

UASD 2023 Legislative Overview

Utah Association of Special Districts

2023 Overview

✿ <i>Total Bills Followed</i>	250	
✿ <i>Support</i>	92	
✿ <i>Passed</i>	75	82%
✿ <i>Failed/Interim/Next Session</i>	17	

2023 Overview

✿ <i>Total Bills Followed</i>	250	
✿ <i>Opposed</i>	16 (over 20)	
✿ <i>Passed</i>	2	
✿ <i>Failed</i>	14	88%

2023 Overview

- *Total Bills Followed* 250
- *Amended during session* over 20

Significant Dates

- ✿ May 3rd, 2023
 - ✿ Normal effective date for bills
 - ✿ First day to open bill files for 2024 session

Special Districts (17B) and Special Service Districts (17D)

- HB 22, Local District Amendments &
- HB 77, Local District Revisions

Representative Stewart Barlow

- Changes the name of 17B independent districts from “Local” to “Special”.
- Provides for replacement of a board of trustees of a nonfunctioning improvement district.

Property Taxes

- HB 345, Local District Property Tax Amendments, Representative Karen Peterson
 - Requires a member of a board of trustees of certain special districts to report contemplated property tax increases and certain bond issuances; and
 - Allows a legislative body to express the legislative body's sentiment regarding the special district's contemplated property tax increase or bond issuance.

Open and Public Meetings

- HB 21, Open and Public Meetings Act Amendments
Representative Joel Briscoe
- Requires a school board holding an open meeting to allow reasonable opportunity for the public to provide verbal comment at the meeting, with certain exceptions.
- Requires a school board to adopt a written policy allowing public comment in a public meeting.

continued...

Open and Public Meetings

- HB 21, Open and Public Meetings Act Amendments
Representative Joel Briscoe
- Permits a public body of a special district or a special service district to convene and conduct an electronic meeting in certain circumstances, without an anchor location.

Open and Public Meetings

- HR 2, **House Rules**-Public Comments Amendments
Representative Ryan Wilcox
- Prohibits a chair from taking public comment from an individual witness unless the individual provides:
 - Their legal name
 - The entity that the individual represents, AND...

continued...

Open and Public Meetings

- HR 2, **House Rules**-Public Comments Amendments
Representative Ryan Wilcox
 - If the individual is participating via video conference
 - The individual provides the individual's place of residence, and
 - The individual's video is enabled.

Open and Public Meetings

- SB 245, Closed Public Meeting Amendments
Senator Curtis Bramble
- Includes the consideration of a loan application among the reasons for which a meeting of a public body may be closed, if public discussion of the loan application would disclose certain nonpublic information.

Public Notice

- SB 43, Public Notice Requirements Amendments, Senator Stephanie Pitcher
 - Creates “Class A” and “Class B” categories for different types of public notice. Each notice classification requires notice to be provided in specific ways;
 - Amends public notice provisions to implement the new classification system.

continued...

Public Notice

- SB 43, Public Notice Requirements Amendments, Senator Stephanie Pitcher
 - “Class A” Notice (Page 352, line 9483), Publish notice:
 - On the Public Notice Website
 - On the Public body’s website (if the entity has a website, & the entity’s budget is over \$250K), and
 - Post notice(s) at a public location as specified. (lines 9489 – 9516)

continued...

Public Notice

- SB 43, Public Notice Requirements Amendments
Senator Stephanie Pitcher
- “Class B” Notice (Page 354, line 9517), notice requirements:
 - Comply with all Class A notice requirements;
 - If state statute, county ordinance, or municipal ordinance requires that the notice be provided to one or more designated persons or real property owners, mail or otherwise deliver the public notice or notice summary statement to each designated person or property owner. (read bill for complete details)

continued...

Public Notice

- SB 43, Public Notice Requirements Amendments, Senator Stephanie Pitcher
 - The bill also requires that the “Annual Meetings Notice” be posted in the affected area in a location that is most likely to be noticed by the public. Notice must remain posted in place all year long.
 - Check the location of posting throughout the year to make sure that the notice is still posted. If it has been removed, notice must be replaced.

Cybersecurity

- SB 127, Cybersecurity Amendments
Senator Wayne Harper
- Amends the disclosure requirement for system security breaches;
- Creates the Utah Cyber Center and defines the center's duties;

continued...

Cybersecurity

- SB 127, Cybersecurity Amendments
Senator Wayne Harper
 - Requires governmental entities in the state to report a breach of system security to the Utah Cyber Center; and
 - Requires governmental websites to use an authorized top-level domain by January 1, 2025. (i.e. .gov or .mil)

Taxes

- HB 392, Rural County Health Care Tax Amendments, Representative Joseph Elison
 - Clarifies that a third, fourth, fifth, or sixth class county may use revenue from a rural county health care facilities tax to fund rural emergency medical services;
 - Allows certain second class counties to impose a rural county health care facilities tax within all or a portion of the county to fund emergency medical services.

Contract Management

- SB 97, Public Contract Requirements
Senator Chris Wilson
- Anti-Israel boycott statute. 63G-27 as amended.
- The bill affects any contract for a good or service that a public entity enters into in the amount of \$100,000 or more, with a company with 10 or more employees. (See all exceptions on lines 91 – 101)

continued...

Contract Management

- SB 97, Public Contract Requirements
Senator Chris Wilson
- The bill provides that a public entity may not enter into a contract to acquire or dispose of a good or service, including supplies, information technology, or construction services unless;
 - The contract includes a written certification that the company is not currently engaged in:
 - A boycott of the State of Israel, or
 - An economic boycott of a boycotted company.

continued...

Contract Management

- SB 97, Public Contract Requirements
Senator Chris Wilson
 - The company must agree not to engage in an economic boycott of the State of Israel for the duration of the contract; and
 - The company agrees to notify the public entity in writing if the company begins engaging in an economic boycott. This notice from the company may be grounds for termination of the contract.

continued...

Contract Management

- SB 97, Public Contract Requirements
Senator Chris Wilson
 - An economic boycott is defined to include certain items, such as various fuels, firearms, certain environmental standards, and abortion and sex characteristic surgical procedures. (see lines 47 – 56)

continued...

Contract Management

- SB 97, Public Contract Requirements
Senator Chris Wilson
 - Consult with your attorney regarding contract provisions.

Volunteer Workers

- HB 11, Volunteer Government Workers Amendments, Representative James Dunnigan
 - Modifies the definition of a volunteer.
 - Describes the fees, expenses, and other benefits that may be provided to a volunteer, including:
 - Reasonable benefits, to include health, disability, life, and liability insurance, workers compensation, length-of-service award, personal property tax relief, and utility bill discounts.

continued...

Volunteer Workers

- HB 11, Volunteer Government Workers Amendments, Representative James Dunnigan
 - Costs for attending classes, conferences, or association meetings, including;
 - Tuition, books, materials, housing, travel, and meals.

Elections

- HB 69, Election Modifications
Representative Calvin Musselman
- Establishes consistent deadlines for various election-related notices.
- Modifies requirements for a printed ballot for municipal primary elections;
- Specifies the time the filing period begins for a declaration of candidacy; (begins on line 1385)

continued...

Elections

- HB 69, Election Modifications
Representative Calvin Musselman
- Requires an election officer to notify an opposing candidate and voters when a candidate for elective office is disqualified or withdrawn;
- Requires a filing officer to notify a candidate if the candidate failed to make a conflict-of-interest disclosure.

Elections

- HB 162, Voter Accessibility Amendments
Representative Matthew Gwynn
 - Requires an election officer to provide an accessible voting option for a voter with a disability;
 - Requires rules to verify the identity of individuals who are unable to sign their name consistently due to disability;
 - Requires election notices to include instructions on how a voter with a disability may obtain information on accessible voting.

Elections

- HB 303, Elections Record Amendments
Representative Norman Thurston
- Provides that a political party or candidate for public office may obtain voter registration information, including the voter's residential address, email address, party affiliation, precinct number, voting history, and age group, under certain circumstances. (review bill for specific details)

Elections

- SB 17, Voting & Voter Residency Amendments
Senator Daniel Thatcher
- An individual resides in Utah if:
 - The individual's principal place of residence is within Utah;
 - The individual has a present intention to continue to do so, permanently or indefinitely;

continued...

Elections

- SB 17, Voting & Voter Residency Amendments
Senator Daniel Thatcher

- An individual resides in a particular voting precinct if:
 - On the day of registering to vote, the individual's principal place of residence is in that voting precinct;

continued...

Elections

- SB 17, Voting & Voter Residency Amendments
Senator Daniel Thatcher
- An individual's principal place of residence does not change solely because the individual is present in Utah, present in a voting precinct, absent from Utah or absent from the individual's voting precinct because the individual is;
 - Employed by the United States or of Utah, a student at an institution of higher learning, incarcerated in prison or jail, or residing on an Indian or military reservation.

Solid Waste/Recycling

- HB 110, Waste Tire Recycling Fund Amendments
Representative Casey Snider
- Repeals provisions relating to certain deposits of money into the Waste Tire Recycling Fund, clarifying the definition of “Surplus Funds”.

Solid Waste/Recycling

- HB 313, Suspect Metal Amendments
Representative Colin Jack
- Provides increased penalties for metal thefts, including:
 - A metal that is, or contains aluminum or copper, and is not a lead battery. (i.e. catalytic converters)

Vaccine Passports

- HB 131, Vaccine Passport Prohibition
Representative Walt Brooks
 - Makes it unlawful for a place of public accommodation to discriminate against an individual based on the individual's immunity status;
 - With certain exceptions, prohibits a governmental entity from requiring proof of immunity status;

continued...

Vaccine Passports

- HB 131, Vaccine Passport Prohibition
Representative Walt Brooks
 - With certain exceptions, makes it “unlawful discrimination” for an employer to require proof of immunity status;
 - Prohibits a governmental entity or employer from requiring an individual to receive a vaccine, with certain exceptions;

continued...

Vaccine Passports

- HB 131, Vaccine Passport Prohibition
Representative Walt Brooks
- Exceptions:
 - “Regulated entity” excludes the state or a political subdivision of the state;
 - Does not apply to a governmental entity, an employee of which has direct exposure to human blood, human fecal matter, or other potentially infectious materials that may expose the employee to hepatitis or tuberculosis, or

continued...

Vaccine Passports

- HB 131, Vaccine Passport Prohibition
Representative Walt Brooks
- Exceptions:
 - If a public entity is acting in a public health or medical setting that requires the employee to receive vaccinations to perform the employee's assigned duties and responsibilities, or
 - A governmental entity that has established a nexus between a vaccination requirement and the employee's assigned duties and responsibilities, or ...

continued...

Vaccine Passports

- HB 131, Vaccine Passport Prohibition
Representative Walt Brooks
- Exceptions:
 - A governmental entity that identifies an external requirement for vaccination that is not imposed by the governmental entity and is related to the employee's duties and responsibilities.
 - Nothing prohibits a governmental entity from recommending that an employee receive a vaccine.

Training

- HB 512, Elected Official Education Representative Brad Wilson
- Requires the Legislature to host an annual summit to educate and train legislators and local elected officials in Utah, by 2024.
- Subject matter to include:
 - Legal requirements for elected officials;

continued...

Training

- HB 512, Elected Official Education
Representative Brad Wilson
- Subject matter to include:
 - Professional development, leadership, management, and other skills related to functioning as an elected official;
 - Issues facing the state or local jurisdictions, and the role of state and local elected officials in responding to both state and local issues;

continued...

Training

- HB 512, Elected Official Education
Representative Brad Wilson
- Subject matter to include:
 - Taxation, revenue, appropriation, and budgeting in relation to the state and local jurisdictions; and
 - Other education and training as the speaker of the House of Representatives and the president of the Senate may direct.

Water

- HB 33, Water Related Liability
Representative Carl Albrecht
- If conditions of Title 57, Chapter 14, Limitations on Landowner Liability, are met, an owner or operator of a water facility, stream, or river is immune from suit if certain conditions are met. (lines 157 – 171)

continued...

Water

- HB 33, Water Related Liability
Representative Carl Albrecht
- The duty of a water facility owner or operator requires only reasonable and ordinary care and may not be construed to impose strict liability or to otherwise increase the liability of the owner or operator of a water facility.

continued...

Water

- HB 33, Water Related Liability
Representative Carl Albrecht
- An owner or operator of a water facility is not liable for damage or injury caused by:
 - Any other act or omission of a third party that is beyond the control of the owner or operator of the water facility, including control exercised by the owner's or operators employees or agents;

continued...

Water

- HB 33, Water Related Liability
Representative Carl Albrecht
- An owner or operator of a water facility is not liable for damage or injury caused by:
 - The diversion or discharge of water or another substance into the water facility by a third party beyond the control of the owner or operator of the water facility, including control exercised by the owner's or operator's employees or agents, or
 - An act of God, including fire, earthquake, storm, flash floods...

Water

- SB 251, Secondary Water Metering Requirements
Senator David Hinkins
- Allows for secondary water metering of a supplier's system at strategic points (as determined by the state engineer) under certain circumstances, including:
 - The system has no storage and relies on stream flow;
 - The majority of water users are associated with agriculture or power generation;

continued...

Water

- SB 251, Secondary Water Metering Requirements
Senator David Hinkins
- Less than 50% of the secondary water is used by residential secondary water users;
- The system has 1,000 or fewer users, and
- There is a mix of pressurized lines and open ditches.

Water Management

- HB 150, Emergency Water Shortages Amendments
Representative Carl Albrecht
- The bill addresses:
 - Emergency shortages of water declared by the governor
 - Powers of the Department of Agriculture and Food
 - Governmental immunity
 - Emergency water loans from the Ag. Resource Dev. Fund

continued...

Water Management

- HB 150, Emergency Water Shortages Amendments
Representative Carl Albrecht
- The bill enacts the Water Preferences During Emergencies chapter.
 - Outlines the process for declaring a temporary water shortage emergency;
 - Addresses water use preferences under a temporary water shortage emergency;
 - Provides for compensation related to water use preferences.

Water

- HB 307, Utah Water Ways
Representative Calvin Musselman
- Establishes the “Utah Water Ways” partnership, with core purposes to
 - Facilitate coordination efforts to optimize water use;
 - Sponsor policy discussions regarding the state’s water supply;
 - Engage private sector to support optimization of water use, etc.

continued...

Water

- HB 307, Utah Water Ways
Representative Calvin Musselman
- Core purposes continued...
 - Coordinate with Dept. of Ag. and DEQ on water related issues;
 - Maintain communications among partners;
 - Provide communications between partners and state leaders;

continued...

Water

- HB 307, Utah Water Ways
Representative Calvin Musselman
- Core purposes continued...
 - Promote coordination of grants, rebate programs, or sponsorships that support the optimal use of water;
 - Encourage residents of the state to make changes to optimize the use of water and care for the state's water supply via:
 - Education, awareness, tools, grants, gifts, donations, devises, and bequests.

Water

- HB 450, Landscaping Requirements
Representative Ryan Wilcox
- An association may not require a property owner to:
 - Install or keep in place lawn or turf in an area with a width less than eight feet; or
 - Have more than 50% vegetative coverage, that is not water wise landscaping, on the property owner's property.

Water

- SB 118, Water Efficient Landscaping Incentives
Senator Scott Sandall
- Authorizes water conservancy districts to receive grants to provide incentives for turf removal programs;
- Provides conditions on when an owner may receive an incentive;
- Provides for quarterly reporting to Divisions of Water Resources;
- (Review the bill for additional details)

Water

- SB 119, Per Capita Consumptive Use
Senator Michael McKell
- Provides that per capita consumptive use is the standard in certain geographic areas;
- Requires reporting districts to calculate per capita consumptive use;
- Describes how per capita consumptive use is to be calculated;

continued...

Water

- SB 119, Per Capita Consumptive Use
Senator Michael McKell
- Requires reporting to the Division of Water Rights;
- Addresses scope of the section regarding the calculation, publication, or dissemination of consumptive water use numbers; and
- Provides that a reporting district shall comply with the per capita consumptive use provision.

Water Funding

- SB 34, Water Infrastructure Funding Study
Senator Daniel McCay
- ✿ Directs the Department of Natural Resources to:
 - ✿ Study the use of property tax revenue to fund water infrastructure, treatment, and delivery, and
 - ✿ Make recommendations for future funding.
 - ✿ Requires DNR to submit a report to the Natural Resources, Agriculture, and Environment Interim Committee and the Revenue and Taxation Interim Committee before October 2024.

Water Conservation

- HB 349, Water Reuse Projects
Representative Casey Snider
- Addresses approval of water reuse projects, including providing that the director of the Division of Water Quality approves;
- Prohibits approval of certain water reuse projects impacting the Great Salt Lake;

continued...

Water Conservation

- HB 349, Water Reuse Projects
Representative Casey Snider
- Addresses water replacement plans;
- Provides for investigation of water reuse impacts as part of the integrated assessment of the Great Salt Lake.

Utility Infrastructure

- HB 370, Utility Infrastructure Amendments
Representative Carl Albrecht
- Makes it a criminal offense to destroy, damage, or tamper with a critical infrastructure facility.
- Makes it a criminal offense to impersonate a critical infrastructure facility officer or employee.

Fire

- HB 261, Fire Related Amendments
Representative Casey Snider
 - Addresses prescribed fires, pile burns, and non-full suppression events on private land;
 - Addresses when burning is allowed, including addressing when permits are required, notice requirements, criminal penalties, and liability;
 - Enacts provisions related to wildland-urban interface fire prevention preparedness, and mitigation;
 - (Review bill for additional details)

Procurement

- HB 280, Local Government Construction Project Bid Notice, Representative Doug Owens
 - Requires that a public notice for a bid on a building improvement or public works project be posted, at least five days before opening the bids, on the state procurement notice website.
 - Eliminates the requirement to post public notices in five public places.

Personnel

- HB 324, Workplace Violence Protective Orders Amendments, Representative Tyler Clancy
 - An employer may seek a protective order, if the employer reasonably believes workplace violence has occurred against the employer or an employee of the employer.
 - If an employer seeking a protective order has knowledge that a specific individual is the target of workplace violence, the employer shall make a good-faith effort to notify the targeted individual.

(Review bill for complete details)

Personnel

- SB 233, Portable Benefit Plan
Senator John Johnson
- Provides that a government or private entity may offer a portable benefit plan;
- Requires that contributions to a portable benefit plan be voluntary;

continued...

Personnel

- SB 233, Portable Benefit Plan
Senator John Johnson
- Provides that contributions to a portable benefit plan:
 - Are not evidence of an employment relationship or employer liability; and
 - May not be used as criteria in determining employment classifications.

GRAMA

- HB 343, Government Records Modifications
Representative Jefferson Moss
- Modifies duties of a records officer;
- Modifies individual rights with respect to records that may be classified as private or controlled, or that may contain personal identifying information;
- Modifies provisions relating to Division of Archives and Records Service to allow for background checks for employees who have direct access to vulnerable records. (Read bill for additional details)

GRAMA

- SB 231, Government Records and Access Management Act Amendments, Senator Curtis Bramble
 - A government entity is not required to create a document indicating that a requested record does not exist;
 - Requires a government entity conduct a reasonable search for a record;
 - Establishes a process for a governmental entity to petition for relief against a vexatious requester.

continued...

GRAMA

- SB 231, Government Records and Access Management Act Amendments, Senator Curtis Bramble
 - Provides for a hearing before the State Records Committee;
 - Allows for judicial review of the State Records Committee's decisions;
 - Allows award of reasonable attorney fees to a responder for a vexatious requester petition found to be without merit and waives governmental immunity for a claim of attorney fees;

continued...

GRAMA

- SB 231, Government Records and Access Management Act Amendments, Senator Curtis Bramble
 - Requires a person outside a governmental entity who makes a claim of business confidentiality for a record the person provided to a governmental entity to indemnify the governmental entity in an action arising from the governmental entity's denial of access to the record;
 - Limits judicial review of an appeal to the issues raised in the underlying appeal and order, except in exceptional circumstances.

Legislative Auditor General

- SB 136, Legislative Offices Amendments
Senator Curtis Bramble
 - Modifies certain duties and powers of the legislative auditor general and the Office of the Legislative Auditor General;
 - Requires a public body that holds a closed meeting to provide, upon request, the Office of the Legislative Auditor General:
 - A recording, transcript, report, and written minutes of a closed meeting. (lines 717-718)

Other Items of Interest

- Developer-driven bill – PIDs
- SB 34, Study Bill for water and property taxes
- UASD cleanup bill for 2024

Utah Association of Special Districts 2023 Bill Review

2023 Annual Legislative
Bill Review

Available at UASD.org

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