



UTAH LEAGUE OF CITIES AND TOWNS

# LEGISLATIVE WRAP UP

# 2021

#Cities Work

## INTRODUCTION

**2021** was a legislative session like no other: **new Governor, new legislators, COVID-19, Zoom voting, and an earlier start date after several 2020 special sessions.** ULCT successfully navigated the 2021 General Session by relying on the League's pillars: respecting the roles of state and local government, collaborating with stakeholders, and targeting policy-focused outcomes. ULCT took a hands-on approach with over 60 bills—testifying, negotiating, writing language, and other advocacy work—in addition to the

245  
BILLS TRACKED

## INTRODUCTION

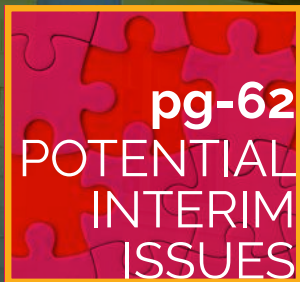
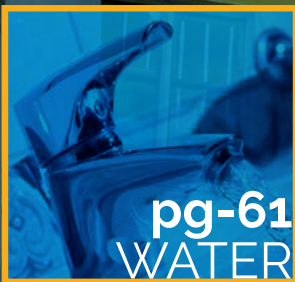
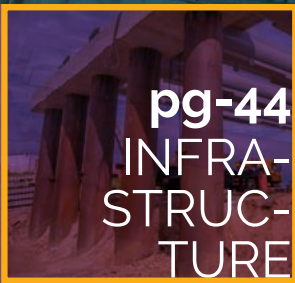
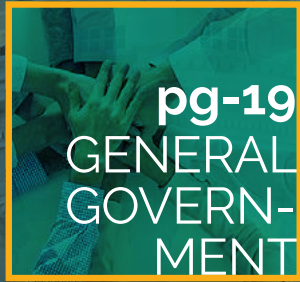
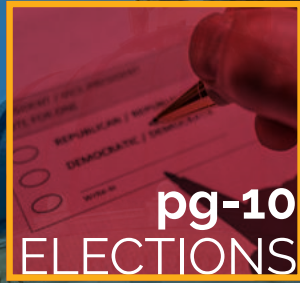
245 bills we tracked. Despite many bills preempting local government authority, ULCT effectively defeated legislation mandating digital billboards, expanding short-term rentals, and increasing bureaucracy around fees, to name a few. ULCT invested significant resources negotiating and amending two preemptive land use bills, and will continue discussions with legislators on inspections, building design elements, and internal accessory dwelling units. Several bills supporting and improving law enforcement were passed due to the efforts of the Love, Listen, Lead Task Force, a joint ULCT and Utah Chiefs of Police Association endeavor. The Legislature also passed an unprecedented investment in transit and transportation projects, efforts supported by the ULCT Board. Ultimately, our success comes back to the unparalleled involvement by our members. Thank you!

Of course, the session also created plenty of issues for the 2021 interim, including continuing discussions on water, land use, public safety, and much more. We encourage members to engage with the [League through the Legislative Policy Committee](#), [ULCT conferences](#), and [League communications](#).

The 2021 ULCT Wrap Up is a summary of those bills discussed at the ULCT Legislative Policy Committee during session and other bills on the ULCT Hot or Work lists. These bills are noteworthy changes in policy and may require potential action. However, please be aware that many bills not included here passed and may impact your municipality. We encourage members to review the complete list of passed bills [here](#).

For your convenience, we have organized the wrap up bills by subject area. Some bills fall into multiple subject areas. They have been sorted by the most prominent subject to which each bill applies.







# QUICK OVERVIEW

HOW BILLS FARED WITH ULCT ENGAGEMENT

## Bills that passed with the support of ULCT

- HB0063** Impact Fees Amendments  
Candace Pierucci
- HB0075** Municipal Alternative Voting Methods Pilot  
Project Amendments Jeffrey Stenquist
- HB0128** Local Accumulated Fund Balance  
Amendments Mike Winder
- HB0162** Peace Officer Training Amendments  
Angela Romero
- HB0236** Waste Tire Recycling Amendments  
Steve Handy
- HB0248** Mental Health Support Program for  
First Responders Karen Kwan
- HB0264** Law Enforcement Weapons Use  
Amendments Angela Romero
- HB0334** Special Needs Training For Law  
Enforcement Steve Eliason
- SB0013** Law Enforcement Internal Investigation  
Requirements Jani Iwamoto

## HOW BILLS FARED WITH ULCT ENGAGEMENT

- HB0433** Amendments Related to Infrastructure Funding Mike Schultz
- SB0038** K-9 Policy Requirements Daniel Thatcher
- SB0065** Community Reinvestment Agency Amendments Wayne Harper
- SB0194** Utah Main Street Program Derrin Owens
- SB0106** Use of Force Amendments Daniel Thatcher
- SB0196** Law Enforcement Agency Disclosure Amendments Jani Iwamoto
- SB0201** Public Notice Amendments Karen Mayne
- SB0217** Housing and Transit Reinvestment Zone Act Wayne Harper

## Bills that failed which ULCT opposed

- HB0066** Sheriffs Amendments Casey Snider (*Preemption*)
- HB0074** Municipal Police Oversight Amendments Mark Wheatley (*Preemption*)
- HB0076** Firearm Preemption Amendments Cory Maloy (*Preemption*)
- HB0122** Property Redemption Amendments Phil Lyman (*Preemption*)
- HB0133** Law Enforcement Recording Release Amendments Mark Wheatley (*Preemption*)



## HOW BILLS FARED WITH ULCT ENGAGEMENT

- HB0144** Water Pricing Structure  
Carol Spackman Moss (*Preemption*)
- HB0229** Internal Investigation Amendments  
Craig Hall (*Preemption*)
- HB0245** Forcible Entry and Warrants Amendments  
Craig Hall
- HB0273** Single-Family Housing Amendments  
Val Peterson (*Preemption*)
- HB0274** Government Records Transparency Act  
Travis Seegmiller (*Preemption*)
- HB0317** Eminent Domain Amendments  
Mike Peterson
- HB0342** Government Enterprise Amendments  
Mark Strong (*Preemption*)
- HB0367** Qualified Immunity Amendments  
Brian King
- HB0377** Local Government Curfew Amendments  
Kera Birkeland (*Preemption*)
- HB0401** Fee Amendments  
Steve Waldrip (*Preemption*)
- HB0422** Political Subdivision Civil Liability  
Brady Brammer (*Preemption*)
- HB0439** Peer to Peer Car Sharing Act  
Robert Spendlove (*Preemption*)
- SB0061** Outdoor Advertising Amendments  
Scott Sandall (*Preemption*)
- SB0138** Violence, Disorder, and Looting  
Enforcement David Hinkins

- SB0144**    **Billboard Restrictions Amendments**  
David Hinkins (*Preemption*)
- SB0204**    **Permitting Amendments**  
Kirk Cullimore
- SB0221**    **Short-term Rental Amendments**  
Jacob Anderegg (*Preemption*)
- SB0241**    **Sales Tax Distribution Amendments**  
Daniel McCay (*Preemption*)

## Bills that passed that ULCT modified its position from opposed to neutral after amendments

- HB0017**    **Utility Permitting Amendments**  
Steve Handy (*Preemption*)
- HB0082**    **Single-family Housing Modifications**  
Ray Ward (*Preemption*)
- HB0098**    **Local Government Building Regulation Amendments** Paul Ray (*Preemption*)
- HB0139**    **Competency Based Hiring Amendments**  
Norman Thurston
- HB0237**    **Lethal Force Amendments**  
Jennifer Daily-Provost
- SB0113**    **Transportation Amendments**  
Wayne Harper
- SB0164**    **Utah Housing Affordability Amendments**  
Jacob Anderegg
- SB0199**    **Water Amendments**  
Mike McKell



## Bills that passed despite opposition from ULCT

- HB0171** Agricultural Land Use Restriction  
Scott Chew
- SB0018** Property Tax Exemption Amendments  
Wayne Harper
- HB 143** Driver License Suspension Amendments  
Cory Maloy
- SB0034** Governmental Use of Facial Recognition Technology Daniel Thatcher (*Preemption*)

## Bills that failed despite neutrality or support from ULCT

- HB0154** Use of Force Revisions  
Kera Birkeland (*Preemption*)
- HB0283** Community and Police Relations Commission Mark Wheatley
- SB0052** Property Tax Deferral Modifications  
Lincoln Fillmore



**ULCT POSITION: SUPPORT**

## **HB 23 Voter Referendum Amendments**

**Sponsor: Nelson, Merrill**

<https://le.utah.gov/~2021/bills/static/HB0023.html>

### **Legislative purpose of the bill**

This bill clarifies and streamlines certain local referendum provisions.

### **Municipal impact/what you need to do**

This bill clarifies that a land use law for purposes of a referendum includes a rezone. This change reflects recent interpretation by the Utah courts and municipalities should be aware that a rezone may be subject to a citizen referendum.

It also creates an accelerated process for a referendum to appear on the ballot. Previous to this bill, a referendum could not appear on the ballot in November, for example, if it referred a legislative action that happened after April 15 of that same year. Under HB 23, if the city recorder or town clerk, the county clerk, and the municipal attorney of the municipality in which the law would be referred all agree, the referendum may appear on the ballot for a special, primary, or general election held the same year that the referred legislative action takes place.

## HB 75 Municipal Alternative Voting Methods Pilot Project Amendments

Stenquist, Jeff

<https://le.utah.gov/~2021/bills/static/HB0075.html>

### Legislative purpose of the bill

This legislation allows more municipalities to implement an alternative voting method – aka ranked choice voting—pilot program. The deadline for a city to decide to participate for the 2021 election cycle is Monday, May 10.

### Municipal impact/what you need to do

HB 75 expands an existing pilot program allowing municipalities to use ranked-choice voting. Ranked-choice voting allows a voter to rank candidates by preference, rather than only voting for one candidate. In cases where no candidate wins a majority, the candidate with the fewest first-choice votes is eliminated. For voters who ranked that eliminated candidate first, their votes count for their second choice and overall tallies are adjusted and, if necessary, counts are further adjusted until a candidate successfully captures the majority vote. The pilot program is currently scheduled to sunset January 1, 2026.

If a municipality wants to participate in ranked-choice voting, the municipal legislative body, before the second Monday in May of an odd-numbered year, must vote to participate and provide written notice to the lieutenant governor and county clerk. For 2021, a municipality must decide by Monday, May 10. The municipality may also enter into a contract with any county clerk to conduct a ranked-choice election and not just the county clerk of their own county. For example, if

Salt Lake City wants to participate in ranked choice voting but is unable to contract with Salt Lake County to do so, then Salt Lake City could contract with another county clerk. A municipality may withdraw from the pilot program by providing notice to the lieutenant governor and county clerk.

**ULCT POSITION: SUPPORT**

## **HB 136 Initiative and Referenda Modifications**

**Sponsor: Teuscher, Jordan**

<https://le.utah.gov/~2021/bills/static/HB0136.html>

### **Legislative purpose of the bill**

This bill amends provisions of the Election Code relating to statewide and local initiatives and referenda.

### **Municipal impact/what you need to do**

The bill precludes a person from paying a signature gatherer based on a rate per verified signature and instead requires paying a signature gatherer solely on an hourly rate. The signature gatherer also must wear a badge identifying herself/himself as a "Paid Signature Gatherer." The local clerk shall post the initiative petition, initiative, fiscal impact estimate, and information describing how an individual may remove his/her signature from the signature packet.

## HB 211 Initiatives and Referenda Amendments

Sponsor: Thurston, Norm

<https://le.utah.gov/~2021/bills/static/HB0211.html>

### Legislative purpose of the bill

This bill amends provisions relating to statewide and local initiatives and referenda.

### Municipal impact/what you need to do

HB 211 requires a signatory to an initiative or referendum to affirm that he/she has reviewed the entire statement included with the packet. The bill clarifies that a person may not make any alterations or corrections to an initiative or referendum packet after it is submitted to the county clerk. The bill also updates state law on statewide referendum to require sufficient signatures from 15 Senate districts instead of 15 counties. The bill creates new procedures for county clerks in determining when to remove a signature and when a voter can remove a signature. The bill also requires a statement indicating whether paid signature gatherers were involved. The local clerk shall declare the petition to be sufficient or insufficient no later than 21 days after the day of the applicable deadline. The local clerk shall also declare the petition to be sufficient or insufficient no later than 111 days after the day of the deadline. The bill also clarifies how a local legislative body may repeal a law challenged by referendum petition to void the petition. For property tax referendums, the sponsors shall deliver referendum packets to the county clerk no later than the earlier of 30 days after the day on which the first individual

A close-up photograph of a ballot paper with a red pencil and a red circular stamp. The ballot paper has several radio buttons and text labels. The word "ELECTIONS" is overlaid in large white letters on the right side of the image.

# ELECTIONS

signs the packet (new language) or 40 days after the day on which the local clerk starts the process.



# FINANCES

ULCT POSITION: SUPPORT

## HB 128 Local Accumulated Fund Balance Amendments

Sponsor: Winder, Mike

<https://le.utah.gov/~2021/bills/static/HB0128.html>

### Legislative purpose of the bill

HB 128 increases the maximum accumulated fund balance in a municipality's general fund.

### Municipal impact/what you need to do

HB 128 authorizes a town to increase its accumulated general fund balance from 75% to 100% and a city from 25% to 35%.

ULCT POSITION: NEUTRAL

## SB 3 Appropriations Adjustments

Sponsor: Stevenson, Jerry

<https://le.utah.gov/~2021/bills/static/SB0003.html>

### Legislative purpose of the bill

This "bill of bills" supplements or reduces appropriations otherwise provided for the support and operation



of state government for the fiscal year beginning July 1, 2020 and ending June 30, 2021 and for the fiscal year beginning July 1, 2021 and ending June 30, 2022.

## **Municipal impact/what you need to do**

This bill appropriated state funds for several programs, however it included two provisions of intent language that impact municipalities. The first provision requires the State Auditor to report to the Revenue and Taxation Interim Committee by November 30, 2021, and a second report as necessary to cover the reporting of all fees by November 30, 2022, the status of the appropriate use of fees by state agencies, state offices, state courts, state institutions (including institutions of higher education), local education agencies, and other local government entities, based on the definition of fees as determined by *V-1 Oil Co. v Utah State Tax Commission (1966)*, *Banberry Dev. Corp. v South Jordan City (1981)*, and *Larson v Pleasant Grove City (2020)*. A municipality should anticipate potential communications or follow-up by the State Auditor about how fees are used by the municipality. The bill is known as “the bill of bills.”

The second intent language provision relates to B and C road funds and the recent federal COVID-19 stimulus, the American Rescue Plan. The intent language prohibits the Department of Transportation and Division of Finance from appropriating state funds appropriated for class B and class C roads for FY 2022 to counties or municipalities unless and until those counties and municipalities have shown in a report to the Legislative Fiscal Analyst and Governor's Office of Planning and Budget how the counties and municipalities plan to use federal funds provided under the American Rescue Plan and why those federal funds

cannot be used for infrastructure improvements like class B and C roads. ULCT will be meeting with legislative leadership in April to discuss this provision.

#### ULCT POSITION: OPPOSE

## **SB 18 Personal Property Tax Exemption**

Sponsor: Harper, Wayne

<https://le.utah.gov/~2021/bills/static/SB0018.html>

### **Legislative purpose of the bill**

The bill increases the current personal property tax exemption amount from \$15,000 to \$25,000. However, this increase is funded by a revenue decrease. Spread across the entire property tax system the revenue impact is limited.

### **Municipal impact/what you need to do**

A municipality should review the changed exemption in light of municipal revenues generated by the tax.

#### ULCT POSITION: SUPPORT

## **SB 65 Community Reinvestment Agency Amendments**

Sponsor: Harper, Wayne

<https://le.utah.gov/~2021/bills/static/SB0065.html>

### **Legislative purpose of the bill**

This bill enacts additional options for community reinvestment agencies (CRA) through interlocal agreements.

## Municipal impact/what you need to do

This bill established a new option for CRA's, allowing for the creation of a new entity through the establishment of an interlocal agreement between the existing CRA and participating political subdivisions. This new entity would have the authority to levy a property tax within the agency's boundaries. There are requirements for an affordable housing component. The option also outlines the methodology for establishing the certified tax rate and accounting for the property tax revenue.

ULCT POSITION: SUPPORT

## **SB 104 Tax Levy for Animal Control** Sponsor: Weiler, Todd

<https://le.utah.gov/~2021/bills/static/SB0104.html>

### Legislative purpose of the bill

The bill authorizes counties (other than Salt Lake) where the county is the sole provider for animal control services to impose a specific property tax levy for animal control.



# GENERAL GOVERNMENT

ULCT POSITION: NEUTRAL

## HB 17 Utility Permitting Amendments

Sponsor: Handy, Steve

<https://le.utah.gov/~2021/bills/static/HB0017.html>

### Legislative purpose of the bill

HB 17 limits a municipality's authority over utility connections.

### Municipal impact/what you need to do

The bill prohibits cities and counties from enacting policies or ordinances that would restrict the connection of certain types of utility services. (For example, a city could not prohibit future natural gas services). The bill applies only to Public Service Commission regulated utilities and does not apply to incentive programs or to government owned property. ULCT is unaware of any cities that have enacted such policies.

## HB 19 County Classification Amendments

Sponsor: Snider, Casey

<https://le.utah.gov/~2021/bills/static/HB0019.html>

### Legislative purpose of the bill

This bill changed the population requirements on which county classifications are based.

### Municipal impact/what you need to do

State law often places different requirements on select counties by classifying counties based on population. This bill increases most of the county population thresholds for classification. First class counties are now a population of 1,000,000 or more. Second class counties are now 175,000, but less than 1,000,000. Third class are 40,000 or more, but less than 175,000. Fourth class counties are 11,000 or more but less than 40,000. Fifth (4,000 or more) and sixth (less than 4,000) class counties did not change. The bill will likely have minimal municipal impact except in limited circumstances. However, it may change requirements or services within a county that has changed classifications, potentially impacting municipalities in that county.

ULCT POSITION: SUPPORT

## HB 142 Cyclist Traffic Amendments

Sponsor: Spackman Moss, Carol

<https://le.utah.gov/~2021/bills/static/HB0142.html>

### Legislative purpose of the bill

This legislation allows a cyclist approaching a stop sign to proceed through the intersection without stopping if the cyclist slows and yields the right-of-way to a pedestrian or other traffic.

ULCT POSITION: SUPPORT

## HB 236 Waste Tire Recycling Amendments

Sponsor: Handy, Stephen

<https://le.utah.gov/~2021/bills/static/HB0236.html>

### Legislative purpose of the bill

This bill authorizes a municipality to apply to the director of the Division of Waste Management for payment from the Radiation Control of the Waste Tire Recycling Fund to cover costs to remove waste tires from a waste tire pile to a recycler.

### Municipal impact/what you need to do

A municipality in which an abandoned waste tire pile is located should review the provisions of this bill, including requirements for applying to the director, if the municipality intends to seek reimbursement for waste tire transport or recycling.

## HB 243 Privacy Protection Amendments

Sponsor: Gibson, Francis

<https://le.utah.gov/~2021/bills/static/HB0243.html>

### Legislative purpose of the bill

This bill creates positions and procedures to oversee privacy practices in state government.

### Municipal impact/what you need to do

HB 243 creates the Personal Privacy Oversight Commission to establish guidelines and best practices for the collection and use of personal data by a government entity. The twelve-member commission will include two members representing law enforcement, one member who provides internet technology services for a county or municipality, and one member with experience as a prosecutor or appellate attorney. The bill also creates a state privacy officer, appointed by the state auditor, to review local government data practices. The state privacy officer may annually review how a local government handles personal data and publish on the state auditor's website information about local government privacy practices. If the privacy officer identifies a local government for creating a risk to personal data, the local government must hold a public hearing to review its practices and hear public concerns.

A municipality should review its technology contracts and data practices to ensure that they comply with the best practice established by the commission.



## HB 294 Pandemic Emergency Powers Amendments

Sponsor: Ray, Paul

<https://le.utah.gov/~2021/bills/static/HB0294.html>

### Legislative purpose of the bill

This bill terminates emergency powers and public health orders related to COVID-19.

### Municipal impact/what you need to do

HB 294 will end the statewide mask mandate on April 10 except for schools and gatherings of 50 or more people who cannot physically distance. While local health departments may require masks with approval from their legislative bodies, the orders and restrictions would expire if the state meets the following conditions:

1. The state's 14-day case rate falls below 191 per 100,000 people;
2. Intensive care units are no more than 15% filled with COVID-19 patients over a seven-day average; and
3. The federal government has allocated 1,633,000 first doses of the coronavirus vaccine to Utah.

Governor Cox has announced that he will continue, for the foreseeable future, to require state employees to wear masks. Municipalities may choose to adopt similar requirements for municipal employees.

ULCT POSITION: NEUTRAL

## HB 308 COVID-19 Vaccine Amendments

Sponsor: Spendlove, Robert

<https://le.utah.gov/~2021/bills/static/HB0308.html>

### Legislative purpose of the bill

HB 308 prohibits a governmental entity from requiring that an individual receive a COVID-19 vaccine.

### Municipal impact/what you need to do

Under HB 308, a municipality may not require, directly or indirectly, that an individual receive a COVID-19 vaccine, including as a condition of employment or participating in a government entity activity. The bill makes exceptions for distributing vaccines, government employees acting in a public health setting, or enforcement of a non-discretionary requirement under federal law.

ULCT POSITION: SUPPORT

## HB 348 Economic Development Amendments

Sponsor: Hawkes, Timothy

<https://le.utah.gov/~2021/bills/static/HB0348.html>

### Legislative purpose of the bill

HB 348 renames the former Governor's Office of Economic Development to the Governor's Office of Economic Opportunity (GO Utah Office) and makes other structural changes to align state economic development efforts across all levels of government. The bill creates the Unified Economic Opportunity Commission to coordinate state economic development

efforts, create a state economic strategy, and adopt accountability indicators. ULCT will appoint one commissioner to represent urban areas and the Utah Association of Counties will appoint one commissioner to represent rural areas.

#### ULCT POSITION: SUPPORT

## HB 347 Homeless Services Amendments

Sponsor: Eliason, Steve

<https://le.utah.gov/~2021/bills/static/HB0347.html>

### Legislative purpose of the bill

HB 347 modifies state homelessness governance, including creating the Utah Homelessness Council and the State Homelessness Coordinator appointed by the governor, both of which will oversee the Homeless Shelter Cities Mitigation Restricted Account. The Utah Homelessness Council will include the mayors of the five cities which currently house homeless resource centers. The bill creates a statewide funding plan that will coordinate all of the local service plans and requests for funding. During the 2020 interim, ULCT participated in the Gardner Policy Institute's examination of the governance structure of Utah's approach to homelessness. HB 347 reflects many of the recommendations from the Gardner Policy Institute for service providers, local governments, philanthropists, and the State of Utah. You can see the recommendations [here](#).

ULCT POSITION: NEUTRAL

## SB 72 Open and Public Meetings Amendments

Sponsor: Fillmore, Lincoln

<https://le.utah.gov/~2021/bills/static/SB0072.html>

### Legislative purpose of the bill

This bill prohibits a public body from taking a vote in a closed meeting except a vote to end the closed portion of the meeting.

ULCT POSITION: SUPPORT

## SB 125 Open and Public Meetings Acts Amendments

Sponsor: Buxton, David

<https://le.utah.gov/~2021/bills/static/SB0125.html>

### Legislative purpose of the bill

SB 125 amends the Open and Public Meetings Act provisions related to electronic meetings and anchor locations.

### Municipal impact/what you need to do

This bill re-codifies the Open and Public Meetings Act language that ULCT proposed during the June 2020 interim to provide flexibility to local public bodies to conduct electronic meetings without anchor locations under certain circumstances.

First, in the absence of a declaration of risk, a public body holding an electronic meeting shall provide space at the anchor location for the public to attend

the open portions of the meeting. The second part of the bill addresses two electronic meeting scenarios in which an anchor location is not required. In the first scenario, prior to the meeting start, the chair of the public body determines that meeting at the anchor location presents a substantial risk to those attending or that the anchor location has been ordered closed for safety reasons. The public notice must then include a statement describing the chair's determination, a summary of facts informing the determination, and information on how the public can attend electronically. In the second scenario, if during the electronic meeting the chair determines continuing at the anchor location presents a substantial risk, the chair must announce that determination and then state a summary of facts upon which the determination is made. The anchor location requirement is then suspended but only if, when notice was published for the meeting, a means was provided for members of the public to attend electronically.

**ULCT POSITION: NEUTRAL**

## **SB 189 Tobacco Retailer Amendments**

**Sponsor: Vickers, Evan**

<https://le.utah.gov/~2021/bills/static/SB0189.html>

### **Legislative purpose of the bill**

SB 189 modifies provisions relating to tobacco retailers, including permits, retail location, and certain penalties.

### **Municipal impact/what you need to do**

Under existing law, a municipality may not issue a license to a retail tobacco specialty business if the busi-

ness is located within 1,000 feet of a school. However, there was a grandfather clause that allowed licensing if the business was issued a license on or before December 31, 2018, and was not located by the school after July 1, 2021. SB 189 extends that exception, allowing a business to be licensed if it is not located within 1,000 feet of the school by July 1, 2022. The bill also allows an exempted retail tobacco specialty business to maintain the exemption if, in addition to existing requirements, the business does not substantially change the business premises or operations.

**ULCT POSITION: SUPPORT**

## **SB 194 Utah Main Street Program**

Sponsor: Owens, Derrin

<https://le.utah.gov/~2021/bills/static/SB0194.html>

### **Legislative purpose of the bill**

SB 194 facilitates Utah's participation in the National Main Street Center through GO Utah.

### **Municipal impact/what you need to do**

The Utah Main Street Program will provide resources for the revitalization of downtown or commercial districts. Municipalities can work with GO Utah (the new agency replacing GOED) to participate in the program and receive technical assistance.

## SB 195 Emergency Response Amendments

Sponsor: Vickers, Evan

<https://le.utah.gov/~2021/bills/static/SB0195.html>

### Legislative purpose of the bill

This bill amends provisions related to emergency powers and public health.

### Municipal impact/what you need to do

SB 195 makes several amendments to the emergency authority of the governor, counties, and local health departments. For example, during a local public health emergency that has been in effect for more than 30 days, the local health department shall provide written notice to the county governing body at least 10 days before the expiration of the public health emergency and seek their approval. The county legislative body may at any time terminate an order of constraint issued by a local health department in response to a declared public health emergency. A local health department, the governor, or the chief executive officer of a political subdivision may not impose an order of constraint on a religious gathering that is more restrictive than an order of constraint that applies to any other relevantly similar gathering. Such orders may substantially burden an individual's exercise of religion only if the issuing entity demonstrates that the order furthers a compelling government interest and is the least restrictive means to further that interest.

Additionally, a local health department may not declare a public health emergency or issue an order of



constraint without providing notice to the county's chief executive officer at least 24 hours prior to the order (with limited exceptions). The county CEO or the county governing body may terminate the order. For those local health departments that span multiple counties, the county CEO or governing body may only terminate the order within their own county. The local health department may extend a local health emergency under "exigent circumstances." The Legislature may also terminate a local order of constraint that has been in effect for more than 30 days.

The bill also affects municipal emergency declaration authority. A municipal CEO may declare by proclamation a state of emergency if a disaster has occurred or the occurrence or threat of a disaster is imminent in an area of the city and the city requires additional assistance to supplement the city's own response and recovery. However, the legislative body now has the authority to terminate the state of emergency by majority vote at any time. There is also now a 30-day limit on the municipal CEO's initial emergency declaration. The municipal CEO may extend it an additional 30 days if exigent circumstances exist but then the state of emergency expires. The Legislature may also terminate by joint resolution the municipal declaration of emergency that has been in effect more than 30 days.

A municipality should be aware that the bill limits the duration of a declared local state of emergency and allows the Legislature to terminate certain orders and ordinances adopted by a municipal chief executive or governing authority. The bill limits a municipality's authority to implement regulations that burden the exercise of religion during a state of emergency.

ULCT POSITION: SUPPORT

## **SB 201 Public Notice Amendments**

Sponsor: Mayne, Karen

<https://le.utah.gov/~2021/bills/static/SB0201.html>

### **Legislative purpose of the bill**

This bill modifies public notice provisions.

### **Municipal impact/what you need to do**

SB 201 eliminates some requirements to publish public notice in a newspaper and on certain legal notice websites and requires certain notices to be posted on the Utah Public Notice Website. Municipal clerks and others that post notice should review the extensive changes to the municipal code, municipal land use code, and other state code provisions.

A list of those sections where notice was amended is available [here](#).

ULCT POSITION: SUPPORT

## **SB 214 Official Language Amendments**

Sponsor: Cullimore, Kirk

<https://le.utah.gov/~2021/bills/static/SB0214.html>

### **Legislative purpose of the bill**

This bill removes provisions relating to English as the sole language of government in Utah.

### **Municipal impact/what you need to do**

SB 214 authorizes local government communications in languages other than English.



# JUDICIARY

ULCT POSITION: OPPOSE

## HB 143 Driver License Suspension Amendments

Sponsor: Maloy, Cory

<https://le.utah.gov/~2021/bills/static/HB0143.html>

### Legislative purpose of the bill

This bill limits when an individual's driver license may be suspended.

### Municipal impact/what you need to do

Under HB 143, a court may not order the Driver License Division to suspend an individual's driver license based solely on a person's failure to pay a fine or fee. Although a court may suspend a license for a moving traffic violation and other offenses like driving under the influence, the court may not suspend a license for a failure to appear or failure to pay an outstanding penalty accounts receivable. Prosecutors should review this bill for the changes impacting criminal prosecutions that may involve a driver license suspension.



# LAND USE & BUILDING CODE

ULCT POSITION: NEUTRAL

## HB 82 Single-family Housing Modifications

Sponsor: Ward, Ray

<https://le.utah.gov/~2021/bills/static/HB0082.html>

### Legislative purpose of the bill

This bill mandates internal accessory dwelling units (IADUs) as a permitted use with certain exceptions, enacts enforcement mechanisms, modifies the building code to exempt IADUs, establishes a loan program for IADUs, and prohibits a homeowner association from banning IADUs.

### Municipal impact/what you need to do:

The bill defines IADU as an accessory dwelling unit created within a primary dwelling, within the primary dwelling's footprint, and for the purpose of renting for 30 consecutive days or longer. The primary dwelling is a single-family dwelling in which the owner occupies the primary residence and the dwelling is detached. In areas zoned primarily for residential use (a determination up to the municipality), IADUs are permitted uses. However, a municipality may prohibit IADUs in 25% or less of the total area in the municipality zoned for primarily residential, or, if a state or private university with a student population of 10,000 or more is located in the municipality, 67% or less.



# LAND USE, BUILDING CODE

A municipality may not establish restrictions on the construction or use of an IADU, including IADU size within the primary dwelling, total lot size, or street frontage. However, HB 82 allows a municipality to adopt the following IADU restrictions and requirements: require bedroom window egress, prohibit installation of a separate utility meter, require that the IADU design not change the appearance of the primary dwelling, require one additional on-site parking space and replace any garage or carport parking spaces if the IADU is created in the garage or carport, prohibit an IADU in a mobile home, require an IADU permit or license, prohibit an IADU if the primary dwelling is served by a failing septic tank, prohibit an IADU if the lot is 6,000 sq. ft. or less, prohibit the renting of the IADU for less than 30 consecutive days, and prohibit renting an IADU that is not in an owner-occupied primary dwelling.

To enforce IADU regulations, a municipality may file a lien recorded with the county recorder if the property owner violates IADU regulations, the municipality holds a hearing to determine that a violation has occurred, and the owner fails to cure the violation. A municipality may also record with the county recorder a notice of a permitted or licensed IADU. Finally, a municipality may prosecute or fine an individual who advertises an IADU as a short-term rental on a short-term rental website.

The above IADU provisions go into effect October 1, 2021.

HB 82 also modifies the definition of "single-family limit" in LUDMA so that whether individuals occupying a dwelling are related or not is irrelevant. HB 82 also modified the State Construction Code to create certain exemptions for IADUs for wall thickness, ventilation, and other changes.

By October 1, 2021, a municipality should review those zones that are primarily residential and adopt an ordinance permitting IADUs if they are not permitted already. However, if the municipality chooses to, the municipality should also identify a zoning district covering, as applicable, an area equivalent to 25% or less, or 67% or less, of the total area in the municipality that is zoned primarily residential and exclude IADUs in those areas. The IADU ordinance should also adopt any restrictions that the municipality finds necessary and appropriate under HB 82. A municipality should also amend an ordinance setting a single-family limit based on whether individuals are related to each other and note the changes in the building code for IADUs.

**ULCT POSITION: NEUTRAL**

## **HB 98 Local Government Building Regulation Amendments**

**Sponsor: Ray, Paul**

<https://le.utah.gov/~2021/bills/static/HB0098.html>

### **Legislative purpose of the bill**

This bill establishes, for a one or two family dwelling or townhome, clear timelines for a municipality to complete plan reviews and inspections and prohibits a municipality from requiring certain design elements.

### **Municipal impact/what you need to do**

Under HB 98, if a municipality fails to provide a building inspection within three business days an applicant may engage an independent third-party licensed building inspector. The independent inspector must be licensed by DOPL, carry the appropriate liability insurance, and is responsible for issuing the certificate of occupan-

cy for a project the independent inspector inspects. For plan reviews, if a municipality fails to complete a plan review within 14 business days, an applicant may request that the municipality complete the review, at which point the municipality has another 14 days from the request. If the municipality fails to meet the first 14-day deadline, an applicant makes a request to finish the review, and the city fails to meet the second 14-day deadline, a municipality may not enforce the plan review requirement if a licensed architect or structural engineer has stamped the plan.

A municipality may require a single resubmittal of plans to address deficiencies identified by a third-party in a geotechnical or geological report. Both the inspection and plan review requirements are applicable to one or two family dwellings or townhomes. Finally, the bill lists information that creates a complete permit application.

HB 98 also prohibits a municipality from imposing certain design requirements on a one or two family dwelling or townhome. Those design elements are exterior color; type or style of exterior cladding material; style, dimensions, or materials of a roof structure, roof pitch, or porch; exterior nonstructural architectural ornamentation; location, design, placement, or architectural styling of a window or door; location, design, placement, or architectural styling of a garage door, not including a rear-loading garage door; number or type of rooms; interior layout of a room; minimum square footage over 1,000 sq. ft. not including a garage; rear yard landscaping requirements; minimum building dimensions; or a requirement to install front yard fencing. However, the bill allows a municipality to impose design elements in several enumerated circumstances, including a local historic district, elements agreed to



under a development agreement, a dwelling located in an area substantially developed before 1950, and an ordinance requiring materials that are not defective, and in a planned unit development.

As part of the changes on mandated design requirements, HB 98 removes residential design elements as a menu option for moderate income housing plan strategies.

Municipalities should review their building inspection and plan review processes to ensure that all departments and individuals involved with the process can successfully meet deadlines. Municipalities should also update their design element ordinances to align with the prohibitions and prohibition exceptions in HB 98.

**ULCT POSITION: NEUTRAL**

## **HB 107 Subdivision Plat Amendments** Sponsor: Ferry, Joel

<https://le.utah.gov/~2021/bills/static/HB0107.html>

### **Legislative purpose of the bill**

HB 107 amends subdivision plat provisions as they relate to a water conveyance facility.

### **Municipal impact/what you need to do**

Under this bill, a land owner submitting a subdivision plat to a municipality must include a description of water conveyance facility rights-of-way and easements and any water conveyance facility located in the plat. After the municipality receives the subdivision plat, the municipality must, within 20 days, mail notice to a water conveyance facility owner within 100 feet of the plat. The bill also requires a surveyor mak-



ing a subdivision plat to consult with the owner of a water conveyance facility.

**ULCT POSITION: SUPPORT**

## **HB 115 Municipal Boundary Modification** Sponsor: Waldrip, Steve

<https://le.utah.gov/~2021/bills/static/HB0115.html>

### **Legislative purpose of the bill**

This bill addresses cross-county annexations and amends provisions related to notice and exclusions from an incorporation.

### **Municipal impact/what you need to do**

A municipality that intends to annex property across a county line should amend its annexation plan to identify the property and review the feasibility study requirements enacted in this legislation for cross-county annexations. The bill also prohibits a municipality from annexing an area that is identified in an incorporation feasibility study if the lieutenant governor has completed the first incorporation public hearing and the time for a specified land owner to withdraw from incorporation has expired. The bill makes additional changes to incorporation notice and process.

ULCT POSITION: OPPOSE

## HB 171 Agricultural Land Use Restrictions

Sponsor: Chew, Scott

<https://le.utah.gov/~2021/bills/static/HB0171.html>

### Legislative purpose of the bill

HB 171 prohibits a municipality from restricting or regulating certain crops.

### Municipal impact/what you need to do

Under this bill, a municipality may not restrict the type of crop grown in an agricultural zone or an area assessed under the Farmland Assessment Act. A municipality may not regulate an industrial hemp producer licensee if that regulation conflicts with Title 4, Chapter 41, Hemp and Cannabinoid Act, or the Municipal Land Use, Development, and Management Act.

ULCT POSITION: SUPPORT

## HB 409 Municipal and County Land Use and Development

Sponsor: Waldrip, Steve

<https://le.utah.gov/~2021/bills/static/HB0409.html>

### Legislative purpose of the bill

HB 409 reflects the work of the 2020 Land Use Task Force, changing multiple provisions in Title 10, Chapter 9a, Municipal Land Use, Development, and Management Act.

### Municipal impact/what you need to do

Under HB 409, planning commissioners in [SB 34 mu-](#)

**municipalities** must complete four hours of annual land use training and a municipality must adopt objective standards for conditional uses. The bill prohibits a municipality, for a period of 10 years after the day on which a subdivision plat is recorded, from imposing on a building permit for a single-family dwelling in the subdivision any land use regulation that is enacted within 10 years after the day the subdivision plat is recorded. This prohibition is to address land use vesting issues.

The legislation defines “development agreement” and their appropriate uses. These provisions are a response to recent case law regarding prohibited contract zoning. The bill also prohibits a municipality from requiring paved residential streets wider than 32 feet if the municipality requires low impact development where the street is located. If a municipality vacates a street or considers a land use amendment, the rights of culinary water and sanitary sewer authorities are not impacted and, in some cases, those authorities must receive notice.

HB 409 amended several provisions to clarify lot line adjustments, boundary line agreements, and subdivisions. The clarifications include that a parcel boundary adjustment is not subject to land use authority review except in certain circumstances and that recording of a boundary line agreement does not constitute a land use approval. A municipality may withhold approval of a land use application that is subject to a recorded boundary line agreement if the lots or parcels are not in compliance with land use regulations. The bill also sets requirements for adjoining property owners executing a boundary line agreement and clarifies that a boundary line agreement that only affects parcels is not subject to land use authority or engineering review.

A municipal land use authority should further review these provisions for additional requirements.

Finally, HB 409 makes some clarifying amendments to land use appeals, including codifying the existing case law definition of "substantial evidence" as evidence that is beyond a scintilla and a reasonable mind would accept as adequate to support a conclusion.

## ULCT POSITION: SUPPORT

### **SB 164 Utah Housing Affordability Amendments**

Sponsor: Anderegg, Jake

<https://le.utah.gov/~2021/bills/static/SB0164.html>

#### **Legislative purpose of the bill**

SB 164 reflects the policies discussed by the Commission on Housing Affordability over the 2020 interim.

#### **Municipal impact/what you need to do**

Several programs and changes were adopted in SB 164 to tackle housing affordability issues. Under SB 164 a municipality may grant municipal real property for affordable housing. Affordable housing units under this provision are those households whose income is no more than 50% of the area median income for households where the unit is located and can occupy the unit by paying no more than 31% of the household's income for gross housing costs. If a municipality grants property to a development entity for affordable housing, the municipality must ensure that the real property is deed restricted for at least 30 years but is exempt from the requirements in UCA 10-8-2(3).



# LAND USE, BUILDING CODE

The executive director of the Department of Workforce Services may award predevelopment grants up to \$50,000 per project to entities located in towns and fifth and sixth class cities. Recipients may use grants for preconstruction services to low-income housing units, including market studies, technical assistance, surveys, environmental and impact studies, and preliminary architecture or engineering services. The bill also authorizes the Housing and Community Development Division to create a mediation program for landlords and tenants to minimize the loss of housing for low-income persons. Towns and fifth or sixth class cities may want to work with local pre-construction entities to encourage use of and target projects for grants.

Finally, the bill directs county assessors and metropolitan planning organizations to work with the State Geographic Information Database to inventory existing housing units and their general characteristics. These efforts are designed to give communities a better understanding of their current housing stock.

ULCT POSITION: NEUTRAL

## **SB 243 Political Subdivisions Amendments**

Sponsor: Stevenson, Jerry

<https://le.utah.gov/~2021/bills/static/SB0243.html>

### **Legislative purpose of the bill**

This bill makes changes to the authority of the Utah Inland Port Authority, the Point of the Mountain State Authority, and a Military Installation Development Authority.

### **Municipal impact/what you need to do**

A municipality located within the Utah Inland Port Authority, the Point of the Mountain State Authority, or a Military Installation Development Authority should review this bill for amendments changing the use of tax increment for bonding and Open and Public Meetings Act requirements, among other amendments.



# INFRA- STRUCTURE

ULCT POSITION: SUPPORT

## HB 433 Amendments Related to Infrastructure Funding

Sponsor: Schultz, Mike

<https://le.utah.gov/~2021/bills/static/HB0433.html>

### Legislative purpose of the bill

HB 433 authorizes \$1.1 billion in investments in roads, public transit and active transportation through combined new bonding and the appropriation of available one-time revenues. Wasatch Front Regional Council has provided an in-depth analysis [here](#).

### Municipal impact/what you need to do

This bill will fund projects in accordance with [Utah's Unified Transportation Plan](#) and the TIF Highway Projects Ranked List. The bill will also benefit the state and municipalities through financial support of transit and active transportation projects. The ULCT Board with other stakeholder partners issued a [letter](#) supporting investment in infrastructure and transportation projects.





# INFRASTRUCTURE

**ULCT POSITION: SUPPORT**

## **SB 113 Transportation Amendments**

**Sponsor: Harper, Wayne**

<https://le.utah.gov/~2021/bills/static/SB0113.html>

### **Legislative purpose of the bill**

This bill makes several technical changes related to transportation, public transit, towing and other related items. The towing language only applies to the Department of Public Safety (DPS). DPS may issue a request for information to evaluable vendors, products, and technology capable of increasing efficiency, effectiveness, and transparency in the dispatching of towing providers and management of towing rotations in counties of the first or second class. Depending on the result, the Transportation Interim Committee could recommend a pilot program for a public-private partnership related to towing rotation management. The bill also clarifies liability for damage to a state highway, highway equipment, or highway sign.

**ULCT POSITION: SUPPORT**

## **SB 217 Housing and Transit Reinvestment Zones**

**Sponsor: Harper, Wayne**

<https://le.utah.gov/~2021/bills/static/SB0217.html>

### **Legislative purpose of the bill**

This bill enacts the Housing and Transit Reinvestment Zone Act, a new development tool to better coordinate development around Frontrunner.

**Municipal impact/what you need to do**





# INFRASTRUCTURE

An HTRZ captures a portion of incremental tax revenue growth to support costs of multi-use and multi-family development within  $\frac{1}{3}$  mile radius of FrontRunner stations.

A municipality may propose development and zoning around a FrontRunner station that:

- promotes higher utilization of public transit;
- increases availability of housing, including affordable housing;
- conserves water resources through efficient land use;
- improves air quality by reducing fuel consumption and motor vehicle trips;
- encourages transformative mixed-use development and investment in transportation and public transit infrastructure in strategic areas;
- uses strategic land use and municipal planning in major transit investment corridors; and
- increases access to employment and educational opportunities.

A municipality that intends to create a HTRZ should review the legislation for requirements pertaining to tax increment, zoning requirements, and plan submission to GO Utah, the former Governor's Office of Economic Development.



**ULCT POSITION: SUPPORT**

## **HB 59 Intimate Image Distribution Prohibition Revisions**

**Sponsor: Stoddard, Andrew**

<https://le.utah.gov/~2021/bills/static/HB0059.html>

### **Legislative purpose of the bill:**

This bill provides criminal penalties for any individual to duplicate, share, copy or display an intimate image during a criminal action.

### **Municipal impact/what you need to do:**

The municipality/agency needs to ensure that in any criminal action, any intimate image be shared with only those involved in the investigation while ensuring that there is no sharing with anyone not involved in the investigation.

ULCT POSITION: SUPPORT

## HB 62 Post Certification Amendments

Sponsor: Stoddard, Andrew

<https://le.utah.gov/~2021/bills/static/HB0062.html>

### Legislative purpose of the bill

This bill expands the grounds for taking action in relation to peace officer misconduct.

### Municipal impact/what you need to do

Under HB 62, the Peace Officer Standards and Training Council may issue a Letter of Caution, suspend, or revoke a peace officer's certification if the peace officer engages in conduct that involves dishonesty or deception or knowingly engages in biased or prejudicial conduct. A law enforcement agency should update its policies and training to reflect these standards.

ULCT POSITION: SUPPORT

## HB 84 Use of Force Reporting Requirements

Sponsor: Romero, Angela

<https://le.utah.gov/~2021/bills/static/HB0084.html>

### Legislative purpose of the bill

This bill addresses data reported on use of force.

### Municipal impact/what you need to do

HB 84 requires the Bureau of Criminal Identification to include statistics on use of force by law enforcement submitted by a local law enforcement agency. This data is in addition to other data an agency must sub-



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mit under UCA 53-10-205. A municipal law enforcement agency should work with the bureau to ensure compliance with reporting requirements.

**ULCT POSITION: OPPOSE**

## **HB 158 Juvenile Interrogation Amendments**

**Sponsor: Judkins, Marsha**

<https://le.utah.gov/~2021/bills/static/HB0158.html>

### **Legislative purpose of the bill**

This bill enacts provisions related to the interrogation of minors who are in custody for an offense.

### **Municipal impact/what you need to do**

Under HB 158, if a child in custody is subject to interrogation for an offense, the child has the right to have a parent/legal guardian present or, if the parent/legal guardian is compromised, a "friendly adult." A child may not be interrogated unless first advised of the child's rights to have a parent/legal guardian or friendly adult present, and the child, with a parent/legal guardian or friendly adult present, has waived the child's constitutional rights. A minor who is admitted to a detention or secure facility may not be interrogated unless the minor has consulted with an attorney, waived his or her rights, and the attorney is present for the interrogation.



# PUBLIC SAFETY

**ULCT POSITION: SUPPORT**

## **HB 162 Peace Officer Training Amendments**

**Sponsor: Romero, Angela**

<https://le.utah.gov/~2021/bills/static/HB0162.html>

### **Legislative purpose of the bill**

This bill requires peace officers to receive certain annual training.

### **Municipal impact/what you need to do**

Under HB 162, a peace officer must complete 16 hours of training focused on mental health and other crisis intervention responses, arrest control, and de-escalation within their 40 hour annual training requirements. If an officer receives training exclusively from POST, a municipality may defer to POST to ensure the 16 hours of training. If an agency provides training for officers, the agency will need to ensure that officers meet the 16 hour requirement.

**ULCT POSITION: SUPPORT**

## **HB 220 Pretrial Detention Amendments**

**Sponsor: Schultz, Mike**

<https://le.utah.gov/~2021/bills/static/HB0220.html>

### **Legislative purpose of the bill**

This bill amends and, in some cases, reverses changes that were made in 2020 bail reform.

### **Municipal impact/what you need to do**

Municipal prosecutors and others in public safety and judiciary should review this bill for the changes

related to bail and pretrial release. The bill removes the presumptions of release for certain individuals awaiting trial, removes requirements that individuals eligible for pretrial release be released under the least restrictive conditions, and makes several other changes related to bail forfeiture and pretrial release conditions.

**ULCT POSITION: SUPPORT**

## **HB 237 Lethal Force Amendments**

**Sponsor: Dailey-Provost, Jennier**

<https://le.utah.gov/~2021/bills/static/HB0237.html>

### **Legislative purpose of the bill**

The bill addresses when a peace officer may use deadly force when an individual is only a danger to himself or herself.

### **Municipal impact/what you need to do**

The bill deals with situations when an individual who is only a danger to himself or herself. A municipality will likely have to provide training and instructions (if necessary) in these situations. The defense of justification applies to the use of deadly force by an officer if the officer has probable cause to believe that the suspect poses a threat of death or serious bodily injury or is necessary to prevent death or serious bodily injury to the officer or an individual other than the suspect if apprehension is delayed.

**ULCT POSITION: SUPPORT**

## **HB 248 Mental Health Support Program for First Responder**

**Sponsor: Kwan, Karen**

<https://le.utah.gov/~2021/bills/static/HB0248.html>

### **Legislative purpose of the bill**

This bill creates a grant program to provide mental health resources for first responders.

### **Municipal impact/what you need to do**

This bill directs the Division of Substance Abuse and Mental Health to administer a grant program to assist first responders with mental health resources. Those resources include assessments for treatment, outpatient mental health treatment, or peer support. The grant program must be up and running by July 1, 2021 and has \$1 million available. The grants are awarded to first responder agencies to implement a mental health resources program. A local agency that intends to apply for a grant should review the bill and division rules once adopted.

**ULCT POSITION: SUPPORT**

## **HB 264 Law Enforcement Weapons Use Amendments**

**Sponsor: Angela Romero**

<https://le.utah.gov/~2021/bills/static/HB0264.html>

### **Legislative purpose of the bill**

This bill requires a law enforcement officer to file a report after pointing a firearm or a taser at an individual.

## **Municipal impact/what you need to do**

Most agencies already have this in their agency policy. If your agency does not have a policy like this, you will need to implement a policy consistent with this statute.

**ULCT POSITION: NEUTRAL**

## **HB 291 Residential Picketing Prohibition**

**Sponsor: Ryan Wilcox**

<https://le.utah.gov/~2021/bills/static/HB0291.html>

### **Legislative purpose of the bill**

This bill creates a statewide offense of targeted residential picketing and disclosing an individual's address with the intent to cause another individual to engage in targeted residential picketing.

## **Municipal impact/what you need to do**

Some cities already have policies about residential picketing but this bill now creates a statewide standard.

**ULCT POSITION: SUPPORT**

## **HB 301 Domestic Violence Training Amendments**

**Sponsor: Candice Pierucci**

<https://le.utah.gov/~2021/bills/static/HB0301.html>

### **Legislative purpose of the bill**

POST will provide domestic violence and lethality assessment training for law enforcement officers and in conjunction with the Division of Child and Family





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Services to report to the legislature with data on domestic violence.

## **Municipal Impact/what you need to do**

Each year your police officers need to have 40 hours of training. This bill requires that POST provides domestic violence and a lethality assessment training that your officers can have during their annual training. POST shall incorporate this domestic violence training requirement into their certification training.

**ULCT POSITION: SUPPORT**

## **HB 334 Special Needs Training for Law Enforcement Amendments**

Sponsor: Eliason, Steve

<https://le.utah.gov/~2021/bills/static/HB0334.html>

### **Legislative purpose of the bill**

Under this bill, the Peace Officer Standards and Training Division Director must ensure that peace officers are annually trained on intervention responses for mental illnesses, autism spectrum disorder, and other neurological and developmental disorders.

**ULCT POSITION: SUPPORT**

## **HB 345 School Resource Officer Amendments**

Sponsor: Sandra Hollins

<https://le.utah.gov/~2021/bills/static/HB0345.html>

### **Legislative purpose of the bill**

This bill amends the provisions related to the training



that the State Board of Education prepares and makes available to school resource officers.

### **Municipal impact/what you need to do**

In your contract with your local school board, your school resource officers receive training. This training will now include information on developing and supporting successful relationships with students as well as the legal parameters of searching and questioning students on school property.

### **ULCT POSITION: SUPPORT**

## **SB 13 Law Enforcement Internal Investigations Requirements**

Sponsor: Iwamoto, Jani

<https://le.utah.gov/~2021/bills/static/SB0013.html>

### **Legislative purpose of the bill**

The bill requires law enforcement agencies to complete certain internal investigations (those under POST's concurrent jurisdiction in 53-6-201(1)) even after an officer terminates at the agency. The bill also requires an agency that opens an investigation into alleged officer misconduct under 53-6-201(1) within two years after an officer terminates to notify POST of the new investigation. The bill also requires an investigating agency to share the information about the internal affairs investigation with POST or any requesting agency.

### **Municipal impact/what you need to do**

An agency will also have to share the information with POST as required by statute and with any agency requesting the information if your officer has applied to



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another agency. The bill also allows an agency an opportunity to receive information from another agency if hiring laterally from another agency.

**ULCT POSITION: SUPPORT**

## **SB 38 K-9 Policy Requirements**

**Sponsor: Thatcher, Daniel**

<https://le.utah.gov/~2021/bills/static/SB0038.html>

### **Legislative purpose of the bill**

This bill amends the liability provisions for dog bites relating to law enforcement activities and requires the annual certification of law enforcement canines and handlers.

### **Municipal impact/what you need to do**

Under SB 38, a municipality is not liable for an injury caused by a dog if the handler is trained and certified annually, the dog is trained and certified annually, and the agency has a written policy on the necessary and appropriate use of dogs in law enforcement duties. Your dogs and handlers must be certified by either POST or by a national organization. A municipality should review the Law Enforcement Canine Team Certification Act enacted in the bill.

**ULCT POSITION: SUPPORT**

## **SB 68 Law Enforcement Weapons Amendments**

**Sponsor: Buxton, David**

<https://le.utah.gov/~2021/bills/static/SB0068.html>

### **Legislative purpose of the bill**

This bill creates a program to fund the purchase



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of technology and equipment for law enforcement agencies to assist in investigating officer-involved critical incidents.

## **Municipal impact/what you need to do**

SB 68 appropriates \$500,000 to the Department of Public Safety to issue grants to law enforcement agencies to obtain technology and equipment that assist with investigations in officer-involved critical incidents in which a firearm is used. To receive funds, a law enforcement agency must match funds and show that the technology or equipment meets statutory requirements. A municipality interested in the grant program should contact the department.

**ULCT POSITION: SUPPORT**

## **SB 98 Asset Forfeiture Amendments** Sponsor: Weiler, Todd

<https://le.utah.gov/~2021/bills/static/SB0098.html>

## **Legislative purpose of the bill**

This bill amends provisions relating to the seizure and forfeiture of property and contraband. The bill addresses a number of issues within this area, including jurisdiction of a district court, when and how the property may be transferred to a federal court, and alters some of the time frames. This bill is a product of two years of study and negotiations among a number of parties.

## **Municipal impact/what you need to do**

Under SB 98, a municipality that intends to participate in the state grant program of equitable sharing must have an asset forfeiture specialist trained and certified by POST.

ULCT POSITION: SUPPORT

## **SB 102 Peace Officer Training Qualifications Amendments**

Sponsor: Mayne, Karen

<https://le.utah.gov/~2021/bills/static/SB0102.html>

### **Legislative purpose of the bill**

This bill permits certain lawful residents to apply to become peace officers or dispatchers.

### **Municipal impact/what you need to do**

This bill permits an individual to apply to become a peace officer or dispatcher if the individual is a lawful resident of the United States, is in the United States legally for at least five years and has legal authorization to work in the United States.

ULCT POSITION: SUPPORT

## **SB 106 Use of Force Amendments**

Sponsor: Thatcher, Daniel

<https://le.utah.gov/~2021/bills/static/SB0106.html>

### **Legislative purpose of the bill**

This bill requires statewide use of force standards for peace officers.

### **Municipal impact/what you need to do**

This bill requires the Peace Officers Standards and Training Council to establish statewide minimum use of force standards and annually review those standards. Peace officers and law enforcement agencies must comply with and enforce those statewide



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minimum use of force standards. A law enforcement agency should review the council's standards once established.

**ULCT POSITION: SUPPORT**

## **SB 155 Mental Health Crisis Assistance**

**Sponsor: Thatcher, Daniel**

<https://le.utah.gov/~2021/bills/static/SB0155.html>

### **Legislative purpose of the bill**

This bill creates the Statewide Behavioral Health Crisis Response Account and directs the Behavioral Health Crisis Response Commission, with modified membership, to study issues related to the statewide implementation of the 988 hotline.

### **Municipal impact/what you need to do**

Right now, nothing. However, following this next two-year study period, the 988 crisis response line can impact municipalities in a number of ways, including the funding and implementation of 911 and adding behavioral health response teams. ULCT will have one member on the commission.

**ULCT POSITION: SUPPORT**

## **SB 159 Law Enforcement Data Management Requirements**

**Sponsor: Anderegg, Jake**

<https://le.utah.gov/~2021/bills/static/SB0159.html>

### **Legislative purpose of the bill**

This bill requires the Utah Commission on Criminal



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and Juvenile Justice to assemble a panel of professionals and experts to study and make recommendations regarding the collection and management of statewide public safety data and report the findings to the Law Enforcement and Criminal Justice Interim committee.

## **Municipal impact/what you need to do**

Right now, nothing. However, depending on the findings of the panel, our agencies may have to supply certain data. ULCT will work with the Utah Chiefs of Police Association to provide input about the data collection recommendations and implementation.

## **ULCT POSITION: SUPPORT**

## **SB 196 Law Enforcement Agency Disclosure Amendments** Sponsor: Iwamoto, Jani

<https://le.utah.gov/~2021/bills/static/SB0196.html>

## **Legislative purpose of the bill**

This bill provides immunity for an employing law enforcement agency and its authorized officers or training academy providing information to a prospective employer upon request.

## **Municipal impact/what you need to do**

This bill is the companion bill to SB 13. This bill provides your agency and authorized officers immunity for sharing certain information and data on lateral hires when requested.



# WATER

**ULCT POSITION: NEUTRAL**

## **SB 199 Water Amendments**

**Sponsor: McKell, Mike**

<https://le.utah.gov/~2021/bills/static/SB0199.html>

### **Legislative purpose of the bill**

This bill addresses secondary water metering and directs the Legislative Water Development Commission to support a unified statewide water conservation strategy.

### **Municipal impact/what you need to do**

This bill requires a secondary water supplier, beginning January 1, 2022 to establish a meter installation reserve for metering installation and replacement projects. The bill also prohibits a secondary water supplier from raising rates for secondary water by more than 10% in a calendar year unless the increase is to cover catastrophic failure costs or gives notice.

Secondary water providers will need to update plans to meter by December 21, 2025 with the cost to meter the system, the timeline to meter the system with completion by December 31, 2040 and how the metering will be financed.





# POTENTIAL INTERIM ISSUES

During the 2021 interim, ULCT will engage on several bills that failed during the session but will likely return next year in addition to other on-going policy conversations.

## LAND USE

**HB 364 Utah Lake Authority** (Brammer, Brady) would have enacted the Utah Lake Authority, a new political subdivision to improve conditions at Utah Lake and collect tax increment from surround communities to fund improvements and other programs. Stakeholders raised concerns about water rights and the authority's regulator authority but supported continuing efforts to revitalize Utah Lake. ULCT was neutral on HB 364.

**SB 221 Short-term Rental Amendments** (Anderegg, Jake) would have prohibited a municipality from enforcing an ordinance that would not allow owner-occupied short-term rentals and using tax revenue to rent a short-term rental to enforce an ordinance that prohibited a short-term rental. Short-term rentals and their impact on affordable housing will likely be a discussion point during the 2021 interim and 2022 session. Although some legislators have recognized the housing problem that short-term rentals can cre-

# POTENTIAL INTERIM ISSUES

ate in communities, there is still strong sentiment that short-term rentals are a property rights issue. ULCT will continue to discuss with stakeholders the impacts that short-term rentals have and how to balance the various policy concerns going forward.

**The Commission on Housing Affordability** will continue its efforts this year. Initial interim discussions have focused on some of the policy efforts initially included, but later removed, from **SB 164 Utah Housing Affordability Amendments**—primarily inclusionary zoning and development fees. ULCT is discussing potential steps going forward with the Commission chairs and how to increase member input to the Commission either through the Land Use Task Force or other stakeholder groups.

## BILLBOARDS

**SB 61 Outdoor Advertising Amendments** (Sandall, Scott) SB 61 addressed the conversion of existing static billboards to digital if located in a zone in which a municipality allowed digital on-premise signs (e.g. a digital sign over a store front). The final version of SB 61 would have allowed a municipality to prohibit conversion in exclusively residential zones, but would have required by-right conversion in any other zone where a municipality also allowed digital on-premise signs. The by-right conversion to digital was regardless of the size of on-premise digital signs or if there were any permitted digital on-premise signs in the zone. In recent case law the federal courts have decided that, under the First Amendment, the government may not adopt regulations that distinguish between on- and off-premise signs (aka billboards) exclusively based the sign's advertised content. If a

# POTENTIAL INTERIM ISSUES

municipality has not recently reviewed its sign ordinances, it should carefully examine any regulatory distinctions between on-premise and off-premise signs. ULCT opposed SB 61 but negotiated heavily with stakeholders who agreed to work directly with specific cities over the interim.

**SB 144 Billboard Restrictions Amendments** (Hinkins, David) would have prohibited cities, when selling city property, from restricting future placement of billboards on the property and negotiating with landowners who wished to discontinue billboard leases, among other preemption measures.

## PUBLIC SAFETY

We expect a number of issues to be carried over to the 2022 legislative session and discussed during this interim season. The following issues and others will likely be included on interim committee agendas.

- Duty to intervene
- Forcible entry
- Pretrial release amendments
- Release of body worn camera footage
- Use of force standards

Additionally, due to SB 155 and the impending utilization of 988 for behavioral health issues, a legislative authorized task force will convene. The results of this discussion will impact law enforcement.

Moreover, this past interim, Department of Public Safety Commissioner Jess Anderson convened a monthly meeting of law enforcement and commu-

nity leaders to discuss policing and the community. Although **HB 283 Community and Police Relations Commissions** (Wheatley, Mark) failed, Commissioner Anderson may reconvene meetings during the 2021 interim.

## REVENUE

**HB 401 Fee Amendments** (Waldrip, Steve) would have prohibited a municipality from collecting a hook-up, land use application, inspection, regulation, or review fee that exceeded the estimated actual cost of the service provided for the fee. A municipality would be required to, for each fee, establish a separate interest-bearing ledger account and prepare an annual report showing the source and amount of money collected in the account. Although HB 401 failed, this bill and the language in **SB 3 Appropriations Adjustments** directing the State Auditor to report on local government fees indicate the Legislature's ongoing interest in all local fees and ULCT will continue to engage with members of the Legislature.

**ULCT will engage with members and state leaders on maximizing federal funding from the American Rescue Plan.** After the U.S. Treasury issues fund guidance, ULCT will work with state leaders to identify where state and local efforts can best target funds for authorized projects while ensuring municipalities are able to use the funds for their specific community needs.

## WATER

**The H2O Collective is an initiative between ULCT and Prepare 60 (Prep60)**, made up of Utah's four largest conservancy districts that deliver water to 90% of Utah's population. The goal of the Collective is to provide cities, towns, and counties with meaningful water conservation tools, strategies, and training. The Collective will continue meeting this interim to provide potential water conservation policies, strategies, and training for elected officials.

## COURTS

ULCT will continue to engage with task force members and stakeholders reviewing justice court structures and modifications.

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