



# Utah League of Cities and Towns 2024 Legislative Recap

#CitiesWork

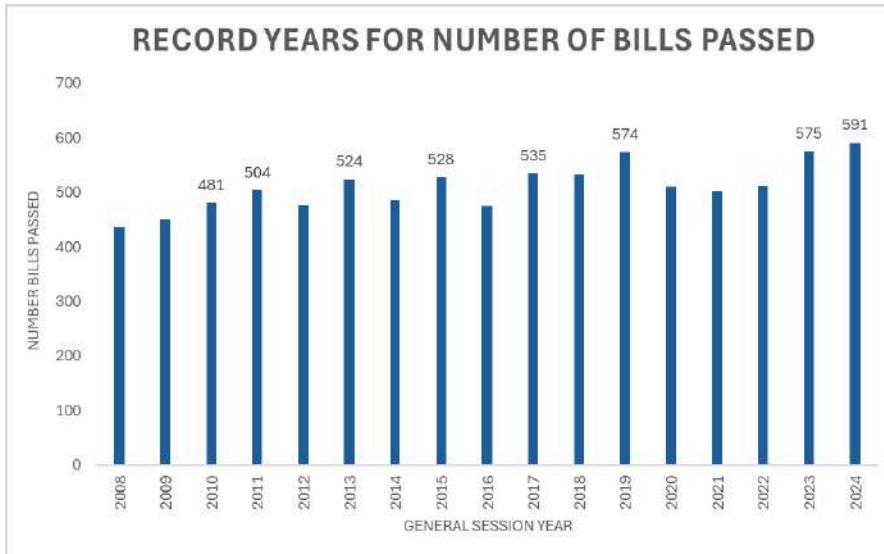
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# Introduction

2024 was yet another record-breaking year for the Utah Legislature. Of the 862 bill files and 72 resolutions that were opened, 591 passed. ULCT also saw a record year, tracking 247 bills and resolutions throughout the session. Legislators passed major policy changes on topics like infrastructure funding, redevelopment tools, religious protections for employees, data privacy, land use, and more.



ULCT legislative advocacy is guided by three key policy pillars: respect, collaboration, and outcomes. These informed our key messages to legislators this year, which were: “partnership, not preemption” and “the state doesn’t have a budget surplus and neither do local governments.” Legislators were generally receptive to these messages. There was more concern around local fiscal impacts and a willingness to partner with local governments to solve statewide problems.

State policy discussions are never over. Utah’s 45 day legislative session increasingly feels like a year-round session. In addition to formal legislative interim meetings, groups like the Commission on Housing Affordability, Unified Economic Opportunity Commission, Land Use Task Force, Legislative Water Development Commission all meet extensively. We encourage members to engage with ULCT through the Legislative Policy Committee, conferences, regional events, and league communications like the Friday Facts newsletter.

**Disclaimer:** This document highlights key bills that ULCT tracked during 2024 and the general impacts those bills will have on municipalities going forward. We do not and cannot capture every nuance or exception written into each law in the summaries provided here. We have links to more in-depth analyses for certain bills and may add additional information to this document if we find clarification is necessary. These summaries can provide you with some guidance, but you should consult with your attorney if you are considering taking policy action based on new or updated sections of state code.

## Quick Overview

How bills fared with ULCT Engagement. ULCT priority bills are ***bold and italicized***.

### ULCT Supported Bills that Passed

Bill Number	Bill Title	Bill Sponsor
HB 0035	Metro Township Modifications	Jordan D. Teuscher
HB 0067	First Responder Mental Health Services Grant Program Amendments	Ryan D. Wilcox
HB 0086	Public Safety Data Amendments	Ryan D. Wilcox
HB 0088	Landowner Liability Amendments	Jeffrey D. Stenquist
HB 0138	Lobbyist Disclosure and Regulation Act Amendments	Raymond P. Ward
HB 0217	Volunteer Emergency Medical Service Personnel Insurance Program Amendments	Dan N. Johnson
HB 0292	Snowplow Amendments	A. Cory Maloy
HB 0298	Homelessness Services Amendments	Tyler Clancy
HB 0330	Unincorporated Areas Amendments	Jordan D. Teuscher
<b><i>HB 0430</i></b>	<b><i>Local Government Transportation Services Amendments</i></b>	<b><i>Candice B. Pierucci</i></b>
HB 0449	Pedestrian Safety and Facilities Act Modifications	Nelson T. Abbott
<b><i>HB 0465</i></b>	<b><i>Housing Affordability Revisions</i></b>	<b><i>Stephen L. Whyte</i></b>
<b><i>HB 0476</i></b>	<b><i>Municipal Land Use Regulation Modifications</i></b>	<b><i>Stephen L. Whyte</i></b>
HB 0494	Funds Administration Modifications	Jefferson Moss
HB 0515	Election Administration Modifications	Karen M. Peterson

<b>HB 0572</b>	<b>State Treasurer Investment Amendments</b>	<b>Robert M. Spendlove</b>
SB 0051	Road Construction Bid Limit Amendments	Ronald M. Winterton
SB 0125	Secondary Water Amendments	David P. Hinkins
SB 0158	Youth Service Organizations	Keith Grover
<b>SB 0168</b>	<b>Affordable Building Amendments</b>	<b>Lincoln Fillmore</b>
<b>SB 0208</b>	<b>Housing and Transit Reinvestment Zone Amendments</b>	<b>Wayne A. Harper</b>
<b>SB 0268</b>	<b>First Home Investment Zone Act</b>	<b>Wayne A. Harper</b>

## ULCT Opposed Bills that Failed

Bill Number	Bill Title	Bill Sponsor
HB 0056	Airport Law Enforcement Amendments	Stephanie Gricius
HB 0180	Short-term Rental Amendments	Gay Lynn Bennion
HB 0195	Land Use Planning Amendments	Doug Owens
HB 0290	Ranked Choice Voting Amendments	Katy Hall
<b>HB 0306</b>	<b>Residential Housing Amendments</b>	<b>Raymond P. Ward</b>
HB 0314	Homelessness Revisions	Nelson T. Abbott
HB 0349	Personal Identifying Information in Government Records	Judy Weeks Rohner
HB 0354	Truth in Taxation Revisions	Tyler Clancy
HB 0401	Water Usage Amendments	Doug Owens
HB 0428	Fireworks Amendments	Douglas R. Welton
HB 0489	Party Affiliation Disclosure Amendments	Cheryl K. Acton

HB 0536	Fireworks Revisions	Matt MacPherson
HJR 0015	Proposal to Amend Utah Constitution - Legislative Power Relating to Revival of Expired Civil Action	Ken Ivory
SB 0114	Project Entity Amendments	Scott D. Sandall
SB 0120	Intermountain Power Agency Modifications	Scott D. Sandall
<b>SB 0172</b>	<b>Protection Areas Revisions</b>	<b>Curtis S. Bramble</b>

## ULCT Opposed Bills that Passed

Bill Number	Bill Title	Bill Sponsor
<b>HB 0289</b>	<b>Property Rights Ombudsman Amendments</b>	<b>Kera Birkeland</b>
SB 0161	Energy Security Amendments	Derrin R. Owens

## Appropriations

ULCT does not engage on city-specific appropriations, but instead has advocated for funding that is available to all municipalities (e.g., competitive grant programs) or funding that furthers ULCT policy priorities (e.g., Local Administrative Advisor). This year ULCT helped secure:

- \$10m in ongoing funding for the state homelessness system, as well as \$2.5m ongoing to the homelessness mitigation fund (matching additional city dollars from legislation last year),
- \$25m one-time funding for low barrier shelter development, \$11.8m one-time for statewide system support, and \$8.2m for additional shelter development.

These appropriations will help communities meet state requirements for homeless shelter capacity. ULCT also advocated for appropriations to support moderate-income housing development and better tax collection enforcement for short-term rentals.

# Key Themes of the 2024 General Session

## From Land Use Preemption to Historic Housing Investment Tools

Utahns consistently have ranked the cost of housing as their top concern and state leaders, League leaders, and the private sector spent countless hours deliberating on various bills and appropriations to tackle the housing challenges. The League Board of Directors adopted key principles around housing policy in the spring of 2023 to emphasize affordable home ownership, sustainable infrastructure, and quality of life of today's and tomorrow's residents. The League officers met with Governor Spencer Cox in December and he announced that the cost of housing was the issue that most "kept him up at night." Team ULCT provided Governor Cox and his team with data about the quantity of entitled housing units that were waiting for building permits—more than 190,000 potential units in nearly 70 cities as of November 2023. We also pointed out that cities are planning well for housing, but cities don't build housing. Governor Cox proposed significant investments into infrastructure in his budget recommendations to unlock those housing units and to facilitate 35,000 "first homes" (starter homes) over the next 5 years for Utahns. He also hired former state representative Steve Waldrip to be his Senior Advisor for Housing Innovation and Strategy— a selection that ULCT supported.

Additionally, ULCT officers and senior staff met with Speaker of the House Mike Schultz and Senate President Stuart Adams. They too prioritized tackling housing affordability and urged ULCT to work with stakeholders on proposals that would result in more affordable home ownership. Speaker Schultz told us that he appreciated everything that cities have done in recent years in planning—ranging from Station Area Plans in HB 462 in 2022 to modernizing subdivision processes per SB 174 in 2023—and wanted to explore tax increment financing to incentivize local governments and builders to plan for and build owner-occupied and affordable homes. He proposed modeling the incentives in the same fashion as the successful Housing and Transit Reinvestment Zone (HTRZ) tool and tasked ULCT and other stakeholders to work on the details.

Meanwhile, the Commission on Housing Affordability also presented their recommendations from their year-long deliberations which included creating a statewide regulatory framework for modular or off-site construction, modifications to how cities can utilize housing set-asides from redevelopment or community development areas, and other consensus changes from the Land Use Task Force. There were other policy ideas that arose at the Commission—including state standards for residential setbacks, parking minimums in residential areas, and minimum density requirements—that ULCT opposed. Ultimately, legislators responded favorably to our pushback and those policy ideas never made it into legislation.

Likewise, ULCT opposed HB 306, a bill sponsored by Rep. Ray Ward that proposed to create statewide residential density requirements in all residential zones of at least 6 units to the acre. Although many groups expressed support for HB 306, legislators responded positively to ULCT pushback about the bill and Rep. Ward ultimately pulled it. Sen. Evan Vickers also proposed legislation that would have allowed homebuilders to bypass city inspections and hire their own inspectors. Again, ULCT opposed the bill while some groups

supported it. Legislators also responded positively to ULCT pushback about the initial bill and Sen. Vickers ultimately agreed to amend the bill in a way that eliminated our concerns and preserved local government responsibility for health and safety inspections.

Instead of those bills that would have eroded local land use authority, Team ULCT worked collaboratively to reach consensus on HB 13, HB 572, SB 168, SB 208, and SB 268. We worked around-the-clock with Governor Cox, Speaker Schultz, President Adams, Steve Waldrip, the Commission on Housing Affordability co-chairs Sen. Lincoln Fillmore and Rep. Stephen Whyte, and bill sponsors Sen. Wayne Harper and Reps. Cal Musselman and Jim Dunnigan. The theme of the session really was partnership, not preemption, and focusing on the root causes of Utah's housing shortage. The bills targeted various methods to fund infrastructure to unlock housing units that are optional and flexible. In the cases of HB 572, SB 168, SB 208, and SB 268, the infrastructure funds are only available if the city, county, or town and the builder meet certain criteria. For the city, town, or county, they have to plan for at least 6 units to the acre. For a builder to qualify for the infrastructure funds, then the builder must commit to construct housing units that have a significant percentage of units as owner-occupied and affordable for a period of time.

**In light of the collaborative approach on these bills, we urge you to consider the new tools and how they could potentially work in your city or town. We hope to report back to state leaders later this year that the tools are bearing fruit in improving opportunities for affordable home ownership. Even if your city or town doesn't use any of these specific tools, please report to ULCT if property owners are interested in them and how your city is planning for housing and infrastructure. We want to share those details with state leaders as well.**

In conclusion, ULCT's year-round collaboration and advocacy resulted in passage of options for local governments and builders to work together to achieve affordable, home ownership outcomes. Our collaboration and advocacy also resulted in stopping potential legislation that would have eroded local land use authority. The Commission on Housing Affordability will start anew in May to start discussing potential action for the 2025 legislative session. Housing affordability will continue to be a priority for Utahns and ULCT welcomes your input on both previous legislation and potential local, state, or private sector actions that could improve housing availability, housing affordability, and home ownership and affordability in Utah.

## HB 367 and Transportation Utility Fees

While HB 367 ultimately did not pass, the bill and process have several important takeaways. First, ULCT worked closely with Rep. Karen Peterson, the Utah Taxpayers Association, and other stakeholders for months to draft a bill that preserved the transportation utility fee as a tool for cities and would have codified certain parameters for the usage of the fee. The bill did not pass because some stakeholders wanted to be exempt from paying the fee. ULCT argued that all users should pay a transportation utility fee based on their impact on the infrastructure because that is a foundational principle of a user fee. We expect legislation, litigation, or both on the question of who should pay the fee.



In the meantime, the Utah Supreme Court decision in *Utah Sage, Inc. v. Pleasant Grove* is the law of the land on transportation utility fees. The Court upheld the authority of cities to impose the fee, held that the Pleasant Grove fee was indeed a fee and not a tax, and did not rule on the reasonableness of Pleasant Grove's process for adopting the fee. The unanswered question about reasonableness was one of the reasons for the drafting of HB 367.

**If your city is considering imposing a transportation utility fee in 2024 or beyond, please contact ULCT staff. HB 367 provides somewhat of a "safe harbor" for the process of how to impose a transportation utility fee and we encourage you to follow the framework within HB 367.**

By extension, HB 367 also contemplated restricting the use of general fees for broadband or public safety with some exceptions. As such, HB 367 is the opposite of a "safe harbor" for those types of fees. If your city is considering either of those types of fees, please contact ULCT staff.

## Key Bills Passed 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 below passed and may impact your municipality. We encourage you to review [the complete list of passed bills here](#). The bills included below are organized topically. If a bill applies to multiple subject areas, it will be sorted into the most prominent subject to which each bill applies.

### Administration

#### **HB 107 Recycling Facility Transparency Amendments (D. Welton)**

**ULCT Position:** *Neutral*

##### **Action Required**

**Legislative Intent:** The intent of this bill is to provide transparency about the end location of recyclable materials.

**Local Impact:** HB 107 requires a recyclable material hauler who gets paid through a political subdivision's billing process to report data to political subdivisions about the tonnage of recycling material collected and how much was delivered to a landfill or a recycling facility. This bill requires the political subdivision who receives this data to publish the data within 45 days of receiving it in their newsletter and on their website. Included in this bill is an additional requirement that the political subdivision publish the data or electronic link to the data compiled by the Division of Waste Management and Radiation Control from the recycling facility annual report. This must be published in a newsletter produced by the political subdivision that is published between June 1 and October 1 of each year and on the political subdivision's website each year beginning on a date that occurs between June 1 and October 1, and ending no earlier than December 31 of the same year.

**Effective Date:** May 1, 2024

#### **HB 251 Postretirement Reemployment Restrictions Amendments (M. Gwynn)**

**ULCT Position:** *Neutral*

**Legislative Intent:** HB 251 creates an alternative, shortened path to postretirement reemployment and keeps costs neutral for other employers in the URS system.

**Local Impact:** HB 251 provides an optional shortened reemployment "cooling off period" and keeps costs neutral for other employers in the system. Prior to this legislation taking effect, individuals would need to retire for a full year to be rehired by a public entity while they continue drawing from a URS pension. HB 251 still allows for that practice but adds an option for a shortened "cooling off" period of 90 days for all public employees. The shortened track comes with a few caveats. To keep the cost neutral for others in the URS system, participants in this program will have a reduced pension distribution (15% for public safety employees and 20% for other public employees). Public employers who choose to hire individuals in this shortened track will also pay a higher rate to URS for those employees. Cost of living adjustments are also

frozen for individuals in the shortened cooling off period. Once the individuals in the program leave reemployment and retire, the reduced distributions and cost of living adjustments are restored to their full rates. URS will report on participation rates to the Retirement and Independent Entities Legislative Interim Committee each year.

**Effective Date:** July 1, 2025

## **HB 261 Equal Opportunity Initiatives (K. Hall)**

### ***Review Policies for Compliance***

***ULCT Position: Position Pending***

**Legislative Intent:** The goal of HB 261 was to ensure that all policies, programs, and initiatives that promoted differential treatment based on an individual's race, color, ethnicity, sex, sexual orientation, national origin, religion, or gender were discontinued.

**Local Impact:** HB 261 prohibits governmental entities from requiring an individual to submit a statement or document that articulates the individual's position, view, contribution, effort, or experience regarding a policy, program, or initiative that promotes differential treatment based on an individual's personal characteristics (race, color, ethnicity, sex, sexual orientation, national origin, religion, or gender identity). There are three exceptions: 1) federal or state laws that mandate the creation of certain policies, including discrimination and sexual harassment training; 2) federal grants; and 3) if such submission, statement, or document for an employment position relates to a bonafide occupational qualification for the position.

**Effective Date:** July 1, 2024

## **HB 266 Government Records Ombudsman Amendments (A. Loubet)**

***ULCT Position: Neutral***

**Legislative Intent:** To allow the government records ombudsman to mediate disputes before a dispute is heard by the State Records Committee.

**Local Impact:** Either a requester or the government entity responder may request mediation over a records dispute from the government records ombudsman prior to the dispute being heard by the State Records Committee. Both the requestor and the responder must consent to the mediation, and either party may withdraw their consent at any time. The time for a requester to file a notice of appeal is suspended during the mediation process.

**Effective Date:** May 1, 2024

## **HB 335 State Grant Process Amendments (V. Peterson)**

***ULCT Position: Neutral***

**Legislative Intent:** The intent of HB 335 is to implement best practices for state grants to ensure public dollars are being used in appropriate ways.

**Local Impact:** HB 335 creates new requirements for agencies disbursing grants and for entities who receive grants. The bill makes clear that this chapter does not apply to a grant that is authorized in statute, unless the statute provides that the grant is subject to this chapter. One of the new requirements is that an administering agency shall not disburse grants funds before the recipient provides a detailed budget demonstrating how the grant recipient will use the funds. Additionally, the administering agency shall establish a distribution schedule that ensures accountability and responsible oversight for the use of grant funds. The agency may not make the final grant funds disbursement until they receive a final report from the recipient detailing the extent to which the grant purpose was fulfilled, including the deliverables and performance metrics described in the agreement. The agreement must include a disbursement schedule, performance metrics, annual deliverables if it is a multi-year grant, and the grant recipient's consent to follow-up audit and clawback of the grant funds if an audit shows that the funds were inappropriately used. In accordance with the Utah Constitution, the legislative auditor general may audit the use of any grant funds. For direct award grants, it is only valid if the appropriation identifies the recipient or class of recipients in the grant appropriation's intent language. For competitive grants, the agency must establish an application and selection process and award each competitive grant in accordance with the established process. As part of the process, the applicant must disclose all other state funding the applicant receives. Unless otherwise provided in the intent language, an administering agency may award a competitive grant to a recipient who has received a direct award grant if the direct award grant is for substantially the same purpose as the competitive grant and the grant period for both grants overlap. For multi-year grants, the grant period may not exceed five years and in the final quarter of each year of the grant period, excluding the final year, the recipient shall deliver to the administering agency a report that details the grant recipient's progress toward fulfilling the grant's purpose.

**Effective Date:** July 1, 2024

## **HB 396 Workplace Discrimination Amendments (B. Brammer)**

### **Review Policies for Compliance**

**ULCT Position:** *Neutral*

**Legislative Intent:** HB 396 attempts to protect the free expression of sincerely held religious beliefs in the workplace and to guard against retaliatory actions related to the limiting of free expression or religious beliefs.

**Local Impact:** HB 396 is one of three religious bills passed during the 2024 General Legislative Session and should be analyzed individually and collectively to ensure full compliance with the new laws. HB 396 applies to all employers (not just governmental entities) and prohibits several different actions (or inaction) that would limit the right to freely express an individual's sincerely held religious belief. These actions/inaction include those that would limit dress and grooming requirements, speech, scheduling, prayer, abstention and abstention related to health care. You will want to keep this in the forefront of your mind as you respond to an employee's request for accommodations. HB 396 allows employers to not follow this law if the accommodation would substantially interfere with the employer's core mission or the employer's ability to conduct business in an effective or financially reasonable manner or the accommodation is related to

receiving training and safety instruction for their job duties. It should be remembered that employers who have less than 15 employees are not required to accommodate scheduling requests.

**Effective Date:** May 1, 2024

## **HB 460 Government Employee Conscience Protection Amendments (M. Petersen)**

### **Review Policies for Compliance**

**ULCT Position:** *Neutral*

**Legislative Intent:** As the title suggests, HB 460 only applies to governmental entities, including municipalities. The purpose of this bill is to allow others from performing tasks that would conflict with a sincerely held religious belief or conscience.

**Local Impact:** HB 460 prohibits governmental entities from having an employee perform a task that would burden sincerely held religious beliefs or conscience. This also prohibits retaliatory actions by a governmental entity for firing, suspending, reducing compensation, and other negative employment decisions based upon an individual's request to be relieved of a duty. This bill provides a much broader exception to governmental entities than HB 396 (see page 11). HB 460 permits denying a request if one can show that it would be an undue hardship to the governmental entity to satisfy the employees request by taking all of the relevant factors into account - size, operating cost of an entity, disruption of an entity's operations, nature of the employee's duties, and much more. It also exempts first responders if the request is related to protecting the safety of the public. Any improper purpose can be denied as well, such as wanting to be relieved of a job just because they do not like performing that job function. The process to make a request and the timeline required is different in each case, so you will want to review this carefully to see what timeline you fall under. The law also allows cities to follow their own grievance policy to determine other timelines required before filing a lawsuit in court.

**Effective Date:** May 1, 2024

## **HB 491 Data Privacy Amendments (J. Moss)**

### **Action Required**

**ULCT Position:** *Neutral*

**Legislative Intent:** HB 491 addresses the privacy of all personal data collected or received by a governmental entity. This affects both state and municipal processes, policies, and procedures and is quite expansive in its scope. This legislative recap is only an overview of this bill. This is one you will want to spend some time reading, digesting, and ensuring compliance with, particularly given the short time frame until implementation for most items in the bill.

**Local Impact:** HB 491 affects all personal data, which is defined as any information that is linked or can be reasonably linked to an identified individual or an identifiable individual. Given the broad nature of the definition of personal data, the breadth of the regulations put in this bill are likewise broad in nature. This bill makes GRAMA override any portion of Part 4 of Title 63A, Chapter 19 (the changes affecting governmental entities) if it is either more restrictive or specific than the provisions in Part 4. The law requires

governmental entities to maintain a privacy program before May 1, 2025, that includes the governmental entity's policy, practices, and procedures for the process of personal data. All other requirements for the collection, recording, organization, structuring, storage, adaptation, alteration, access, retrieval, consultation, use, disclosure by transmission, transfer, dissemination, alignment, combination, restriction, erasure, or destruction of records. HB 491 requires governmental entities to report annually to the state privacy officer the types of personal data collected, the basis for sharing or selling the personal data, and the classes of persons that receive the personal data from the designated governmental entity. This bill requires a governmental entity to provide data privacy training to those who will be receiving or have access to personal data. This also requires that contractors abide by this law, which means that any contract entered into or renewals occurring after May 1, 2024 should have a provision in the contract stating such. Each time an entity receives or collects personal data, they need to provide the individual with a notice of various items and include it on the form, posting it, or include a QR code to access the statement. This also addresses the requirements if there is a data breach of that personal data, who must be notified, and actions that must be taken by the governmental entity within a certain timeframe.

**Effective Date:** May 1, 2024, except for the creation of a privacy program implementation by May 1, 2025.

### **SB 34 Utah State Retirement Systems Revisions (W. Harper)**

**ULCT Position:** *Neutral*

**Legislative Intent:** SB 34 clarifies recordkeeping responsibility for employers who participate in the Utah Retirement System.

**Local Impact:** SB 34 requires public employers who participate in the Utah Retirement System (URS) to maintain records necessary to support their reports and certifications to URS regarding employee lengths of service. If an audit of the employer reveals that they failed to maintain records, make contributions, or certify eligibility, the employer shall be responsible for the liability or expense resulting from increased benefits to members resulting from the employer's failure to comply with requirements. They may also be responsible for a penalty not to exceed 50% of their total contributions for the time of the error.

**Effective Date:** May 1, 2024

### **SB 47 Local Government Business License Amendments (H. Balderree)**

**Review Policies for Compliance**

**ULCT Position:** *Neutral*

**Legislative Intent:** SB 47 makes two changes to Utah's "Lemonade Law."

**Local Impact:** Current Utah law prohibits municipalities from requiring a business license for businesses operated occasionally by individuals under 18. The bill raises that age to 19. It also clarifies that municipalities may require business licenses for vendors operating at an event hosted by the municipality.

**Effective Date:** May 1, 2024

## **SB 51 Local Construction Bid Limit Amendments (R. Winterton)**

### **Review Policies for Compliance**

#### **ULCT Position: Support**

**Legislative Intent:** The intent of SB 51 is to offer more flexibility to local governments in granting construction projects for class B and class C roads.

**Local Impact:** SB 51 increases the bid limit on class B and C road projects from \$125,000 to \$350,000 and removes the cap on the annual increase due to inflation. This bill also adjusts the inflation factor on the bid limit to tie increases to the National highway Construction Cost Index instead of the Consumer Price Index. Additionally, any construction self-performed by a county or municipality that exceeds the bid limit, the county or municipality shall seek private bids in accordance with Section 72-6-108. Before self-performing any construction, and at least annually, a municipality shall ensure that the aggregate, asphalt, and concrete materials owned for construction use are tested by an independent, qualified firm to ensure the materials meet the same standards required by the department for private contractors for the same work. The legislative body of the municipality shall ensure that the results of the tests are public record.

**Effective Date:** May 1, 2024

## **SB 91 Local Government Officers Compensation Amendments (C. Wilson)**

### **Action Required**

#### **ULCT Position: Neutral**

**Legislative Intent:** SB 91 intends to add additional transparency to the compensation increases of local government officials.

**Local Impact:** Before a municipality adopts a final budget or a final amended budget that includes a compensation increase for an executive municipal officer the governing body must hold a public hearing. They must publish a notice for the hearing at least seven days prior. The hearing must be separate from other public hearings, but can be held on the same date as other public hearings. Executive municipal officers include city or town managers, chief administrative officers, assistant city or town manager, assistant chief administrative officers, the city or town attorney, department heads or chiefs, and assistant department heads or chiefs. Compensation means salary, budget bonuses or incentive pay, vehicles allowances, and deferred salary. The law does not specify how the increase should be shown in the budget, so there are multiple approaches a city or town could take in their budget.

**Effective Date:** May 1, 2024

## **SB 98 Online Data Security and Privacy Amendments (W. Harper)**

#### **ULCT Position: Position Pending**

**Legislative Intent:** SB 98 modifies requirements for reporting data breaches to the Utah Cyber Center.

**Local Impact:** When a government entity experiences a security breach, they must notify the Utah Cyber Center and provide them with: the date and time of the breach, the date the breach was discovered, the total number of people affected (including number of Utah residents), type of personal data involved, a short

description of what occurred, the means the perpetrator used to gain access (if known), the perpetrator (if known), the steps the government entity is taking to mitigate the impact of the breach, and any other details. This information, as well as the cyber center's response, is deemed a confidential record.

**Effective Date:** May 1, 2024

## **SB 150 Exercise of Religion Amendments (T. Weiler)**

### **Review Policies for Compliance**

**ULCT Position:** *Position Pending*

**Legislative Intent:** SB 150 is one of three bills passed to protect an individual's free exercise of religion. This is probably the most strict of these three bills because there is very little wiggle room where a city can be exempted in different circumstances.

**Local Impact:** SB 150 protects a person's right to act or refuse to act in a manner that is substantially motivated by a sincerely held religious belief, regardless of whether the exercise is compulsory or central to a larger system of religious belief. A governmental entity would be in violation of this law if it substantially burdened an individual's right to exercise their religion. A governmental entity is only allowed to substantially burden an individual's free expression of religion if: 1) the action or inaction is essential to furthering a compelling governmental interest and 2) is the least restrictive means of furthering the compelling governmental interest. This test is very difficult to meet.

**Effective Date:** May 1, 2024

## **SB 171 Municipal Rental Dwelling Licensing Amendments (K. Kwan)**

### **Review Policies for Compliance**

**ULCT Position:** *Position Pending*

**Legislative Intent:** SB 171 modifies municipal business licensing for uncompensated rental housing.

**Local Impact:** SB 171 clarifies that municipal business license requirements for rental housing do not apply to the owner of a dwelling who, by signed affidavit, verifies that they do not receive compensation from the use of the dwelling.

**Effective Date:** May 1, 2024

## **SB 233 Medical Cannabis Amendments (L. Escamilla)**

### **Review Policies for Compliance**

**ULCT Position:** *Position Pending*

**Legislative Intent:** The intent of SB 233 is to ensure that medical cannabis, both the use of it and holding a medical cannabis card, is treated the same as other prescribed controlled substances while working for a government employer.

**Local Impact:** SB 233 makes several prohibitions for government entities, with some exceptions. First, SB 233 prohibits government employers from taking adverse employment action against employees who legally



use medical cannabis or carry a medical cannabis card if the government employer would not have also taken the same action against an employee for another legal use of controlled substances or carrying of a prescription. Adverse action can still be taken for employees who use cannabis or hold a cannabis card so long as the government employer has a written policy that: 1) Is comprehensive in nature regarding when an employee would be disciplined; and 2) Does not treat medical cannabis any differently than another controlled substance. Before taking any adverse employment action against an employee solely on the basis that they have a medical cannabis card or another prescription for a controlled substance, the government employer must first: 1) Consult with legal counsel if one is employed or contracted with; and 2) Obtain approval by the mayor.

**Effective Date:** May 1, 2024

### **SB 240 Government Records Access and Management Act Amendments (C. Bramble)**

***ULCT Position: Position Pending***

**Legislative Intent:** SB 240 makes a clarification about daily calendars of public officials and employees and also expands who can be assessed attorneys fees and costs on a Government Records Access and Management Act (GRAMA) appeal to a district court.

**Local Impact:** SB 240 clarifies that daily calendars are not considered records and thus are not subject to GRAMA. This also expands the court's ability to assess attorneys fees and costs on a party in the case other than a governmental entity or political subdivision that is in opposition to disclosure of the record in dispute. It also clarifies that attorneys fees and costs may be awarded only after 20 days have passed after the requester provided the party they seek attorneys fees from a written explanation of the basis why the requester is entitled to the record.

**Effective Date:** May 1, 2024

### **SJR 16 Joint Resolution Regarding Local Government Employee Compensation (L. Fillmore)**

***ULCT Position: Neutral***

**Legislative Intent:** To encourage local governments to use certain savings on increasing government employee salaries.

**Local Impact:** This is a Senate Joint Resolution that does not require any action, but encourages local government to set aside any savings from each reduction in the amortization rate and, when the total set aside money reaches a specified threshold, include the amount in the base budget as an increase to benefit employee salaries.

**Effective Date:** May 1, 2024

# Elections

## [HB 227 Municipal Office Modifications \(D. Welton\)](#)

### **Review Policies for Compliance**

**ULCT Position:** *Neutral*

**Legislative Intent:** To clean up procedures related to tie votes when filling a midterm vacancy in cities with a six-member form of government.

**Local Impact:** This bill clarifies that in a six-member council form of government, the mayor votes as normal, and would not get an extra vote in the cast of a tie vote to fill a vacancy.

**Effective Date:** May 1, 2024

## [HB 515 Election Administration Modifications \(K. Peterson\)](#)

**ULCT Position:** *Support*

**Legislative Intent:** This bill clarifies the process for determining the winner in the case of a tie vote and requires an automatic recount in the case of a tie vote.

**Local Impact:** If there is a tie vote after the initial canvass, the election officer shall conduct an automatic recount without any candidate needing to request the recount. The automatic recount shall be conducted within 10 days after the board of canvassers certifies the vote total. If there is a tie vote after the recount, the election officer shall hold a public meeting not later than three days after the completion of the recount to determine the winner by lot. The election officer can determine the by lot method, and shall provide notice and an opportunity for each candidate involved to observe or send a representative to observe the tie break.

**Effective Date:** May 1, 2024

## [SB 100 Local Referenda Amendments \(H. Balderree\)](#)

**ULCT Position:** *Neutral*

**Legislative Intent:** This bill puts structure around the referendum process for revenue bonds. The code was severely outdated and provided very little guidance around the process for a referendum on this type of bond.

**Local Impact:** If voters want to refer the decision to issue a revenue bond payable solely from excise tax revenue a city or town would simply follow regular referendum laws laid out in Title 20A, chapter 7.

**Effective Date:** May 1, 2024

## [SB 258 Municipal Incorporation Amendments \(C. Bramble\)](#)

**ULCT Position:** *Position Pending*

**Legislative Intent:** SB 258 creates a pilot program enabling the creation of preliminary municipalities.

**Local Impact:** Utah law requires communities to meet certain population and economic feasibility requirements before they can incorporate as a municipality. SB 258 does not change those provisions, but

allows for property owners to incorporate as a preliminary municipality for the purpose of developing land to later meet the requirements for becoming a town. Preliminary incorporation cannot occur within counties of the first or second class or within 0.25 miles of an existing municipality. The area must be contiguous and cannot have more than three property owners who all consent to the incorporation. At least 50% of the areas must be undeveloped. The property owners must intend to develop the area to the point that it has at least 100 residents and an average population density of at least 7 people per square mile. At least 10% of the housing must be available to households earning 80% of area median income. The pilot program runs until 2031.

**Effective Date:** May 1, 2024

# General Government

## HB 12 Tax Incentive Revisions (J. Dunnigan)

### **Review Policies for Compliance**

#### **ULCT Position:** *Neutral*

**Legislative Intent:** HB 12 is the result of a legislative audit and two years of interim study. The bill enhances reporting and modifies requirements for redevelopment project areas.

**Local Impact:** HB 12 requires agencies to include findings for how a project will contribute to the goals, policies and purposes of a project area plan in participation agreements. The bill also enhances annual reporting requirements and specifies that both spent funds and received funds must be reported. Both project area funds spent and received will need to be broken down by budget or analysis category. Agencies without active project areas will need to report that they are inactive. Agencies who fail to submit timely reports will be reported to the Political Subdivisions Interim Committee. Agencies who fail to submit two consecutive reports will have 20% of incoming funds withheld. HB 12 also requires that project area funds must be spent within five years of the collection period ending. Any unexpended funds after that time will be restricted as housing set aside funds. Finally, the bill enhances the “but for” test by requiring additional analysis in a project area plan. If tax credits are given, the agency should consider whether a project might reasonably be expected to occur without the use of tax credit.

**Effective Date:** May 1, 2024

## HB 35 Metro Township Modifications (J. Teuscher)

### **Review Policies for Compliance**

#### **ULCT Position:** *Support*

**Legislative Intent:** HB 35 creates the automatic process for metro townships to be converted into complete municipal governments.

**Local Impact:** Metro townships were created as a special purpose municipality within Salt Lake County in 2015. As of May 1st, all incorporated metro townships will become “converted municipalities.” Their classification will now be governed by the same population thresholds as other municipalities (see Section 10-2-301). By default, converted municipalities will be governed by a five-member council form of government. They may, prior to July 1, 2024, adopt a different statutorily authorized form. The current elected officials will continue their posts. The mayor of the converted municipality is subject to election beginning on the first election after the municipality converts. Any taxes, fees, contracts, rights, or ordinances that were adopted by the metro township are preserved through the conversion process. Agreements with service districts are also maintained. Current metro townships should be prepared for any additional responsibilities that they might inherit once they become complete municipalities.

**Effective Date:** May 1, 2024; July 1, 2024 for 10-2-425 and 53-2d-101

## **HB 36 Open and Public meetings Act Amendments (J. Dunnigan)**

### ***Review Policies for Compliance***

#### ***ULCT Position: Neutral***

**Legislative Intent:** The purpose behind HB 36 is to simplify provisions in the Open and Public Meetings Act (OPMA).

**Local Impact:** Most of the changes are technical in nature and should not result in significant changes to practice. First, the bill modifies the term “anchor location” for the purposes of electronic meetings to be the physical location where the public body normally meets or a different location that is reasonably accessible to the public. For electronic meetings public bodies must now provide a procedure for recording votes, including the circumstance where a roll call vote is required. For all meetings, HB 36 removes the term “convening,” which currently serves as the standard for distinguishing when a public body is officially meeting or not. The bill replaces the term “convening” with a clearer set of conditions. Specifically, a meeting is now defined as a gathering of the public body where: a quorum is present; the meeting is convened by an individual with authority to do so; the meeting process adheres to current meeting laws; and the meeting is for the express purpose of acting as a public body (receiving comment, deliberating about relevant matter, or acting on relevant matter).

**Effective Date:** May 1, 2024

## **HB 88 Landowner Liability Amendments (J. Stenquist)**

#### ***ULCT Position: Support***

**Legislative Intent:** Clarifies the list of outdoor recreation activities that qualify for landowner liability protections.

**Local Impact:** HB 88 adds rock climbing and any other similar activity to the list of recreational purposes that landowner liability is limited for.

**Effective Date:** May 1, 2024

## **HB 90 Outdoor Recreation Infrastructure Amendments (J. Stenquist)**

#### ***ULCT Position: Neutral***

**Legislative Intent:** HB 90 modifies the Outdoor Recreation Infrastructure Account and makes technical changes.

**Local Impact:** HB 90 expands the allowable uses of the Outdoor Infrastructure Restricted Account to include the construction or upgrade costs of bringing recreation infrastructure into compliance, strategic planning for outdoor recreation infrastructure, and facilitating avalanche safety forecasting to protect the public using outdoor recreation infrastructure. The bill also authorizes the Division of Outdoor Recreation to reimburse itself for costs of administering the Recreation Coordination Investment Initiative.

**Effective Date:** May 1, 2024

## **HB 138 Lobbyist Disclosure and Regulation Act Amendments (R. Ward)**

### ***ULCT Position: Support***

**Legislative Intent:** To prohibit lobbyists from communicating with an elected official's employer to influence the vote or actions of the elected official.

**Local Impact:** The code has prohibited lobbyists from contacting legislator's employers for years. This bill extends that prohibition to local elected officials as well. A lobbyist cannot contact a local elected official's employer to influence, coerce, or intimidate the official's actions on either a vote or other official actions. If a lobbyist were to violate this statute the lieutenant governor could impose penalties on the lobbyist.

**Effective Date:** May 1, 2024

## **HB 292 Snowplow Amendments (A.C. Maloy)**

### ***ULCT Position: Support***

**Legislative Intent:** HB 292 was written to disallow for snow plow operators, at the direction of the state or political subdivision, to be ticketed for offenses related to lighting on the snow plow.

**Local Impact:** HB 292 states that an individual operating a snow plow as an agent of a highway authority, while engaged in the removal of snow or ice on a highway, may not be charged with a violation for lighting, as amended in this bill. The provisions in Section 41-6a-161(1)(a) on disallowing a light on a vehicle which projects a beam of light of an intensity greater than 300 candlepower do not apply to a snow plow when operated at the direction of the state or a political subdivision of the state.

**Effective Date:** May 1, 2024

## **HB 297 Utah Bee Inspection Act Amendments (R. Shipp)**

### ***Review Policies for Compliance***

#### ***ULCT Position: Neutral***

**Legislative Intent:** This bill seeks to limit restrictions on beekeeping by requiring the Utah Department of Agriculture and Food (UDAF) to convene a working group and create parameters for local government beekeeping regulations.

**Local Impact:** UDAF will convene a work group before November 30, 2024 to review recommendations related to beekeeping standards, and will implement rules before April 30, 2025. The bill does allow municipalities to restrict the number and locations of hives on a property, so long as those restrictions comply with the rules UDAF will make. ULCT has been allowed to have input to the working group and to participate in the rulemaking process. There is another legislative session before the rulemaking deadline.

**Effective Date:** May 1, 2024 for the bill. The rules may not be in effect until April 30, 2025.

## **HB 298 Homelessness Services Amendments (T. Clancy)**

#### ***ULCT Position: Support***

**Legislative Intent:** HB 298 streamlines the operations of the Utah Homeless Services Board (previously named the Utah Homelessness Council), creates the Shelter Cities Advisory Board, enhances data collection and reporting for the Office of Homeless Services, and changes provisions related to winter response plans.

**Local Impact:** HB 298 decreases the Homeless Services Board from 29 members to 11 – reducing municipal representation from five to two. One seat is reserved for the SLC mayor. The other seat is for a shelter city mayor to be selected by the Shelter City Advisory Council. One of the two mayors will serve on the executive council for the Utah Homeless Services Board. The board has new tasks including updating the state strategic plan with specific solutions for different types of homelessness, developing metrics for service provider efficacy, creating best practices for service providers, and making recommendations for standards for enforcing pedestrian safety (panhandling) and camping ordinances. This bill also allows municipalities to abate camps during Code Blue and removes the prohibition from camp abatements if there is insufficient crisis shelter within the county.

**Effective Date: May 1, 2024**

## **HB 330 Unincorporated Areas Amendments (J. Teuscher)**

#### ***ULCT Position: Support***

**Legislative Intent:** HB 330 provides a process to annex or incorporate the remaining unincorporated islands in Salt Lake County.

**Local Impact:** HB 330 provides mechanisms and deadlines for unincorporated islands within Salt Lake County to be annexed into adjoining municipalities. Unless other actions are taken, an unincorporated island will be annexed in the most populous adjoining municipality on July 1, 2027. The island could be annexed into another adjoining municipality if there is an agreement between the most populous adjoining municipality and another adjoining municipality. A community council area has the opportunity to incorporate as a

municipality, even if the area is made up of 2 or more noncontiguous islands, so long as there is a request for a feasibility study by May 1, 2025 to the County clerk. The code lays out the in-depth requirements for the feasibility study.

**Effective Date:** May 1, 2024; provisions affecting 10-2-425 take effect on July 1, 2024.

## **HB 421 Homeless and Vulnerable Populations Amendments (S. Eliason)**

### **Review Policies for Compliance**

**ULCT Position:** *Neutral*

**Legislative Intent:** Creates the HOME court pilot program in the 3rd District Court and makes other changes to state homelessness policy.

**Local Impact:** This program will allow for court-supervised mental health services and treatments to reduce pressure on emergency shelters, street encampments, and the judicial system. Establishes bed prioritization standards for individuals released from the state hospital and families that are eligible for the federal Temporary Assistance for Needy Families program (TANF). Restricts shelter cities from receiving mitigation funds if they do not enforce no camping or pedestrian safety (panhandling) ordinances as outlined by the Utah Homeless Services Board (HB 298) and allows the Department of Public Safety to receive mitigation funds if a shelter city is non-compliant. Increases Code Blue threshold from 15° to 18° and allows additional municipal flexibility. Creates a path for counties of the second class to pursue a permanent, year-round shelter rather than a winter response plan. Makes technical adjustments to the Shelter Cities Mitigation Fund. Shelter cities will need to comply with new requirements surrounding no-camping ordinances as well as pedestrian safety ordinances to receive mitigation funding. Allows for municipalities to implement emergency measures during dangerous weather conditions beyond the Code Blue temperature threshold. Davis County has a path to pursue a permanent, year-round shelter rather than winter response plans. Aligns mitigation contribution offset to align with legislative intent in 2023.

**Effective Date:** May 1, 2024; Mitigation changes retroactively effective January 1, 2024

## **HB 502 Critical Infrastructure and Mining (C. Snider)**

**ULCT Position:** *Neutral*

**Legislative Intent:** This bill requires the Division of Oil, Gas, and Mining (DOGGM) to conduct a study of critical infrastructure materials (including gravel).

**Local Impact:** The DOGGM study will include an inventory of existing resources, the location and production level of current operations, an inventory of potential new operations, an assessment of predicted demand, an analysis of regulatory requirements, who should regulate operations, and the impacts of operations and related mining on local infrastructure and possible ways to mitigate those impacts. ULCT is specifically named in the bill as a group DOGGM needs to work with as part of their study efforts. ULCT will be at the table for discussions on this bill and the study. DOGGM will report their initial findings during the November 2024 interim and the study must be completed by the first day of the 2025 Legislative Session.

**Effective Date:** May 1, 2024



## **HB 562 Utah Fairpark Area Investment and Restoration District (R. Wilcox)**

### ***ULCT Position: Position Pending***

**Legislative Intent:** HB 562 (Utah Fairpark Area Investment and Restoration District) authorizes the expansion of an existing state district overseeing the Utah State Fairpark to include private property known as the "Power District" (former Rocky Mountain Power site) in its purview.

**Local Impact:** The long-term objective is to prepare the region for the possibility of Major League Baseball awarding a franchise to Utah and the construction of a baseball stadium. The district would exercise the authority regardless of whether Utah receives a Major League Baseball franchise. The district board would include primarily state leaders with one Salt Lake City representative. If the city and the district fail to reach an agreement about the land use in the area by January 1, 2025, then the district would exercise land use authority on the private property. The bill also diverts local taxes (property, sales, TRT, etc.) from the private property to the district and allows the district to impose other taxes. ULCT had concerns about the precedent of a state-created district exercising traditional municipal functions on private property. We were coordinating closely with Salt Lake City on the bill and the bill's passage is not the end of the story for that particular region. Beyond baseball, ULCT is concerned about the growing trend of state districts exercising municipal functions like regulating land use, providing public services, and imposing taxes and fees. ULCT submitted an amicus brief about the original legislation that authorized the creation of the Utah Inland Port Authority and argued that the authority violated the Utah State Constitution's "ripper clause" because it exercised municipal functions. The Legislature, working with Salt Lake City, ULCT, and other stakeholders, modified the Utah Inland Port Authority to such a degree that some of the "ripper clause" arguments were no longer relevant. That said, ULCT will be closely monitoring the execution of HB 562 and this overall trend of using state-created districts to exercise municipal functions.

**Effective Date:** May 1, 2024; 4.7% district-wide sales tax contingently January 1, 2025

## **HB 572 State Treasurer Investment Amendments (R. Spendlove)**

### ***ULCT Position: Support***

**Legislative Intent:** HB 572 creates the Utah Homes Investment Program.

**Local Impact:** The Utah Homes Investment Program creates a liquidity tool for private lenders to provide capital for attainable housing projects. The program can borrow up to \$300m from Transportation Investment Fund (TIF) dollars invested in the Public Treasurers Investment Fund (PTIF). The funds used will exclusively be state dollars, so municipal investments in the PTIF will not be affected. Loan amounts to individual financial institutions cannot exceed \$60m or 50% of a lender's maximum public deposit. Lenders must offer developers of a qualifying project a rate no higher than 150 basis points over the federal funds rate at the time of the deposit. The lender must repay the loan at the greater of either the federal funds rate minus 200 basis points or 0.5%. Deposits must be repaid within 24 months of the issuance, repayment of the loan financing, the sale of the last home in the qualified project, or June 2027; whichever occurs first. The deposit and interest are returned to the program. To qualify, a developer must offer more than 60% of the new homes for owner occupancy at a purchase price not to exceed \$450,000. The Utah Housing Corporation may modify that cost cap. A developer must deed restrict these units for at least five years and have a plan to

provide buyers with information consistent with the First-Time Homebuyer Assistance Program. More specific terms for deed restrictions and attainability must be agreed upon with the municipality.

**Effective Date:** May 1, 2024

## **SB 28 Scenic Byway Program Amendments (W. Harper)**

**ULCT Position:** *Neutral*

**Legislative Intent:** SB 28 extends the sunset on the Utah State Scenic Byway Program and amends provisions to require designations for state scenic byways being considered by the legislature.

**Local Impact:** The Utah State Scenic Byway Committee repeal date has been extended to January 2, 2030. The bill does not change the composition of the committee, but instead modifies the approval process. Any new scenic byway designation is subject to approval by the Legislature by concurrent resolution. If the Scenic Byway Committee supports the designation or removal of a highway as a state scenic byway, the committee shall notify the Transportation Interim Committee on or before October 1 of the year in which the committee takes action. The Scenic Byway Committee must provide a report on their findings and reasonings for supporting the designation or removal. After the Transportation Interim Committee receives this information, they will determine whether to propose a concurrent resolution to approve or deny the designation or removal. The Legislature then may, by concurrent resolution, approve or deny the designation or removal of a state scenic byway.

**Effective Date:** May 1, 2024

## **SB 86 Government Bonds Amendments (L. Fillmore)**

**Review Policies for Compliance**

**ULCT Position:** *Neutral*

**Legislative Intent:** This bill prohibits local government's from issuing lease revenue bonds if a specified amount is exceeded within a three year period and adds additional requirements on local governments for noticing when proposing lease revenue bonds.

**Local Impact:** SB 86 does not limit any individual lease revenue bonds, but imposes an aggregate limit of \$200 million on the combination of lease revenue bonds in any consecutive three-year period. It creates new requirements for public hearings on lease revenue bonds. The hearing must begin after 6pm, held separate from other public hearings, and must provide a public comment period with reasonable time given to commenters. Hearings must be without an unreasonable restriction on the number of individuals allowed to make comments. Additionally, SB 86 creates noticing requirements for proposing lease revenue bonds. First, the municipality must make a statement in a public meeting at least 14 days before the public hearing that includes the purpose and estimated amount of the lease revenue bond. The statement must also be indicated on the public meeting agenda as a separate item. The notice follows the class A notice requirements at least 14 days before public hearing. The notice must also be published electronically and in a newspaper. The statement must contain specified information about the proposed bond.

**Effective Date:** May 1, 2024

## **SB 161 Energy Security Amendments (D. Owens)**

**ULCT Position:** *Oppose*

**Legislative Intent:** SB 161 modifies the permitting process for the Intermountain Power Agency's transition to a new electrical generator.

**Local Impact:** The Intermountain Power Agency (IPA) is a cooperative utility owned by 23 Utah cities. IPA owns and operates the Intermountain Power Project (IPP) which is currently transitioning from a 1800 MW coal-fired power plant to an 840 MW natural gas-fired plant. SB 161 modifies the permitting process for decommissioning one or more coal-fired plants and creates a state authority to consider purchasing the coal-fired plants if certain criteria are met.

**Effective Date:** May 1, 2024

## **SB 272 Capital City Revitalization Zone (D. McCay)**

**ULCT Position:** *Position Pending*

**Legislative Intent:** SB 272 Creates a Capital City Reinvestment Zone within Salt Lake City.

**Local Impact:** SB 272 (Capital City Reinvestment Zone) authorizes Salt Lake City to create a sports and entertainment district, designate it as a public infrastructure district, and impose a .5% sales tax city-wide to pay for the project area bonding, infrastructure, traffic mitigation, public safety, and qualified stadium therein. The bill would also create a state review committee to review the financial activities and make recommendations. The objective of the bill is to renovate or replace Delta Center to facilitate a National Hockey League franchise in Utah in addition to the Utah Jazz and have both teams play in a sports and entertainment district in downtown Salt Lake City.

**Effective Date:** May 1, 2024

# Infrastructure

## **HB 13 Infrastructure Financing Districts (J. Dunnigan)**

### ***ULCT Position: Neutral***

**Legislative Intent:** HB 13 authorizes the creation of infrastructure financing districts (IFDs). This concept has been several years in the making. IFDs are separate and distinct from any other political subdivision. IFD debt does not appear on the balance sheets of any other local governments.

**Local Impact:** An IFD cannot be created unless the public infrastructure improvements exceed \$1m. Creation of an IFD requires a petition signed by 100% of the surface property owners within the proposed area. Each IFD will be governed by a board of trustees. They may be initially appointed, elected, or a combination thereof. Appointed board seats will eventually be transitioned to elected positions. Both the election process and the transition process from appointment to election must be explained by the IFD proposal. Petitions are reviewed by the appropriate county clerk for completeness before being certified and submitted to the Lt. Governor's office. Petition sponsors are responsible for the expenses associated with the creation of an IFD, but they may be reimbursed for those costs by the IFD. The requirement that board members live in the district boundaries can be waived with consent of all surface property owners, if the district does not have any residents, or for appointed positions if no qualified individuals file for candidacy. Board members may not receive compensation for their service unless they are a resident within the IFD. The bill provides for board terms and allows the district to be divided into voting divisions. IFDs may annex an area into the district through a petition signed by 100% of surface property owners. Property owners may petition to withdraw from an IFD; however, the area remains subject to taxes, fees, and assessments imposed by the district. IFDs are authorized to impose a property tax not to exceed a rate of 0.0004. However, property tax revenues cannot be used to repay bonds. IFDs are dissolved once all debt has been repaid by a resolution adopted by the board and submitted to the Office of the Lt. Governor. An IFD may issue assessment bonds to pay for public infrastructure. The public infrastructure must meet standards established by the city or county where the project is located. The IFD must ensure that assessments on residential units are repaid in full before the municipality or county issues a certificate of occupancy. IFDs may not exercise eminent domain. IFD proposals may include governing documents to guide voting district apportionment, allow property owners to make recommendations for individuals to serve on boards, outline infrastructure requirements, and provide for other district guidelines. The bill requires an IFD to report on property tax revenue collected (if applicable), assessment revenue collected, outstanding principle of debt, amount spent for site improvements, and other information annually to the state auditor and the clerk or record of each municipality and county they are located in.

**Effective Date:** May 1, 2024

## **HB 430 Local Government Transportation Services Amendments (C. Pierucci)**

### ***ULCT Position: Support***

**Legislative Intent:** HB 430 aims to increase public transit innovation and service to high-growth areas within the Utah Transit Authority's (UTA) service area through creation of the Transit Innovation Grant program.

**Local Impact:** Cities may seek Transit Innovation Grants to fund pilot projects that would increase transit ridership in under-served areas. The Utah Department of Transportation will administer the program. Funding for the program comes from a portion of existing and potential local option sales taxes for transportation and potentially from the state's Transit Transportation Investment Fund (TTIF). HB 430 also requires UTA to provide a report to local governments with the revenues collected in each county, city, and town and how UTA is using those revenues to provide services. The first report will be completed by November 2024 and repeated every two years thereafter. UTA is required to provide an amount equal to 10% of transit's .10 portion of the 4th quarter local option sales tax (HB 362 in 2015) in Davis, Salt Lake, Utah, and Weber Counties starting on July 1, 2025 for transit innovation grants. District-wide, that amounts to \$6.5 million annually. UDOT may use one of two funds for transit innovation grants. First, UDOT may expend up to \$3 million of transit's .10 portion of the "5th 5th" local option sales tax (SB 242 from 2023). The transit portion of the 5th 5th in Salt Lake County is deposited into the County of the First Class Highway Projects Fund and the transit innovation grant money can come from that fund. Second, the Transportation Commission may use TTIF dollars for capital costs of transit innovation grant funded projects. ULCT worked closely with Rep. Candice Pierucci on the bill and this bill provides a great opportunity for cities to innovate and invest to improve transit ridership. City proposals for the innovation grants shall include information about the proposed project and how it will increase ridership, potential matching funds, how it will integrate with existing transit service, and who will provide the service. Potential projects could include shuttle connections between fixed guideway transit and job centers, recreation, schools, and attractions. UDOT will coordinate with councils of government, metropolitan planning organizations, and UTA to develop the process for submissions and methodology for awarding grants.

**Effective Date:** July 1, 2024

## **HB 449 Pedestrian Safety and Facilities Act Modifications (N. Abbott)**

### ***Review Policies for Compliance***

### ***ULCT Position: Support***

**Legislative Intent:** The intent of HB 449 is to provide for more safety measures to pedestrians and bicyclists in our communities.

**Local Impact:** With the passage of HB 449, counties and municipalities may now use a portion of their designated B and C road funds for not just pedestrian but also bicyclist safety devices. Additionally, there is now a requirement that a highway authority shall consider bicyclist safety in addition to pedestrian safety in all highway engineering and planning where pedestrian or bicyclist traffic may be a significant factor.

**Effective Date:** May 1, 2024

## **SB 135 Advanced Air Mobility and Aeronautics Amendments (W. Harper)**

### **Review Policies for Compliance**

**ULCT Position:** *Neutral*

**Legislative Intent:** SB 135 creates regulatory frameworks for several emerging and future transportation technologies.

**Local Impact:** The bill describes how “roadable aircraft” (read: flying cars) are to be regulated on Utah roads. It requires local governments to adopt airport overlay zones within 500 feet of public vertiports. This is conceptually similar to the planning requirements for significant public airports but applied to a smaller area. The bill states that flights over Utah’s lands and waters are lawful unless the flight is low enough to interfere with existing uses or could be imminently dangerous to persons or property. Restrictions around protected areas still apply. Lastly, the bill creates new requirements for data protection when public entities use foreign-made drones to inspect critical infrastructure (water tanks, roads, bridges, etc.). These drones must not be connected to the internet during flight. All data (images, video, geospatial data, and flight logs) must be removed and stored securely before connecting the drone to the internet. If live feed video inspection is used, the software must be developed in the US or approved by the National Defense Authorization Act.

**Effective Date:** Jan 1, 2025

## **SB 145 Utility Easements Amendments (D. McCay)**

### **Review Policies for Compliance**

**ULCT Position:** *Position Pending*

**Legislative Intent:** SB 145 modifies the responsibilities of excavators, operators, and the association (Blue Stakes).

**Local Impact:** SB 145 impacts municipalities both as an excavator (on its own projects) and as an operator (on other excavator’s projects where municipal utilities are present). This bill extends the number of days notice of excavation to an operator from 14 days to 21 days. Excavators may not proceed to excavate less than 48 hours from the time that notice of excavation was given. If no response is given by the operator and no visible indications of a facility exist within the proposed excavation area. Operators who receive a “no response notice” must mark the facilities or make arrangements for the facilities to be marked. Standards are established for marking onsite and the tolerance area. Provides additional requirements for excavators who contact or damage an operator’s facility. Due to the breadth of changes in this bill, your public utilities department should review this bill in detail.

**Effective Date:** May 1, 2024

## **SB 179 Transportation Amendments (W. Harper)**

### ***ULCT Position: Neutral***

**Legislative Intent:** SB 179 is the annual omnibus transportation bill. It makes several changes to transportation policy.

**Local Impact:** SB 179 allows dollars from the Transit Transportation Investment Fund (TTIF) to be used for public transit studies (up to \$500,000/year) and waives the 30% local match requirement for transit capital projects and non-motorized or pedestrian projects proposed by the Utah Dept. of Transportation (UDOT). The bill also prohibits the storage of flammable or combustible materials under bridges, overpasses, or similar structures. It requires a person to notify in writing and name a public entity as a defendant when dedicating a road to that entity. The bill establishes a commission to develop an electronic titling system. It allows a private law enforcement agency to apply lost or mislaid property to a public interest use after obtaining permission, designation, and approval from the legislative body of the municipality the agency is located in. Finally, it modifies road designations through state parks and makes administrative changes to the Utah Transit Authority.

**Effective Date:** May 1, 2024

## **SB 208 Housing and Transit Reinvestment Zone Amendments (W. Harper)**

### ***ULCT Position: Support***

**Legislative Intent:** SB 208 makes several technical changes to Housing and Transit Reinvestment Zone (HTRZ) requirements.

**Local Impact:** SB 208 increases the affordable housing threshold from 10% of the dwelling units to 12% of the dwelling units. Within that 12%, 9% of the total dwelling units must be reserved for households earning 80% of area median income (AMI). 3% of all dwelling units must be reserved for households earning 60% of AMI. If an HTRZ has multiple phases, a proportionate amount of affordable housing must be built in each phase. A municipality may also require more affordable housing to be built in earlier phases. The bill clarifies that the residential density of 50 dwelling units per acre only applies to the area dedicated to residential use (at least 51% of the total project area). The bill specifies that an HTRZ to be at least 10 acres in size. It also modifies the radius restrictions where there are two light rail stations within 0.95 miles of each other. SB 208 enhances the requirements of the "but for test" (e.g., the type of development would not occur but for the HTRZ) and adds owner occupancy to the list of state objectives that proposals must satisfy. The bill adds two additional legislative appointees and one additional school district superintendent to the HTRZ committee. Lastly, the bill makes several other technical changes pertaining to the triggers for tax increment and the notice required. These changes are not retroactive, but entities submitting HTRZ proposals should be aware of them.

**Effective Date:** May 1, 2024

## **SB 268 First Home Investment Zone (W. Harper)**

### ***ULCT Position: Support***

**Legislative Intent:** SB 268 authorizes the creation of First Home Investment Zones (FHIZ).

**Local Impact:** A FHIZ is a tax increment financing tool designed to help communities fund infrastructure for centered development. There are many similarities between a housing and transit reinvestment zone (HTRZ) and a FHIZ. A FHIZ is created through the same process as an HTRZ; it is initiated by the city with a proposal to a committee of several different stakeholders. FHIZ proposals must demonstrate how the project would meet specified state planning objectives and the FHIZ must be between 10 and 100 acres in size. Like an HTRZ, a FHIZ requires participation of other taxing entities (up to 60% of tax increment) if approved. Unlike HTRZ, the FHIZ tool is intended for smaller scale development. The FHIZ requires 51% of the developable area in the zone to have a minimum density of 30 units/acre. 25% of homes in the FHIZ must be owner-occupied for a minimum of 25 years, and 12% of the owner-occupied homes must be affordable to households earning 80% of area median income or less. There must also be a mixed-use component. One unique trait of the FHIZ is that it allows for the creation of areas within the municipality but outside the FHIZ to count towards a portion of the housing requirements. The residential development in these areas must be zoned to at least six units per acre and require owner occupancy for at least 25 years. 12% of homes must meet the same affordable criteria as homes in the FHIZ. The tax increment can be used for system or project improvements in the FHIZ.

**Effective Date:** May 1, 2024



# Land Use

## HB 188 Modifications Relating to the Use of Land (N. Walter)

### **Review Policies for Compliance**

#### **ULCT Position: Neutral**

**Legislative Intent:** HB 188 enacts regulations that prohibit revocation or changes to the requirements in a building permit subject to a few exceptions. HB 188 also modifies restrictions on cities to permit tower cranes.

**Local Impact:** Once a municipality issues a building permit, they cannot then change or add requirements unless the building permit holder requests the changes or if it is necessary to comply with an applicable state building code. The exception for non-compliance with the state building code will still allow cities to change permits if it relates to life safety. The municipality may not revoke a building permit or has such an effect of revoking a building permit once it has been issued. Municipalities can also still put an expiration date on the building permit. The bill also has provisions that prohibit municipalities from requiring airspace approval from the owner of a parcel that a tower crane will be traveling over before issuing a building permit or authorizing development activity. The tower crane restrictions do not apply to tower cranes that will be carrying live loads over adjacent land or will be operating in an airport overlay zone or another zone designated to protect the airspace around an airport.

**Effective Date:** May 1, 2024

## HB 256 Military Compatible Land Use Amendments (V. Peterson)

### **Review Policies for Compliance**

#### **ULCT Position: Neutral**

**Legislative Intent:** HB 256 intends to improve planning coordination around military installations.

**Local Impact:** HB 256 requires municipalities and counties to consider whether applications for land uses that may have an adverse effect on military installation operations are consistent with their military land compatible use plans. This provision only applies to applications for land use within 5,000 feet of a boundary with military land. It does not apply to land use applications where an applicant already has a vested right.

**Effective Date:** May 1, 2024

## HB 289 Property Rights Ombudsman Amendments (K. Birkeland)

#### **ULCT Position: Oppose**

**Legislative Intent:** HB 289 changes the availability of damages a court may award to a prevailing party or to a party that is knowingly and intentionally violating the law. The stated purpose behind this bill was to keep cities and towns in compliance with the Office of Property Rights Ombudsman's advisory opinion.

**Local Impact:** HB 289 permits third parties the ability to obtain attorneys fees and costs if they substantially prevail in court on the same issues that were decided in their favor on the property rights ombudsman level. In addition to permitting the court to issue attorneys fees and costs to the substantially prevailing party, the

court may also award a \$250 penalty per day (remnant of prior legislation a few years ago) and consequential damages if the homebuilder, developer, or other nongovernmental party can show that the government knowingly and intentionally violated the law.

HB 289 effectively turns the advisory opinions by the property rights ombudsman office into a binding opinion that municipalities must follow or take considerable risks to challenge the property rights ombudsman's determinations in court. Due to the immense risk, this bill will likely chill cities and towns from challenging good-faith legal arguments before a district court judge.

**Effective Date:** May 1, 2024

## **HB 465 Housing Affordability Revisions (S. Whyte)**

### **Review Policies for Compliance**

#### **ULCT Position: Support**

**Legislative Intent:** HB 465 modifies moderate income housing plan (MIHP) reports, grants more flexibility for CRA housing set aside funds, requires planning for CRA housing set aside funds, and makes technical changes.

**Local Impact:** HB 465 was one of two bills recommended by the Commission on Housing Affordability and Unified Economic Opportunity Commission. The bill makes changes to several housing-related policies. First, HB 465 creates two new components of moderate-income housing plan reports: number of entitled units and zoning maps. The bill makes three changes to RDA/CRA housing set aside funds. It allows redevelopment area housing set aside funds to be spent on owner-occupied housing for households whose annual income is at or below 120% of area median income (AMI). The bill enables redevelopment area housing set aside funds to be spent on income-targeted housing projects in nearby communities if there is an interlocal agreement between the two jurisdictions. This allows for communities with small projects to combine funds for a more impactful regional housing project. It also requires redevelopment agencies to spend, encumber, or allot housing set aside funds within six years of the day the agency first receives the funds. In other words, agencies must expend, earmark, or plan for housing set aside funds proactively. HB 465 clarifies the process for federal pass-through funds administered by the Dept. of Workforce Services. The bill allows tax credits that have been returned to or recaptured by the Utah Housing Corporation (UHC) to be reallocated the subsequent year. Up to 15% of unallocated credits can be allocated the following year. Finally, it directs the Point of the Mountain State Land Authority to exercise its land use authority to increase the supply of housing, if appropriate.

**Effective Date:** May 1, 2024

## **HB 476 Municipal Land Use Regulation Modifications (S. Whyte)**

### **Review Policies for Compliance**

#### **ULCT Position: Support**

**Legislative Intent:** HB 476 was the annual Land Use Task Force consensus bill that made changes to a host of technical items affecting developers, home builders, and municipalities.

**Local Impact:** HB 476 will affect municipalities in many different areas, including the phasing of development, the review cycle, landings, waterwise landscaping, bonding requirements, sidewalk phasing, and development agreements. Given the breadth of the changes in this bill, please review the white paper on this bill. HB 476 clarifies annexation petition requirements. It clarifies that complete land use applications must be processed if they are separate and distinct from other land use applications unless the phasing sequence is governed by a development agreement. The bill repeals the requirement for municipalities to disclose how a development agreement may restrict an applicant's rights and replaces it with language restricting municipalities from requiring development agreements to access development permitted under existing land use regulations. The bill exempts certain overpressure ordinances from the prohibition on architectural design standards. It also prohibits the withholding of building permits or certificates of occupancy for the enforcement of residential landscaping. The bill states that municipalities may not dictate who is responsible for installing residential landscaping, but it allows municipalities to require sellers of new homes to inform the buyer of waterwise landscaping requirements. The bill clarifies the administrative subdivision process and states that window wells and landings may be located within the rear setback of a residential lot in certain circumstances. Lastly, the bill restricts municipalities from requiring a sidewalk in front of a single-family, two-family, or townhome residence as a condition for issuing a building permit. Allows municipalities to require completion assurance bonds for sidewalks.

**Effective Date:** November 1, 2024; the development agreement language is already in effect (March 19, 2024, being the day on which the Governor signed this bill).

## **HB 507 Construction Amendments (C. Musselman)**

### **Action Required**

**ULCT Position:** *Position Pending*

**Legislative Intent:** HB 507 attempts to clarify the laws and rules around storm water runoff controls.

**Local Impact:** There is a delayed implementation date, so there may be changes to the requirements before the bill goes into effect but as it stands now HB 507 will have significant impacts to storm water controls.

The bill will require each municipality to post on their website a list of preferred best management practices, as well as the requirements for a complete permit application. The municipality must complete a review of a complete prevention plan within 14 days, although the law does provide mechanisms to request modifications from the applicant. The bill makes significant changes to enforcement. Municipalities are not allowed to levy fines for noncompliance, but the bill does allow a municipality to stop construction after giving notice to the builder, or in the case of an immediate threat to water quality.

The bill requires oversight inspections to be done electronically, unless the municipality has a documented reason for an on-site inspection.

**Effective Date:** January 1, 2025. ULCT negotiated a delayed implementation date to give time for continued discussions with the sponsor.

## **HB 518 State Construction Code Modifications (T. Peterson)**

### **Review Policies for Compliance**

**ULCT Position:** *Position Pending*

**Legislative Intent:** HB 518 addresses what a building inspector may require a person to do in relation to a structure that was built without obtaining a building permit, passing inspections, or obtaining a certificate of occupancy. This bill does not change any laws relating to legal nonconforming use or a noncomplying structures, as those terms are used in LUDMA. This also addresses the withholding of building permits on unrelated projects for a person to obtain a building permit for structures that were erected illegally. This bill also adds changes to the State Building Code.

**Local Impact:** This bill will affect building inspectors in two different ways:

- 1) Building inspectors cannot withhold a permit or project approval because of the presence on the same property of an illegally built structure, which is separate and independent from the work the building permit is being requested. However, a building inspector can still withhold a building permit or a project approval if the structure was built within the prior five years, poses a health, life, or safety concern, or is related to the building permit scope requested.
- 2) After the noncompliant structure has been built for ten years or more and does not pose a health, life, or safety concern, a building inspector cannot require additional permitting, engineering, or inspections for the structure. However, a building inspector can still require additional permitting, engineering, and inspections if there is a health, life, or safety concern or if the structure was built within the prior ten years.

**Effective Date:** July 1, 2024

## **SB 13 Education Entity Amendments (L. Fillmore)**

### **Review Policies for Compliance**

**ULCT Position:** *Neutral*

**Legislative Intent:** SB 13 creates standard land use classifications for two new forms of educational facilities: home-based microschool and micro-education entities.

**Local Impact:** The bill defines a home-based microschool as an individual or association of individuals that registers as a business entity, operates for compensation, and provides K-12 education for 16 students for fewer from an individual's residential dwelling, accessory dwelling unit, or residential property. Daycare is specifically excluded from this definition. Micro-education entities, on the other hand, are an individual or association that registers as a business and provides K-12 education to less than 100 students. This definition specifically excludes daycares, home-based microschools, private schools and schools within the public education system. SB 13 extends the charter school permitted use status in all zones to both microschools and micro-education entities. Unlike charter schools, local governments retain the ability to regulate parking, traffic, hours of operation, business licensing, and other regulations that are not otherwise prohibited. Micro-education entities may operate in a building that meets class E (educational facility) occupancy requirements or class B occupancy requirements if the facility meets additional building and fire

code standards. Home-based microschoools must meet basic residential occupancy requirements and have space for at least 35 square ft per student. Additional fire code provisions apply to below-grade structures.

**Effective Date:** May 1, 2024

## **SB 168 Affordable Building Amendments (L. Fillmore)**

**ULCT Position:** *Support*

**Legislative Intent:** SB 168 authorizes the Home Ownership Promotion Zone (HOPZ), adopts a statewide building code for modular construction, and makes several technical changes to housing programs.

**Local Impact:** Most of SB 168 resulted from the Commission on Housing Affordability workgroups. The exception is the HOPZ concept. The HOPZ tax increment financing tool is designed to facilitate owner-occupied affordable housing (80% AMI) in smaller projects than a Housing and Transit Reinvestment Zone (HTRZ) or a First Home Investment Zone (FHIZ). A HOPZ must be smaller than 10 acres and it must be zoned residential for at least six units per acre. The tool is designed to facilitate new housing development and cannot include an area where building permits for homes have already been issued. A HOPZ captures up to 60% of the applicable area's tax increment, which must be spent on public or system improvements that directly benefit the HOPZ. Like an HTRZ or FHIZ, a HOPZ must meet several housing-related objectives. However, a HOPZ does not need an approval committee. Cities can initiate them unilaterally save for a few restrictions and HOPZ was added as a moderate-income housing plan strategy. The bill also adopts a statewide building code (modified Modular Building Institute Standards 1200 and 1205) for modular housing units. Modular housing units are prefabricated in a factory and transported to the construction site. Modular housing units must be connected to a foundation. The bill further provides for quality control, inspection responsibilities, fees, and liability. Lastly, the bill clarifies eligibility for the First Time Homebuyer Assistance Program and gives the Utah Housing Corporation more flexibility to set qualifying purchase prices.

**Effective Date:** May 1, 2024

## **SB 185 Residential Building Inspection Amendments (E. Vickers)**

**Action Required**

**ULCT Position:** *Neutral*

**Legislative Intent:** HB 185 modifies the processes for homebuilders to obtain a third party inspection after the three-day period that a city inspector is statutorily required to inspect the property for compliance with the applicable codes.

**Local Impact:** HB 185 mandates that all municipalities develop a list of third party inspectors that a homebuilder can select from if the municipality does not perform the inspection within three days from the time of the request. Cities of the first through fourth class must have three or more third party inspection firms on their third party inspection list. Cities of the fifth and sixth class and towns must have at least one third party inspector on their list. Third party inspectors may include other adjacent county or city inspectors. Municipalities are still responsible for paying for the third party inspectors that are selected by

the home builder after they receive a report showing that the builder is in compliance with all applicable codes. Municipalities are not held liable for any inspection performed by a third-party inspection firm.

**Effective Date:** May 1, 2024

# Public Safety

## **HB 67 First Responder Mental Health Services Grant Program Amendments (R. Wilcox)**

### ***ULCT Position: Support***

**Legislative Intent:** HB 67 broadens eligibility for the First Responder Mental Health Services program and makes technical changes.

**Local Impact:** HB 67 extends eligibility for the First Responder Mental Health Services grant to several categories of public safety employees who are not eligible to participate in the public safety or firefighter retirement systems. The program also allows the grant funds to be used at accredited non-profit and private universities. The bill clarifies that funds can only be awarded for an amount up to the lesser amount of the net cost of tuition and fees or \$6,000.

**Effective Date:** May 1, 2024

## **HB 84 School Safety Amendments (R. Wilcox)**

### ***Review Policies for Compliance***

### ***ULCT Position: Neutral***

**Legislative Intent:** The intent of this legislation is to add safety measures to schools and, for law enforcement agencies, ensure there are policies for school resource officers. The legislation adds requirements to sheriffs, the state security chief, and creates the school security task force.

**Local Impact:** This bill requires any law enforcement agency with a school resource officer unit to develop a school resource officer policy. The policy must include the process for assignment and selection of a school resource officer, required training of a school resource officer, internal reporting requirements, arrest and use of force protocols, and other duties required of a school resource officer. The state security chief shall create a model policy consistent with the aforementioned requirements and a law enforcement may, but is not required to, adopt the model policy. The state security chief shall establish building and safety standards for all public and private schools, including establishing a schedule or timeline for existing buildings to come into compliance. The state security chief shall also create the official standard response protocol for use by schools and law enforcement for school safety incidents and establish a manner for any security personnel to be quickly identified by law enforcement during an incident. The county security chief shall collaborate with the school safety and security specialist and a designee from the local law enforcement agency of the relevant jurisdiction to conduct the school safety needs assessment. The county security chief is also responsible for maintaining effective communications regarding school safety with each local law enforcement agency within the county. Additionally, the county security chief is to administer training described in Sections 53-22-105 and 53G-8-704 including assessing if an individual is capable of the duties and responsibilities that the training covers. This bill also creates the school guardian program which allows for individuals to be school guardians by completing certain training outlined in 53-22-105. HB84 also requires for an immediate report to be made by a state employee or person in a position of special trust to the state security chief, the local education agency, or the nearest peace officer or law enforcement agency when there is a substantial threat to a school, a school employee, or student attending a school. Each

campus within an LEA shall designate a school safety and security specialist from the employees of the relevant campus. This individual is to maintain effective communication with multiple groups, including local law enforcement.

**Effective Date:** May 1, 2024

## **HB 86 Public Safety Data Amendments (R. Wilcox)**

### ***Review Policies for Compliance***

#### ***ULCT Position: Support***

**Legislative Intent:** HB 86 clarifies that the law enforcement action report is a report required to be included in the public safety portal managed by the State Commission on Criminal and Juvenile Justice and creates a public safety portal grant.

**Local Impact:** Law enforcement action reports are required to be included in the public safety portal with the passage of this bill. Additionally, it allows for the State Commission on Criminal and Juvenile Justice the ability to contract with governmental entities to assist criminal justice agencies in complying with reporting requirements outlined in 63A-16-1002(4). HB86 also creates the public safety portal grant program which will award grants to assist entities in complying with the data reporting requirements as mentioned in the subsection above. Entities will have to submit certain information with their grant application including how they will fulfill the purpose of the program, existing and planned partnerships with other entities, and other information the commission deems appropriate through their rulemaking ability.

**Effective Date:** March 13, 2024

## **HB 223 Airport Weapon Possession Amendments (S. Gricius)**

### ***Review Policies for Compliance***

#### ***ULCT Position: Position Pending***

**Legislative Intent:** HB 223 affects municipalities who have airports located within their jurisdiction, particularly if the municipality's law enforcement officials are in charge of providing public safety at the airport. This bill addresses the criminal charges and process to address an individual who carries a firearm or other dangerous weapon into a secured area in the airport. It also addresses what law enforcement may or must do in relation to the firearm that is stored or ceased within the airport.

**Local Impact:** HB 223 requires all law enforcement agencies having law enforcement jurisdiction over an airport to submit a report annually to the State Commission on Criminal and Juvenile Justice that details the number of instances that someone has been cited or warned along with other details of each of the encounters. This law provides the select criminal consequences for violating the law. If a law enforcement agency takes or stores the gun, if not retrieved, can be handled just like other unclaimed or lost property within the state.

**Effective Date:** May 1, 2024, but for some sections, obligations begin only after January 1, 2026



## **HB 333 Fireworks Modifications (J. Dunnigan)**

**ULCT Position:** *Neutral*

**Legislative Intent:** HB 333 reclassifies explosives and provides that fire districts may issue permits to discharge fireworks.

**Local Impact:** No impact on the ability of municipalities to require a retail seller to obtain a license and pay a reasonable fee before selling fireworks. HB 333 does add fire districts to the list of entities able to issue permits to discharge fireworks.

**Effective Date:** May 1, 2024

## **HB 378 First Responder Mental Health Services Amendments (R. Wilcox)**

**Review Policies for Compliance**

**ULCT Position:** *Neutral*

**Legislative Intent:** HB 378 modifies the Critical Incident Stress Program, which requires public safety agencies to provide mental health resources to first responders and their immediate family members.

**Local Impact:** The bill first requires the Dept. of Public Safety (DPS) to annually provide informational resources to first responder agencies, administrators, employees, and volunteers. DPS is also required to post reimbursement information on their website for program volunteers and provide annual training for the program volunteers. HB 378 expands program eligibility to include civilian employees of first responder agencies who are authorized to access information concerning traumatic events. Agencies are required to annually provide information to first responders regarding the availability of resources, how to access resources, and how to appeal a denial of resources. First responder agencies must also designate an administrative (non-leadership) or human resources liaison. Agencies must notify DPS when this individual is chosen or if the appointee changes. The bill broadens eligibility for the small agency grant to include departments staffed primarily by volunteers or departments with 10 or fewer employees regardless of their city or county classification. Recipients of small agency assistance will need to notify the department when a critical incident occurs. Lastly, the bill tasks DPS with investigating denials of mental health resources to ensure they are not in violation of state code. If a violation is found and not cured within 60 days of the agency receiving notice, the Director of the Commission on Criminal and Juvenile Justice (CCJJ) may withhold state grant funds from the agency. After July 1, 2025 the Director of CCJJ is required to withhold state grant funds following the same investigative process.

**Effective Date:** July 1, 2024

## **HB 382 Wildlife Amendments (C. Snider)**

**ULCT Position:** *Position Pending*

**Legislative Intent:** HB 382 ensures that the Division of Natural Resources have the ability to manage wildlife in areas of new development or within municipalities. This bill sets forth the regulations the municipality and Division must follow in accomplishing that goal.

**Local Impact:** After May 1, 2024, municipalities will no longer be liable for wildlife damage or nuisance claims relating to new development in the state. Municipalities who own or purchase an aggregate amount of more than 500 contiguous acres of land in fee simple and restrict by ordinance or another action the Division of Natural Resources ability to manage the wildlife population (including hunting programs). However, a city will not be required to respond to a wildlife damage claim or nuisance claim if they have a law, rule, or ordinance or taken action to prohibit the use of firing a firearm within the boundaries of the municipality.

**Effective Date:** July 1, 2024, except that after May 1, 2024, municipalities will no longer be liable for damage and nuisance claims related to new development.

# Water

## SB 125 Secondary Water Amendments (D. Hinkins)

### **ULCT Position:** *Support*

**Legislative Intent:** To clarify secondary water metering requirements for smaller systems and increase the limits on grants for secondary water suppliers.

**Local Impact:** With approval of the state engineer, a secondary water metering system is not required to meter every secondary water connection, but will have to meter at strategic points, if the system has no or minimal storage and relies primarily on stream flow, the majority of users are associated with agriculture or power generation, and less than 50% of the water is used by residential secondary water users is a mix of pressurized lines and open ditches, and has 2,500 or fewer users, if serviced by one of the four largest water conservancy districts or within the Great Salt Lake; or 1,000 or fewer users in the rest of the state. The bill also raises the limit on the amount of grant money a secondary water supplier can receive. A supplier with 7,000 secondary water connections or less is eligible for up to \$10,000,000 (previously \$5m), and a supplier with more than 7,000 connections is eligible for up to \$20,000,00 (previously \$10m).

**Effective Date:** May 1, 2024

## HB 280 Water Related Changes (C. Snider)

### **ULCT Position:** *Neutral*

**Legislative Intent:** HB 280 requires the formulation of a state water plan and also requires a study on how to finance water infrastructure projects.

**Local Impact:** HB 280 has many components but the key portions ULCT needs to watch are the creation of a state water plan on or before December 31, 2026 as well as a study on whether to impose a new fee to fund water infrastructure projects to be completed by October 31, 2025.

**Effective Date:** The bill takes effect on May 1, 2024, even though some of the studies and planning have later due dates, as noted above.

# Potential Interim Issues

## Growth Issues

ULCT expects the significant interim dialogue around growth related challenges (housing, water, transportation, and more) to continue at both the Unified Economic Opportunity Commission (UEOC) and the Commission on Housing Affordability (CHA). Governor Spencer Cox, Senate President Stuart Adams, and House Speaker Mike Schultz lead the UEOC as it enters its fourth year. ULCT Past President and South Jordan Mayor Dawn Ramsey represents ULCT on the UEOC. Senator Lincoln Fillmore and Representative Stephen Whyte co-chair the CHA. Both commissions will meet in May to set interim policy agendas.

ULCT will continue to advocate at both commissions based on the growth policy framing questions adopted by the ULCT Board of Directors:

- 1) How does the proposal preserve the quality of life of current and future residents?
- 2) How does the proposal allocate current and future costs and ensure the sustainability of infrastructure?
- 3) Will the proposal result in more affordable housing units that are directly affordable to the buyer or renter?
- 4) Will the proposal result in more affordable housing?

ULCT staff will continue to update members throughout the interim as conversations progress.

## Other Potential Interim Issues

Other potential topics may include:

- Accessory dwelling units
- Annexation
- Building & development fees
- Building inspections
- Crisis & emergency shelters
- Data privacy & security
- Gravel pits
- Infrastructure funding
- Local government fee authority
- Municipal fiber internet
- Public asset management
- Public noticing
- Short-term rentals
- Stormwater permitting
- Water conservation
- And more!

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