

House Bills: Status, Sponsor and UASD position on the bill

HB 21 – Open and Public Meetings Act Amendments - House Rules - Joel Briscoe - Track and Amend
<https://le.utah.gov/~2023/bills/hbillint/HB0021.pdf>

This bill: 1) requires a public body holding an open meeting to allow a reasonable opportunity for the public to provide verbal comment at the meeting, with certain exceptions; and 2) requires a public body to adopt a resolution, rule, or ordinance allowing public comment in a public meeting.

Ryan's thoughts: Requires your district to adopt a policy allowing "reasonable" time on your agenda for public comment. You also must allow for written comment to be included if written comment has been submitted. As for what is reasonable: 3 to 5 minutes should satisfy the requirement. Your policy can also restrict any speech which is slanderous, anonymous or disparaging whether verbal or written. You can also restrict the speech to pertain only to specific agenda items.

HB 22 – Local District Amendments - Senate Government & Operations - Stewart Barlow - Support
<https://le.utah.gov/~2023/bills/hbillint/HB0022.pdf>

This bill: 1) replaces the term "local district" with the term "special district" throughout certain titles of the Utah Code

Ryan's thoughts: The bill is moving well and should be passed long before the session is over.

HB 97 – Government Records Access Amendments - House Rules – Andrew Stoddard - Support
<https://le.utah.gov/~2023/bills/hbillint/HB0097.pdf>

This bill: 1) modifies the definition of "record" and enacts a definition of "personal electronic device" for purposes of the Government Records Access and Management Act; 2) provides a process for searching the personal electronic device of an officer or employee of a governmental entity for records that are responsive to a record request; 3) provides criminal penalties for an officer or employee who refuses to conduct a search or who submits a materially false sworn declaration; 4) modifies a provision allowing a governmental entity to impose disciplinary action against an employee.

Ryan's thoughts: The bill protects both an employer and an employee during a GRAMA request for a public document on an employee's personal device. The bill allows the employer to ask permission to search the private device. If the owner of the device refuses, then the employer can ask the employee to search for the document(s) in question themselves. Regardless whether the document is produced, the employer can claim they did their due diligence and the employee can claim they did all they could as well to produce all the classified material that you may be hiding. Whether in your Florida Bungalow or in a box behind your treasured classic car.

HB 104 – Modifications to Public Safety Retirement - House Rules - Matthew Gwynn - Support

<https://le.utah.gov/~2023/bills/hbillint/HB0104.pdf>

This bill: 1) reduces the length of the period of separation for postretirement reemployment of a retiree from a public safety system or a firefighter retirement system; 2) provides the circumstances that constitute a separation from employment for purposes of being eligible for postretirement employment; 3) schedules the termination of the reduced period of separation but requires legislative review before termination; 4) modifies the years of service and increases the multiplier for purposes of calculating the retirement allowance provided to a member of the New Public Safety and Firefighter Tier II hybrid retirement system; and 5) makes conforming changes.

Ryan's thoughts: Reduces the time that a retiree must stay retired before entering postretirement reemployment from 1 year to 90 days. As of now the bill only includes firefighters and police.

HB 131 – Vaccine Passport Prohibition – Senate Health & Human Services - Walt Brooks – Track

<https://le.utah.gov/~2023/bills/hbillint/HB0131.pdf>

This bill: 1) defines terms; 2) makes it unlawful for a place of public accommodation to discriminate against an individual based on the individual's immunity status; 3) with certain exceptions, prohibits a governmental entity from requiring proof of immunity status; 4) with certain exceptions, makes it unlawful discrimination for an employer to require proof of immunity status; and 5) prohibits a governmental entity or employer from requiring an individual to receive a vaccine.

Ryan's thoughts: It's assumed that this is intended to only go after COVID vaccines but that's not what it says. There are many vaccines such as tuberculosis that need to be required by certain employers. UASD is looking to amend the bill. **The bill has been amended to carve out all entities that require certain vaccination status. UASD is now tracking the bill rather than opposed to it.**

HB 135, 1st Sub – State Holiday Amendments - Senate Business & Labor – Norman Thurston - Tracking

<https://le.utah.gov/~2023/bills/hbillint/HB0135S01.pdf>

This bill: 1) modifies state holidays and leave days; 2) requires the Division of Human Resource Management to establish rules governing paid time off and associated compensation for state employees required to work on legal holidays; 3) requires the governor to determine which state offices and services will be closed and unavailable to the public on legal state holidays; and 4) requires the governor to provide methods for the public to access state services on a legal state holiday, where practicable.

Ryan's thoughts: Main thing this bill will do to us is change the Columbus Day paid holiday with another day of the employee's choosing. The bill also requires the Governors office to open certain government offices on state holidays as needed.

HB 173 – Government Attorney Fees - House Political Subdivisions - Kera Birkeland - Oppose

<https://le.utah.gov/~2023/bills/hbillint/HB0173.pdf>

This bill: 1) defines terms; 2) requires a court to award reasonable attorney fees to a private party who prevails in certain civil actions adverse to a governmental entity; 3) permits a court to award reasonable expert fees to a private party who prevails in certain civil actions adverse to a governmental entity.

Ryan's thoughts: Basically makes it impossible for government entities to be reimbursed for legal fees. Bad bill.

HB 280 - Local Government Construction Project Bid Notice - House Political Subdivisions Committee - Doug Owens - Support

<https://le.utah.gov/~2023/bills/hbillint/HB0280.pdf>

This bill: 1) eliminates a requirement that a local government Page 14 of 32 UASD Legislative Update entity post notice of a bid on a building improvement or public works project in five public places; 2) requires notice of the bid to be posted on the state procurement notice website; and 3) makes technical changes.

Ryan's thoughts: Looks like it makes it easier to post bid notice for construction projects. Only need to post on the Public Notice Website and a state procurement website

HB 343 – Government Records Modifications - House Rules - Jefferson Moss – UASD Amend

<https://le.utah.gov/~2023/bills/hbillint/HB0343.pdf>

This bill: 1) defines terms; 2) permits the Division of Archives and Records Service to require background check of employees and volunteers who have direct access to vulnerable records; 3) modifies the duties and training of a records officer; 4) requires the appointment of one or more privacy officers for an executive branch agency to fulfill certain duties relating to the agency's records; 5) requires the appointment of one or more security officers for an executive branch agency to assess, coordinate, and manage cybersecurity for the agency; 6) grants rulemaking authority to the state archivist, the executive director of the Department of Government Operations, and other departments, in relation to government records and the provisions of this bill; 7) requires executive branch agencies to: a) make and maintain an inventory of records that contain personal identifying information; and b) prepare and maintain a privacy annotation for each record series collected, maintained, or used by the executive branch agency that discloses whether the record series contains personal identifying information, describes the type of personal identifying information contained in the record series, and provides other information regarding the personal identifying information contained in the record series; 8) requires the executive director of the Department of Government Operations to make rules for identifying personal identifying information, inventorying the information, and reporting regarding the information; 9) modifies individual and Amend Page 18 of 32 UASD Legislative Update rights with respect to records that may be classified as private or controlled or that may contain personal identifying information; 10) changes the title of the "government operations privacy officer" to the "chief privacy officer".

Ryan's thoughts: In short, creates more requirements for your records officer. More training, background checks and lots of costly red tape for all of it. UASD is concerned about it and would like to amend it. At the least. Hoping it stays in House rules.

HB 367 – Local Government Airport Ordinances – House Rules – Katy Hall - Tracking

This bill: in certain circumstances, requires a municipal airport that enters into a ground lease with a private party lessee to pay the private party lessee fair market value for the private party lessee's improvements, including hangars, installed on the leased property.

Ryan's thoughts: Could be good for districts who have airport hangers. Airports wouldn't be able to use your stuff for free.

HB 345 – Local District Property Tax Amendments - House Revenue & Tax - Karen Peterson - Tracking

<https://le.utah.gov/~2023/bills/hbillint/HB0345.pdf>

This bill: 1) requires a member of a board of trustees of a local district to report tax increases and bond issuances to the member's legislative body; and 2) requires the legislative body to make a recommendation regarding the local district's tax increase or bond issuance.

Ryan's thoughts: Puts extra pressure on your board member to vote (for or against a tax increase or bond issuance) in accordance with the appointing authorities recommendation. Under current law, each of our board members must report to their appointing authorities when the district is proposing a tax increase or issuing a bond. However, also under current law, the Appointing authority can decline to hear the report if they wish and the district may still proceed with the increase. This bill makes it MANDATORY for the city/county to hear the report and while it doesn't force the board member to go along with what the appointing authority recommends; the bill requires the *appointing authority* to *take a vote* to recommend your board member vote the way the appointing authority would like them to.

Senate Bills: Status, Sponsor and UASD Position on the Bill

SB 24 - 1st Sub – Advanced Air Mobility Amendments - Enrolling – Wayne Harper - Tracking

<https://le.utah.gov/~2023/bills/sbillint/SB0024S01.pdf>

This bill: 1) defines terms; 2) rennumbers and amends provisions related to unmanned aircraft systems and organizes those provisions with code related to the Division of Aeronautics; 3) amends the powers of the Division of Aeronautics to include oversight of vertiports and other topics related to advanced air mobility systems; 4) requires registration of unmanned aircraft systems and advanced air mobility systems; 5) grants rulemaking authority to the Department of Transportation to make rules related to registration fees and registration requirements for unmanned aircraft systems and advanced air mobility systems; 6) enacts and amends provisions related to preemption of local ordinances and business licensing of advanced air mobility business; and 7) makes technical changes.

Ryan's thoughts: This is going to require us to register our UAV's with the state of Utah. Again, most of what this bill does is set up framework for future UAV regulation through legislation. As stated, we have to register the drone with the FAA, and now we will with Utah.

SB 43, 1st Sub – Public Notice Requirements House 3rd Reading - Stephanie Pitcher Track (UASD Amended) <https://le.utah.gov/~2023/bills/sbillint/SB0043S01.pdf>

This bill: 1) defines terms; 2) creates classifications for types of public notices where each classification requires notice to be provided in specific ways; 3) amends public notice provisions to implement the new classification system; and 4) makes technical and conforming changes.

Ryan's thoughts: This creates a new system for public notice requirements. It creates three classes of notice. Class A would be a notice for a budget hearing for example. Class B and C would be something along the lines of a notice for information placed on the transparency website. In short it will require a bit more work for us when we give the public notice. I will get into the requirements on how we comply in a later update. Supposedly, there is no change in notice timing or regulation. The objective is to modernize and streamline notices into these three categories.

SB 108 - 2nd Substitute – Animal Shelter Revisions House Rules - Michael McKell - Tracking

<https://le.utah.gov/~2023/bills/sbillint/SB0108S02.pdf>

This bill: 1) modifies definitions; 2) addresses the methods by which an animal shelter or animal control officer may euthanize an animal; 3) requires an animal shelter that euthanizes animals to adopt a euthanasia policy and training program; and 4) makes technical changes.

Ryan's thoughts: Probably makes it illegal to kill mosquitoes. For those of you who take me too seriously, that was a joke. This bill really has nothing to do with us. Which is why the font is green

SB 127, 1st Sub – Cybersecurity Amendments - Senate 2nd Reading - Wayne Harper - Track and Amend
<https://le.utah.gov/~2023/bills/sbillint/SB0127S01.pdf>

This bill: 1) amends the disclosure requirement for system security breaches; 2) requires the Division of Technology Services to report certain information regarding consolidation of networks used by governmental entities; 3) creates the Utah Cyber Center and defines the center's duties; 4) requires governmental entities in the state to report a breach of system security to the Utah Cyber Center; and 5) requires governmental websites to use an authorized top level domain by January 1, 2025.

Ryan's thoughts: Would require all of us to change our domain names for our websites to .gov or other "top level" domain specifically listed in the bill. Most of us use .org from what I see but this would require us to change. The bill also requires us to report cyber security breaches as well. UASD is attempting to get this amended.

SB 161, 1st Substitute – Advanced Air Mobility Revisions Senate Transportation - Wayne Harper - Track
<https://le.utah.gov/~2023/bills/sbillint/SB0161S01.pdf>

This bill: 1) requires the Department of Transportation to study the following items related to advanced air mobility, including: a) vertiport locations and infrastructure; b) implementation strategies of advanced air mobility technologies; c) unmanned traffic management infrastructure; and d) the creation of an advanced air mobility sandbox; 2) requires the Department of Transportation to provide a report to the Transportation Interim Committee; 3) instructs the Department of Transportation to use existing departmental funds to cover the costs of the study; and 4) amends provisions related to preemption of local land use authority pertaining to advanced air mobility.

Ryan's thoughts: Simply asks DOT to do a study on where advanced air mobility vehicles can fly/take off/land and travel. More studies on drones and how they need to be regulated.