



UTAH LEAGUE OF  
CITIES AND TOWNS

**2025**

Spring Training

# General Government



**ULCT Bill Tracker**



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**April**  
**9**

**Spring  
Training Land  
Use Q&A**

**12:00 PM  
Zoom Webinar**

**APR**  
**17-18**

**ULCT Midyear  
Conference**

**St. George**

**MAY**  
**7-9**

**APA Spring  
Conference**

**Logan**

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**959**

**bills introduced**

134 more bills than prior  
9-year average

**1,110**

**substitutes &  
amendments adopted**

6 fewer than last year, 118  
above prior year average

**ULCT tracked**

**279 bills**

61 more bills than prior 3-  
year average

**582**

**bills passed**

9 fewer than last year, 2nd  
highest number

~ 37% of bills fail procedurally

**1** Most bills that fail, fail procedurally  
~37% of all bills

**2** Committees advance 90.3% of bills

**3** 2.5% fail floor votes



# General Government

General  
Government

**SB 277**

**HB 444**

**HB 504**

**HB 198**

**HB 77**

**HB 256**

**HB 300**

**HB 454**

**SB 310**

**SB 154**

**SJR 4**

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*Sen. M. McKell*

- Creates a new Government Records Office
- Replaces State Records Committee with Director who is an Administrative Law Judge appointed to 4-year term
  - Selected by Governor in consultation with Executive Director and with the advice and consent of the Senate
  - Utah attorney, knowledgeable in records laws
- Report provided to Committee annually on efficiency and status
- Establishes a periodic review process every two years (starting in 2027) that looks at performance of Director
- **Everything else stays the same:**
  - Balancing test; processing times; fee provisions; authority; etc.

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*Rep. J. Moss*

- Designate your chief administrative officer and records officers and report the names of employees to SAR
- Privacy Practices Report (Deadline: December 31, 2025):
  - Organizational, technical, administrative, and physical safeguards designed to protect personal data
  - Policies and procedures related to the acquisition, use, storage, sharing, retention, and disposal of personal data
  - Practice of providing notice to an individual regarding their individual privacy rights
  - For processing activities before May 7, 2025:
    - Identify any non-compliant processing activity;
    - Document the non-compliant processing activity;
    - Prepare a strategy to be in compliance



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*Rep. J. Moss*

- Noticing:
  - If public record under GRAMA: A statement that the data may be available to the public
  - If not a public record under GRAMA: A notice describing:
    - All intended purposes and uses of the data
    - Consequences for refusing to provide the personal data
    - Classes of persons and governmental entities that entity shares or sells data
    - Record series that data is included
  - Exception: Municipality's website or, if none, then PN website
    - 1) serve a public safety interest and
    - 2) produce a public benefit that is  $\geq$  the
    - potential impact on a person's privacy interest

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*Rep. J. Moss*

- Annual Training of current and new employees
- Contractors:
  - No longer need to take privacy training
  - Contractors still obligated to abide by Utah privacy data laws (but no affirmative action required to enforce by municipality).
  - Contractors required to participate in same privacy training as governmental entity **BUT**, delayed implementation of July 1 2026 (intended to be looked at more over interim)
- Adds 1 member to privacy commission representing cities
- No need to notify individuals of breaches of data classified as public so long as a notice is put on your website
- Website privacy policy posted – look at requirements
- Permits disciplinary action against employee

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*Rep. J. Moss*

- Exemption or exception from requirements or different annual training program:
  - Application must have:
    - Identify the specific duty you want to be exempted or extension of time
    - Include justification
  - Office reports it at the next privacy board meeting the name of the entity and nature of the exemption
  - State privacy auditor is also informed about exemption or extension

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# 7. Should we require candidates for municipal office to file a conflict of interest disclosure form when declaring candidacy?

*Rep. L. Shepherd*

- Requires candidates for municipal office to file a conflict of interest disclosure form when declaring candidacy
  - Not required if the candidate is an incumbent and already filed the form earlier that year
    - The incumbent verifies the information is current
  - Conflict of interest forms must be displayed online
- Requires candidates looking to fill a midterm vacancy to file a conflict of interest disclosures form 3 days before the meeting to interview candidates
- Also applies to counties, local school boards, special districts, and legislative and statewide offices

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*Rep. L. Shepherd*

- City recorder or town clerk shall provide forms to candidates
  - Because the form may take time to fill out, it is probably a good idea to have forms accessible before candidates arrive at the office

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*Rep. V. Peterson*

- **Widening and Reconstruction (sign needs to move due to road)**
- Old Law:
  - Same property
  - Adjacent property
  - Interstate Highways: 1 mile from the current location on either side of the same highway;
  - State Highways: ½ mile from current location on either side of highway; or
  - Mutually agreed upon location
- New Law:
  - Interstate: Unlimited distance in the same municipality
  - State Highway: 1 mile within same municipality
  - Another municipality if agreed to.



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# View or readability of the sign (visibility, not due to structure)

*Rep. V. Peterson*

- **View or readability of the sign (visibility, not due to structure)**
- Old Law: Interstate, Federal and State Highways:
  - Adjust the height of the sign or
  - Move to a place 500 feet from its prior location if in a commercial or industrial zone
- New Law:
  - Adjust the height of the sign;
  - Interstate/Federal Highway: Either side of same highway w/in the same municipality if in commercial or industrial zone
  - State Highway: Either side of the same highway w/in the same municipality, then within 1 mile of its prior location if in commercial or industrial zone

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*Rep. T. Lee*

- Government entities cannot display a flag unless on the list of exempted flags
- State auditor ensures compliance and imposes fines
  - Provides cure period no longer than 30 days
  - Failure is \$500 per violation per day
- Municipality may seek judicial review – standard is clearly erroneous



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7 | Short-Term Rental (STR) Website Licensing  
Rep. N. Walter

*Rep. N. Walter*

- Allows government entities to require STR owners to obtain a business license
- Allows use of a listing or offering of an STR on a website as evidence that a STR took place so long as there is additional information that the owner violated a municipal ordinance
- Municipalities cannot regulate a short-term rental website
- Municipalities may request that STR website take down violating STR listing – URL and reason for request
- Website cannot be required to respond to the request
- Municipality may provide the county auditor of listings or offerings where a TRT on the rental of rooms in hotels, motels, etc. if there is evidence that they are using those rooms as STRs.

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*Rep. J. Burton*

## What changes in 2025?

-Ballots must be received by the election officer, deposited in a ballot box or drop box, or the person must be in line on or before 8:00 pm on election day

-Some changes to voter identification

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*Rep. J. Burton*

## What changes in 2025?

-Changes to voter registration forms with choice:

-Mail me a ballot

-Don't mail me a ballot. I will vote in person

-Ballot are still mailed to all active voters unless they request not to receive one

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*Rep. J. Burton*

## What happens from 2026 - 2029?

-Ballots mailed to all active voters unless voter requests not to receive one by mail

-Voter may provide last 4 digits of DL or State ID or SSN along with signature on ballot return envelope. Ballot can still be counted if signature matches.

-Can make choice to have ballot mailed or vote in person on:

-Voter Reg forms, online voter reg, DL renewal,  
or when voting in person

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*Rep. J. Burton*

## What happens after 2029?

-Ballot only mailed to voters:

-Who request them in the past 8 years, and

-Have voted in previous elections (needs clarification)

-Must present ID to vote at the polls

-Returned ballots must include last 4 digits or DL or State ID, or SSN, or a photocopy of certain other forms to be counted

# City imposed tax vs. fee:

Do you know the difference? Do your legislators know the difference?

	<i>Tax</i>	<i>Fee</i>
<i>Who authorizes it?</i>	State	City
<i>Who administers it?</i>	State Tax Commission	City
<i>What is it for?</i>	Revenue for <b>general government</b>	<b>service fee:</b> specific charge in return for specific benefit <b>regulatory fee:</b> specific charge which defrays the gov't cost of regulation
<i>Who pays?</i>	<b>Some property owners, but not all</b> (e.g. property tax & exempt property, sales tax & various bases)	<b>All users pay for service</b> <i>“to be a legit fee for service, amount charged must bear a reasonable relationship to the services provided, benefits received, or need created”</i>

# SB 277 - Broadband Fees

Sen. K. Peterson

- **Broadband Fees**

- City cannot impose a broadband general fee unless:

- If before May 7, 2025 city issues general fee, then must repeal it no later than July 1, 2026.
- If before May 7, 2025 city issued bond secured by general fee, then no later than 60 days after bond is paid
- If before May 7, 2025 city issued general fee to pay for a bond issued before January 1, 2025, then must repeal general fee within 60 days of bond being paid off

- Summary:

- If no bond: Ends no later than July 1, 2026
- If bond: Ends no later than 60 days after paid



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*Sen. K. Peterson*

- **Public safety fee**

- If you are a city of 3rd, 4th, 5th class or town and contract with a political subdivision and PSF imposed by Jan. 1, 2025 and re-authorized every 3 years
- If above doesn't apply and imposed PSF before May 7, 2025, the PSF must be repealed by July 1, 2026
- Does not apply to volunteer public safety fees



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*Sen. K. Peterson*

- **Transportation Utility Fee (TUF)**

- Allowed if:

- Reasonable relationship between TUF and services provided to, benefits received by, or the need created by those who pay the TUF – Can't just rely on property size or ownership
- Approve by ordinance and study and follow process in code

- Methodology must include residential, commercial, and houses of worship

- Annual review and prepare report and sent to State Auditor

- Subject to referendum

- Expires 10 years from date imposed

- Those that have it must comply by July 1, 2026

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*Sen. B. Brammer*

- **Where it started and ended:**
  - **Transportation Utility Fee (TUF)**
    - May not charge a religious organization with nonprofit status
    - SB 310 is unclear about the study requirements
    - Narrower definition of transportation uses
- **SB 310 is silent on public safety & broadband fees**

**Note:** Definition of reasonableness and the processes for notice, hearing, and renewal are the same in both bills

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**PLEASE! PLEASE! PLEASE!**  
**IF YOU WANT TO ENACT ONE, FOLLOW PROCESSES  
AND REQUIREMENTS SET OUT IN HB 454 AND IT  
WILL BE MORE DEFENSIBLE IF CHALLENGED!**



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*Sen. B. Brammer*

- OLAG may request documents in an audit
- City can return a “privilege log” of those documents it believes are privileged
- If documents on privilege log are challenged, OLAG will provide three arbitrators and municipalities can pick one if done within three business days
- Both parties pay half the cost unless:
  - Bad faith of municipality is found, then municipality must pay the full cost of the arbitrator
- All documents are reviewed by arbitrator in private and cannot be released or used in any other way
- Provides entities ability to share privileged information with OLAG without waiving AC privilege or Att. Work product.

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*Sen. B. Brammer*

- The initial bill removed the attorney client privilege.
- Later substituted bills removed the offending provisions and left it with the main provision allowing municipalities to share privileged information with OLAG without waiving privilege.
- No concerns

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- GRAMA: SRC to ALJ (SB 277), Garrity (2023)
- immunity for attorneys (HB 364)
- code enforcement enhancement (HB 320)
- closed mtg for city owned land (HB 368)
- noticing changes (HB 368)
- appeals and public input (HB 368)
- State \$ for parks, UORG grant rule change
- 5th 5th (2023)
- transit innovation grants (2024)
- MIHP safe harbor, priority (HB 37)
- STR (HB 256)
- legacy city \$ for ownership (HB 360)
- Research on entitled units
- TUF (HB 454)
- alcohol proximity (SB 328)

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