

THE A-B-C'S OF THE 2020 LEGISLATIVE SESSION

“It’s just a tent!”

A IS FOR “ANNEXATION & ADA”

This year there were 2 **ANNEXATION** bills, **HB359 (p. 35)** and **HB393 (p. 40)**. Essentially they allow the annexation of islands and peninsulas with County consent and prevent any annexation of areas currently going to voters for incorporation.



There were also 2 **ADA** bills, **HB366 (p. 36)** and **HB 378 (p. 37)** which requires the Dept. of Human Services to do some reporting to the legislature, and creates an Alternative Dispute process for ADA claims/complaints.



B IS FOR “BABY”



SB 207 (p. 69) grants 120 day paid maternity leave (“postpartum recovery leave”) for some (not all) state employees. Unfortunately, attorney’s in the AG’s office are on the excluded rather than included list.

C IS FOR “CONSTRUCTION”

HB 29, HB54 and **HB374** were aimed at the construction trade, with some new rules on materials and building processes.

HB29 (p. 4) requires building that inspections occur within 3 days of call and adds swimming pools and spas the construction codes.

HB54 (p. 7) allows the use of timber rather than steel for buildings over 3 stories. It will help reduce costs for affordable housing. It also requires law enforcement to obtain a warrant for items in cloud storage, but did you know they wanted much more?

HB374 (p. 37) requires the League of Cities and Towns to report to the Labor Interim Committee, data regarding how much time cities are taking to review building plans.



D IS FOR “DAYLIGHT SAVINGS TIME”



SB59 (p. 51) This bill mandates that Utah change to year round daylight savings time if 2 pre-conditions occur:

1. 4 other Western states have to pass similar legislation; and
2. US Congress needs to amend 15 USC §260a to allow year round daylight savings time.

Washington, Wyoming and Oregon all passed similar legislation, California is working on it, and Idaho passed it for part of the state.

E IS FOR “ELECTIONS”

This year there were **6** bills dealing with election issues!

The two big bills were **HB19 (p. 1)** which had several changes, primarily to municipal elections and **HB36 (p. 5)** which was a major overhaul of the election process.

HB70 (p. 10) eliminated straight party voting, **HB221 (p. 23)** mandates that an elected municipal officer reside in the district they represent, **SB28 (p. 47)** removed a statement from the unaffiliated voter ballot, and **SB143 (p. 61)** dealt with fiscal impacts of initiatives.



F IS FOR “FIRE”



HB 66 (p. 9) enacted the Wildland Fire & Cost Recovery Act requiring utility companies (Rocky Mountain Power) to prepare and submit a wildfire protect plan.

HB92 (p. 12) requires the Division of Air Quality to approve a prescribed burn prior to the burn occurring.

G IS FOR “GRAMA”

HB75 (p. 10) protects a voter’s name or voter ID related to signatures on initiatives or referenda

HB 382 (p. 37) changes a property tax payer’s email, phone number or financial information to a private record.

SB47 (p. 50) classifies signatures on election documents & petitions as a protected record.

SB83 (p. 54) amends the procedures for classifying voter registration as a private record

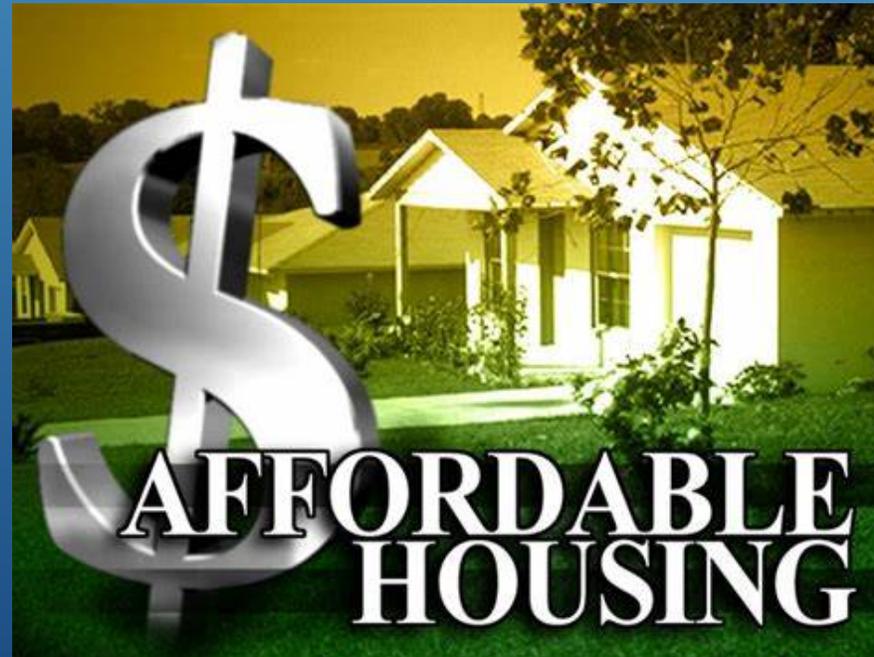
SB171 (p. 64) prohibits disclosure of membership in or financial contributions to political action groups like Libertas

SB185 (p. 66) changes access to and classification of jail policies



H IS FOR (AFFORDABLE) “HOUSING”

SB 39 (p. 49) appropriated \$10 million for affordable housing solutions and created more flexibility in housing options.





I IS FOR “INDIGENT DEFENSE”

SB139 (p. 60), SB170 (p. 63), and SB175 (p. 65) worked together to:

1. Amend the powers and duties of the Indigent Defense Counsel
2. Create the Office of Indigent Defense Services
3. Create the Child Welfare Parental Defense Program (giving indigent defense to parents and children in private abuse, neglect or dependency actions)
4. Create the Indigent Appellate Defense Division (along with the position of chief appellate officer); and
5. Create a reporting requirement for indigent defense services.

J IS FOR “JAILS”

HB38 (p. 11) modifies and enacts provisions regarding substance use treatment and health care in jails by loosening Medicaid coverage with the trade that counties to pay the matching fund portion (in lieu of the state) for Medicaid coverage.

HB 110 (p. 18) requires jails to inform inmates or 3rd parties contributing to commissary accounts, to know that money can be taken from the fund for other things.

SB236 (p. 78) modifies the formula used to calculate the state daily rate of incarceration (increasing the rate), then lowers the reimbursement percentage for jails.



K IS FOR “MOSKITO” (YES, I KNOW ITS “MOSQUITO”)

SB64 (p. 52) requires a mosquito abatement district to provide special notice prior to any ULV treatments and requires them to maintain a website or social media platform.



L IS FOR “LETTER OF CAUTION”



HB43 (p. 6) gave POST the authority to issue “Letters of Caution” to POST certified peace officers and dispatchers as part of the disciplinary tool box.

M IS FOR “MENTAL HEALTH”

HB35 (p. 4) seeks to improve access to mental health services by requiring a study of the long-term need for beds at the State Hospital.

HB219 (p. 23) addresses reimbursement from Medicaid for certain inpatient mental health treatment

HB246 (p. 25) changes provisions to increase the number of psychiatry medical residents at the U of U.

SB68 (p. 53) started by trying to loosen the qualifications to provide mental health services, but ended by increasing some requirements.

SB89 (p. 55) creates the Mental Health Services Donation Fund.



N IS FOR “NOT MY PROPERTY” (AKA EMINENT DOMAIN)

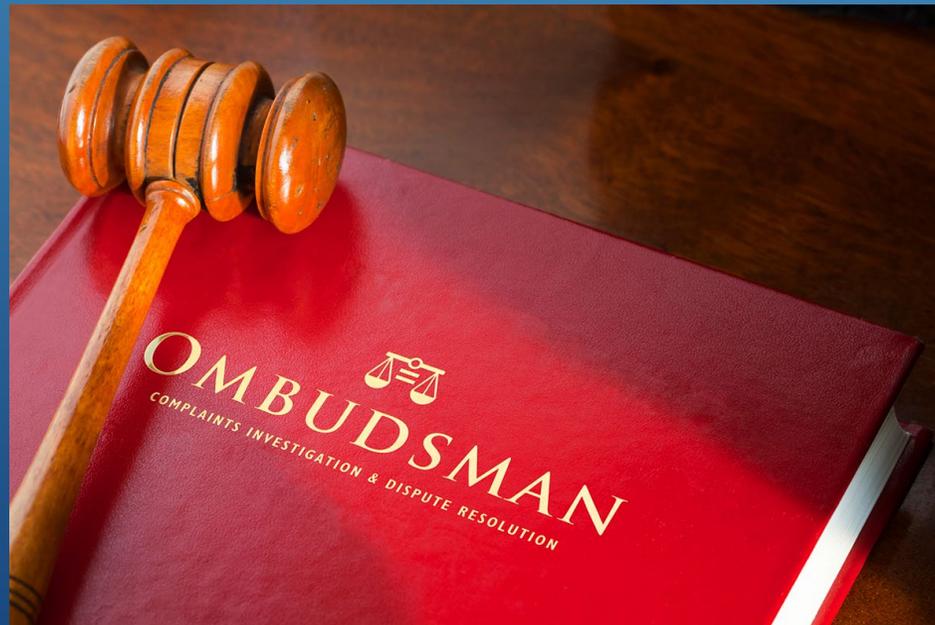


HB198 (p. 20) prohibits the use of eminent domain for public uses like hiking & equestrian trails or walkways. It also prohibits a park on a “century farm” in a 1st class county.

SB205 (p. 68) seems to be the response to UDOT v. Target Corp. 2020 UT 10, and requires that the condemning agency need only negotiate with the fee simple owner of the property

O IS FOR “OMBUDSMAN”

HB 273 (p. 26) establishes that if on a land use appeal, the District court resolves a case consistent with a Property Rights Ombudsman opinion issued on the same facts and circumstances, AND the court determines that the opposing party knowingly and intentionally violated land use laws, a civil penalty of \$250 per day could be imposed (beginning 30 days after the Ombudsman opinion and ending with a District court ruling).



P IS FOR “PLANNING” AND ZONING

HB 388 (p. 39) modifies the subdivision processes in the Land Use Management Act in an attempt to provide simple administrative processes for some plat amendments. It also clarifies public and municipal utility easements and redefines who is an “affected party” that can challenge on appeal, a land use decision.



HB306 (p. 31) allows counties of the 1st or 2nd class that have multiple planning advisory areas to dissolve those and establish a county-wide planning commission. Addresses issues in Weber County.

Q IS FOR WATER “QUALITY”

SB 88 (p. 54) makes several amendments to the Environmental Quality Code, including amendments to source and minimum sizing requirements for public water systems.



R IS FOR “RECREATIONAL RISK”



HB 346 (p. 34) amends the liability provisions for a recreational activity by adding “scooters” as a recreational activity with inherent risks. Including scooters gives governments and property owners some liability protection if an injury occurs on their property.

S IS FOR “STORMY” WATER

HB226 (p. 24) was a little stormy in the making, but ultimately amended some storm water permitting provisions by DEQ and allows applicants to appeal the implementation of storm water permits by local jurisdictions to an approved 3rd party engineer.



Stormwater Drains

T IS FOR “TAX, TAX, TAX, TAX, TAX”

This year there were **14 tax bills** passed with one (HB269) being vetoed by Governor Herbert. Some highlights include:

HB 164 (p. 17) mandates that a Tax Commission approved form be used for all applications for primary exemptions and that counties may not ask for any additional information.

HB185 (p. 19) was the repeal of SB2001 the tax restructuring bill adopted during the 2nd special session in 2019.

HB280 (p. 27) gives rural counties (4th, 5th and 6th class) more flexibility in how they can spend TRT taxes.



U IS FOR “URBAN” DEVELOPMENT



HB 305 (p. 31) was Herriman City's response to the Olympia Hills development and originally tried to hijack impact fees, but ended by requiring noticing to cities by counties seeking to approve “urban development” in unincorporated areas that are within a city's annexation declaration zone.

SB158 (p. 62) allows a community reinvestment agency to extend urban renewal project area funds for a project area that includes an inactive industrial site without obtaining the taxing entity's approval

V IS FOR “VAPE”

HB23 (p. 2) was the major revision bill that changed the “smoking” age to 21 to comply with federal law, amended rules for smoking specialty shops, restricted the number of times law enforcement can conduct an investigation of a shop for under aged sales and allows cities to adopt their own ordinances consistent with the bill.

HB58 (p. 8) mandates that school districts adopt policies prohibiting e-cigarettes and products on school grounds

SB37 (not listed) also changes the age to 21 and creates prevention and abuse programs, addresses the sales tax and use of revenue on the sales and provides penalties.



W IS FOR “WHERE’S” MY CAR?

HB57 (p. 8) creates standardized signage and mandates the use of that signage to legally tow.

HB120 (p. 13) allows special service districts to charge a dispatch fee to towing companies seeking to be on the rotation list.



X IS FOR “EX” FELONS



HB 98 (p. 12) was this year's fix to last year's disaster. It amended the use of personal property provisions to separate the appropriation of \$\$ vs. property, changed the intent language, gave a "fix" period and lessened the criminal penalty.

Y IS FOR “YURTS”

HB297 (p. 29) defines “remote yurts” then exempts them from building, fire and health codes if certain criteria are met. It does allow them to be regulated through zoning laws.



As Senator Hemmert kept insisting: “Its just a tent!”

Z IS FOR “ZOOM ZOOM”

HB138 (p. 14) requires special noticing to property owners if a government is going purchase real property for corridor preservation on a voluntary (non-condemnation) basis.

SB150 (p. 61) among other things, amends transportation funding provisions and requires cities and counties to notify large transpiration districts of land use applications that may impact a major transportation investment corridor.

SB169 (p. 63) amends the definition of transportation utility fee

SB224 (p. 71) codifies court decisions regarding the dedication of public rights-of-way by use.

