

UTAH LEAGUE OF CITIES AND TOWNS

LEGISLATIVE WRAP UP

2022

#CitiesWork

INTRODUCTION

Another legislative session is in the books! In *Oliver Twist*, Charles Dickens tells us, “There are books of which the backs and covers are by far the best parts.” While this might also be said about many bills discussed during the 2022 General Session (as well as the session itself), ULCT worked hard to make sure that the substance between the bill title and final paragraph was as favorable to municipalities as possible. ULCT staff and extended family collaborated, testified, and negotiated on dozens of bills dealing with housing, transportation, water conservation, retail incentives, homelessness, public safety, and

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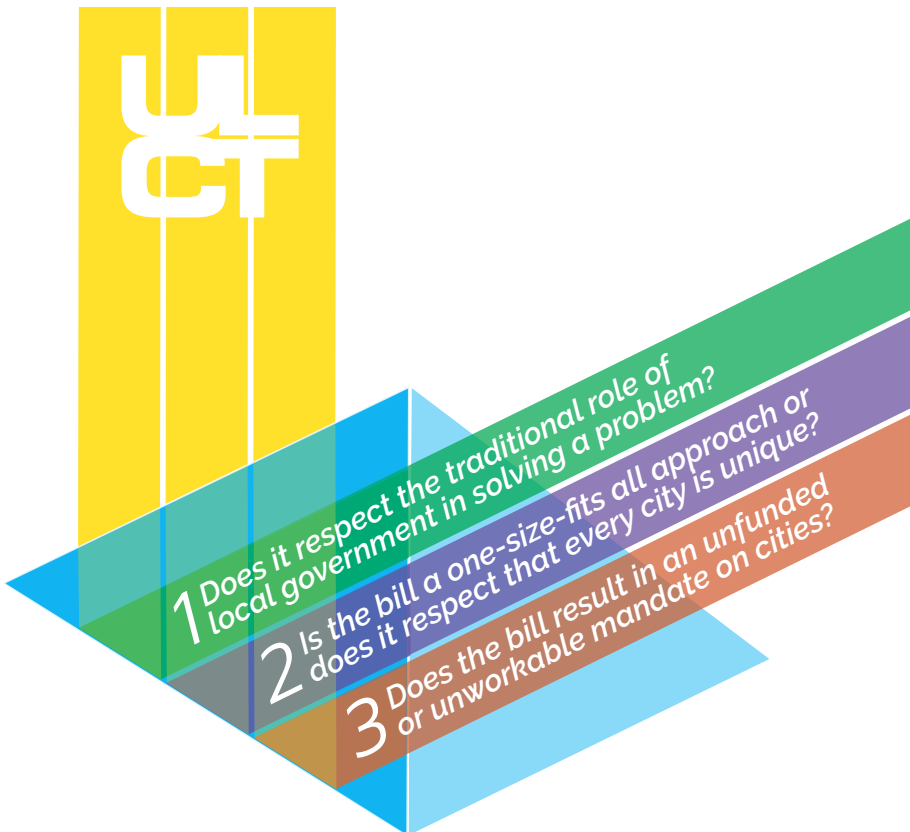
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INTRODUCTION

more. We were constantly pushing back on efforts to preempt and micromanage local governments. Our members gave priceless guidance through daily briefings and emails and our weekly Legislative Policy Committee (LPC) meetings. Legislators listened when they heard from their cities and towns—killing and amending several bills after hearing from you. Thank you!

As always, legislative discussions are never really over. There will be plenty of discussion over the interim preparing for the 2023 General Session. We encourage members to engage with the



League through the Legislative Policy Committee, ULCT conferences, and League communications.

The ULCT Board of Directors encouraged staff to use political capital as efficiently as possible. Us-

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BILLS TRACKED

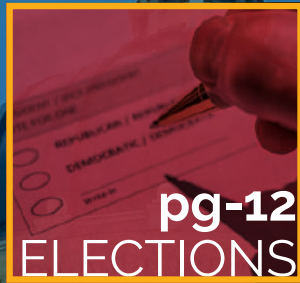
ing the new bill tracking system, ULCT staff was able to more precisely identify the impacts of legislation on local leaders and prioritize efforts. This focus re-

sulted in more engagement on the most significant legislation.

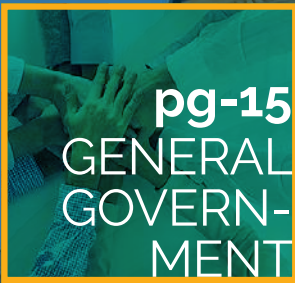




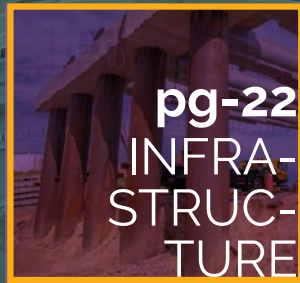
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OVERVIEW



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ELECTIONS



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JUDICIARY



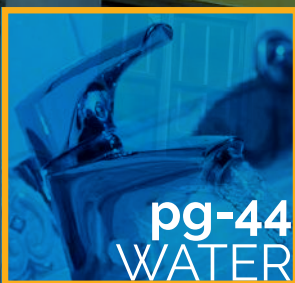
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LAND USE



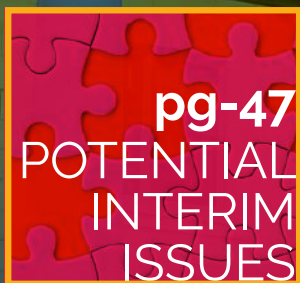
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PUBLIC
SAFETY



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TAXATION
& FINANCE



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WATER



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POTENTIAL
INTERIM
ISSUES



HOW BILLS FARED WITH ULCT ENGAGEMENT

Bills that passed that ULCT supported

- HB 0033** **S01 Instream Water Flow Amendments**
Joel Ferry
- HB 0037** **State Water Policy Amendments**
Keven Stratton
- HB 0045** **Justice Court Judge Elections**
Amendments Jon Hawkins
- HB 0094** **S01 POST Council Membership**
Amendments Mike Winder
- HB 0096** **S01 Government Records Fee**
Amendments Dan Johnson
- HB 0124** **Forcible Entry Warrant Modifications**
Matthew Gwynn
- HB 0125** **State Transient Room Tax**
Modifications Carl Albrecht
- HB 0181** **S04 Railroad Crossing Maintenance**
Amendments Mike Schultz
- HB 0232** **S02 Utah Lake Authority** Brady Brammer

HOW BILLS FARED WITH ULCT ENGAGEMENT

HB 0235	Speed Limit Designation Amendments Steven Lund
HB 0260	S02 Law Enforcement Recording Release Amendments Mark Wheatley
HB 0264	S01 Municipal Alternate Voting Methods Amendments Doug Welton
HB 0282	S01 Water Wise Landscaping Amendments Ryan Wilcox
HB 0287	Volunteer Government Workers Amendments James Dunnigan
HB 0323	Transient Room Tax Amendments Bradley Last
HB 0345	S01 Public Safety Employee Personal Data Amendments Ryan Wilcox
HB 0359	S03 Eviction Records Amendments Marsha Judkins
HB 0399	Government Record Amendments Ryan Wilcox
HB 0441	Community Paramedicine Amendments Dan Johnson
HB 0462	S02 Utah Housing Affordability Amendments Steve Waldrip
HCR 0007	S02 Concurrent Resolution Regarding Improving Air Quality Through Enhanced Zero Emission Rail Melissa Garff Ballard
SB 0011	Local Election Amendments Jani Iwamoto
SB 0018	S02 Election Modifications Daniel Thatcher

HOW BILLS FARED WITH ULCT ENGAGEMENT

SB 0019	Election Revisions Daniel Thatcher
SB 0049	S02 State Film Production Incentives Amendments Ronald Winterton
SB 0051	S03 Transportation Amendments Wayne Harper
SB 0063	S02 Bereavement Leave Amendments Wayne Harper
SB 0065	S02 Asset Forfeiture Amendments Todd Weiler
SB 0098	S02 Judiciary Amendments Todd Weiler
SB 0110	S01 Water as Part of General Plan Mike McKell
SB 0126	Officer Intervention and Reporting Amendments Jani Iwamoto
SB 0137	S03 Property Decontamination Amendments Karen Mayne
SB 0140	S03 Housing and Transit Reinvestment Zone Amendments Wayne Harper
SB 0190	S02 Medical Cannabis Act Amendments Evan Vickers
SB 0238	S01 Homeless Services Modifications Jacob Anderegg
SB 0254	Government Records Access Revisions Kirk Cullimore
SCR 0001	Concurrent Resolution Authorizing State Pick up of Public Safety and Firefighter Employee Retirement Contributions Wayne Harper

Bills that failed which ULCT opposed

HB 0061	Postretirement Reemployment Amendments Kera Birkeland <i>Unfunded Mandate</i>
HB 0085	Eminent Domain Amendments Mike Petersen <i>Preemption</i>
HB 0095	S03 Landscaping Requirements Raymond Ward <i>Micromanagement</i>
HB 0135	S03 Open and Public Meeting Modifications Brady Brammer <i>Micromanagement</i>
HB 0140	Government Attorney Fees Amendments Kera Birkeland <i>Unfunded Mandate</i>
HB 0158	Sale of Domesticated Animals Amendments Rex Shipp <i>Micromanagement</i>
HB 0178	Ranked-choice Voting Amendments Mike Winder
HB 0185	S02 Initiative and Referendum Amendments Adam Robertson
HB 0188	S02 Voter Signature Verification Amendments Steve Eliason
HB 0227	Recreational Trails Jennifer Dailey-Provost <i>Micromanagement</i>
HB 0239	S02 Governmental Entity Budget Transparency Nelson Abbott <i>Micromanagement</i>

HB 0262	Incentives Amendments Kay Christofferson
HB 0285	Open and Public Meetings Act Violations Phil Lyman <i>Micromanagement</i>
HB 0312	State Financial Contracts Amendments Rex Shipp <i>Micromanagement</i>
HB 0343	Water Supply Amendments Phil Lyman
HB 0416	Property Rights Ombudsman Amendments Val Peterson <i>Preemption, Unfunded Mandate</i>
HB 0466	Special Service District Study Mike Winder <i>Unfunded Mandate</i>
HB 0476	Local Agricultural Regulations Joel Ferry <i>Micromanagement</i>
SB 0052	Sex Offender Registry Amendments Michael Kennedy
SB 0055	Citation Fines Amendments Don Ipson <i>Micromanagement, Revenue Diversion</i>
SB 0197	Public Education Funding Amendments Lincoln Fillmore <i>Micromanagement, Revenue Loss</i>

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

- | | |
|---------|--|
| HB 0139 | S02 Traffic Violation Amendments
Jordan Teuscher |
| HB 0151 | S02 Retail Incentives Amendments
Mike Schultz |
| HB 0209 | S03 Federalism Commission Amendments Ken Ivory |
| HB 0269 | S03 Capital Assets Related to Water
Keven Stratton |
| HB 0303 | S03 Local Land Use Amendments
Val Peterson |
| HB 0440 | S03 Homeless Services Amendments
Steve Eliason <i>Partially Funded
Mandate, Preemption</i> |

Bills that passed despite opposition from ULCT

HB 0139	S02	Traffic Violation Amendments Jordan Teuscher <i>Preemption</i>
SB 0115	S01	Firearm Preemption Amendments Chris Wilson <i>Preemption</i>
SJR 0003	S01	Joint Resolution to Terminate Public Health Orders Pertaining to Face Coverings Daniel McCay <i>Preemption</i>

Key Passed Bills by Topic

We have included highlights from the most crucial legislation from the session below. These bills are noteworthy changes in policy and may require potential action. Be aware that many bills not included here passed and may impact your municipality. We encourage you to review the [complete list of passed bills here](#). The bills are organized topically. If a bill falls into multiple subject areas, it will be sorted into the most prominent subject to which each bill applies. Additionally, legislation with technical local impacts will include links to in-depth bill summaries.



ULCT POSITION: *Neutral—potential cost savings/increased revenue*

HB 0218 S04 Ballot Measure **Amendments** Jordan Teuscher

Legislative Intent: HB 218 changes the signature gathering process for initiatives, referenda, and political candidates. Most notably, it adds an option for signatures to be collected electronically.

Local Impact: This bill allows signature gatherers to collect signatures on an approved electronic device for a local initiative or local referendum. Signatures must still be gathered in the presence of a signature gatherer. The registered voter signing the petition must indicate they have read the information on each screen before proceeding to the next screen. After filing a petition for a local initiative or referendum, the sponsors shall decide whether to gather signatures electronically or manually. Once sponsors have selected how they will gather signatures, they can only gather signatures using that method.

The Lt. Governor's Office will provide additional information prior to the January 1, 2023 effective date.

Effective Date: January 1, 2023 for most bill provisions. May 4, 2022 for changes to 20A-7-103.

ULCT POSITION: *Neutral—potential cost savings/increased revenue*

HB 0267 Campaign Finance Amendments Mark Strong

Legislative Intent: HB 267 changes local campaign finance deadlines and penalties. This bill adds a 24-hour grace period after the deadline.

Local Impact: If a candidate fails to file a campaign finance statement by the deadline, the municipal clerk or recorder may inform the candidate to file the statement within 24 hours. If the candidate fails to file the report within 24 hours after the deadline, the candidate is disqualified and the clerk may impose a \$50 fine.

Effective Date: May 4, 2022

SB 0011 Local Election Amendments

Jani Iwamoto

Legislative Intent: SB 11 allows a municipality to cancel an uncontested race under certain circumstances.

Local Impact: Under current law, a municipality can cancel the entire election if there is no more than one candidate per open seat. This bill allows a municipality to cancel an uncontested race if the ballot will not include any contested races or ballot propositions. The municipality must pass a resolution no later than 20 days before the date of the election canceling the race and certifying that the uncontested candidate is considered elected.

Effective Date: May 4, 2022



GENERAL GOVERNMENT

ULCT POSITION: *Support*

HB 0096 S01 Government Records Fee Amendments Dan Johnson

Legislative Intent: HB 96 modifies provisions of the Government Records Access and Management Act (GRAMA) relating to prohibitions against a governmental entity charging a fee for the first quarter hour of staff time.

Local Impact: This bill prohibits a governmental entity from charging a fee for the first quarter hour of staff time responding to a request unless the person who submitted the request submitted a separate request within the preceding 10 days and the person is not a Utah media representative. A media representative means a person who requests a record to obtain information for a story or report for publication or broadcast to the general public. A media representative does not include a person who requests a record to obtain information for a blog, podcast, social media account, or other means of mass communication generally available to a member of the public.

Effective Date: May 4, 2022

ULCT POSITION: *Neutral—preemption*

HB 0146 S01 Local Licensing Amendments Karianne Lisonbee

Legislative Intent: HB 146 modifies the general authority for a municipality to regulate food truck licensing and business licensing as it pertains to ATVs.

Local Impact: Food Trucks: Political subdivisions may require a food truck business to obtain a business license if it does not hold a current business license from another political subdivision in the state. The political subdivision may only charge a licensing fee that covers the processing cost of the license. Political subdivisions may not assess any other fees or force the vendor to complete a background check or regulate the size of the food truck. Political subdivisions are not required to recognize a business license issued in another political subdivision if the food truck business does not have a current health department food truck permit or a current approval from a political subdivision that shows the food truck passed a fire safety inspection.

ATVs: Political subdivisions may not require any additional inspection, registration, or license plate requirements for businesses that own or rent street-legal ATVs.

Effective Date: May 4, 2022

ULCT POSITION: *Neutral*

HB 0394 S01 Recycling Transparency Amendments Doug Welton

Legislative Intent: HB 394 provides transparency as to where the end location of recyclables exists and to provide that data to the public.

Local Impact: Requires a recyclable material hauler who bills customers through a political subdivision to provide data to the political subdivision about the end location of recycled materials. Requires the political subdivision to publish the recycling data in a newsletter and, if available, on the subdivision's website.

Effective Date: May 4, 2022

ULCT POSITION: *Support*

HB 0399 Government Record Amendments Ryan Wilcox

Legislative Intent: HB 399 amends GRAMA (Utah Code § 63G-2-305) to classify Garrity statements as Protected records. It also allows for recovery of costs and modifies jurisdiction for challenges under GRAMA.

Local Impact: Governmental entities will now designate Garrity statements as Protected under GRAMA. A Garrity statement is a statement from a public employee compelled under threat of discipline or termination as part of an investigation where there could

be potential criminal implications. The name “Garrity” refers to the U.S. Supreme Court case *Garrity v. New Jersey*.

As to jurisdiction, an appeal of a decision under GRAMA will now go from the district court to the Utah Supreme Court (rather than the Utah Court of Appeals). If the requester prevails in a GRAMA challenge, the requester is entitled to attorneys’ fees and costs.

ULCT requested that Rep. Wilcox run this bill to protect Garrity statements and HB 399 was a top priority for us. ULCT built a coalition of supporters to propel the bill forward.

Effective Date: May 4, 2022

ULCT POSITION: *Neutral*

HB 0439 S01 Elected Public Body Transparency Amendments Cheryl Acton

Legislative Intent: HB 439 modifies the requirement for recording votes in the meeting minutes for a public body that has members who were elected to the public body and modifies a provision relating to electronic meetings.

Local Impact: A public body that has members who were elected to the public body shall record each vote: 1) in list format; 2) by category for each action taken by a member, including yes votes, no votes, and absent members; and 3) by each member’s name.

Unless provided in a rule by the legislature, a public body holding an electronic meeting must provide each member of the body a description of how to electronically connect to the meeting at least 24 hours before the meeting begins.

Effective Date: May 4, 2022

ULCT POSITION: *Preemption—partially funded mandate*

HB 0440 S03 Homeless Services Amendments Steve Eliason

Legislative Intent: HB 440 increases the amount of funding in the Homeless Mitigation Fund Account with an ongoing \$5m in state funding and \$1m in one-time ARPA funding, creates a data-driven allocation of the mitigation fund, and creates a winter overflow shelter procedure in Salt Lake County.

Local Impact: [See this page](#) for a more comprehensive summary of HB 440.

Mitigation Funding: In addition to the existing contributions from cities without homeless shelters, the state shall contribute \$5m to the Homeless Mitigation Fund ongoing and \$1m one-time ARPA funding. The fund is divided into three tiers with funding for 1) large shelter cities, 2) small shelter cities, and 3) cities with temporary overflow shelter or cities that must flex existing capacity. Tiers one and two are distributed based on the proportional number of people served, the share of people served compared to a city's population, and the total number of beds within the city.

Tier three will be distributed per rulemaking from the Office of Homeless Services.

The ULCT Board of Directors requested the state money to support cities who house homeless resource centers.

Winter Overflow Shelter: HB 440 requires that the governments in Salt Lake County identify a temporary winter overflow shelter by September 1st of each year. If the local governments cannot identify an adequate location by the September 1st deadline, a fail-safe provision will activate. The fail-safe requires existing shelters in Salt Lake City and South Salt Lake City to flex their capacity to the lesser of fire code (as calculated in the bill) or an additional 25% of current capacity during the winter overflow period. Additionally, the state will have limited authority to preempt municipal zoning to place a temporary overflow shelter within the county during the winter overflow period. A local government may not be preempted more than once every four years. If they are preempted, the location of the homeless shelter must following the same zoning standards as retail tobacco law.

While the overflow concept only applies to Salt Lake County currently, ULCT anticipates that state leaders will deliberate this interim about overflow and other homeless needs in other urban areas.

Effective Date: May 4, 2022; July 1, 2022 for funding

SB 0254 Government Records Access Revisions Kirk Cullimore

Legislative Intent: SB 254 exempts certain records related to a governmental entity's security measures from GRAMA and classified certain drinking water and wastewater data as protected under GRAMA.

Local Impact: Political subdivision records regarding security measures designed for the protection of persons or property (public or private) are not subject to GRAMA. These records include a plan to prepare for or mitigate terrorist activity, a plan for emergency and disaster response and recovery, and results of or data collected from a public entity's risk assessment or security audit. This, however, does not include a certification that a community water system has conducted a risk and resilience assessment under 42 U.S.C. Sec. 300i-2. The following records of a drinking water or wastewater facility are now considered protected records if classified correctly by a governmental entity: an engineering or architectural drawing of the drinking water or wastewater facility and, except as provided in Section 63G-2-106, a record detailing tools or processes the drinking water or wastewater facility uses to secure, or prohibition access to, the records of those engineering or architectural drawings.

Effective Date: May 4, 2022



INFRASTRUCTURE

ULCT POSITION: *Support*

SB 0140 S03 Housing and Transit Reinvestment Zone Amendments

Wayne Harper

Legislative Intent: SB 140 enhances the Housing and Transit Reinvestment Zone include (HRTZ) redevelopment tool and expands where it can be applied.

Local Impact: Applicability: When the HTRZ was authorized in state law in 2021, the reinvestment zones were limited to areas immediately surrounding commuter rail (Frontrunner) stations. SB 140 expands HTRZ authorization to light rail transit and bus rapid transit stations. SB 140 limits the number of light rail and BRT HTRZs to 8 and 3, respectively, within a single county.

Residential density: The original HTRZ model required the redevelopment area to include an average density of 50 dwelling units/acre. SB 140 clarifies that provision only applies to the developable area and creates options for lower density development with a smaller tax increment capture. The bill requires the desired zoning density to be adopted before the zone is approved.



INFRASTRUCTURE

The bill makes additional technical changes.

ULCT was part of the coalition who created the HTRZ concept in the 2021 legislative session and we prioritized HTRZ expansion during the 2022 session.

Effective Date: May 4, 2022



JUDICIARY

ULCT POSITION: *Support—potential cost savings/increased revenue*

HB 0235 Speed Limit Designation Amendments Steven Lund

Legislative Intent: HB235 streamlines the procedure for adjusting speed limits on some roads

Local Impact: This bill eliminates the requirement that counties or cities conduct a traffic and engineering study prior to setting speed limits on roads under their jurisdiction.

Effective Date: May 4, 2022

ULCT POSITION: *Neutral—potential revenue loss*

HB 0392 S01 Expungement Fee Amendments James Dunnigan

Legislative Intent: HB 391 implements a pilot program to remove expungement fees.

Local Impact: For a one-year pilot period (July 2022-June 2023), all fees are waived for the issuance of a certificate of expungement. Depending on the court

issuing the certificate there may be a minor revenue impact on cities.

Effective Date: May 4, 2022

ULCT POSITION: *Oppose—preemption*

SB 0115 S01 Firearm Preemption Amendments Chris Wilson

Legislative Intent: SB 115 restates the firearm preemption and limits local government firearm regulations to those specifically authorized in state code.

Local Impact: Local governments may not enact an ordinance or enforce a directive that is contrary to the Firearm Preemption Act (78B-6-2301). The bill also describes the process whereby municipalities may, in certain circumstances, restrict access to firearms within a publicly owned homeless shelter. The bill excludes directives issued by peace officers or firearms restrictions that state law otherwise allows, such as the prohibition of discharge in city limits per 10-8-47(1)(c).

If a person is harmed by a local government directive that violates the preemption, they may request the ordinance to be repealed within 30 days. If the local government fails to cure the violation, a court may declare the directive void, prohibit enforcement of the directive, and award actual damages, attorneys' fees, and interest on the sums awarded to the prevailing party.

Effective Date: May 4, 2022

ULCT POSITION: *Support*

SB 0190 S02 Medical Cannabis Act **Amendments** Evan Vickers

Legislative Intent: SB 190 governs the production and distribution of medical cannabis.

Local Impact: While most of the bill does not directly impact cities, there is a provision that ULCT sought to clarify about the use of medical cannabis by certain public employees.

State law requires a public employer from subjecting an employee with a medical cannabis card to an adverse action unless the employee meets certain criteria. The law previously only had exceptions if the use of medical cannabis would jeopardize federal funding, a federal security clearance, a federal background determination, or a license subject to federal regulations. SB 190 adds new criteria: if the use of medical cannabis would jeopardize a peace officer certification. Likewise, SB 190 precludes an EMT, advanced EMT, paramedic, firefighter, or dispatcher from using medical cannabis during the 12 hours immediately preceding the employee's shift or during the employee's shift.

Effective Date: May 4, 2022



LAND USE

ULCT POSITION: *Neutral*

HB 0036 S02 Commission on Housing Affordability Amendments

Steve Waldrip

Legislative Intent: HB 36 reorganizes the The Commission on Housing Affordability (CHA) as an official subgroup of the Unified Economic Opportunity Commission (UEOC), modifies the commission's members, and makes technical changes. CHA was created in statute by HB 430 in 2018. Stakeholder dialogue at the CHA has spawned several significant pieces of housing and land use legislation, including SB 34 (2019), SB 39 (2020), SB 164 (2021), and most recently HB 462.

Local Impact: Significant housing policy discussions will continue at the commission. ULCT will continue to engage with commission.

Effective Date: May 4, 2022

ULCT POSITION: *Support—potential revenue loss*

HB 0232 S02 Utah Lake Authority

Brady Brammer

Legislative Intent: HB 232 supplants the Utah Lake Commission and establishes the Utah Lake Authority. The Utah Lake Authority is a political subdivision of the stated public purpose to “work in concert with applicable federal, state, and local government entities, property owners, owners of water rights, private parties, and stakeholders to encourage, facilitate, and implement the management of Utah Lake.”

Local Impact: The Authority has no jurisdictional control or power over another political subdivision (unless by agreement); water rights; water collection, storage, or delivery; or a project for water collection, storage, or delivery. The Authority may facilitate and provide funding for the management of Utah Lake—including the development of publicly owned infrastructure and improvements and other infrastructure and improvements on or related to Utah Lake. Political subdivisions are encouraged, but not required, to cooperate with the Authority. The authority board will include representatives from local government. The initial members must be from Lehi, Lindon, Spanish Fork, Provo, Orem, Vineyard, and Saratoga Springs. Subsequent board members shall be appointed by the Utah County COG. At least four members of the board must be designated by municipalities immediately adjacent to the lake.

Effective Date: May 4, 2022

HB 0303 S03 Local Land Use Amendments Val Peterson

Legislative Intent: HB 303 began as a text amendment land use noticing bill. With adoption of the second substitute, the bill became the consensus Land Use Task Force technical The Land Use, Development, and Management Act (LUDMA) bill.

Local Impact: [See this page](#) for a more comprehensive summary of HB 303.

Annexation: Limits who may challenge a proposed annexation to those with standing as defined in state code and those who can petition to withdraw from a proposed annexation.

Subdivision improvement: Requires local entities to provide mail notice and a public hearing before changing the standards for public improvements to subdivisions and development.

Non-conforming uses: Changes the standard for determining the legality of a nonconforming use or structure to “substantial evidence” which is not limited to city records.

Subdivisions and boundary line adjustments: Permits cities to adopt code provisions that provide that lot combinations are not subdivision amendments and a provision that specifies that in cities operating without condominium ordinances, a capital project must be approved if it complies with state law provisions.

Legal review: Changes the presumptions for the review of legal actions challenging land use decisions. Those

ULCT POSITION: *Support*

changes are generally stylistic and leave in place the presumption of correctness for land use decisions and the standard of review for administrative decisions.

Inclusionary zoning: Allows for inclusionary zoning provisions in municipalities based on a voluntary basis with a carve out for resort cities who have adopted an ordinance by January 1, 2022. Resort Cities definition is tied to the Resort Communities sales tax criteria.

Text amendment noticing: Calls for notice provisions to text amendments to a land use code to include a summary of the effect of the proposed modifications to the text of the zoning code be provided to any person upon written request.

Effective Date: May 4, 2022

ULCT POSITION: *Neutral—unfunded mandate*

HB 0357 Eminent Domain Appraisal Amendments Mike Petersen

Legislative Intent: HB 357 requires a government entity to obtain an appraisal within 90 days of making a settlement offer during a condemnation proceeding.

Local Impact: During an eminent domain proceeding, a city must obtain an appraisal on the property within 90 days of making a settlement offer.

Effective Date: May 4, 2022

ULCT POSITION: *Neutral*

HB 0443 S03 Utah Inland Port Authority Amendments Mike Schultz

Legislative Intent: HB 443 makes a myriad of changes to the Inland Port Authority (IPA), including addressing concerns from local governments in and adjacent to the IPA's boundaries.

Local Impact: From a local government perspective, the most significant changes are how the IPA interacts with the "primary municipality" within the entity's jurisdiction. The bill provides a mechanism for the IPA to compensate the primary municipality for municipal services rendered to tax exempt entities within their jurisdiction. The bill further crafts a framework for the primary municipality and the IPA board to negotiate the capture and uses of property tax increment with the IPA board. The long-term impact is that the primary municipality should recover more authority over the property tax increment, and the accompanying revenue, within the IPA in the future. The bill also modifies the membership of the IPA board which will eliminate the specific seats for municipalities.

Effective Date: Immediate effective date

HB 0462 S02 Utah Housing Affordability Amendments Steve Waldrip

Legislative Intent: HB 462 modifies the requirements for moderate income housing plan (MIHP) menu items and improves the reporting process and creates a new requirement that cities with fixed rail transit stops update existing or adopt new Station Area Plans (SAP). The Commission on Housing Affordability chairs, Rep. Waldrip and Sen. Anderegg, challenged ULCT to enhance the framework created by SB 34 in 2019. ULCT worked extensively with members and other stakeholders to develop the "SB34+" policy approach.

Local Impact: [See this page](#) for a more detailed summary of HB 462. The moderate-income housing plan requirements apply to 82 "specified municipalities" as determined by population. You can see whether your city is a "specified municipality" [here](#). SAP changes apply to cities with fixed rail transit stops within their jurisdictions.

MIHP changes: Under current law, certain cities are required to adopt a MIHP element in their general plans to be eligible for projects funded by the State Transportation Investment Fund (TIF) and Transit Transportation Investment Fund (TTIF). HB 462 modifies the menu items and allows for prioritization of state resources for jurisdictions who exceed the minimum number of menu items. If you are a city required to comply with SB 34 (2019), you should determine what, if any, action is required to bring your MIHP into compliance with State law.

Reporting changes: SB 34 required certain cities to annually submit reports on MIHP progress to the Department of Workforce Services (DWS). HB 462 streamlines the reporting process and gives municipalities more flexibility to provide data and information on MIHP implementation. The reporting deadline will also change to align with the municipal fiscal year. Cities currently required to submit MIHP reports will need to submit a report to the Department of Workforce services by October 1, 2022 entailing which of the menu items they have adopted.

SAP changes: HB 462 requires cities with a fixed-guide-way public transit station (rail or bus rapid transit) to adopt or update their existing station area plans to promote certain objectives. Those objectives include:

- increasing availability and affordability of housing,
- promoting sustainable environmental conditions,
- enhancing access to opportunities, and
- increasing transportation choices.

Cities must adopt station area plans for existing public transit stations and adopt appropriate regulations no later than Dec. 31, 2025. Cities with more than four existing stations must complete four station area plans by the 2025 deadline and no fewer than two plans each year thereafter.

Effective Date: June 1, 2022

SB 0110 S01 Water as Part of General Plan Mike McKell

Legislative Intent: SB 110 requires municipalities and counties to amend their general plan to consider how land use planning impacts water use.

Local Impact: By December 31, 2025 planning commissions must amend the general plan to include water conservation elements. The planning commission must make conservation-related recommendations to the municipal legislative body. When amending the plan, the planning commission shall consider various items including:

- Effect of permitted development on water demand,
- Methods of reducing water,
- Opportunities to modify municipal operations to conserve water,
- Regional water conservation plans, and
- Principles of sustainable landscaping.

Towns and Fifth Class cities are exempt from the requirements of this bill; although, it may be a good idea for those cities and towns to look at the principles in this bill in relation to their own general plan.

A ULCT work group developed this concept during the 2021 interim to proactively approach water conservation at a local level and avoid larger state mandates.



LAND USE

The legislature appropriated \$300,000 to the Division of Water Resources to provide technical assistance implementing the provisions of the bill.

Effective Date: May 4, 2022



PUBLIC SAFETY

ULCT POSITION: *Neutral—partially funded mandate*

HB 0023 S02 First Responder Mental Health Services Amendments

Ryan Wilcox

Legislative Intent: HB 23 expands mental health services for first responders and their families. It creates a grant program within the Department of Public Safety (DPS) and gives DPS rulemaking authority for mental health programs.

Local Impact: HB23 requires all first responder agencies to provide mental health resources for employees, retirees, as well as employee's spouses and children. These resources include a periodic mental health assessment as well services immediately following and critical incidents. The bill creates a grant program for establishing those mental health services. The Utah State Department of Public Safety will write rules for administration of the grant as well as the required mental health program. First responder agencies will need to comply with these rules.

Effective Date: May 4, 2022



ULCT POSITION: *Neutral*

HB 0123 Use of Force Revisions Kera Birkeland

Legislative Intent: HB123 establishes use of force standards as well as criteria for the release of reports after a use of force incident.

Local Impact: This bill requires a county or district attorney to complete the investigation of an officer involved use of force within 180 days after a law enforcement agency turns the case over to the county or district attorney.

If the county or district attorney is not able to publish the finding within 180 days, the office shall post a public statement on the county website stating when they think the investigation will be done and the reason for the delay.

Effective Date: May 4, 2022

ULCT POSITION: *Support*

HB 0124 Forcible Entry Warrant Modifications Matthew Gwynn

Legislative Intent: HB 124 codifies statewide standards for officers serving knock and no-knock warrants.

Local Impact: This bill requires officers serving knock and announce and no-knock warrants to wear readily identifiable markings or clothing that identify them as law enforcement officers; requires that officers knock and announce themselves more than once before



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forcibly entering a building; sets a preference for warrants to be served during daytime hours; allows for exigent circumstances when serving knock and announce warrants; prohibits the use of no-knock warrants for misdemeanor charges; and makes technical corrections. This is a bill that was worked on by stakeholders during the year.

For most agencies this is simply codifying what is already policy. A comparative review between the agency's current policy and the state requirement should be done. In some cases, smaller agencies may need to adopt a policy conforming to state code.

Effective Date: May 4, 2022

ULCT POSITION: *Support*

HB 0260 S02 Law Enforcement Recording Release Amendments Mark Wheatley

Legislative Intent: HB 260 outlines the release of police recordings after an incident.

Local Impact: This bill protects recordings from being released based upon request if the recording is associated with an incident between an officer and an individual that results in death or serious bodily injury or where an officer fires a weapon.

An agency shall release recordings within 10 days of the request if a prosecutor declines to file charges on the incident where the recordings were made, or if criminal charges were filed on the incident and a



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judge determines that the release of the recording would not have a substantial likelihood of prejudicing a finder of fact.

The recording cannot be released upon request if an individual involved in the incident or an immediate family member of the individual injured or killed in the incident requests it not be publicly distributed.

Agencies need to be aware of the requirement and coordinate with the prosecutor to be aware of when the trigger dates are.

Effective Date: May 4, 2022

ULCT POSITION: *Neutral*

HB 0287 Volunteer Government Workers Amendments James Dunnigan

Legislative Intent: HB 287 expands the definition of a “volunteer” to include individuals who receive a stipend, education expenses, and health insurance, among other things. This bill was a collaborative effort involving the Commission on Service and Volunteerism, UCIP, URMA, UGLT, Higher Ed, State Risk Management, and ULCT.

Local Impact: Allows volunteers to receive certain benefits without changing their status as a volunteer. See HB 289.

Effective Date: May 4, 2022

ULCT POSITION: *Support*

HB 0289 S01 Insurance Coverage for Emergency Medical Service Personnel

Dan Johnson

Legislative Intent: HB 289 creates the Volunteer Emergency Medical Service Personnel Health Insurance Program. This program is intended to promote recruitment and retention of emergency medical service providers by offering health insurance to emergency service volunteers that meet the criteria.

Local Impact: The Volunteer Emergency Medical Service Personnel Health Insurance Program will provide health insurance to volunteer emergency medical service personnel in counties of a third, fourth, fifth, and sixth class. Insurance will be provided through PEHP, and the premiums will be covered through the program.

Effective Date: May 4, 2022

ULCT POSITION: *Neutral*

HB 0293 Ground Ambulance Interfacility Transport Licensing Ryan Wilcox

Legislative Intent: HB 293 amends the ambulance licensing provisions of the Utah Emergency Medical Services Systems Act to allow the Department of Health to amend an existing interfacility transport license from an overlay license into an overlap license.



Local Impact: A local ambulance provider may increase its level of service to provide interfacility transport services in an area where another provider already has an interfacility transport license. The amendment may not alter the other terms of the license.

Effective Date: May 4, 2022



TAXATION & FINANCE

ULCT POSITION: *Neutral—potential revenue loss*

SB 0025 S02 Property Tax Deferral Amendments Lincoln Fillmore

Legislative Intent: Allows lower-income, senior Utahns to defer paying property tax

Local Impact: A relevant county may apply for funding to reimburse taxing entities for the loss revenue due to a deferred tax payment. The county shall distribute the money to the taxing entities in the same proportion the county would have distributed the revenue from the deferred tax and repay the money to the state once the deferred tax has been collected.

Effective Date: January 1, 2022 (retrospective operation)

ULCT POSITION: *Neutral—micromanagement, potential revenue loss*

HB 0151 S02 Retail Facility Incentive Payments Amendments Mike Schultz, Evan Vickers

Legislative Intent: HB 151 was part of the focus of the Unified Economic Opportunity Commission (UEOC) to limit the use of economic development incentives on

the state and local levels.

Local Impact: The bill narrows the ability of cities to use economic development incentives (specifically sales or property tax revenues) for retail businesses but also allows several exceptions to those limits. The first category of exceptions is based on the purpose of the incentive. The second category of exceptions is based on the recipient of the incentive. You can see the updated ULCT flow chart and summary [here](#) which walks through each purpose-based and recipient-based exception. The bill also excludes cities and towns within counties of the 4th, 5th, and 6th class or areas where the development is in a census tract where 51% of residents are at 70% area median income or below.

The bill initially created a private right of action to enforce it which ULCT opposed. Instead, the final bill requires an annual report to the Governor's Office of Economic Opportunity (GOEO) about how public entities used incentives for retail. If GOEO believes that the incentive is inconsistent with state law, then GOEO will notify the public entity that provided the incentive and try to resolve the inconsistency. If the inconsistency is unresolved, then GOEO will notify the Office of the Utah State Auditor. The notification provision to the Utah State Auditor does not go into effect until 2024 which is an effort to provide a safe harbor for the next two years as public entities adjust to the new framework.

Team ULCT dedicated tremendous time and political capital to ensuring that HB 151 would still allow for targeted economic development tools for cities and would recognize that one size misfits all.

Effective Date: July 1, 2022



ULCT POSITION: *partially funded mandate*

HB 0242 S02 Secondary Water Metering Amendments Val Peterson

Legislative Intent: HB 242 requires most secondary water connections to install meters by January 1, 2030.

Local Impact: Most secondary water suppliers must install meters on all connections by January 1, 2030. A supplier that does not meet the 2030 deadline will not be eligible to receive state money for water related purposes. [The Division of Water Resources may award grants](#) (up to 70% of the cost for the first two years) and low-interest loans to help cover the cost of the projects. The bill also allows the board to issue grants to suppliers that installed meters prior to May 4, 2022. The legislature appropriated \$250,000,000 for secondary water metering.

There are exceptions for suppliers:

- In fifth or sixth class counties otherwise subject to a water conservation plan
- Who cannot obtain a warrantied meter due to water quality
- Who are subject to a groundwater management

plan who commit not to add any additional connection

Effective Date: May 4, 2022

ULCT POSITION: *Oppose—micromangement*

HB 0269 S03 Capital Assets Related to Water Keven Stratton

Legislative Intent: HB 269 requires water providers or wastewater service providers to commit to adopt capital assessment management plans as a condition of receiving certain funding.

Local Impact: In order to receive state or federal financing or grants to improve capital assets related to water, wastewater, or sewer infrastructure, a wastewater service provider shall commit to adopt a capital asset management plan. The Board of Water Resources has rulemaking authority to establish the elements of a capital asset management plan.

Effective Date: May 4, 2022

ULCT POSITION: *Neutral*

HB 0282 S01 Water Wise Landscaping Amendments Ryan Wilcox

Legislative Intent: This bill limits the ability of munic-



ipalities, counties, and HOAs to prohibit water wise landscaping.

Local Impact: Municipalities cannot enact or enforce ordinances or policies that prohibit property owners from incorporating water wise landscaping on their property. Municipalities may require site plan review, compliance with water wise landscaping design requirements, and maintenance of landscaping in a healthy condition.

Effective Date: May 4, 2022



POTENTIAL INTERIM ISSUES

The 2022 interim will be packed with a wide variety of issues. If your city wants to engage on any of these issues, please notify ULCT staff. We will be building LPC work groups on many of these issues in anticipation of the 2023 General Legislative Session.

Unified Economic Opportunity Commission (UEOC)

The UEOC will enter its 2nd year and is led by Governor Spencer Cox, Senate President Stuart Adams, and House Speaker Brad Wilson. ULCT President and South Jordan Mayor Dawn Ramsey represents ULCT on the UEOC.

Last interim, the UEOC looked at the local sales tax distribution formula (50/50), incentives for businesses (which included local government incentives to retail businesses), economic development in rural Utah, public perceptions about growth, and the need for technical assistance to local governments for planning. The UEOC will meet regularly during the interim and will announce their plan of attack later this spring.

Commission on Housing Affordability (CHA)

The CHA will enter its 4th year and is co-chaired by Representative Steve Waldrip and Senator Jake Anderegg. Last year's deliberations resulted in HB 462.

The co-chairs want to continue the dialogue around enhanced data collection on the moderate-income housing plans that cities are required to create. Cities plan for housing, but cities do not build housing. HB 462 should help us better understand how cities are implementing those plans and how the market is responding.

We also anticipate the CHA will look at metrics on land use planning for cities in metro areas around density, affordability, affordable housing, and access to opportunity. Orem Council Member Tom Macdonald and former Salt Lake City Council Member Andrew Johnston represent ULCT on the CHA.

Planning for Growth

ULCT successfully advocated for millions of dollars during the 2022 session for technical assistance for local governments and for a public engagement effort to have a meaningful dialogue with residents about the benefits and negative impacts of growth.

Other policy issues may include:

General government:

- GRAMA modifications for unsustained allegations
- Privacy in government regulations
- Animal husbandry regulation
- Unmanned aerial vehicles regulation (local and state)
- Vacancy in municipal elected office
- Homeless shelters (permanent and overflow)

Land use:

(Many of these topics will go through the Land Use Task Force that ULCT jointly leads along with the Property Rights Coalition)

- Annexation
- Billboards
- Development standards
- Fees
- Gravel pits
- Internal accessory dwelling units
- Noticing
- Public asset management
- Short-term rentals
- Stormwater enforcement

Public safety:

- Data collection and reporting with the Commission on Criminal and Juvenile Justice
- Ensuring community trust in police
- Recruitment and retention of officers
- Use of force

Transportation:

Transportation utility fee (oral argument at the Utah Supreme Court occurred in March 2022)

Water:

- Conservation efforts (land use, user fees, etc.)
- Future of the Great Salt Lake

Team ULCT will put together work groups to tackle the issues according to the Board of Directors' priorities. Team ULCT will also utilize the Legislative Policy Committee and our policy resolution process. If you or someone from your city wants to engage on any of these issues, please contact ULCT's Government Relations Director Justin Lee at jlee@ulct.org.

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