyses into an officer's use of force must be completed within 180 days after the criminal investigation is turned over by law enforcement. The completed findings or analyses must be published on the county's or district attorney's website within 5 business days. If the analysis is not published within the allotted timeframe, a public statement must be posted to the county's or district attorney's website explaining the reason for the delay and a reasonable estimate as to when the report will be completed and made public.

H.B. 124 – Forcible Entry Warrant Modifications
Sponsor: Representative Matthew Gwynn
UASD Position: Track

H.B. 124 makes numerous changes to how warrants with forcible entry may be used. Prior to making a forcible entry with a knock and announce warrant, an officer must audibly identify themselves, knock more than once, wait a reasonable amount of time for the occupant to open the door, and wear identifiable law enforcement markings, including a badge and vest or clothing with a distinguishable label or writing. In exigent circumstances, such as the risk of evidence being destroyed or a reasonable suspicion that the officer or another individual in or near the vicinity may be harmed, the officer does not have to knock, give a demand and explanation, or identify themselves before making a forcible entry. Before seeking a warrant from a judge, a supervisory officer must use the requesting officer's affidavit to perform an assessment to evaluate the totality of the circumstances, verify that a threat assessment has been completed, ensure reasonable intelligence gathering has occurred and determine whether there is sufficient evidence to seek the warrant.

The affidavit for a no-knock warrant must describe why the officer believes the suspect is unable to be detained with a knock and announce warrant or why the residence cannot be searched using less invasive or less confrontational methods. The officer must also show that investigative activities have been undertaken to ensure that the correct building is identified and that potential harm to innocent third parties, the building, and officers may be minimized with a no-knock warrant. Officers serving no-knock warrants must wear identifiable law enforcement markings, including a badge and vest or clothing with a distinguishable label or writing. Unless specifically sought in the affidavit and approved by a judge, all knock and announce and no-knock warrants must be served between the hours of 6 a.m. and 10 p.m. An officer may not seek a no-knock warrant for a misdemeanor investigation.

H.B. 169 – State and Local Employee Disaster Services
Sponsor: Representative Jefferson Burton
UASD Position: Track

H.B. 169 clarifies in statute that state, municipal, and county disaster employees are responsible to execute their respective disaster plans. The Bill allows state or local disaster response personnel to check on the security of their immediate family before reporting to work. The Bill has exemptions for an employee who cannot meet the duties required in the disaster plan due to imminent danger to immediate family or the employee's health precludes the employee from performing the duties otherwise assigned to them in accordance with the plan. The Bill allows a chief executive to reassign employees during a declared emergency according to the employer's state disaster response plan or emergency operations plan. Local district and special service district employees are not included in this requirement.

H.B. 175 – Protection of Animals Amendments
Sponsor: Representative Angela Romero
UASD Position: Support

H.B. 175 includes pets to a civil protective order or criminal stalking injunction. This is designed to prohibit a respondent from physically injuring, threatening to injure, or taking possession of a household animal that is owned or kept by the petitioner.

H.B. 260 – Law Enforcement Recording Release Amendments
Sponsor: Representative Mark Wheatley
UASD Position: Track

A person may request that a law enforcement agency release a recording of any incident in which an officer fired a weapon or any incident between an officer and an individual that results in death or serious bodily injury. The recording must be released within 10 days of any one of the following: the prosecuting agency declines to file a criminal action relating to the incident, the prosecuting agency files a criminal action related to the incident or the judge adjudicating the criminal action is notified by the prosecutor, or the defendant of the request to release the recording. The judge must determine that releasing the recording would not have a substantial likelihood of prejudicing a future jury. A law enforcement agency may not release a recording as described above if an individual injured in the incident or an immediate family member of the injured or killed individual requests that the recording not be released. The provisions of the Government Records Access Management Act do not apply to these recordings.

H.B. 289 – Insurance Coverage for Emergency Medical Service Personnel
Sponsor: Representative Dan Johnson
UASD Position: Support (UASD amended)

In an effort to help recruit and maintain volunteer emergency service personnel, H.B. 289 creates the Volunteer Emergency Medical Service Personnel Health Insurance Program. This program allows a governmental entity that is licensed as a ground ambulance provider, that did not offer health benefits to volunteer emergency service personnel as of January 1, 2022, to provide health insurance to the volunteer and the volunteer's eligible dependents through PEHP. For an emergency services volunteer to qualify they must be a resident of Utah and volunteer in a county of the third through sixth class, licensed and able to perform all necessary functions of the job, respond to at least 20% of calls in a rolling twelve-month period and not be eligible for a health benefit plan through their or their spouse's employer or eligible for medical coverage under a government sponsored healthcare program.

H.B. 293 – Ground Ambulance Interfacility Transport Licensing
Sponsor: Representative Ryan Wilcox
UASD Position: Track

Current interfacility transport license holders are allowed to upgrade their type of service as they qualify, as long as the ground ambulance service is already licensed and providing service to that geographical area. H.B. 293 allows the Utah Department of Health ("Department") to amend an existing ground ambulance interfacility transport license solely to convert an overlay license into an overlap license as long as the existing licensed provider meets the requirements found in Subsection 26-8a-404(4) of the Utah Code without an adjudicative proceeding. At least 30 days' notice must be given to ground ambulance providers in the same geographic service area prior to the Department amending the license. "Overlap" means two ground ambulance interfacility transport providers that are licensed at the same level of service in all or part of a single geographic service area. "Overlay" means two ground ambulance interfacility transport providers that are licensed at a different level of service in all or part of a single geographic service area. An amendment of a license under this section may not alter other terms of the original license, including the applicable geographic service area, and it may not alter the license of other providers that provide ground ambulance interfacility transport services in the geographic service area.

H.B. 441 – Community Paramedicine Amendments
Sponsor: Representative Dan Johnson
UASD Position: Track

A ground ambulance provider or a designated quick response provider may develop and implement a community paramedicine program. Community paramedicine is medical care provided by emergency medical service personnel that is provided to a patient who is not in need of ambulance transportation or located in a health care facility. Before providing services, a community paramedicine program must implement training requirements as determined by the State Emergency Medical Services Committee and submit a written community paramedicine operational plan to the Utah Department of Health that meets requirements established by the Committee. A service provided as part of a community paramedicine program may not be billed to an individual or a health benefit plan unless the service is provided in partnership with a health care facility and the partnering health care facility is the person that bills the individual or health benefit plan.

S.B. 51 – Transportation Amendments
Sponsor: Senator Wayne Harper
UASD Position: Support

S.B. 51 deals mostly with vintage vehicle registration. However, the Bill also clarifies that the nominating counties of an individual to be appointed by the Governor to serve as a Trustee for a large public transit district (i.e., UTA) must ensure that nominations are submitted to the Governor no later than June 1 of each respective nominating year. The language clarifies a definition related to expending revenues collected from local option sales and use taxes for capital expenses and service delivery expenses of a public transit district to include an eligible political subdivision as defined in Section 59-12-2219. The Bill also allows the Department of Public Safety to establish a pilot program to establish a public-private partnership to manage certain tow rotation dispatch services in counties of the first and second class. The goal of the pilot project is to increase efficiency, effectiveness, and transparency in the dispatching of towing services. The Bill amends the annual allocations of funding from the County of the First-Class Highway Projects Fund to be prioritized for transportation projects for cities, metro townships and the county of the first class (i.e., priority projects to mitigate congestion and improve transportation safety within Salt Lake County).

S.B. 53 – Driver Speeding Amendments
Sponsor: Senator Jani Iwamoto
UASD Position: Support

S.B. 53 increases the penalties associated with street racing by requiring the court to impose a fine not less than $150% of the suggested fine in the uniform fine schedule for an individual convicted of a speed violation of 100 mils per hour or more and making any person who obstructs or places any barricade or obstruction, or assists or participates in placing any barricade or obstruction, upon any highway for a motor vehicle speed contest or exhibition of speed guilty of a class B misdemeanor. Any non-street legal vehicle that is used in a motor vehicle speed contest or exhibition of speed on a highway may be seized by law enforcement.

S.B. 96 – Correctional Officer Eligibility Amendments
Sponsor: Senator Jani Iwamoto
UASD Position: Support

The pilot program allowing an individual who is 19 years old to work as a correctional officer for the Department of Corrections has been extremely successful. Therefore, S.B. 96

makes the pilot program permanent and expands the program to allow a 19-year-old, who is certified, to work as a special function officer or a correctional officer in a state or county correctional agency.

S.B. 102 – Wireless Communication Devise Use in a Motor Vehicle
Sponsor: Senator Chris Wilson
UASD Position: Track

This Bill expands the prohibitions of an individual operating a motor vehicle from using a wireless communication device (cell phone, laptop, tablet, etc.) to take a photo or video while driving. The definition of a wireless communication device does not include a two-way radio device.

S.B. 122 – Unmanned Aircraft Amendments
Sponsor: Senator Michael Kennedy
UASD Position: Track

S.B. 122 does two things: it clarifies in state Code that an individual who executes an illegal offense while in control of a drone may be charged and found guilty for operating a drone during the offense and it requires the Department of Transportation to convene a temporary working group whose sole purpose is to develop policy regarding advanced air mobility (drones). While there is a list of individuals who may be part of the working group in the Bill, any district that is interested in participating in the working group may do so. Please contact UASD for information on the group's meeting schedules.

S.B. 126 – Officer Intervention and Reporting Amendments
Sponsor: Senator Jani Iwamoto
UASD Position: Track

S.B. 126 requires the Peace Officer Standards and Training Council ("POST") to establish and annually review minimum standards for officer intervention and the reporting of police misconduct. Under S.B. 126, if an officer is present and knowingly observes another officer engage in police misconduct, that officer must intervene as long as the officer is in a position to do so safely and without unreasonable risk to the safety of the officer or another individual. The officer is required to promptly report the misconduct to their direct supervising officer, their chief/sheriff or designee for internal affairs. No retaliatory actions may be taken against a reporting officer. The Bill offers protection from criminal or civil liability if an officer intervenes in good faith to stop police misconduct. This Bill does not give immunity to an officer from lawful disciplinary action undertaken by the officer's employing agency in connection with the incident as long as the disciplinary action is not undertaken solely due to the officer's good faith decision to intervene. Each law enforcement agency in the state must adopt written policies that conform with the POST Council's minimum standards by July 1, 2022. A law enforcement agency may adopt policies that are more stringent than the required minimum standards set by POST.

S.B. 156 – Protection Against Extortion Amendments
Sponsor: Senator Daniel Thatcher
UASD Position: Support

S.B. 156 fixes a loophole in the law. Under current law, sexual extortion is defined narrowly as extortion for money. S.B. 156 expands the definition of sexual extortion to include money and other valuables. This puts in place greater protections for victims. For instance, if a perpetrator threatens to release explicit images of the victim if they aren't given more explicit images, the law prior to the passage of S.B. 156 would have classified this threat as theft and a Class B misdemeanor. S.B. 156 classifies that threat as sexual extortion which increases the violation to a third-degree felony offense. The Bill also states the circumstances in which the crime is considered aggravated sexual extortion and a first-degree felony.

S.B. 179 – Criminal Justice Amendments
Sponsor: Senator Todd Weiler
UASD Position: Track

The Legislature passed the Justice Reinvestment Initiative ("JRI") a number of years ago. The goal was to dramatically redesign the criminal justice system to reduce recidivism rates. The main goal of JRI was to treat drug addicts differently than violent criminals, by getting addicts the treatment needed to lead healthy, productive lives. Unfortunately, the initiative didn't cause a long-term drop in recidivism rates.

S.B. 179 mandates the creation of Criminal Justice Coordinating Councils ("coordinating councils"), within the criminal justice system, from every county in the state. The Bill gives flexibility by allowing multiple rural counties to combine to form a single coordinating council. The makeup and requirements of a coordinating council are laid out in the Bill. The Bill also requires uniform data collection from each county. If data isn't collected and provided by a county, state grant money issued by the State Commission on Criminal and Juvenile Justice ("CCJJ") will be withheld from that county and the Department of Corrections will be prohibited from contracting with the county to house state inmates. The prohibition of granting state money extends to any of the following groups that are subject to the reporting requirements and fail to provide the required data: a county jail, a criminal justice coordinating council, a state or local government agency or nonprofit organization, a law enforcement agency, a prosecutorial agency and a residential, vocational and life skills program. A residential, vocational and life skills program must collect data on recidivism of participants, including data on participants while under the supervision of a criminal court or the Board of Pardons and Parole and are convicted of another offense while participating in the program, or within two years after the day on which the program ends, to the CCJJ. The Bill recommends that drug offenses be heard in drug court and makes clear a felony offense is not required for participation in a drug court program.

S.B. 190 – Medical Cannabis Act Amendments
Sponsor: Senator Evan Vickers
UASD Position: Track

S.B. 190 makes several clarifications to the Code regarding medical cannabis. It differentiates between allowable hemp products and allowable cannabis products based on their THC level and analog concentration. The portion of S.B. 190 that is applicable to districts deals with the allowable restrictions police and fire districts may place on medical cannabis use. Federal law states that if a person has used a Class 1 Substance they cannot use a firearm. This Bill affirms that federal law may not be violated, making clear that law enforcement employees, including correctional officers, cannot be medical cannabis patients. Since the legalization of medical cannabis in Utah, firefighters have been permitted to be medical cannabis cardholders and patients. This legislation clearly states that firefighters are not permitted to use medical cannabinoid substances within 12 hours of going on shift.

For all districts, excluding law enforcement, see S.B. 46 which states that a governmental entity employer must treat an employee's medical cannabis prescription the same way it treats any employee's prescriptions for any prescribed controlled substance.

S.B. 222 – Emergency Medical Service Personnel Amendments
Sponsor: Senator Wayne Harper
UASD Position: Track

The State Emergency Medical Services Committee was informed that the FBI would no longer conduct criminal background checks for certain emergency medical services personnel if the emergency section of the Utah Code was not changed to add the "correct" terms for certain categories under licensure and training requirements. Therefore, the Legislature changed the categories of "medical director" to "advanced emergency medical services technician" and "emergency medical service instructor" to "emergency medical services technician."

REVENUE AND TAXATION

H.B. 82 – State Finance Review Commission
Sponsor: Representative Jeffrey Stenquist
UASD Position: Track with Concern

Among other things, H.B. 82 creates the State Finance Review Commission and prohibits a large public transit district (the Utah Transit Authority) from issuing a bond unless the Commission has first approved the bond issuance. It also requires the Utah Inland Port Authority, the Point of the Mountain State Land Authority, and the Military Installation Development Authority, or a public infrastructure district created by one of the named Authorities, to report the issuance of bonds to the Executive Appropriations Committee of the Legislative and the State Finance Review Commission.

H.B. 106 – Tax Sale Notice Amendments
Sponsor: Representative Douglas Welton
UASD Position: Support

H.B. 106 allows a county auditor to provide notice of tax sale by certified and first-class mail or by first class mail and another shipping service that includes tracking and delivery confirmation.

S.B. 25 – Property Tax Deferral
Sponsor: Senator Lincoln Fillmore
UASD Position: Track

S.B. 25 allows low-income senior citizens (75 years old or older) who own a single-family residence to defer paying property tax on their primary residence until the home is sold. All taxing entities would be made whole upon transfer of the estate. Deferred taxes under this section bear interest at an interest rate equal to 50% of the set interest rate, which may be no less than 7% and no more than 10%. The Legislature appropriated $8,000,000 to help taxing entities with any revenue shortfall due to this tax deferral. The State Tax Commission will reimburse a county that completes a written application for the amount that the county defers. The Commission will not reimburse a county for any amount prior to granting the eligible senior citizen homeowner a property tax deferral or for any tax assessed after December 31, 2026. The Legislature believes this will give taxing entities enough time to plan for deferrals and begin receiving revenue from the sale of homes with deferred property taxes. This Bill has a retrospective effective date of January 1, 2022.

S.B. 61 – Delinquent Property Tax Collection Amendments
Sponsor: Senator Wayne Harper
UASD Position: Track

S.B. 61 states that the state, a governmental entity or a local agency acting on behalf of a political subdivision may collect a delinquent property tax from a debtor's overpayment or refund of income tax if the account receivable is three or more years delinquent. The Bill lays out the order in which the collected debt will be credited against a delinquent property tax.

S.C.R. 7 – Concurrent Resolution Calling on Local Governments to Treat Above-Trend Revenue Growth as One-Time Revenue
Sponsor: Senator Lincoln Fillmore
UASD Position: Track

Due to the extreme and unexpected fluctuations of federal funds received by state and local governmental entities during the COVID-19 pandemic, the Legislature wants to highlight the volatility of tax revenue and federal funds through this Resolution. The Legislature stressed that treating unexpected, or above-trend, revenue growth from sales and use tax revenue and federal funds as one-time money can help protect against the negative effects of revenue volatility.

WASTE AND RECYCLING

H.B. 394 – Recycling Transparency Amendments
Sponsor: Representative Douglas Welton
UASD Position: Track

A person, including a political subdivision, who for compensation, collects and transports recyclable material and uses the billing and collection system of a political subdivision to bill or collect payment from the recyclable material hauler's customers must report according to the best of the recycler's knowledge the approximate tonnage of recyclable material collected by the hauler that is delivered to a landfill and to a recycling facility. This information must be provided at least twice per year to the political subdivision whose billing and collection system the hauler uses. Within 45 days of receiving this data, the political subdivision must publish the data in a newsletter produced by the municipality or on its website.

WATER AND WATER RIGHTS

H.B. 21 – School and Child Care Center Water Testing Requirements
Sponsor: Representative Stephen Handy
UASD Position: Support

All public and private schools, including preschools, must test their consumable water taps for lead, using a certified laboratory, by December 31, 2023 and child care centers are encouraged to test their consumable taps for lead. Any school or child care center that has conducted a lead test of its consumable taps between 2016 and May 4, 2022 does not need to re-test. If any test result shows actionable lead levels ($\geq$5 parts per billion), the school or child care center must stop using the tap or take steps to bring it into compliance and report to the Division of Water Quality ("Division"). The Legislature appropriated $3,5000,000 of American Rescue Plan Act ("ARPA") funds to the Department of Environmental Quality for the Division to cover the expenses of water sample testing and to provide staff to coordinate sampling and remediation efforts. Any remaining funds may be used to provide grants to schools and child care centers to remediate actionable lead levels.

H.B. 33 – Instream Water Flow Amendments
Sponsor: Representative Joel Ferry
UASD Position: Support

Pursuant to Utah Code § 73-3-3, H.B. 33 allows the Division of Wildlife Resources, the Division of State Parks or the Division of Forestry, Fire, and State Lands to file a permanent change application, a fixed time change application, or a temporary change application to provide water within the state for an instream flow within a specified section of a natural or altered stream or use on sovereign lands. A person entitled to the use of water may file a fixed time change application or a temporary change application to provide water within the state for an instream flow within a specified section of a natural or altered stream or use on sovereign lands. This allows agricultural producers to have greater flexibility. The State Engineer may not approve a change application filed under this Section unless the proposed instream flow or use on sovereign lands will contribute to the propagation or maintenance of wildlife, the management of state parks or the reasonable preservation or enhancement of the natural aquatic environment. An instream flow may not be changed for reservoir storage. The Bill lays out the requirements that must be met in any change application for the purposes listed above.

H.B. 37 – State Water Policy Amendments
Sponsor: Representative Kevin Stratton
UASD Position: Support

H.B. 37 recognizes that "aquifer recharge or aquifer storage and recovery" are part of Utah's water policy. The Bill amends state water policy to include the recharge of aquifers in the state's efforts to promote conservation practices and the efficient and optimal use of water resources.

H.B. 121 – Water Conservation Modifications
Sponsor: Representative Robert Spendlove
UASD Position: Support

H.B. 121 requires the state to take a leading role in promoting water conservation through water wise landscaping. It requires all government facilities constructed after May 3, 2022, to have no more than 20% of the grounds be lawn or turf. The Division of Water Resources ("Division") may make exceptions if the state agency requires additional turf or lawn to achieve a purpose of the agency. All state agencies must reduce outdoor water use by 5% by the end of fiscal year 2023 and by 25% by the end of fiscal year 2026. Except when allowed by the Division, state agencies may not irrigate between 10 am and 6 pm, and must shut off sprinklers during rain and wind events and implement an outdoor leak detection and repair program. State agencies must annually evaluate opportunities to update irrigation systems to meet best practices for water efficiency and evaluate ways to replace lawn or turf with water wise plants.

The Division may provide an incentive of up to 50% of a private property owner's cost to remove lawn or turf and replace it with drought resistant landscaping, with a $5,000,000 aggregate annual cap. To be eligible for an incentive, the owner must be in good standing with a retail water provider with no unpaid water bills. An owner may not receive more than one incentive from the Division for the same property. The Legislative Water Development Commission is tasked with creating a strategy to study water conservation on public and private lands and report to the Legislature by next November.

H.B. 131 – Watershed Restoration Initiative
Sponsor: Representative Gay Bennion
UASD Position: Support

H.B. 131 formalizes the Watershed Restoration Initiative ("Initiative") as a state program located within the Department of Natural Resources. Up until now, the 16-year-old program, with the same name, has been funded and organized in a more piecemeal basis, with contributions from the Utah Division of Wildlife Resources, the Bureau of Land Management, nonprofit organizations, private land owners, and more. The objectives of the Initiative are to manage, restore, and improve watershed ecosystems throughout the state. The Initiative may partner with federal, state, local, nonprofit, and private partners to further its objectives. The Legislature created the Watershed Restoration Expendable Special Revenue Fund to be used for approved watershed restoration projects. Donors to the fund may designate which projects their money funds.

H.B. 166 – Water Facility Amendments
Sponsor: Christine Watkins
UASD Position: Support

H.B. 166 amends sections of the Water and Irrigation title of the Utah Code which makes it unlawful to interfere with a water facility. Previously, this law made it a crime for a person to (a) maliciously interfere with, damage, destroy, or remove a water facility, (b) to make a connection to a water facility without written consent, or (c) interfere with a person in their duty of apportioning water.

This bill deletes that section "(a)" entirely and adds a definition of the phrase "connection to a water facility" from section "(b)" in such a way as to encompass more specifically what was likely intended by section "(a)" in the first place. Specifically, the phrase "connection to a water facility" is defined to include introducing water or another substance into a water facility or taking water from a water facility, as well as other actions made with the intend to do the same, such as cutting into a facility or placing a structure in or on the facility for those purposes. This law prohibits a "person" from taking these actions, but governmental entities are expressly excluded from the definition of "person."

H.B. 168 – Preferences of Water Rights Amendments
Sponsor: Representative Carl Albrecht
UASD Position: Track

H.B. 168 allows the State Engineer to make rules governing the preferences of water rights when the Governor declares a temporary water shortage emergency. The State Engineer is directed to study how the state should address preferred uses of water during a temporary water shortage emergency, including issues such as the process for determining whether and how a water use may be given preference and compensation for holders of water rights that are affected by preferences being given to certain water uses. The State Engineer may work with stakeholders in conducting the study. The findings must be presented to the Natural Resources, Agriculture and Environment Interim Committee by its November 2022 meeting.

With a May 3, 2023 delayed effective date, the Bill prioritizes water uses during a declared temporary water shortage emergency. The use of water for drinking, sanitation, generation of electricity, and fire suppression is given a preferential right over any other water use for the duration of the temporary water shortage emergency (up to one calendar year) but the water must be used without unnecessary waste. The next preferential right for water use is given to agricultural purposes, including irrigation and livestock water. A person using water preferentially during a temporary water shortage emergency must pay an appropriator whose water use is interrupted the reasonable value of the interrupted water use, crop losses, and other consequential damages incurred as a result of the interruption.

H.B. 242 – Secondary Water Metering Amendments
Sponsor: Representative Val Peterson
UASD Position: Track

Beginning April 1, 2022, all new pressurized secondary water connections in first- and second-class counties must be metered. Counties of the third through sixth class must install meters for all new pressurized secondary water connections beginning May 4, 2022. All secondary water suppliers must install a meter that allows for data communication between the meter and other devices designed to manage use of secondary water that is open and available to an end user and open so that it can integrate with third-party providers. These meters will be required for every pressurized secondary water connection by January 1, 2030. As of legislation passed in 2021, secondary water supplier may raise rates up to 10% in a calendar year to pay for the installation and maintenance of the meters.

The Legislature has appropriated American Rescue Plan Act funds to the Board of Water Resources (“Board”) to issue grants to pay for up to 70% of the costs associated with installing meters on current unmetered pressurized secondary water connections. The grants may not be used to install meters on any new connection after May 4, 2022 or to repair or replace existing meters. A secondary water supplier with 7,000 secondary water connections or less is eligible for a total grant amount under this section of up to $5,000,000. A secondary water supplier with more than 7,000 secondary water connections is eligible for a total grant amount under this section of up to $10,000,000. If a secondary water supplier applies for a grant as part of a group of secondary water suppliers, the total grant amount applies to each member of the group and is not based on the number of secondary water connections of the entire group. This may allow suppliers to purchase in greater bulk to achieve economies of scale. The amount of grant money decreases over time. 70 % of the project cost may be covered by the grant in calendar years 2022 and 2023, 65% in 2024, 60% in 2025, 50% in 2026, 40% in 2027, 30% in 2028, 20% in 2029 and 10% in 2030. It is fiscally prudent to order the meters and begin as soon as possible.

A secondary water supplier may apply for loans from the Board for the portion of the metering project not covered by the ARPA funding grants. A detailed description of what is required in the grant application may be found on lines 318-335 of the Bill. If awarded a grant, the agreement must be executed by no later than December 31, 2024 and the grant money must be spent by December 31, 2026 and the project be completed under the terms of the grant.

According to H.B. 242, any secondary water supplier who fails to meter every connection by the January 1, 2030 deadline may not receive state money for water related purposes until the secondary water supplier completes full metering and is subject to an enforcement action of the state engineer. In order for the state engineer to begin enforcement, the director of the Division of Water Resources ("Division") must first submit a referral to the state engineer if the director finds that the secondary water supplier failed to fully meter and determines that an enforcement action is necessary to conserve or protect a water resource of the state. The secondary water supplier will then receive notice of the violation from the state engineer that will include an administrative fine. The secondary water supplier will have the opportunity to request a hearing or abate the violation before the state engineer issues a final order and enforces the penalties for the violation. A secondary water supplier may file a petition for judicial review. However, if the state engineer prevails in court, the secondary water suppliers may be required to pay court costs and reasonable attorney fees of the prevailing side. The state engineer must issue an administrative fine equal to $10 for each secondary water connection of the secondary water supplier for failure to comply with full metering by January 1, 2030, $20 for each secondary water connection for failure to comply with full metering by January 1, 2031, $30 for each secondary water connection for failure to comply with full metering by January 1, 2032, $40 for each secondary water connection for failure to comply with full metering by January 1, 2033, and $50 for each secondary water connection for failure to comply with full metering by January 1, 2034 and $50 for each secondary water connection for each subsequent year the secondary water supplier fails to comply with full metering. This fine is for every connection, not every unmetered connection.

A secondary water supplier located within a county of the fifth or sixth class is exempt from these requirements and penalties if the owner or operator of the secondary water supplier seeks an exemption. An exemption may be sought by establishing with the Division that the cost of purchasing, installing, and upgrading systems to accept meters exceeds 25% of the total operating budget of the owner or operator of the secondary water supplier and the secondary water supplier agrees not to add a new secondary water connection to the secondary water supplier's system on or after May 4, 2022. The secondary water supplier must also, within 6 months of seeking the exemption, provide to the Division a plan for conservation within the secondary water supplier's service area that does not require metering, submit annual reports to the Division on the results of the plan and submit to evaluations by the Division to determine the effectiveness of the plan.

Another exemption is available to secondary water suppliers in any class of county if the secondary water supplier, within 6 months of seeking the exemption, submits reasonable proof to the Division that the supplier is unable to obtain a meter that a meter manufacturer will warranty because of the water quality within a specific location served by the secondary water supplier. The exempted water supplier must provide a plan for conservation within the secondary water supplier's service area that cannot reasonably meter, submit annual reports to the Division on the results of the plan, and submit to evaluations by the Division to determine the effectiveness of the plan. A secondary water supplier that is located within a critical management area on or after May 1, 2006, that is subject to a groundwater management plan under Utah Code Title 73 Water and Irrigation--Chapter 5 Administration and Distribution--Part 15 Groundwater Management Plan, is also exempt. A water conservation plan may still be required to be submitted to the Division.

Secondary water suppliers who installed meters to pressurized secondary water connections prior to May 4, 2022, and has not otherwise received grant money to fund the meter installation, may seek a grant that does not exceed $2,000,000 from the Board for the purpose of water conservation.

H.B. 269 – Capital Assets Related to Water
Sponsor: Representative Kevin Stratton
UASD Position: Support

Initially UASD was opposed to H.B. 269 due to a very expensive unfunded mandate placed on water and wastewater service providers. Originally, the Bill would have required all water and wastewater service providers to create a capital management plan, including a complete inventory of every qualified capital asset and an assessment of the physical condition of the qualified capital assets, at least once every five years. It was estimated that the assessment could cost smaller entities tens of thousands of dollars and larger entities hundreds of thousands of dollars every five years. The final version of H.B. 269 simply requires the governing body of a water or wastewater service provider to commit to adopt a capital asset management plan as a condition of receiving state or federal financing or grants to be used for an improvement to a capital asset. This may allow the capital asset management plan to be paid for using state or federal financing or grant.

The United States Environmental Protection Agency's Clean Water Needs Survey is sent out to wastewater providers each year. The Survey is an assessment of the capital investment needed nationwide for publicly-owned wastewater collection and treatment facilities to meet the water quality goals of the Clean Water Act. Less than half of the wastewater providers in Utah have responded to the Survey. As a compromise for not requiring all water and wastewater providers to complete a capital asset management plan every 5 years, H.B. 269 requires all wastewater providers to participate in the United States Environmental Protection Agency's 2022 Clean Water Needs Survey and deliver the required data to the survey data portal by no later than December 31, 2022. H.B. 269 requires all retail water providers and water conservancy districts to participate in regular infrastructure needs surveys or evaluations and complete the asset-related sections of a survey or evaluation within the deadline established by the Division of Drinking Water (for retail water suppliers) or by the Division of

Water Resources (for water conservancy districts). Finally, H.B. 269 requires the Water Development Coordinating Council to review best practices related to the assessment, evaluation, maintenance, and replacement of capital assets of wastewater service providers or water providers, as well as costs associated with the best practices and the adoption of a capital asset management plan, by the November 2022 meeting of the Natural Resources, Agriculture, and Environment Interim Committee.

H.B. 282 – Water Wise Landscaping Amendments
Sponsor: Representative Ryan Wilcox
UASD Position: Support

With the passage of H.B. 282, municipalities or counties and homeowners' associations ("HOAs") are prohibited from enacting or enforcing an ordinance, resolution, or policy that prohibits, or has the effect of prohibiting, a property owner from incorporating water wise landscaping on the property owner's property. A municipality, county or HOA may, however, require a site plan review or other review process before a property owner installs water wise landscaping. Municipalities, counties and HOAs may establish criteria that restricts or clarifies the use of certain mulches and specific plants, and impose minimum or maximum vegetative coverage standards, but may not require a property owner to install or keep in place lawn or turf in an area with a width of less than eight feet, i.e., park strips.

H.B. 377 – Water Rights Adjudication Amendments
Sponsor: Representative Michael Kohler
UASD Position: Support

H.B. 377 is intended to improve and shorten the water rights adjudication process. The Bill modifies the notice requirements for the State Engineer's Office by allowing final notice for required information regarding the water right to be given to a claimant of the water right. If the claimant does not respond after 30 days, the state engineer may seek a court order permitting the state engineer to disallow the water right claim. The state engineer may use discretion to grant a requested extension to a claimant to provide the required information. If no contest or objection is filed on a water rights claim, the state engineer may seek an interlocutory judgment from the court.

H.B. 410 – Great Salt Lake Watershed Enhancement Provisions
Sponsor: Speaker of the House Brad Wilson
UASD Position: Support

H.B. 410 creates the Great Salt Lake Watershed Enhancement Program ("Program") to be operated by the Division of Forestry, Fire and Sovereign Lands ("Division"). The Great Salt Lake watershed is the area comprised of the Great Salt Lake ("Lake"), the Bear River watershed, the Jordan River watershed, the Utah Lake watershed, the Weber River watershed, and the West Desert watershed.

The Division is given rulemaking authority over the Program. The Legislature appropriated $40,000,000 for the Division to issue a one-time grant to one eligible applicant to establish a water trust. The water trust is required to implement projects, programs, or voluntary arrangements that retain or enhance water flows to preserve and protect the Lake and the Lake's wetlands.

Some of the goals are to improve water quality and quantity within the Lake's watershed, conserve and restore upstream habitats that are key to protecting the hydrology and health of the Lake and the Lake's surrounding ecosystem, and attract or leverage other public or private funding to enhance and preserve the Lake's watershed. The water trust is to create and consult with at least one advisory council; and a water conservancy district and wastewater treatment facilities must each be represented on a mandatory advisory council. The Program should engage agricultural producers, local landowners, local planning authorities, and others to support efforts to integrate water planning and management efforts that benefit the Lake watershed.

The Bill lays out both the requirements for a grant applicant, which must consist of two or more private nonprofit conservation organizations that submit a joint grant application, and the manner in which the applicants will be evaluated and ranked. Within 90 days after the effective date of the Bill, the Division will select the highest ranked eligible applicant as the grantee. H.B. 410 clarifies the powers, duties, and reporting requirements of the water trust. Private contributions may be given to the trust to fulfill its purposes. The Bill takes effect on the day it is signed by the Governor.

H.B. 429 – Great Salt Lake Amendments
Sponsor: Representative Kelly Miles
UASD Position: Support

H.B. 429 requires the Division of Water Resources ("Division") to develop the Great Salt Lake Watershed Integrated Water Assessment ("water assessment"), which is an assessment of the integrated surface and ground water within the Great Salt Lake watershed. The Great Salt Lake watershed is comprised of the Great Salt Lake ("Lake"), the Bear River watershed, the Jordan River watershed, the Utah Lake watershed, the Weber River watershed, and the West Desert watershed.

The watershed assessment should include the amounts and quality of available water resources, a forecast of the quantity of water available for human, agricultural, economic development, and environmental or instream uses, and ecological needs, including current and future water supply and demand and the factors that influence availability, long-term trends in water availability and the causes of those trends, and seasonal and decadal forecasts of availability. The watershed assessment should investigate the potential benefits of forest management and watershed restoration in improving snowpack retention, increasing soil moisture, sustaining river flows in low flow seasons, mitigating wildfire risk, and improving water quality.

The goal of the watershed assessment is to identify and evaluate best management practices that may be used to provide a reliable water supply that meets water quality objectives and agriculture water objectives, accommodates anticipated growth and economic development, and provides adequate flow to sustain the Lake, the Lake's wetlands, and other ecological functions in the Lake's watershed. Part of the watershed assessment will include best management practices associated with post-construction retention storm water permit requirements. A water budget, including water flows needed to sustain the Lake's water levels under different scenarios, must be included in the assessment. In developing and implementing the integrated water assessment, the Division must consult and coordinate with other state, local, regional, and federal governmental entities, water users, and other stakeholders. The Division must create the plan by November 30, 2023 (but the portion of the study and report dealing with post-construction retention storm water best management practices must be completed by no later than the November 2023 meeting of the Natural Resources, Agriculture, and Environment Interim Committee) with an implementation schedule of a completed integrated water assessment by no later than November 30, 2026. The Legislature appropriated $5,000,000 for the watershed assessment.

H.C.R. 10 – Concurrent Resolution Regarding an Interlocal Agreement Creating the Jordan River Commission
Sponsor: Representative Cheryl Acton
UASD Position: Track

H.C.R. 10 is a Resolution that expresses support for adding the Utah Department of Transportation ("UDOT") to the Jordan River Commission. One of the goals of adding UDOT to the Commission is to help develop methods to improve water quality and pollution prevention from storm water flowing off state highways directly into the Jordan River.

S.B. 89 – Water Amendments
Sponsor: Senator Jani Iwamoto
UASD Position: Support

S.B. 89 requires the Division of Water Resources ("Division") to create regional water conservation goals that will be re-evaluated every ten years. Retail water suppliers with at least 500 connections and water conservancy districts (each a "water provider") must adopt one of the following as part of a water conservation plan: 1) the applicable regional water conservation goal created by the Division, 2) a water conservation goal that would result in more water being conserved than would be conserved under the regional water conservation goal, or 3) a water conservation goal that would result in less water being conserved than would be conserved under the regional water conservation goal, with a reasonable justification for the different water conservation goal and an explanation of the factors supporting the reasonable justification, such as demographics, geography, lot sizes, make up of water service classes, or availability of secondary water. Before adopting or amending a water conservation plan, the water provider must hold a public hearing. The water conservation plan must be posted on the water provider's website or, if there is no website, be made available for public inspection upon request.

S.B. 110 – Water as Part of a General Plan
Sponsor: Senator Michael McKell
UASD Position: Support (UASD amended)

S.B. 110 requires, on or before December 31, 2025, a county or municipality (excluding a city of the fifth class or a town) to include a water use and preservation element in its general plan ("plan"). The plan must account for the effect of land use categories and land uses and patterns of development on water demand and water infrastructure. The plan must address methods of reducing water demand and per capita consumption for existing and future developments, as well as opportunities for the municipality or county to modify its operations to eliminate practices or conditions that waste water. The Bill details what is to be included in a water use and preservation element and the water conservation plan. UASD was successful in amending the Bill to state that impacted municipalities must consult with public drinking water system(s) serving the municipality regarding how implementation of the land use and water use and preservation elements may affect the drinking water system. Counties are not required to consult with public drinking water systems that operate within the county due to the number of water systems that might provide drinking water within a county. Water providers in unincorporated areas are encouraged to contact and work with their county's planning commission to ensure that the water systems are considered in the county's general plan.

S.B. 160 – Colorado River Authority of Utah Amendments
Sponsor: Senator Ronald Winterton
UASD Position: Support

S.B. 160 amends the Colorado River Authority of Utah ("Authority") to include a tribal representative who is appointed by the Governor. The legislation grants rule-making authority to the Authority, requiring that policy be adopted by resolution. The rulemaking authority enables the Authority to be as responsive as possible to the circumstances of the Colorado River.

S.B. 221 – Water Related Sales and Use Tax Amendments
Sponsor: Senator David Hinkins
UASD Position: Support

Historically, the Division of Water Rights ("Division") has been unable to utilize 15% of its dedicated tax revenue. This Bill creates the Water Rights Restricted Account ("Account"). The Account allows that 15% of dedicated tax revenue to accumulate and be utilized by the State Engineer. The Account will receive an ongoing appropriation of designated sales and use tax revenue amounting to $4,300,000. The Division may use money in the Account for costs incurred by the Division that benefit water rights adjudications that includes employing technical staff, acquiring equipment, legal support and conducting studies. If the Account exceeds $8,000,000 at the end of any fiscal year, the excess funds will be deposited into the Water Resource Conservation and Development Fund. This Bill takes effect July 1, 2022.

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