

**UTAH ASSOCIATION OF SPECIAL DISTRICTS
2023**

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By the end of the 2023 session of the Utah State Legislature, the Association was following and addressing 250 Bills. During the session, many additional Bills were reviewed and investigated to make sure they had no impact on local districts or special service districts that, once the lack of impact was confirmed, were dropped from the weekly legislative summary.

“H.B.” stands for “House Bill” and “S.B.” stands for “Senate Bill.” Most of the Bills were “tracked,” but a number of them were actively supported or opposed by the Association. During the course of the forty-five-day legislative session, weekly meetings were held at State Capitol, at which all interested local district and special service district representatives were welcome to join in person or online via Zoom. Bills were reviewed during those meetings and the position of the Association on each Bill was determined. By the end of the legislative session, the Association supported 92 Bills, 75 (82%) of which passed. The Association opposed a number of Bills, many which were eventually amended or substituted, resulting in the Association changing its position on those Bills to Support or Track. Of the remaining 16 Bills that the Association opposed, only 2 passed.

This Review does not include every passed Bill that may impact your district and no one district will be impacted by all of the Bills that are reviewed. It does also include a few notable Bills that failed to pass. The reviews, in most instances, merely touch upon some of the salient features of the Bill. Most of the reviewed Bills are not limited to local districts and special service districts. They may, for example, also apply to counties, municipalities, etc. However, this review is limited to the impact on local and special service districts. If, from the brief summary presented below, it appears that a Bill may be applicable to your district, you are urged to review the entire Bill, which may be viewed online at www.le.utah.gov (go to “Bills,” then click on “Passed Bills,” then scroll down and click on the desired Bill number) and, if appropriate, to consult your attorney. You may also contact LeGrand Bitter, Heather Anderson, Mark Anderson, or Rachel Anderson with further questions.

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ELECTIONS

H.B. 162 – Voter Accessibility Amendments

Sponsor: Representative Matthew Gwynn

UASD Position: Support

Prior to the passage of H.B. 162, an Americans with Disabilities Act (“ADA”) compatible voting machine has been available at all in-person polling locations, but there has been no mechanism to assist voters with disabilities who vote by mail. This Bill addresses vote by mail accessibility issues by providing alternative options for verification of the signature of a voter who is unable to produce a consistent signature, thus allowing the voter to participate in mail-in voting. This Bill creates a check box alternative to the voter signature on the ballot that could be marked for an individual with a qualifying disability under the ADA. The check box alternative requires that contact information for the voter with a disability be provided. Election officers must provide a method of accessible voting for voters with a disability who are not able to vote by mail.

H.B. 303 – Election Records Amendments

Sponsor: Representative Norman Thurston

UASD Position: Track

Non-identifying information of an individual whose voter registration record was classified as a private record at the request of the individual will now be given to political parties and candidates, to be used for a political purpose. Affected individuals will be notified of this change by the Lieutenant Governor’s Office. The protected voter’s information may only be provided to, and used by, political parties and candidates for public office and may not be disclosed to others not clearly identified and may not be used for any other purpose than that provided for in the section of the Code. If the person obtains the information under false pretenses, or provides or uses the information in a manner that is prohibited by law, the person is guilty of a class A misdemeanor and is subject to a civil fine.

H.B. 324 – Workplace Violence Protective Order Amendments

Sponsor: Representative Tyler Clancy

UASD Position: Support

This Bill amends the state’s protective order statute by allowing an employer to seek a workplace violence protective order if the employer reasonably believes workplace violence has occurred against the employer or an employee of the employer. If an employer seeking a workplace violence protective order has knowledge that a specific individual is the target of workplace violence, the employer must make a good faith effort to notify the targeted individual that the employer is seeking a workplace violence protective order. This Bill provides a tool for employers to help ensure the safety of their employees when workplace violence has occurred or threatens to cause bodily injury to, or significant damage to the property of, an employee.

H.B. 448 – Election Changes

Sponsor: Representative Corey Maloy

UASD Position: Support

H.B. 448 creates Utah Code Section 20A-1-105 “Chief election officer of the state -- Duties, authority, and enforcement,” which clearly states that the Lieutenant Governor is the Chief Election Officer of the state and defines the responsibilities and enforcement authority of this position.

An election officer must fully assist, and cooperate with, the Lieutenant Governor in fulfillment of the duties and responsibilities of the Chief Election Officer when overseeing all materials and staff, including volunteers, in relation to any election. The Chief Elections Officer may choose to provide training and other assistance deemed necessary to any election officer who fails to comply with the law or rule. There are legal procedures an election officer or the Chief Election Officer may utilize if there is a failure to comply or a belief that the order was arbitrary and capricious. An election officer that files a complaint with the courts has the burden of proof. All clerks must comply with all state and federal election rules and laws, as well as the policies and direction of the Lieutenant Governor’s Office. A clerk must diligently learn and become familiar with the election laws, rules, policies, and directions. The Lieutenant Governor must design and provide free training to election officers and government workers who perform functions relating to elections. This Bill describes the procedures for performing an audit of an election and the duties of the Lieutenant Governor regarding election audits and the use of current best practices.

County clerks are now required to annually identify and remove inactive voters from the voter registration database. Clerks must utilize a tool to identify and remove any duplicate voter records from the database. The Lieutenant Governor must maintain the statewide voter database on a prescribed schedule. The Bill goes into greater detail of the responsibilities and timelines for county clerks to perform their duties. It is recommended that all clerks read this Bill carefully and refer to the provisions often.

H.B. 512 – Elected Official Education

Sponsor: Representative Brad Wilson

UASD Position: Track

This Bill requires the Utah Legislature to host an annual summit to educate and train legislators and local elected officials in Utah. The training will include legal requirements for elected officials; professional development, leadership, management, and other skills related to functioning as an elected official; issues facing the state or local jurisdictions and the role of state and local elected officials in responding to both state and local issues; taxation, revenue, appropriation, and budgeting in relation to the state and local jurisdictions; and other education and training. This must begin no later than 2024.

S.B. 17 – Voting and Voter Registry Amendments

Sponsor: Senator Daniel Thatcher

UASD Position: Support

Determining which precinct a voter lives in can be complicated. This Bill clarifies practices and policies for clerks to determine an individual's principal place of residence and clearly states that an individual does not lose their principal place of residence when they move to a foreign country, another state, or another voting precinct within Utah, for temporary purposes with the intention of returning. An individual who moves from one county in Utah to another county in Utah retains the right to vote in the county from which the individual moved for 30 days after the day on which the individual moved from the county, unless the individual votes in the new county for that election.

Election officers and election officials must accept a declaration of candidacy in the district for the individual's principal place of residence unless it is shown by law or by clear and convincing evidence that the individual's principal place of residence is not in Utah or not in the applicable precinct or district. The Bill also addresses the small percentage of American citizens living overseas that have never resided in the United States and allows them to vote on a Utah ballot if they meet certain criteria.

EMPLOYMENT AND RETIREMENT

H.B. 11 – Volunteer Government Workers Amendments

Sponsor: Representative James Dunnigan

UASD Position: Track

In 2022, legislation passed that allows a governmental agency to provide minimal stipends, such as workers compensation and liability protection, for volunteers when performing public safety duties. The Internal Revenue Service ("IRS") aggregate amount a sponsoring agency may spend on volunteers under the Volunteer Workers Act is currently set at \$600. This is meant to cover expenses for things such as meals and awards banquets. The Fair Labor and Standards Act ("FLSA") rule allows public safety, EMS and firefighter volunteers to receive nominal fees. Nominal fees are defined as any amount less than 20% of a full-time employee performing the same or similar duties. H.B. 11 clarifies that the FLSA benefits received by firefighter, public safety, and EMS volunteers are not to be counted towards the IRS aggregate \$600 maximum amount. These reasonable benefits include workers compensation, disability and life insurance; personal property tax relief; service awards; utility bill credits; costs for attending training, classes, or conferences; tuition; books; and travel expenses. Pass through federal or state stipends will continue to be set at the allowable rate for federal or state level stipends.

H.B. 105 – Public Employee Disability Benefits Amendments

Sponsor: Representative Brian King

UASD Position: Support

This Bill establishes a three-year pilot program, beginning July 1, 2023, that will allow public employees to receive the same disability benefits for a mental objective medical impairment the same as for a physical objective medical impairment. An eligible employee's disability benefits may be reduced, suspended, or terminated if the employee fails to participate in ongoing care or treatment. The Office of Workers Compensation is required to review an eligible employee's total disability status at least once each year.

H.B. 281 – Social Credit Score Amendments

Sponsor: Representative Cheryl Acton

UASD Position: Track

A social credit score is a numeric, alphanumeric, or alphabetic value or other categorization assigned to a person based on the person's compliance or noncompliance with government guidance, social media post, participation or membership in a lawful club, association, or union, political affiliation, or employment industry or employer, or the identity of the members of the person's social network. A social credit score does not include a consumer report, compliance or noncompliance with statute, administrative rule, or other law; or a numeric, alphanumeric, or alphabetic value or other categorization assigned to a person for purposes of education, training, or job performance assessment, purposes of a contest or competition, purposes of hiring a prospective employee or independent contractor, purposes of issuance or taking an action against a professional license, certification, registration, or permit, purposes of a professional or tax audit, or use by a financial institution or an affiliate of a financial institution regulated under Title V of the Gramm-Leach-Bliley Act, 15 U.S.C. Sec. 6801 et seq., to determine risk of loss, impairment, or default.

H.B. 281 prohibits a governmental entity from using, enforcing, providing data for use in, or otherwise participating in the creation or use of a system that, based on a social credit score, discriminates against, advocates for, or causes adverse or preferential treatment of a person.

H.B. 468 – Employment Screening Requirements

Sponsor: Representative Marsha Judkins

UASD Position: Track

This Bill is designed to help alleviate the shortage of behavioral health professionals, while giving qualified ex-offenders who have met certain requirements, a chance to be hired in the mental health field. H.B. 468 modifies and aligns the screening processes within the Department of Health and Human Services ("DHHS") to meet this objective. The Bill explicitly prohibits public employers from asking an applicant about their juvenile records or expunged convictions and may not deny an applicant employment based on an individual's juvenile

records or expunged convictions. A public employer may not deny an individual seeking employment as a social worker, therapist, mental health worker, substance use disorder therapist, or psychologist due to a criminal conviction after the sentence is terminated or three years after the last day they were incarcerated. A public employer may only look at past convictions that affect an applicant's ability to perform the job they're applying for in the field of mental health. This prohibition does not apply to violent felony criminal convictions or a felony related to a criminal sexual act. Several public and private employers are exempt, such as companies that work with children or vulnerable adults, or an entity whose primary purpose is performing financial or fiduciary functions.

H.B. 512 – Elected Official Education

Sponsor: Representative Brad Wilson

UASD Position: Track

H.B. 512 is one of the rare pieces of legislation sponsored by the Speaker of the House and President of the Senate. The Bill requires the Legislature to host an annual summit to educate and train all elected officials in Utah. The training includes legal requirements for elected officials; professional development, leadership, management, and other skills related; functioning as an elected official; issues facing the state or local jurisdictions and the role of state and local elected officials in responding to both state and local issues; taxation, revenue, appropriation, and budgeting in relation to the state and local jurisdictions; and other education and training as the Speaker of the House of Representatives and the President of the Senate direct.

S.B. 89 – Utah Retirement Amendments

Sponsor: Senator Wayne Harper

UASD Position: Track

S.B. 89 requires an employer to automatically enroll a newly hired benefit-eligible state employee to make a biweekly contribution to a Utah Retirement Systems ("URS") 401(k) retirement savings account in an amount equal to the amount that is eligible for an employer match. The Bill allows an employee to opt out of automatic enrollment, change the amount of a contribution, or change the URS retirement savings account into which the contribution is made. This only applies to state employees but it is good to be aware of this as the Legislature may propose the same requirements for local government entities in the future.

S.B. 233 – Portable Benefit Plan

Sponsor: Senator John Johnson

UASD Position: Track

S.B. 233 allows a governmental or private entity to provide, and make contributions into, a portable benefit plan for an independent contractor. A portable benefit plan is a group that offers an insurance product regulated by Title 31A, Insurance Code, or Title 35A, Chapter 4, Employment Security Act, and is assigned to an individual beneficiary and is not associated with

a specific employer or hiring party. Providing a portable benefit plan is completely voluntary and may not be used as a criterion for determining a person's employment classification nor evidence of employer liability, and it may not construe the contribution as an element of an employment relationship for purposes of the Workers' Compensation Act or the Employment Security Act.

GENERAL GOVERNMENT

H.B. 22 – Local District Amendments

Sponsor: Representative Stewart Barlow

UASD Position: Support

H.B. 22 is the first of two Bills that change the term “local district” to “special district” throughout the Utah Code. Independent districts had been referred to generically as “special districts” from their creation until 2007 when, in an attempt to draw a clear line between independent “special districts” (Title 17 B of the Utah Code) and “special service districts” (Title 17 D, Chapter 1 of the Utah Code), the Legislature changed the term “special” to “local.” Utah is the only state in the nation that uses the term “local district.”

The “local district” name issue came to the forefront during the Covid pandemic. Congress authorized funds to assist units of local government, including “special districts.” Since Utah is the only state in the nation that used the term “local district,” federal funds that were intended to help independent special districts were only given to local districts at the discretion of counties and municipalities that received the federal funds. This change will allow districts in Utah to be included whenever new federal legislation is passed to aid and assist “special districts.” As an aside, the “local district” designation wasn’t UASD’s idea, but came from the Office of Legislative Research and General Counsel.

At the request of the Senate Sponsor, a “nonfunctioning improvement district” provision was added to Title 17B, Chapter 2a, Part 4 of the Utah Code, the Improvement District Act, to enable the Lieutenant Governor, at the request of an owner of land within the improvement district, to appoint a new board of trustees to replace a county legislative body that elected to act as the board of trustees but then failed to fulfill the duties of the board.

H.B. 77 – Local District Revisions

Sponsor: Representative Stewart Barlow

UASD Position: Support

H.B. 77 is a continuation of H.B. 22, changing “local district” to “special district” throughout the Utah Code. The Office of Legislative Research and General Counsel chose to draft two Bills due to the length and challenges an 800+ page Bill could create for the system.

H.B. 430 – State Olympic Coordinating Amendments

Sponsor: Representative Jon Hawkins

UASD Position: Support

H.B. 430 creates, and describes the duties of, the Olympic and Paralympic Winter Games Coordination Committee. The Bill gives the Governor authority to sign certain host assurances and agreements regarding the current and future ability of the state to host another Olympic and Paralympic Winter Games.

H.B. 457 – Property Transfer Amendments

Sponsor: Representative Ryan Wilcox

UASD Position: Support

This Bill is an attempt to be more fiscally responsible with taxpayer money by removing the required appraisal when transferring state governmental entity property to other governmental entities. (Note that Districts do not have the same requirement explicitly). The appraisal may be waived if the director of the title agency determines that the transfer is in the best interest of the title agency and the state and the government entity to which ownership of the agency property is transferred will use the property for a public purpose. An appraisal is not waived if the title agency is required by law to receive fair market value in exchange for a transfer of agency property to a government entity.

H.B. 506 – Government Entity Compliance Amendments

Sponsor: Representative Ryan Wilcox

UASD Position: Track with Concern

H.B. 506 requires the Office of Legislative Research and General Counsel (“Office”) to post on the Legislature’s website (“website”) an annual list of all reports (with the determination of if the required report was submitted timely, late, or not submitted) that a government entity, government official, or government employee is required to submit to a committee of the Legislature. A list of each Bill that becomes law that year that requires a government entity, government official, or government employee to adopt a policy and the deadline for adopting the policy must also be posted to the website. The Office is to inform the Legislature when policies have been ignored or haven’t been implemented by a government actor. The Bill also requires the State Auditor to publicly post certain information relating to policies that are required to be adopted by a governmental entity and allows the Auditor to conduct an inquiry to determine whether a governmental entity has complied with certain legal requirements imposed by recent legislation.

H.C.R. 8 – Concurrent Resolution Addressing the Olympic and Paralympic Winter Games

Sponsor: Representative Jon Hawkins

UASD Position: Support

This Resolution is the Legislature making a public statement of support, and willingness to back, a future bid for 2030 and 2034 Olympic and Paralympic Winter Games, while highlighting the success of the 2002 Games hosted by the state.

S.B. 96 – Fiduciary Duty Modifications

Sponsor: Senator Chris Wilson

UASD Position: Track

This Bill requires a public entity, including special districts, to invest funds in accordance with the “prudent investor rule.” It also addresses certain requirements relating to the public entity’s proxy voting duties relating to its investments, and requires the public entity to provide the state treasurer with access to its proxy voting reports upon request.

S.B. 127 – Cybersecurity Amendments

Sponsor: Senator Wayne Harper

UASD Position: Oppose

This Bill requires public entities to contact the newly created Utah Cyber Center as soon as practicable when the entity becomes aware of a breach of system security.

Additionally, beginning January 1, 2025, all governmental entities shall use a .gov, .edu, or .mil website domain.

S.B. 174 – Local Land Use and Development Revisions

Sponsor: Senator Lincoln Fillmore

UASD Position: Support

S.B. 174 incentivizes municipalities and counties to timely submit and correct deficiencies in their moderate income housing reports by requiring the payment of a daily fee to the Olene Walker Housing Loan Fund when a report is filed late or deficiencies in a report are not timely corrected, and by authorizing the Transportation Commission to give priority consideration to transportation projects within municipalities or counties that are in full compliance with moderate income housing report requirements. The Bill also modifies the definition of a “primary dwelling” to include a garage “if the garage: (A) is habitable space; and (B) is connected to the primary dwelling by a common wall.” Current law declares that an internal accessory dwelling unit (“IADU”) is a permitted use in any area zoned primarily for residential use and prohibits a municipality from establishing restrictions or requirements for the construction or use of one IADU within a primary dwelling. S.B. 174 prohibits a municipality or county from establishing restrictions or requirements dealing with the “internal connectivity” of an IADU and declares that a municipality’s or county’s “regulation of

architectural elements for internal accessory dwelling units shall be consistent with the regulation of single-family units, including single-family units located in historic districts.” Regardless of whether the primary dwelling within which an IADU is established is existing or new construction, municipalities and counties may require one additional onsite parking space for an IADU in addition to the parking spaces that would otherwise be required provided, however, that if the land use ordinance already requires four off street parking spaces, the municipality or county will now be prohibited from requiring an additional parking space for the IADU; and a county or municipality “may not prohibit newly constructed internal accessory dwelling units that: (A) have a final plat approval dated on or after October 1, 2021; and (B) comply with applicable land use regulations”. The Bill also includes a new subdivision application review and approval process for single-family dwellings, two-family dwellings, or townhomes, and addresses lot line adjustments.

S.B. 199 – Local Land Use Amendments

Sponsor: Senator Michael McKell

UASD Position: Track

With the passage of S.B. 199, if a land use law is passed by a unanimous vote of the local legislative body it is not legally referable to a referendum of the voters.

HEALTH

H.B. 131 – Vaccine Passport Amendments

Sponsor: Representative Walt Brooks

UASD Position: Track

H.B. 131 makes it unlawful to discriminate against an individual based on their vaccination status. In other words, a place of public accommodation, governmental entity, or private employer may not withhold services or employment based on vaccination status. The sponsor is targeting flu and covid vaccines specifically, but the legislation includes all vaccines. Health care facilities are exempt. UASD worked closely with Representative Brooks to ensure that the Bill was amended to allow a governmental entity to require an employee whose duties include direct exposure to human blood, human fecal matter, or other potentially infectious materials that may expose the employee to hepatitis or tuberculosis to be vaccinated, as well as any governmental entity that establishes a nexus between a vaccination requirement and the employee’s assigned duties and responsibilities or identifies an external requirement for vaccination (such as federal law or licensure requirements) that is not imposed by the governmental entity and is related to the employee’s duties and responsibilities. This includes a governmental entity whose employees act in a public health or medical setting that requires the employee to receive vaccinations to perform the employee’s assigned duties and responsibilities. Nothing in this Bill precludes a governmental entity from recommending that an employee receive a vaccine.

H.B. 392 – Rural County Healthcare Facilities Tax Amendments

Sponsor: Representative Joseph Elison

UASD Position: Support

H.B. 392 allows a third, fourth, fifth, or sixth class county legislative body to impose a rural county health care facilities tax to fund rural emergency medical services. A second class county with a national park within or partially within the county's boundaries and two or more state parks within or partially within the county's boundaries may impose a rural county health facilities tax to all or a portion of the county to fund emergency medical services. The sales and use tax may be up to 1% on the transactions located within the county. What constitutes a rural county health care facility is expanded under this legislation to include emergency medical services that are provided by a political subdivision, including special districts and special service districts.

INFRASTRUCTURE & TRANSIT

H.B. 51 – Railroad Right of Way Amendments

Sponsor: Representative Casey Snider

UASD Position: Track

H.B. 51, to the extent allowed under federal law, allows a governmental entity, including metro townships, special districts and special service districts, to assess a private railroad for a portion of the cost of a right of way infrastructure improvement, including any cost attributed to delay, if the governmental entity determines that the right of way infrastructure improvement provides a benefit to the railroad. The assessed amount must be proportionate to the benefit the railroad receives. The railroad assessment must be used to pay for the right of way infrastructure improvement and may not be used for the general support of the governmental entity. If two or more governmental entities assess a railroad for the same right of way infrastructure improvement, the Office of Rail Safety will determine the amount to be assessed and distribute the collected assessment to each governmental entity. The Bill is designed to prevent private railroads from delaying or blocking the construction of infrastructure improvements in the railroad right of way.

H.B. 63 – Office of Rail Safety

Sponsor: Representative Mike Schultz

UASD Position: Support

This Bill creates the Office of Rail Safety (“Office”) within the Utah Department of Transportation (“UDOT”). The Office will perform railroad safety inspections, the cost of which will be placed on the railroads. Among other duties, the Office will regulate and monitor time limits during which railroad/highway grade crossings and right of way infrastructure improvements may be blocked by governmental entities and investigate conditions related to a grade crossing and determine whether an expansion of grade crossing infrastructure or other changes requested by a governmental entity are reasonable; which should prevent a railroad

from creating major delays and increasing costs associated with right-of-way infrastructure projects. UDOT will make rules applicable to the Office and establish employee safety standards for walkways and clearances. The Office will have inspection, oversight and enforcement authority after having entered into an agreement with, and obtaining certification from, the Federal Railroad Administration. A county or municipality that requests local option transit sales tax may not request more local option transit sales tax than is necessary to carry out the safety inspection and other functions performed by the Office. The Office may, but is not required to, charge or collect a fee related to inspections of commuter rail, and a county or municipality with commuter rail service provided by a public transit district may request and spend local option sales tax money as necessary for the stated purposes.

H.B. 224 – Outdoor Recreation Initiative

Sponsor: Representative Jeffrey Stenquist

UASD Position: Track

Rather than having different sections of a trail be managed by numerous entities in an inconsistent way, depending on which municipality or county the trail runs through, this Bill creates the Recreation Coordinated Investment Initiative to pool resources and provide coordination among different land management teams. The Initiative is designed to enhance recreation areas within the state by managing, maintaining, expanding, restoring, and improving outdoor recreation infrastructure on public lands within the state, including building new or expanding existing outdoor recreation infrastructure to address increased usage and to minimize overcrowding or overuse. Outdoor recreation infrastructure includes: a trail, trail head infrastructure, signage, crossing infrastructure for both motorized and non-motorized recreation, a campground or day-use recreation site, outdoor recreation facilities that are accessible to visitors with disabilities, and water recreation infrastructure including a pier, dock or boat ramp. State-matching funds for a recreation project will continue to go through a legislative prioritization process.

H.B. 232 – Railroad Crossing Maintenance Amendments

Sponsor: Representative Paul Cutler

UASD Position: Track

H.B. 232 establishes a process for the Utah Department of Transportation (“UDOT”) to oversee railroad grade crossings and to assign responsibilities and costs among highway authorities and railroads. The Bill also repeals statutory language regarding the Public Service Commission’s oversight authority over grade crossings and clarifies the Public Service Commission’s exclusive jurisdiction to resolve disputes involving UDOT’s actions.

H.B. 243 – Public Transit Employee Collective Bargaining Amendments

Sponsor: Representative Jon Hawkins

UASD Position: Support

Under federal law, supervisors are not allowed to unionize. H.B. 243 adds clarifying definitions to align the Utah Labor Code with federal law, and states that a supervisor, managerial employee or confidential employee of a public transit district is not an “employee” for purposes of collective bargaining agreements.

H.B. 370 – Utility Infrastructure Amendments

Sponsor: Representative Carl Albrecht

UASD Position: Support

H.B. 370 makes it a first-degree felony offense to knowingly or intentionally destroy, damage, or tamper with a critical infrastructure facility or to impersonate a critical infrastructure facility officer or employee. It is a second-degree felony if done recklessly. This protection includes critical infrastructure that is under construction. An individual is guilty of destruction or tampering with a critical infrastructure facility if the individual, by physical, cyber, or other means, causes widespread injury or damage to persons or property, including substantially tampering with, inhibiting, or impeding the operation of a critical infrastructure facility.

H.J.R. 26 – Joint Resolution on Transit Operator Safety Awareness

Sponsor: Representative Paul Cutler

UASD Position: Support

This Joint Resolution states the importance of transit operators and underscores the need to protect them. Given that assaults against transit operators have increased by four times over the past decade, this Resolution is designed to shine a light on the problem and clearly states that transit operators and employees are front-line workers who are vital to protecting the health, safety, and security of the State of Utah.

S.B. 75 – Sand and Gravel Sales Tax Amendments

Sponsor: Senator Scott Sandall

UASD Position: Track

S.B. 75 specifies a formula by which the State Tax Commission apportions the local sales and use tax revenue from sales made by ready-mix concrete manufacturers to each county, city, and town with a sand and gravel extraction site within its boundaries. This revenue must be used for class B or class C roads.

S.B. 161 – Advanced Air Mobility Revisions**Sponsor: Senator Wayne Harper****UASD Position: Track**

S.B. 161 requires the Department of Transportation to study vertiport locations and infrastructure, implementation strategies of advanced air mobility technologies, unmanned traffic management infrastructure, and the creation of an advanced air mobility sandbox. This Bill clearly states that a political subdivision may not enter into an agreement to grant or permit an exclusive right to one or more vertiport owners or operators.

S.B. 175 – Rural Transportation Infrastructure Fund**Sponsor: Senator Derrin Owens****UASD Position: Track**

S.B. 175 creates the Rural Transportation Infrastructure Fund for highway projects in certain cities and towns. This is an expendable special revenue fund. Beginning on January 1, 2024, \$2 of each vehicle registration fee imposed will be deposited into the Fund. That amount will be annually adjusted each year on January 1st by taking the amount deposited the previous year and adding an amount equal to the greater of an amount calculated by multiplying the amount deposited the previous year by the actual percentage change during the previous fiscal year in the Consumer Price Index and 0. The Fund may be utilized by third, fourth, fifth and sixth class counties, and their respective municipalities, that imposed a local option sales and use tax to fund a system for public transit prior to January 1, 2023. These funds may only be used in the same manner as class B and class C road funds. The Fund will be distributed based on the traditional funding formula that is currently used in state law. The Legislature appropriated one-time funds of \$40,000,000 from the General Fund to the Rural Transportation Infrastructure Fund.

S.B. 212 – Utah Communications Authority Amendments**Sponsor: Senator Wayne Harper****UASD Position: Support**

S.B. 212 requires the Retirement and Independent Entities Committee to provide recommendations regarding the Utah Communications Authority (“UCA”) to the Legislative Management Committee. The Bill increases the amount of funds that can be distributed to a qualifying public safety answering point (“PSAP”) and requires a PSAP to be designated as an emergency medical service dispatch center to receive certain funds. A public agency is now allowed to create a PSAP to provide 911 service to non-contiguous areas in a county of the fourth, fifth, or sixth class, if the public agency is located in a county of the fourth, fifth, or sixth class. When calculating 911 transfer rates, transfers from a PSAP to 988 services or poison control should not be part of the calculation.

S.B. 213 – Transit District Amendments

Sponsor: Senator Chris Wilson

UASD Position: Support

This Bill requires the relevant political subdivisions to enact a governing ordinance related to a small public transit district to establish methods for appointment and apportionment of membership on the Board of Trustees of a small public transit district. Simply stated, S.B. 213 gives the legislative body the ability to determine how board apportionments will be implemented giving small transit districts the ability to oversee their own process. The legislative body may continue to determine board apportionment, but after the initial apportionment, it is not required to be revisited. The Board of Trustees must have between five and nine members.

MEETINGS, RECORDS, & PUBLIC NOTICE

H.B. 21 – Open and Public Meetings Act Amendments

Sponsor: Representative Joel Briscoe

UASD Position: Support

H.B. 21 requires all local school boards to allow reasonable verbal public comment during an open and public meeting and to adopt a written policy that provides a reasonable opportunity for the public to provide both verbal and written comments. At the request of UASD, the Bill also provides a very narrow exception for the legislative body of a special (formerly “local”) district or special service district board to hold a meeting without an anchor location if the board includes members whose principal place of residence is not within the boundaries of the district, as may be allowed when a designated percentage of the residences in the district are seasonally occupied homes and the public notice for the meeting includes information on how a member of the public may attend the meeting remotely.

H.B. 21 originally required “reasonable” public comment during all open and public meetings and required each public body to adopt a public comment policy. Various iterations of the Bill exempted work sessions, advisory bodies, and land use and appeal authorities from the public comment requirement and allowed the public body to limit public comments to items germane to the content of the agenda. Lawmakers could not agree on language requiring all public bodies to allow public comments during open public meetings, which is why only local school boards were included in the final Bill. A group of legislators will address this issue over the interim, with plans to run legislation during the 2024 General Legislative Session to bring all public bodies into compliance with public comment requirements.

H.B. 470 – Government Digital Verification Record Amendments

Sponsor: Representative Paul Cutler

UASD Position: Track

This Bill authorizes the Department of Technology Services (“DTS”) to conduct a digital verifiable credential pilot program. H.B. 470 directs the State Chief Information Officer to lead a working group to make recommendations on the policies, procedures, and standards for digital records and to establish a structure for DTS to make governance recommendations to the Legislature regarding government digital verifiable electronic records. A “digital verifiable credential or record” conveys the same rights, privileges, and legal enforceability that a physical signature would provide. No individual or political subdivision is required to start using digital verifiable electronic records.

S.B. 43 – Public Notice Requirements

Sponsor: Senator Stephanie Pitcher

UASD Position: Track: Amended by the UASD

S.B. 43 is an ambitious 380-page Bill that replaces most statutory public notice requirements with two alternatives: a class A notice or a class B notice. The UASD worked hard on this Bill to ensure that every district, regardless of size or geography, will have a viable path forward to meet the new uniform notice requirements.

A class A notice must be: 1. Published on the Utah Public Notice Website; 2. Published on the district’s official website, if the district has a website and has an annual operating budget of \$250,000 or more; and 3. Posted in a public location in or near the “affected area” that is reasonably likely to be seen by residents of the affected area or, if there are no residents, individuals who pass through or near the affected area. A “public location” is defined as “(a) a location that is open to the general public, regardless of whether the location is owned by a public entity, a private entity, or an individual; or (b) a location that is not open to the general public, but where the notice is clearly visible to, and may easily be read by, an individual while the individual is present in a location” that is open to the general public, such as a street or sidewalk.

A class B notice includes everything required for a class A notice plus, if an applicable statute or ordinance requires that the notice, or a notice summary statement, be provided for a designated geographic area, the notice or summary must be mailed or otherwise delivered to each resident and each owner of real property within the designated geographic area and, if an applicable statute or ordinance requires that the notice be provided to designated persons or real property owners, the notice or a summary statement must be mailed or otherwise delivered to each designated person and real property owner. When providing notice to a real property owner, the district may use the current residential or business address of the owner or, if the district is not reasonably able to obtain that address, the last known address of the real property owner that the district is able to obtain via a reasonable inquiry into public records or, if the district is not reasonably able to obtain an address, the notice or summary

may be posted on the real property. Specifics regarding uniform statutory public notice requirements may be found in newly adopted Title 63G, Chapter 28, Part 1 of the Utah Code.

A district must provide a class A notice: before holding a board meeting (including the meeting agenda -- the requirement to post the meeting notice in a public location within the affected area may be satisfied “by posting the notice in, on, or near: (i) the anchor location for the meeting; or (ii) the structure or other area where the meeting will be held”); before preparing or amending a long range plan; to declare the intent of a district located in a county of the first or second class to acquire real property to expand the district’s infrastructure, if the intended use of the property is contrary to applicable county or municipal requirements; before holding an impact fee public hearing; before a board vacancy is filled; when an elected board position is to be filled in the next general election; regarding a board resolution or action; before holding an annexation public hearing; before a public hearing regarding a municipality possibly withdrawing from a local district that provides fire protection, paramedic, and emergency services or law enforcement service is held (the notice must be provided by the municipality); to publish a tentative budget (but the physical posting requirement does not apply); before holding a budget public hearing (but there is no physical posting requirement and a district with an annual operating budget of less than \$250,000 may satisfy the notice requirements by mailing a written notice to each voter and posting the notice in three public places within the district); before holding a fee increase public hearing; before holding a validation petition public hearing; regarding a property tax increase election to be conducted by a mosquito abatement district; before a water conservancy district holds a public hearing on a contract assessment petition; before a water conservancy district’s annual contract assessment public hearing; before a municipality withdraws from a municipal services district (the notice must be posted by the municipality); regarding a termination of rights notice issued by a cemetery maintenance district; and when a district election is cancelled because the number of qualified candidates is not greater than the number of elected positions to be filled.

Examples of class B notices include: before holding a public hearing regarding the creation of a new district (to be noticed by the creating county or municipality); before a boundary adjustment public hearing is held; and before a district dissolution public hearing is held.

S.B. 231 – Government Records Access and Management Act Amendments

Sponsor: Senator Curtis Bramble

UASD Position: Support

S.B. 231 is intended to address several issues that have been uncovered during recent litigation and to codify the findings resulting from the litigation. This Bill provides that a governmental entity is not required to create a document indicating that a requested record does not exist. It requires a governmental entity to conduct a “reasonable” search for a record meaning that the search is reasonable in scope and intensity, and not unreasonably burdensome for the government entity. S.B. 231 clarifies the Utah Supreme Court’s jurisdiction over appeals under the Government Records Access and Management Act (“GRAMA”).

A governmental entity may file a petition with the State Records Committee (“Committee”) to request relief from a person the entity claims to be a vexatious requester. The Bill clearly lays out the process and procedure of a hearing before the Committee and clarifies when an individual may appeal a decision made by the Committee. A governmental entity or respondent aggrieved by the Committee's decision may seek judicial review of the decision. The court may award reasonable attorney fees to a responder that substantially prevails and the court finds that the original petition filed by the governmental entity was without merit. a claim for attorney fees under this Section of the Code is not subject to the Governmental Immunity Act of Utah, removing governmental immunity for a claim of attorney fees. The Bill requires a person or business outside of a governmental entity, who makes a claim of business confidentiality for a record that is in the possession of the governmental entity, to indemnify the governmental entity in an action arising from the governmental entity’s denial of access to the record. This Bill limits judicial review of an appeal to the issues raised in the underlying appeal and order, except in exceptional circumstances.

S.B. 245 – Closed Public Meeting Amendments

Sponsor: Senator Curtis Bramble

UASD Position: Support

S.B. 245 adds the consideration of a loan application, if public discussion of the loan application would disclose certain nonpublic information, among the reasons for which a meeting of a public body may be closed.

PROCUREMENT

H.B. 280 – Local Government Construction Project Bid Notice

Sponsor: Representative Doug Owens

UASD Position: Support

H.B. 280 removes the requirement for a governmental entity to post notice of a public works project or building improvement in five public places and simply requires that notice, as a class A notice, to be posted on the State Procurement Notice website at least five days prior to opening the bids for the project.

S.B. 97 – Public Contract Requirements

Sponsor: Senator Chris Wilson

UASD Position: Track

This “anti-boycott” bill prohibits a public entity from entering into a contract with a company that engages in certain boycott actions.

The Bill focuses ending contracts with companies that engage in boycotting of a list of industries and policies including fossil fuel, firearm, timber, mining, and agriculture industries,

as well as "boycotts" against businesses that do not adhere to environmental emission standards beyond legal requirements, do not meet or commit to meet corporate board or employment criteria addressing diversity, or do not facilitate access to abortions or sex characteristic surgical procedures.

The Bill requires every company contracting with a public entity to acknowledge in writing as part of the proposal process that they are not boycotting those industries.

PUBLIC SAFETY

H.B. 59 – First Responder Mental Health Amendments

Sponsor: Representative Ryan Wilcox

UASD Position: Support

H.B. 59 is an extension of the 2022 first responder mental health legislation that required all first responder agencies to provide mental health care for retired first responders. This Bill adds forensic interviewers and victim's advocates employed by the Children's Justice Center, 911 dispatchers, and spouses of retirees or individuals separated from the first responder job. The Bill makes it clear that mental health services must be provided for three years from the point the retiree or spouse of retiree seeks mental health treatment and not three years from the date of retirement or separation from employment. There are grants available from the state to help offset the cost of providing these mental health services. For information on the grant process, please contact UASD's Government Affairs Director Heather Anderson.

H.B. 183 – Firefighter Retirement Revisions

Sponsor: Representative Douglas Welton

UASD Position: Support

H.B. 183 allows emergency medical service personnel (paramedic, advanced emergency medical service technician, or an emergency medical service technician) to participate in the firefighter retirement system. Governmental entities providing fire and EMS services may choose whether to opt-in and provide firefighter retirement benefits to employees who function solely as emergency medical service technicians. A governmental entity's governing body must adopt a resolution to opt-in to provide these benefits. A qualifying employee will be eligible for service credit in the system beginning July 1, 2023. The benefits for an emergency medical service personnel employed by a participating employer is not eligible for service credit in this system for service provided before the date the participating employee adopts the resolution.

H.B. 219 – Firearm Regulations

Sponsor: Representative Karianne Lisonbee

UASD Position: Track

H.B. 219 is designed to make Utah a “Second Amendment sanctuary state”. Language in the Bill declares that the state, and its political subdivisions, will not expend public funds or allocate public resources to enforce federal regulations that purport to restrict or ban certain firearms, ammunition, or firearm accessories. This legislation does not interfere with law enforcement’s ability to arrest dangerous felons with outstanding federal gun warrants.

H.B. 261 – Fire Related Amendments

Sponsor: Representative Casey Snider

UASD Position: Support

Years ago, the process involving prescribed burns was changed to address the role of the Division of Air Quality by requiring an individual to notify the State Forester or dispatch when intending to conduct a prescribed burn while a red flag warning was in place. The change has been successful on public lands, but there have been problems with private lands due to ambiguity in the law. This Bill allows private land managers to have the same type of air quality exemption permitting procedures as a public land entity. In the burning permit section of the Bill, there is clarification regarding agricultural prescribed burns. H.B. 261 requires an individual to provide a notification of a prescribed burn with or without a red flag warning. It reduces the criminal penalty from a Class B to a Class C misdemeanor when an individual sets fire to a forest, brush, range, field, cultivated land or debris pile during the closed fire season (June 1 through October 31) or sets fire to a forest, brush, range, field, cultivated land, fence line, canal, or irrigation ditch during a period when a Red Flag Warning has been issued and is effective without securing a written permit from the State Forester, complying fully with the terms of the permit, and notifying the State Forester or applicable public safety answering point of the approximate time the burn will occur. The Bill also requires local counties and municipalities that choose to be covered under state fire insurance to take proactive fire mitigating actions and tightens the parameters around what is considered to be “fire mitigation”. When there is excess money in the Wildland Fire Suppression Fund, this Bill would slightly change the appropriations to specifically fund mitigation within the newly created Wildland-urban Interface Prevention, Preparedness, and Mitigation Fund. In order to receive a grant from this Fund, an eligible entity must agree to implement prevention, preparedness, and mitigation actions identified in a community wildfire preparedness plan addressing wildland-urban interface that is approved by the Division of Forestry, Fire and State Lands.

H.B. 278 – First Responder Mental Health Services Grant Program

Sponsor: Representative Ryan Wilcox

UASD Position: Support

H.B. 278 creates the First Responder Mental Health Services Grant Program administered by the Department of Education. A grant of up to \$6,000 per year for

four years may be awarded to a current or retired first responder seeking a post-secondary degree or certification within the state system of higher education to become a mental health therapist.

H.B. 304 – Juvenile Justice Revisions

Sponsor: Representative Karianne Lisonbee

UASD Position: Track

H.B. 304 tries to create a balance by allowing school resource officers and school employees to protect the student body from students who commit violence or possess/distribute hard drugs on school property. Part of that balance is requiring a school to develop a reintegration plan for a minor alleged to have committed a violent felony offense or a weapons offense to ensure schools are aware of violent felony offenses committed by minor students. H.B. 304 creates a juvenile gang and other violent crime prevention and intervention program to be administered by the State Board of Education. Funds will be available to target gang prevention and to decrease violent crime committed by minors.

The Bill closes a loophole in state law making it a felony for a minor to possess an “auto sear” or machinegun firearm attachment. Prior to the passage of this legislation, a juvenile could only be interrogated by law enforcement for up to 2 hours. Law enforcement is required to spend at least an hour trying to locate a parent or friendly adult prior to interviewing a minor. H.B. 304 allows law enforcement to interview/interrogate a juvenile for up to four hours.

H.B. 313 – Suspect Metal Amendments

Sponsor: Representative Colin Jack

UASD Position: Support

H.B. 313 makes the theft of a catalytic converter or 25lbs or more of a suspect metal that contains aluminum or copper, if the value is less than \$2,500, a second-degree felony. Suspect metal items include manhole covers and sewer gates, gas and water meters, traffic signs, street signs, aluminum street light poles, communication transmission towers, guard rails, monument plaques-including grave site vases, ingots, and automotive and industrial lead batteries.

H.B. 332 – Fallen Officer Memorial Scholarship Program

Sponsor: Representative Tyler Clancy

UASD Position: Support

H.B. 332 creates the Fallen Officer Memorial Scholarship Program. The Department of Public Safety will provide \$5,000 per year for tuition, fees, books, and other expenses related to obtaining an education for up to four years to the natural or adopted children (under 25 when the death occurred) of firefighters, public safety, correction, or special functions officers who have died in the line of duty.

H.B. 374 – County Sheriff Amendments
Sponsor: Representative Jordan Teuscher
UASD Position: Track with Concern

H.B. 374 removes the Salt Lake County Sheriff from serving as the Chief Executive Officer of the Unified Police Department (“UPD”) and eliminates the Sheriff’s contractual duties under the interlocal agreement for law enforcement services in a police interlocal entity or police local district on July 1, 2025. In short, H.B. 374 separates the Salt Lake County Sheriff’s Office from the Unified Police Department. A police officer employed by the UPD as of May 3, 2023 may retain their merit status if they transfer to the Salt Lake County Sheriff’s Office prior to July 1, 2025.

H.B. 402 – Extradition Tolling Amendments
Sponsor: Representative Ken Ivory
UASD Position: Support

Prior to the passage of H.B. 402, the extradition process required all local charges to be cleared prior to beginning the extradition process for an individual with an out-of-state warrant, which can take up to a week. If an individual is in a Utah jail on an out-of-state warrant with a waiver of extradition, but a local charge comes into the system, the extradition had to be discharged, and law enforcement had to reapply for the extradition waiver for the fugitive once local charges were resolved. This is a waste of law enforcement, judicial and county jail resources. This Bill allows the timeline for extradition of the fugitive with an out-of-state warrant to be tolled while local charges are processed and concluded, thus allowing the individual to be extradited to another state as soon as the local charges are resolved.

H.B. 409 – State Construction and Fire Code Amendments
Sponsor: Representative Thomas Peterson
UASD Position: Support

H.B. 409 adopts the 2021 edition of the International Fire Code and the National Fire Protection Association codes and standards, with some changes, including that a fire sprinkler system layout must be prepared and submitted by a person certified by the National Institute for Certification in Engineering Technologies at level III or IV in Water-Based System Layout and a fire alarm system layout must be prepared and submitted by a person certified by the National Institute for Certification in Engineering Technologies at level III or IV in Fire Alarm Systems. The Bill clarifies that existing antifreeze in fire sprinkler systems may remain until it is drained or discharged from the system. For systems with antifreeze installed in educational facilities prior to July 1, 2023, listed antifreeze shall not be required, where all of the requirements of the NFPA 72, National Fire Alarm and Signaling Code, 2019 edition are met. A fire code official may modify the requirements in areas of educational occupancies used exclusively for special education students. The Bill deletes that language that exempted special education classrooms from participating in emergency evacuation drills and eliminates the

horn/strobe during a fire alarm in special needs classrooms. Due to the risk of school shootings, the Bill allows children to shelter in place for 60 seconds prior to evacuating a school when there is a fire alarm to make sure it is safe to exit the classroom and building. In an effort to decrease the cost of a low-rise residential build, the Bill allows the floor level of the highest story to be 40 feet or less above the lowest level of fire department vehicle access when using a NFPA 13R sprinkler systems, rather than 30 feet or less. The Tall Wood Buildings of Mass Timber Construction Incorporated has been repealed from Chapter 2a of the State Construction Code because it is addressed in the International Fire Code.

H.B. 499 – Homeless Services Amendments

Sponsor: Representative Steve Eliason

UASD Position: Support

H.B. 499 modifies the formula used by the Office of Homeless Services (Office) to disburse funds from the Homeless Shelter Cities Mitigation Restricted Account (Account) to municipalities to mitigate the impacts of homeless shelters. Any municipality that does not enforce an ordinance that prohibits camping may not receive funds from the Account. The requirement to enforce a no camping ordinance does not apply if each homeless shelter located within the county in which the eligible municipality is located is at full capacity.

Counties must create and convene a county winter response task force to prepare a winter response plan, formerly known as a county overflow plan. Salt Lake County's winter response task force must prepare and submit a winter response plan for sheltering the unhoused during a code blue event by August 1, 2023. All counties of the second, third, or fourth class must prepare and submit a plan beginning 2024. A "code blue event" is a weather event in which the National Weather Service predicts temperatures of 15 degrees Fahrenheit or less, including wind chill, or any other extreme weather conditions established in rules made by the Department of Health and Human Services, for two hours or longer within the next 24 to 48 hours that will occur in any county of the first, second, third, or fourth class. The Department of Health and Human services must issue a code blue alert when a code blue event is anticipated due to the danger posed to unhoused individuals.

In conducting site selection for a temporary winter response shelter under a winter response plan, the task force must prioritize a site located more than one mile from any homeless shelter or any permanent supportive housing and prioritize a site located in a municipality or unincorporated area of the applicable county that does not have a homeless shelter. The Office of Homeless Services may authorize the expansion of a homeless shelter's capacity limit by 25% and authorize the operation of one or more temporary winter response shelters in any county that is noncompliant with the winter response plan requirements. A noncompliant county or municipality may not enact or enforce an ordinance or take any action that limits or restricts the Office's authority. Buildings used for shelter, including all overflow facilities used during a code blue event, must meet all building and fire code requirements and the fire code official must approve the layout of the shelter.

A homeless shelter may not deny temporary shelter to any individual experiencing homelessness who requests temporary shelter unless the homeless shelter is at the capacity limit or if the individual presents a danger to the homeless shelter's staff or guests. Any indoor facility owned by a private organization, nonprofit organization, state government entity, or local government entity may be used to provide temporary shelter to individuals experiencing homelessness and is exempt from the licensure requirements for the duration of the code blue alert and seven days following the end of the code blue alert, so long as the facility is in compliance with the applicable building code and fire code. Homeless shelters, state and local government entities, and other organizations that provide services to individuals experiencing homelessness must coordinate street outreach efforts to distribute to individuals experiencing homelessness any available resources for survival in cold weather, including clothing items and blankets. A state or local government entity, including a municipality, law enforcement agency, and local health department may not enforce an ordinance or policy to seize from individuals experiencing homelessness any personal items for survival in cold weather, including clothing, blankets, tents, sleeping bags, heaters, stoves, and generators.

S.B. 64 – Bureau of Emergency Medical Services Amendments

Sponsor: Senator Derrin Owens

UASD Position: Support

S.B. 64 moves the Bureau of Emergency Medical Services (“EMS”) out from under the Department of Health and placed it under the Department of Public Safety (“DPS”). Under DPS, EMS will have its own division and report directly to the Commissioner. This Bill will take effect July 1, 2024.

S.B. 128 – Public Safety Scholarship Program

Sponsor: Senator Don Ipson

UASD Position: Support

The Legislature created a public safety officer scholarship program for high school graduates who enroll in a law enforcement agency cadet program while they seek a degree in a post-secondary program. The individual must commit to a peace officer career for at least five years after receiving their Peace Officer Standards and Training (POST) certification. This Bill creates the Karen Mayne Public Safety Officer Scholarship Program for that purpose. The scholarship recipient may be required to repay the full amount of the scholarship awarded if they fail to become POST certified, don’t earn a post-secondary degree or leave their peace officer career prior to fulfilling the five-year minimum requirement. The scholarship recipient will not be required to repay the scholarship awarded if they provide documentation that they were unable to secure employment as a peace officer within 12 months after the day on which the scholarship recipient is POST certified.

S.B. 159 – Occupational Injuries Amendments

Sponsor: Senator Curtis Bramble

UASD Position: Support

This Bill modifies the requirements for calculating add-on fees under a medical workers' compensation claim. S.B. 159 modifies the circumstances under which a firefighter is presumed to have contracted certain cancers during the course of a firefighter's employment. The Bill requires the Division of Industrial Accidents to conduct a study regarding cancers commonly caused in the course of a firefighter's employment. A report with the results of the study must be presented to the Business and Labor Interim Committee before November 30, 2024.

REVENUE AND TAXATION

H.B. 345 – Local District Property Tax Amendments

Sponsor: Representative Karen Peterson

UASD Position: Track

UASD worked closely with Representative Peterson to amend H.B. 345 removing onerous requirements for local districts, and the municipalities and counties who appoint Trustees to serve as Trustees, to adhere to when issuing a general obligation bond without an approving election or proposing a property tax increase. The Bill that passed and became law simply requires a member of the appointed Board of Trustees of a local district (special district) to report any proposed property tax increases and issuance of a general obligation bond without an election to their respective appointive legislative bodies and allows the legislative body a chance to express their opinion of the proposed property tax increase or issuance of a general obligation bond. A property tax increase does not include a property tax levy for a general obligation bond authorized by an election.

S.B. 81 – Property Tax Deferral Revisions

Sponsor: Senator Lincoln Fillmore

UASD Position: Support

S.B. 81 is a follow-up Bill to the property tax deferral Bill that passed during the 2022 Legislative Session. The Bill clarifies the requirements for recording and maintaining a lien that is securing payment of deferred property taxes. The deferred property taxes accumulate with interest, and applicable recording fees, as a lien against the residential property. The deferred property taxes come due and the lien must be paid in full upon the owner selling or otherwise disposing of the residential property, or when the residential property is no longer the owner's primary residence. An owner that receives a deferral does not have to pay the deferred taxes and applicable recording fees when the residential property transfers to the owner's surviving spouse as a result of the owner's death or between the owner and a trust for which the owner is the grantor.

After the residential property transfers to the owner's surviving spouse, the deferred taxes and applicable recording fees are due upon the surviving spouse selling or otherwise disposing of the residential property, or when the residential property is no longer the surviving spouse's primary residence. If a county grants an owner more than one deferral for the same single-family residence, the county is not required to submit for recording more than one lien. Each subsequent deferral relates back to the date of the initial lien filing. The Bill also establishes penalties for providing false information to a county related to a deferral or an abatement. This Bill provides retrospective operation to January 1, 2023.

S.B. 94 – Special Service District Bonds Amendments

Sponsor: Senator Ronald Winterton

UASD Position: Track

Approximately four years ago, legislation passed that placed a sunset date on the practice of issuing certain special service district bonds under Utah Code Section 11-14-308 “Special service district bonds secured by federal mineral lease payments -- Use of bond proceeds -- Bond resolution -- Nonimpairment of appropriation formula -- Issuance of bonds.” This change was not noticed until Uintah County started the process of consolidating some of their special service districts. S.B. 94 deletes the sunset date of December 31, 2020, by deleting the language “bonds may not be issued under this section after December 31, 2020” and adds language clarifying that “no bond issuance shall be invalid or impaired solely because the bonds were issued under this section during the period beginning January 1, 2021 and ending May 3, 2023.”

WASTE AND RECYCLING

H.B. 493 – Solid Waste Management Amendments

Sponsor: Representative Tim Jimenez

UASD Position: Track

H.B. 493 helps facilities be able to recycle plastics by defining plastics by their chemical products, as opposed to as “solid waste.” This change in the definition removes onerous requirements currently placed on the recycling of plastic making it easier and more cost efficient to recycle plastics in the state of Utah.

WATER AND WATER RIGHTS

H.B. 33 – Water Related Liability Amendments

Sponsor: Representative Carl Albrecht

UASD Position: Support

H.B. 33 addresses the liability of an owner or operator of a water facility, stream, or river along trails. The law currently states that the owner or operator of a water facility shall maintain its water facilities to prevent damage to property or injury to others. H.B. 33 adds

language stating that this duty is limited to only reasonable and ordinary care, and may not be construed to impose strict liability, or otherwise increase the liability of the water facility owner or operator.

It further states that water facility owners and operators are not liable for damage or injury caused by (i) the diversion or discharge of water or another substance into the water facility by a third party beyond the control of the owner or operator of the water facility, (ii) any other act of a third party beyond the control of the owner or operator of the water facility, (iii) or by damage caused due to an act of God, including fire, earthquake, storm, flash floods, or similar natural occurrences.

This Bill will greatly help canal companies to procure and maintain insurance.

H.B. 150 – Emergency Water Shortage Amendments

Sponsor: Representative Carl Albrecht

UASD Position: Support

This Bill does not deal with water shortages due to drought. Rather, it deals with emergencies, such as an earthquake or flooding that create a situation where a water right must be temporarily utilized during a water shortage emergency. The Governor has power under the State's Constitution to declare an emergency. The Legislative Management Committee would have to meet and review the Governor's declaration within seven days and provide a recommendation. The Governor may declare a water emergency for up to 30 days. At that point, the Legislature may end or extend the water emergency.

H.B. 150 is designed to protect water right holders when a declared emergency water shortage requires asserting a preference over a senior water user. The language in this Bill gives clarity to the State Engineer by providing a framework that must be followed, and a series of actions, to determine damages and losses to be paid to the impacted water right holder. The processes listed in the Bill would only be implemented if the party who needs to utilize the water in a declared emergency cannot come to an agreement with the party who owns the water right. If there is profit loss due to the loss of crop, the farmer (water right holder) would be made financially whole. The Bill creates a cap amount of five million dollars of loans given at any one time from the Agriculture Resource Development Fund. The Department of Agriculture will assist in the issuance of loans by the Conservation Commission. Claims would be made to, and paid by, the Department of Agriculture allowing those negatively impacted to receive compensation in a timely manner. The Department of Agriculture will be reimbursed by the party that receives preferential use.

H.B. 307 – Utah Water Ways

Sponsor: Representative Calvin Musselman

UASD Position: Support

The Legislature appropriated a one-time \$2 million dollar appropriation and an ongoing appropriation of \$1 million dollars per year to the Department of Natural Resources to oversee the creation of a statewide nonprofit partnership to be known as “Utah Water Ways.” Utah Water Ways will facilitate coordination of efforts to optimize the use of water by sponsoring policy discussions about the state's water supply, engage the private sector to help support efforts to optimize the use of water and related activities, maintain communication among partners in the partnership-including the Department of Agriculture and Food, the Department of Environmental Quality and water supply entities.

The nonprofit should provide a line of communication from partners to state leaders, and promote coordination of grants, rebate programs, or sponsorships that support the optimal use of water. Utah Water Ways is tasked to encourage residents of the state to make changes to optimize the use of water and care for the state's water supply by providing public education and public awareness campaigns and help consolidate campaigns about the state's water supply, water quality, and water use, and by providing rebate programs or grants. The nonprofit will have a thirteen-member Board of Directors including four water conservancy district general managers selected jointly by the Governor, Speaker of the House, and President of the Senate. Nothing in this Legislation prevents or discourages a water supply entity to maintain an important role with water supply users to encourage the optimized use of water such as through localized messaging, rebate programs, or other activities. This Bill takes effect on July 1, 2023.

H.B. 491 – Amendments Related to the Great Salt Lake

Sponsor: Representative Mike Schultz

UASD Position: Support

The Bill creates the position of the Great Salt Lake Commission to be appointed by the Governor. The Governor must consult with the Senate President and House Speaker when appointing the Great Salt Lake Commissioner. This chapter in the Utah Code may not be interpreted to override, substitute, or modify a water right within the state or the role and authority of the State Engineer. Currently, there are twelve agencies that deal with the Lake and the Great Salt Lake Trust. This Commission unites all stakeholders under one umbrella to mediate conflicting interests. This Bill is designed to unify the oversight to enable the various stakeholders to work more efficiently. The Commission also oversees the Great Salt Lake Trust.

H.B. 513 – Great Salt Lake Amendments

Sponsor: Representative Casey Snider

UASD Position: Support

The Great Salt Lake is currently at record low levels. There are critical rare minerals in the Great Salt Lake that have yet to have royalty agreements. This Bill contains provisions identifying mineral compounds and how they will be handled moving forward. The health of the Great Salt Lake impacts several industries along the Wasatch Front.

H.B. 538 – Water Usage Amendments

Sponsor: Representative Doug Owens

UASD Position: Support

In short, this Bill bans outdoor watering on lawns from Oct. 1 to April 25. The goal was for water that is not diverted during this time to hopefully make it into the Great Salt Lake.

This Bill requires certain public water suppliers in the Great Salt Lake Basin to prohibit outdoor irrigation from October 1 to April 25, which the Bill defines as the “shoulder season.” Lawn or turf that is located on public benefit property, watering of a food-bearing plant, and new landscaping for one year after the landscaping is installed are exempt from the shoulder season watering prohibition. A local ordinance may be adopted to adjust the definition of a shoulder season to begin earlier than October 1 or end later than April 25 based on local growing conditions.

Large retail water suppliers (serves at least 10,000 people) and large secondary water retail suppliers (supplies more than 5,000 secondary water connections) must calculate the amount of water that, but for the immediately preceding shoulder season, would otherwise have reasonably been depleted during the immediately preceding shoulder season for the irrigation of non-exempt lawn or turf within the water supplier's service area; and of the amount calculated the amount that is attributable to surface water that would have passed through a reservoir, including surface water that would have been delivered to the water supplier through a reservoir by a wholesale water supplier; prepare a written explanation of how the calculation was made, including the share of water attributable to a wholesale water supplier. That report must be submitted to the Division of Water Resources by June 30th each year. A large retail water supplier or a large secondary water retail supplier does not need to make the calculation if that calculation has been performed by another large retail water supplier or a large secondary water retail supplier for the same service area. A wholesale water supplier must assist a large retail water supplier, or a large secondary retail water supplier, that receives water from the wholesale water supplier in making the calculation. Water that is imported from outside the Great Salt Lake basin must be excluded.

Nothing in this Bill prohibits a retail water supplier or a secondary water supplier from adopting or enforcing limitations or prohibitions on the use of water for lawn or turf during times outside of the shoulder season. A local entity may adopt by ordinance, provisions

controlling the use of water on lawn or turf, that are stricter than those provided in this Section of Code. This Bill is repealed July 1, 2028.

S.B. 34 – Water Infrastructure Funding Study

Sponsor: Senator Daniel McCay

UASD Position: Support

During the Interim, Senator McCay wanted to run legislation that would completely remove property taxing authority from water conservancy districts causing current water users to have to pay the entirety of the expenses for water infrastructure to be utilized into the future. After many discussions, the sponsor chose wisely to have the Department of Natural Resources study the use of property tax revenue to fund water infrastructure, treatment, and delivery and make recommendations for future funding. The written report of the results of the study will be submitted to the Natural Resources, Agriculture, and Environment Interim Committee and the Revenue and Taxation Interim Committee by October 30, 2024.

S.B. 53 – Groundwater Use Amendments

Sponsor: Senator Evan Vickers

UASD Position: Support

This Bill helps to highlight the different challenges with water across the state. When thinking about water issues in Utah, we first think of the Great Salt Lake, but there are different challenges across the entire state. For example, Washington County is working on water reuse projects, but there are recharge issues in Iron County where they are mining the aquifer in many places. Utah has made a really good effort with recharge projects, which is the process of taking surface water and inserting it back into the aquifer. Prior to the passage of S.B. 53, state Code only considered recharge projects as a beneficial use to a special district, such as a water conservancy district, but there are situations where an area could be under a groundwater management program. The State Engineer has been looking at different areas and working with the communities to mine local aquifers and stabilize the basins and aquifers. For example, the valley near Cedar City performs water recharge projects. This Bill allows a governmental entity that's under a groundwater management plan to be able to have aquifer recharge projects with the approval of the State Engineer.

S.B. 76 – Water Amendments

Sponsor: Scott Sandall

UASD Position: Support

The municipal and county planning commissions must consult with the Division of Water Resources in the development of general plans for information and technical resources regarding regional water conservation goals, including how implementation of the land use element and the water use and preservation element may affect the Great Salt Lake. A planning commission is required to notify an irrigation or canal company located in the county so that the irrigation or canal company can be involved in the protection and integrity of the irrigation

or canal company's delivery systems. The Bill provides what may be included in a water conservation plan.

The Director of the Division of Drinking Water is to study how water providers, municipalities, counties, and state agencies may find greater efficiencies through improved coordination, consolidation, and regionalization related to water use and conservation, and administrative and economic efficiencies. Then the Director may use that information to establish regional source and storage minimum sizing standards or adjust system-specific sizing standards.

A water conservation plan developed by a retail water provider or water conservancy district must contain a regional conservation planning and shared shortage agreements, take into consideration how growth and regional conservation goals impact agriculture water use, and take into consideration goals established in the Colorado River management plan for areas in the Great Salt Lake watershed, take into consideration the Great Salt Lake, including the water budget associated with the integrated surface and ground water assessment.

S.B. 118 – Water Efficient Landscaping Incentives

Sponsor: Senator Scott Sandall

UASD Position: Support

S.B. 118 requires a municipality or county to report to the Division of Water Resources the existence, enactment, or modification of an ordinance, resolution, or policy that implements regional-based water use efficiency standards established by the Division of Water Resources. In short, this is a “carrot” Bill. S.B. 118 requires the Division of Water Resources to issue grants to water conservancy districts to provide incentives to property owners to remove turf or lawn and replace it with water wise landscaping.

S.B. 119 – Per Capita Use

Sponsor: Senator Michael McKell

UASD Position: Support

This Bill does not replace existing standards used for measuring water use. Rather, S.B. 119 is adding an additional tool to measure the per capita consumptive use more accurately. This Bill ensures transparency in municipal and industrial water usage. The Bill does not make it illegal to report secondary water use and it doesn't change the other ways water use will be reported in Utah, nor does it apply to agricultural water use. Utah is the only state in the Colorado River Basin that doesn't utilize a consumptive use standard. This Bill aligns Utah's measurements with the other states that utilize a consumptive use standard when reporting water use.

S.B. 144 – Water Instream Flow Amendments

Sponsor: Senator David Hinkins

UASD Position: Support

S.B. 144 provides a buffer for users in the Colorado River Basin that may face curtailment. The Colorado River system could face curtailment based on mandatory trigger provision within the Colorado River Compact. This Bill allows a person entitled to the use of water to file a fixed time change application or a temporary change application for a project to deliver water to a Utah reservoir located entirely or partially within the Colorado River System. S.B. 144 provides a mechanism that can be used within the state to best protect Utah’s water and its users if curtailment were to occur and is voluntary, whereas curtailment is not optional. The four upper states within the Colorado River Compact may agree to the use of demand management through the Colorado River Drought Contingency Plan Authorization Act, which the Legislature may choose to allow at a future time.

This legislation allows for water conservation programs funded by the Bureau of Reclamation or authorized by the state. Before filing a change application for this purpose, a person entitled to the use of water must obtain the approval from the Executive Director of the Colorado River Authority of Utah. By approving a proposed fixed time change application or temporary change application, the Executive Director of the Colorado River Authority of Utah attests that the water that is the subject of the application can be used consistent with this Section allowing the State Engineer to store water in the state instead of sending it downstream to be stored in Lake Powell. This legislation is a first step to give the State Engineer a tool to allow for voluntary, compensated, and temporary change applications to deliver water to be stored in a Utah reservoir.

S.B. 158 – Local Government Water Amendments

Sponsor: Senator Michael McKell

UASD Position: Support

This Bill is an attempt to resolve inconsistency across the state with how water exaction is applied. Water exactions, under the Code can be accomplished by municipalities, special districts, or counties if they have a retail water system. This Bill allows a special district, municipality, or county to impose the minimum system wide sizing standards that are required by state Code and the Division of Drinking Water’s Rules. S.B. 158 allows special districts, municipalities, and counties to lower water exactions after determining the water needs of individual developments. The water exaction methodology used must be public and there must be a determination by the municipality that there is good cause to lower the water exactions. A land use applicant may present data, and other information, that illustrates a need for an exaction recalculation.

The governing body of the applicable special district, municipality, or county is required to respond with due process. A culinary water authority must base an exaction for a culinary water interest on consideration of the system-wide minimum sizing standards established for

the culinary water authority by the Division of Drinking Water and the number of equivalent residential connections associated with the culinary water demand for each specific development proposed in the development's land use application, applying lower exactions for developments with lower equivalent residential connections as demonstrated by at least five years of usage data for like land uses within the county. A county or culinary water authority may impose an exaction for a culinary water interest that results in less water being exacted than would otherwise be exacted if the county or culinary water authority, at the county's or culinary water authority's sole discretion, determines there is good cause to do so.

A third, fourth, fifth, or sixth class county, or a municipality located within a third, fourth, fifth, or sixth class county, may adopt an ordinance in accordance with water source protection ordinances to establish a drinking water source protection zone and take any other action allowed under this section. First and second-class counties and their respective municipalities are already allowed to adopt water source protection ordinances.

S.B. 251 – Secondary Water Metering Requirements

Sponsor: Senator David Hinkins

UASD Position: Support

This Bill lessens the penalty for secondary water systems that have not completed installing meters on every secondary connection. The original metering requirement financially penalized the system operator to pay \$10 up to \$50 *for each and every connection within their system* if even one connection was not metered by requiring the imposed deadlines. The new Bill imposes the \$10 to \$50 fee for only for each un-metered connection.

S.B. 251 is intended to make exclusions for some areas from the secondary metering requirement. Some of the rural counties want to conserve water but can't afford to use their entire budget on installing secondary water meters. This Bill is designed to minimize the fiscal impact of water conservation on rural counties. A secondary water supplier with a system that has no storage, relies on stream flow, that has a majority of secondary water users on the system associated with agriculture or power generation use, or has fewer than 1,000 users and a mix of pressurized lines and open ditches is not required to meter every secondary water connection. To be exempted, the secondary water suppliers who fall within that narrow scope must meter at strategic points of the system, and file an application that is approved by the State Engineer.

The Board of Water Resources may issue a grant to or convert a grant previously issued to a secondary water supplier that is now exempted from the mandatory metering of all secondary connections from money appropriated for metering to fund a project that is an alternative to metering, such as lining ditches or improving head gates, if the secondary water supplier establishes to the satisfaction of the Board that the alternative project will conserve more water than is expected to be conserved through metering.

S.B. 112 – Aquatic Invasive Species Amendments

Sponsor: Senator Scott Sandall

UASD Position: Support

S.B. 112 addresses the problem of invasive quagga mussels. The Legislature has utilized the General Fund to provide resources to help mitigate the aquatic invasive species problem. This Bill adds an additional layer of funding that can be used to hold down any spread of quagga mussel throughout Utah's water systems. The money will go towards providing more resources, such as dip tanks and personnel. S.B. 112 will require a \$20 boat fee per boat for in-state boat owners and \$25 boat fee per boat for out-of-stater boat owners that operate their boat on state waters.

When an individual has paid this annual fee, a decal will be provided indicating the owner has paid the annual fee. If the AIS decal is not on the boat, the boat cannot legally enter state water. This fee is in addition to the registration fee, which will be decreased to offset some the increased expense for boat owners. The Director of the Division of Wildlife Resources worked with the Utah Tax Division and the Division of Outdoor Recreation to come up with a solid plan that creates a net neutral cost to boaters by decreasing the boat registration fee. This is anticipated to create a \$650,000 revenue increase for combating aquatic invasive species. This fee can't be required as a part of the registration because of Coast Guard Rules. As a side note, the Legislature is funding a pilot study for cameras to take pictures of the boat numbers during hours when an employee isn't present to check boats as they enter state water facilities.

S.B. 277 – Water Conservation and Augmentation Amendments

Sponsor: Senator Scott Sandall

UASD Position: Support

S.B. 277 allows the Water Infrastructure Restricted Account to be used for a project that benefits the Colorado River drainage in Utah, including projects for water reuse, desalinization, building of dams, or water conservation. A county or municipality that benefits from the project paid for by the Account must require new residential subdivision to follow the regional conservation level of .59 acre-feet regardless of whether the outside water is potable, reuse, or secondary water. The county or municipality must adopt and implement the local water conservancy district's emergency drought contingency plan, adopt and implement the local water conservancy district's grass rebate program's maximum grass restrictions, prohibit grass in new retail, industrial, or commercial facility landscaping, have reuse water be managed by the local water conservancy district, and not withdraw water from an aquifer in excess of the safe yield of the aquifer to access these funds. A county or municipality must also adopt and implement excess water use surcharges, prohibit private water features in new development, such as a fountain, pond, or ski lake, and prohibit large grassy areas in new development, unless the large grassy area is open to the general public.

A water right holder may file a change application with the State Engineer for the purpose of optimizing unused agricultural water. The water right owner may be reimbursed

under a grant program. The State Engineer may track the water savings. This gives everyone who owns a water right the opportunity and incentive to conserve water. There is an opportunity to protest change applications with the State Engineer. This Bill creates the Agricultural Water Optimization Committee whose powers and duties include rulemaking authority, directing the process by which grants are to be issued and provide oversight. The Department of Agriculture and the Department of Natural Resources may use money in the Agricultural Water Optimization Account for the administration of this grant, except that the aggregate amount expended may not exceed 1.5% of the money appropriated to the grant program. The state allocated \$200 million into the Agricultural Water Optimization Account to enable the creation of a block of water with the ability to be monetized by those who hold the water right.