



UTAH LEAGUE OF
CITIES AND TOWNS

2025

Spring Training

General Government



ULCT Bill Tracker



SPRING TRAINING

April
9

**Spring
Training Land
Use Q&A**

**12:00 PM
Zoom Webinar**

APR
17-18

**ULCT Midyear
Conference**

St. George

MAY
7-9

**APA Spring
Conference**

Logan

More bills, more problems...

959

bills introduced

134 more bills than prior
9-year average

1,110

**substitutes &
amendments adopted**

6 fewer than last year, 118
above prior year average

ULCT tracked

279 bills

61 more bills than prior 3-
year average

582

bills passed

9 fewer than last year, 2nd
highest number

Why engage on bills we don't like?

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

2 Committees advance
90.3% of bills

3 2.5% fail floor votes



General Government

SB 277 Government Records Management Amend.

Sen. M. McKell

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

SB 277

HB 444

HB 504

HB 198

HB 77

HB 256

HB 300

HB 454

SB 310

SB 154

SJR 4

HB 444 Data Privacy Amendments

Rep. J. Moss

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

HB 444 Data Privacy Amendments

Rep. J. Moss

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

HB 444 Data Privacy Amendments

Rep. J. Moss

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

HB 444 Data Privacy Amendments

Rep. J. Moss

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

HB 504 Financial and Conflict of Interest Disclosures

Rep. L. Shepherd

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

HB 504 Financial and Conflict of Interest Disclosures

Rep. L. Shepherd

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

HB 198 Highway Expansion Imp. on Signage Amend.

Rep. V. Peterson

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

HB 198 Highway Expansion Imp. on Signage Amend.

Rep. V. Peterson

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

HB 77 Flag Display Amendments

Rep. T. Lee

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

General
Government

SB 277

HB 444

HB 504

HB 198

HB 77

HB 256

HB 300

HB 454

SB 310

SB 154

SJR 4

HB 256 Municipal and County Zoning Amendments

Rep. N. Walter

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

HB 300 – Amendments to Election Law

Rep. J. Burton

What changes in 2025?

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

HB 300 – Amendments to Election Law

Rep. J. Burton

What changes in 2025?

-Changes to voter registration forms with choice:

-Mail me a ballot

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

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

HB 300 – Amendments to Election Law

Rep. J. Burton

What happens from 2026 - 2029?

- Ballots mailed to all active voters unless voter requests not to receive one by mail
- Voter may provide last 4 digits of DL or State ID or SSN along with signature on ballot return envelope. Ballot can still be counted if signature matches.
- Can make choice to have ballot mailed or vote in person on:
 - Voter Reg forms, online voter reg, DL renewal, or when voting in person

HB 300 – Amendments to Election Law

Rep. J. Burton

What happens after 2029?

- Ballot only mailed to voters:
 - Who request them in the past 8 years, and
 - Have voted in previous elections (needs clarification)
- Must present ID to vote at the polls
- Returned ballots must include last 4 digits or DL or State ID, or SSN, or a photocopy of certain other forms to be counted

City imposed tax vs. fee:

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

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

HB 454 Local Government Fees Modifications

Sen. K. Peterson

- **Broadband Fees**

- City cannot impose a broadband general fee unless:
 - If before May 7, 2025 city issues general fee, then must repeal it no later than July 1, 2026.
 - If before May 7, 2025 city issued bond secured by general fee, then no later than 60 days after bond is paid
 - If before May 7, 2025 city issued general fee to pay for a bond issued before January 1, 2025, then must repeal general fee within 60 days of bond being paid off
- Summary:
 - If no bond: Ends no later than July 1, 2026
 - If bond: Ends no later than 60 days after paid

HB 454 Local Government Fees Modifications

Sen. K. Peterson

- **Public safety fee**

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

HB 454 Local Government Fees Modifications

Sen. K. Peterson

- **Transportation Utility Fee (TUF)**
 - Allowed if:
 - Reasonable relationship between TUF and services provided to, benefits received by, or the need created by those who pay the TUF – Can't just rely on property size or ownership
 - Approve by ordinance and study and follow process in code
 - Methodology must include residential, commercial, and houses of worship
 - Annual review and prepare report and sent to State Auditor
 - Subject to referendum
 - Expires 10 years from date imposed
 - Those that have it must comply by July 1, 2026

SB 310 Transportation Utility Fee Amendments

Sen. B. Brammer

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

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

General
Government

SB 277

HB 444

HB 504

HB 198

HB 77

HB 256

HB 300

HB 454

SB 310

SB 154

SJR 4

HB 454 & SB 310 Local Government Fees Modifications

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

General
Government

SB 277

HB 444

HB 504

HB 198

HB 77

HB 256

HB 300

HB 454

SB 310

SB 154

SJR 4

SB 154 Legislative Audit Amendments

Sen. B. Brammer

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

SJR 4 Amending Rules on Attorney Confidentiality

Sen. B. Brammer

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

SPRING TRAINING

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

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