

Legislative Policy Committee
Meeting Minutes
March 9, 2015

Lynn Pace welcomed everyone and noted that former Mayor Deedee Corradini of Salt Lake City died this last week and asked for a moment of silence in her memory and her honor. He opened the discussion with an update on transportation issues (HB362).

Cameron Diehl said they expect a third substitute for HB362 to be coming out any minute now. He presented his slide show that will be sent out en masse on list serve, and is on the blog. Cameron thanked the stakeholders that have helped with the session. Special thanks to Salt Lake County Mayor Ben McAdams, Davis County Commissioner Bret Millburn, and UAC Director Lincoln Shurtz who made some beneficial changes for the cities. He said we are going into the fourth quarter of transportation (Ute football analogy).

Cameron said that the third substitute has four parts: the county imposed sales tax subject to voter approval, allocation formula, distribution formula, and modify the motor fuel tax converting it to 10% sales tax. He noted that some tremendous progress has been made. He feels that they have made tremendous progress so far in regards to the allocation and distribution formula concerns, and that it now includes all transit systems in the state. Nick Jarvis and Cameron determined that the .10 wasn't what the cities thought it would be. With the new 50/50 formula, 79% for the .10 could be kept in the cities and towns. That is 5 million kept in the aggregate state wide. There will also be an expanded definition of transportation with more options in the active transportation realm. The third substitute will be public this afternoon. They are not anticipating a hearing. They need 15 votes in the Senate, before the governor's signature, and that is going to be a difficult task.

Last week, the League requested that you contact your Senators. The #leaguearmy was very successful and is now well known on the hill. From Thursday thru Saturday, 41/75 Members were contacted. We believe 43 will vote yes, but need more support. Cameron requested that the following individuals be contacted as they only gave a "maybe" in support of the bill:

LaVar Christensen (Sandy, Draper)

John Cox (Juan and Sanpete County)

Susan Duckworth (Unincorporated SLC)

Brad King (Price, Carbon, Grand, Duchesne)

Brian King (SLC)

Justin Miller (Holladay)

Val Peterson (Orem)

Robert Spendlove (Sandy)

Keven Stratton (Orem)

Norm Thurston (Provo)

Curt Webb (Cache Valley)

The next lists of persons have had no contact. Cameron asked that they be contacted by those they represented as well:

Francis Gibson (Southern Utah County-Spanish Fork, Springville)

Keith Grover (Orem)

Eric Hutchings (Kerns)

Ken Ivory (West Jordan, some of South Jordan)

Mike Noel (Pretty much half of state, Kane County)

Dixon Pitcher (Weber County)

Earl Tanner (West Jordan)

John Westwood (Cedar City, Iron/Washington Counties)

Cameron continued that the real battle in the Senate will be on Friday. As of now, they do not have 15 votes and there are some Senators that are adamantly against the bill. He asked Abby Albrecht of the Utah Transportation Collation to give a few remarks.

Abby said that the Senate hasn't really been talked to, and they have a very small appetite for the bill. They have worked for weeks to get a compromise, but #leaguearmy will be needed to get the bill passed. Lynn Pace asked her if the opposition is mainly on the sales tax. Abby said yes, and that Senator Stephenson said in caucus on Friday that it isn't a user fee, but it should be. Abby said one of the main concerns for the sales tax is that it will breach the magic 7%. Although, some places in the state are already over 7%.

Lynn welcomed Representative Johnny Anderson, calling him the champion of the bill. Rep. Anderson said that the local option is the most controversial part of the deal. He said the bill can't be what everyone wants, but that they have constructed it so that there are the most amount of 'winners.' Ken Bullock pointed out that the user fee is best because it reflects walkers, bikers, motorcycles which will all benefit from the bill.

Rep Anderson said that they can't achieve perfection, but the bill is an excellent solution for this year.

Mark Seethaler of South Jordan asked if there was a Senate cosponsor. Anderson said it was Senator Al Jackson.

Mayor Norton of Vernal asked via online if it could be clarified, the distribution to counties without transit, and what would go to county and cities? Rep. Anderson said they were still working on a consensus bill, but the local option has to remain in. Lots of efforts have been made to show the Senate that the local option must remain in the bill.

In response to a question, Rep. Anderson said that the maintenance of effort of 5 years should not require extra paperwork for the cities and counties. The state auditor thinks that current audits will cover what is needed.

Heather Pehrson of Bluffdale City asked if the option will be on the ballot for a vote this November, and if it is an all or nothing vote on the quarter cent. Rep. Anderson replied that it would be up to the county legislative body to decide if it will be voted upon this year, and the whole thing would have to be voted upon as a single option. Just because it becomes legislation doesn't mean it will immediately go into effect.

John Valentine of the Utah State Tax Commission thanked Rep. Anderson for his work on this bill. He said they had major concerns on the 1st and 2nd versions, but the 7th version of the 3rd substitute is one they can administer. He can't state a position on behalf of the commission, but he can say they can administer it.

Mayor Cullimore of Cottonwood Heights asked if the bill will cover park and ride facilities. Rep. Anderson stated that he thinks so as it also includes transportation, sidewalks and maintenance, and that it is worth looking into. If it needs to be fixed, we can look at fixing it in the Senate bill.

Tim Irwin of Highland City asked what is was about the local option that the Senate doesn't like. Rep. Anderson said it has a lot to do with being worried about the lucky 7% on taxes.

Ken Bullock said that they know that 20 cities are 7.0-8.35% in the state. He said that this is a matter of educating people. Plenty of people go to places with this high of a tax and no one factors it in while traveling.

Mayor Dave Sakrison of Moab had an online question asking for clarification on distribution to counties. Rep. Anderson responded that counties without transit get .15 for regionally significant reasons, and .10 for the cities.

Steve Thacker of Centerville asked how is the base defined for the maintenance of effort. Is it the upcoming year budget for the next five years? Rep. Anderson said it is what has previously been budgeted to be continued for 5 years. Roger Tew said those details still needed to be worked out.

Karianne Lisonbee of Syracuse said that was not how she understood it. She said that they had a need and put \$10 million extra over the last few years because they felt they owed it to the residents. They are not prepared to continue the extra amount over the next five years and it would be harmful to them if they had to.

Andrew Gruber with the Wasatch Front Regional Council said that the language said that the new .25% can't supplant current budgets. It must be an additive amount to transportation funding. Meaning you can't take money you generally would use for transportation and move it to the general fund because you now have more money in the transportation budget.

John Valentine said that we need a specific time period to base the previous budgets off of for the measurement of maintenance of effort. He thinks it is currently too subjective.

Representative Anderson said that that can be addressed in the Senate bill.

Paul Larsen of Brigham City asked if there are allowances if the transit covers more than one area. Representative Anderson replied with a yes. They get .10. He said that not all are happy but hopefully it is palatable for everyone.

Jim Young with Farmington asked who besides Senator Stephenson is opposed to the bill. Abby Albrecht replied that the majority of the Republican Caucus is opposed.

Representative Anderson stated that his plan is to uncircle the bill, substitute it with the 3rd substitute, talk about it in the House Republican Caucus this afternoon, circle it with substitute, and perhaps uncircle it this evening. It has to be done today.

Cameron Diehl said that Rep. Anderson was going to the Senate Republican Caucus now, and asked everyone to go up and show support after this meeting. The most valuable tool for the Senate is key city elected officials or city staffers to meet face to face to let the Legislators know

what you want for your cities. Nick Jarvis, Brandon Smith, and Cameron will be putting together data points with details of benefits for each city that you can forward them, along with the talking points from today, to the Senate. We need to collectively be talking to the Senators.

Lynn Pace stated that the House favors the sales tax and the Senate the gas tax. He said that we can add a gas tax, but we can't remove the sales tax.

Lynn moved on to the next order of business, SB 199-The Community Preservation bill (SLC). The summary of where we are now is that the 3rd substitution was 226 pages and the 5th substitution is out today. Due to significant time being spent on it last week, he had seven talking points:

1. There will be no new townships statewide.
2. Unincorporated islands would only have an advisory vote.
3. Any metrotownship created would have the ability to become a city or town in the future.
4. A metrotownship is defined different than a city.
5. Planning districts could be anywhere in the state but would just be advisory.
6. Metrotownships would have fixed boundaries like a city. The county has refused to move on this issue.
7. There is intent language that the metrotownship is intended to only apply to Salt Lake County.

The position on the subgroup that has been meeting on this is that if we can have these items addressed, we would support this bill.

The next item of business is HB 266 on Tow trucks.

Brandon Hill from West Valley City stated that this started with wanting the state to not dispatch tow trucks long distance if a closer one is available. It was mainly an air quality issue. It moved to being a restriction on municipalities. That was the 1st substitute which was not adopted. The industry has been against working with us even when we thought there was a consensus reached. Representative Kim Coleman is the sponsor on this and has worked hard to get language we can live with. He asked that everyone support and contact them to help get better language.

Lynn turned the time over to Cameron for a General Update. Cameron started with HB 190 Assessment Area Act Modifications. It has moved out of the House and is awaiting final consent in the Senate. There have been several toxic amendments floating around. They want to stay

informed on if your representatives are supporting the amendments so we can discourage them.

The second item of General Update is SB 157 GRAMA. This bill would eliminate local government appeals. That has been restored. It now empowers the state records committee to review local appeals boards. If you have a local review board, there is now a standard of review by the state board. In terms of compromise, Cameron feels that they took a positive step. They also made changes to the membership of the state board and there will be a member appointed by the League.

Mayor Sakrison from Moab asked via online where the League is with billboards on scenic byways. Cameron replied that there are two bills that deal with scenic byways. The first is about businesses advertising on UDOT signs to encourage travelers to come into the town. The original version didn't have any offensive language, but there was a computer error and the substitute put online was one from last year that had very offensive language to local governments. Because it was caught, the League brought it to the attention of the sponsor while he was presenting the bill. The mistake was corrected and the right substitute was brought to the floor. The second bill was about regulating billboards out of scenic byways. The League opposed it in committee and restored local government authority. Both bills were sponsored by Representative Mike Noel.

Melinda Greenwood from Pleasant View asked via online if there was a bill about lowering the state mandated water level requirement for water service providers. Mark Strafford from Brigham City responded that there wasn't any actual legislation this year.

Cameron continued with HB 348 on Criminal Justice Reform bill. The League has opposed the bill for the last two weeks, but it will be passed. How it will be funded is another matter. Healthy Utah and Medicaid expansion are part of that discussion.

Dave Spatifore said that law enforcement has taken a supporting view because the number of misdemeanors for a felony has been dropped from 4 to 2. And secondly, if you are a convicted felon you lose gun rights. By making it harder to get a felony, more convicted criminals will have gun rights. But Representative Hutchings agreed to have the 2nd misdemeanor equivalent to a felon in regards to gun rights. From a law enforcement perspective, he thinks it is a good bill. He also stated that they think it is a good bill for the League to get behind.

Dave Spatifore continued with an update on HB 343 which affected public safety radios. There were two amendments by Representative Brad Dee. The first was that the UCA would be under state procurement, which they were against. UCA provided their own procurement policies and for transparency reasons put it on their website. The second amendment talked about having a technical committee made from private sector vendors that everything would have to go

through. UCA responded that they could live with that whichever private sector members are on the subcommittee would be prohibited from responding or serving for any RFPs. The committee will meet every two months and take minutes. He said that the amendment has \$1.5 million for system design and they found out they have \$19 million from an appropriation for new consoles and tower sites. There will also be \$2 million for an emergency fund.

Cameron moved on to HB 288 regarding officers fallen in the line of duty. The bill originally stated that the families of the officers would have health benefits for life. The League has worked to change that so there are increased death benefits so that there isn't such an impact on one area. The language in the bill has been changed and they are hoping for a consensus this week.

Next was SB 226 which was about when a government official needs a warrant for imaging and surveillance devices. The concern was that firefighters wouldn't be able to use the equipment to find bodies in a fire. They were able to address that in the extenuating circumstances language and it has now passed in the Senate.

Cameron then moved to SB 82, and asked Shawn Guzman of St. George to address the bill. Shawn said there have been many meetings with the chiefs, ACLU, law enforcement, the Libertas group. Supposedly they reached a consensus as requested by Senate Urquhart. Afterward there was significant disagreement about obtaining a warrant for possession of drugs. The language came out that there couldn't be a warrant obtained for no knock warrants or knock and announce warrants, even with neighbor reports and complaints for drug use. The group is still working on the language, but it will be heard in the House today. The sponsor has made some concessions. There is language that officer ID has to be clear and body cams turned on at the home. The sponsor this morning asked the chiefs to have a meeting and work out the language, but they don't know if that can happen.

Dave Spatifore followed up on Shawn's comments, but reiterating that the problem is that no warrant can be obtained. They thought it was going to be only for no knock warrants, but the language was including all warrants. They want to change to just no knocks, or kill the bill.

Lynn Pace said Mayor Curtis texted in to say he was watching the meeting and that he hopes Cameron feels better.

Lynn continued with HB 293 that would change the historic district structure and would need 75% of property owner written consensus. Lynn thinks that is a problem but doesn't know if it will actually move forward. He also mentioned that SB 293 is in Senate committee this afternoon. He feels that the super majority threshold is inappropriate.

In regards to Maintenance of effort, Roger Tew worked up some clearer language. He said he understands concerns and that it would only be funds that have been appropriated from your general fund for transportation. So capital accounts would be excluded.

Lynn asked for a motion to adopt the minutes. Minutes were adopted. He asked that everyone stay at the Capitol and leave notes or talk to the Senators. He asked that everyone stay in contact and watch bills they care about.