UTAH LEAGUE OF CITIES AND TOWNS

GENERAL LEGISLATIVE SESSION

2017

ULCT Legislative Team

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Nick has worked for ULCT for 7 years and oversees the League's research arm. He is responsible for compiling and analyzing the data we use to support our positions, advancing our online presence, and working with other research organizations to provide ULCT membership with the best information possible.

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Brandon has worked for ULCT for 2 years. He lobbied and managed logistics during the legislative session. Brandon specializes in legislative research and data analysis.

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150 SB 111 | Unmanned Aircraft Amendments
151 SB 116 | Polling Location Amendments
152 SB 126 | Collection Process Amendments
153 SB 128 | Election Day Notification Amendments
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156 SB 138 | Metro Township Amendments
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Building Code	Public Safety
Elections	Retirement/Benefits
Finances	Transparency
General Government	Transportation
Judiciary	Water

Air Quality

HB 104 Motor Vehicle Emission

HB 392 Air Quality Policy Advisory Board

AIR QUALITY

Building Code

HB 37 **State Construction Code Amendments**
- Action Required

HB 281 **Construction and Fire Codes Amendments**
- Action Required

SB 241 **Local Government Plan Review Amendments**
- Action Required

BUILDING CODE

Elections

HB 012 Disposition of Ballots Amendments
- Action Required

HB 016 Voting Revisions
- Action Required

HB 20 Political Activities of Public Entities Amendments

HB 78 Nonbinding Opinion Questions

HB 105 Early Voting Amendments
- Action Optional

HB 160 Campaign Contribution Solicitation Amendments
- Action Required

HB 218 Poll Location Amendments
- Action Required

HB 230 Elections Revisions
- Action Required

HB 0255 Initiative Amendments

HB 324 Local Budget Hearing Notice Amendments
- Action Required

HB 372 Candidate Replacement Amendments

SB 13 Amendments to Election Law
- Action Required

SB 69 Notification Requirements for Ballot Proposals
- Action Required

Elections

SB 116 Polling Location Amendments

SB 128 Election Day Notification Amendments
- Action Required

SB 150 Municipal Mayoral Term Amendments
- Action Required

SB 152 Elections Modifications
- Action Required

SB 269 Elections Modifications

ELECTIONS

Finances

HB 25 Tax Incentive Review Amendments

HB 32 Assessment Area Act Amendments

HB 64 Property Tax Relief Amendments

HB 135 Deposit of Public Funds
- Action Required

HB 164 Municipal Enterprise Fund Amendments
- Action Required

HB 258 Veterans Tax Amendments

HB 290 Community Reinvestment Agency Amendments

HB 405 Hydrogen Fuel Production Incentives

HB 429 County Fund Amendments
- Financial Impact

HB 448 Community Reinvestment Amendments
- Action Optional

SB 83 Sales Tax Notification Amendments

SB 93 Property Assessment Notice Amendments

SB 110 Sales Tax Collection Amendments

SB 139 Tax Increment Financing Revisions

SB 197 Refinery Sales and Use Tax Exemption Amendments
- Financial Impact

SB 247 Modifications to Distribution of Local Sales Tax Revenues

SB 264 Outdoor Recreation Grant Program

SB 265 Distribution of Revenues Collected Under the Local Sales and Use Tax Act

General Government

HB 036 Affordable Housing Amendments
- Action Optional

HB 039 Local Officer Amendments
- Action Required

HB 056 Accessible Parking Amendments
- Action Required

HB 069 Capital Facilities Revisions
- Action Required (if taking pass through funding)

HB 115 Solid Waste Revisions
- Financial Impact

HB 0121 Local Food Advisory Council

HB 0130 Cannabinoid Research

HB 156 State Job Application Process
- Action Required

HB 163 Municipality per Diem Amendments
- Action Required

HB 178 Good Landlord Amendments
- Action Required

HB 186 Local Government Official Residency Amendments

HB 195 Dissolution of Local Districts
- Action Optional

HB 203 Open Burning of Yard Waste Amendments

General Government

HB 229 **Amendments Relating to Local Districts**
- Action Optional

HB 280 **Agriculture Regulation Preemption Amendments**

HB 298 **Free Expression Regulation by Local Government**

HB 300 **Trampoline Park Safety Standards Act**

HB 328 **Service Area Board of Trustees Modifications**

HB 364 **Removal of Local Elected Officials**

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HB 442 **Alcohol Amendments**

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HB 459 **Rural Health Services Account Amendments**

SB 81 **Local Government Licensing Amendments**

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SB 98 **Excess Damages Claims**

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SB 138 Metro Township Amendments

SB 143 Local District Board Amendments

SB 244 Retail Bag Impact Reduction Program

SB 250 Food Truck Licensing and Regulation

SB 251 Local Government Criminal Penalty Amendments

SB 267 Utah Rural Jobs Act

SB 279 Alcohol Modifications

Judiciary

HB 79 **Private Attorney General Doctrine**

HB 184 **Contraband Device Destruction**

HB 239 **Juvenile Justice Amendments**
- Action required

HB 399 **Governmental Immunity Amendments**
- Action required

HB 433 **Penalty for Targeting Law Enforcement Officer**

SB 87 **Civil Asset Forfeiture Revisions**

SB 126 **Collection Process Amendments**
- New Process

SB 134 **Indigent Defense Commission Amendments**
- Action Optional

SB 169 **Judiciary Amendments**
- Action Required (under certain circumstances)

SB 215 **Master Offense List**

Land Use

HB 30 **Historic Preservation Amendments**

HB 89 **Impact Fee Reporting Requirements**

HB 188 **Local Historic District Amendments**
- Action Required

HB 232 **Land Use Amendments**
- Action Required

HB 243 **Common Area Land Use Amendments**
- Action Required

HB 253 **Short-term Rental Amendments**
- Action Required

HB 279 **Impact Fee Amendments**
- Action Required

HB 301 **Canal Safety Amendments**
- Action Optional

HB 355 **Unified Commercial Development Amendments**
- Action Required

HB 356 **On Premise Signage Amendments**

HB 408 **State Property and School and Institutional Trust Land Amendments**

SB 15 **Agriculture Protection Area and Industrial Protection Area Amendments**

SB 140 **Annexation of Islands within Cities**
- New process

SB 142 **Redevelopment Agency Amendments**

Land Use

SB 181 High Priority Transportation Corridors Amendments

SB 189 Oil and Gas Operations Amendments

SB 260 Assignable Right of First Refusal

SB 261 Substance Use Disorder Programs

SB 278 Economic Development Changes and Modifications

LAND USE

Public Safety

HB 19 **Civil Asset Forfeiture Reform Amendments**

HB 90 **Insurance Opioid Regulation**
- Action Optional

HB 155 **Driving Under the Influence and Public Safety Revisions**

HB 161 **Pedestrian Safety Amendments**

HB 174 **Firearm Records Protection Amendments**
- Action Required

HB 198 **Concealed Carry Amendments**

HB 200 **Sexual Assault Kit Processing Amendments**
- Action Required

HB 206 **Domestic Violence—Weapons Restrictions**

HB 208 **Jail Release Orders Amendments**

HB 235 **Automated Traffic Enforcement Safety Devices**
- Action Optional

HB 237 **Firearms and Domestic Violence Modifications**

HB 381 **Law Enforcement Body Camera Footage Amendments**
- Action Required

HB 425 **Security Personnel Amendments**
- New Process

SB 14 **Emergency Telephone Service Amendments**
- Action Required

SB 27 **Motor Vehicle Accident Cost Recovery**
- Action Optional

Public Safety

SB 31 **Protection of Law Enforcement Officers' Personal Information**
• Action Required

SB 37 **Statewide Crisis Line**

SB 42 **DUI Impound Fee Refund Amendments**

SB 50 **Automobile Insurance Registry Amendments**

SB 70 **Asset Forfeiture Transparency Amendments**
• Action Required

SB 96 **Unsecured Load Amendments**

SB 111 **Unmanned Aircraft Amendments**
• Action Optional

SB 159 **Helmet Requirement Amendments**

SB 198 **Utah Communications Authority Amendments**
• Financial Impact

Retirement/Benefits

SB 18 **Firefighters' Disability Retirement Benefit Amendments**

SB 20 **Phased Retirement Amendments**
- Action Required

SB 156 **Local Public Safety and Firefighter Surviving Spouse Trust Fund Amendments**
- Action Required/Financial Impact

SB 170 **Workers' Compensation Workgroup**

RETIREMENT BENEFITS

Transparency

HB 55 **Governmental Nonprofit Entity Compliance Amendments**

HB 117 **Legal Notice Amendments**
- Action Optional (new paper options to publish in)

HB 306 **Public Safety Officer Privacy Amendments**

HB 435 **Health Care Patient Privacy Amendments**

SB 45 **Retail Water Line Disclosure Amendments**

SB 97 **Public Meeting Minutes Amendments**
- Action Required

SB 195 **Government Transparency Revisions**
- Action Required

SB 242 **Government Records Access and Management Act Amendments**
- Action Required

TRANSPARENCY

Transportation

HB 082 Street-legal All-terrain Vehicle Amendments Amendments
- Action Required

HB 152 Transportation Funding Revisions
- Action Optional

HB 327 Nighttime Highway Construction Noise Amendments

HB 458 Local Government Snow Removal

SB 174 Public Transit and Transportation Governance Amendments

SB 204 Public-Private Partnerships
- Action Optional

SB 222 Equitable Allocation of Public Transit District Funding

SB 276 Transportation Funding Modifications
- Financial Impact

SB 277 Highway General Obligation Bonds Authorization
- Action Optional

Water

HB 84 **Water Law—Nonuse Applications**
• Action Required

HB 304 **Water Conservation Amendments**

SB 214 **Public Water Supplier Amendments**

WATER

House Bills

HB 12 | Disposition of Ballots Amendments

Reference: **None**
Sponsor: **Eliason, Steve**
Bill Status: **Enrolled**
Link: **http://le.utah.gov/~2017/bills/static/HB0012.html**
ULCT Position: **Support**

Legislative Purpose of the Bill:
The bill amends absentee ballot provisions.

Municipal Impact/what you need to do:
An election officer will now have the duty to notify a voter if the election officer rejects the voter's absentee ballot. The notice must have the specific reason for the rejection, be within 1-2 days if the rejection occurs before Election Day, and be within 7 days if the rejection occurs on Election Day or between Election Day and the end of the canvass. The election officer also must ensure that an absentee ballot's return envelope include a space where a voter may provide contact information if the voter's ballot is rejected.

ULCT Action/Future Trend:
ULCT monitored the bill, which originated due to the quantity of absentee ballots rejected statewide during the 2016 election cycle. ULCT has provided resources and expertise about Vote-by-Mail (VBM) for communities. As more and more counties and cities transition to a reliance on VBM elections, the legislature will continue to modernize the code.

HB 16 | Voting Revisions

Reference: **None**
Sponsor: **Daw, Bradley**
Bill Status: **Enrolled**
Link: **http://le.utah.gov/~2017/bills/static/HB0016.html**
ULCT Position: **Support**

Legislative Purpose of the Bill:
The bill reorganizes existing code about voting equipment.

Municipal Impact/what you need to do:
An election officer will now need to develop and implement a procedure to protect the physical security of the voting equipment. The Lieutenant Governor will also have new standards for testing and protecting voting systems. The bill also creates the Voting Equipment Grant Program with $275,000 for counties to seek funding for voting equipment.

ULCT Action/Future Trend:
ULCT monitored the bill and attended committee hearings where legislators discussed the need to modernize voting equipment.

HB 19 | Civil Asset Forfeiture Reform Amendments

Reference: **Feb. 27 LPC Agenda, Feb. 27 LPC Minutes**
Sponsor: **Greene, Brian**
Bill Status: **Failed**
Link: **http://le.utah.gov/~2017/bills/static/HB0019.html**
ULCT Position: **Oppose**

Legislative Purpose of the Bill:
The will would have modified the Forfeiture and Disposition of Property Act.

Municipal Impact/what you need to do:
No action is required because HB 19 did not pass. However, SB 87 did pass which was the compromise asset forfeiture bill.

ULCT Action/Future Trend:
ULCT participated with the Utah Chiefs of Police Association, Utah Association of Counties, Salt Lake County, and other stakeholders to negotiate a compromise asset forfeiture bill (SB 87). ULCT is optimistic that SB 87 will resolve legislative concerns for the time being, but anticipates that asset forfeiture will continue to attract attention from opponents.

HB 20 | Political Activities of Public Entities Amend

Reference: **January 30th LPC Agenda. February 6th. February 6th LPC minutes.**
Sponsor: **Daw, Bradley**
Bill Status: **Failed**
Link: **http://le.utah.gov/~2017/bills/static/HB0020.html**
ULCT Position: **Oppose**

Legislative Purpose of the Bill:
The bill would have amended the Political Activities of Public Entities Act.

Municipal Impact/what you need to do:
No action is required because HB 20 did not pass.

ULCT Action/Future Trend:
ULCT testified against HB 20 during the November Interim meeting. After the committee endorsed the bill unanimously, ULCT worked with Rep. Daw to create a working group to examine all of the issues surrounding local direct democracy and seek consensus with all stakeholders—from cities to referendum organizers—about how to modernize the code. As result, Rep. Daw agreed to pull HB 20 from the 2017 session with the expectation that a replacement bill would move forward in the 2018 session. In the meantime, ULCT has committed to work with Rep. Daw and the other stakeholders during the interim.

HB 25 | Tax Incentive Review Amendments

Reference: **None**
Sponsor: **McCay, Daniel**
Bill Status: **Enrolled**
Link: **http://le.utah.gov/~2017/bills/static/HB0025.html**
ULCT Position: **Support**

Legislative Purpose of the Bill:
The legislature created the Economic Development Legislative Liaison Committee to evaluate tax incentives and economic development programs that the Governor's Office of Economic Development (GOED) utilizes.

Municipal Impact/what you need to do:
No action is required.

ULCT Action/Future Trend:
While the committee will focus on GOED's practices, cities should be prepared for the examination to potentially include local partnerships with GOED or other types of local tax incentives and economic development programs.

HB 30 | Historic Preservation Amendments Watch

Reference: **January 23rd**
Sponsor: **Webb, R. Curt**
Bill Status: **Enrolled**
Link: **http://le.utah.gov/~2017/bills/static/HB0030.html**
ULCT Position: **Neutral**

Legislative Purpose of the Bill:
HB 30 requires the establishment of an appeal authority to review decisions of a historic preservation authority.

Municipal Impact/what you need to do:
HB 30 only applies to cities that have local historic preservation districts. If your city has such a district, then your city must have an appeal authority that is comprised of members of the governing body, exercises only administrative authority, acts in a quasi-judicial manner, and hears appeals from administrative decisions of the local historic preservation authority. An applicant may appeal either to the historic preservation appeal authority or to the land use appeal authority within 30 days after a written decision.

ULCT Action/Future Trend:
ULCT has engaged with several legislators, the Property Rights Coalition, and other stakeholders in recent years to address concerns about local historic preservation districts. HB 30 worked through the 2017 legislative interims and we hope that it is the final historic preservation related bill for the time being.

HB 32 | Assessment Area Act Amendments

Reference: **January 23rd, February 1st**
Sponsor: **Webb, R. Curt**
Bill Status: **Enrolled**
Link: **http://le.utah.gov/~2017/bills/static/HB0032.html**
ULCT Position: **Support as amended**

Legislative Purpose of the Bill:
The bill modifies the Assessment Area Act.

Municipal Impact/what you need to do:
If your city creates an assessment area, then you must state the assessment method to calculate the proposed assessment and levy the assessment on each benefitted property.

ULCT Action/Future Trend:
ULCT provided amendments to Rep. Webb to clarify the bill and worked with him during the 2016 interim. Rep. Webb has sponsored several bills about assessment areas in recent legislative sessions but has always been willing to listen to local government concerns.

HB 36 | Affordable Housing Amendments

Reference: **January 23rd, January 31st**
Sponsor: **Edwards, Rebecca**
Bill Status: **Enrolled**
Link: **http://le.utah.gov/~2017/bills/static/HB0036.html**
ULCT Position: **Support**

Legislative Purpose of the Bill:
The bill creates the Economic Revitalization and Investment Fund and modifies state low-income housing tax credit provisions.

Municipal Impact/what you need to do:
Cities may apply for funds and can provide matching dollars or efforts to bolster applications. The fund will provide money for projects that include affordable housing units for households whose income is no more than 30% of the area median income for households of the same size in the county or municipality where the project is located. The housing sponsor will need to apply for the funds. The board shall give preference to projects that include significant matching funds from an individual, private organization, or local government or with significant infrastructure improvements (among other factors). Fund money may be used for acquisition, rehabilitation, construction of land or buildings, as well as for pre-development work. Finally, the Utah Housing Corporation may allocate a tax credit in 2017 an amount equal to the product of 34.5 cents and the population of Utah.

ULCT Action/Future Trend:
Affordable housing continues to be a major focus on Capitol Hill. Lieutenant Governor Spencer Cox oversees a task force reviewing the topic and ULCT has representatives serving on that task force. Likewise, ULCT monitored HB 36 and participated in several committee hearings and discussions on the bill. We anticipate that the legislature will continue to watch the supply and demand of affordable housing around the statep. Webb has sponsored several bills about assessment areas in recent legislative sessions but has always been willing to listen to local government concerns.

HB 37 | Affordable Housing Amendments

Reference: **None**
Sponsor: **Schultz, Mike**
Bill Status: **Enrolled**
Link: **http://le.utah.gov/~2017/bills/static/HB0037.html**
ULCT Position: **Neutral**

Legislative Purpose of the Bill:
The bill amends provisions related to the state construction code.

Municipal Impact/what you need to do:
The bill requires new installations of natural gas fired water heaters meet nitrogen oxide standards, sets standards for voluntary radon systems, removes requirements for arc-fault protectors in homes, and removes roof drain requirements where the drains are not required by a geotechnical report.

ULCT Action/Future Trend:
ULCT engaged with the bill sponsor on the bill. ULCT also anticipates legislation annually to update the building code statutes.

HB 39 | Local Officer Amendments

Reference: **February 1st**
Sponsor: **Webb, R. Curt**
Bill Status: **Enrolled**
Link: **http://le.utah.gov/~2017/bills/static/HB0039.html**
ULCT Position: **Support**

Legislative Purpose of the Bill:
The bill modifies the appointment of a city recorder and a city treasurer in cities of the third, fourth, and fifth class as well as towns.

Municipal Impact/what you need to do:
HB 39 applies to cities of the third, fourth, and fifth class as well as towns. Previously in those communities, a city recorder and a city treasurer had to stand for a bi-annual re-appointment. HB 39 eliminates the bi-annual re-appointment requirement.

ULCT Action/Future Trend:
ULCT brought this bill to Rep. Webb at the request of the Utah Municipal Clerks Association and after dialogue with local elected officials and administrators. We also discussed the bill in two interim committee hearings to ensure that we had the correct language and ensure that the mayor and city council still must use their best efforts to fill the positions of city recorder and city treasurer. ULCT does not anticipate any additional legislation.

HB 55 | Governmental Nonprofit Entity Compliance Amendments

Reference: **None**
Sponsor: **Coleman, Kim**
Bill Status: **Enrolled**
Link: **http://le.utah.gov/~2017/bills/static/HB0055.html**
ULCT Position: **Opposed**

Legislative Purpose of the Bill:
The bill enacts provisions about governmental nonprofit corporations and subjects a government nonprofit corporation to certain fiscal procedures, the Open and Public Meetings Act, and the Government Records Access and Management Act.

Municipal Impact/what you need to do:
A governmental nonprofit corporation is a nonprofit that is wholly owned or wholly controlled by one or more governmental entities unless no operating funding or other financial support comes from any governmental entity; or there is a controlling interest by one or more governmental entities, and it exercises taxing authority, participation is mandate by law, or a majority of the operating funding comes from one or more governmental entities (except for voluntary membership fees).

ULCT Action/Future Trend:
ULCT participated in a working group led by the Utah State Auditor that provided recommendations about the bill. Unfortunately, not all of the recommendations appeared in the bill. ULCT will continue to monitor the bill and expects additional modifications in the future.

HB 56 | Accessible Parking Amendments

Reference: **None**
Sponsor: **Stratton, Keven**
Bill Status: **Enrolled**
Link: **http://le.utah.gov/~2017/bills/static/HB0056.html**
ULCT Position: **Neutral**

Legislative Purpose of the Bill:
The bill modifies provisions related to accessible parking spaces.

Municipal Impact/what you need to do:
Cities need to be aware of the creation of "temporary wheelchair user placard" and "wheelchair user placard" which can be used in order to park a vehicle in an accessible parking space. Likewise, cities must note the newly defined "van accessible parking space" which includes signage and a clearly marked access aisle. If a person with a disability abuses the privileges conferred with any type of accessible placards or plates, then the state may revoke them. The bill also removes the mandatory fine for abusing the privileges. The bill goes into effect January 1, 2018.

ULCT Action/Future Trend:
ULCT monitored the bill and we do not anticipate future legislation.

HB 64 | Property Tax Relief Amendments

Reference: **None**
Sponsor: **Peterson, Jeremy**
Bill Status: **Enrolled**
Link: **http://le.utah.gov/~2017/bills/static/HB0064.html**
ULCT Position: **Neutral**

Legislative Purpose of the Bill:
The bill authorizes a surviving spouse to claim property tax relief.

Municipal Impact/what you need to do:
Cities should be aware that a surviving spouse can make a claim for property tax relief and that the bill is retroactive to January 1, 2017.

ULCT Action/Future Trend:
ULCT monitored the bill and we do not anticipate any future legislation.

HB 69 | Capital Facilities Revisions

Reference: **None**
Sponsor: **Edwards, Rebecca**
Bill Status: **Enrolled**
Link: **http://le.utah.gov/~2017/bills/static/HB0069.html**
ULCT Position: **Neutral**

Legislative Purpose of the Bill:
The bill re-defines "pass-through funding" that the Department of Heritage and Arts administers.

Municipal Impact/what you need to do:
If your city receives "pass-through funding" from a legislative appropriation via the Department of Heritage and Arts, then your city should review the HB 69 changes. Specifically, if your city receives a "pass-through funding" grant of $25,000 or more, then the department will make quarterly disbursements contingent upon the department receiving a quarterly progress report from the grant recipient. The department will provide a progress report form.

ULCT Action/Future Trend:
ULCT monitored the bill and we do not anticipate additional legislation, unless it is to require the department to return Kerri Nakamura to us!

HB 78 | Nonbinding Opinion Questions

Reference: **None**
Sponsor: **Thurston, Norman**
Bill Status: **Failed**
Link: **http://le.utah.gov/~2017/bills/static/HB0078.html**
ULCT Position: **Support**

Legislative Purpose of the Bill:
The bill would have established procedures to submit a nonbinding opinion question to the voters of Utah.

Municipal Impact/what you need to do:
No action is required because the bill did not pass.

ULCT Action/Future Trend:
ULCT monitored the bill. ULCT has had previous interest in submitting a nonbinding opinion question to municipal voters so we watched the legislative dialogue closely. The bill failed 34-36 on the House floor, so it is possible that the concept could return in the future.

HB 79 | Private Attorney General Doctrine

Reference: **None**
Sponsor: **Greene, Brian**
Bill Status: **Failed**
Link: **http://le.utah.gov/~2017/bills/static/HB0079.html**
ULCT Position: **Oppose**

Legislative Purpose of the Bill:
The bill would have repealed a provision of the private attorney general doctrine.

Municipal Impact/what you need to do:
No action is required because the bill did not pass.

ULCT Action/Future Trend:
ULCT joined the Utah Association of Counties, the Office of the Attorney General, and other public stakeholders in expressing concern about the potential cost of the bill on public entities. While the bill failed for the second consecutive year, we anticipate the bill to return.

HB 82 | Street-legal All-terrain Vehicle Amendments

Reference: **None**
Sponsor: **Noel, Michael**
Bill Status: **Enrolled**
Link: **http://le.utah.gov/~2017/bills/static/HB0082.html**
ULCT Position: **Oppose**

Legislative Purpose of the Bill:
The bill allows a person to operate a street-legal all-terrain vehicle on a highway in a county of the first class with some exceptions.

Municipal Impact/what you need to do:
NHB 82 allows a person with a street-legal ATV to operate it consistent with requirements for motorcycles. The exceptions—which only apply to counties of the first class—for when a person may note operate a street-legal ATV are on:

- An interstate freeway; or
- A highway near a grade separated portion,
- A highway with a posted speed limit of 50 miles per hour or greater, and
- A highway on which the highway authority has designated a portion thereon as closed to street-legal ATVs.

ULCT Action/Future Trend:
ULCT monitored the bill. Previous legislation allowed a person to operate a street-legal all-terrain vehicle on all highways in counties of the second, third, fourth, fifth, and sixth class, so it was only a matter of time before HB 82 was introduced and passed. At this point, ULCT does not anticipate future legislation. Please keep us posted if any problems arise with the increased usage of street-legal ATVs in any classification of county.

HB 84 | Water Law—Nonuse Applications

Reference: **None**
Sponsor: **Hawkes, Timothy**
Bill Status: **Enrolled**
Link: **http://le.utah.gov/~2017/bills/static/HB0084.html**
ULCT Position: **Neutral**

Legislative Purpose of the Bill:
HB 84 modifies provisions regarding a nonuse application.

Municipal Impact/what you need to do:
Cities who regularly file or monitor nonuse applications will need to follow the HB 84 changes. The approval of a nonuse application excuses the requirement of beneficial use of water from the date of filing. By extension, an approved nonuse application does not count toward the seven year period after which an appropriator who has not put his/her water to beneficial use will statutorily abandon the water right.

ULCT Action/Future Trend:
ULCT monitored the bill. ULCT has appointed Ogden City Assistant City Attorney Mark Stratford to the Executive Water Task Force and Mark keeps ULCT appraised of water related legislation. As Utah's population continues to grow, ULCT expects additional focus on water law and infrastructure.

HB 89 | Impact Fee Reporting Requirements

Reference: **None**
Sponsor: **Knotwell, John**
Bill Status: **Enrolled**
Link: **http://le.utah.gov/~2017/bills/static/HB0089.html**
ULCT Position: **Support**

Legislative Purpose of the Bill:
This bill modifies the reporting requirements for a local political subdivision that collects an impact fee.

Municipal Impact/what you need to do:
A city must in their annual report show:

- the source and amount of all money collected, earned, and received by the fund or ledger account during the fiscal year (minor change)
- each expenditure (current law)
- account for all impact fee funds that are on hand at the end of the fiscal year (new addition), including the year the fee funds were collected and the projects for which they are budgeted.

The report must be transmitted to the state auditor within 180 days of the end of the fiscal year. Previous law required the report be transmitted annually and did not frame the report within a specific fiscal year.

ULCT Action/Future Trend:
HB 89 links the legislative focus on enhanced transparency and reporting with a wary eye on how local political subdivisions utilize impact fees. ULCT expects more legislation about the transparency and usage of impact fees.

HB 90 | Insurance Opioid Regulation

Reference: **None**
Sponsor: **Ward, Raymond**
Bill Status: **Enrolled**
Link: **http://le.utah.gov/~2017/bills/static/HB0090.html**
ULCT Position: **Support**

Legislative Purpose of the Bill:
The bill authorizes public employee insurers to implement policies to minimize the risk of prescribing certain controlled substances (opioids).

Municipal Impact/what you need to do:
If your city is a health insurer that provides prescription drug coverage, then you may enact a policy to minimize the risk of opioid addition and a policy to facilitate non-narcotic treatment alternatives.

ULCT Action/Future Trend:
ULCT monitored the bill. The legislature, like policymakers across the United States, is concerned about the rampant and discouraging opiate addiction trends. HB 90 was one of several bills that the legislature considered to address opiate addiction.

HB 104 | Motor Vehicle Emission

Reference: **None**
Sponsor: **Wilde, Logan**
Bill Status: **Enrolled**
Link: **http://le.utah.gov/~2017/bills/static/HB0104.html**
ULCT Position: **Support**

Legislative Purpose of the Bill:
The bill amends local emissions compliance fees.

Municipal Impact/what you need to do:
A county that imposes a local emissions compliance fee may use revenues generated from the fee to promote programs to maintain a local, state, or national ambient air quality standard. As such, cities can work with their home county to utilize the fee revenues to improve air quality.

ULCT Action/Future Trend:
ULCT met with the bill sponsor and offered support to the bill. The legislature annually considers a variety of bills that may result in improved air quality, so ULCT anticipates additional legislation in the future.

HB 105 | Early Voting Amendments

Reference: **None**
Sponsor: **Hall, Craig**
Bill Status: **Enrolled**
Link: **http://le.utah.gov/~2017/bills/static/HB0105.html**
ULCT Position: **Support**

Legislative Purpose of the Bill:
The bill amends early voting.

Municipal Impact/what you need to do:
An election officer may extend the end of the early voting period to the day before Election Day so long as the election officer provides notice to the public.

ULCT Action/Future Trend:
ULCT monitored the bill and we expect the legislature to continue modifying the Election Code to facilitate expanded voting options such as early voting and vote by mail.

HB 115 | Solid Waste Revisions

Reference: **February 13th, February 15th, February 17th, February 21st, February 13th LPC agenda, February 27th LPC agenda February 27th Minutes, February 6th LPC minutes, January 30th LPC minutes**
Sponsor: **McKell, Mike**
Bill Status: **Enrolled**
Link: **http://le.utah.gov/~2017/bills/static/HB0115.html**
ULCT Position: **Neutral as amended**

Legislative Purpose of the Bill:
The bill modifies definitions related to solid nonhazardous waste and sets out a timetable for the Department of Environmental Quality to reevaluate fees.

Municipal Impact/what you need to do:
The Utah Division of Waste Management and Radiation Control charges one set of fees for political subdivision owned landfills and another set of fees for commercially owned landfills. The initial versions of the bill would have codified a fee change. The version of the bill that passed does not yet codify a fee change, but sets a timetable for the Division to recommend a new few structure to the legislature for future legislation.

ULCT Action/Future Trend:
ULCT met repeatedly with the bill sponsor and other stakeholders to understand the rationale behind the current fee and the proposed fee changes. The bill sponsor removed the codified new fee at the urging of cities and counties. Instead, the Division will host a series of public meetings in May and June of 2017 to solicit feedback from the public and private sectors. The Division will then recommend a fee schedule to the legislature in the summer. ULCT has the calendar and is coordinating our strategy with the Utah Association of Counties. You can contact us for more information at cdiehl@ulct.org or 801-328-1601.

HB 117 | Legal Notice Amendments

Reference: **None**
Sponsor: **Chew, Scott**
Bill Status: **Enrolled**
Link: **http://le.utah.gov/~2017/bills/static/HB0117.html**
ULCT Position: **Support**

Legislative Purpose of the Bill:
The bill amends a provision related to legal notice by publication in a newspaper of general circulation.

Municipal Action/What you need to do:
The bill facilitates that public entities can post legal notices in a "newspaper of general circulation" that now has a broader definition. A "newspaper of general circulation" now includes a paper with more than 200 subscribers, that has been published for more than 18 months, and is published at least 12 times annually. The paper may be eligible to be mailed and must consist of local or general interest news in at least 25% of its content.

ULCT Action/Future Trend:
ULCT supported the bill so as to provide flexibility for cities and towns in rural Utah to publish notices in local non-daily newspapers.

HB 121 | Local Food Advisory Council

Reference: **None**
Sponsor: **Handy, Stephen**
Bill Status: **Enrolled**
Link: **http://le.utah.gov/~2017/bills/static/HB0121.html**
ULCT Position: **Support**

Legislative Purpose of the Bill:
The bill creates the Local Food Advisory Council.

Municipal Action/What you need to do:
The Council will study and recommend how to best promote local farms, resilient ecosystems, and an integrated local food system. The Council will also study urbanization's impact on farmland and open space. The bill appropriates $2,000 from the Senate and $4,000 from the House in ongoing funds for the Council. The Council will meet at least four times annually.

This bill appropriates:

18 to the Senate, as an ongoing appropriation:

19 • from the General Fund, $2,000 to pay for the council; and

20 to the House of Representatives, as an ongoing appropriation:

21 • from the General Fund, $4,000 to pay for the council. This bill appropriates:

18 to the Senate, as an ongoing appropriation:

19 • from the General Fund, $2,000 to pay for the council; and

20 to the House of Representatives, as an ongoing appropriation:

21 • from the General Fund, $4,000 to pay for the council. This bill appropriates:
18 to the Senate, as an ongoing appropriation:
19 • from the General Fund, $2,000 to pay for the council; and
20 to the House of Representatives, as an ongoing appropriation:
21 • from the General Fund, $4,000 to pay for the council.

This bill appropriates:
18 to the Senate, as an ongoing appropriation:
19 • from the General Fund, $2,000 to pay for the council; and
20 to the House of Representatives, as an ongoing appropriation:
21 • from the General Fund, $4,000 to pay for the council.

ULCT Action/Future Trend:
ULCT monitored the bill and will participate in the Council's process.

HB 130 | Cannabinoid Research

Reference: **None**
Sponsor: **Daw, Bradley**
Bill Status: **Enrolled**
Link: **http://le.utah.gov/~2017/bills/static/HB0130.html**
ULCT Position: **Neutral**

Legislative Purpose of the Bill:
The bill enacts provisions related to research of cannabis and cannabinoid products.

Municipal Action/What you need to do:
The bill creates an institutional review board consisting of medical professionals and other experts to study cannabis and cannabinoid products. The bill also creates a Cannabinoid Products Board to review research about the usage of cannabinoid products. At this point, cities are not involved in the review process.

ULCT Action/Future Trend:
ULCT watched the bills and coordinated our efforts with the Utah Chiefs of Police Association which was heavily involved in the negotiations and discussions. The legislature will use the boards to provide recommendations for any future legislation or action. The boards will report to the legislature by the November Interim.

HB 135 | Deposit of Public Funds

Reference: **None**
Sponsor: **Gardiner, Adam**
Bill Status: **Enrolled**
Link: **http://le.utah.gov/~2017/bills/static/HB0135.html**
ULCT Position: **Support**

Legislative Purpose of the Bill:
The bill amends the time frame requirement for an officer of a political subdivision to deposit public funds.

Municipal Action/What you need to do:
The bill clarifies the time frame for depositing public funds. Previously, the law stated that an officer shall deposit all public funds daily whenever practicable but not later than three days after receipt. The law now requires an officer to deposit all public funds daily if practicable but no later than once every three banking days.

ULCT Action/Future Trend:
ULCT monitored the bill but we do not anticipate any future legislation.

HB 152 | Transportation Funding Revisions

Reference: **January 26th, February 1st, February 21st**
Sponsor: **Sandall, Scott**
Bill Status: **Enrolled**
Link: **http://le.utah.gov/~2017/bills/static/HB0152.html**
ULCT Position: **Support as amended**

Legislative Purpose of the Bill:
The bill authorizes money in the Local Highway and Transportation Corridor Preservation fund to be used for construction, maintenance, and operation of class B and class C roads within a county of the third, fourth, fifth, or sixth class.

Municipal Action/What you need to do:
The bill would authorize a county, city, or town within a county of the third, fourth, fifth, or sixth class to use up to 50% of the current balance of the Local Highway and Transportation Corridor Preservation Fund for the construction, operation, or maintenance of a class B or class C road. The bill would provide additional flexibility to use the Fund.

ULCT Action/Future Trend:
The bill is a byproduct of last summer's negotiations on the motor fuel tax. During those negotiations, we discussed ways to provide flexibility in current revenue sources for rural Utah, particularly in the areas where the hold harmless would expire under the negotiated framework. The intent of HB 152 was to provide such flexibility to rural Utah. ULCT and the Utah Association of Counties testified in support of the bill and encouraged the bill sponsor to narrow the bill to exclude counties of the first and second class. The bill sponsor's intent all along was to provide flexibility to rural Utah so he happily and willingly amended the bill.

HB 155 | Driving Under the Influence and Public Safety Revisions

Reference: **January 30th LPC Minutes**
Sponsor: **Thurston, Norman**
Bill Status: **Enrolled**
Link: **http://le.utah.gov/~2017/bills/static/HB0155.html**
ULCT Position: **Neutral**

Legislative Purpose of the Bill:
The bill reduces the blood alcohol content limit for driving under the influence from .08 to .05.

Municipal Action/What you need to do:
Police officers will now enforce blood alcohol content limit for driving under the influence from .08 to .05. Cities will need to update their ordinances accordingly.

ULCT Action/Future Trend:
ULCT monitored the bill. HB 155 was part of a major legislative focus on Utah alcohol law and policy. The governor received many appeals to veto the bill. He signed the bill, but encouraged the legislature to consider some flexibility for an individual with a blood alcohol content between .05 and .08. Consequently, ULCT anticipates additional action on this issue.

HB 156 | State Job Application Process

Reference: **January 26th**
Sponsor: **Hollins, Sandra**
Bill Status: **Enrolled**
Link: **http://le.utah.gov/~2017/bills/static/HB0156.html**
ULCT Position: **Neutral**

Legislative Purpose of the Bill:
The bill provides that a public employer may not require an applicant to disclose a past criminal conviction before an initial interview for employment.

Municipal Action/What you need to do:
The bill prevents a city from asking an applicant about an applicant's criminal conviction history before an initial interview, though a city may still ask an applicant during or after the initial interview. The prohibition does not apply to law enforcement agencies or a position whose primary purpose is performing financial or fiduciary functions.

ULCT Action/Future Trend:
ULCT monitored the bill. HB 156 is part of the overall Justice Reinvestment Initiative effort to help individuals with a criminal history rehabilitate themselves and find employment.

HB 160 | Campaign Contribution Solicitation Amendments

Reference: **None**
Sponsor: **Arent, Patrice**
Bill Status: **Enrolled**
Link: **http://le.utah.gov/~2017/bills/static/HB0160.html**
ULCT Position: **Neutral**

Legislative Purpose of the Bill:
The bill prohibits a person from using the email of a public entity to solicit a campaign contribution.

Municipal Action/What you need to do:
Cities should train their officials and employees to not use their city email service to send an email to solicit a campaign contribution. The law already prohibits a person from using an email of a public entity for a political purpose or to advocate for or against a ballot proposition. The bill also clarifies that a person does not violate the law if the person inadvertently sends the email. Previously, the law only provided an exception if an email was inadvertently sent as a reply to an email received by the person.

ULCT Action/Future Trend:
ULCT monitored the bill and met with the bill sponsor. ULCT anticipates continued legislative scrutiny of electoral participation by public officials and employees with public resources.

HB 161 | Pedestrian Safety Amendments

Reference: **None**
Sponsor: **Eliason, Steve**
Bill Status: **Enrolled**
Link: **http://le.utah.gov/~2017/bills/static/HB0161.html**
ULCT Position: **Support**

Legislative Purpose of the Bill:
The bill prohibits panhandling that impedes or blocks traffic.

Municipal Action/What you need to do:
The bill prohibits an individual from taking money from a person within a motor vehicle when the car is on an interstate, a state highway, a state route, or a paved highway with a posted speed limit of 35 miles per hour of higher. The bill does not include adjacent sidewalks and exempts the exchange of insurance after an accident or other related actions.

ULCT Action/Future Trend:
ULCT monitored the bill.

HB 163 | Municipality per Diem Amendments

Reference: **None**
Sponsor: **Hall, Craig**
Bill Status: **Enrolled**
Link: **http://le.utah.gov/~2017/bills/static/HB0163.html**
ULCT Position: **Support**

Legislative Purpose of the Bill:
The bill modifies per diem and travel expenses for political subdivisions.

Municipal Action/What you need to do:
A political subdivision may not establish rates for payment of per diem and travel expenses that exceed the rates established by code or established by rule by the Utah Division of Finance. The bill applies to all board members who serve on boards within the political subdivision. The bill does not impact municipal compensation rates for elected officials.

ULCT Action/Future Trend:
ULCT worked with the bill sponsor to ensure that the bill would not impact municipal compensation for elected officials. ULCT also ensured that cities had the opportunity to set their own per diem rates up to the state ceiling. ULCT anticipates that the legislature will continue to seek a level of uniformity among political subdivisions.

HB 164 | Municipal Enterprise Fund Amendments

Reference: **January 30th, January 31st, February 6th, February 8th, February 9th, February 13th, February 15th, February 16th, February 17th, February 21st, February 22nd, February 28th**
Sponsor: **Moss, Jefferson**
Bill Status: **Enrolled**
Link: **http://le.utah.gov/~2017/bills/static/HB0164.html**
ULCT Position: **Support as amended**

Legislative Purpose of the Bill:
The bill modifies provisions for the transfer of money from municipal enterprise funds.

Municipal Action/What you need to do:
The bill sets out a four-step process for cities when they transfer money from enterprise funds. First, a city must hold an independent enterprise fund transfer hearing. The independent hearing may occur on the same day as the budget hearing but must include time for public comment and information about the accounting data.

Second, a city must provide notice to enterprise fund rate payers with specific information about the proposed transfer seven days before the independent hearing. The specific information must include the dollar amount of the transfer, the percentage of the total enterprise fund expenditures represented by each transfer, and the date, time, place, and purpose of the enterprise fund hearing. The notice must be posted on the Utah Public Notice Website. The notice must also be posted on the city website or social media platforms, if the city has a website or uses social media. The city must also mail or email the notice, if the city uses a periodic billing or has a regular email list of ratepayers.

Third, the city must submit the aforementioned hearing notice and specific information to the office of the Utah State Auditor within 30 days of the adopted budget.

Fourth, the city must send a follow up notice to rate payers after the budget is finished. The city must post enterprise fund accounting data on the city website and social media platforms (if the city has those platforms) within 7 days of the adopted budget. The city must also mail and email rate payers about the transfer within 60 days of the adopted budget.

ULCT Action/Future Trend:
ULCT engaged with the bill sponsor and many legislators about the potential consequences of the original version of the bill and negotiated the compromise. The initial bill would have limited the amount of money that could be transferred from enterprise funds to general funds. After significant dialogue, the bill sponsor was willing to compromise on the bill to focus it on enhanced transparency. ULCT expects legislators and other entities to monitor municipal compliance with the enhanced transparency requirements. As such, ULCT urges cities to fulfill the requirements and thus preempt any perceived "need" for future legislation on the issue.

HB 174 | Firearm Records Protection Amendments

Reference: **None**
Sponsor: **Potter, Val**
Bill Status: **Enrolled**
Link: **http://le.utah.gov/~2017/bills/static/HB0174.html**
ULCT Position: **Neutral**

Legislative Purpose of the Bill:
The bill modifies provisions related to firearm transfer certifications and notifications.

Municipal Action/What you need to do:
Under federal law, a police chief or his/her designee may be required to provide a certification that a person is not prohibited from receiving or possessing a firearm. The police chief receives notifications but the law is silent for how long the chief must keep those notifications. The bill requires the chief law enforcement officer shall destroy the certification within 15 days after he/she receives it.

ULCT Action/Future Trend:
ULCT monitored the bill.

HB 178 | Good Landlord Amendments

Reference: **February 1st, February 14th**
Sponsor: **King, Brian**
Bill Status: **Enrolled**
Link: **http://le.utah.gov/~2017/bills/static/HB0178.html**
ULCT Position: **Oppose until amended**

Legislative Purpose of the Bill:
The bill prohibits a city from requiring a landlord to deny tenancy to an individual based on the individual's criminal history with one exception.

Municipal Action/What you need to do:
Fifteen cities have Good Landlord Programs, twelve of which required a participating landlord to deny tenancy based on the individual's criminal history. Going forward, only cities with a halfway house will be able to require a participating landlord to deny tenancy based on the individual's criminal history. Cities without a halfway house will no longer be able to have such a requirement.

ULCT Action/Future Trend:
ULCT has spent several years opposing legislative efforts to repeal the criminal history language. The legislature was concerned that the requirement within the Good Landlord program created a disincentive for landlords to avoid renting to individuals with criminal history. The legislature has dedicated significant resources to the Justice Reinvestment Initiative (JRI) and legislators expressed concerns that the Good Landlord program's criminal history requirement undercut JRI. As a result, ULCT organized a work group of Good Landlord cities and other stakeholders to discuss the merits of the restriction

and propose alternatives. Ultimately, the proposed alternative—a waiver program in Ogden City—was deemed insufficient by legislators and other stakeholders so the legislature overwhelming enacted the bill. ULCT was successful in supporting Rep. Jeremy Peterson's floor amendment to provide an exception for cities with halfway houses which passed by just one vote.

HB 184 | Contraband Device Destruction

Reference: **None**
Sponsor: **Fawson, Justin**
Bill Status: **Enrolled**
Link: **http://le.utah.gov/~2017/bills/static/HB0184.html**
ULCT Position: **Support**

Legislative Purpose of the Bill:
The bill defines a computer containing child pornography or being used for fraud or identification theft as being contraband.

Municipal Action/What you need to do:
The bill defines a computer containing child pornography or being used for fraud or identification theft as being contraband and thus must be destroyed. The bill also allows a court to order the reasonable extraction of personal information from such computers, and law enforcement agencies will determine a reasonable cost to extract that personal information.

ULCT Action/Future Trend:
ULCT monitored the bill.

HB 186 | Local Government Official Residency Amendments

Reference: **None**
Sponsor: **Perry, Lee**
Bill Status: **Enrolled**
Link: **http://le.utah.gov/~2017/bills/static/HB0186.html**
ULCT Position: **Support**

Legislative Purpose of the Bill:
The bill modifies provisions of residency requirements for elected municipal officers.

Municipal Action/What you need to do:
The bill mandates that an elected office is automatically vacant if an elected official resides in a secondary residence for continuous period of more than 60 days or fails to respond to a request from the county clerk or the Lieutenant Governor about residency. The elected official may receive consent from the legislative body in a public meeting to be absent for up to one year under extenuating circumstances.

ULCT Action/Future Trend:
ULCT met with the bill sponsor to discuss the language and ramifications of the bill. ULCT does not anticipate future legislation on the topic.

HB 188 | Local Historic District Amendments

Reference: **None**
Sponsor: **Wilson, Brad**
Bill Status: **Enrolled**
Link: **http://le.utah.gov/~2017/bills/static/HB0188.html**
ULCT Position: **Neutral**

Legislative Purpose of the Bill:
The bill modifies provisions related to local historic districts.

Municipal Action/What you need to do:
The bill clarifies the definition of municipally established "citizen-led process" to create a local historic district. The process will require a petition signed by a minimum number of property owners within the boundaries of the proposed local historic district, or a vote of the property owners within the boundaries of the proposed local historic district.

ULCT Action/Future Trend:
ULCT monitored the bill. The creation of local historic districts, either by the city or residents, has generated significant interest on Capitol Hill in recent years. HB 188 was a relatively controversy-free bill. ULCT anticipates continued legislative interest in local historic districts because of the balance of property rights, new development, and historic preservation.

HB 195 | Dissolution of Local Districts

Reference: **None**
Sponsor: **Fawson, Justin**
Bill Status: **Enrolled**
Link: **http://le.utah.gov/~2017/bills/static/HB0195.html**
ULCT Position: **Neutral**

Legislative Purpose of the Bill:
The bill modifies the procedure to dissolve a local district.

Municipal Action/What you need to do:
The bill addresses the threshold that petitioners must clear in order to dissolve a local district, changes the public hearing requirements for considering the dissolution, and modifies the dissolution election. First, 33% of registered voters (who cover at least 33% of the private land area and has at least 25% of the assessed value of private real property) residing in the local district can initiate a dissolution. Second, the administrative body must now hold two public hearings. The second hearing must include the result of the feasibility study, whether the proposed dissolution meets state law, and whether to adopt a resolution. Third, the bill outlines the election process for how to dissolve the district.

ULCT Action/Future Trend:
ULCT met with the bill sponsor and monitored the bill. The legislature considered several bills about governance, accountability, withdrawal (see HB 229 below), and potential dissolution of local districts and ULCT anticipates such legislative scrutiny of districts to continue.

HB 198 | Concealed Carry Amendments

Reference: **None**
Sponsor: **Lisonbee, Karianne**
Bill Status: **Enrolled**
Link: **http://le.utah.gov/~2017/bills/static/HB0198.html**
ULCT Position: **Oppose**

Legislative Purpose of the Bill:
The bill modifies provisions related to the concealed carry of a firearm.

Municipal Action/What you need to do:
The bill authorizes an individual aged 18 to 20 to receive a provisional permit to carry a concealed firearm. The bill does not allow that individual to concealed carry a firearm on or about school premises (elementary, middle, high schools, etc.). The individual may concealed carry a firearm on college or university campuses. The requirements to receive the provisional permit are identical to the requirements to receive a concealed carry permit.

ULCT Action/Future Trend:
ULCT monitored the bill and coordinated our efforts with the Utah Chiefs of Police Association. The Chiefs expressed opposition to the bill during its committee hearing.

HB 200 | Sexual Assault Kit Processing Amendments

Reference: **None**
Sponsor: **Romero, Angela**
Bill Status: **Enrolled**
Link: **http://le.utah.gov/~2017/bills/static/HB0200.html**
ULCT Position: **Support**

Legislative Purpose of the Bill:
The bill modifies provisions of the criminal code related to the testing of sexual assault kits.

Municipal Action/What you need to do:
The bill requires that the Utah Bureau of Forensic Services test all sexual assault kits within a certain period of time that will be determined through rulemaking. Law enforcement must collect kits within one day after they collect the kits from medical personnel and law enforcement must input the information from the kits in the statewide database within five days. Victims are entitled to notification from the medical facility who conducts the examination.

The medical personnel must notify law enforcement if a victim decides to provide a statement to law enforcement about the alleged assault. If the victim declines to provide information, then the medical personnel must notify law enforcement of the location of the kit. Medical personnel may not submit the kit to the Bureau of Forensic Services. The Bureau must receive the kits within 30 days of when law enforcement collects them.

ULCT Action/Future Trend:
ULCT monitored the bill. The Department of Public Safety and the Utah Prosecution Council (UPC) shall develop a training in trauma-informed responses and investigations of sexual assault and sexual abuse, which will be offered to all law enforcement officers in the state.

HB 203 | Open Burning of Yard Waste Amendments

Reference: **None**
Sponsor: **Froerer, Gage**
Bill Status: **Failed**
Link: **http://le.utah.gov/~2017/bills/static/HB0203.html**
ULCT Position: **Support**

Legislative Purpose of the Bill:
The bill would have prevented the Division of Air Quality from prohibiting certain city-run programs for the burning of yard waste.

Municipal Action/What you need to do:
No municipal action is necessary because the bill did not pass.

ULCT Action/Future Trend:
ULCT monitored the bill and met with the bill sponsor. ULCT anticipates that the bill or bill concept will return.

HB 206 | Domestic Violence—Weapons Restrictions

Reference: **None**
Sponsor: **King, Brian**
Bill Status: **Enrolled**
Link: **http://le.utah.gov/~2017/bills/static/HB0206.html**
ULCT Position: **Neutral**

Legislative Purpose of the Bill:
The bill amends certain weapons restrictions relating to domestic violence.

Municipal Action/What you need to do:
The bill expands the scope of a Category II restricted person to include a person who is subject to a protective order or child protective order, and a person who has been convicted of assault or aggravated assault against a cohabitant.

ULCT Action/Future Trend:
ULCT monitored the bill.

HB 208 | Jail Release Orders Amendments

Reference: **None**
Sponsor: **Ivory, Ken**
Bill Status: **Enrolled**
Link: **http://le.utah.gov/~2017/bills/static/HB0208.html**
ULCT Position: **Support**

Legislative Purpose of the Bill:
The bill modifies provisions related to jail release agreements and jail release court orders.

Municipal Action/What you need to do:
The bill expands the definition of jail release agreements from domestic violence to "qualifying offenses." Qualifying offenses include domestic violence, offenses against a child or vulnerable adult, and any other sexual offense. The bill also modifies the time when a jail release agreement expires. Previously, the expiration was midnight on the day of the person's initial appearance. The law will now define expiration as midnight after the arrested person's initial appearance.

ULCT Action/Future Trend:
ULCT monitored the bill.

HB 218 | Poll Location Amendments

Reference: **None**
Sponsor: **Craig Hall**
Bill Status: **Enrolled**
Link: http://le.utah.gov/~2017/bills/static/HB0218.html
ULCT Position: **Support**

Legislative Purpose of the Bill:
The bill allows an election officer to establish an early voting polling place or an election day voting center after certain statutory deadlines.

Municipal Action/What you need to do:
An election officer now has the authority to designate additional early voting centers and election day voting centers if he/she determines that additional centers are necessary. The election officer must notice the additional centers and has additional flexibility to post the location of the polling place or a website address that lists each location.

ULCT Action/Future Trend:
ULCT monitored the bill. HB 218 was the result of legislative concerns about long lines at election day voting centers during the 2016 election cycle in Salt Lake County.

HB 229 | Amendments Relating to Local Districts

Reference: **None**
Sponsor: **McCay, Daniel**
Bill Status: **Enrolled**
Link: **http://le.utah.gov/~2017/bills/static/HB0229.html**
ULCT Position: **Neutral**

Legislative Purpose of the Bill:
The bill modifies provisions relating to local districts that provide fire protection, paramedic and emergency services, or law enforcement services.

Municipal Action/What you need to do:
The bill creates a process for a city to withdraw from a local district that provides fire, paramedic, emergency, or law enforcement services. First, the city must adopt a resolution. Then, if the city and district agree, then city may withdraw. However, the city may need to conduct a feasibility study or hold a public vote before withdrawal.

ULCT Action/Future Trend:
ULCT monitored the bill. As referenced in HB 195 above, the legislature considered several bills about governance, accountability, withdrawal, and potential dissolution of local districts. ULCT anticipates such legislative scrutiny of districts to continue.

HB 230 | Elections Revisions

Reference: **None**
Sponsor: **Daw, Bradley**
Bill Status: **Enrolled**
Link: **http://le.utah.gov/~2017/bills/static/HB0230.html**
ULCT Position: **Support**

Legislative Purpose of the Bill:
The bill creates new requirements for an election officer who receives an invalid absentee ballot and changes the process by which a paper ballot is adjudicated when a question arises about a vote recorded thereon.

Municipal Action/What you need to do:
An election officer is now authorized to contact a voter if the election officer receives an absentee ballot with a signature that does not match the voter's signature on file. The election officer must contact the voter, explain the discrepancy, and explain how to resolve it. If the voter resolves the signature, then the officer will count the ballot. Additionally, the bill requires two counting judges to review each absentee ballot that has a question about a vote recorded thereon. If the two judges disagree on the disposition of the vote, then the vote will not count.

ULCT Action/Future Trend:
ULCT monitored the bill, and will continue to watch legislation to modify the vote-by-mail counting and recording process.

HB 232 | Land Use Amendments

Reference: **February 15th, February 27th, March 2nd**
Sponsor: **Schultz, Mike**
Bill Status: **Enrolled**
Link: **http://le.utah.gov/~2017/bills/static/HB0232.html**
ULCT Position: **Support**

Legislative Purpose of the Bill:
The bill clarified minimum enactment requirements for all local land use regulations. The bill also codifies the scope and limits of legislative discretion and administrative discretion in the land use process. Finally, the bill details rules of interpretation for land use regulations and directions for third party review of land use decisions.

Municipal Action/What you need to do:
Cities must determine whether all land use regulations have been adopted after planning commission recommendation and council action, especially standards and specifications. Additionally, cities must review and revise their land use codes for clarity and remove ambiguity from land use restrictions.

ULCT Action/Future Trend:
ULCT spent more than one year working on the bill with other stakeholders through the Land Use Task Force. ULCT anticipates scrutiny of local land use codes.

HB 235 | Automated Traffic Enforcement Safety Devices

Reference: **None**
Sponsor: **McKell, Mike**
Bill Status: **Enrolled**
Link: **http://le.utah.gov/~2017/bills/static/HB0235.html**
ULCT Position: **Support**

Legislative Purpose of the Bill:
The bill authorizes the use of an automated traffic enforcement safety device on a school bus.

Municipal Action/What you need to do:
The bill authorizes school busses to use automated traffic enforcement safety devices to record a video or photograph of drivers that violate the requirement to stop when a school bus is flashing red caution lights. Prosecutors can then utilize the photographs or videos as evidence and return 20% of the collected fine to the school district or private school to offset the costs of the device.

ULCT Action/Future Trend:
ULCT monitored the bill and will watch the implementation of the bill. HB 235 may open a door to future dialogue about other types of automated traffic enforcement safety devices for local government.

HB 237 | Firearms and Domestic Violence Modifications

Reference: **None**
Sponsor: **Perry, Lee**
Bill Status: **Failed**
Link: **http://le.utah.gov/~2017/bills/static/HB0237.html**
ULCT Position: **Oppose**

Legislative Purpose of the Bill:
The bill would have modified the notification requirements when a prohibited person attempts to purchase a firearm and would have modified the requirements for disposition of criminal domestic violence cases.

Municipal Action/What you need to do:
No municipal action is required because this bill did not pass.

ULCT Action/Future Trend:
HB 237 stalled because of disputes between stakeholders late in the legislative session. ULCT anticipates the bill concept to return.

HB 239 | Juvenile Justice Amendments

Reference: **None**
Sponsor: **Snow, V. Lowry**
Bill Status: **Enrolled**
Link: **http://le.utah.gov/~2017/bills/static/HB0239.html**
ULCT Position: **Neutral as amended**

Legislative Purpose of the Bill:
The bill modifies provisions of juvenile justice.

Municipal Action/What you need to do:
The bill is similar to the Justice Reinvestment Initiative and has impacts across the juvenile system. The bill impacts law enforcement, prosecutors, referring agencies, schools, juvenile courts, juvenile justice services, treatment, detention, secure care and the Youth Parole Authority.

ULCT Action/Future Trend:
ULCT monitored the bill and coordinated our efforts with the Utah Association of Counties. ULCT anticipates future legislation to expand the impact of HB 239. ULCT is concerned about wholesale changes to the juvenile justice system without additional financial resources to implement the changes.

HB 243 | Common Area Land Use Amendments

Reference: **February 8th**
Sponsor: **Webb, R. Curt**
Bill Status: **Enrolled**
Link: **http://le.utah.gov/~2017/bills/static/HB0243.html**
ULCT Position: **Support**

Legislative Purpose of the Bill:
The bill clarifies ownership requirements and voting standards for revising common area parcels in HOAs and condominiums.

Municipal Action/What you need to do:
The bill retains local control over amendments to common area parcels.

ULCT Action/Future Trend:
ULCT monitored the bill and anticipates annual clarification bills about title.

HB 253 | Short-term Rental Amendments

Reference: **February 10th, February 13th, February 15th, February 17th, February 22nd, February 24th, February 27th, February 28th, March 1st**
Sponsor: **Knotwell, John**
Bill Status: **Enrolled**
Link: **http://le.utah.gov/~2017/bills/static/HB0253.html**
ULCT Position: **Support as amended**

Legislative Purpose of the Bill:
The bill prevents a political subdivision from prohibiting the use of a short-term rental website.

Municipal Action/What you need to do:
The bill focuses on free speech and online advertisements of short-term rentals. A legislative body may not enact an ordinance that prohibits an individual from listing or offering a short-term rental on a short-term website. Additionally, a legislative body may not fine, charge, prosecute, or punish an individual solely for the act of listing or offering a short-term rental on a short-term rental website.

ULCT Action/Future Trend:
HB 253 is the culmination of a two year dialogue about short-term rentals. ULCT and the bill sponsor met repeatedly to discuss both the advertising and land use components of his proposed legislation. After significant discussion throughout the session, the bill sponsor pulled the land use preemption language out of the bill. ULCT anticipates other legislators and other interest groups to monitor local government compliance with HB 253 and enforcement of existing land use regulations of short-term rentals. Consequently, ULCT urges cities to regulate up to the level that you have the capacity to enforce and to recognize the balance of property rights inherent in regulating short-term rentals of residential properties.

HB 255 | Initiative Amendments

Reference: **None**
Sponsor: **McCay, Daniel**
Bill Status: **Enrolled**
Link: **http://le.utah.gov/~2017/bills/static/HB0255.html**
ULCT Position: **Neutral**

Legislative Purpose of the Bill:
The bill amends the initiatives provisions in the Election Code.

Municipal Action/What you need to do:
The bill amends the process for both a statewide and local initiative. When an initiative proposes a tax increase, then the initiative petition, notice of public hearing, voter information pamphlet, and ballot title must clearly and emphatically declare the tax percentage difference and the tax percentage increase.

ULCT Action/Future Trend:
ULCT monitored the bill because it would impact local initiatives. The focus of the bill was on the pending Our Schools Now initiative that may appear on the 2018 general election ballot.

HB 258 | Veterans Tax Amendments

Reference: **None**
Sponsor: **Peterson, Val**
Bill Status: **Enrolled**
Link: **http://le.utah.gov/~2017/bills/static/HB0258.html**
ULCT Position: **Neutral**

Legislative Purpose of the Bill:
The bill amends a property tax exemption for certain members of the military.

Municipal Action/What you need to do:
The bill amends the definition of "qualifying active duty military service" to mean at least 200 days in any continuous 365-day period—previous law was "in a calendar year"—of active duty military service outside of Utah. The service would then qualify for a property tax exemption.

ULCT Action/Future Trend:
ULCT monitored the bill because of the potential impact on property tax revenues but we do not anticipate additional legislation.

HB 279 | Impact Fee Amendments

Reference: **February 15th, February 27th**
Sponsor: **Schultz, Mike**
Bill Status: **Enrolled**
Link: **http://le.utah.gov/~2017/bills/static/HB0279.html**
ULCT Position: **Support**

Legislative Purpose of the Bill:
The bill provides direction how to refund unspent and unencumbered impact fees.

Municipal Action/What you need to do:
Cities must refund unspent and unencumbered impact fees to the original fee paying property owner at the last known contact address. If the contact address is invalid, then the city must provide notice of the opportunity for a refund on your website. After one year, the city may use the funds for similar projects.

ULCT Action/Future Trend:
ULCT engaged with the sponsor on the bill through the Land Use Task Force.

HB 280 | Agriculture Regulation Preemption Amendment

Reference: **None**
Sponsor: **Handy, Stephen**
Bill Status: **Enrolled**
Link: **http://le.utah.gov/~2017/bills/static/HB0280.html**
ULCT Position: **Neutral**

Legislative Purpose of the Bill:
The bill states that the Department of Agriculture and Food has exclusive jurisdiction to regulate commercial feed, fertilizer, pesticides, and seeds in the state.

Municipal Action/What you need to do:
The bill states that the Department of Agriculture and Food has exclusive jurisdiction to regulate commercial feed, fertilizer, pesticides, and seeds but does not limit local government from adopting and enforcing zoning regulations, fire and building codes, storm water and waste water regulations (in consultation with the Department), and garbage restrictions.

ULCT Action/Future Trend:
ULCT met with stakeholders during the summer of 2016 and then monitored the bill.

HB 281 | Construction and Fire Codes Amendments

Reference: **None**
Sponsor: **Ray, Paul**
Bill Status: **Enrolled**
Link: **http://le.utah.gov/~2017/bills/static/HB0281.html**
ULCT Position: **Opposed until amended**

Legislative Purpose of the Bill:
The bill repeals provisions related to structural requirements for fire safety, fire notification systems, and fire suppression systems for certain cities and provides that a political subdivision may not require a structure of subdivisions of structures to have a given fire flow rate or a fire sprinkler system.

Municipal Action/What you need to do:
If a city has adopted International Fire Code Appendix B, the political subdivision may not require: (A) a subdivision of structures built in accordance with the International Residential Code to have a fire flow rate that is greater than 2000 gallons per minute; (B) an individual structure built in accordance with the International Residential Code to have a fire flow rate greater than that required in state law; or (C) a one- or two-family dwelling or a town home to have a fire sprinkler system except in accordance with state law. The bill also repeals references to specific cities except for the Park City regulatory framework.

ULCT Action/Future Trend:
ULCT worked with the bill sponsor, Park City, and other stakeholders to amend the bill. ULCT does not anticipate additional legislation on this specific topic.

HB 290 | Community Reinvestment Agency Amendments

Reference: **None**
Sponsor: **Stephen Handy**
Bill Status: **Failed**
Link: **http://le.utah.gov/~2017/bills/static/HB0290.html**
ULCT Position: **Support**

Legislative Purpose of the Bill:
The bill would have amended the Community Reinvestment Agency Act.

Municipal Action/What you need to do:
No municipal action is required because the bill did not pass.

ULCT Action/Future Trend:
HB 290 was a bill brought forward by the Redevelopment Agency Association to "clean up" issues from last year's consensus compromise bill that modernized the Community Reinvestment Agency Act (see HB 346 from 2016). Since HB 290 did not pass in 2017, ULCT anticipates a similar "clean up" bill to return in the 2018 legislative session.

HB 298 | Free Expression Regulation by Local Government

Reference: **None**
Sponsor: **Norman Thurston**
Bill Status: **Failed**
Link: **http://le.utah.gov/~2017/bills/static/HB0298.html**
ULCT Position: **Support as amended**

Legislative Purpose of the Bill:
The bill would have required a political subdivision to impose a time, place, or manner restriction on expressive activity on public grounds by ordinance. The bill also would have prevented a political subdivision from prohibiting political activities on public grounds.

Municipal Action/What you need to do:
No municipal action is required but the bill did not pass.

ULCT Action/Future Trend:
ULCT engaged with the bill sponsor regularly along with our allies at the Utah Association of Counties and individual cities and counties. The bill sponsor amended the bill to address our concerns but then the bill ran out of time to pass. ULCT anticipates the bill sponsor to bring back a similar bill in the 2018 legislative session.

HB 300 | Trampoline Park Safety Standards Act

Reference: **None**
Sponsor: **Norman Thurston**
Bill Status: **Failed**
Link: **http://le.utah.gov/~2017/bills/static/HB0300.html**
ULCT Position: **Support as amended**

Legislative Purpose of the Bill:
The bill would have created the Trampoline Park Safety Standards Act.

Municipal Action/What you need to do:
No municipal action is required but the bill did not pass.

ULCT Action/Future Trend:
ULCT engaged with the bill sponsor to amend out mandates on local government to inspect and regulate trampoline parks. The bill was held in committee because of stakeholder concerns, and the stakeholders are already working toward a consensus bill for 2018.

HB 301 | Canal Safety Amendments

Reference: **February 17th**
Sponsor: **Sandall, Scott**
Bill Status: **Enrolled**
Link: **http://le.utah.gov/~2017/bills/static/HB0301.html**
ULCT Position: **Support as amended**

Legislative Purpose of the Bill:
The bill modifies provisions regarding notice to canal owners about land use applications.

Municipal Action/What you need to do:
The bill requires a land use authority to send notice to certain canal owners and operators about a land use application and identifies which canal owners are entitled to such notice. The bill also requires a land use authority to wait for a period of days before acting on a land use application in order to allow input from the canal owners and operators.

ULCT Action/Future Trend:
ULCT engaged with the bill sponsor and other stakeholders about the bill. Mark Stratford, Ogden City Assistant City Attorney, was the ULCT point person on the bill and testified in support of the bill. ULCT does not anticipate any future legislation on the topic.

HB 304 | Water Conservation Amendments

Reference: **February 17th**
Sponsor: **Froerer, Gage**
Bill Status: **Failed**
Link: **http://le.utah.gov/~2017/bills/static/HB0304.html**
ULCT Position: **Support as amended**

Legislative Purpose of the Bill:
The bill would have modified the required contents of a water conservation plan.

Municipal Action/What you need to do:
No municipal action is required because the bill did not pass.

ULCT Action/Future Trend:
ULCT engaged with the bill sponsor to amend the bill and then we testified in support of the bill in committee. The initial version of the bill mirrored a 2016 bill that would have limited the amount of grass landscaping that a city could require in commercial zones. The sponsor removed that language in exchange for bolstering the requirements within a municipal conservation plan. ULCT anticipates a similar bill to return in the 2018 session.

HB 306 | Public Safety Officer Privacy Amendments

Reference: **None**
Sponsor: **McKell, Mike**
Bill Status: **Failed**
Link: **http://le.utah.gov/~2017/bills/static/HB0306.html**
ULCT Position: **Neutral**

Legislative Purpose of the Bill:
The bill would have shielded the name of a law enforcement officer who is involved in a critical incident for up to 180 days.

Municipal Action/What you need to do:
No action is required because the bill did not pass.

ULCT Action/Future Trend:
ULCT monitored the bill because of the potential impact on the Government Records Access and Management Act (GRAMA) and public safety. ULCT anticipates the legislative conversation about balancing an officer's privacy with the public's right to know to continue.

HB 324 | Local Budget Hearing Notice Amendments

Reference: **February 21st**
Sponsor: **Cutler, Bruce**
Bill Status: **Enrolled**
Link: **http://le.utah.gov/~2017/bills/static/HB0324.html**
ULCT Position: **Support**

Legislative Purpose of the Bill:
The bill requires a local government to post a required notice of a local budget hearing on the local government's website.

Municipal Action/What you need to do:
The bill requires a city to post a link on the city's website—if your city utilizes a website—that would lead to the notice of their budget hearings.

ULCT Action/Future Trend:
ULCT engaged with the bill sponsor and he amended the bill at our request. The previous version of the bill would have required local governments to notice budget hearings via their social media networks. ULCT anticipates a 2018 bill to expand the notice requirements to social media platforms.

HB 327 | Nighttime Highway Construction Noise Amendments

Reference: **February 17th**
Sponsor: **Christofferson, Kay**
Bill Status: **Failed**
Link: **http://le.utah.gov/~2017/bills/static/HB0327.html**
ULCT Position: **Oppose**

Legislative Purpose of the Bill:
The bill would have modified the definition of "night time highway construction" to include activities related to and necessary for highway construction.

Municipal Action/What you need to do:
No action is required because the bill did not pass.

ULCT Action/Future Trend:
The legislature passed SB 177 in 2016 to define "night time highway construction." Unfortunately, some conflicts arose in recent months that resulted in the bill. ULCT met with the bill sponsor and representatives from the Utah Department of Transportation to discuss the conflicts and discuss potential approaches that would preclude the need for legislation. The bill sponsor agreed to hold the bill to provide time to consider other approaches. The possibility thus exists that a similar bill could return in 2018.

HB 328 | Service Area Board of Trustees Modifications

Reference: **None**
Sponsor: **Spendlove, Robert**
Bill Status: **Enrolled**
Link: **http://le.utah.gov/~2017/bills/static/HB0328.html**
ULCT Position: **Support**

Legislative Purpose of the Bill:
The bill clarifies which cities within a service area are required to appoint a member to the service area board of trustees.

Municipal Action/What you need to do:
The bill applies to service areas created on or after May 5, 2003 if the service area was created to provide fire protection, paramedic and emergency services, or law enforcement services. Each city whose area is included in a service area through service area annexation, municipal incorporation, or municipal annexation, shall appoint one member to the board of trustees unless the area of the city is withdrawn from the service area.

ULCT Action/Future Trend:
ULCT monitored the bill and we do not expect additional legislation in the future.

HB 355 | Unified Commercial Development Amendments

Reference: **None**
Sponsor: **Gibson, Francis**
Bill Status: **Enrolled**
Link: **http://le.utah.gov/~2017/bills/static/HB0335.html**
ULCT Position: **Oppose until amended**

Legislative Purpose of the Bill:
The bill modifies the definition of a "Unified Commercial Development" and allows for a UCD to install a sign that advertises the businesses within the entire development so long as the local land use authority provides approval.

Municipal Action/What you need to do:
A local land use authority may approve a sign to advertise all businesses within the development under the "unified commercial development" definition. The provides a framework for where the sign may be located in the development and in relation to other existing signs. Previously, a "unified commercial development" could only exist in counties of the first class. HB 355 now authorizes "unified commercial development" in all counties.

ULCT Action/Future Trend:
ULCT monitored the bill as well as a competing bill (HB 356). Ultimately, the stakeholders came to consensus and inserted that language into HB 355. ULCT will closely watch the implementation of HB 355 in order to determine whether additional legislation is necessary.

HB 356 | On Premise Signage Amendments

Reference: **None**
Sponsor: **McKell, Mike**
Bill Status: **Failed**
Link: **http://le.utah.gov/~2017/bills/static/HB0356.html**
ULCT Position: **Support**

Legislative Purpose of the Bill:
The bill would have amended the definition of "public assembly facility," the existing restrictions for an advertising structure owned by a public assembly facility, and the definition of "unified commercial development."

Municipal Action/What you need to do:
No action is required because the bill did not pass.

ULCT Action/Future Trend:
ULCT monitored the bill as well as a competing bill (HB 355). Ultimately, the stakeholders came to consensus and inserted that language into HB 355. ULCT will closely watch the implementation of HB 355 in order to determine whether additional legislation is necessary. ULCT will also monitor ongoing discussions about signage at public assembly facilities.

HB 364 | Removal of Local Elected Officials

Reference: **None**
Sponsor: **Chavez-Houck, Rebecca**
Bill Status: **Failed**
Link: **http://le.utah.gov/~2017/bills/static/HB0364.html**
ULCT Position: **Opposed**

Legislative Purpose of the Bill:
The bill would have established a process for removing a local elected official from office due to mental incapacity.

Municipal Action/What you need to do:
No action is necessary because the bill did not pass.

ULCT Action/Future Trend:
The bill sponsor has already indicated that she intends to discuss the issue of removal during the 2017 interim.

HB 372 | Candidate Replacement Amendments

Reference: **February 22nd**
Sponsor: **Arent, Patrice**
Bill Status: **Failed**
Link: **http://le.utah.gov/~2017/bills/static/HB0372.html**
ULCT Position: **Support**

Legislative Purpose of the Bill:
The bill would have created a process to fill a vacancy when a candidate withdraws who is one of the two finalists after a non-partisan primary election.

Municipal Action/What you need to do:
No action is necessary because the bill did not pass.

ULCT Action/Future Trend:
ULCT worked on bill language with the bill sponsor and testified in support of the bill. ULCT anticipates the bill to return in 2018.

HB 381 | Law Enforcement Body Camera Footage Amendments

Reference: **None**
Sponsor: **Ray, Paul**
Bill Status: **Enrolled**
Link: **http://le.utah.gov/~2017/bills/static/HB0381.html**
ULCT Position: **Support**

Legislative Purpose of the Bill:
The bill amends the public release of recordings made by body cameras worn by law enforcement officers in two circumstances.

Municipal Action/What you need to do:
The bill provides for an expedited appeal to District Court when a local government denies a records request based on two GRAMA provisions: classifying the record as 'protected' when release might interfere with enforcement proceedings or deprive a person of a fair trial (63G-2-305(10)(b),(c)). The expedited appeal would apply when a pending criminal case has been filed in court.

ULCT Action/Future Trend:
ULCT led the local government effort in 2016 that resulted in the consensus body camera bill (HB 300). HB 381 arose out of a conflict in Salt Lake County over body-worn camera footage at the Rio Grande shooting in February 2016. Local government, the American Civil Liberties Union, law enforcement, and the news media all supported HB 381. ULCT anticipates continued discussion about the balance of privacy, due process, and public access with body-worn camera footage.

HB 392 | Air Quality Policy Advisory Board

Reference: **None**
Sponsor: **Hawkes, Timothy**
Bill Status: **Enrolled**
Link: **http://le.utah.gov/~2017/bills/static/HB0392.html**
ULCT Position: **Support**

Legislative Purpose of the Bill:
The bill creates the Air Quality Policy Advisory Board with members consisting of legislators, business leaders, those with air quality expertise, and an expert from nongovernmental organization.

Municipal Action/What you need to do:
City leaders interested in air quality will want to following the proceedings of the board. The board will seek the best available science to identify legislative actions to improve air quality and make recommendations for future legislation.

ULCT Action/Future Trend:
ULCT monitored the bill and expects significant dialogue during the interim through the board about potential actions and bills in 2018 to improve Utah's air quality.

HB 393 | Vehicle Towing Amendments

Reference: **February 22nd, February 24th, March 3rd**
Sponsor: **Maloy, Cory**
Bill Status: **Enrolled**
Link: **http://le.utah.gov/~2017/bills/static/HB0393.html**
ULCT Position: **Support**

Legislative Purpose of the Bill:
The bill amends provisions related to tow trucks.

Municipal Action/What you need to do:
The bill requires the Utah Department of Transportation to streamline tow truck background checks, and ensure that all tow truck drivers obtain and maintain a valid medical examiner's certificate. The bill prohibits cities and counties from enacting additional licensing requirements for tow truck operators. Finally, the bill creates a Towing Advisory Board which will review towing related issues during the year and will have ULCT representation.

ULCT Action/Future Trend:
ULCT negotiated the bill with the tow truck industry. ULCT will monitor the discussions at the Towing Advisory Board during the interim, which may result in future legislation.

HB 399 | Governmental Immunity Amendments

Reference: **None**
Sponsor: **Snow, V. Lowry**
Bill Status: **Enrolled**
Link: **http://le.utah.gov/~2017/bills/static/HB0399.html**
ULCT Position: **Support**

Legislative Purpose of the Bill:
The bill restores government immunity when an injury arises out of or in connection with, or results from, certain conduct described in 63G-7-201(3) or (4). The bill also provides for an extension of the filing of an action if a timely filing was dismissed for a reason other than on the merits.

Municipal Action/What you need to do:
The bill provides substantive improvement to the government immunity statute and addresses recent court cases that limited the scope of government immunity. Cities will thus have a stronger substantive argument to claim immunity. In exchange, the bill provides a procedural opportunity for a claimant to re-file an action if a timely filing was dismissed for a reason other than on the merits. Cities should be aware that claimants will have a one-time opportunity to remedy their filing.

ULCT Action/Future Trend:
ULCT engaged with the bill sponsor and other public entities to negotiate the compromise bill. ULCT participated in a year-long effort last interim where we discussed various aspects of governmental immunity and the result of that effort was HB 399 and SB 98. ULCT will continue to participate in government immunity discussions.

HB 405 | Hydrogen Fuel Production Incentives

Reference: **None**
Sponsor: **Sagers, Douglas**
Bill Status: **Enrolled**
Link: **http://le.utah.gov/~2017/bills/static/HB0405.html**
ULCT Position: **Neutral**

Legislative Purpose of the Bill:
The bill provides potential incentives for the production of hydrogen fuel.

Municipal Action/What you need to do:
The bill expands the use of money in the Community Impact Fund to include a plant for the production of hydrogen fuel for zero emission motor vehicles or a plant for the manufacture of zero emission hydrogen fueled trucks. The bill also creates an oil and gas severance tax credit for a taxpayer that produces natural gas for use in the production of hydrogen fuel for zero emission motor vehicles.

ULCT Action/Future Trend:
ULCT monitored the bill because it modified the Community Impact Fund. ULCT anticipates continued discussion about both tax incentives and investments in alternative energy.

HB 408 | State Property and School and Institutional Trust Land Amendments

Reference: **March 6th, March 7th**
Sponsor: **Noel, Michael**
Bill Status: **Failed**
Link: **http://le.utah.gov/~2017/bills/static/HB0408.html**
ULCT Position: **Oppose**

Legislative Purpose of the Bill:
The bill would have redefined "property owned by the state" to include property owned as school and institutional trust land. The bill also would have extended the current exemption from local planning and zoning to property owned by the state that is "occupied or used by a person under a permit or a lease."

Municipal Action/What you need to do:
No action is required because the bill did not pass.

ULCT Action/Future Trend:
ULCT opposed the bill and worked with the bill sponsor and other stakeholders to hold the bill. That said, the bill sponsor wants ULCT, the Utah Association of Counties, and SITLA to discuss conflicts that have arisen around the state that precipitated the bill. Depending on the results of the upcoming interim dialogue, there may be another bill in the 2018 session.

HB 415 | Incorporation Filing Amendments

Reference: **None**
Sponsor: **Westwood, John**
Bill Status: **Enrolled**
Link: **http://le.utah.gov/~2017/bills/static/HB0415.html**
ULCT Position: **Support**

Legislative Purpose of the Bill:
The bill modifies the process for a town to incorporate."

Municipal Action/What you need to do:
No municipal action is required. The bill modifies the process for town incorporation. The bill requires a public hearing before signature gathering and changes standards and processes.

ULCT Action/Future Trend:
ULCT monitored the bill. The legislature annually seems to have a bill that tweaks incorporation procedures.

HB 421 | Animal Welfare Act Amendments

Reference: **February 27th**
Sponsor: **King, Brian**
Bill Status: **Failed**
Link: **http://le.utah.gov/~2017/bills/static/HB0421.html**
ULCT Position: **Oppose**

Legislative Purpose of the Bill:
The bill would have required an animal shelter to publish certain information regarding the animals in the animal shelter's custody and maintain the published information.

Municipal Action/What you need to do:
No action is required because the bill did not pass.

ULCT Action/Future Trend:
ULCT testified against the bill because of the potential cost on small animal shelters around the state and legislative committee members agreed with our concerns. That said, ULCT anticipates a similar bill to return in 2018.

HB 425 | Security Personnel Amendments

Reference: **None**
Sponsor: **Perry, Lee**
Bill Status: **Enrolled**
Link: **http://le.utah.gov/~2017/bills/static/HB0425.html**
ULCT Position: **Neutral**

Legislative Purpose of the Bill:
The bill modifies the terms "security service provider," "agreement for services," and "financial responsibility." The bill also modifies the requirements for being the qualifying agent of a licensed contract security company or licensed armored car company.

Municipal Action/What you need to do:
Cities should review the new definitions to determine whether they impact existing secondary employment contracts for local law enforcement personnel.

ULCT Action/Future Trend:
HB 425 is the first step of what we expect to be a two year process to improve the secondary employment statutes for law enforcement personnel. ULCT worked closely with the Utah Chiefs of Police Association on the overall issue. The bill sponsor has already indicated that he intends to sponsor a bill in the 2018 session to clarify liability and compensation in the secondary employment context.

HB 429 | County Fund Amendments

Reference: **February 28th**
Sponsor: **Hemingway, Lynn**
Bill Status: **Enrolled**
Link: **http://le.utah.gov/~2017/bills/static/HB0429.html**
ULCT Position: **Support**

Legislative Purpose of the Bill:
The bill directs counties to transfer the balance of a special fund to the general fund when the legislative body determines that the purpose of the special fund no longer exists. The legislative body may redistribute the remaining balance if the area from which the county levied the fund has since incorporated as a city, town, or metro township.

Municipal Action/What you need to do:
This bill applies to newly incorporated entities in Salt Lake County (City of Millcreek; metro townships).

ULCT Action/Future Trend:
ULCT supported the bill on behalf of the City of Millcreek. ULCT does not anticipate any additional legislation at this time.

HB 431 | Government Employees Reimbursement Amendments

Reference: **None**
Sponsor: **Quinn, Tim**
Bill Status: **Enrolled**
Link: **http://le.utah.gov/~2017/bills/static/HB0431.html**
ULCT Position: **Neutral**

Legislative Purpose of the Bill:
The bill prohibits government officers or employees from making personal purchases with public funds.

Municipal Action/What you need to do:
The bill defines "personal use expenditure" as the unauthorized spending of government funds for personal uses unrelated to a government activity. A government officer or employee may not use public funds for personal use or to incur indebtedness. If a government officer of employee does use public funds for personal use, then the officer or employee must repay the amount used and may have to pay an administrative penalty of 50% of the amount misused. The bill also modifies the allowed personal use of a government vehicle so long as the governmental entity has written policies about the use.

ULCT Action/Future Trend:
ULCT monitored the bill and several cities provided feedback to the bill sponsor about specific language.

HB 432 | Local District Board Appointment Amendments

Reference: **None**
Sponsor: **Webb, R. Curt**
Bill Status: **Enrolled**
Link: **http://le.utah.gov/~2017/bills/static/HB0432.html**
ULCT Position: **Neutral**

Legislative Purpose of the Bill:
The bill allows a county legislative body to appoint a member of the county legislative body to fill a vacancy on a local district board under certain circumstances.

Municipal Action/What you need to do:
The bill provides additional flexibility to a county legislative body to fill a local district board of trustees but does not provide similar flexibility to a municipal legislative body. If no qualified candidate filed in a timely way for a local district board, then the county can appoint a county council member or commissioner so long as he/she was elected at large in the county, his/her district covers more than 50% of the district, or his/her district covers more than 50% of the district's area.

ULCT Action/Future Trend:
ULCT monitored the bill and met with the Utah Association of Special Districts about the bill.

HB 433 | Penalty for Targeting Law Enforcement Officer

Reference: **None**
Sponsor: **Ray, Paul**
Bill Status: **Enrolled**
Link: **http://le.utah.gov/~2017/bills/static/HB0433.html**
ULCT Position: **Neutral**

Legislative Purpose of the Bill:
The bill defines "targeting a law enforcement officer" as an aggravating factor for aggravated murder and makes aggravated assault a first degree felony if a law enforcement officer is targeted.

Municipal Action/What you need to do:
The bill defines "targeting a law enforcement officer" as the commission of any offense involving the unlawful use of force and violence against a law enforcement officer, causing serious bodily injury or death in furtherance of political of social objectives in order to intimidate or coerce a civilian population or to influence or affect the conduct of a government.

ULCT Action/Future Trend:
ULCT coordinated our efforts with the Utah Chiefs of Police Association. ULCT anticipates a potential bill in the future to modify the language because of first amendment concerns and to make the bill more consistent with other laws.

HB 435 | Health Care Patient Privacy Amendments

Reference: **None**
Sponsor: **Gibson, Francis**
Bill Status: **Enrolled**
Link: **https://le.utah.gov/~2017/bills/static/HB0435.html**
ULCT Position: **Support**

Legislative Purpose of the Bill:
The bill amends provisions related to the use of body-worn cameras by law enforcement in health care settings.

Municipal Action/What you need to do:
The bill amends the Government Records Access and Management Act to classify as protected any body-worn camera recordings within a health care facility or human service program with some exceptions. An officer may not activate a body-worn camera in such facilities unless there is a law enforcement accountable. As per existing body-worn camera law, the officer should—when reasonable under the circumstances—give notice by either wearing the body-worn camera in a clearly visible manner or giving audible notice that the officer is using the body-worn camera. The GRAMA exceptions include: recordings depicting a crime; an encounter between an officer and a person that results in death or bodily injury; an officer firing a weapon; an encounter that is the subject of a complaint; an officer is involved in a critical incident; and a subject in the recording requests that the record be reclassified from protected to public.

ULCT Action/Future Trend:
HB 435 addressed the usage of police body-worn cameras in hospitals. ULCT spent tremendous time on HB 300 in

2016 which outlined certain body-worn camera recordings are classified under the Government Records Access and Management Act. It is possible that additional legislation will emerge for specific instances when recordings occur. ULCT will continue to work with the Utah Chiefs of Police Association, Utah Media Coalition, the American Civil Liberties Union, and other stakeholders from HB 300.

HB 441 | Housing and Homeless Reform Initiative Amendments

Reference: **March 6th, March 8th**
Sponsor: **Gibson, Francis**
Bill Status: **Enrolled**
Link: **http://le.utah.gov/~2017/bills/static/HB0441.html**
ULCT Position: **Neutral**

Legislative Purpose of the Bill:
The bill modifies the requirements for the Homeless Coordinating Committee and the Housing and Community Development Division to award grants and contracts. The bill also modifies certain local authority over the siting of a homeless shelter.

Municipal Action/What you need to do:
The bill impacts communities that currently house or will house homeless shelters. First, the bill appropriates $20 million for the construction of new homeless shelters and $3 million of ongoing money for which any homeless shelter in the state could qualify. Second, a city may not prohibit a shelter from being built if the Homeless Coordinating Committee approves a site and provides funding for that site.

ULCT Action/Future Trend:
ULCT met with the bill sponsor and other stakeholders to raise concerns about the land use provisions in the code. The bill was a major priority for House and Senate leadership and the Governor's office and is the second year of a similar effort to address homelessness in Utah. Last year, the legislature passed HB 436 which overrode a Midvale City ordinance that prevented the homeless shelter in that city from being open year-round. ULCT anticipates additional state action to address homelessness that will have impacts in local communities.

HB 442 | Alcohol Amendments

Reference: **February 27th, March 1st, March 6th, March 8th**
Sponsor: **Wilson, Brad**
Bill Status: **Enrolled**
Link: **http://le.utah.gov/~2017/bills/static/HB0442.html**
ULCT Position: **Neutral if amended**

Legislative Purpose of the Bill:
The bill modifies the regulation of alcoholic beverages in Utah.

Municipal Action/What you need to do:
The longest bill of the session—alcohol—will impact municipal land use and planning. The bill reduces the proximity limitation between a restaurant or alcohol outlet to a community location from 600 feet to 300 feet. A community location is a church, park, playground, or school. The 300 feet is measured accordingly to how a pedestrian would walk between the alcohol outlet and the community location. Additionally, a restaurant or alcohol outlet must be at least 200 feet away in a straight line from a community location. Previously, the limitation was a radius of 600 feet and then the Department of Alcoholic Beverage Control (DABC) had authority to grant a variance down to 200 feet. The bill removes the DABC's authority to grant a variance.

ULCT Action/Future Trend:
ULCT engaged with the bill sponsor and other stakeholders. We raised concerns about downtown redevelopment, small town Main Streets, and other local planning efforts that could be affected by the elimination

of the DABC variance process. ULCT was successful at lobbying to grandfather existing restaurant uses that will run with the property which appeared in SB 279. Inevitably, comprehensive re-writes of code result in "clean-up" bills in subsequent sessions to clarify language or intent. As such, ULCT anticipates a "clean-up" alcohol bill at some point.

HB 448 | Community Reinvestment Amendments

Reference: **None**
Sponsor: **Peterson, Jeremy**
Bill Status: **Enrolled**
Link: **http://le.utah.gov/~2017/bills/static/HB0448.html**
ULCT Position: **Support**

Legislative Purpose of the Bill:
The bill authorizes a community reinvestment agency to amend a community reinvestment project area that is subject to an interlocal agreement for the purpose of acquiring property within the project area by eminent domain.

Municipal Action/What you need to do:
The bill requires a community reinvestment agency to do a resolution identifying each parcel that the agency intends to study to determine whether blight exists. Then, the CRA must conduct a blight study, make a blight determination, create a taxing entity to approve any finding of blight, and obtain approval to amend the CRA project plan.

ULCT Action/Future Trend:
ULCT engaged with the bill sponsor and monitored the bill.

HB 452 | Homeless Services Amendments

Reference: **March 6th**
Sponsor: **Eliason, Steve**
Bill Status: **Failed**
Link: **http://le.utah.gov/~2017/bills/static/HB0452.html**
ULCT Position: **Oppose until amended**

Legislative Purpose of the Bill:
The bill would have provided that the Homeless to Housing Reform Restricted Account would receive county property tax revenue and that cities with qualifying homeless shelters could have received funds from the account.

Municipal Action/What you need to do:
No action is necessary because the bill did not pass.

ULCT Action/Future Trend:
ULCT engaged with the bill sponsor and lobbied the sponsor to change the revenue source from local sales tax to county property tax. The intent of the bill was to provide an ongoing revenue stream to address the operation and maintenance of homeless resource facilities. The bill failed in committee on a tie vote, but the Speaker of the House and the bill sponsor have publicly indicated that they intend to bring the bill back in some form in either a special session or in the 2018 session.

HB 458 | Local Government Snow Removal

Reference: **None**
Sponsor: **Schultz, Mike**
Bill Status: **Failed**
Link: **http://le.utah.gov/~2017/bills/static/HB0458.html**
ULCT Position: **Oppose**

Legislative Purpose of the Bill:
The bill would have prevented a county from prohibiting a person from removing snow from a road at the person's own expense in order to access property that the person owns.

Municipal Action/What you need to do:
No action is required because the bill did not pass.

ULCT Action/Future Trend:
ULCT expressed concerns about any local government losing authority over snow removal on public roads. While the bill did not pass, ULCT anticipates a discussion about specific facts that precipitated the bill.

HB 459 | Rural Health Services Account Amendments

Reference: **None**
Sponsor: **Webb, R. Curt**
Bill Status: **Enrolled**
Link: **http://le.utah.gov/~2017/bills/static/HB0459.html**
ULCT Position: **Neutral**

Legislative Purpose of the Bill:
The bill amends the calculation made by the State Tax Commission for distributions from the Rural Health Care Facilities Account.

Municipal Action/What you need to do:
The bill impacts only cities that have imposed a rural city hospital tax. For fiscal years ending before FY 2018, the percentage for each county and city is divided by $555,000. For fiscal years FY 2018 and beyond, then the percentage for each county and city will be calculated by dividing the amount by $218,809.33.

ULCT Action/Future Trend:
ULCT monitored the bill and we do not anticipate additional legislation.

Senate Bills

SB 13 | Amendments to Election Law

Reference: **None**
Sponsor: **Dayton, Margaret**
Bill Status: **Enrolled**
Link: **http://le.utah.gov/~2017/bills/static/SB0013.html**
ULCT Position: **Neutral**

Legislative Purpose of the Bill:
The bill modifies election notices, the process to fill an unexpired term, and the municipal convention process for candidates.

Municipal Action/What you need to do:
The bill has three primary impacts on local government. First, election officers must publish a municipal general election notice on or before May 1. Previously, the law required the notice by February 1. Second, if a vacancy occurs in a municipal legislative body or with the municipal executive, then the legislative body shall appoint a registered voter to fill the unexpired term of the vacated office. Previously, the law only allowed the registered voter to fill the vacated office until the January following the next municipal election. Third, several cities and towns still use the convention process to nominate candidates for municipal office. An individual going through the convention process must still file a declaration of candidacy to be eligible to be a candidate. Likewise, the convention process may replace a primary election but may not replace a general election.

ULCT Action/Future Trend:
ULCT monitored the bill and anticipates annual tweaks to the election process.

SB 14 | Emergency Telephone Service Amendments

Reference: **None**
Sponsor: **Harper, Wayne**
Bill Status: **Enrolled**
Link: **http://le.utah.gov/~2017/bills/static/SB0014.html**
ULCT Position: **Support**

Legislative Purpose of the Bill:
The bill amends and enacts provisions related to 911 services.

Municipal Action/What you need to do:
An owner of a multi-line telephone system—a network or premise-based telephone system at an end-use location that uses common control units, common telephones, and common hardware and software to provide a connection to multiple end-users at the end-use location—shall configure the system to provide automated number and location information to the public safety answer point. The information must include the street address, direct call-back telephone number, applicable building number, and applicable building floor. The multi-line telephone system owner or operator must also have a location database that stores the information that the system owner or operator is required to provide. Finally, the owner or operate must configure the system to allow an individual to place a 911 call without an additional code.

ULCT Action/Future Trend:
ULCT monitored the bill. The legislature examined several aspects of the 911 system in 2017. As such, ULCT anticipates follow up discussion in sessions to come.

SB 15 | Agriculture Protection Area and Industrial Protection Area Amendments

Reference: **None**
Sponsor: **Dayton, Margaret**
Bill Status: **Enrolled**
Link: **http://le.utah.gov/~2017/bills/static/SB0015.html**
ULCT Position: **Neutral**

Legislative Purpose of the Bill:
The bill amends provisions relating to the review of agricultural protection areas or industrial protection areas by the applicable legislative body.

Municipal Action/What you need to do:
A county or municipal legislative body may review agricultural protection areas or industrial protection areas in the 20th year of the areas' creation. Previously, the law required legislative bodies to review the areas' creation in their 20th year.

ULCT Action/Future Trend:
The Farm Bureau and several counties contacted ULCT during the summer of 2016 to propose the change. ULCT monitored the bill and does not anticipate any future legislation.

SB 18 | Firefighters' Disability Retirement Benefit Amendments

Reference: **None**
Sponsor: **Mayne, Karen**
Bill Status: **Enrolled**
Link: **http://le.utah.gov/~2017/bills/static/SB0018.html**
ULCT Position: **Support**

Legislative Purpose of the Bill:
The bill modifies the Utah State Retirement and Insurance Benefit Act with regards to firefighter disability benefits.

Municipal Action/What you need to do:
The bill re-defines "disability" as the complete inability, due to objective medical impairment, whether physical or mental, to perform firefighter service. It does not include the inability to meet an employer's required standards or tests relating to fitness, physical ability, or agility that is not a result of the aforementioned disability definition. The bill also defines "objective medical impairment" as impairment resulting from an injury or illness which is diagnosed by a physician and which is based on accepted objective medical tests or findings rather than subjective complaints.

ULCT Action/Future Trend:
ULCT monitored the bill, which was one of several bills that modified eligibility for certain benefits. ULCT anticipates legislation annually on benefits.

SB 20 | Phased Retirement Amendments

Reference: **None**
Sponsor: **Hemmert, Dan**
Bill Status: **Enrolled**
Link: **http://le.utah.gov/~2017/bills/static/SB0020.html**
ULCT Position: **Neutral**

Legislative Purpose of the Bill:
The bill modifies the Utah State Retirement and Insurance Benefit Act by amending provisions relating to phased retirement.

Municipal Action/What you need to do:
First, a retiree must submit all required phase retirement forms prior to the retiree's retirement date. Second, a retiree must begin his/her phased retirement employment no later than 120 days after the retirement date. Third, the bill requires that 100% of the retiree's retirement allowance shall be paid on the first day of the month after phased retirement has been irrevocably terminated.

ULCT Action/Future Trend:
ULCT monitored the bill and has been engaged in ongoing discussions about post-retirement public employment. ULCT anticipates future legislation to address post-retirement public employment in certain circumstances (i.e. public safety).

SB 27 | Motor Vehicle Accident Cost Recovery

Reference: **None**
Sponsor: **Harper, Wayne**
Bill Status: **Enrolled**
Link: **http://le.utah.gov/~2017/bills/static/SB0027.html**
ULCT Position: **Neutral**

Legislative Purpose of the Bill:
The bill modifies provisions related to the recovery of costs for repair of damages caused by motor vehicle accidents.

Municipal Action/What you need to do:
A local government may charge an individual the actual cost or a reasonable estimate of the cost of services provided in responding to the motor vehicle accident. The law previously only allowed the recovery of the actual cost. A local government may contract with an independent contractor to recover costs related to damage to public property, but may only pay the independent contractor out of any recovery received from the person who caused the damage.

ULCT Action/Future Trend:
ULCT monitored the bill and does not anticipate future legislation.

SB 31 | Protection of Law Enforcement Officers' Personal Information

Reference: **None**
Sponsor: **Ipson, Don**
Bill Status: **Enrolled**
Link: **http://le.utah.gov/~2017/bills/static/SB0031.html**
ULCT Position: **Support**

Legislative Purpose of the Bill:
The bill prohibits individuals, businesses, associations, or government agencies from posting personal information about law enforcement officers or their family members on the internet.

Municipal Action/What you need to do:
Local government should be aware that they may not post personal information about officers or their families online without authorization. Individuals may face criminal charges—class B misdemeanor or class A misdemeanor if the posting results in bodily injury—and organizations and individuals both may be civilly liable for soliciting, selling, or trading personal information if disseminating the information would pose an imminent and serious threat to the officer or his/her family.

ULCT Action/Future Trend:
ULCT monitored the bill. ULCT expects the legislature to continue discussions about the privacy of law enforcement officers.

SB 37 | Statewide Crisis Line

Reference: **February 8th**
Sponsor: **Thatcher, Daniel**
Bill Status: **Enrolled**
Link: **http://le.utah.gov/~2017/bills/static/SB0037.html**
ULCT Position: **Support**

Legislative Purpose of the Bill:
The bill creates the Mental Health Crisis Line Commission.

Municipal Action/What you need to do:
The Commission is tasked with identifying a method to integrate existing local mental health crisis lines and study how to establish and implement a statewide phone number or other means for an individual to easily access a statewide mental health crisis line.

ULCT Action/Future Trend:
ULCT participated in interim discussions about SB 37 and raised concerns when the bill sponsor initially attempted to use a phone number that Provo City and many other cities nationwide utilize for communication with residents about non-emergency needs. The bill pivoted away from a specific phone number for now. ULCT will monitor the discussions at the newly formed commission.

SB 42 | DUI Impound Fee Refund Amendments

Reference: **None**
Sponsor: **Harper, Wayne**
Bill Status: **Enrolled**
Link: **http://le.utah.gov/~2017/bills/static/SB0042.html**
ULCT Position: **Neutral**

Legislative Purpose of the Bill:
The bill modifies provisions relating to DUI impound fee refunds.

Municipal Action/What you need to do:
A person will have 180 days to request a refund of the DUI impound fee if the Driver License Division decides to take no action to suspend or revoke a driver's license. Current law only provides a 30-day window. The impound fees fund DUI law enforcement, including overtime shifts and equipment purchases.

ULCT Action/Future Trend:
ULCT monitored the bill.

SB 45 | Retail Water Line Disclosure Amendments

Reference: **None**
Sponsor: **Mayne, Karen**
Bill Status: **Enrolled**
Link: **http://le.utah.gov/~2017/bills/static/SB0045.html**
ULCT Position: **Neutral**

Legislative Purpose of the Bill:
The bill enacts provisions relating to culinary water service.

Municipal Action/What you need to do:
Each public provider of culinary water must provide disclosures about who is liable for the repair and replacement of a retail water line.

ULCT Action/Future Trend:
In 2016, Sen. Mayne sponsored SB 34 which required similar disclosures for sewer laterals.

SB 50 | Automobile Insurance Registry Amendments

Reference: **None**
Sponsor: **Fillmore, Lincoln**
Bill Status: **Enrolled**
Link: **http://le.utah.gov/~2017/bills/static/SB0050.html**
ULCT Position: **Neutral**

Legislative Purpose of the Bill:
The bill amends provisions related to the seizure of a vehicle if the owner or operator does not have security in effect.

Municipal Action/What you need to do:
Law enforcement officers shall seize a vehicle if the owner or operator does not have security and the vehicle was involved in an accident. The bill also modifies the definition of proof of insurance when it is used as an affirmative defense in court or in administrative actions.

ULCT Action/Future Trend:
ULCT monitored the bill and does not anticipate additional legislation.

SB 69 | Notification Requirements for Ballot Proposals

Reference: **February 8th**
Sponsor: **Anderegg, Jacob**
Bill Status: **Enrolled**
Link: **http://le.utah.gov/~2017/bills/static/SB0069.html**
ULCT Position: **Support**

Legislative Purpose of the Bill:
The bill modifies the notification requirements for a ballot proposition.

Municipal Action/What you need to do:
When a city is subject to a ballot proposition, the city must provide a notice to residents that the city is soliciting arguments for and against the ballot proposition. The notice must be given no less than 90 days before the election. The city must notice residents by the Utah Public Notice Website. If the city has a website, email list, newsletter, or other type of periodic billing, then the city must use those platforms to notify residents.

ULCT Action/Future Trend:
ULCT worked closely with the bill sponsor. The initial version of the bill would have mandated a mailing. The final bill instead required online posting and then requires other platforms for notice if cities already use the other platforms. ULCT anticipates additional legislation in the future about city communication with residents.

SB 70 | Asset Forfeiture Transparency Amendments

Reference: **January 25th. February 24th**
Sponsor: **Stephenson, Howard**
Bill Status: **Enrolled**
Link: **http://le.utah.gov/~2017/bills/static/SB0070.html**
ULCT Position: **Opposed**

Legislative Purpose of the Bill:
The bill modifies the Forfeiture and Disposition of Property Act regarding reporting requirements.

Municipal Action/What you need to do:
The bill adds law enforcement agency reporting requirements to asset forfeitures when "reasonably available." The new data to report includes: whether criminal charges were filed (and final disposition), value of seized property, money award to an agency from federal forfeitures, agency's direct costs and expenses obtaining and maintaining the seized property, and prosecution costs.

ULCT Action/Future Trend:
ULCT was involved in the overall discussion about asset forfeiture, which included SB 70 and the ultimate compromise bill on SB 87. While opponents of asset forfeiture may return in future sessions with a bill, ULCT is hopeful that the legislature is satisfied with the 2017 efforts.

SB 81 | Local Government Licensing Amendments

Reference: **January 31st**
Sponsor: **Anderegg, Jacob**
Bill Status: **Enrolled**
Link: **http://le.utah.gov/~2017/bills/static/SB0081.htm**
ULCT Position: **Support**

Legislative Purpose of the Bill:
The bill modifies a city's or a county's authority to license a business, specifically a home-based business.

Municipal Action/What you need to do:
First, cities may impose fees on businesses to recover the cost of regulation. Previously, the law allowed cities to license a business for the purpose of "revenue." Second, the bill prohibits a city from requiring a license for an occasional business that a minor operates. Third, the bill dictates that a city may not charge a license fee unless the combined offsite impact of the home-based business and the primary residential use materially exceeds the offsite impact of the primary residential use alone.

Consequently, cities must review their business license fees to ensure that they just recover the cost of regulation. Additionally, cities must define the offsite impact of the home-based business above and beyond the primary residential use in order to collect a license fee.

ULCT Action/Future Trend:
ULCT spent the past several sessions negotiating on this bill with the bill sponsor. Ultimately, the language in SB 81 still preserves local authority over licensing. The bill does require cities to articulate the standards for home

based business license fees. Legislators have expressed frustration with local business license fees, ranging from the actual cost to the variety of fees across jurisdictions. Going forward, ULCT expects additional scrutiny on local business license fees.

SB 82 | Library Technology Use Amendments

Reference: **None**
Sponsor: **Weiler, Todd**
Bill Status: **Enrolled**
Link: **http://le.utah.gov/~2017/bills/static/SB0082.html**
ULCT Position: **Support**

Legislative Purpose of the Bill:
The bill modifies the internet safety policies of public libraries.

Municipal Action/What you need to do:
In order to receive state funds, a public library that provides a public wireless network must ensure that it maintains and enforces a policy indicating that the wireless network filters child pornography, material harmful to minors, and obscene material. As such, a city which owns a library must ensure that the internet safety policy complies with state law.

ULCT Action/Future Trend:
ULCT monitored the bill and does not anticipate future legislation.

SB 83 | Sales Tax Notification Amendments

Reference: **None**
Sponsor: **Harper, Wayne**
Bill Status: **Failed**
Link: **http://le.utah.gov/~2017/bills/static/SB0083.html**
ULCT Position: **Support**

Legislative Purpose of the Bill:
The bill would have imposed notice and reporting requirements on certain sellers that do no collect and remit sales and use tax in Utah.

Municipal Action/What you need to do:
No municipal action is necessary because the bill did not pass.

ULCT Action/Future Trend:
ULCT monitored this bill and other bills that would have addressed the mandatory collection and remittance of online sales tax. While all of the bills failed to pass, ULCT will continue to support efforts both in the Utah State Legislature and the United States Congress to enforcement the collection and remittance of online sales tax.

SB 87 | Civil Asset Forfeiture Revisions

Reference: **January 25th. February 24th. March 1st**
Sponsor: **Thatcher, Daniel**
Bill Status: **Failed**
Link: **http://le.utah.gov/~2017/bills/static/SB0087.html**
ULCT Position: **Support**

Legislative Purpose of the Bill:
The bill modifies the Forfeiture and Disposition of Property Act regarding civil asset forfeiture and the claiming of property. The bill also modifies provisions about attorney fees.

Municipal Action/What you need to do:
First, the bill improves the notice to a person whose property is seized. The person will receive the property receipt and information about the forfeiture process. Second, the bill creates an expedited process for a person to retrieve seized property that is valued at less than $10,000. If a prosecutor fails to file an answer to a forfeiture complaint within 60 days with information for criminal conduct giving rise to the forfeiture, then the agency must return the property to the person. Third, if a person is criminally charged and acquitted on the merits, then the agency must return the forfeited property. Finally, the original cap on attorney fees for claimants of 20% of the value of the seized property is increased to 50%.

ULCT Action/Future Trend:
ULCT was involved in the overall discussion about asset forfeiture, which included SB 70 and the ultimate compromise bill on SB 87. While opponents of asset forfeiture may return in future sessions with a bill, ULCT is hopeful that the legislature is satisfied with the 2017 efforts.

SB 93 | Property Assessment Notice Amendments

Reference: **None**
Sponsor: **Harper, Wayne**
Bill Status: **Enrolled**
Link: **http://le.utah.gov/~2017/bills/static/SB0093.html**
ULCT Position: **Neutral**

Legislative Purpose of the Bill:
The bill amends provisions about property assessment notices, specifically when a city or local district has incurred unpaid costs and expenses.

Municipal Action/What you need to do:
County treasurers must provide notice to property owners who have liens on their property due to past due municipal or local district fees. The notice must include the amount owed, contact information for the city (or district), information about the unpaid amount being included on the property at notice, and the lien itself. The notice must occur before August 1 of each year.

ULCT Action/Future Trend:
ULCT monitored the bill and does not expect additional legislation.

SB 94 | Local District Revisions

Reference: **None**
Sponsor: **Fillmore, Lincoln**
Bill Status: **Enrolled**
Link: **http://le.utah.gov/~2017/bills/static/SB0094.html**
ULCT Position: **Support**

Legislative Purpose of the Bill:
The bill modifies local district property tax authority.

Municipal Action/What you need to do:
Prior to SB 94, local districts had three options to raise property taxes. First, local districts could put the tax on the ballot. Second, a directly elected board could impose it. Third, a board consisting of appointed individuals (trustees) could impose it. SB 94 modifies the third option.

SB 94 creates a trustee reporting requirement before a district could increase property taxes. A trustee must report the proposed tax increase to his/her sponsoring legislative body in a public meeting within 40 days of the district's request to raise taxes. The report must include the levy, the dollar amount, the percentage, the purpose of the increase, and any information that the legislative body requests. Once all of the trustee reports are completed, then the district board of directors may increase the property tax. The bill takes effect on January 1, 2018.

ULCT Action/Future Trend:
ULCT participated in dialogue with the bill sponsor, counties, and districts throughout the 2016 interim. SB 94 was a compromise bill, but ULCT anticipates that the legislature will continue to scrutinize the funding and transparency of local districts (and local governments).

SB 96 | Unsecured Load Amendments

Reference: **None**
Sponsor: **Harper, Wayne**
Bill Status: **Enrolled**
Link: **http://le.utah.gov/~2017/bills/static/SB0096.html**
ULCT Position: **Neutral**

Legislative Purpose of the Bill:
The bill defines an unsecured load on a highway and creates new penalties.

Municipal Action/What you need to do:
If an unsecured load creates a hazard but does not cause a traffic accident, then the offense is an infraction. If the violation creates a hazard that leads to an accident, then the violation is a class B misdemeanor. If the violation creates a hazard that leads to an accident that results in serious bodily injury or death, then the violation is a class A misdemeanor.

ULCT Action/Future Trend:
ULCT monitored the bill and does not anticipate additional legislation.

SB 97 | Public Meeting Minutes Amendments

Reference: **None**
Sponsor: **Van Tassell, Kevin**
Bill Status: **Enrolled**
Link: **http://le.utah.gov/~2017/bills/static/SB0097.html**
ULCT Position: **Support**

Legislative Purpose of the Bill:
The bill modifies the Open and Public Meetings to provide flexibility about minutes.

Municipal Action/What you need to do:
The bill allows that a public body may satisfy the requirement of minutes (substance of matters, record, vote) by maintaining a publicly available online version of minutes with a Link: to the meeting recording. If the public body provides online minutes, then the public body shall post approved minutes on the public body's website that comply with state law on pending minutes.

ULCT Action/Future Trend:
ULCT met with the bill sponsor to amend language on the bill. The intent of the bill was to provide an optional tool for public bodies to use publicly available online minutes in lieu of written minutes. SB 97 is an optional tool.

SB 98 | Excess Damages Claims

Reference: **January 30th. February 28th**
Sponsor: **Iwamoto, Jani**
Bill Status: **Enrolled**
Link: **http://le.utah.gov/~2017/bills/static/SB0098.html**
ULCT Position: **Neutral**

Legislative Purpose of the Bill:
The modifies the Utah Governmental Immunity Act by changing the inflationary adjustment formula for personal injury damages caps.

Municipal Action/What you need to do:
The inflationary adjustment formula will include a greater emphasis on the "medical care component" and "medical services component" of the consumer price index (CPI). Prior to SB 98, the inflator solely relied on the consumer price index.

ULCT Action/Future Trend:
ULCT participated in a year-long discussion during the 2016 interim about the Utah Governmental Immunity Act. The dialogue had two objectives: modify the caps and modify the current board of examiner process for funding claims in excess of the caps. The legislature ultimately deleted the language about the board of examiners in SB 98. As such, ULCT anticipates additional dialogue—and potentially legislation—about government immunity.

SB 110 | Sales Tax Collection Amendments

Reference: **January 30th. January 31st. February 27th. February 28th. March 3rd**
Sponsor: **Bramble, Curtis**
Bill Status: **Failed**
Link: **http://le.utah.gov/~2017/bills/static/SB0110.html**
ULCT Position: **Support**

Legislative Purpose of the Bill:
The bill would have defined economic nexus and affiliate nexus for the purposes of requiring the collection and remittance of online sales tax in Utah.

Municipal Action/What you need to do:
No municipal action is necessary because the bill did not pass.

ULCT Action/Future Trend:
ULCT monitored this bill and other bills that would have addressed the mandatory collection and remittance of online sales tax. ULCT belongs to a coalition of organizations that lobbied to enact SB 110 and ULCT testified in support of the bill. While all of the bills failed to pass, ULCT will continue to support efforts both in the Utah State Legislature and the United States Congress to enforcement the collection and remittance of online sales tax.

SB 111 | Unmanned Aircraft Amendments

Reference: **February 28th**
Sponsor: **Harper, Wayne**
Bill Status: **Enrolled**
Link: **http://le.utah.gov/~2017/bills/static/SB0111.html**
ULCT Position: **Support**

Legislative Purpose of the Bill:
The bill encompasses a number of things, including criminal penalties, privacy, safety, and use of unmanned aircraft by law enforcement.

Municipal Action/What you need to do:
Educating police officers and police departments on the proper use of unmanned aircraft, as well as the enforcement of laws that may be violated by the improper use of drones, including trespassing, voyeurism, and other privacy issues.

ULCT Action/Future Trend:
ULCT was involved with the sponsor during the interim as the discussions about the issue, and the resulting bill, took place. ULCT testified in committees as well. As unmanned aircraft continue to increase in popularity among the public, and plans move ahead for commercial use, especially in the area of package delivery, there is a significant chance that further legislation will be pursued.

SB 116 | Polling Location Amendments

Reference: **None**
Sponsor: **Thatcher, Daniel**
Bill Status: **Enrolled**
Link: http://le.utah.gov/~2017/bills/static/SB0116.html
ULCT Position: **Neutral**

Legislative Purpose of the Bill:
The bill requires a county clerk to ensure that the waiting time in line at a polling location does not exceed 30 minutes— "to the extent possible"—and to submit a line management plan under certain circumstances.

Municipal Action/What you need to do:
The 30-minute requirement only applies to county clerks.

ULCT Action/Future Trend:
ULCT monitored the bill, which was one of many bills that arose out of the 2016 election cycle.

SB 126 | Collection Process Amendments

Reference: **None**
Sponsor: **Weiler, Todd**
Bill Status: **Enrolled**
Link: **http://le.utah.gov/~2017/bills/static/SB0126.html**
ULCT Position: **Neutral**

Legislative Purpose of the Bill:
The bill modifies collection processes as they apply to government entities.

Municipal Action/What you need to do:
An execution, attachment, or garnishment may not issue against a government entity, except that a judgment creditor may garnish a state income tax refund owing to the judgment debtor.

ULCT Action/Future Trend:
ULCT monitored the bill and does not anticipate future legislation.

SB 128 | Election Day Notification Amendments

Reference: **None**
Sponsor: **Iwamoto, Jani**
Bill Status: **Enrolled**
Link: **http://le.utah.gov/~2017/bills/static/SB0128.html**
ULCT Position: **Neutral**

Legislative Purpose of the Bill:
The bill amends notifications provisions in the Election Code about bond elections and polling place changes.

Municipal Action/What you need to do:
The bill authorizes election officers to change or add polling places after initial notice has already been sent out. The notice provisions will be listed on the Statewide Electronic Voter Information Website and on the election officer's website—if available—and include a phone number that voters may use to obtain more information about the polling places. The election officer must also post physical notices at the former polling location and the new polling location.

ULCT Action/Future Trend:
ULCT monitored the bill, which was one of many bills that arose out of the 2016 election cycle.

SB 134 | Indigent Defense Commission Amendments

Reference: **None**
Sponsor: **Weiler, Todd**
Bill Status: **Enrolled**
Link: http://le.utah.gov/~2017/bills/static/SB0134.html
ULCT Position: **Support**

Legislative Purpose of the Bill:
The bill modifies the Indigent Defense Act.

Municipal Action/What you need to do:
The bill adds two new members to the Indigent Defense Commission—one attorney practicing in the area of juvenile delinquency defense and one attorney practicing in the area of parental defense—and expanded the commission's scope to include child welfare parental defense and juvenile delinquency defense. The bill also restricts a person employed solely as a criminal prosecuting attorney as a member of the commission. The commission has also rule making authority.

ULCT Action/Future Trend:
ULCT engaged for several years on indigent defense under the leadership of the Utah Judiciary Council. ULCT supported SB 155 in 2016 which created the Indigent Defense Commission. ULCT has two appointees on the commission. As such, ULCT expects additional legislation on indigent defense in years to come. More importantly, ULCT anticipates best practices, grants, and other rules to come from the commission to guide local government compliance with the 6th Amendment.

SB 137 | State Auditor Fiscal Auditing and Reporting Amendments

Reference: **None**
Sponsor: **Bramble, Curtis**
Bill Status: **Enrolled**
Link: **http://le.utah.gov/~2017/bills/static/SB0137.html**
ULCT Position: **Neutral**

Legislative Purpose of the Bill:
The bill modifies fiscal reporting requirements to the Utah State Auditor and authorizes the Auditor to take action under certain circumstances.

Municipal Action/What you need to do:
The state auditor may take temporary custody of public funds if an action is necessary to protect public funds from being improperly diverted from their intended public purpose. In that case, and upon a court order, the state treasurer will hold the funds.

ULCT Action/Future Trend:
ULCT monitored the bill and does not expect additional legislation.

SB 138 | Metro Township Amendments

Reference: **None**
Sponsor: **Mayne, Karen**
Bill Status: **Enrolled**
Link: **http://le.utah.gov/~2017/bills/static/SB0138.html**
ULCT Position: **Neutral**

Legislative Purpose of the Bill:
The bill modifies provisions about metro townships, and fixes issues that have arisen since the passage of SB 199 in 2015 which created metro townships in Salt Lake County.

Municipal Action/What you need to do:
The bill addresses the authority of metro township councils, the definition of "specified local public body," how local sales and use taxes are remitted to the municipal services district, and how to calculate class B and class C road distribution for metro townships.

ULCT Action/Future Trend:
ULCT monitored the bill and expect continual but slight modifications to the authority and framework of the newly created metro townships.

SB 139 | Tax Increment Financing Revisions

Reference: **February 6th. February 7th**
Sponsor: **Stephenson, Howard**
Bill Status: **Failed**
Link: **http://le.utah.gov/~2017/bills/static/SB0139.html**
ULCT Position: **Opposed**

Legislative Purpose of the Bill:
The bill would have limited the tax increment participation of school districts to no more than 50%. The limit would also have been retroactive, except for what was already pledged for bond repayment.

Municipal Action/What you need to do:
No municipal action is necessary because the bill did not pass.

ULCT Action/Future Trend:
ULCT joined with other stakeholders to oppose the bill (and SB 142) in committee. Nevertheless, ULCT expects similar legislation in the future to restrict the use of tax increment financing for economic development.

SB 140 | Annexation of Islands within Cities

Reference: **None**
Sponsor: **Buxton, Gregg**
Bill Status: **Enrolled**
Link: **http://le.utah.gov/~2017/bills/static/SB0140.html**
ULCT Position: **Support**

Legislative Purpose of the Bill:
The bill modifies municipal annexation of unincorporated islands within cities.

Municipal Action/What you need to do:
First, a county must still hold a public hearing about the proposed annexation. If the county makes a recommendation for annexation based on findings that the area can more efficiently serviced by the city, the area will naturally be annexed into the city with continued growth, the overlapping functions of local government can be consolidated, and the distribution of community sources will be more equitable, then a municipality may approve the annexation without allowing or considering any protests.

ULCT Action/Future Trend:
ULCT worked with the bill sponsor on the language and does not anticipate additional legislation.

SB 142 | Redevelopment Agency Amendments

Reference: **February 6th. February 7th. February 24th**
Sponsor: **Fillmore, Lincoln**
Bill Status: **Failed**
Link: **http://le.utah.gov/~2017/bills/static/SB0142.html**
ULCT Position: **Opposed**

Legislative Purpose of the Bill:
The bill would have excluded the revenue generated from taxes levied and collected upon the taxable property in a project area in the definition of "tax increment."

Municipal Action/What you need to do:
No municipal action is necessary because the bill did not pass.

ULCT Action/Future Trend:
ULCT joined with other stakeholders to oppose the bill (and SB 139) in committee. Nevertheless, ULCT expects similar legislation in the future to restrict the use of tax increment financing for economic development.

SB 143 | Local District Board Amendments

Reference: **None**
Sponsor: **Stevenson, Jerry**
Bill Status: **Enrolled**
Link: **http://le.utah.gov/~2017/bills/static/SB0143.html**
ULCT Position: **Neutral**

Legislative Purpose of the Bill:
The bill clarifies appointment provisions and voting requirements for local districts.

Municipal Action/What you need to do:
First, the bill modifies language about elections on proposed district property tax increases. The bill clarifies that the tax increase is approved by a majority of the registered voters within the local district "who vote in" an election instead of "at" an election. Second, the bill requires a district to publish the notice of vacancy for a local district board.

ULCT Action/Future Trend:
ULCT monitored the bill.

SB 150 | Local Government Bond Amendments

Reference: **February 7th**
Sponsor: **Henderson, Deidre**
Bill Status: **Enrolled**
Link: **http://le.utah.gov/~2017/bills/static/SB0150.html**
ULCT Position: **Neutral**

Legislative Purpose of the Bill:
The bill amends provisions regarding the required information related to a proposed bond and bond election.

Municipal Action/What you need to do:
If the city has a proposed bond and bond election, then the voter information packet must contain the property tax cost of the proposed bond without regard to outstanding bonds that may retire. The bill also addresses polling places (see SB 128).

ULCT Action/Future Trend:
ULCT monitored the bill and provided amendments. The objective of the bill is to enhance the actual cost of a proposed bond without consideration of a simultaneously retiring bond. ULCT does not anticipate additional legislation.

SB 152 | Municipal Mayoral Term Amendments

Reference: **February 7th. February 16th**
Sponsor: **Iwamoto, Jani**
Bill Status: **Enrolled**
Link: **http://le.utah.gov/~2017/bills/static/SB0152.html**
ULCT Position: **Support**

Legislative Purpose of the Bill:
The bill allows a handful of cities to modify their mayoral election cycle.

Municipal Action/What you need to do:
The initial intent of the bill was to facilitate the mayoral term for the newly created city of Millcreek. The bill allows the Millcreek Mayor to face election in 2019, three years after the creation of the city.

ULCT Action/Future Trend:
ULCT worked with the bill sponsor to ensure legal flexibility for the handful of cities and towns who, for whatever reason, elected their mayors during the "non-mayoral" municipal cycle in 2015. ULCT does not anticipate future legislation.

SB 156 | Local Public Safety and Firefighter Surviving Spouse Trust Fund Amendments

Reference: **February 6th. February 17th. March 3rd**
Sponsor: **Weiler, Todd**
Bill Status: **Enrolled**
Link: **http://le.utah.gov/~2017/bills/static/SB0156.html**
ULCT Position: **Support**

Legislative Purpose of the Bill:
The bill modifies the line-of-duty death benefits and the Local Public Safety and Firefighter Surviving Spouse Trust Fund.

Municipal Action/What you need to do:
The bill requires all municipalities that employs at least one public safety officer or firefighter to participate in the trust fund. Previously, participation in the trust fund was optional. The bill also decreases the requirement for local government to cover surviving spouses and family members from 24 months to 12 months before the spouses and family members qualify for the trust fund. Finally, the bill authorizes the Department of Public Safety to contract with a third-party administrator to manage the trust fund. The bill goes into effect in 2018, so cities will need to prepare for the mandatory participation in the trust fund after July 1, 2018.

ULCT Action/Future Trend:
ULCT worked actively on the bill (and its predecessors, HB 288 in 2015 and HB 159 in 2016) to ensure the solvency of the trust fund and prevent individual cities and towns from bearing the financial burden alone. The bill initially had additional language to provide an option for cities and towns to collect a premium, but the legislature removed that language. ULCT expects another bill at some point to reconsider the costs and burdens of the trust fund, but such a bill will likely come upon results after the effective date of July 1, 2018.

Utah League of Cities and Towns

SB 159 | Helmet Requirement Amendments

Reference: **None**
Sponsor: **Shiozawa, Brian**
Bill Status: **Enrolled**
Link: **http://le.utah.gov/~2017/bills/static/SB0159.html**
ULCT Position: **Neutral**

Legislative Purpose of the Bill:
The bill raises the age at which an individual can legally operate a motorcycle without a helmet.

Municipal Action/What you need to do:
A person must wear a helmet while riding a motorcycle until he/she is 21 years old. Previously, the law required a helmet only until age 18.

ULCT Action/Future Trend:
ULCT monitored the bill and does not expect additional legislation.

SB 169 | Judiciary Amendments

Reference: **None**
Sponsor: **Hillyard, Lyle**
Bill Status: **Enrolled**
Link: **http://le.utah.gov/~2017/bills/static/SB0169.html**
ULCT Position: **Neutral**

Legislative Purpose of the Bill:
The amends municipal justice court processes and appeals.

Municipal Action/What you need to do:
First, a city may contract with a neighboring justice court to provide judicial services when there is a vacancy in a municipal justice court. The city must provide notice to the Court Administrator's office within 30 days. The bill also changes the appeal process from justice court to district court by providing that a remand to justice court is not mandatory if the appeal was de novo and the parties and district court agree to retain jurisdiction.

ULCT Action/Future Trend:
ULCT monitored the bill and expects additional legislative consideration of justice courts.

SB 170 | Workers' Compensation Workgroup

Reference: **None**
Sponsor: **Mayne, Karen**
Bill Status: **Enrolled**
Link: **http://le.utah.gov/~2017/bills/static/SB0170.html**
ULCT Position: **Neutral**

Legislative Purpose of the Bill:
The creates the Workers' Compensation Workgroup.

Municipal Action/What you need to do:
The bill requires the work group to review and make recommendations about the award of attorney fees, general guidelines for claims adjusters, change in compensation, penalties for bad faith denials of workers' compensation claims by insurance carriers, and more. The workgroup must present a final report to the legislature by November 30, 2017.

ULCT Action/Future Trend:
ULCT monitored the bill and expects a bill in the 2018 session.

SB 174 | Public Transit and Transportation Governance Amendments

Reference: **February 6th. February 9th. March 1st. March 8th**
Sponsor: **Harper, Wayne**
Bill Status: **Enrolled**
Link: **http://le.utah.gov/~2017/bills/static/SB0174.html**
ULCT Position: **Support**

Legislative Purpose of the Bill:
The bill amends the governance of the Utah Transit Authority and creates a Transportation Governance and Funding Task Force. The 11-member task force includes one person that ULCT recommends.

Municipal Action/What you need to do:
For now, cities do not have any mandatory action. However, cities should monitor the task force discussion about the future of transportation in Utah. The task force will evaluate all forms of transportation and will consider governance, funding, land use, economic development, population growth, and best practices.

ULCT Action/Future Trend:
ULCT will participate in the task force dialogue during the interim. The task force must report to the Utah State Legislature by November 2017 and their report may result in future legislation in the 2018 session or beyond. The last time that the legislature dedicated significant time and resources to studying transportation, the multi-year process resulted in HB 362 in 2015.

SB 181 | High Priority Transportation Corridors Amendments

Reference: **None**
Sponsor: **Harper, Wayne**
Bill Status: **Enrolled**
Link: **http://le.utah.gov/~2017/bills/static/SB0181.html**
ULCT Position: **Support**

Legislative Purpose of the Bill:
The bill modifies provisions about notices for land use applications affecting high priority transportation corridors and canals.

Municipal Action/What you need to do:
The bill clarifies that cities and counties must notify the Utah Department of Transportation (UDOT) of land use applications within the high priority corridors. UDOT wants to know when proposed development might adversely impact the development of the high priority corridor. The bill also requires cities and counties to notify a canal company when subdivision includes land located within a "notification zone" and gives 20 days to the canal company to provide input on the application.

ULCT Action/Future Trend:
ULCT engaged with UDOT and the bill sponsor to find consensus. ULCT does not anticipate additional legislation.

SB 189 | Oil and Gas Operations Amendments

Reference: **February 9th, March 3rd**
Sponsor: **Hinkins, David**
Bill Status: **Failed**
Link: **http://le.utah.gov/~2017/bills/static/SB0189.html**
ULCT Position: **Opposed**

Legislative Purpose of the Bill:
The bill would have stated that the Board of Oil, Gas, and Mining has exclusive authority to regulate oil and gas operations.

Municipal Action/What you need to do:
No municipal action is necessary because the bill did not pass.

ULCT Action/Future Trend:
ULCT worked with other stakeholders and the bill sponsor agreed to hold the bill. The issue arose because one city had attempted to prohibit oil and gas operations in an arguably unconstitutional manner. The city re-considered the ordinance and the bill paused. However, ULCT anticipates additional dialogue during the interim about the concept of the bill.

SB 195 | Government Transparency Revisions

Reference: **None**
Sponsor: **Henderson, Deidre**
Bill Status: **Enrolled**
Link: **http://le.utah.gov/~2017/bills/static/SB0195.html**
ULCT Position: **Neutral**

Legislative Purpose of the Bill:
The bill requires housing authorities, entities entering into interlocal agreements, and other joint entities to follow the reporting requirements of the Utah Public Finance Website.

Municipal Action/What you need to do:
If your city has a housing authority, is in a joint or cooperative undertaking, or belongs to a project, program, or undertaking entered into by interlocal agreement, then the entity must comply with the reporting requirements of the Utah Public Finance Website.

ULCT Action/Future Trend:
ULCT monitored the bill and expects additional transparency related legislation about local entities above and beyond traditional municipalities.

SB 197 | Refinery Sales and Use Tax Exemption Amendments

Reference: **February 14th. February 27th**
Sponsor: **Adams, Stuart**
Bill Status: **Enrolled**
Link: **http://le.utah.gov/~2017/bills/static/SB0197.html**
ULCT Position: **Neutral as amended**

Legislative Purpose of the Bill:
The bill modifies provisions relating to a sales-and-use tax exemption for certain refineries.

Municipal Action/What you need to do:
The bill provides a sales tax exemption to refineries for purchases or leases of machinery, equipment, normal operating repair or replacement parts, catalysts, chemicals, reagents, solutions, or supplies used or consumed by a refinery. In order to qualify for the exemption, the refinery must produce gasoline with an average sulfur level lower than 10 parts per million from 2021 and beyond.

Initially, the bill would have repealed a manufacturing sales and use tax exemption which would have had major financial consequences on many Utah cities. The troublesome provisions were amended out of the bill before passage.

ULCT Action/Future Trend:
ULCT opposed the initial draft and the troublesome provisions were removed before the bill passed. That said, supporters of those provisions have brought the bill forward annually for nearly a decade and ULCT anticipates that they will again promote a similar bill in 2018.

SB 198 | Utah Communications Authority Amendments

Reference: **February 10th. February 13th. February 27th. March 6th**
Sponsor: **Harper, Wayne**
Bill Status: **Enrolled**
Link: **http://le.utah.gov/~2017/bills/static/SB0198.html**
ULCT Position: **Support**

Legislative Purpose of the Bill:
The bill amends the Utah Communication Authority (UCA) governance and financial structure.

Municipal Action/What you need to do:
The bill changed the governance of the Utah Communication Authority and created a governing board and an operations advisory committee. The Governor will appoint a governing board that consists of 9 members, two of which the ULCT recommends, and the members may not be vendors or persons currently involved in an entity that will directly benefit from UCA contracts. The bill then creates an operations advisory committee that will comprise of system users and vendors and reports to the governing board.

The bill also authorizes additional revenue streams and changes the distribution formula. First, the public safety answering point (PSAP) fee will increase from $.61 cents to $.71 cents. The distribution of that fund will change from being based on population to call volume with a two year hold harmless period during the distribution transition. Second, the bill authorizes an $.18 cent operation and maintenance fee for UCA and a $.20 cent operation and maintenance fee for the MHz system upgrade.

ULCT Action/Future Trend:
ULCT engaged heavily on the bill, led by Layton City Attorney Gary Crane and Bountiful Police Chief (and President of the Utah Chiefs of Police Association) Tom Ross. ULCT will recommend two people to the Governor to serve on the governing board and will track the impact of the PSAP distribution formula change.

SB 204 | Public-Private Partnerships

Reference: **None**
Sponsor: **Okerlund, Ralph**
Bill Status: **Enrolled**
Link: **http://le.utah.gov/~2017/bills/static/SB0204.html**
ULCT Position: **Support**

Legislative Purpose of the Bill:
The bill defines "public-private partnerships" and enacts language about such partnerships in the Utah Procurement Code.

Municipal Action/What you need to do:
A public-private partnership means an arrangement between a procurement unit and one or more contractors to provide for a public need through the development or operation of a project in which the contractor(s) shares the responsibility or risk of developing, owning, maintaining, financing, or operating the project with the public entity. Cities are not required to enter into public-private partnerships, but will now have the option through the Utah Procurement Code.

ULCT Action/Future Trend:
ULCT met with the bill sponsor and other stakeholders on the bill. Public-private partnerships have gained momentum in other states and ULCT will monitor the progress of such projects in Utah. At this point, ULCT does not anticipate additional legislation.

SB 214 | Public Water Supplier Amendments

Reference: **None**
Sponsor: **Iwamoto, Jani**
Bill Status: **Enrolled**
Link: **http://le.utah.gov/~2017/bills/static/SB0214.html**
ULCT Position: **Neutral**

Legislative Purpose of the Bill:
The bill addresses the study of the process of applications for an instream flow.

Municipal Action/What you need to do:
The bill encourages the Water Development Commission and Executive Water Task Force to study the application process for an instream flow and to present their findings, conclusions, and conceptual outline for any suggested legislation to the Utah State Legislature.

ULCT Action/Future Trend:
ULCT has met with the bill sponsor and will participate in the task force's efforts. ULCT anticipates a bill in the 2018 session. If your city or town is concerned about the application process for an instream flow, please contact ULCT immediately to engage with us on the bill.

SB 215 | Master Offense List

Reference: **None**
Sponsor: **Thatcher, Daniel**
Bill Status: **Enrolled**
Link: **http://le.utah.gov/~2017/bills/static/SB0215.html**
ULCT Position: **Neutral**

Legislative Purpose of the Bill:
The bill requires the Sentencing Commission to create a master offense list and update it annually.

Municipal Action/What you need to do:
Instead of relying on ULCT and other organizations to outline which offenses the Legislature modified each session, the Sentencing Commission is now responsible for creating a master offense list and presenting it to the Law Enforcement and Criminal Justice Interim Committee.

ULCT Action/Future Trend:
ULCT met with the bill sponsor to express appreciation for both the intent of SB 215 and the forthcoming annual reports. ULCT does not anticipate future legislation.

SB 222 | Equitable Allocation of Public Transit District Funding

Reference: **None**
Sponsor: **Mayne, Karen**
Bill Status: **Enrolled**
Link: **http://le.utah.gov/~2017/bills/static/SB0222.html**
ULCT Position: **Opposed until amended**

Legislative Purpose of the Bill:
The bill authorizes a public transit district to consider mass-transit facilities and population in allocating funds.

Municipal Action/What you need to do:
The bill allows a public transit district to give priority to public transit services that feed rail fixed guideway services and allocate funds according to population distribution within the public transit district. The comptroller of the public transit district must publicly report the criteria and the data supporting the allocation of resources.

ULCT Action/Future Trend:
ULCT monitored the bill and supported the amendment that changed the "shall" to a "may." The Legislature considered several bills that impacted the governance of public transit districts—specifically SB 174 which will result in recommendations—and ULCT expects continued scrutiny in the future.

SB 241 | Local Government Plan Review Amendments

Reference: **February 24th**
Sponsor: **Bramble, Curtis**
Bill Status: **Enrolled**
Link: **http://le.utah.gov/~2017/bills/static/SB0241.html**
ULCT Position: **Support**

Legislative Purpose of the Bill:
The bill addresses the review of construction plans by local governments.

Municipal Action/What you need to do:
A city or town shall complete an initial plan review of a construction project for a one to two family dwelling or town home by no later than 14 business days after the day on which the plan is submitted to the city or town. Additionally, a city or town shall complete an initial plan review of a construction project for a residential structure built under the International Building Code (not including a lodging establishment) by no later than 21 business days after the day on which the plan is submitted to the city of town. The bill defines "initial plan review" as all of the reviews and approvals of a plan that are required by a city or town to obtain a building permit. Of note, the bill will be repealed on July 1, 2018.

ULCT Action/Future Trend:
ULCT engaged with the bill sponsor and other stakeholders about the bill. Ultimately, ULCT negotiated a repeal date of July 1, 2018. ULCT will continue the dialogue with stakeholders through the Land Use Task Force and the legislative interim process to replace SB 241.

SB 242 | Government Records Access and Management Act Amendments

Reference: **February 24th. February 28th**
Sponsor: **Bramble, Curtis**
Bill Status: **Enrolled**
Link: **http://le.utah.gov/~2017/bills/static/SB0242.html**
ULCT Position: **Oppose**

Legislative Purpose of the Bill:
The bill modifies the Government Records Access and Management Act with regards to records requests by convicted individuals in correctional facilities and modifies the qualifications of members of a political subdivision appeals board.

Municipal Action/What you need to do:
The only impact on cities and towns is on those municipalities with a local GRAMA appeals board. Previously, the membership of a local appeals board consisted of three members: one who was an employee of the political subdivision and two who were members of the general public. The bill added the language "who are not employed by or officials of a governmental entity" to the qualifications of the two general public members of the committee.

ULCT Action/Future Trend:
ULCT was involved in the initial negotiation about the membership of local appeals boards in 2015 and met with the bill sponsor about this year's proposed modification. ULCT does not expect additional legislation at this time, though GRAMA always seems to attract attention.

SB 244 | Retail Bag Impact Reduction Program

Reference: **None**
Sponsor: **Iwamoto, Jani**
Bill Status: **Failed**
Link: **http://le.utah.gov/~2017/bills/static/SB0244.html**
ULCT Position: **Neutral**

Legislative Purpose of the Bill:
The bill would have created the Retail Bag Impact Reduction Program. The bill would have imposed a fee on single-use retail bags and created the Retail Bag Impact Reduction Fund.

Municipal Action/What you need to do:
No action is necessary because the bill did not pass.

ULCT Action/Future Trend:
The bill sponsor brought a similar bill (SB 192) in 2016 which the Legislative Policy Committee considered at length at that time. ULCT anticipates the bill sponsor to bring back a similar bill in 2018.

SB 247 | Modifications to Distribution of Local Sales Tax Revenues

Reference: **None**
Sponsor: **Okerlund, Ralph**
Bill Status: **Enrolled**
Link: **http://le.utah.gov/~2017/bills/static/SB0247.html**
ULCT Position: **Neutral**

Legislative Purpose of the Bill:
The bill removes the repeal date for an eligible county, city, or town to receive a minimum distribution of certain local sales and use tax revenue.

Municipal Action/What you need to do:
The bill only applies to two towns and one unincorporated rural county. Those three entities would have seen their exception sunset in fiscal year 2020-21. Instead, the sunset was repealed.

ULCT Action/Future Trend:
ULCT met with the bill sponsor and the stakeholders and does not anticipate future legislation.

SB 250 | Food Truck Licensing and Regulation

Reference: **February 22nd. February 28th. March 3rd**
Sponsor: **Henderson, Deidre**
Bill Status: **Enrolled**
Link: **http://le.utah.gov/~2017/bills/static/SB0250.html**
ULCT Position: **Neutral**

Legislative Purpose of the Bill:
The bill enacts the Food Truck Licensing and Regulation Act to address local regulation of food trucks and reciprocity of that regulation.

Municipal Action/What you need to do:
The bill requires reciprocity between counties for health department permits and reciprocity between cities for business licensing so long as the food trucks meet the requirements. Cities may not require multiple business licenses or permits for a truck to operate in multiple locations within their boundaries. The bill also prohibits a city from preventing a food truck from operating within a given distance of a restaurant.

ULCT Action/Future Trend:
ULCT engaged with the bill sponsor to limit the impact of the bill on local land use authority and the bill sponsor was willing to address our concerns. ULCT anticipates continued legislative scrutiny over local business licenses.

SB 251 | Local Government Criminal Penalty Amendments

Reference: **February 27th**
Sponsor: **Thatcher, Daniel**
Bill Status: **Enrolled**
Link: **http://le.utah.gov/~2017/bills/static/SB0251.html**
ULCT Position: **Neutral**

Legislative Purpose of the Bill:
The bill makes changes to local enforcement practice.

Municipal Action/What you need to do:
The bill declares that a municipal officer who is not a law enforcement officer may not issue a criminal citation for a violation that is punished as a misdemeanor. The bill takes effect on May 1, 2018.

ULCT Action/Future Trend:
ULCT met with the bill sponsor and negotiated the delayed implementation date. We discussed the definition of law enforcement officer and the array of misdemeanors for which another type of officer may be appropriate to issue the citation. ULCT will continue the dialogue with the bill sponsor during the interim in anticipation of modifying the law before the May 1, 2018 effective date.

SB 260 | Assignable Right of First Refusal

Reference: **None**
Sponsor: **Buxton, Gregg**
Bill Status: **Enrolled**
Link: **http://le.utah.gov/~2017/bills/static/SB0260.html**
ULCT Position: **Neutral**

Legislative Purpose of the Bill:
The bill modifies provisions related to a sale of state property that was acquired through an eminent domain proceeding.

Municipal Action/What you need to do:
The bill defines "highest offer" as the purchase price, conditions, and terms of performance. If a city declares real property acquired through condemnation, it is not considered surplus if the real property is approved for use in an exchange for other real property. The first right of refusal shall terminate upon an exchange of the acquired real property.

ULCT Action/Future Trend:
ULCT met with the bill sponsor and engaged with stakeholders on the bill. ULCT does not anticipate additional legislation.

SB 261 | Substance Use Disorder Programs

Reference: **None**
Sponsor: **Mayne, Karen**
Bill Status: **Enrolled**
Link: **http://le.utah.gov/~2017/bills/static/SB0261.html**
ULCT Position: **Support**

Legislative Purpose of the Bill:
The requires the Utah Substance Use and Mental Health Advisory Council to convene a workgroup to study recovery residence issues.

Municipal Action/What you need to do:
ULCT will participate in the workgroup, which will study the licensing and management of recovery residences. The workgroup will identify the negative impacts of unlicensed or poorly managed recovery residences on surrounding neighborhoods and clients recovering from substance use disorder.

ULCT Action/Future Trend:
ULCT has engaged with stakeholders on the issue and looks forward to participating in the workgroup. The council will report the workgroup's findings to the Health and Human Services Interim Committee by October 12, 2017, so ULCT anticipates some type of legislation in 2018. ULCT is also monitoring efforts, led by Congressman Chris Stewart, to improve the licensing and management of recovery residences on a federal level.

SB 264 | Outdoor Recreation Grant Program

Reference: **None**
Sponsor: **Okerlund, Ralph**
Bill Status: **Enrolled**
Link: **http://le.utah.gov/~2017/bills/static/SB0264.html**
ULCT Position: **Support**

Legislative Purpose of the Bill:
The bill creates the State Transient Room Tax (TRT) Act and modifies the role of the Utah Office of Outdoor Recreation.

Municipal Action/What you need to do:
The bill creates the Utah Outdoor Recreation Infrastructure Account which will distribute grant money to communities for outdoor recreation programs. The Legislature expects that the statewide TRT will generate between $4.5 and $5.3 million annually for investment in outdoor recreation infrastructure. The Outdoor Recreation Grant Advisory Committee will award the grants and ULCT has one appointment on that 14-member committee. The application deadline for projects in FY 2018 is June 15, 2017.

ULCT Action/Future Trend:
ULCT supported the bill and is currently promoting the grant application process.

SB 265 | Distribution of Revenues Collected Under the Local Sales and Use Tax Act

Reference: **None**
Sponsor: **Hinkins, David**
Bill Status: **Enrolled**
Link: **http://le.utah.gov/~2017/bills/static/SB0265.html**
ULCT Position: **Neutral**

Legislative Purpose of the Bill:
The bill modifies a distribution of local sales and use tax revenue for 10 rural cities, towns, and counties that have a coal mining establishment located within their boundaries.

Municipal Action/What you need to do:
The bill delays the sunset of the provision until 2022. The shift of local sales tax to the 10 cities, towns, and counties with a coal mining establishment within their boundaries will result in a shift of $333,583 annually. The qualifying cities, towns, and counties all must be a county of the third class or smaller or a city of the fifth class or smaller.

ULCT Action/Future Trend:
ULCT monitored the bill because of the impact on sales tax collection and remittance. The bill did not create a new change but merely extended the sunset of an existing law.

SB 267 | Utah Rural Jobs Act

Reference: **None**
Sponsor: **Okerlund, Ralph**
Bill Status: **Enrolled**
Link: **http://le.utah.gov/~2017/bills/static/SB0267.html**
ULCT Position: **Support**

Legislative Purpose of the Bill:
The bill enacts the Utah Rural Jobs Act.

Municipal Action/What you need to do:
The bill provides a state nonrefundable tax credit for eligible small businesses in rural Utah, provides the requirements for receiving a tax credit certificate from the Governor's Office of Economic Development, and authorizes up to $24,360,000 in tax credits.

ULCT Action/Future Trend:
ULCT monitored the bill. From the Governor's office to the legislative branch, there was considerable discussion on Capitol Hill about the need for enhanced focus and investment in rural Utah. As such, ULCT expects additional legislation and tax credit authorization to facilitate that investment.

SB 269 | Elections Modifications

Reference: **None**
Sponsor: **Stephenson, Howard**
Bill Status: **Enrolled**
Link: **http://le.utah.gov/~2017/bills/static/SB0269.html**
ULCT Position: **Neutral**

Legislative Purpose of the Bill:
The bill changes the timing of Lieutenant Governor's determination of the master ballot position list.

Municipal Action/What you need to do:
The bill now requires the Lieutenant Governor's office to randomly select the master ballot position list within 30 days after the candidate filing deadline in each even-numbered year. Previously, the Lieutenant Governor's office selected the master ballot position list before the candidate filing deadline.

ULCT Action/Future Trend:
ULCT monitored the bill and does not anticipate additional legislation.

SB 276 | Transportation Funding Modifications

Reference: **March 1st. March 2nd. March 7th. March 8th**
Sponsor: **Van Tassell, Kevin**
Bill Status: **Enrolled**
Link: **http://le.utah.gov/~2017/bills/static/SB0276.html**
ULCT Position: **Support**

Legislative Purpose of the Bill:
The bill modifies calculation of motor and special fuel tax provisions within the Motor and Special Fuel Tax Act. The bill also requires a transfer of revenue from the Transportation Fund back to the state general fund.

Municipal Action/What you need to do:
The bill honors the intent of HB 362 in 2015 to include an inflationary component to the motor fuel tax. In 2015, the floor for the motor fuel tax was a wholesale price of $2.45. Because of low gas prices, the economy likely will not see a wholesale price of $2.45 for the foreseeable future. Consequently, the new wholesale floor price will be $1.78, which is comparable to the current price. Likewise, the ceiling for the gas tax moves comparably from $3.33 to $2.43. The State of Utah will reduce the amount of sales tax that goes into the Transportation Investment Fund (TIF) by an amount equal to 35% of the gas tax increase. On a local level, the bill does not change the class B&C road formula. The result of the bill should be that local government sees the inflationary component of the motor fuel tax and thus a growth in revenue.

ULCT Action/Future Trend:
ULCT participated in the coalition supporting the bill and expects cities and towns to see a slight increase in their motor fuel tax revenue additional legislation.

SB 277 | Highway General Obligation Bonds Authorization

Reference: **None**
Sponsor: **Harper, Wayne**
Bill Status: **Enrolled**
Link: **http://le.utah.gov/~2017/bills/static/SB0277.html**
ULCT Position: **Support**

Legislative Purpose of the Bill:
The bill authorizes the issuance of $1 billion of general obligation bonds to pay for state highway construction or reconstruction projects.

Municipal Action/What you need to do:
The process is already moving to identify and select projects for the bonds. The Transportation Commission will have their final list of recommendations ready in May and will report the recommendations to the Utah State Legislature in June.

ULCT Action/Future Trend:
ULCT supported the bill and has promoted the process to cities and towns across the state. You can find more information at www.udot.utah.gov.

SB 278 | Economic Development Changes and Modifications

Reference: **None**
Sponsor: **Stevenson, Jerry**
Bill Status: **Failed**
Link: **http://le.utah.gov/~2017/bills/static/SB0278.html**
ULCT Position: **Opposed**

Legislative Purpose of the Bill:
The bill would have created an interlocal entity to facilitate infrastructure planning in the northwest quadrant of Salt Lake City.

Municipal Action/What you need to do:
No action is necessary because the bill did not pass.

ULCT Action/Future Trend:
ULCT was concerned about the scope and timing of the bill. While it did not pass, ULCT anticipates that the Legislature will revisit the development of the northwest quadrant of Salt Lake City around the new prison site.

SB 279 | Alcohol Modifications

Reference: **None**
Sponsor: **Stevenson, Jerry**
Bill Status: **Enrolled**
Link: **https://le.utah.gov/~2017/bills/static/SB0279.html**
ULCT Position: **Support**

Legislative Purpose of the Bill:
The modifies alcohol regulation and was a sister bill to HB 442.

Municipal Action/What you need to do:
The bill allows an alcohol licensee to continue to operate, regardless of whether a person establishes a community location closer to the licensee than is permissible after they have opened. The bill also grandfathers all locations of current licensees.

ULCT Action/Future Trend:
ULCT raised the concern about grandfathering licensees during the comprehensive discussion on HB 442. In response to ULCT's concerns—particularly around downtown development or small town Main Streets—legislators introduced SB 279 during the final week of the session.

2017 Legislative Session Emails

ULCT Friday Facts for Friday, January 6, 2017

Hello folks,
Happy New Year! December's holiday glow is followed by January's frigid temperatures! The temperature, as of this writing, has not crawled above zero in the Cache or Bear Lake Valleys today. Yet, it was -40 in Laramie, Wyoming today, which means the late, great, and legendary Lavell Edwards is still quipping from the hereafter that he "would rather lose and live in Provo than win and live in Laramie!" Thanks for the memories, Coach.

Meanwhile, today's email will announce Monday's Legislative Policy Committee meeting, update you on discussions this week about referendum and online sales, and promote the upcoming Local Officials Day, Utah Taxpayers Association legislative outlook, and the Utah Benchmarking Project.

Legislative Policy Committee
First things first: our final Legislative Policy Committee (LPC) meeting before the 2017 legislative session will occur at noon on Monday, January 9 at Zions Bank (1 South Main St, 18th floor in the Founders Room). USU will provide the webcast. Senators Todd Weiler and Curt Bramble will join us. Senator Weiler is the new chair of the Senate Judiciary Committee and Senator Bramble is the new chair of the Senate Business and Labor Committee.
In addition to the two senators, Team ULCT will also outline additional legislative issues on the horizon. You can review the December 12 minutes here and preview Monday's agenda here.

Speaking of the upcoming legislative session, Team ULCT is ready and willing to assist you as you meet with your legislators. We appreciate the many invitations we have received to attend breakfasts or lunches. We are also happy to provide you with information about key issues so that you can discuss them with your legislators.

Referendum
On Thursday, ULCT hosted a working group meeting to discuss potential modifications and modernizations to the local referendum code. The working group is a response to Rep. Brad Daw's request for ULCT to study the referendum process. Rep. Daw currently has a bill—which the Government Operations Interim Committee unanimously endorsed—that would address one piece of the referendum process. We suggested to him

that the legislature ought to consider the entire referendum process to seek clarification and improvement. Municipal elected officials, city managers, city attorneys, city recorders, county officials, and the Lt. Governor's office joined your correspondent, Roger Tew, Jodi Hoffman, and Ken Bullock for a an in-depth discussion about municipal experiences with local referendums, thresholds for ballot access, and current timelines. The working group will meet again soon and we will convene with Rep. Daw and the other stakeholders in the first few days of the legislative session.

Online sales tax

ULCT's Ken Bullock attended the Sales Tax Fairness Coalition meeting this week. The Coalition consists of the Utah Retail Merchants Association, Vest Pocket Business Coalition, Salt Lake Chamber of Commerce, Utah Taxpayers Association, Utah Association of Counties, and ULCT. The Coalition last year promoted online sales tax legislation which passed the Senate but did not come up for a vote on the House floor. This year, the Coalition will again promote an online sales tax bill that Sen. Curt Bramble will sponsor. The recent Amazon deal with the Utah State Tax Commission is an important step, but not the only step. Sen. Bramble will explain the bill in more detail during Monday's LPC meeting.

Local Officials Day

Day three of the session—January 25—brings hundreds of youth council members and city leaders to the Capitol for our annual Local Officials Day event! The registration desk will open and breakfast will be available at 7 am. The youth councils will debate a mock bill in a simulated committee hearing at the capitol from 8-10:15 and then have a keynote speaker at the Salt Palace at 10:45. City leaders can attend committee hearings and will have a legislative briefing at the Salt Palace at 11 am. Legislators will then join everyone for lunch at the Salt Palace at noon. Earlier this week, your correspondent sent the youth debate information to youth council advisors and you can find it here. You can also register for Local Officials Day online here. The registration deadline is rapidly approaching—January 18—so register right now!

Utah Taxpayers Association Legislative Outlook

ULCT's Ken Bullock, Roger Tew, and your correspondent will attend the Utah Taxpayers Association Legislative Outlook conference on Monday morning. The event is free but space is limited. You can register here or arrive at the Little America Hotel by 9 am. We look forward to hearing their perspective and sharing it at LPC.

Utah Benchmarking Project – Free Participation!
Last call to participate in the 2017 Utah Benchmarking Project! The deadline has been extended to next Friday, January 13th —and did we mention it's free? In years past, there has been an annual fee of $500 to join the Utah Benchmarking Project, but in an effort to increase membership—and therefore provide a broader set of data for participants—this year participation will be free of charge. Just fill out the user agreement found here and give benchmarking a try.

The Utah Benchmarking Project is a collaborative effort between Utah City Management Association (UCMA), Utah League of Cities and Towns (ULCT), the University of Utah's Kem C. Gardner Policy Institute, Brigham Young University's Marriott School of Management, and Utah Government Finance Officers Association. Its purpose is to provide local governments with a management tool that supports their decision-making process in strategic planning, performance improvement, and service delivery efficiency. In the pursuit of this goal the Benchmarking partners have created "Utah City Data," a website where city administrators are able to upload their financial data and then access data in order to do their own analysis, including comparisons of their own city's performance year-over-year and comparisons to neighboring and similar communities.

If you are interested in participating, please return the user agreement to the Utah League of Cities and Towns either via email at njarvis@ulct.org or fax at 801-531-1872. If you have any questions, contact Nick Jarvis at 801-328-1601.

With that, ULCT urges you to stay warm and enjoy your weekend. Thanks, as always, for your participation in ULCT.

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ULCT Friday Facts for Friday the 13th of January 2017

Greetings,
Happy Friday the 13th! Fun fact: prior to 2008, the Utah Constitution mandated that the legislative session began on the third Monday of January, which later became the Martin Luther King, Jr. Day. Utah voters changed the constitution in 2008 to start the session on the 4th Monday instead. Today's email will recap Monday's Legislative Policy Committee meeting and fiscal notes, preview ULCT's annual Local Officials Day at the capitol, and promote emergency management, the Bike Utah Bike Summit, and the ULCT quiz at Deseretnews.com. Finally, the Utes beat #25 USC yesterday and host #4 UC Los Angeles tomorrow, our first time playing back-to-back ranked teams since 2011… when Jimmer dropped 47 on us. Here's hoping for better luck tomorrow!

Legislative Policy Committee
On Monday, ULCT hosted over 110 city officials in person and another 40 online for our final pre-legislative session Legislative Policy Committee meeting. Senator Curt Bramble, the Chair of the Senate Business and Labor Committee, as well as Senator Todd Weiler, the Chair of the Senate Judiciary, Law Enforcement, and Criminal Justice Committee previewed anticipated legislation in the 2017 session. Senator Bramble discussed upcoming legislative efforts to continue to address the collection and remittance of online sales tax. Senator Weiler discussed upcoming legislative efforts to address the Justice Reinvestment Initiative and the Indigent Defense Commission. Several agenda items were postponed until the next LPC. You can see the draft minutes from the January 9th LPC here. You can also see ULCT's growing bill list here.

The next official LPC meeting will occur at the Utah State Capitol on Monday, January 30 at noon in room W030 in the House Office Building (west building). Utah State University will continue to webcast the LPC meetings at the capitol. ULCT will provide a legislative briefing for all ULCT members on Wednesday, January 25 at 11:00 during Local Officials Day but please note that the briefing will not be webcast. The LPC schedule is as follows:

January 25, 11:00 am, Salt Palace (legislative briefing)
January 30, 12:00, W030 (LPC)
February 6, 12:00, W030 (LPC)
February 13, 12:00, W030 (LPC)
February 27, 12:00, W030 (LPC)
March 6, 12:00, W030 (LPC)

Please note that ULCT will celebrate Washington and Lincoln Day by not having an LPC meeting. You're welcome! We appreciate your participation in the "League Army."

Fiscal note training
Each legislative session brings with it the task of fiscal notes. ULCT's Brandon Smith and Nick Jarvis attended a half day training at the Legislative Fiscal Analyst Office (LFA) this week. LFA sends ULCT copies of bills that pertain to local government, and ask us if the bill will have a direct and measurable fiscal impact on cities and towns. We appreciate the opportunity to weigh in on potential fiscal impacts and we must be timely and accurate. By law, we have just 24 hours to respond to their request, and we have a host of diverse and unique cities and towns from which to create that response. If you are interested in participating in this process, or have someone in your city or town that you would like to be involved please email Brandon Smith (bsmith@ulct.org).

On that note, we request any input on the direct and measurable fiscal impact of following two bills:

HB 45 Property Tax Assessment Changes
SB 57 Workers' Compensation Related Premium Assessments

Please email Brandon at bsmith@ulct.org with any input. Thanks!

Local Officials Day
Day three of the session—January 25—brings hundreds of youth council members and city leaders to the Capitol for our annual Local Officials Day event! The registration desk will open and breakfast will be available at 7 am. The youth councils will debate a mock bill in a simulated committee hearing at the capitol from 8-10:15 and then have a keynote speaker at the Salt Palace at 10:45. City leaders can attend committee hearings and will have a legislative briefing at the Salt Palace at 11 am. Legislators will then join everyone for lunch at the Salt Palace at noon. Earlier this week, your correspondent sent the youth debate information to youth council advisors and you can find it here. You can also register for Local Officials Day online here. The registration deadline is rapidly approaching—January 18—so register right now!

Emergency Management
The Department of Public Safety is offering an opportunity to schedule an ICS Overview for Executive/Senior Officials (ICS-402) course for municipal leaders. This two hour course is valuable to provide an overview of the who, what, when, where and why of ICS so that elected officials might be better prepared to be an advocate for your processes and plans, especially in the event of a disaster in your community.

This presentation includes the following major topics:

- Part 1: What Is ICS?
- Part 2: ICS Organization & Features
- Part 3: Unified & Area Command
- Part 4: Coordination & Incident Management Assessment
- Part 5: NIMS Preparedness

If you are interested in hosting this course, please remember to complete the Training Request Form, and to look over the "responsibilities when hosting a course" document for more information. If you have any questions or concerns, please contact:

Kris Repp, MEP
Training & Exercise Program Manager
Utah Department of Public Safety
Division of Emergency Management
1110 State Office Building
Salt Lake City, Utah 84114
Office: 801-538-3776
Mobile: 801-209-2070
email: krepp@utah.gov

Bike Utah: Utah Bike Summit
Bike Utah is hosting the 2017 Utah Bike Summit in Ogden on Tuesday, March 14. The summit brings together everyday riders, bicycle and trail advocates, representatives from Utah's bicycle industry, planners, engineers, representatives from Utah's tourism industry and health fields, and local and state government officials in order to make Utah more bicycle friendly. You can register here.

ULCT-Deseret News
Finally, take a break to learn how ten ULCT communities got their names at our DeseretNews.com quiz here.

With that folks, the session ends 8 weeks from yesterday! But who's counting… have a great Martin Luther King, Jr. Day weekend, thanks for your involvement in ULCT, and Go UTES!

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ULCT Friday Facts for Friday, January 20, 2017

Hello folks,
The legislative session begins on Monday and Team ULCT is ready to advocate for local government and partner with the Utah State Legislature and other stakeholders to prepare for Utah's future. Starting next week, Friday Facts will become a daily email update. Today's email will reference the audit from Utah State Auditor John Dougall of the Utah League of Cities and Towns and outline upcoming critical ULCT events (Local Officials Day, Legislative Policy Committees, etc.) during the legislative session.

Audit of the Utah League of Cities and Towns
On Wednesday, the Office of the Utah State Auditor presented their draft findings and recommendations to the ULCT Board of Directors. This audit was requested by the ULCT Board and the audit report became public on Thursday. As a result of the findings and recommendations, longtime ULCT Executive Director Ken Bullock resigned. The Board of Directors then appointed Roger O. Tew, former Utah Tax Commissioner and ULCT's Senior Policy Analyst, as Interim Executive Director. The Board expressed full confidence in Roger's leadership and in the current ULCT staff. While Ken's presence and influence have been lost, the #leaguearmy membership is what makes the League great, and TOGETHER we are looking forward to an effective and successful year. You can read the letter from ULCT Board President Steve Hiatt here.

Your ULCT legislative team of Roger Tew, Jodi Hoffman, Brandon Smith, Nick Jarvis, Catherine Rigby (intern), and your correspondent are prepared and ready to represent you anew on the Hill. That said, the strength and influence of ULCT comes from you, our membership of local elected officials, administrators, attorneys, recorders, and other leaders, and we look forward to working with you as the #leaguearmy again in 2017. Your correspondent will keep you updated about legislative happenings with a daily email during the session.

Upcoming ULCT Events

Local Officials Day will occur on Wednesday, January 25. We will host more than 500 youth council members from across Utah at the State Capitol in the morning where they will participate in a ULCT created mock legislative hearing. Breakfast will be from 7-8:30 in the Capitol's Hall of Governors and the debates will occur from 8-10:15. We will then move to the Salt Palace. ULCT delegates can attend a 2017 legislative preview in Room 355D while the youth councils hear from Derreck Kayongo in Room 355ABC. Finally, ULCT delegates, youth council members, and legislators will gather from 12-2 in Room 255 to chat local issues and hear from adventurer Aron Ralston of "127 Hours" fame. We are excited about the event and look forward to seeing you all on Wednesday.

You can see the Local Official Day program here.

Legislative Policy Committee meetings

The LPC will meet on Capitol Hill at noon on the upcoming dates:

Mon., Jan. 30
Mon., Feb. 6
Mon., Feb 13
Mon., Feb 27
Mon., Mar 6

The meetings will occur in room W030 (west building of the Capitol Hill complex) and will run from 12-1:30ish. ULCT appreciates Utah State University for webcasting the LPC meetings to allow for remote participation. ULCT will provide the link to the webcast via email and on our website. You can see the LPC roster here. As a reminder, all cities and towns are entitled to three voting members. The meeting is open and public.

The Legislature will convene between Monday, January 23 until Thursday, March 9. Our Midyear Convention will occur on April 5-7 in St. George and we will provide you with more information about the convention in upcoming emails.

Enjoy your final pre-legislative weekend, see you at Local Officials Day, and thank you for your continued involvement and participation in ULCT.

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ULCT legislative update for Monday, January 23, 2017

Hello folks,
Rise and shine—the 2017 legislative session opening day is history! Today's email will recap the opening statements of Speaker of the House Greg Hughes and President of the Senate Wayne Niederhauser, remind you of Wednesday's Local Officials Day at the Capitol, and preview tomorrow's committee meetings.

Opening statements:
Both Speaker Hughes and President Niederhauser focused on many issues with a nexus to local government, including addressing homelessness, investing in infrastructure, and making decisions locally. Speaker Hughes called on everyone to participate in solving the homeless crisis and President Niederhauser urged all people of the state—including local government leaders—to provide examples of federal overreach. One-sixth of the legislature began their first day and ULCT looks forward to working with everyone, from rookies to leadership, over the next 44 days.

Local Officials Day:
Local Officials Day will begin in about 34 hours! On Wednesday, January 25, we will host more than 500 youth council members from nearly 40 youth councils at the State Capitol in the morning where they will participate in a ULCT created mock legislative hearing about drug testing in schools. Breakfast will be from 7-8:30 in the Capitol's Hall of Governors and the debates will occur from 8-10:15. We will then move to the Salt Palace. ULCT delegates can attend a 2017 legislative briefing in Room 355D while the youth councils hear from Derreck Kayongo in Room 355ABC. Both events will be at 11. Please note that the briefing is not an official LPC meeting. The LPC will next meet on Monday, January 30 at noon in the House Office Building in Room W030.

Finally, ULCT delegates, youth council members, and legislators will gather from 12-2 in Room 255 to chat local issues and hear from adventurer Aron Ralston of "127 Hours" fame. ULCT will provide buses to shuttle legislators from the capitol to the Salt Palace and back and the buses will be waiting from 11:50 on in the east roundabout. We are excited about the event and look forward to seeing you all on Wednesday.

Tomorrow's committees:
While today was technically the first day, the first day of hearings begins tomorrow. For the first few weeks of the session, the legislature will have appropriations meetings in the morning and standing committee hearings in the afternoons. Most of the bills under consideration this week will be bills that ULCT worked on during the interim process. We will be watching the following bills tomorrow:

House Economic Development:
HB 36 Affordable Housing Amendments

House Political Subdivisions:
HB 30 Historic Preservation Amendments
HB 32 Assessment Area Act Amendments
HB 89 Impact Fee Reporting Requirements

You can see the ULCT bill list on our website here. We will update the ULCT bill list daily; we already have more than 300 bill files available for public review.

With that, your correspondent is thrilled that the Utah Jazz are here to stay, as the Miller family announced today a legacy trust will keep the Utah Jazz as a community asset for generations to come. Whether we are Utah, BYU, or Utah State supporters, we are all Jazz fans! Your correspondent also thanks you for your continued involvement in ULCT and we look forward to seeing many of you on Wednesday at Local Officials Day!

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ULCT legislative update for Tuesday, January 24, 2017

Hello folks,
Two days down, and here comes Local Officials Day! Fun fact: your correspondent attended Local Officials Day as a member of the Murray City Youth Government back in the day, and it is exciting to be part of the event as an adult. Today, Team ULCT has been furiously finalizing all of the preparations for hosting more than 500 youth city council members at the Capitol. Tonight's email will be short and sweet with a LOD focus. You'll also see our bill list here and tomorrow's committee hearings here.

Delegates/legislators agenda:
In the morning at the capitol, ULCT members are welcome to participate in the youth debates, attend appropriations committee hearings, or mingle with fellow elected officials. Breakfast will be available in the Hall of Governors (Capitol 1st floor) from 7-8:30 am. At 11:00 am, Team ULCT will host a legislative briefing at the Salt Palace in Room 355D. The luncheon will feature adventurer Aron Ralston and will occur in the Salt Palace Room 255. The doors will open at 12 and the event will finish around 1:45. For legislators, ULCT will provide shuttle buses from the Capitol to the Salt Palace. The buses will be available in the east roundabout beginning at 11:50 and we hope to have everyone arrive at the Salt Palace by 12:30. The buses will return to the Capitol at 1:45.

Please note that the briefing is not an official LPC meeting. The LPC will next meet on Monday, January 30 at noon in the House Office Building in Room W030 and that agenda will be posted on Friday.

Youth agenda:
The youth city councils will participate in a ULCT created mock legislative hearing about drug testing in schools. We create the roleplays annually so that the kids can taste the legislative experience. Breakfast will be from 7-8:30 in the Capitol's Hall of Governors and the debates will occur from 8-10:15 am in the State Office Building auditorium and the Daughters of the Utah Pioneers Museum. We will then move to the Salt Palace Room 355ABC for their keynote speaker Derreck Kayongo at 10:45 am. Finally, the youth will have lunch with their elected officials in Room 255 at 12.

With that, your correspondent will return tomorrow night with more policy updates. Thanks, as always, for your involvement in ULCT.

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ULCT legislative update for Wednesday, January 25, 2017

Hello folks,
Not even whitewash conditions could prevent more than 500 youth from Ephraim to Nibley and Vernal to St. George from participating in today's Local Officials Day! Add in another 400 municipal officials, legislators—including Senate President Wayne Niederhauser and Speaker of the House Greg Hughes—and Governor Gary Herbert, plus a gripping keynote speaker at lunch, and it was a successful event. Many thanks to all who attended as well as Team ULCT who diligently organized the event. You can see pictures from the event attached at the bottom of this email. Today's email will recap the Governor's State of the State speech and SB 87 and SB 70 on civil asset forfeiture.

Governor Herbert's speeches
Governor Herbert gave the State of the State address tonight in the chambers of the Utah House of Representatives. The Governor declared that

the "state of the state" was "truly exceptional." He said he looked forward to working with Speaker Hughes, the legislature, and local government on combating drug abuse and addressing homelessness. He also expressed his support for the collection and remittance of online sales tax.

Earlier today, the Governor, at the request of ULCT President and Kaysville Mayor Steve Hiatt, spoke at Local Officials Day. He referred to ULCT as a "great organization" and expressed confidence in ULCT Interim Director Roger Tew and the rest of Team ULCT. The Governor knows that what makes ULCT great is the active participation and involvement of our membership—the #leaguearmy!

SB 87 and SB 70

The Senate Judiciary, Law Enforcement, and Criminal Justice Committee considered Sen. Dan Thatcher's SB 87 Civil Asset Forfeiture Revisions this afternoon. Bountiful Police Chief and President of the Utah Chiefs of Police Association Tom Ross testified in support of the bill on behalf of both the police chiefs and ULCT. Sen. Thatcher has worked collaboratively with law enforcement, prosecutors, and other stakeholders to balance the interests of law enforcement and the rights of innocent owners. Specifically, the bill improves the process by which property is subject to forfeiture, including a requirement that the prosecuting attorney establish that the claimant engaged in conduct giving rise to the forfeiture. The Committee also considered Sen. Howard Stephenson's SB 70 Asset Forfeiture Transparency Amendments which modifies asset forfeiture reporting requirements. The Committee passed both bills unanimously. Meanwhile, ULCT, prosecutors, and law enforcement agencies have concerns about a rival bill originating in the House of Representatives. We will continue to work on all three bills to ensure the continued, reasonable use of civil asset forfeiture.

With that, thanks again for your attendance at Local Officials Day. Tomorrow, we are back to business as usual on the Hill. Tomorrow's committee assignments are here and the ULCT bill list is here. Thanks for your involvement in ULCT.

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ULCT legislative update for Thursday, January 26, 2017

Hello folks,
Four days down and 41 to go! Tonight's email comes early so that you can read and digest it before watching the Oregon-Utah showdown at the Huntsman Center tonight! Today's email will update you on HB 152 and the Election Day Registration pilot program as well as remind you of Monday's Legislative Policy Committee meeting.

HB 152

Rep. Scott Sandall is sponsoring HB 152 Transportation Funding Revisions. The bill would authorize a county, city, or town to use up to 50% of the current balance of the Local Highway and Transportation Corridor Preservation Fund for the construction, operation, or maintenance of a class B or class C road. The bill would provide additional flexibility to use the Fund and is a byproduct of last summer's negotiations on the motor fuel tax. During those negotiations, we discussed ways to provide flexibility in current revenue sources for rural Utah, particularly in the areas where the hold harmless would expire under the negotiated framework. The intent of HB 152 was to provide such flexibility to rural Utah, so your correspondent and representatives from the Utah Association of Counties today discussed narrowing the scope of the current bill. We anticipate amending the bill so that counties of the 1st and 2nd class (population of 125,000 or more) would continue to use all of their Corridor Preservation Fund monies for corridor preservation only per current law. Meanwhile, smaller counties and the cities and towns therein could have flexibility with 50% of the monies for construction, operation, or maintenance. The Salt Lake County Council of Governments expressed their support today for narrowing the bill and your correspondent also spoke with several municipal leaders from Davis and Weber Counties. Rep. Sandall is strongly in support of amending the bill to focus on flexibility for rural Utah—which was his original intent with the bill—and ULCT will continue to work with him and the other stakeholders to finalize the language.

Election Day Registration

Back in 2014, ULCT supported Rep. Rebecca Chavez-Houck's HB 156 Election Day Voter Registration Pilot Program (and its subsequent amendments in 2015) which authorized a county or city to participate in the pilot project of same day voter registration for two years. The pilot expired this year, so local government, ACLU of Utah, and Voterise discussed legislation today that Rep. Chavez-Houck would carry which would expand the registration pilot

program statewide for five more years. If the program continues to prove successful, then the sunset could be removed five years from now. Thanks to the Utah Association of Counties for arranging the legislation.

Legislative Policy Committee
The LPC will meet on Monday, January 23 at noon in W030 in the House Office Building on Capitol Hill. We will also webcast the meeting and the Utah State University weblink will be available tomorrow. The agenda will be posted tomorrow as well.

You can see the LPC roster here. If you have updates that need to be made, please email them to Brandon Smith at bsmith@ulct.org. All updates that have been submitted will be updated for LPC on Monday.

Finally, tomorrow's agendas are here and our bill list is here. Thanks for your participation in ULCT!

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ULCT legislative update for Friday, January 27, 2017

Hello folks,
One Friday down, five more to go! Team ULCT did significant behind-the-scenes work today, including negotiations on SB 94 Local District Revisions. This email will also preview Monday's Legislative Policy Committee and committee hearings.

Before you read on, we would like to say "Thank You" for your participation in Local Officials Day! We were privileged to have Governor Gary Herbert join us and share a few remarks. You can see his remarks here. You can also see photos of the event here.

SB 94
ULCT's Roger Tew and your correspondent joined representatives from the Utah Association of Special Service Districts and the Utah Association of

Counties to discuss SB 94 with the bill sponsor, Senator Lincoln Fillmore, and his fellow Senators Curt Bramble and Howard Stephenson. We all agreed on the general policy consideration of ensuring accountability between districts and taxpayers when a district seeks to increase property tax. We then discussed methods to improve the functionality of the bill. For example, one recommendation was to increase the number of elected officials appointed to a special service district board of directors in order for that district to assess a property tax. ULCT anticipates a substitute version of the bill soon.

Legislative Policy Committee
On Monday, the LPC will meet for the first time during the 2017 legislative session. You can see the January 9 minutes here and Monday's agenda here. Former Layton Mayor and current Chair of the Executive Appropriations Committee Jerry Stevenson will address the LPC about the state budget deliberations. We also anticipate a robust discussion about the Justice Reinvestment Initiative next steps and municipal impact. At the end of the meeting, per our standard practice, we will request LPC ratification of the ULCT staff recommendations of the current bill list. You can see the bill list here, recognizing that more bills were numbered today and we will tag them over the weekend.

You can see Monday's committee agendas here. Beginning next week, the House and Senate will schedule committee hearings during both the 2:00 pm and 4:00 pm afternoon blocks. Consequently, we expect legislation to start moving through the process at a rapid pace, so stay tuned to ULCT for more information.

With that, enjoy your weekend and thanks for your participation in ULCT.

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ULCT legislative update and ACTION ALERT for Monday, January 30, 2017

Hello folks,
Our first LPC of the legislative session is over, and Team ULCT appreciates the terrific attendance. We had more than 120 people attending in person and another 43 people attending remotely. The minutes and materials will be up by the end of the week along with the agenda for next Monday's LPC. We appreciate Utah State University for webcasting the meeting, allowing for more LPC participation from Cache Valley to southern Utah. The email will preview a busy day on the committee front tomorrow (see agendas here), including important hearings on two bills we discussed at LPC today: HB 164 Municipal Enterprise Fund Amendments and SB 110 Sales Tax Collection Amendments (online sales tax). PLEASE CONTACT YOUR LEGISLATORS AND REPORT BACK TO ULCT ASAP!

Today's email will also update you on SB 98 Excess Damages Claims and SB 111 Unmanned Aircraft Amendments.

HB 164 (tomorrow)
Rep. Jefferson Moss' HB 164 will be before the House Revenue and Taxation Committee at 4 pm in 445 State Capitol. HB 164 would limit the ability of cities to transfer money from their enterprise fund to the general fund except to pay the proportionate share of the city's overhead costs directly attributable to the operation of the enterprise. Currently, cities can transfer money from an enterprise fund for another city service so long as the governing body complies with notice and hearing requirements. ULCT opposes the bill as currently drafted. Your correspondent and ULCT's Roger Tew met with Rep. Moss to inform him of our concerns. ULCT believes that cities should be able to make determinations about their budgets to fit their local needs. Cities who utilize transfers do so responsibly and according to notice requirements. The House Revenue and Taxation Committee members are as follows:

Rep. Steve Eliason (Chair),seliason@le.utah.gov
Rep. Doug Sagers (Vice Chair), dougsagers@le.utah.gov
Rep. Joel Briscoe, jbriscoe@le.utah.gov
Rep. Gage Froerer, gfroerer@le.utah.gov
Rep. Brian Greene, bgreene@le.utah.gov
Rep. Ken Ivory, kivory@le.utah.gov
Rep. Brian King, briansking@le.utah.gov
Rep. Karianne Lisonbee, karilisonbee@le.utah.gov

Rep. Jeff Moss (bill sponsor), jeffersonmoss@le.utah.gov
Rep. Tim Quinn, tquinn@le.utah.gov
Rep. Jon Stanard, jstanard@le.utah.gov
Rep. Brad Wilson, bradwilson@le.utah.gov

SB 110 (tomorrow)
Sen. Curt Bramble's SB 110 will be before the Senate Revenue and Taxation Committee at 2 pm. SB 110 would define both economic nexus and affiliate nexus in order to facilitate the collection and remittance of online sales tax. ULCT supports this bill, as it would result in enhanced sales tax revenue for both local governments and the State of Utah. Here are the committee members:

Sen. Howard Stephenson (Chair), hstephenson@le.utah.gov
Sen. Curt Bramble, curt@cbramble.com
Sen. Jim Dabakis, jdabakis@le.utah.gov
Sen. Gene Davis, gdavis@le.utah.gov
Sen. Lincoln Fillmore, lfillmore@le.utah.gov
Sen. Wayne Harper, wharper@le.utah.gov
Sen. Dan Hemmert, dhemmert@le.utah.gov
Sen. Deidre Henderson, dhenderson@le.utah.gov

SB 98 (today)
The Senate Judiciary, Law Enforcement, and Criminal Justice Committee considered Sen. Jani Iwamoto's SB 98 Excess Damages Claims bill. SB 98 is the result of a yearlong discussion about potential changes to Utah's government immunity statutes. The conversation began during last session with a focus on increasing the tort caps for both aggregate and individual claims. During the interim, ULCT participated in an informal task force with Sen. Iwamoto, Sen. Howard Stephenson, Sen. Lyle Hillyard, Rep. Mike McKell, and Rep. V. Lowry Snow along with representatives from the plaintiffs' bar, Utah Association of Counties, Utah Risk Management Mutual Association, Office of the Attorney General, and Office of Risk Management. SB 98 modifies the indexing component for medical care and medical services and creates a new process for claims in excess of the statutory caps. Instead of the current process of taking excess claims to the Board of Examiners—which consists of the Governor, Attorney General, and State Auditor—the new process would bring claims come before the Executive Appropriations Committee for consideration. During the committee hearing, representatives from both the Governor's office and Attorney General's

office raised concerns about the bill. After lengthy discussion, the committee decided to move the bill to the Senate floor but urged Sen. Iwamoto to improve the bill. The committee members also referenced the possibility of a gubernatorial veto. ULCT appreciates Sen. Iwamoto's responsiveness to our concerns throughout the process and we will continue to monitor the bill.

SB 111 (today)
The Senate Transportation Committee heard Senator Harper's SB 111 – Unmanned Aircraft Amendments. After public comment and discussion by the committee on concerns regarding law enforcement use of unmanned aircrafts, the committee took no action on the bill. Team ULCT, particularly Brandon Smith and Bountiful Police Chief Tom Ross (also President of the Utah Chiefs of Police Association), have been involved in the dialogue on this bill for months. The stakeholders will meet tomorrow to further discuss the bill and seek consensus.

With that, thanks again for attending LPC today and for your involvement in ULCT. Keep us posted about your dialogue with legislators about HB 164 and SB 110.

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ULCT legislative update for Tuesday, January 31, 2017

Hello folks,
The session has passed the 20% mark and today was our busiest day thus far on the Hill. We had some successes and a setback. Today's email will update you on two bills from last night's Action Alert—SB 110 (online sales tax) and HB 164 (enterprise funds)—as well as SB 81 (home occupation businesses) and HB 36 (affordable housing).

SB 110
The Senate Revenue and Taxation Committee considered Sen. Curt Bramble's SB 110 Sales Tax Collection Amendments. As mentioned at previous LPCs,

this bill would expand the definition of economic nexus and affiliate nexus to facilitate the collection and remittance of online sales tax. ULCT's Roger Tew testified in support of the legislation. The Utah Retail Merchants Association, Utah Association of Counties, Utah Taxpayers Association, Salt Lake Chamber of Commerce, and individual business owners all also offered support. The Committee passed the bill unanimously and ULCT will continue to strongly support the bill on the Senate floor.

HB 164

The House Revenue and Taxation Committee considered Rep. Jefferson Moss' HB 164 Municipal Enterprise Fund Amendments. The LPC discussed and opposed this bill on Monday. In addition to ULCT's Roger Tew, Team ULCT had three other people testify in opposition to the bill: Logan Mayor Craig Petersen, Spanish Fork City Manager Seth Perrins, and Murray Finance Director Justin Zollinger. They all explained what the negative impact of HB 164's passage would be in their communities. Three committee members—Representatives Doug Sagers (and former Tooele Mayor), Brian King, and Joel Briscoe—all spoke up and voted against the bill. ULCT appreciates their votes. Alas, the Committee endorsed the bill 6-3. ULCT will continue to oppose the bill on the House floor.

SB 81

The Senate Political Subdivisions Committee considered Sen. Jake Anderegg's SB 81 Local Government Licensing Amendments. SB 81 is the result of several years of negotiation and compromise between Sen. Anderegg, ULCT, and other stakeholders to codify a fee waiver for low-impact home occupation businesses and remove the licensing requirement for occasional businesses operated by minors. Last year's version passed the House and ran out of time to pass the Senate on the final night. During the offseason, your correspondent and ULCT announced the bill to ULCT members and brought some amendments to Sen. Anderegg to better define the scope of the bill. He adopted the amendments during today's committee hearing and the committee endorsed the bill unanimously. Team ULCT appreciates Sen. Anderegg's willingness to work with us over the past two sessions on this bill.

HB 36

The Senate Economic Development and Workforce Services Committee considered Rep. Becky Edwards' HB 36 Affordable Housing Amendments. The bill is a result of a year-long task force led by Lt. Governor Spencer Cox

to address affordable housing in Utah. The bill increases income-tax credits for landlords who provide low-income housing. West Valley City General Counsel/Assistant City Manager Nicole Cottle represents ULCT on the task force and ULCT appreciates her service, insight, and expertise. You can see the 2016 State of Utah Affordable Housing and Plan here. The Committee passed the bill unanimously and it heads to the Senate floor.

With that, we have several bills on tap tomorrow afternoon in committee and you can see the committee schedule here and bill list here. Please stay in touch with ULCT on any bills that arise that impact your communities. Thanks, as always, for your participation in ULCT.

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ULCT legislative update for Wednesday, February 1, 2017

Hello folks,
February is upon us! February is the lone month that is entirely in the legislative session, but at least it is the shortest month! Today's update includes committee action on HB 39, HB 32, HB 152, and HB 178.

HB 39 Local Officer Amendments & HB 32 Assessment Area Act Amendments

The Senate Political Subdivisions and Government Operations Committee considered Rep. Curt Webb's HB 39 Local Officer Amendments and HB 32 Assessment Area Act Amendments. Both bills went through the interim process and were the result of collaboration between Rep. Webb and Team ULCT. HB 39 removes the mandatory re-appointment of clerks and treasurers in cities of the third, fourth, and fifth class as well as towns. The bill was vetted during 2016 by the ULCT LPC, Utah City Managers Association, and Utah Municipal Clerks Association. Finn Kofoed, Eagle Mountain City Recorder and a former president of the Utah Municipal Clerks Association, testified along with your correspondent in support of the bill. Likewise, your

correspondent testified in support of HB 32, which Rep. Webb amended at our request. The Committee passed both bills unanimously.

HB 152 Transportation Funding Revisions
The House Transportation Committee considered Rep. Scott Sandall's HB 152 Transportation Funding Revisions. HB 152 is a follow up to last summer's negotiations and ultimate consensus on the motor fuel tax between ULCT, Utah Association of Counties, and other transportation stakeholders. The bill provides flexibility for local governments within counties of the 3rd, 4th, 5th, and 6th classes for up to 50% of the Local Highway and Transportation Corridor Preservation Fund. The bill provides flexibility for county and city leaders in rural Utah—many of which phased out of the "hold harmless" classification after this summer's gas tax consensus—to determine how best to allocate a portion of existing revenues. Rep. Sandall, at the request of ULCT, UAC, and local government, amended the bill in committee so that it would only apply to the counties of the 3rd, 4th, 5th, and 6th classes (population of less than 125,000). Your correspondent testified in support of the bill and the committee passed it favorably.

HB 178 Good Landlord Amendments
The House Business and Labor Committee considered Rep. Brian King's HB 178 Good Landlord Amendments. HB 178 would eliminate the provision in state law that allows a city to consider an individual's criminal history in the prior four years as part of the good landlord program qualifications. For the last two summers, cities with good landlord programs have met with the other stakeholders, including Rep. King, to consider ways to improve good landlord programs. Ogden City voluntarily, and with the participation of Adult Probation and Parole and the Department of Corrections, implemented a pilot program in October. The pilot program allows an individual with a criminal background within the last four years to obtain a waiver from the criminal background exclusion. The program has been a success to date as 58 individuals have qualified for the waiver and nobody has been denied a waiver. Ogden's waiver program would end as a result of HB 178. Both Mark Johnson and Gary Williams of Ogden City testified about the waiver program and your correspondent explained to the committee that other cities were willing to follow Ogden's lead. Nevertheless, the committee rejected a vote to hold the bill by one vote and then passed the bill. ULCT appreciates Representatives Jim Dunnigan, Gage Froerer, Adam

Gardiner, Tim Hawkes, Jeremy Peterson, and Curt Webb for voting to hold the bill in committee. ULCT will continue to oppose the bill on the House floor.

Tomorrow's committee agendas can be seen here, and the bill tracking list can be seen here.

As you can see, it was a busy day on Capitol Hill. ULCT is only as strong as our membership, so please discuss the importance of local authority with your legislators. Thanks, as always, for your participation in ULCT.

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ULCT legislative update for Monday, February 6, 2017

Hello folks,
We are now past the 1/3 point of the session! Finding milestones to keep on keeping on is an important part of the process. Thanks to the more than 100 people who attended LPC in person—from Logan to St. George—and another 43 who attended LPC online today. Today's email will recap LPC (specifically HB 20, HB 164, SB 94, SB 174) and SB 156 Local Public Safety and Firefighting Surviving Spouse Trust Fund Amendments. The email will also alert you to two bills we discussed in LPC today—SB 139 and SB 142—which will be in Senate Revenue and Taxation Committee too.

Legislative Policy Committee
The LPC today heard from Rep. Brad Daw on his HB 20 Political Activities of Public Entities Amendments and then deliberated on proposed changes to HB 164 Municipal Enterprise Fund Amendments and SB 94 Local District Revisions. You can find the PowerPoint presentation here.

HB 20
Rep. Daw presented on the efforts to date of the referendum working group. As a reminder, the group consists of Rep. Daw, representatives from ULCT, Lt. Governor Spencer Cox's office, Utah Association of Counties, Utah City Management Association, Utah Municipal Clerks Association, and referendum

organizers. He expressed his pleasure at the working group's efforts so far and agreed to withdraw HB 20 for this session. He said he anticipates the working group to seek comprehensive improvement to the referendum code for the 2018 session. Team ULCT appreciates Rep. Daw's leadership on the issue and his willingness to press pause this session, and work with all of the stakeholders this upcoming summer to modernize the referendum process.

HB 164/SB 94/SB 174

The LPC then considered HB 164. Last Friday, Rep. Jefferson Moss offered a compromise concept to Team ULCT that would improve the transparency of the transfers from a city's enterprise funds to the general fund. ULCT's Roger Tew and your correspondent presented those concepts to the LPC today, and the LPC deliberated for nearly 40 minutes about the concepts. Ultimately, the LPC moved to support most of the concepts and offered ULCT staff the necessary flexibility to continue our negotiations with Rep. Moss. The LPC also considered the proposed compromise concept on Senator Lincoln Fillmore's SB 94 Local District Revisions which would require the trustees of the service district's board of directors to report back to the sponsoring city council or county commission in a public hearing about the proposed property tax increase.

Editor's note: your correspondent misspoke about the status of Senator Wayne Harper's SB 174 Public Transit and Transportation Governance Amendments. SB 174 would modify the Utah Transit Authority governance, specifically the membership of the board of directors, as well as impose new guidelines for transit oriented developments. SB 174 has not yet had a committee hearing. Your correspondent regrets the error.

SB 156

The Senate Judiciary, Law Enforcement, and Criminal Justice Committee considered Sen. Todd Weiler's SB 156 Local Public Safety and Firefighting Surviving Spouse Trust Fund Amendments. SB 156 would modify the eligibility criteria for the Surviving Spouse Trust Fund. There are 15 families who lost a spouse in the line of duty between 2005 and the current date. Under current law, those surviving spouses are not eligible for the Trust Fund, so the agencies where their spouses were employed are responsible for the full cost of benefits. SB 156 would authorize the Trust Fund to provide the benefits. ULCT has supported Trust Fund bills during the past two sessions and ULCT strongly supports SB 156. ULCT will continue to work with the Utah Association of Counties, affected agencies and individuals, and the bill sponsor to work out the final details in the bill. The Committee unanimously endorsed the bill.

Tomorrow's activities: SB 139 and SB 142 ALERT
As discussed briefly at today's Legislative Policy Committee, there will be two bills dealing with tax increment financing that will impact cities and towns. We did not know until later in the afternoon that both bills will be in Senate Revenue and Taxation tomorrow afternoon at 3 pm.

First, Senator Howard Stephenson's SB 139 Tax Increment Financing Revisions would limit school district participation of tax increment to no more than 50% and would make the limitation retroactive unless the increment has already been pledged for bond repayment. Second, Senator Lincoln Fillmore's SB 142 Redevelopment Agency Amendments would exclude revenue generated from taxes levied and collected upon the taxable property in a project area in the definition of "tax increment." Both Senators are members of the Senate Revenue and Taxation Committee and Senator Stephenson is the Chair. The other committee members are: Senators Curt Bramble, Jim Dabakis, Gene Davis, Wayne Harper, Deidre Henderson, and Dan Hemmert.

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Sen. Curt Bramble, curt@cbramble.com
Sen. Jim Dabakis, jdabakis@le.utah.gov
Sen. Gene Davis, gdavis@le.utah.gov
Sen. Lincoln Fillmore, lfillmore@le.utah.gov
Sen. Wayne Harper, wharper@le.utah.gov
Sen. Dan Hemmert, dhemmert@le.utah.gov
Sen. Deidre Henderson, dhenderson@le.utah.gov
You can see the other relevant bills in committee tomorrow here and our bill list here. Thanks, as always, for your participation in ULCT. #leaguearmy

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ULCT legislative update for Tuesday, February 7, 2017

Hello folks,
Team ULCT had a busy day on the Hill with major #leaguearmy lobbying efforts on SB 139 Tax Increment Financing Revisions and SB 142 Redevelopment Agency Amendments. Today's email will update you on those bills and SB 150 Local Government Bond Amendments and SB 152 Municipal Mayoral Term Amendments.

The email will also invite you to tomorrow morning's Boys and Girls Club Youth of the Year breakfast at 7:30 am in the Hall of Governors. Team ULCT will be there to honor youth from Clubs across Utah. You can see more information here.

SB 139/SB 142
The Senate Revenue and Taxation Committee considered both Senator Howard Stephenson's SB 139 and Senator Lincoln Fillmore's SB 142 about tax increment financing and redevelopment agencies. Senator Deidre Henderson explained that no action on the bills would be taken today. After both sponsors presented their bills, the committee deliberated about the bills and Senator Curt Bramble made a motion to send both bills to interim study. Sen. Howard Stephenson, the bill sponsor of SB 139, explained that he intended to meet with school districts and cities during the legislative session in lieu of moving immediately to interim. As such, Sen. Bramble changed his motion to just move on to the next item of the agenda which the committee unanimously supported.

Thanks to the many cities who contacted the committee about SB 139 and SB 142 and ULCT appreciates the committee—Senators Curt Bramble, Jim Dabakis, Gene Davis, Lincoln Fillmore, Wayne Harper, Dan Hemmert, Deidre Henderson, and Howard Stephenson for not endorsing the bills today.

SB 150
The Senate Revenue and Taxation Committee also considered Sen. Deidre Henderson's SB 150 Local Government Bond Amendments. Sen. Henderson substituted the bill in committee to address some concerns that bond counsel and local government raised about the language. The bill now articulates the sequence of information about a bond on a ballot proposition and the voter information pamphlet. Thanks to Randy Sant for his assistance on the bill and to Sen. Henderson for the substitute. The Committee recommended the bill unanimously.

SB 152
The Senate Political Subdivisions and Government Operations Committee considered Sen. Jani Iwamoto's SB 152 Municipal Mayoral Term Amendments. SB 152 modifies the mayoral election term for Millcreek City and a handful of other small cities and towns. Per state law, only Salt Lake City and Ogden City may hold mayoral elections during the non-mayoral year (2015/2019). The rest of Utah's cities must hold their mayoral election in the mayoral year (2017/2021). However, after Millcreek voters in 2015 elected to incorporate, Salt Lake County set the mayoral election term at three years (2016-2019). The County action inadvertently was inconsistent with state law about mayoral elections. The voters of Millcreek then voted with an expectation that their new mayor—Jeff Silvestrini—would serve until 2019. Subsequently, ULCT has discovered a handful of other municipalities that are scheduled for a mayoral election in 2019. Consequently, SB 152 resolves the legal discrepancy and allows for Millcreek and the handful of other communities to hold their next mayoral election in 2019. Mayor Silvestrini and your correspondent both testified and the committee endorsed the bill unanimously.

Tomorrow's committees are relatively light (see here) but Team ULCT has multiple meetings with legislators to continue working on other bills. The bill list is here. Thanks, as always, for your participation in ULCT!

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ULCT legislative update for Wednesday, February 8, 2017

Hello folks,
Today was a jam-packed day--let's be real though: aren't they all? --with significant work done behind the scenes. Today's email meanwhile will update you on HB 164 Municipal Enterprise Fund Amendments, HB 243 Common Area Land Use Amendments, SB 37 Statewide Crisis Line, and SB 69 Notification Requirements for Ballot Propositions.

HB 164
Rep. Jefferson Moss hosted representatives from ULCT and the Utah Taxpayers Association to discuss potential modifications and common ground on HB 164. As discussed at Monday's LPC, Rep. Moss offered four proposals and Team ULCT worked on potential language with him today to address the objectives of the proposals. Thanks to Bountiful City Manager Gary Hill, Spanish Fork City Manager Seth Perrins, and Provo Deputy Mayor Corey Norman for joining ULCT's Roger Tew and your correspondent in our meeting today and for their diligent work in the last few days to seek consensus language. We will keep you posted on our deliberations and we appreciate Rep. Moss for his willingness to work with ULCT.

HB 243
The House Political Subdivisions Committee considered Rep. Curt Webb's HB 243 Common Area Land Use Amendments. Rep. Webb substituted the bill during the Committee after finding consensus with ULCT--led by Land Use Task Force Chair Jodi Hoffman--and other stakeholders. HB 243 ensures municipal authority over any proposed amendment to common area boundaries. The Committee unanimously endorsed the bill.

SB 37
The House Government Operations Committee considered Sen. Dan Thatcher's SB 37 Statewide Crisis Line. The bill creates a statewide local mental health crisis line. As you may recall, ULCT passed a resolution in September in support of a statewide crisis line as well as in support of preserving 311 as a non-emergency phone number. SB 37 is seeking another phone number for the crisis line. The Committee endorsed the bill unanimously.

SB 69
The Senate considered Sen. Jake Anderegg's SB 69 Notification Requirements for Ballot Propositions. Sen. Anderegg substituted the bill on the Senate floor and addressed ULCT concerns and recommendations. The bill requires

that cities and counties send notice about arguments for or against ballot propositions, but allows a variety of options for cities and counties to utilize to meet the notice requirement. The Senate passed the bill unanimously and it is off to the House. Thanks to Sen. Anderegg for working with ULCT on the bill.

With that folks, tomorrow's committees are here and our bill list is here. We look forward to seeing you at LPC on Monday. Let us know if you have any specific bills or concerns. We appreciate your participation in ULCT!

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ULCT legislative update for Thursday, February 9, 2017

Hey folks,
Your correspondent's Running Utes fell behind early by double digits and rallied for a tougher-than-it-should-have-been win. In other words, just like football! Meanwhile Team ULCT worked behind the scenes on HB 164 Municipal Enterprise Fund Amendments and other bills today. This email will also update you on SB 174 Public Transit and Transportation Governance Amendments and SB 189 Oil and Gas Operations Amendments.

HB 164
As mentioned in previous emails, Rep. Jefferson Moss agreed to work with ULCT on enhanced and meaningful transparency about the transfer of enterprise funds to the general fund. Please be patient with Rep. Moss and with ULCT as we work together on the substitute compromise bill. It takes time to finalize the bill's details and Rep. Moss is working in good faith with ULCT to find common ground.

SB 174
The Senate Transportation Committee considered Sen. Wayne Harper's SB 174 Public Transit and Transportation Amendments. After receiving feedback from local government and other stakeholders, Sen. Harper substituted the bill. The sub bill would create a task force to study the future of Utah transit

and transportation. The bill would also change the governing board of the Utah Transit Authority, reduce the board membership to 8 members chosen by local government leaders in the newly created districts, and require that the 8 members be confirmed by the State Senate. ULCT is closely watching the bill and the committee endorsed the sub unanimously.

SB 189

The Senate Natural Resources, Agriculture, and Environment Committee heard Senator David Hinkins' SB 189 Oil and Gas Operations Amendments. ULCT's Brandon Smith spoke with the bill sponsor before the committee began, and was assured by the sponsor that we would have a chance to help make amendments to the bill. The bill aims to ease the regulatory burden on oil and gas drilling companies. However, the current language is too broad and unintentionally, and excessively, preempts local land use authority. With the Senator's word in committee that he will work with ULCT and UAC on changes to the bill, the Committee endorsed the bill unanimously.

You can see tomorrow's committee bills here- including SB 94 Local District Amendments- and the ULCT bill list here. Please remember that the LPC will convene again on Monday. Please notify us if you want to discuss any particular bill or issue. Thanks for your involvement in ULCT!

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ULCT legislative update for Friday, February 10, 2017

Hello folks,
Happy Friday! First things first: the Legislative Policy Committee will meet on Monday. Here's the 411 (not the 311, mind you): we have a full agenda that you can see here, including a discussion about the Utah Communications Authority (SB 198) and short term rentals (HB 253). Team ULCT spent significant time working on both issues today. We also must finish LPC by 1:30 so that we can clear the room in time for the 2:00 committee hearings. Thanks to Aggie Nation

for providing the webcast opportunity for additional #leaguearmy participation. Tonight's email will also update you on SB 94 Local District Revisions.

SB 94

The Senate Revenue and Taxation Committee considered Sen. Lincoln Fillmore's SB 94 Local District Revisions this afternoon. As we discussed at LPC on Monday, a city council member appointed to a special district board would have a duty to return and report to his/her home council about any district proposed property tax increase. Each trustee would have to return and report to his/her council prior to the district being able to increase property tax. Sen. Fillmore explained to the committee that the bill's focus is improved accountability between the taxpayer, the sponsoring city, town, or county, and the district. Your correspondent testified and offered strong ULCT support for the bill. The Committee endorsed the bill, and several members encouraged Sen. Fillmore to continue his efforts to enhance accountability with special districts.

Legislative Policy Committee

Did you forget already? The LPC will meet anew on Monday and you can see the agenda here and the webcast instructions here. Three items on the agenda—Utah Communications Authority, short term rentals, and solid waste amendments—are all in committee on Monday afternoon.

You can see the ULCT bill tracking here and Team ULCT will continue to update the tracking sheet daily as we work on legislation over the weekend. Until Monday, have a great weekend and thanks for your participation in ULCT!

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ULCT legislative update for Monday, February 13, 2017

Hello folks,
We are halfway through the 2017 legislative session! It's all downhill from here. Today was jam-packed with LPC and committee hearings on HB 298 Free Expression by Local Government, HB 253 Short-term Rental Amendments, HB 115 Solid Waste Amendments, and SB 198 Utah Communications Authority Amendments.

Legislative Policy Committee
At LPC, we provided an update on Rep. Moss' HB 164 which he circled on the House floor this morning. We are still awaiting substitute language that will reflect the consensus framework. Meanwhile, we had a lengthy discussion on HB 253 Short-Term Rental Amendments. We also appreciate Rep. Kim Coleman for attending LPC to speak briefly about HB 339. I'll reference below the committee updates on the bills the LPC considered. Team ULCT appreciates the attendance and participation from Ephraim, Moab, Naples, St. George, Vernal, and Washington City—among the more than 120 in person who joined us on the Hill for LPC. Thanks also to Utah State University for webcasting the meeting where 47 locations across the state joined LPC.

On a side note, we received feedback from Capitol Preservation Board that the room was messy for the 2:00 pm committee. We don't want to lose the privilege of using W030 for LPC, so please remember to discard your trash and leave the room in good order. Our next LPC meeting will be Monday, February 27.

HB 298 Free Expression by Local Government
The House Political Subdivisions Committee considered Rep. Norm Thurston's HB 298 Free Expression Regulation by Local Government Act. This bill outlines a framework for how local government crafts ordinances for public forums and political activities outside public buildings. Salt Lake City's Lynn Pace, Utah Association of Counties, Salt Lake County, and your correspondent raised concerns about specific language and potential consequences in the bill. The committee held the bill to give all stakeholders a chance to modify the language and will hear the bill again tomorrow. Rep. Thurston has been very receptive to feedback and we provided language to him tonight in anticipation of tomorrow's committee hearing.

HB 253 Short-Term Rental Amendments
The House Business and Labor Committee considered Rep. John Knotwell's HB 253 Short-Term Rental Amendments. Rep. Knotwell substituted the bill to try to narrow the definition of "owner-occupied." Earlier in the day, Rep. Knotwell met with leaders from St. George and Washington to discuss their concerns about the HB 253 impact on their communities. During public testimony, your correspondent and St. George Mayor (and ULCT 2nd Vice President) Jon Pike articulated ULCT LPC opposition to the bill as currently drafted. Your correspondent explained our concerns on a philosophical level—opposition to any state preemption of local land use authority—as well as the scope of the current definitions. Your correspondent also indicated that the ULCT LPC urged ULCT staff to continue engaging with the sponsor on the bill language. A representative from the Hotel Association also testified in opposition to the bill. Nevertheless, the Committee endorsed the bill 13-1 and it moves to the House floor. Rep. Knotwell has been responsive and receptive to ULCT concerns and we will continue to work on the bill with him and other stakeholders.

HB 115 Solid Waste Revisions
This update is a quick one: Rep. Mike McKell's HB 115 was pulled from today's consideration. Your correspondent briefed the LPC on the proposed substitute bill and we expect the bill to return to committee soon.

SB 198 Utah Communications Authority
The LPC had a lengthy discussion about Senator Wayne Harper's SB 198 Utah Communications Authority Amendments at LPC and then a packed house watched the Senate Transportation, Public Utilities, Energy, and Technology Committee consider the bill. Senator Harper gave an overview, introduced the first substitute which, among other things, removed the consolidation requirement and modified the governing board from nine members to 11 members. Several commenters, including Utah Chiefs of Police Association President Tom Ross expressed concerns about the bill, specifically the UCA Board composition. Senator Harper and the committee all agreed that there is room for improvement on the bill and the stakeholders, including Team ULCT's Gary Crane (Layton City Attorney) and Brandon Smith and many others, are meeting almost daily to seek consensus on the future of UCA. The Committee endorsed the bill with the recognition that the conversation will continue.

With that, Happy Valentine's Day Eve! On behalf of spouses everywhere, your correspondent's wife hopes that committees end early tomorrow. Here are tomorrow's committee agendas and the ULCT bill list. Thanks for your participation in ULCT.

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ULCT legislative update for Valentine's Day 2017

Hello folks,

Today's email comes surprisingly early in honor of spouses everywhere. You're welcome! Team ULCT wishes you and yours a Happy Valentine's Day. Today's email will update you on SB 197 Manufacturing Amendments, HB 178 Good Landlord Amendments, and HB 298 Free Expression Regulation by Local Government.

SB 197

The Senate Revenue and Taxation Committee considered SB 197 Manufacturing Amendments this morning. The bill would repeal a sales and use tax on certain manufacturing inputs and comes with a major state and local fiscal impact. ULCT's Roger Tew expressed our opposition to the committee because of the impact the bill would have on cities and towns Roger specifically pointed out the impact would be felt disproportionately on cities who have a significant manufacturing component to their local sales tax base, and those cities would not see a replacement for that current sales tax revenue. A variation of this bill has passed the House or the Senate for each of the last six sessions but has not passed because of the fiscal impact to the state budget. As dollars are scarce on Capitol Hill this year, the legislature may not have the resources available now to fund the bill. Nevertheless, the Committee endorsed the bill. ULCT will track the bill closely.

HB 178
The House of Representatives in its entirety considered Rep. Brian King's HB 178 Good Landlord Amendments. The bill would eliminate the provision in state law that allows a city's good landlord program to require the exclusion of a tenant with a certain criminal record. After considerable dialogue with the bill sponsor and many legislators, Rep. Jeremy Peterson sponsored an amendment that would allow a city with a halfway house to use the exclusion. ULCT thanks Rep. Peterson for the amendment. The amendment narrowly passed—38-34—and then the bill passed the House overwhelmingly (62-9). Sen. Bramble will be the floor sponsor for the bill in the Senate.

HB 298
The House Political Subdivisions Committee re-considered Rep. Norm Thurston's HB 298 Free Expression Regulation by Local Government Act. This bill outlines a framework for how local government crafts ordinances for public forums and political activities on public grounds. The Committee considered the bill yesterday and then held the bill to give all stakeholders a chance to improve the bill. Salt Lake City's Margaret Plane and Lynn Pace, the Utah Association of Counties, Salt Lake County attorneys, and your correspondent worked with Rep. Thurston over the last 24 hours and we appreciate Rep. Thurston's willingness to work with us. While we all acknowledged that we are not yet finished with the language, we agreed to continue working together and the Committee endorsed the bill unanimously.

With that, Happy Valentine's Day!!! Won't you be mine… and read our bill list and tomorrow's committees? It does not fit on a candy heart, but thanks for your involvement in ULCT!

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ULCT legislative update for Wednesday, February 15, 2017

Hello folks,
Today's email is all about land use: HB 232 Land Use Amendments and HB 279 Impact Fee Amendments. In addition, Team ULCT spent considerable time today working on the potential substitute bill for HB 164 Municipal Enterprise Fund Amendments, HB 115 Solid Waste Amendments, HB 253 Short-term Rental Amendments, and multiple other bills. While we don't yet have updates for you on those bills, watch for updates in upcoming daily emails.

HB 232
The House Business and Labor Committee considered Rep. Mike Schultz's HB 232 Land Use Amendments. HB 232 is the consensus Land Use Task Force legislation and the result of significant year-long collaboration between the Property Rights Coalition, the Utah League of Cities and Towns, and other stakeholders. The bill outlines legislative and administrative roles in the land use context and articulates the standards of review for land use regulations. Rep. Schultz presented the bill, flanked by ULCT's Jodi Hoffman and the Property Rights Coalition's Mike Ostermiller. The committee endorsed the bill unanimously. Many thanks to Land Use Task Force Chair Jodi Hoffman and the many attorneys and other local government leaders who dedicated countless hours on the 23 drafts discussed during the past interim. The Committee passed the bill unanimously.

HB 279
The House Business and Labor Committee also considered Rep. Walt Brooks' HB 279 Impact Fee Amendments. HB 279 is another consensus bill from the Land Use Task Force, and ULCT's Jodi Hoffman and the PRC's Mike Ostermiller participation in the presentation of the bill. The bill declares that if an impact fee is not spent or encumbered within six years, then the city (or relevant political subdivision) shall refund the impact fee to the original owner. The Committee also unanimously endorsed the bill.

That's a wrap. Tomorrow's committees are here—which are full but do not have any top priority ULCT bills—and our bill list is here. As always, thanks for your participation in ULCT!

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ULCT legislative update for Thursday, February 16, 2017

Hello folks,
Three weeks to go in the 2017 session, but your correspondent is currently worried about Oregon's 40 game home winning streak—longest current streak in the US of A—where our Utes may (shall?) get quacked tonight. Today's email will update you on HB 164 Municipal Enterprise Amendments, SB 152 Municipal Mayoral Term Amendments, and follow up on the Single Sign On.

As a reminder, we will NOT have a Legislative Policy Committee on Monday because of Washington and Lincoln Day. The LPC will next convene on Monday, February 27. While Team ULCT will miss seeing you on Monday, we hope you all enjoy the day off!

HB 164
Today, Rep. Moss hosted Team ULCT to review the proposed HB 164 substitute. Thanks to Bountiful City Manager Gary Hill for joining Roger Tew and your correspondent with Rep. Moss for the meeting. Legislative Research and General Counsel is now finalizing the language from this morning's meeting and we should have the substitute ready in the next day or so. ULCT appreciates Rep. Moss for working with us throughout the session.

SB 152
The House Political Subdivisions Committee considered Sen. Jani Iwamoto's SB 152 Municipal Mayoral Term Amendments. As a reminder, SB 152 modifies the mayoral election term for Millcreek City and a handful of other small cities and towns. Per state law, only Salt Lake City and Ogden City may hold mayoral elections during the non-mayoral year (2015/2019). The rest of Utah's cities must hold their mayoral election in the mayoral year (2017/2021). However, after Millcreek voters in 2015 elected to incorporate, Salt Lake County set the mayoral election term at three years (2016-2019). The County action inadvertently was inconsistent with state law about mayoral elections. The voters of Millcreek then voted with an expectation that their new mayor—Jeff Silvestrini—would serve until 2019. Subsequently, ULCT has discovered a handful of other municipalities that are scheduled for a mayoral election in 2019. Consequently, SB 152 resolves the legal discrepancy and allows for Millcreek and the handful of other communities to hold their next mayoral election in 2019. Mayor Silvestrini and your correspondent both testified and the committee endorsed the bill unanimously.

Single Sign On
Today, ULCT's Brandon Smith met with Representative Bruce Cutler on the Single Sign On portal that has been in development since the 2016 session. The portal is the product of Rep. Cutler's forward thinking and hopes for better efficiency in government. The Single Sign On portal will first be utilized by state agencies to allow businesses to have a single access point to enter and update their information as needed, thus eliminating the need to reproduce that information for each agency they report to. After state agencies are up and running, there will be the opportunity for municipalities to take advantage of the platform as well. There will be time and opportunity to for input from interested cities on potential online processes and solutions. Contact Brandon for more information at bsmith@ulct.org.

With that, tomorrow's committee assignments are here and the ULCT bill tracking list is here. On behalf of Team ULCT, thank you for your support and involvement. #leaguearmy

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ULCT legislative update for Friday, February 17, 2017

Hello folks,
Happy Washington and Lincoln Day weekend! Your correspondent (and family) thanks the voters of Utah in 2008 for amending the constitution so that Team ULCT and the rest of the Capitol Hill crew can catch our collective breaths. Tonight's email will also preview what is on next week's committee and floor agendas—which all promise to be exciting—and update you on HB 304 Water Conservation Amendments, HB 301 Canal Safety Amendments, HB 327 Nighttime Highway Noise Construction Amendments, and the Commission on Federalism.

Next week preview
Remember folks, NO LPC on Monday! Take the day off.

Next week, we expect the House to consider HB 164 Municipal Enterprise Fund Amendments and HB 253 Short-term Rental Amendments, and we expect the Senate to consider SB 111 Unmanned Aircraft Amendments and SB 156 Local Public Safety and Firefighting Surviving Spouse Trust Fund Amendments (among many others). Watch for email updates about those bills next week. You can see Tuesday's packed committee agendas—including HB 115 Solid Waste Amendments—here. Legislators also continue their dialogue about tax reform and the state budget which Team ULCT is monitoring.

HB 304 Water Conservation Amendments
The House Natural Resources Committee considered Rep. Gage Froerer's HB 304 Water Conservation Amendments. The initial draft would have mandated that a legislative body could not require more than 5% of a property be landscaped with vegetation if the property is within a zoning district that is primarily intended for commercial or industrial uses. After discussions with your correspondent, Rep. Froerer agreed to substitute the bill to remove the mandate. The bill now includes language that each retail water provider's existing water conservation plans shall contain water use reduction goals and measures for residential, commercial, and industrial uses. The Committee endorsed the substitute bill unanimously and ULCT appreciates Rep. Froerer for his willingness to work with us.

HB 301 Canal Safety Amendments
The House Natural Resources Committee also considered Rep. Scott Sandall's HB 301 Canal Safety Amendments. The bill originated with the Executive Water Task Force over the summer. Ogden City Assistant City Attorney Mark Stratford represents ULCT on the Task Force and was our point person on HB 301. He substituted the bill to address concerns that arose from the Homebuilders Association and Mark Stratford testified in support of the bill. The committee endorsed the bill unanimously. ULCT thanks Mark for his service on the Executive Water Task Force.

HB 327 Nighttime Highway Noise Construction Amendments
The House Transportation Committee initially intended to consider Rep. Kay Christofferson's HB 327 Nighttime Highway Construction Noise Amendments. ULCT received some concerns from multiple cities about the bill. Last year, ULCT engaged with the Utah Association of Counties and the Utah Department

of Transportation to modify highway construction noise procedures (SB 177, 2016). Rep. Christofferson recognized our concerns with modifying the new procedure so quickly after last year's adoption. ULCT, UAC, and UDOT committed to work with Rep. Christofferson and other stakeholders in the offseason. Consequently, the Committee did not consider the bill.

Commission on Federalism
The newly created Commission on Federalism convened today to discuss federalism issues arising from the Senate Political Subdivisions and Government Operations, House Political Subdivisions, and House Government Operations Committees. The Commission discussed a range of issues where the federal government's actions or regulations may have violated federalism principles or created unfunded mandates on local governments. Your correspondent raised a variety of issues—ranging from group homes to waste water treatment and nutrients (your correspondent's favorite topic!)—and pledged that ULCT would work with the legislature and the federal delegation.

More bills continue to pop out on an hourly basis and you can see our bill list here. We will continue to update it over the weekend. In the meantime, have a wonderful weekend, thanks for your participation in ULCT, and we'll chat on Tuesday!

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ULCT legislative update for Tuesday, February 21, 2017

Hello folks,
We are back from Washington and Lincoln Day weekend and the final legislative sprint is underway! Don't believe me? Ask the dishes … and check out today's email with updates on five bills—HB 115 Solid Waste Revisions, HB 277 Direct to Consumers Food Sales Modifications, HB 152 Transportation Funding Revisions, HB 324 Local Budget Hearing Notice Amendments, and HB 364 Removal of Local Elected Officials in committee today.

Remember: The Legislative Policy Committee will next meet on Monday at noon in W030!

HB 115 Solid Waste Revisions
Speaking of LPC, we discussed at two LPCs to date Rep. Mike McKell's HB 115 Solid Waste Amendments which came before the House Business and Labor Committee today. Rep. McKell substituted the bill to remove the $.33 cents fee for the Utah Division of Waste Management and Radiation Control. Instead, the 3rd substitute calls on the Division to work with all stakeholders to find an equitable approach to the fee that covers regulatory costs. The bill would sunset the current two tiered approach to waste fees—one approach for political subdivision owned landfills, and one approach for commercially owned landfills—in December, 2018 with directions to return to the legislature in 2019 with fee recommendations. Your correspondent spoke with the bill sponsor and DEQ to secure their commitment to include ULCT in the process, and the committee unanimously supported the bill.

HB 277 Direct to Consumer Food Sales Modifications

The House Business and Labor Committee also considered Rep. Marc Roberts' HB 277 Direct to Consumers Food Sales Modifications. The bill changes state and local parameters for direct food sales. ULCT's Brandon Smith testified about our concerns on preemption language in the bill on local licensing and permitting. The committee encouraged Rep. Roberts to work with concerned parties, including ULCT, and then passed the bill 11-2.

HB 152 Transportation Funding Revisions
Today the Senate Transportation, Public Utilities, Energy, and Technology Standing committee heard Rep. Scott Sandall's HB 152 Transportation Funding Revisions. ULCT's Brandon Smith was there to testify in support of the bill. As mentioned in previous emails, the bill authorizes flexibility of up to 50% of corridor preservation funds in counties of the 3rd, 4th, 5th, and 6th classes (and the cities and towns therein) to be used on road maintenance. The Committee endorsed the bill unanimously.

HB 324 Local Budget Hearing Notice Amendments
The House Political Subdivisions Committee considered Rep. Bruce Cutler's HB 324 Local Budget Hearing Notice Amendments. He substituted the bill at ULCT's request. The previous version of the bill would have required local governments to notice budget hearings via their social media networks. The bill now requires local governments to post a link on their website that would lead to the notice of their budget hearings. Thanks also to Rep. Jim Dunnigan for amending the bill to clarify the link. The committee endorsed the bill unanimously.

HB 364 Removal of Local Elected Officials
Finally, the House Political Subdivisions Committee also considered Rep. Rebecca Chavez-Houck's HB 364 Removal of Local Elected Officials. The bill as currently drafted would allow an individual to gather signatures about an elected official's mental capacity, take the petition to the governing body for their consideration, and then the governing body would refer the petition to a judge for final determination. Your correspondent raised several concerns to the bill sponsor and the committee, including the current draft's usage of the local referendum signature threshold and the potential of the bill being used as a political attack on an elected official. We also discussed how to balance the privacy interests of the elected official in question. The committee held the bill, but encouraged Rep. Chavez-Houck to continue working on the issue with the stakeholders (including ULCT and UAC).

We told you that it was a busy day! Tomorrow promises to be just as busy with these committees and floor time. You can see our bill list here, and we'll see more and more bills coming to the floor as March 9 draws closer. Thanks, as always, for your participation in ULCT and we will keep you posted on pending action alerts!

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ULCT Supports HB 164 Sub 1 Municipal Enterprise Fund Amendments

Hello folks,
Your correspondent is pleased to announce that ULCT supports Rep. Jefferson Moss's HB 164 Sub 1. At our Legislative Policy Committees on February 6 and 13, we outlined the enhanced and meaningful transparency concepts that would be included in HB 164 Sub 1. While we previously opposed the initial version, we have worked diligently with Rep. Moss and the Utah Taxpayers Association to find common ground. ULCT appreciates Rep. Moss for his willingness to work collaboratively and seek consensus on improving the transparency of enterprise fund transfers. HB 164 Sub 1 accomplishes the following:

- First, the bill will not limit the transfer of funds from a municipal enterprise fund to the municipal general fund. Instead, the bill will improve the trans parency of the transfers for rate payers.
- Second, in order to transfer money, a city must hold an independent enterprise fund hearing to articulate the transfer.
- Third, the city must notice the hearing to rate payers with specific information via mail, the city website, social media (if applicable), and the Utah Public Notice Website.
- Fourth, the specific information in the notice must include information about the enterprise fund, the date, time, and location of the hearing, and the purpose of the hearing.
- Fifth, the city must also provide follow up information to rate payers about the fund transfer within 60 days of the adoption of the budget.
- Sixth, the city must submit the enterprise fund transfer information to the Utah State Auditor within 30 days of the adoption of the budget.

You can see the public substitute online HERE. We do need one minor amendment that Rep. Moss supports and that we will finalize with him.

Again, we appreciate Rep. Jefferson Moss for working with us on this bill. We also appreciate your consideration of this bill and all future bills that impact local government.

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ULCT legislative update for Wednesday, February 22, 2017

Hello folks,
We are 2/3 of the way through the legislative session with just a fortnight to go! Today we worked behind the scenes on economic development tools, short term rentals (HB 253), and towing (HB 393). We'll have more updates in future emails for you about those topics. Meanwhile, today's email will update you specifically on HB 164 Municipal Enterprise Fund Amendments, SB 250 Food Truck Licensing and Regulation, and HB 372 Candidate Replacement Amendments.

HB 164 Municipal Enterprise Fund Amendments
Team ULCT expects that Rep. Jefferson Moss will uncircle HB 164 on Thursday or Friday and substitute the bill. The substitute reflects the compromise reached between the bill sponsor, the Utah Taxpayers Association, and the Utah League of Cities and Towns. Among other things, the bill improves notice requirements before a city may transfer money from an enterprise fund to the general fund, requires an independent enterprise fund hearing, and mandates a follow up notice to rate payers after the budget has been adopted. Team ULCT appreciates Rep. Moss's willingness to work with us to find common ground and we support the substitute. We do still need to make a minor amendment, but the sponsor is supportive of the amendment. ULCT thanks Rep. Moss for his collaboration.

SB 250 Food Truck Licensing and Regulation
The Senate Business and Labor Committee considered Sen. Deidre Henderson's SB 250 Food Truck Licensing and Regulation. This bill is the result of months of outreach and collaboration between the bill sponsor, food truck operators, and local governments. ULCT discussed the bill in recent LPCs and with the Utah Business License Association. The objective of the bill is to reduce the regulatory burden on food trucks that operate in multiple jurisdictions (counties and cities). Sen. Henderson acknowledged the importance of preserving local authority over land use and your correspondent—as well as Lincoln Shurtz from the Utah Association of Counties—testified about the bill's focus on licensing and inspection reciprocity. ULCT has invited the Food Truck League to Midyear to discuss how SB 250 will be implemented. Sen. Henderson expressed her appreciation to the stakeholders and the committee passed the bill enthusiastically and unanimously. On a side note, Friday will be food truck day on the Hill! Bon appetit!

HB 372 Candidate Replacement Amendments
The House Government Operations Committee considered Rep. Patrice Arent's HB 372 Candidate Replacement Amendments. The bill provides for a replacement candidate for the general election if one of the two finalists withdraws after the primary election. While rare, such vacancies have occurred in several cities recently. Your correspondent testified in support of the bill and the committee passed it unanimously.

"New Days, New Ways" 2017 Midyear Convention
Online registration is now open for our 2017 Midyear Conference! Join us in St. George, April 5-7. We'll give you a fresh look at the basics and innovative new approaches to make life better in your city or town. You can register online here, and be sure to watch our website for conference updates.

On Thursday and Friday, the House and Senate will be in committee for two hours (agendas here) and on the floor for five hours (reading calendars here). Wear your comfortable shoes! Thanks, as always, for your participation in ULCT.

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ULCT legislative update for Friday, February 24, 2017 and LPC reminder

Hello folks,
Happy Friday! We have but one Friday to go and Team ULCT is looking forward to the weekend after a successful week! Today's email will update you on HB 253 Short-Term Rental Amendments, HB 393 Vehicle Towing Amendments, SB 87 Civil Asset Forfeiture Revisions, SB 142 Redevelopment Agency Amendments, SB 241 Local Government Plan Review Amendments, and SB 242 Government Records Access and Management Act Amendments. The email will also announce Monday's Legislative Policy Committee meeting, which will occur at noon in W030 on Capitol Hill. The webcast link is here, and further webcast instructions can be found here.

HB 253 Short-Term Rental Amendments
After considerable dialogue today between your correspondent, Team ULCT, Rep. John Knotwell, and dozens of members of the House of Representatives, Rep. Knotwell circled HB 253 and offered a 2nd substitute which you can see here. The 2nd substitute bill does NOT have the land use preemption or the language about owner-occupied short-term rentals. The bill no longer states that a city may not enact a prohibition on owner-occupied short-term rentals. The 2nd substitute instead focuses on ensuring that cities cannot enforce an ordinance prohibiting the listing or offering of a short-term rental on a short-term rental website or punish an individual solely for the act of listing a short-term rental on a short-term rental website. That advertising provision is not problematic and we believe that the 2nd substitute is a "win-win." Your correspondent applauds Rep. Knotwell for his willingness to address local government concerns about the land use preemption and the 2nd substitute will remove our concerns. We will discuss the 2nd substitute at LPC on Monday. Thanks to all of the cities who contacted Representatives and Senators about the bill. As a result of our combined efforts, Team ULCT will strongly recommend that the LPC support HB 253 2nd substitute. We expect the House to consider HB 253 2nd substitute on Monday and legislators will need to know of ULCT's approval of the 2nd substitute.

HB 393 Vehicle Towing Amendments
The House Transportation Committee considered Rep. Cory Maloy's HB 393 Vehicle Towing Amendments. The bill was a result of two weeks of intense deliberation between the towing industry and municipalities. The bill will streamline tow truck background checks and state certification, and create a Towing Advisory Board which will review towing related issues during the year and will have representation from ULCT. Your correspondent testified in support of the compromise bill and ULCT appreciates Rep. Maloy's responsiveness to local government concerns. Thanks also to Ogden's Gary Williams and Mark Stratford, Provo's Corey Norman, and West Valley's Brandon Hill and Nicole Cottle for their expertise and assistance on the bill. The Committee passed the bill unanimously.

SB 87 Civil Asset Forfeiture Revisions
This morning the House Judiciary Committee was scheduled to hear Senator Dan Thatcher's SB 87 Civil Asset Forfeiture Revisions. As of yesterday, we believed that a compromise was reached between all stakeholders. Alas, the other stakeholders backed away from the negotiated compromise and the bill

was pulled from the agenda. ULCT still strongly supports Sen. Thatcher's bill and appreciates his efforts. The committee did however hear Senator Howard Stephenson's SB 70 Asset Forfeiture Transparency Amendments. ULCT's Brandon Smith, along with Bountiful Police Chief and President of the Police Chiefs Association Tom Ross, testified in opposition to the bill. The bill, though it seeks for transparency, requires a number of reporting steps that add up to a burdensome process. Nevertheless, the bill passed out unanimously.

SB 142 Redevelopment Agency Amendments
The Senate Revenue and Taxation Committee once again had Senator Lincoln Fillmore's SB 142 Redevelopment Agency Amendments. After a failed motion to substitute the bill, the committee moved on and again took no action on the bill. Sen. Fillmore was a good sport and said that he would see the committee again next week. Thanks to the many cities that contacted committee members about the potential impact of the bill.

SB 241 Local Government Plan Review Amendments
The Senate Government Operations and Political Subdivisions Committee considered Sen. Curt Bramble's SB 241 Local Government Plan Review Amendments. Layton City Attorney Gary Crane spoke on behalf of ULCT. As mentioned last night, Team ULCT and the Land Use Task Force had previously committed to collect data and examine municipal plan review and other development approval processes this upcoming interim. We intend to fulfill that commitment and the bill is essentially a stake in the ground about that upcoming study. The substitute would require a city to complete an initial plan review of a construction project for a one to two family dwelling or townhome within 14 days. The initial plan review would need to be completed for a residential structure within 21 days. Here is the key negotiated provision: the bill will sunset on July 1, 2018. As such, we would comply with the bill for one year while we evaluate our processes this interim. Thanks to Sen. Margaret Dayton for amending the bill to clarify that the 14/21 days will be "working" days and thanks to Sen. Curt Bramble for accommodating our concerns in the bill. The Committee passed the bill unanimously.

SB 242 Government Records Access and Management Act Amendments
The committee then considered Sen. Curt Bramble's SB 242 Government Records Access and Management Act Amendments. The primary focus of the bill is to address excessive GRAMA requests to the Department of Corrections from prisoners. ULCT is not involved in that policy discussion. Instead, ULCT is concerned about the language in the bill that would modify the membership

requirements of local appeals boards. As part of a negotiated deal three years ago, local appeals boards consist of three members, one of which is an employee of the political subdivision and two of whom shall be members of the public. Of the two public members, at least one must have some professional records experience. The bill would clarify that the two public members may not be employed by or officials of a governmental entity. If your local appeals board membership would be impacted by this proposed change, please let us know. Sen. Bramble publicly committed to consider local government concerns about the language and the committee endorsed the bill unanimously.

Are you not entertained?! Thanks for your participation in ULCT. Your involvement has made a difference on multiple bills this session. The bill list is here, and will be updated by tomorrow night. Have a great weekend and see you on Monday at LPC! #leaguearmy.

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ULCT supports HB 253 2nd substitute

The Utah League of Cities and Towns Legislative Policy Committee just endorsed HB 253 2nd substitute. We acknowledge and appreciate Rep. Knotwell's willingness to address ULCT concerns about local land use authority. The 2nd substitute focuses on advertising and not land use, and therefore ULCT can support the bill.

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ULCT legislative update for Monday, February 27, 2017

Hello folks,
We had a snowstorm both inside and out on Capitol Hill today! Thanks to the 100 or so folks who braved the weather to attend LPC and the 55 people who participated online. Tonight's email will update you on bills that made their maiden voyage in committee: HB 399, HB 421, and SB 251. The email will also update you on bills that moved through their respective chambers today and preview tomorrow, including the House Revenue and Taxation Committee's consideration of the online sales tax bill (SB 110).

HB 399 Governmental Immunity Amendments
The House Government Operations Committee considered Rep. V. Lowry Snow's HB 399 Governmental Immunity Amendments. HB 399 would restore governmental immunity when an injury arises out of or in connection with, or results from, certain conduct or condition described in 63G-7-201(3) or (4). The bill is addressing some recent court cases that impacted the scope of governmental immunity that have caused concern for state and local governments. The Committee endorsed the bill unanimously.

HB 421 Animal Welfare Act Amendments
The House Political Subdivisions Committee considered Rep. Brian King's HB 421 Animal Welfare Act Amendments. The bill would require an animal shelter to publish monthly information about the animals in custody. Your correspondent raised concerns about the potential cost on shelters—particularly shelters in rural Utah—to codify the reporting requirement and the proposed codification of a three year retention schedule for the animal records. The committee shared the concerns—particularly Representatives Jim Dunnigan, Val Potter, Susan Pulsipher, Marc Roberts, Ray Ward, and Logan Wilde—and ultimately voted to not pass the bill. ULCT expects the bill's concept to arise during the interim and return in 2018.

SB 251 Local Government Criminal Penalty Amendments
The Senate Judiciary and Law Enforcement Committee considered Sen. Dan Thatcher's SB 251 Local Government Criminal Penalty Amendments. The bill's intent is to articulate the distinction between a law enforcement officer and other types of municipal officers. The bill fits within the recent legislative efforts on the Justice Reinvestment Initiative and the focus on indigent defense per the 6th Amendment. After several cities raised concerns, West Valley City's Nicole Cottle, South Salt Lake/Tooele's Randy Sant, Salt Lake County's Will Carlson,

and your correspondent all met with Sen. Thatcher to discuss some potential amendments. Sen. Thatcher amended the bill to have a delayed effective date—May 1, 2018—and to now focus on the issuance of a citation. Sen. Thatcher is also willing to address animal control officers and other specialized forms of enforcement. The committee endorsed the bill unanimously.

Floor discussions on HB 253, HB 232, HB 279, SB 198, and SB 197
Meanwhile, the House of Representatives passed Rep. John Knotwell's HB 253 2nd Substitute Short-term Rentals, which the LPC fully endorsed today. The vote was 74-1 and ULCT appreciates Rep. Knotwell's responsiveness to local concerns. Likewise, the House passed HB 232 Land Use Amendments—the consensus Land Use Task Force bill that we worked on throughout the 2017 interim—and the other consensus HB 279 Impact Fee Amendments. The House passed both bills unanimously. The Senate also considered two key bills and moved them to the third reading calendar. First, the Senate passed SB 198 Utah Communications Authority Amendments which the LPC discussed at length today and ULCT now supports. Second, the Senate passed SB 197 Manufacturing Amendments, which ULCT opposes.

SB 110 Sales Tax Collection Amendments
Tomorrow, the House Revenue and Taxation Committee will consider Sen. Curt Bramble's SB 110 Sales Tax Collection Amendments. You can see ULCT's information on the bill on our blog here. You can contact members of the committee and then please circle back with us:

Rep. Steve Eliason (Chair), seliason@le.utah.gov
Rep. Doug Sagers (Vice Chair), dougsagers@le.utah.gov
Rep. Joel Briscoe, jbriscoe@le.utah.gov
Rep. Gage Froerer, gfroerer@le.utah.gov
Rep. Brian Greene, bgreene@le.utah.gov
Rep. Ken Ivory, kivory@le.utah.gov
Rep. Brian King, briansking@le.utah.gov
Rep. Karianne Lisonbee, karilisonbee@le.utah.gov
Rep. Jeff Moss, jeffersonmoss@le.utah.gov
Rep. Tim Quinn, tquinn@le.utah.gov
Rep. Jon Stanard, jstanard@le.utah.gov
Rep. Brad Wilson, bradwilson@le.utah.gov

Like we said, it was a stormy day! You can see the ULCT bill list here and tomorrow's committees—we have bills in ten of them—here. Eight more business days to go. Thanks, as always, for your participation in ULCT.

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ULCT legislative update for Tuesday, February 28, 2017

Hello folks,
Fare thee well, February! Alas, the Jazz's furious rally fizzled out against fantastic Russell Westbrook while the House and Senate finished a fatigued February by figuring out bills until at least 9 pm tonight. The Senate just passed SB 250 Food Truck Licensing and Regulation 24-1 and SB 242 GRAMA Amendments 24-0, but today's email will focus on the following bills in committee: SB 98 Excess Damages Claims, SB 110 Sales Tax Collection Amendments, SB 111 Unmanned Aircraft Amendments, SB 264 Outdoor Recreation Grant Amendments, HB 164 Municipal Enterprise Fund Amendments, and HB 429 County Fund Amendments.

SB 98 Excess Damages Claims
The House Judiciary Committee considered Sen. Jani Iwamoto's SB 98 Excess Damages Claims. SB 98 is the result of a year-long deliberation in the governmental immunity task force. Your correspondent joined legislators, plaintiffs' attorneys, risk management personnel, and representatives from various levels of government on the task force. The bill modifies the Board of Examiners process for excess claims and creates a new process with the Executive Appropriations Committee. The bill also adjusts the formula for personal injury damages to account for inflation. The committee endorsed the bill unanimously.

SB 110 Sales Tax Collection Amendments
The House Revenue and Taxation did not consider Sen. Curt Bramble's SB 110 Sales Tax Collection Amendments. Thanks to everyone for contacting House members and we will keep you posted.

SB 111 Unmanned Aircraft Amendments
The House Transportation Committee considered Sen. Wayne Harper's SB111S3 Unmanned Aircraft Amendments. ULCT's Brandon Smith testified in support of the bill, as well as to watch the first bill that he has shepherded through the legislative process pass unanimously. He said it was not quite as satisfying as being a dad, but it was still pretty awesome! Kudos, Brandon.

SB 264 Outdoor Recreation Grant Program
The Senate Economic Development Committee considered Sen. Ralph Okerlund's SB 264 Outdoor Recreation Grant Program. As discussed at LPC, SB 264 would authorize a .32% statewide transient room tax for the proposed statewide Outdoor Recreation Grant Program. The program would have a 14 person board—one of which would be represented by ULCT—to determine which public or nonprofit outdoor infrastructure projects would qualify. The Committee unanimously endorsed the bill.

HB 164 Municipal Enterprise Fund Amendments
The Senate Revenue and Taxation Committee considered Rep. Jefferson Moss' HB 164 Municipal Enterprise Fund Amendments. Rep. Moss amended the bill to clarify the notice requirement at ULCT request and ULCT's Roger Tew testified in support. Not only did the committee endorse the bill, they even put it on the consent calendar! What a difference a month makes! ULCT appreciates Rep. Moss and his willingness to find common ground.

HB 429 County Fund Amendments
The House Political Subdivisions Committee considered Rep. Lynn Hemingway's HB 429 County Fund Amendments. The bill assists Millcreek City and the metro townships to receive necessary funds from Salt Lake County. Brandon Smith testified, along with Millcreek Mayor Jeff Silvestrini—who is now 3 for 3 in getting bills passed—in support of the bill and the committee passed the bill unanimously.

Meanwhile, March commences tomorrow with the omnibus alcohol bill (HB 442), the ULCT supported asset forfeiture bill (SB 87), and the short-term rental bill (HB 253) all in committees. The rest of the committees are here and the ULCT bill list is here. Thanks, as always, for your participation in ULCT!

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ULCT legislative update for Wednesday, March 1, 2017

Hello folks,
March madness is upon us! Actually, the madness is now onto Day 37 and got even more interesting today. Tonight's email will review HB 442 Alcohol Amendments, HB 253 Short-term Rentals, SB 174 Public Transit and Transportation Governance Amendments, and SB 87 Civil Asset Forfeiture, and will also preview SB 276 Transportation Funding Modifications which would result in significant new transportation funding for local government. Keep on reading!

HB 442 Alcohol Amendments
The House Business and Labor Committee considered Rep. Brad Wilson's Alcohol Amendments. HB 442 is the long-anticipated alcohol omnibus bill that modifies definitions and requirements of alcohol licensees such as restaurants, bars, clubs, convenience stores, and grocery stores. The committee heard public testimony from more than 20 witnesses. As mentioned at LPC on Monday, HB 442 (now HB 442 1st Substitute) would eliminate the DABC variance process. Many cities and towns have utilized the variance process for restaurants with alcohol licenses to locate between 200 and 600 feet from "community locations" such as schools, churches, and parks. Rep. Wilson indicated to ULCT his willingness to discuss the variance. The Committee endorsed the bill unanimously, both applauding the sponsor for tackling a controversial issue and encouraging him to continue working with stakeholders during the session's final week.

HB 253 Short-Term Rental Amendments
The Senate Economic Development considered Rep. John Knotwell's HB 253 2nd Substitute Short-term Rental Amendments. Your correspondent testified in support of the compromise 2nd substitute and the committee endorsed it unanimously.

SB 174 Public Transit and Transportation
The House Transportation Committee considered Sen. Wayne Harper's SB 174 Public Transit and Transportation Governance Amendments. The bill, now on its 3rd substitute, will create a transportation task force to meet during the 2017 interim to examine Utah's current and future transportation needs. ULCT will have an official appointment on the task force and looks forward to an in-depth discussion on transportation. The Committee endorsed the bill unanimously.

SB 87 Civil Asset Forfeiture Revisions
The House Judiciary Committee considered Sen. Dan Thatcher's SB 87 Civil Asset Forfeiture. As discussed in previous emails, there have been competing asset forfeiture bills working through the House and Senate. ULCT has supported Sen. Thatcher's efforts. The Committee adopted the 4th substitute which reflects a compromise between all stakeholders. ULCT applauds Sen. Thatcher for his leadership on the issue. Bountiful Police Chief, and President of the Utah Chiefs of Police Association, Tom Ross testified in support of the 4th substitute which the committee then endorsed.

SB 276 Transportation Funding Modifications
Thanks for reading this far—SB 276 was worth the wait. Sen. Van Tassell's SB 276 Transportation Funding Amendments modifies the motor fuel tax from HB 362 in 2015. HB 362 changed the motor fuel tax from a cents per gallon tax to a percentage tax that initially matched the 29.4 cents per gallon rate. The intent was that the 29.4 cents could increase over time and keep pace with inflation. The floor in the bill was a wholesale fuel price of $2.45 and the ceiling in the bill was $4.00. However, the wholesale fuel price is currently $1.78 per gallon, meaning that the HB 362 change has not kept pace with inflation. By changing the floor in the law to $1.78, the inflationary component would kick in sooner and result in additional gas tax revenue for state and local roads.

From the state's perspective, SB 276 would then result in the reduction of some state general fund earmarks for transportation projects. The bill would reduce the amount of state sales tax going into the Transportation Investment Fund by an amount equal to 35% of the gas tax increase. The equivalent of 35% of any

future revenue generated beyond 29.4 cents per gallon would be reduced from state sales tax dollars going into the Transportation Investment Fund.

From local government's perspective, the bill will not adjust the B&C distribution formula nor will the bill require cities, towns, or counties to replace any funds. Consequently, SB 276 would result in increased gas tax revenues beyond their current projected levels for counties, cities, and towns.

Sen. Van Tassell has requested ULCT #leaguearmy support on the bill during the final week of the session. SB 276 begins its journey in Senate Transportation tomorrow at 4:10 pm. You can see the rest of tomorrow's committee agendas here and the ULCT bill list here.

With that, thanks for your support of ULCT!

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ULCT legislative update for Thursday, March 2, 2017

Hello folks,
One week to go in the 2017 session! Your correspondent speaks for everyone on the Hill by saying, "phew… and go Utes tonight!" Tonight's email will recap ULCT efforts today on HB 232 Land Use Amendments, SB 94 Local District Revisions, and SB 276 Transportation Funding Modifications.

HB 232 Land Use Amendments
The Senate Transportation Committee considered Rep. Mike Schultz's HB 232 Land Use Amendments. HB 232 is the consensus land use bill from the Land Use Task Force. The year-long effort—complete with 23 drafts of proposed language during the summer—will finish its journey on the consent calendar. Think about that—a land use bill on consent! Team ULCT thanks all the stakeholders, from the Property Rights Coalition to the Home Team led by ULCT's Jodi Hoffman, for their efforts on the bill. What will the Land Use Task Force do this summer?!

SB 94 Local District Revisions
The House Political Subdivisions Committee considered Sen. Lincoln Fillmore's SB 94 Local District Revisions. As discussed at the February 6 LPC, SB 94 would require the trustees of the service district's board of directors to report back to the sponsoring city council or county commission in a public hearing about the proposed property tax increase. Your correspondent testified in support of the bill. Representatives Jim Dunnigan, Curt Webb, Logan Wilde, and others noticed an inconsistency in the bill language about the required reports and hearings. The Committee held the bill so that Sen. Fillmore could circle back with all the stakeholders, including ULCT, and the bill will be back on the agenda tomorrow afternoon.

SB 276 Transportation Funding Amendments
The Senate Transportation Committee also considered Sen. Kevin Van Tassell's SB 276 Transportation Funding Modifications. As mentioned last night, ULCT strongly supported HB 362 in 2015 which introduced the indexing component to the motor fuel tax. SB 276 would modify the floor for the wholesale fuel price from $2.45 to $1.78 so that the inflationary component of the motor fuel tax would kick in sooner.

From the state's perspective, SB 276 would then result in the reduction of some state general fund earmarks for transportation projects. The bill would reduce the amount of state sales tax going into the Transportation Investment Fund by an amount equal to 35% of the gas tax increase. The equivalent of 35% of any future revenue generated beyond 29.4 cents per gallon would be reduced from state sales tax dollars going into the Transportation Investment Fund.

From local government's perspective, the bill will not adjust the B&C distribution formula nor will the bill require cities, towns, or counties to replace any funds. As such, cities, towns, and counties would receive 30% of the motor fuel tax distributed according to weighted lane mile (50%) and population (50%). Consequently, SB 276 would result in increased gas tax revenues beyond their current projected levels for counties, cities, and towns. ULCT's Brandon Smith testified in support of the bill and the committee endorsed it unanimously.

We still have new bills arriving by the hour and we look forward to providing you with a final update on Monday at the last Legislative Policy Committee meeting of the session. We will meet at noon in W030 and via the webcast courtesy of Utah State University. We will distribute the agenda to you

tomorrow. In the meantime, please peruse tomorrow's lengthy committee list here and the ULCT bill list here.

Thanks as always for your participation!

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ULCT legislative update for Friday, March 3, 2017

Hello folks,
TGIF everyone, for the final time of the 2017 session! We had a Full House of committees, and we are Step by Step closer to the end. Today's email will preview Monday's Legislative Policy Committee—including a location change! —meeting, review the laundry list of bills previously referenced herein that sailed through committee today, and update you on SB 156 Surviving Spouse Trust Fund Amendments, SB 189 Oil and Gas Operations Amendments, HB 115 Solid Waste Revisions, and SB 110 Sales Tax Collection Amendments (online sales tax).

Legislative Policy Committee
LOCATION CHANGE! Due to legislative committee schedules, the LPC cannot meet in W030 on Monday. Instead, we will meet in Room 210 in the Senate building (east building) of the Capitol Hill complex at noon. We have had several legislators request assistance from the #leaguearmy so come ready to rock and roll for the final week!

SB 156 Surviving Spouse Trust Fund Amendments
The House Law Enforcement Committee considered Sen. Todd Weiler's SB 156 Local Public Safety and Firefighter Surviving Spouse Trust Fund Amendments. Rep. Tim Hawkes, the bill's floor sponsor, presented the bill. The bill will fix an issue from the 2016 legislative session where cities and counties are required to provide insurance benefits to a surviving spouse for a line-of-duty death dating back to 2005. However, eligibility to the Trust Fund was not made retroactive. SB 156 extends the Trust Fund eligibility to cover surviving spouses dating

back to 2005 and requires all local agencies to participate in the Trust Fund. The 3rd substitute also would have provided the option for a city or county to collect the employee portion of the insurance premium from a surviving spouse during a period of time when the surviving spouse became eligible for another insurance plan through new employment or re-marriage. Rep. Hawkes was a strong advocate for local government, and argued for the Trust Fund's solvency for surviving spouses and families into the future. Rep. Ray, the original Trust Fund bill sponsor two sessions ago, moved an amendment to remove the premium language. Rep. Hawkes spoke against the amendment—which ULCT also did not support—and Representatives Adam Gardiner, Sandra Hollins, Angela Romero, and Elizabeth Weight voted against it in part due to concerns that the state was limiting the ability of local governments to keep the Trust Fund sustainable. The amendment nevertheless passed 6-4 and then the committee unanimously supported the bill. To be clear, ULCT still supports the amended SB 156 and appreciates both Sen. Weiler and Rep. Hawkes for their efforts on the bill.

SB 189 Oil and Gas Operations Amendments
The House Natural Resources Committee considered Sen. David Hinkins' SB 189 Oil and Gas Operations Amendments. ULCT and the Utah Association of Counties had previously raised concerns with the Senator about the specific language in the bill. The sponsor acknowledged some difficulties with stakeholders, and recommended the bill go to interim study. The committee agreed and we will add the issues within SB 189 to our ULCT 2017 interim list.

HB 115 Solid Waste Revisions
The Senate Business and Labor Committee considered Rep. Mike McKell's HB 115 Solid Waste Revisions. As discussed at multiple LPCs, Rep. McKell has amended the bill to remove the set fee and to ensure that local government would participate in determining an equal fee for the Division of Waste Management and Radiation Control. Because of Rep. McKell's amendments, ULCT is no longer opposed and is now neutral on the bill. After 40 minutes of dialogue, the committee decided to wait until Monday for final action.

SB 110 Sales Tax Collection Amendments
The House Revenue and Taxation considered Sen. Curt Bramble's SB 110 Sales Tax Collection Amendments (online sales tax). The Committee met until midnight—or so it seemed—with nearly two hours of discussion among committee members and members of the public. ULCT's Roger Tew expressed

strong support for the bill. Sen. Bramble referenced Judge Neil Gorsuch's recent holding in the 9th Circuit Court of Appeals on Colorado's use tax reporting requirements (Direct Marketing Association v. Brohl) where he stated that the Quill precedent "would, if anything, wash away with the tides of time." Nevertheless, the Committee voted 5-5. ULCT thanks Representatives Joel Briscoe, Steve Eliason, Gage Froerer, Brian King, and Doug Sagers for their votes in support of SB 110. Representatives Brian Greene, Ken Ivory, Karianne Lisonbee, Jefferson Moss, and Tim Quinn all voted against SB 110. Thanks to all of the ULCT members who contacted committee members.

Other bills

For the sake of (relative) brevity, your correspondent notes that Team ULCT watched four more key bills through the committee process today: HB 393, SB 94, SB 250, and SB 264. Those four bills received a combined three nay votes in their committee hearings.

With that folks, the final Friday is history and Team ULCT looks forward to seeing you at LPC. Don't miss your chance for your final weekend of bill reading! The ULCT bill list is here and Monday's committee list is here.

Thanks for your involvement in ULCT… one week to go!!!

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ULCT legislative update for Monday, March 6, 2017

Hello folks,
Remember the Alamo! No, your correspondent is not making a joke about the session but is rather just showing himself to be a lifelong Alamo nerd. Today we had our final LPC and last legislative committee hearings of the 2017 legislative session. Today's email will brief you on LPC, HB 408, and today's committee hearings—SB 198, HB 441, HB 452.

Going forward, we will keep you posted frequently about bills awaiting floor

debate that impact local government. Beginning at 8 am tomorrow, the House and Senate will spend the next three days debating on their respective floors until midnight on Thursday.

Legislative Policy Committee
ULCT appreciates the more than 110 people who attended LPC in person and record high 67 who attended LPC remotely. Thanks also to Utah State University and Scott Boyer for facilitating the webcast. USU has facilitated the ability of more than 200 ULCT members to participate in LPC this session from Blanding to Logan. You can see the LPC presentation here. We discussed a variety of topics, and then Team ULCT got to work. After LPC, we worked on HB 408 (see below), HB 452 (see below), and HB 442 Alcohol Amendments. On HB 442, we continue to negotiate the proximity requirements in the bill and we will keep you posted.

HB 408 State Property and School and Institutional Trust Land Amendments
The House of Representatives considered Rep. Mike Noel's HB 408 State Property and School and Institutional Trust Land Amendments (SITLA). SITLA Director Dave Ure presented to the LPC about his discussions with Rep. Noel. Dave said that HB 408 was not a SITLA request. In addition, many of you contacted legislators with concerns about the bill and we appreciate your outreach. Team ULCT committed to Rep. Noel and to Dave Ure to address SITLA issues during the interim. Rep. Noel circled the bill, but vowed to continue pushing the issue forward. ULCT thanks Rep. Noel for his willingness to circle the bill.

SB 198 Utah Communications Authority Amendments
The House Public Utilities Committee considered Sen. Wayne Harper's SB 198 3rd substitute Utah Communications Authority Amendments. The bill has been a session-long effort to come to consensus. As discussed at LPC on February 13 and February 27, the bill has been painstakingly negotiated to increase revenues to replace failing equipment and modify the UCA governance. ULCT thanks Sen. Harper for his willingness to work with all stakeholders. ULCT also thanks Bountiful Police Chief Tom Ross and Layton City Attorney Gary Crane for their efforts. The Committee endorsed the bill and it now awaits a floor vote. ULCT will monitor it closely to ensure that it passes as is.

HB 441 Housing and Homeless Reform Initiative and HB 452 Homeless Service Amendments

The Legislature considered two bills that address homelessness in committee

today. The LPC also considered both bills, taking action to oppose HB 452 Homeless Service Amendments, but refraining from taking any position on HB 441 Housing and Homeless Reform Initiative.

First, the House Public Utilities Committee considered Rep. Francis Gibson's HB 441 Housing and Homeless Reform Initiative which is the second bill of a two-year effort. HB 441 is a major priority for House leadership and would result in another homeless resource facility being selected in Salt Lake County by March 30. The state is appropriating one-time funds to construct the site. We met with the bill sponsor to express our concern about the land use component of the bill. We also chatted about the membership of the Statewide Homeless Coordinating Committee and how to ensure that all facilities that serve the homeless population would qualify for the ongoing state funding. You can read more about the bill from the LPC presentation mentioned above. The Committee endorsed the bill unanimously.

Meanwhile, the House Revenue and Taxation Committee considered Rep. Steve Eliason's HB 452 Homeless Service Amendments. The original bill would have pulled sales tax revenues from the state, counties, and cities to provide ongoing operational funding for homeless resource facilities. After significant dialogue with ULCT's Roger Tew and your correspondent as well as other stakeholders, Rep. Eliason introduced a substitute bill today. The substitute bill would have utilized the county property tax instead of sales tax and would have utilized a graduated rate based on the population of each county. Nevertheless, the Committee voted 4-4 on the bill and it did not proceed.

What a day! The session ends in approximately 74 hours—including a handful of sleeping hours—and then we can look forward to the ULCT Midyear Conference in St. George April 5-7. You can register here and we are excited to host you and get cracking on our interim commitments. In the meantime, thanks for your participation in ULCT!

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ULCT legislative update and ACTION ALERT for Tuesday, March 7, 2017

Hello folks,
53 hours to go! The House and Senate had productive days, and Team ULCT worked on bill language and monitored legislation. Tomorrow will be a big day: we expect the House of Representatives after lunch to consider Sen. Kevin Van Tassell's SB 276 Transportation Funding Modifications. The ULCT Legislative Policy Committee fully endorsed SB 276 yesterday (you can see our presentation here) and the bill sponsor has requested #leaguearmy outreach to House members. Today's email will preview SB 276, and update you on SB 264 and HB 408.

SB 276 Transportation Funding Modifications
As we discussed at LPC, SB 276 is a needed step to finish the motor fuel tax modernization from HB 362 in the 2015 legislative session. The modernization of the motor fuel tax included indexing the tax to receive some growth and operate as a user fee on the transportation system. The expectation was that HB 362 would recover five of the 12 cents lost to inflation since 1997 and that the indexing would begin in 2019. Gas prices, however, decreased to such a point since 2015 that the indexing may not kick in now until 2028. Consequently, the motor fuel tax modernization of 2015 will lose ground to inflation unless the indexing gets adjusted. The bill would modify the floor (down to $1.78) and the ceiling (down to $2.43) in the motor fuel tax. The indexing adjustment in SB 276 would benefit both the State of Utah and local governments.

SB 276 would also reduce the amount of state sales tax going into the Transportation Investment Fund, thus providing more flexibility to state leaders for other budgetary needs.

Keep us posted about the response that you receive from House members on SB 276.

SB 264 Outdoor Recreation Grant Program
The legislature enacted Sen. Ralph Okerlund's SB 264 Outdoor Recreation Grant Program today. ULCT supported the bill with an LPC endorsement yesterday and the bill creates a .32% statewide transient room tax to provide grant money for outdoor recreation infrastructure. The House of Representatives modified the bill to include a sunset in 2023 so that lawmakers can evaluate the efficacy of the program. The Senate concurred with the amendment and the bill is down climbing from the third floor (legislature) to the second floor (Governor) for approval. In a good way, ULCT says "Happy Trails!"

HB 408 State Property and School and Institutional Trust Land Amendments
Since last night's email, Rep. Noel uncircled HB 408 and it passed out of the House of Representatives. The bill is not yet scheduled for Senate debate. ULCT is engaging with stakeholders and will keep you posted on developments.

The legislature passed multiple bills that ULCT supports today, and you can follow them on our bill tracking website here. Please let us know if you have questions about any specific bills and we will respond as soon as possible. The pace is fast and furious up here so we will do our best to be responsive.

Two more days to go! Remember—April will be here before we know it and we look forward to hosting you at our Midyear Conference in St. George on April 5-7. You can register here. Thanks for your participation in ULCT!

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ULCT legislative update for Wednesday, March 8, 2017

Hello folks,
One day more! Another day, another destiny … just one more late night, one more early morning, and one more get-together of the Capitol Hill crew for the 2017 session. Tonight's email will update you on SB 276 Transportation Funding Modifications, HB 441 Housing and Homeless Reform Initiative Amendments, and HB 442 Alcohol Amendments. All three bills passed overwhelmingly today and head to the Governor's office for his signature. ULCT still has a few bills left on the House and Senate calendars—you can see the bill list here—and we will keep a close eye on tomorrow's activities.

SB 276 Transportation Funding Modifications
As referenced in last night's email, the House of Representatives passed Sen. Kevin Van Tassell's SB 276 Transportation Funding Modifications 58-15. Your correspondent joined the floor sponsor, Rep. Mike Schultz, and other transportation stakeholders (Salt Lake Chamber, Utah Transportation Coalition, Utah Association of Counties, Wasatch Front Regional Council, Mountainland Association of Governments) for presentations to both the House Republican and Democratic caucuses. The full House then approved the bill. Thanks to all of you who contacted representatives to push the bill forward. Next step on transportation: the upcoming Transportation Task Force from SB 174. For now, SB 276 will fulfill the intent of HB 362 in 2015. You can see the bill's fiscal impact here. ULCT also thanks both Sen. Van Tassell and Rep. Mike Schultz—as well as House and Senate leadership—for their efforts on the bill.

HB 441 Housing and Homeless Reform Initiative
The Senate passed Rep. Francis Gibson's HB 441 Housing and Homeless Reform Initiative Amendments 26-3 this evening. Sen. Ann Millner, the bill floor sponsor, explained that the bill provides both one-time funds for new resource centers in Salt Lake County and ongoing funding to address homelessness statewide from Ogden to St. George. We raised the ongoing funding point at LPC on Monday. Sen. Thatcher and your correspondent were in close contact with House leadership and the Governor's office throughout the day about local government concerns with HB 441, including the state preemption of a local ordinance prohibiting a shelter from being built. As discussed at LPC, the Governor and the Lt. Governor have committed to Sen. Thatcher and to ULCT to increase local government and/or law enforcement membership on the Statewide Homelessness Coordinating Committee in order to ensure more local perspective.

HB 442 Alcohol Amendments
The Senate passed Rep. Brad Wilson's HB 442 Alcohol Amendments. As discussed at LPC on Monday, your correspondent and Team ULCT engaged on the bill about the proximity requirements between an alcohol retail licensee like a restaurant and a "community location" such as a church, library, park, or school. Current law has a 600 feet proximity restriction with a variance procedure for the Department of Alcoholic Beverage Control to provide an exception to the restriction under certain conditions. HB 442 reduces the 600 feet restriction to 300 feet. The measurement is from the nearest entrance of the restaurant to the community location's property boundary according to the shortest route of ordinary pedestrian travel. The bill also removes the variance procedure. ULCT expects the dialogue about proximity and some type of variance or exception to continue in the years to come. The 4,733-line bill—the longest bill that your correspondent read this session—passed 20-9.

Tomorrow we'll discover what our Legislature has in store! One more dawn, one more day, one day more! Thanks to you all for your involvement and participation in ULCT.

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LPC AGENDAS

Utah League of Cities and Towns Legislative Policy Committee
Monday, March 6, 2017
Utah State Capitol, 210 Senate Building (and webcast)

1. Welcome, logistics, & adoption of minutes
   (ULCT 1st Vice President Beth Holbrook)
2. Overview of session to date and final week to come (Cameron Diehl)

Revenue related bills

3. SB 276 Transportation Funding Modifications (Cameron Diehl)
4. SB 110 Sales Tax Collection Amendments (Roger Tew)
5. SB 264 Outdoor Recreation Grant Program (Cameron Diehl)

Land use related bills

6. HB 408 State Property and School and Institutional Trust Land Amendments (Jodi Hoffman)
7. HB 442 Alcohol Amendments (Cameron Diehl)
8. HB 441 and HB 452 Homelessness bills (Cameron Diehl and Roger Tew)
9. Other legislative issues from ULCT staff or LPC membership
10. Adjourn

Next (tentative) meeting: Mon., June 19, 2017 during the legislative interim

Utah League of Cities and Towns Legislative Policy Committee
Monday, February 27, 2017, 12:00 pm
House building W030, Utah State Capitol Complex, Salt Lake City
(and webcast)

1. Welcome, logistics, & adoption of minutes
   (ULCT 1st Vice President Beth Holbrook)
2. HB 253 Short-Term Rental Amendments *(Cameron Diehl and Roger Tew)*
3. SB 241 Local Government Plan Review Amendments
   (Jodi Hoffman and Layton City Attorney Gary Crane)
4. SB 198 Utah Communications Authority Amendments
   (Layton City Attorney Gary Crane and Bountiful Police Chief Tom Ross)
5. HB 115 Solid Waste Revisions (Cameron Diehl and Roger Tew)

6. Asset Forfeiture (HB 19, SB 70, SB 87)
7. SB 250 Food Truck Licensing and Regulation *(Cameron Diehl and Brandon Smith)*
8. Signage Bills (HB 355, HB 356)
8. Other legislative issues from ULCT staff or LPC membership, and approve staff recommendations
9. Adjourn

Next meeting:
Monday, March 6, 2017 in House building W030, Utah State Capitol Complex, Salt Lake City

Utah League of Cities and Towns Legislative Policy Committee
Monday, February 13, 2017, 12:00 pm
House building W030, Utah State Capitol Complex, Salt Lake City (and webcast)

1. Welcome, logistics, & adoption of minutes *(ULCT 1st Vice President Beth Holbrook)*
2. HB 164 Municipal Enterprise Fund Amendments Update *(Cameron Diehl and Roger Tew)*
3. HB 253 Short-Term Rental Amendments (Cameron Diehl and Roger Tew)
4. Building Inspection Bill *(Brigham City Council Member Thomas Peterson and Jodi Hoffman)*
5. SB 198 Utah Communications Authority Amendments *(Layton City Attorney Gary Crane and Bountiful Police Chief Tom Ross)*
6. HB 115 Solid Waste Revisions (Cameron Diehl and Roger Tew)
7. Update on Redevelopment Agency/Economic Development Bills *(SB 142, SB 139, and HB 339; ULCT Staff)*
8. Other legislative issues from ULCT staff or LPC membership, and approve staff recommendations
9. Adjourn

Next meeting:
Monday, February 27, 2017 in House building W030, Utah State Capitol Complex, Salt Lake City

PLEASE NOTE: Committee Hearings begin at 2:00 pm, so LPC must be finished by 1:30 pm.

Utah League of Cities and Towns Legislative Policy Committee
Monday, February 6, 2017, 12:00 pm
House building W030, Utah State Capitol Complex, Salt Lake City
(and webcast)

1. Welcome, logistics, & adoption of minutes
   (ULCT 1st Vice President Beth Holbrook)
2. HB 20 Political Activities of Public Entities Amendments
   (Representative Brad Daw)
3. HB 164 Enterprise Fund Amendments *(Cameron Diehl and Roger Tew)*
4. SB 94 Local District Revisions *(Cameron Diehl and Roger Tew)*
5. Law Enforcement Bills *(Bountiful Police Chief, Tom Ross)*
6. Week 2 Update *(Cameron Diehl and Roger Tew)*
7. Other legislative issues from ULCT staff or LPC membership
8. Adjourn

Next meeting:
Monday, February 13, 2017 in House building W030, Utah State Capitol Complex, Salt Lake City

Utah League of Cities and Towns Legislative Policy Committee
Monday, February 6, 2017, 12:00 pm
House building W030, Utah State Capitol Complex, Salt Lake City
(and webcast)

1. Welcome, logistics, & adoption of minutes
   (ULCT 1st Vice President Beth Holbrook)
2. HB 20 Political Activities of Public Entities Amendments
   (Representative Brad Daw)
3. HB 164 Enterprise Fund Amendments *(Cameron Diehl and Roger Tew)*
4. SB 94 Local District Revisions *(Cameron Diehl and Roger Tew)*
5. Law Enforcement Bills *(Bountiful Police Chief, Tom Ross)*
6. Week 2 Update *(Cameron Diehl and Roger Tew)*

7. Other legislative issues from ULCT staff or LPC membership
8. Adjourn

Next meeting:
Monday, February 13, 2017 in House building W030, Utah State Capitol Complex, Salt Lake City

Utah League of Cities and Towns Legislative Policy Committee
Monday, January 9, 2017, 12:00 pm
Zions Bank Founders Room, 1 South Main Street, Salt Lake City (and webcast)

1. Welcome, logistics, & adoption of minutes
   (ULCT 1st Vice President Beth Holbrook)
2. Senator Todd Weiler, Chair, Senate Judiciary, Law Enforcement, and Criminal Justice
   - Justice Reinvestment Initiative (JRI), indigent defense, civil asset forfeiture, other issues before the committee
3. Senator Curt Bramble, Chair, Senate Business and Labor
   - Online sales, other issues before the committee
4. Gary Hoogeveen, Senior Vice President & Chief Commercial Officer, Rocky Mountain Power
5. Legislative preparations and new faces *(Cameron Diehl)*
6. Policy Discussions *(Roger Tew, Jodi Hoffman, Cameron Diehl, Ken Bullock, Nick Jarvis, Brandon Smith; presentation available at* www.ulct.org)
   - Referendum
   - Licensing
   - Line of Duty
   - Social Issues
7. Other legislative issues from ULCT staff or LPC membership
8. Adjourn

Next meeting:
Mon., Jan. 30 at W030, House Office Building (Capitol), 12:00 pm plus webcast
Schedule during the session:

- Local Officials Day, Wed., Jan 25 (Utah State Capitol and Salt Palace)
- LPC, Mon., Jan 30 (W030 and webcast)
- LPC, Mon., Feb 6 (W030 and webcast)
- LPC, Mon., Feb 13 (W030 and webcast)
- NO LPC on Feb 20 (Washington and Lincoln Day)
- LPC, Mon., Feb 27 (W030 and webcast)
- LOC, Mon., Mar 6 (W030 and webcast)

LPC MINUTES

March 6, 2017

NO MINUTES

LPC Minutes
February 27, 2017

1. Welcome, logistics, & adoption of minutes *(ULCT 1st Vice President Beth Holbrook)* Gary Hill of Bountiful motioned to approve minutes. Roger Worthen of Riverdale City seconded the motion.

2. HB 253 Short Term Rental Amendments *(Cameron Diehl and Roger Tew)* Cameron Diehl shared that from the time the agenda was posted to the time of the meeting-items popped up that will be discussed as part of #9 on the agenda.

Short Term Rental Discussion:
The committee passed first substitute 13 to 1: The League testified in opposition of the bill.

A second substitute is ready, when the bill is un-circled, that will be an advertising only bill. Land use preemption has been removed from the bill. Multiple rounds of negotiations with the bill sponsor have focused on saying that a city cannot prohibit the advertisement of a short-term rental on an STR website.

Review of PowerPoint:

- Legislative body may not enact ordinance to prohibit listing/offering STR on website
- Legislative body may not fine, charge, prosecute or punish for listing/offering STR on website

Representative Knotwell has requested an endorsement of the second substitute, not just a neutral position. He has been responsive to League concerns. This change is a reflection of his responsiveness.

Roger Tew stated that the League has maintained a consistent position. Friday, Representative Knotwell wanted to run the bill on Friday, but League staff wanted to discuss it with the LPC, and could not come up with a position until Monday. This was a huge change from what Representative Knotwell wanted.

Cameron Diehl said that League staff suggests the LPC strongly support the bill with the suggested changes.

Mayor Jon Pike of St. George thanked everyone for their hard work and pulling together on this, and made a motion to approve support for HB 253 with the substitute.

Second from John Park of Cottonwood Heights.

Mayor Dave Sakrison of Moab (online) thanked the League for their efforts on this bill.

The motion was supported unanimously.

3. SB 241 Local Government Plan Review Amendments
(Layton City Attorney Gary Crane)

The League had a solid position of opposition to this bill based on that fact it had not gone through Land Use Task Force over the summer. Since then, have received calls from building inspectors, plan checkers, etc., to go to the table to make the following changes:

Proposed the following (good) changes: Would like Motion for support:

- Sunset bill to July of 2018 (bill will have no provisions after July of next year), and negotiate in the interim.
- 14 Business Days (3 weeks on Single family home-21 days almost a month on multi-family)
- Exemptions: (PowerPoint outlined) The following would not be included in the initial plan check time frame.
    - back to engineer for additional modification
    - deferred build project process: IBC provides for this.
    - review by third party

These reasons require the review to fall outside first time plan check as well as other needed reviews. Example of large apartment complex given.

Gary Crane, Layton City Attorney, expressed that all of the offensive items from the bill had been removed and that the changes made this a pretty good compromise.

Beth Holbrook requested a motion on SB 241.

Lynn Pace expressed appreciation for the heroics that Gary Crane and Jodi Hoffman have gone through on this. He also expressed frustration with this bill, and shared a concern about trying to endorse a bill not liked by LPC. He said he would prefer to stay neutral than to support the legislation. He shared that he understood that this might be the best we can get.

Shawn Guzman from St. George stated his understanding with what has happened on this bill. He expressed a belief that if they had come to League in the interim to work with them, that the League would have been ready to compromise and work with them, so he was comfortable making motion to support the bill.

Gary Crane commented that Senator Bramble stepped up for the League on this bill even under pressure to support something more draconian than what this bill currently is.

A question was asked by Lynn Creswell about who would keep an eye on this bill in the one year following it, and who would report back on progress made in the interim period? He also seconded the motion to support SB 241.

Gary Crane answered that the League would keep an eye on this bill along with building inspectors and the Land Use Task Force.

A question from online asked by Shellie Baertsch of Saratoga Springs if the motion included the second substitute changes, or just the bill?

Shawn Guzman motioned to approve SB 241 with the substitute language.

Seconded by Lynn Creswell of South Salt Lake.

4. SB 198 Utah Communications Authority Amendments
(Layton City Attorney Gary Crane and Bountiful Police Chief Tom Ross)

Gary Crane then spoke to SB 198. He let everyone know that there is a considerable amount of revenue at stake for cities in accommodating a 911

system. He then introduced Tina Mathieu, Brad Dee, and John Inch Morgan who were in attendance and available to help explain the numbers. The discussion points included:

- That the Statewide UCA system was created back when the Olympics were in town-UCAN system was for public safety and has now been taken over by the counties and cities. They have managed it since.
- The glitches and the embezzlement issue brought this system to the attention of legislature. Legislature willing to fund but there is a condition that they want a say in governing body of the Board.
- Cities' concerns for the cost of radios, since some have radios that are out dated.
- Hard work on the bill to reach a compromise that everyone could agree to.
- Concern that if cities try to go another year without compromise it would be more difficult and would likely be an uphill battle.
- That there is a strong sponsor and a strong start with the bill in the Senate. There was another party that was working on a more draconian version, but they have all now come together behind this bill.

Chief Ross of Bountiful then spoke, and shared that LELC voted to strongly support the bill moving forward in the interest of public safety. He also noted that there was a lot of positive work on this and everyone is trying to mitigate some of the potential negative outcomes of the bill. Many were involved, including Tina Mathieu, Brad Dee, and John Inch Morgan, as well as Gary Crane and Shawn Guzman, and others in the many meetings to help in the process. He expressed he feels good about where they have ended up and expressed his hope to get the bill approved.

Power Point slides highlighted what would be done, and pointed out the most important group is the Advisory Committee, which is made up of the experts using the system.

The new board makeup will consist of members with no specific interest in how funds would be used. The board will be appointed by the Governor with the advice and consent of the senate. The makeup of the board is as follows:

- 5 from the State
- 2 from ULCT
- 2 from UAC

There was then a review of the numbers:

- Currently local PSAPs (tax on local phone bill) receive $.76, and of that $.61 goes to local 911. That $.61 will be increased to $.71 ($.04 of new money, $.06 being reallocated that is currently being collected), which will be $3.5 million in new money.
- Distribution will change from number of lines in an area to call volume for an area.
- 2 year hold harmless will take care of about 5 of the 33 911 centers that will be negatively impacted to help maintain funding levels.
- The 911 fund of $.09 cents will stay the same.
- 911 fee will be increased for O&M by a new $.18 cents, which will save local governments $4 million in radio fees.
- There will be an increase of $.20 specifically earmarked to upgrade the outdated system ($14 million project).
- Would cover $7 million of the cost, Representative Wilson's bill would cover the difference of $5 million.

Gary Crane expressed that the bill is a big deal, and that the funds are absolutely necessary. He said he wasn't sure what the numbers will be when we switch to call volume. There will be a two year hold harmless, and we may ask for a third year. He said that he thinks what they recommended seems to make sense. Always hesitation from the vendors to add costs to their bills, even though this is a pass through. However, they seem to recognize that the system must be funded. Asked for support of this bill. We will need to work on the House side of things, but we should have a good run in the Senate. Important to everyone here-as improvement on service-need you to push your legislators.

Jewel Allen from Grantsville wanted to know what the bottom line would be. Are cities paying more?

Gary Crane responded that users will pay more but cities will receive more. The increase will be to consumers.

Jason Walker from Lehi City asked for help to understand how the formula was created? What was the logic behind it?

Chief Ross responded that the change was driven by the legislative audit, which recommended we go to calls-for-service or some type of hybrid. It is clear from reading the audit this was not a deep dive into issues but a suggestion of a

potential way to better address allocation. Chief Ross stated that at the end of the day we are in a similar situation. Being involved in this for last 4 years, and trying to fund an aging system, he thinks this is the right thing to do.

Gary Crane-preliminary did not take into consider 4million for radios. We will look at this in the interim-we have to see the study, but we may be back at leg.

Bill Ince from Centerville: Asked what are the jurisdictions affected negatively? Mentioned that this is a 50% increase to individuals with cell phones. Expressed he represents not only city but al1 residents in his city also. Mentioned he is paying close to 15% tax on cell phone tax now. Not sure he could support this.

Chief Ross responded: Davis County, Utah counties-any time there is an increase that is an issue to look at (cell phone service). The fees our residents pay for 911 services are significantly lower than surrounding States pay. We are not asking for something that is unusual. Only asking them to support a service that is needed.

Tina Mathieu added that this is supported by federal law if it is evenly distributed. Commented that our neighbors in Colorado pay $1.50, Idaho $1.25 some states pay $4.00. A 100% goes to what it is collected for the Radio and 911 calls. Right now, our 800 users pay for this, but cannot afford what it would cost for an upgrade. This tax does allow for this type of service. It was decided this was a legal way to collect it as users of the system.

Gary Crane discussed that we will have pay for this either out of user fees or general revenues. This particular situation we have to be authorized. Centerville-we need x you have to spend your revenues-or charge user fee this is the dilemma of paying for the system.

Shawn Guzman from St. George stated most citizens good would be good with a tax that goes 100% for what it is collected for. St. George runs consolidated PSAP for Washington County so under current scheme we would be among the Losers. However, this bill we have now after sitting down with board members is a much better bill that we had before. No radio fees until 2019-we are looking at the long term (system outdated) this could be our last opportunity for few years. Meantime we will be held harmless encouraged others to have the long-term view.

Shellie Baertsch of Saratoga Springs (online) asked how soon the study would begin.

Gary responded that the study would happen right after session ends-will take a year.

Question by Jewel Allen from Grantsville about what the negative impact would be to St. George?

Shawn Guzman from St. George commented that the short term would be $100,000 less maybe less than that now-but it would save on radios in the long term. Radios from St. George can reach Logan.

Mark Johnson of Ogden made a motion to support.

Jewel Allen of Grantsville seconded the motion.

Motion passed.

8. Signage Bills (HB 355, HB 356) On Premise Signage Bills
(Taylor Woodbury from Woodbury Corp and Wade Budge from Snell & Wilmer)

Expressed they had reached the point where there is now language for these bills; some agreements have been reached that can solve problems for retail projects (large scale projects). If no action is taken issues could arise. Expressed need for League help talking to legislators and support to avoid unintended consequences. They shared the following about the HB 356 substitute. The substitute:

- Removes language relative to public facility signs (examples: Maverick Center and REAL Salt Lake signs)
- Affects changes in that section of code
- Will allow on premise signage for large developments-comprehensive developments to go forward in a way a city approves, but won't run afoul of Federal Highway Beautification Act or other federal acts.
- Is being worked on by a group, including UDOT, to make sure the bill passes federal muster
- Has been discussed with outdoor advertising, who has cooperated with them to come up with compromise

Cities have been ahead in this process. Cities should rest assured that no signs will be allowed that cities would not allow.

Lyle McMillan spoke to the components of the bill:

- Right of Way Director of UDOT expressed that there is no conflict on the memo put out by Federal Highway Administration on signs. If the bill doesn't pass, they would continue to enforce laws currently on the books.

- An example was given of Spanish Fork, and a situation where there were a certain number of days to take down signage or cover it up.
- UDOT is trying to avoid spending time bringing enforcement actions against on premise signs. The risk is that UDOT will be compelled if the language is not correct for signs that are already up. Risk too high for cities being stuck paying $45,000 a month.
- Explained they are trying to develop logical criteria to deal with the issue rather than cover up signs.

HB 355 is a bill to undo the Traverse Mountain bill of last year. HB 355 has added provisions to provide for the kind of signage just described in the bill. If HB 355 passes then the sign allowed at Traverse Mountain would become legal non-conforming. Whether enforcement action is taken would be a separate issue.

HB 356 would recognize that you would take out that section of code, but would provide the criteria for large development/comprehensive, and there are restrictions among the tenants as to how signage would be operated then that sign could qualify as on premise sign. Effect would be to aggregate on to one, two, or three signs. Confirmed with UDOT that this would work, and worked with sign dealers, but have not received agreement from Reagan Outdoor Advertising.

Robert Ranc from Lehi City asked if HB 355 passes, then HB 356 needs to pass for the Traverse Mountain sign to not be out of conformance?

Yes. If HB 355 passes, then HB 356 needs to pass for Traverse Mountain as well as other signs in similar circumstances. Some examples include the auto mall in Sandy, South Towne Mall, and many more projects in down in Utah County, Southern Utah, and the mountain corridor. This bill HB 356, will give cities the tools it needs to avoid violation of state law.

Beth Holbrook called for a motion:

Gary Crane asked where the bill is currently. He made a qualified motion - if everything turns out as described he proposes to support HB 356.

A second was given by multiple members and passed unanimously.

5. HB 115 Solid Waste Revisions *(Cameron Diehl and Roger Tew)*
This issue was brought forward twice before in previous LPC's. The instructions given were to negotiate out the said fee in HB 115.

The bill will be silent about specific fee. Process outlined where the department can determine a fee with reporting requirement by November. Current fee would sunset 2018 and new schedule would begin January 2019. Negotiated out any predetermined language. A new fee schedule will be established.

We will continue to work through the rule making process. We had opposed the bill previously because of potential codification of the fee. That has been removed now so we recommend support of HB 115 3rd substitute, which is now out of committee and is waiting to come out on house floor.

Lynn Pace of SLC shared that some lobbyists indicate that this doesn't solve the problem but rather shifts the fight from equalization of fees. Don't know if this solves problem yet for local government. He then asked if we have all the information we need. Are we ok with it, or are we neutral? He followed that up with two more questions. First, have our interest been addressed? Second, do we want to support it, or do we want to be neutral?

Cameron Diehl answered that first issue deals with how waste is charged. Currently it is charged at transfer stations and landfills. Our position is to focus on the waste not the facility. The answer to the second was a question of whether this bill is good for local government. Cameron explained this issue not going away, and that the League is still likely to have a conversation on this issue during the interim.

Dave Millheim of Farmington asked what was pushing the fight.

Cameron responded with the places where the bill had its genesis. First was Representative McKell, and his concern that there were two types of fees collected and no one understood why. He wanted to get rid of the disparity and do away with the tiered system used by municipalities. Second, industry representatives have been pushing for this scheme to be reexamined from the point of equity.

Beth Holbrook indicated the League would entertain a position of some kind on this bill.

Gary Hill of Bountiful made a motion to be neutral.

Mark Johnson seconded the motion.

Motion passes.

6. Asset Forfeiture: HB 19, SB 70, SB 87
Cameron Diehl summarized the two competing asset forfeiture bills (HB 19 & SB 87) and then SB 70.

Cameron shared that SB 70 enhances reporting requirements, that HB 19 started in the House with Representative Greene, and that SB 87 is Senator Dan Thatcher's bill. Cameron said that Senator Thatcher has been an advocate for local government. He wants to improve the due process for individuals and while also balancing the needs of prosecutors and police departments. The League has been following the lead of law enforcement leadership in supporting Senator Thatcher's bill. It was stated that Representative Greene's bill would make it impossible to use civil asset forfeiture at the state and local levels. We thought the two bills would be married in a compromise, but that compromise fell apart Thursday, now making it a battle between the House and Senate. There have been some moving pieces from Thursday to Friday. Greene's bill was scheduled for committee this afternoon. At some point, they will harmonize or fail. Both can't pass in their current forms.

7. SB 250 Food Truck Licensing and Regulation
(Cameron Diehl and Brandon Smith) Reciprocity bill-has significant momentum. Rep Henderson brought to us several months ago. We anticipate will pass overwhelmingly.

Question from Rodger Worthen, Riverdale City-Concerns with distance from restaurant and conflicting land use language in the bill. Value business' that buy a building and pay for that land this seems to be a conflict.

Cameron Diehl: Original version-would have prohibited distance-her focus was getting rid of buffer zones like of 100 feet of an existing restaurant (mathematical term) Court cases in other jurisdictions these have been overturned in other areas. If Senator Bramble was here and we were before the Committee, he would ask you if you supported a government controlled economy or a free market economy. Original version of the bill said local gov't can only regulate –the other language is just a re-statement. Other than the given distance everything else land use related remains at the local level.

Rodger Worthen: This may sound protectionist, but can we have a city-wide distance ban?

Cameron Diehl: The original discussion would have banned city wide ban and the intent of the bill is to allow food trucks in.

Mayor Norm Searle of Riverdale is opposed to the legislation, stating they want to prohibit food trucks in corridors with brick and mortar. He said he doesn't know why the state wants to come in and regulate these things in our

community. He also shared that this was the first time that the written bill has actually come before the LPC.

Cameron Diehl said that this is first meeting where the bill has been public for LPC consideration. Where the bill started was a much larger impact but we have negotiated it down to this bill. We did discuss the concept of the bill in at least two previous LPCs and in other settings and conferences. We have been pushing back on state overreach throughout this session with some solid success.

Janet Towers of Murray City asked if the bill set a fee schedule.

Cameron Diehl responded that reciprocity would be honored at other cities, but if local government requires additional information then business would have to abide by those regulations. Currently every jurisdiction inspects the truck, but under the bill the truck will be inspected once and then have reciprocity honored.

Russell Weeks, SLC Council Director inquired where the Utah Restaurant Association is at on the distance issue?

Cameron Diehl informed us that the restaurant association is neutral.

John Park of Cottonwood Heights asked what if they, the food trucks, violate their licenses.

Cameron Diehl stated that the city can withdraw the licenses if they are violated.

Cameron Moody (online) asked if food trucks are required to collect sales tax.

Roger Tew responded that sales tax will be un-changed by the bill.

Mayor Jon Pike of St. George wanted to know if there is a city that has a prohibition, does the bill compromise that cities ability to prohibit.

Cameron Diehl explained that it depends on what the license and ordinance say, pointing out you could have that result without outright ban, but the intent is reciprocity.

Cameron Diehl shared that the League has invited the Food Truck League to come to their Mid-Year Conference to help us figure out what the new licensing scheme will look like going forward

A motion by Mayor Brent Taylor of North Ogden for the League to remain neutral and continue to try to improve.

Second by Riverdale Mayor Norm Searle.

Motioned passed.

9. Other legislative issues from ULCT staff or LPC membership, and approve staff recommendations

SB 110 – Sales Tax Collection Amendments
Cameron urged LPC members to contact their Representatives and let them know that the League will be supporting this bill and. Members were asked to reach out to them and then circle back with the League. The fight is in the House. Last year similar bill came up for vote and did not pass. League has supported this bill and the concept for 20 years now.

HB 441 – Housing and Homeless Reform Initiative
Cameron shared the three main components of the bill. First, that a city cannot prohibit a shelter from operating year-round if it was built before a certain time. Second, cannot prohibit a shelter being built if the homeless coordinating committee chooses the spot and it is being paid for with state money.

Dave Spatafore speaking for Midvale wanted to share a couple of points. Those first two points were part of Senator Weiler's bill last year, and they still have a 4-year sunset. Need to make sure that the 4-year sunset is not eliminated.

The third piece is that a third site must be selected in Salt Lake County but not Salt Lake City and must be wrapped up by March 30 of this year. The League is concerned about the land use preemption. The bill has moved quickly, and the League has not been part of the discussions.

Cory Holdaway from Murray asked about the representation of cities on the Homeless Coordinating Committee.

Cameron Diehl responded that three of the members of the 15-20-member committee are specifically there to local government.

Janet Towers from Murray City shared that she was concerned that a shelter was announced with no opportunity for public input, stating that we should be allowed to make those decisions for our communities.

League agreed to keep everyone appraised

SB 242 – Government Records Access and Management Act Amendments
The League needs information and feedback from its members. Need to know who has used a local appeals board, and if so, what membership looks like. The

bill's aim is to prohibit more than one member being from a government entity, and need to know if this is what is happening for these boards.

SB 251 – Local Government Criminal Penalty Amendments
Review of Power Point Slide-This bill clarifies duties from code enforcement officer and police officer.

SB 264 – Outdoor Recreation Grant Program
This bill would create a statewide TRT. The League endorsed the pilot program last year (HB 52); this bill would make pilot program permanent. League has been asked for support from Senator Okerlund. This would be above and beyond current TRT funds, and would be set aside for a separate body to decide how it is spent.

SB 251 - Local Government Criminal Penalty Amendments
Lynn Pace of Salt Lake City started a discussion if some have taken a default position on this. For some all code enforcement is just an infraction unless you send a police officer. This could require some to restructure their codes. League requested to advise if a year of delay is needed. May also need to assess how easily code can be updated so position can be determined.

Dave Millheim, Farmington City Manager, asked a question about code enforcement possibly making this a harder issue?

Roger Tew responded that these are consequences of using criminal components in the system. All of them are under extreme scrutiny now.

Senator Thatcher-if you don't plan to throw them in jail then shouldn't be criminal citation.

Shawn Guzman from St. George mentioned in his City code enforcement refers and then prosecutors proceed from there. Wanted to know if this bill would change that system?

Nicole Cottle from West Valley City reminded everyone that this bill was tied to JRI discussions.

Cameron asserted that prosecution was not his intent but if the League wanted to provide some language the Representative would likely be accommodating.

SB 251 Position discussed is Neutral for now.

Discussion about 6th Amendment right to an attorney impacts brought about by this bill. Could there be a possibility for land use cases from what ought to be civil infractions?

SB 264 – Outdoor Recreation Grant Program
Jon Pike Mayor of St. George: Mentioned that SB 264 doesn't feel like it is our fight. Asked how Hotels are feeling about this bill. Cameron answered that their current position is Neutral on this bill.

Hotel association has indicated support for this bill and Representative Okerlund would like our support for this bill. Concern expressed about tax increase in this political climate.

Dave Spatafore mentioned that a business in SLC (or group from SLC) are not in support of this bill. There have been some individual hotel members from the canyons area and Salt Lake City area that have not supported this bill yet. Hotel association did support but not unanimously. Thinks this issue might be too new to discuss and take a position on for the League.

Roger Tew from the League mentioned that it is late in the session, but the League would be remiss not to explain the politics of this bill to everyone.

Bill Ince a Centerville Council Member mentioned that it looked like cities are currently taking $.30 a night on $100 and wondered why we should care.

HB 442 - Alcohol Amendments
Cameron explained the changes to the proximity requirements for local government, which allows the ability to grant variance of 600 ft. walking distance, and 200 ft. front door to property line.

- community locations piece lines
- discussed possible impacts to restaurants 450 ft. or 200 ft. straight line-eliminates local variance.

John Park asked if it would pertain to temporary licensing permits as well?

Cameron responded that they redefined "outlet," and it doesn't look like "outlet" would include a temporary permit.

Gas Tax Amendments (forth coming)

- kick in indexing early/for additional revenue
- replace earmarks with revenue
- this is in response to the Our Schools Now movement.
- Van Tassel is likely the bill sponsor

HB 406 – Tobacco Age Restriction Amendments
This bill will make massive changes to the municipal code, and will create an onerous work effort.

10. Adjourn

LPC Minutes

February 13, 2017

1. Welcome, logistics, & adoption of minutes
(ULCT 1st Vice President Beth Holbrook)

Motion: Shelly-Saratoga Springs

Mayor from Murray

2. HB 164 Municipal Enterprise Fund Amendments Update
(Cameron Diehl and Roger Tew)

Cameron: Rep. Moss-Circled the bill this morning. Thank you to those that joined with the League to present new language (transparency language) of parts 1-3. Discussed part 4 made position know-bill will not go forward until League sees the language and can review with everyone here.

Goal: Transparency process is now the goal; details will be worked out, but we are in a good position.

Questions: None

3. HB 253 Short-Term Rental Amendments
(Cameron Diehl and Roger Tew)

Cameron: Background reviewed and thanked Washington County delegation-Met with Rep. Knotwell and St. George delegation. We were in a different place then today.

- Review of HB 409: on power point (moratorium type bill)
- Review of work done during the Interim. (power point)
- Review of 10 days ago HB 253 power point information
- Two primary concerns: First Philosophical concern land use authority being stripped.

Second Does the Bill present workable definition to what he is presenting?

- We are anticipating a substitute bill that will have new definition of Owner Occupied

- We need details: primary residency, owner occupied definition,
- Will refine if whole house can be rented.
- Key question: What about enforcement (no additional tools or sources).
- Review of snapshot power point: Modifications of where we still need to work out issues.

DISCUSSION:
Mayor Dave from City of Moab: His position is the philosophical argument. Tears at fabric of residential neighborhoods, and opens door for degradation of neighborhoods. He is concerned.

Mayor John Pike from St. George (council and managers there) This issue is tied to recreation areas, and canyons. Concerned would like League support.

Four Main Points 1-Local Regulation (zoning part of responsibility-accountability) 2-Unintended Consequences to neighborhoods (200-300 people show up) 3-Enforcement: how to establish who the owner is and how to establish if they are present. Dollars to administer that: fiscal note not attached to this. 4-One size doesn't fit all-all our cities are different and will affect everyone differently. Send a message of solidarity from the League. We should stand together.

Nicole Cottle from WVC- This is an important issue for all cities. Found that sponsor is responsive to concerns and willing to work with us. Wants to find a way to work with Rep. Knotwell.

Andy Beerman-Park City-Council conflicted, has philosophical concern but wants to work on definitions. He lives in Short Term Rental neighborhood. Has decimated the neighborhood all STR's mean they no longer have affordable housing. Will impact hospitality district. Items to worry about.

Randy Sant: St. George and Washington: Stand for local government. Some cities have worked on this for years working with councils and public. Undermines the process they have worked out. Allowed under regulations now so should not be taken off of the books. Does not want to see hard work thrown out. Prefers we work on enforcement or listing on line difficult enforcement.

Online: Rani Derasary, Moab City Council: Oppose too many negatives on our ability to regulate in our communities.

John Park City Council-We will have STR bill-can only kill maybe one year. Philosophical agreement. Since likely to go forward-then we need to refine terms but accept reality.

John Brems-Herriman: Complaint about unintended consequences. Oppose

Gary Hill- Bountiful City: Residential neighborhood-ski party example. There is an inability to respond to residents. Cities need that tool. Want to support our peers. What position would League staff recommend we take-recognizing we are close to some bill on this?

Roger Tew: Caution No change-zero/never will like this. We are speaking to sponsor but we are not cutting a deal. We have clearly conveyed the intensity of feeling. When he asks, we respond.

Kate Black-Alta: Public Safety Issues-cognizant of public safety issues-homes inaccessible.

Online: Provo city council opposes this issue-need to address locally.

Erin-Highland City Question-Where is legislature on this bill?

Aaron-John Park answered-a bill will come back regardless of one passing now. Will keep coming back.

Cameron Diehl: Mixed Bag response: The concept of what a person is

Coralee Moser-Herriman: Knotwell willing to meet with us. Taking an existing home create duplex, multiplex. Under current definition potentially. Zone full of duplexes and

Nicole Martin-Sandy: Preservation of local land control. Willing to work with cities. Restrained form of this bill-based on where we were. 3 Greatest form of power is negotiated. 4 We have fingerprints on it if we continue to negotiate.

Online Comments:

Cliff Strachan - Provo City: Council members oppose this bill. They recognize that short term rentals are a complex issue and need to be able to address the problems that arise locally.

Kim Santiago-Too many negatives. There are way too many negatives with this bill. STR would only intensify the issues we already have in a college town with over-occupancy; including noise, safety, parking, interference with receiving city services such as garbage pickup and plowing streets. Strongly opposed to this bill.

Ron Bigelow-West Valley: Short Term Rentals are not new. Immigrants-subdivide-tried taking to court-stop then start up again. Society changing. We are a little out of step/zoning not just a city issue-they don't agree on this. Issues on business and homes. We have a problem with difference of opinion.

We have to correct that. There are other issues-that we have to deal with. State could take away our zoning rights. What are we accomplishing-not what we wanted but we survive. Trend coming forward. Different concept-embrace and manage it. Get best situation. Likelihood that we will get something so much better.

Motion: Oppose Bill-allow staff to continue to work with rep.

Second: Many voices

Unanimously

4. Building Inspection Bill
(Brigham City Council Member Thomas Peterson and Jodi Hoffman)

Tom Peterson: Timeframe that building departments have to review plans. Automatically approved if timeframe not met. Bramble sponsor. Many jurisdictions-taking 10 weeks to issue permits to approve single family homes.

Inspection Dept.'s: trying to ensure safety/minimum standard.

Goal: Set deadline 3 to 5 day turnaround. (Opposed)

Meeting w/President of Homebuilders to find common ground.

Robert Hensley-Lehi City: Oppose tell us number: Bramble-no number.

Create hostile work environment for our employees.

Track Building Permit Timeframe: Start if not tracking now-need to be able to explain why it took so long (why is it redlined and waiting) Can reduce noise and debate.

Plan Review: We don't know what that includes-Swift Plan-may be more than code review.

Jodi Hoffman: Realtors, Property Rights Coalition, Builders HB232 Land Use generally. Universal support-23 drafts-they agreed to run any other bill. And to oppose any other bill. Breach of agreement-not thought thru. Not outlined beforehand. There are many considerations to address:

Motion to Oppose: Mark Christiansen-Saratoga Springs Seconded: everyone

Unanimous.

5. SB 198 Utah Communications Authority Amendments
(Layton City Attorney Gary Crane and Bountiful Police Chief Tom Ross)

UCA: background-created 2002 for purpose to pull everything together and run

by State. Didn't work-locals bought it and entered into partnership with State for their small portion. Counties and Cities bought UCA. Has had difficulties and problems listed on slide regarding concerns.

Harper Bill:

- What is governing body? 27/76 members. Law Enforcement and reps from Utah
- Large unruly board-meeting not attended by all.
- Consolidation: 911 facilities consolidated location attempt. No physical/only functional consolidation.
- .76 cents from every 911 call.

Distribution: Based on population (this is the big issue)

Review of SB198 is suggesting.

Board-27 down to 9: Done by geography

Criteria-for AOG is good background requirements

Locals need to make appointments.

Concern with Geographical requirement: making suggestions to add a few more onto the board, but no agreement to that yet.

Consolidation: Physical consolidation incentivized (5 million) Leaves those that have consolidated out. Those with multiple Peace apps left out.

Distribution: Call volume-biggest hurdle. Don't know what result will be yet. There are winners and losers.

Compensate Losers for Loss-will add additional 4C for those will be transferred to city for

If we don't change. .06cdents .04D will disappear. Chiefs concerned with this.

Trying to build this organization. Initial dollars need to be collected on the bill. 18 cent addition to the card. Would be specifically allocated to compensate radio. $4 million advantage.

.20 per call increase a line item for UCA specifically

Not population-telephone lines/.20 per line.

Lynn: Dialog on consolidation moving along-good. Bill has prohibition on serving

non-contiguous areas. Grandfathered or removed.

St. George: Trying to find compromise-Member owned entity-openness missing. Concerned about board make-up still. Current board is too big (recognized)

Motion: Allow staff to continue working on this.

Second: Gary Williams from Ogden

Van Tassell Box Car heads up.

6. HB 115 Solid Waste Revisions (Cameron Diehl and Roger Tew)
Review of Bill: all numbers on power point slide.

Phase in Jan 2019 Sunset earlier. New Max fee of .28 per ton.

Some waste could be charged twice.

Craig Hall-Municipal Land Fills-Raising landfill again.

-double fee to transfer stations. Excluded

Result that it will save one waste company to change. In committee, today

Opposed until amended. Recommending oppose-continue working. Continue to oppose as excessive cost.

What ways are we opposing? Talking position to excessive a cost.

Fix after committee. Talking points soon.

7. Update on Redevelopment Agency/Economic Development Bills (SB 142, SB 139, and HB 339; ULCT Staff)

HB 292 passed.

SB 142, 139 held both bills. Will watch and monitor

HB 339: Rep. Coleman

Senator Bramble-response to RDA changes. 10% low income housing fund.

1-Not appropriate place to put that. Tools to help us attract business.

2-Creates scenario less competitive.

3-Contribute to our housing to business or eat it a City.

West Jordan-some in WVC Big Deal-helped developed other areas. We need to bring those businesses now to West Jordan.

Scott:10% retroactive? Undo last year 2016 date. If possible ok-doesn't want to kill the deal.

Retroactivity Issue: Prior to last year-would not want those dollars taken away.

Lynn: 10% not just added last year—urban renewal context prior to last year. Challenge: Homeless services-then set aside less ourselves for low income/ moderate housing. Every comm. Should help address need for affordable. Will insist on housing set aside. Salt Lake County becomes less competitive-need to study before take position.

Disparity issue

Randy Sant-20% now 10% Urban renewal-county will extract housing participation- must be negotiated will not impact SLC. Keep in community for own needs.

Motion: Dirk Burton-support

Seconded

Favor: 20 Opposed: 28

8. Other legislative issues from ULCT staff or LPC membership, and approve staff recommendations

LPC MINUTES

Monday, February 6, 2017

1. Welcome, logistics and adoption of minutes (ULCT 1st VP Beth Holbrook)
Motion: Jewel Allen from Grantsville motioned to accept minutes. There was a second, and the minutes were approved.

3. HB 164 Enterprise Fund Amendments (Cameron Diehl & Roger Tew)
This is Representative Jeff. Moss' bill. A key provision is the restriction on how enterprise fund revenues could be transferred to general fund. House Rev. and Tax passed out the bill with a 6-3 vote. Mayor Peterson of Logan, Seth of Spanish Fork, and Murray City all came to testify against the bill. This has been our top priority. There is a compromise concept on the table, but it has not yet been drafted. The concepts of the compromise are as follows:

- Bill would not restrict the transfer from enterprise fund to general fund
- Will have enhanced transparency requirements including

  1-Independent hearing notice with detailed overview of enterprise funds of the city with costs.

2-Clearly define amount being transferred with a separate report to the state auditor.

3-Overlaps current requirement of annual letter to residents that is also posted on a website, and includes a breakdown. The key here: this mirrors what is already in state law. This is clarification language about the annual requirement. There was then discussion about what would qualify as a letter, and about newsletter inclusion and online formats. The key point being that it be a meaningful communication to residents.

4-Identify on each enterprise fund the total cost and dollar amount.

There was then discussion from members about some key problems and concerns, including discussion about computer system issues, the feasibility and practicality of putting the information on every utility bill every month, reporting dollar amounts vs percentages, and concerns about overhead transfers vs dividend transfers.

There was a motion by Gary Hill of Bountiful City to support items 1-3. There was opposition to item #4, stating that it was not practical. There was also discussion about opposing item #4 or letting negotiation occur. There was then a clarified motion to support 1-3, and point out to sponsor #4 is not practical, but if we can present another way we will review that. There was a second and a unanimous vote.

2. HB 20 Political Activities of Public Entities Amendments (Representative Brad Daw)

Representative Daw shared that there has been some discussion about the referendum and initiative process, stating that there is some ambiguity to clear up, along with outright contradictions. There has been a working group to straighten this out:

The Representative said that rather than try to push a bill now, we will take a measured approach to let all parties contribute and have all concerns addressed. We want to have the same set of rules for everybody.

Some of the identified issues include, timelines are unclear, don't want one party favored over another, and the approach needs to be even handed. If there are any concerns-all the issues are adjudicated before signature gathering begins. He applauded ULCT for their acknowledging concerns on both sides. What they have proposed is even handed and desire to ensure we have a fair process and reflects intent of legislature and the State Constitution so citizens

have opportunity to engage.

There was a question from Lynn Pace on whether or not the range of issues-are matters that will be inserted in the bill this year, or longer discussion next year

Representative Daw said that the bill this year will not move ahead.

Cameron & Roger: Acknowledged Rep. Daw's willingness to work with ULCT, UAC and others to look at the broad variety of issues regarding initiatives. Cameron thanked Gary Hill, Gary Crane, Rachelle from Draper City, Mark Christiansen, and Nicole Cottle for working on this issue. We have committed to come to table and work on this in good faith. We will continue to bring HB 20 to LPC as issue matures.

4. SB 94 Local District Revision (Cameron Diehl & Roger Tew)
This bill was mentioned during the legislative briefing. Areas that were addressed include how special districts can raise property tax (the current law). This is the third piece. Directly elected Individuals would have to report back and articulate tax during open and public meeting. If there is more than one trustee must have majority. There will be a Trustee Report rather than vote before property tax could be raised. Discussion included the following:

- -User fees included as well as property tax
- -not enough teeth/report back but would prefer the vote
- -ULCT understands only applies to Property Tax
- -Proposal from Association of Special Districts, that Senator Fillmore is comfortable with.
- -approach has support from some members already taking similar steps.
- -Calendar built into approach
- -Percentage of municipalities portion removed. No weighted portion added but discussed.
- -This is in addition to Truth and Taxation for District.

Special District of Taxation:

This system of experts going back to board for approval works well. If you don't like what someone on your board is doing, then you can take them off. This allows cities to maintain control and have representation. Ken Motion to Approve that was seconded. Mark Christiansen seconded. Vote to Approve. Bill in concept form if Trustee not available the cities can wait or appoint someone.

Report is either in favor or opposed. Member must vote according to report.

5. Law Enforcement Bills (Bountiful Police Chief, Tom Ross)
Law Enforcement is engaged in our communities and bridging gaps. They want to be talking about what has changed in law enforcement, there is a substantial shift in philosophy and what the expectations are. It has become more clouded. Officers want to know the expectations.

Review of SB 87-Civil asset forfeiture: Thatcher/Supporting Bill SB87 and Opposing Rep. Green 19.

Difference in Green Bill-identifies an innocent owner too easily. Difficulty to deny returning funds. Creates difficulty-ties money to charge or suspect. If someone is gaining funds thru criminal enterprise-everyone believes that the money should be taken. Have good record of taking care of innocent owners. Not a large group of owners opposing. Both out of committees. Need to work these bills worked out and bring together. Green- gives 75 days to file criminal charges on a case $10,000 or more. Below or above has timeline. 75 days is difficult-crosses jurisdictions or large amounts it is difficult. Thatcher wants us to find common ground-may not be possible. Still working this out.

Review of SB70 Civil asset forfeiture:
Lots of concern about burden and tracking, may be so onerous and difficult for law enforcement. The motivation for bills may be sentiment that law enforcement is working against the communities they serve. The Legislators believe they are doing the right thing by holding people accountable for what they do and treating people that need help. There is support from law enforcement, but the shift of the work that law enforcement engages in needs to be looked into to resolve the deeper issues. League members expressed concern for Law Enforcement and support of their efforts.

Off Duty Law Enforcement Employment (No Bill Released Yet)
Agencies contract with security services. Costs trying to manage all contracts. Not all-but large agencies do-Agreement to do both. Job Description provided to find out what our people are being asked to do-Law Enforcement/ (run 28's for non-criminal purposes). Must provide workers comp. when doing job not part of Public Safety Issue-can do more law enforcement role. No limit to officers if involves public safety issue-they roll back to law enforcement agency. Wear Uniform-only to perform law enforcement function. Worked with Security Industry Rep. Dayton are in agreement. More clarity than we have ever had.

Utah Comm. Authority Bill:
Lot of moving pieces: Single dispatch center push. Same platform for CADS, can take away funding. Some other factors: 911 funds dispersed by population(now)-to Call for service. 50% lose and 50% gain. Hybrid proposed-interested more looking into that. Looking at ways to increase funding-meetings will be happening to talk about these items.

Drones:
In discussion/several meetings. May have an agreement. Piece removed about public spaces is good news. Non-criminal activity/public expressing concern/law enforcement being careful.

6. Week 2 Update (Cameron Diehl & Roger Tew)
List of bills league is working on with City Attorneys, City Managers, City Officials. League Army has been effective this session.

SB 174: Lynn-UTA Bill we are monitoring. Board makeup change.
SB 139 50%-100% school tax portion
SB 142
HB 115-Landfill DEQ's

Roger: Food Truck Issue: Outline of acceptable issues. Framework put together. Submitted to Senator Henderson-Concept put forward-discussed in LPC. When filled in we will circulate.

Motion by Stephenson 2nd by Cronin-to ratify new bills.

7. Other legislative issues from ULCT staff or LPC membership
Current League positions on bills were adopted.

8. Adjourn
The meeting adjourned.

Utah League of Cities and Towns Legislative Policy Committee
January 30, 2017 DRAFT MINUTES

1. Welcome: Logistics & Adoption of Minutes
(ULCT 1st Vice President Beth Holbrook)

Motion to Approve Minutes: Mayor Randy Lewis from Bountiful made the motion and Margie Anderson seconded the motion from Ephraim and the motion was approved.

2. Fiscal Notes and Bill Tracking: (Brandon Smith)
Fiscal Notes: We have the opportunity to look at every bill that might impact Cities and Towns fiscally. When they send us a bill we review it and then reach out to you. Thank you for providing information quickly. You are the frontline to know how these bills will impact you. Contact Brandon if you would like to engage in that process. We will add you to list of contact people to reach out to.

Bill Tracking: Quick training and walk through off Bill Tracking software on ULCT website. Steps to track bills, and find out Senators or what Representatives are working on. Bills are tracked by importance.

2017 Legislative Handout available for those that want some items to review with legislators.

4**. Justice Reinvestment Initiative next steps and municipal impacts:**
(Utah Association of Counties: Adam Trupp, CEO)

Request & Research: UAC has spent a couple of years working on these changes and how to respond. UAC realized the only way to make progress on concept of justice realignment was if the local governments involved in these mental health and social issues with treatment and rehabilitation. The only way it works is if there is local buy in-and a change in the way we view how this will work in our individual communities. UAC is glad to be here and want to partner with all of you.

Lincoln Shurtz: (UAC)

Backdrop:

- 2015 summary- the left and right worked together nationally and locally to bring social justice and the cost of the exponential growth in the prison population.
- 2015 HB 348 Eric Hutchings attempt to look at this issue.
- The crux is Sentencing Reform: low level drug offenders from felonies to misdemeanors
- Part of the discussion was using Medicaid expansion funds to serve this group/this population.
- Single men not qualified for Medicaid-without expansion they fall into public system with no funding source.

Why:

- In Utah, we experienced 18% increase incarceration rate while the population was only growing 15%. This was a concern to the state.
- Two-thirds of those incarcerated are low level drug offender or parole violation
- PEW report-anticipated saving ½ billion dollars by just changing guidelines. The critical piece is the reinvestment of those funds.
- Critical piece how to reinvest savings-not being repurposed. No plan for how to reinvest that savings-not being used for alternatives to incarceration.

What do we recommend?

- Statewide Screen Tool-Score for Recidivism (already being implemented)
- Risk Assessments
- Treatment (very limited resources to date) What is happening?
- Pre JRI: 2600 felonies per quarter; Post JRI: 1300 felonies (47% reduction).
- We have also seen a 20% increase in charges being filed for drug offenses.

What are we (UAC) asking?

- Increased funding for the actual treatment: 4.5 million dollars, of which 2.2 million is to implement the screening tool.
- 94K people are uninsured for behavioral health or illness.
- 31k of them are involved in the criminal justice system (within 18 months); of that population twenty thousand (70%) mental illness or substance abuse.
- Current system: 15,000 of 94,000 uninsured fall into the Medicaid system; those that don't qualify for any assistance: 7,000 individuals
- Outside Medicaid: 7,000 individuals at $3,100 per person to get treatment outside system.
    - $20 million unfunded need for that population
    - Treating 15,000 but 7,000 not being treated and ineligible for service.

Keep in mind there is no inflationary increase and no case load increase. Thus, we are $5-6 million short in that system

$25 Million Un-funded problem what we recommend

- Supervising these individuals at the county and community policing level.
- UAC Study with Sorenson Impact Center will hopefully get a handle of the cost and then we have the "wrap around" costs currently not funded such as educational services, housing services, many, many wants and needs. The list of wants and needs can go on indefinitely

Keep in mind we haven't even talked about the homeless Issue: homelessness received $27 million in state dollars over the next three years. The reinvestment needs to be just that reinvestment into alternative efforts.

We are asking for support of sheriffs, law enforcement, prosecutors and let us do the ask.

- $5 Million for existing system we feel ok about
- $16 Million to fund behavioral health system.
- We will circulate our materials and all of the cities can add their logos. Local Government knows and understands the issue.
- We are trying to contextualize what we are trying to accomplish for all of you.

If these folks are not in jail they can be menacing to our communities so we need to make sure that we are taking care of this issue.

Cameron Diehl and Roger Tew:

- Request for data from cities and towns to determine what the costs are-if you have info on JRI share information so that State resources can be reinvested on the local level.
- JRI has fundamentally changed our reality and JRI is not going to be repealed. ULCT needs to incrementally deal with funding going forward.
- We can help the legislature see this is a priority and that Local Government stands together.
- During our meeting with the Speaker of the House, his request was to assist in JRI and Homelessness crisis. We need to show the legislature the impact JRI is having on the local level.
- Roger: Original funding plan very different-didn't happen-so question now how to go forward.

3. Senator Jerry Stevenson: Executive Appropriations Chair
Comment on Utah's State Budget "We are NOT broke, we just don't have much money".

- Revenue up about 4.5% growth.
- We don't have the revenue that we have had in previous 2-3 years.
- We are trying to build reserves but they are not adequate if we go into another recession
- No one-time money-if we do less it's less than 1 Million dollars so projects will have difficulty this year.
- Legislative priorities: Fund WPU (weighted pupil unit), Growth, Medical Insurance, Salary increases for teachers and state employees, higher education as well
- Starting out at less than zero
- We have to become more efficient: Staff looking at where we could take cuts.
- We are paying off $300 million per year in bonding costs
- Need another $90-100 million for infrastructure
- State owes on highway bonds until 2027
- No appetite currently to bond additionally for infrastructure, and we have $300 million in cash going into new transportation projects

The legislature is very concerned about the business initiative to raise income tax, but the business community is holding the legislature's feet to the fire. The 7/8th % potential increase would be the equivalent of a 20-25% income tax increase.

Q: Brian Braithwaite-Highland-Amazon Deal are those numbers added in or are they additive?

A: Not added in-$20 plus million-could be as high as 40 million projections-we will know about-but not in now. People thought Obama was going to increase Capital Gain Tax-now people are doing the opposite.

4. UPDATE: HB 115/ HB 164 Cameron Diehl & Roger Tew: ULCT
SB110 in committee tomorrow afternoon-urge their support of Rep. Bramble-SB110 (members H. Stephenson, Bramble, Fillmore, Hemmert, Dabakis, Harper, Henderson)

- Nexus defined-show support. In committee Senator Bramble asked to pack the room with supporters. Sen Rev and Tax.

5. Woodbury Corporation Proposed Changes to Sign Ordinances (Wade Budge, and Mr. Woodbury):
2016 session-legislation passed that added language to Unified Commercial Development: We saw this but didn't understand the impact to real estate developers

At Stake: In Danger of losing project sign: these are one or two on a property that advertise key anchor tenants of the new project.

Proposing: Modifications to the bill to avoid un-intended consequences of last year's bill.

- Last year Utah identified a "unified commercial development" as a large-scale project. We all thought it would be only one project in the State: Traverse Mountain Sign along 1-15
- UDOT is now enforcing the new law and signs that do not fit the definition of Unified Comm. Development may be targeted now for removal.

GOALS:
1) Power back in cities hands 2) How the Rules will be applied 3) Retail Projects that we are working on to bring them to cities and counties.

Examples Shown: Sandy Auto Mall, Riverton: Dollar Tree and Kohl's, Draper Peaks, Intermountain Hospital (located on Costco parcel), Jordan Landing, Kimball Junction in Park City, Lehi-Fast Food, The Meadows in American Fork, Ken Garff Dealership, Valley Station in Heber City, Spanish Fork-Walmart.

The proposal would not affect off premise sections. Whether you have a UCD site is determined by the city, either by amendment or in first land use application to get approval.

Questions:

Q: Rob Wall-Sandy City-Interpret legislation counties other counties other than counties of 1st class. UDOT saying now precluded?

A: Definition didn't exist until last year and it applied to areas outside of counties of the 1st class. The problem is UDOT thinks they are obligated to look at people that look like UCD but are not.

Q2: Limited definition of Public Assembly Facility to 10,000 seats. Do you know why and are you looking at lowering that?

A: Meant to handle signs at Maverick and Real facility –set limit to have project sign you had to have at least 10k seats. Due to new RSL facility in Herriman, the bill would lower the threshold to 5000 seats.

Q: Dave Millheim-Farmington-Confused about on road / off road distinction-How are you dealing with this?

A: Federal Highway Admin taken position that even if not on parcel it is considered on premises if part of unified development. Subsections 504.5 and 504.6. We are trying to clarify the code so the definition is clear. Look at certain factors like easements, and other things required by code.

Q: Lynn Pace-Salt Lake City-Were the signs legal when they were constructed? What about unintended consequences and asked why it didn't go before the Land Use Task Force.

A: The bill does not impact Title 10 or 17 and only impacts Title 72. Q: Dama Barbour – Taylorsville - Is there a Bill Number on this?

A: Rep. McKell will be sponsoring the bill in the House and he is close to having it out.

6. HB 115 (Rep. McKell) Solid Waste Revisions (Cameron Diehl and Roger Tew)
Background: HB 155 is an attempt to equalize the fee to DEQ by public and private landfills and nobody can articulate the justification for two different fees. The .33 per ton was picked to make the fee revenue neutral. We have pushed back on .33 number aligned to what it actually costs to administer program. The ULCT Position currently to amend the bill.

Q: Craig Smith, Duchesne-There is a project for Resource Recovery in Davis County that may be affected, and is that an intended consequence of the bill?

A: Pick up some monofills that are not picking up the costs. Cameron said he would follow up with Craig.

7. HB 164 Municipal Enterprise Fund Amendments
(Cameron Diehl and Roger Tew) Moss Bill
Issue: Rep. Moss had experience as a City Council member. His bill would make it difficult for cities to transfer funds from an enterprise fund to the general fund. Roger said if a city properly notifies its citizenry, then the transfer should be fine. This is why local decision making is important.

8. Licensing bills (Cameron Diehl, Roger Tew, and Brandon Smith)
Sen Bill 81-Home Occupation Bill-Sen Anderegg has agreed to make amendments to redefine business. The city still has authority to license. If the home business has no impact, then no fee required.

Food Truck-not yet drafted: Sen Henderson desires reciprocity for business licenses, consistent standards, better definition of events, remove buffer zone.

Q: Mark Christensen, Saratoga Springs asked about parking lots and public rights of way.

Cameron: Buffer Zones were overturned in lower courts in other states.
For reciprocity, the food truck in City A & B could have the inspection done twice/fire inspection twice. Reciprocity and fee waiver could be offered if the inspection was done elsewhere based on a uniform standard

Mark: he agreed on the upfront fees, but the per site inspection (such as blocking fire lanes/set up of grills) is necessary.

Cam: Fire Lanes is a Land Use issue rather than truck reciprocity.

Matt Dias of Park City asked for an update on STR, and Cameron replied that Rep. Knotwell will have a bill. Staff is waiting to see it and then will follow up with LPC. We will need to see the definitions.

9. Other legislative issues from ULCT staff or LPC membership and ratification of staff recommendations: None

Motion to Adjourn: Gary Hill, Bountiful Second Gary Crane, Layton

Adjourned

Legislative Policy Committee
Meeting Minutes for January 9, 2017

Welcome on behalf of League of Cities and Towns from Beth Holbrook Bountiful City Council, 1st Vice President of ULCT.

Announcement: Next meeting at the Capital once session starts.

Adopt December 2016 minutes. Call for questions or amendments, question asked about highlighted texted, was there a particular reason for the highlighted section? League determined no reason for highlighted text. Received a motion to adopt minutes from Jewel Allen, Council Member from Grantsville; and Mayor Carmen Freeman from Herriman City, seconded.

Ken B: Encouraged everyone to take the Land Use Development Handout created. This will serve as a 1 page flyer on the issue requested by Steve Fairbanks, to give them an overview of what it is. Will also be available online.

Ken B: Senator Curt Bramble District 16- A tax expert at the legislature. The League has a positive working relationship with Senator Bramble. He is known for being informed and extremely knowledgeable on this issue of online sales taxes. He has extensive background on the topic. He will address where he sees things going in the Legislature this session. Also, want to let everyone know that tomorrow the League is meeting with Deputy Director of the Office of Planning & Budget, and he will no doubt want to discuss the distribution of sales tax. Exceptionally sensitive issue to everyone in this room, so just want to let you know that there will be a next stage in this process and that will be regarding distribution.

Members were shown a video of a news story about online sales tax hurting brick and mortar stores like Macy's, Sears and Kmart. Layoffs and closures announced at all of these stores. The traditional mall shopping experience is no longer the norm.

Senator Bramble: State of Utah has been on the forefront of the National Debate since 1998-1999. Gov. Leavitt foresaw the challenges of online sales early on. Utah was one of the charter members of the streamline sales tax project. Trying to bring uniformity to definitions of products sold. In June, 2016, Supreme Court Justice Anthony Kennedy invited a legal challenge over whether states can require out-of-state and online retailers to collect sales taxes. Justice Kennedy's opinion was issued as part of the Supreme Court's unanimous ruling in Direct Marketing Association v. Brohl. Kennedy's comments reveal the court's awareness of the need for federal intervention that would enable states to collect e- commerce taxes. In "In his opinion, Kennedy added that he believes that the Quill (1992 State had to have physical presence for State to collect sales tax) and National Bellas Hess decisions, which establish the physical presence rule for sales tax, are "now inflicting extreme harm and unfairness on the states." Now that conclusion is wrong when the case

was decided, there is powerful case to be made that retailers have nexus to posing some minor tax collection duty even if business is done thru mail order or internet. This issue has grown stronger and more urgent with time. When court decided Quill mail order sales increased from 180 billion to 3.16 Trillion in this timeframe. Merchants use Quill to say merchants don't need to do it. While that is true it's not the whole story. Businesses believe it is an undue burden on interstate commerce, unless Congress finds that it isn't. States have petitioned Congress to pass uniform federal standard to allow States to join a compact, to allow States to collect sales tax if States willing to modify statues to meet standardized criteria. And Congress has done what they do best, which is nothing. They have done nothing effectively. A year ago, the National Congress of state legislatures led by Governor Herbert, Chairman of NGA at the time, conference of mayors, joined to put full court press on this. One way to do this is to encourage State all over the country to begin enacting legislation to encourage Congress to overturn the Quill decision two ways to overturn- Congress take action or States can challenge the status quo. What Colorado did was instructive, the DMA, direct market association, had a statute would require that the business not collect taxes but to report the details of the transaction and information about the citizen that made the purchase (address, phone number, what they bought, how much they spent, etc.) Then the tax commission could decide if they wanted to audit the citizen. The District Court and 10th circuit sided with the State of Colorado. The Supreme Court denied cert now that is the law. We could require every seller to report to the tax commission. We could require every seller to report to the tax commission to report the details of the transaction. In South Dakota, administrative rule in Alabama & Ohio it passed for state that have a certain level of economic activity. That threshold would give them sub economic presence to collect and remit taxes to the State of Utah. Once strategy is in place they could challenge Quill. Upheld Ohio provision with an economic nexus. Amazon, on their own has agreed to collect taxes in 29 states whether they have physical presence or not, Utah being 1 of those States.

State of Federal action boils down to currently Two camps: 1-Sponsored by Congressman Bob Goodlatte that is origin based on where a business resides. Create new bureaucracy that allows federal gov't to collect taxes and then decide thru clearing house how to remit the funds to the States. Imagine the controversy for Congress to try to create a clearing house and then try to collect. Give Congress, for the first time in history to give the feds, the control

of our sales tax revenue. I don't know anyone that thinks that's good policy US Congressman Chaffetz introduced remote transaction parody act has 80-90 sponsors. Go through the Judiciary committee or it would have to go to committee. Chaffetz chairs oversight committee, Goodlatte chairs the judiciary committee, this bill would have to go to judiciary committee and he has refused to allow the Chaffetz bill to come up for hearing, knowing it has the votes to pass. Congressman Sensenbrenner from Wisconsin has introduced legislation that would codify the Quill statute permanently in federal statute, interesting because the Governor of Wisconsin, Governor Kasich in Ohio, Governor of Virginia have aggressively said they don't like Congressman Goodlatte's bill. Don't want to codify Quill and they like Chaffetz bill.

Status in Utah-Pieces of legislation this year: State level to deposit any taxes into restrictive account then look at how we look at State portion of tax to make revenue neutral- Bill introduced this year 1- Create definition of economic nexus comparable to SD would be the default-any retailer selling in Utah that pass certain threshold would be required to collect and submit-this creates a level playing field-pay same tax online or in store(treat businesses the same, treat tax payers the same)-this has not been upheld judicially, part of challenge to Quill. Severability piece in the bill. We have fall back affiliate nexus sales platform, take Amazon, when you purchase/buy directly or from Amazon or from affiliates, it affects tax consequences. You buy the product and there are affiliates down the side you can buy from those affiliates. New York has said anyone that has sales platform with affiliates if affiliate has physical presence in your state then the affiliate becomes an agent for company-upheld by circuit court of appeals in NY. Supreme Court denied cert so that law stands and will be upheld or now we go to reporting. Nexus is the solution-severability clause in the bill-should it be overturned would have default. Trying to convince federal gov't that Congress needs to take action and give us a solution.

Congress failure to act has left states to deal with it on their own. How untenable for online business to comply with 50 states and taxing jurisdictions. And what a burden that would be to have patchwork.

That is what will happen if quill is overturned. Prefer Fed. Solution but willing to champion patchwork in the absence of it because we have to solve the problem, and if enough states introduce legislation we can do it. SD already in court, day after law passed, online retailers, accelerated judicial review standard in the bill. Ideal is fed solution to have one stop audit, safe harbors,

standardized definitions that is Chaffetz bill. Utah joining the fray if that doesn't happen. Macy's closing the store. Who are our constituents- brick and mortar – how many times have you been in a store people having a demonstration while also ordering the product online to avoid sales tax.

Q-Online from Erin Wells, Highland-What would threshold be for companies to meet standard for sales tax?

A-We are looking at a couple 100 thousand or more. On that issue-I steer IT steering committee. I have Masters in taxation-IT computer science. When these companies say it's too complex to figure out the sales tax, these companies use data analytics that can tell what you are thinking about ordering next week before you know you want it. They can determine how to use Just in Time delivery of their product will be and they have lots of sophistication that deals with ecommerce today-those same merchants tell you it's too difficult-I'm missing something here. Most tie in with sales platforms that2-3 100 thousand

Q-Janet Towers, Chief Administrative Officer in Murray-Have you heard what the Trump administration will be doing on this?

A-Are there reports in the room? I got a call from Trump administration in August to ask me to be a surrogate for him and I told them I would love to but I would have to know what his position is on any given issue. They never called back. We are all elected officials so I guess my answer is you would have to ask him on any given day on any given topic. I would say buy some popcorn get in a comfortable seat and watch the show. I have spent a lot of time in WA, I have testified before Congress several times.

We do know Ryan has said we need a solution in 2016. There is an optimistic hope that a solution will be found. Many have expressed concern for level the playing field. Conclusion would be optimistic, but that is different than saying I know what he is going to do.

Q-Tom Hanson, Washington Terrace-When you consider the revenue neutral aspect of this and the erosion we have been wrestling with the last few years, how much of this is going to be revenue neutral? Or shouldn't that be an uptick in revenues because that is tax we should have gotten all along?

A: I have not gone into the weeds on the bill on that point, but the current standard is we have to put money into restricted account and we do this Kabuki dance to figure out what the rate should be to maintain revenue neutrality. My bill will repeal all of that out of the chute to have fiscal analyst project revenue what the tax will be by opening up to economic nexus or affiliate nexus. Then

have commensurate 1%-time reduction in rate-to make it revenue neutral-uptick for following year.

Currently there is growing pressure, you feel the pressure because what we view as general fund revenue stream at State level you view as one of your primary source of revenue taxes at the municipal/local level. With citizen initiatives raising income taxes 7/8% nominal increase; the effective rate is closer to 20% being pushed as citizen initiatives. Those of us who accumulate all of our taxes each year, we can either have reduction or close loop hole stop unintentional easing/evading of sales taxes before we talk about raising taxes. We increased property, gas tax and authorized voter approved increase in sales tax. Traveling within CSL, so I don't know current sentiment in legislature, but I suspect that the 20% increase in effective taxes when we have 100's of millions in taxes that we could collect. I suspect that will be part of debate, will be introduced with revenue neutral provision in the first year only, repeal ongoing neutrality attempt, but whether that stays or not will be up to my colleagues.

Q-Jewel Allen, Grantsville-With Chaffetz bill having difficulty, will the other bill-the origin based bill will happen? What timeline are we looking at? Will it take place on the Federal level this year? Will we have a good year?

A: No-Chaffetz bill has sponsors has significant support from both sides of the aisle. For Goodlatte there is hardly even a bill- has not defined form. Don't believe will see light of day

Timeline A: How does it not work? Congress does nothing which is what Congress does best. Trump administration will not change the dynamic of gridlock. I think the way to encourage congressional action, if it appears eminent that that Quill is ready to fall-If States get Quill overturned the appetite for Congress to do anything is gone. If defeated, then State ability for to do their own. With new administration and ACA all other things committed to this year, I don't know if this will rise to the level of Congressional action. I do know States are not patient any longer they are enacting legislation to enact something and by doing that that will motivate Congress.

Q-Lynn Pace, Holladay-On the hold and the revenue neutral portion relative to state taxes-Would your bill propose to make state portion revenue neutral would your bill repeal that hold.

A: First Part-Doesn't touch the local or UTA the other pieces of taxes not part of State portion. Second answer-Thought I made that clear Yes, my bill will

eliminate that restrictive account and all of that of that bill.

Q-Online-Council Member Tom Smart from Oakley: Smaller cities like Oakley gain sales tax when sale originates from their city.

A: Yes-We are not messing with allocation formula, driven by merchants reporting where assessed. We would not administer that any differently but we could get into discussion about the allocation portion, but that is not this bill. How you cut up the pie is different what the size of the pie ought to be.

League excused Kaysville Mayor Steve Hiatt, ULCT President, who was unable to attend.

Sen. Todd Weiler, Chair Senate Judiciary, Law Enforcement Committee. Started in City Council-and served on the board of ULCT, then we were talking about getting reimbursed through Olympic Committee for all of the bonds the cities had. When I was on the board of this organization, I served with many of you here. Having served 4 years on the city council and now 5 years in State legislature so I can tell you the biggest difference is now I have people all over state that don't like me not just in my neighborhood. I have been on the Senate Judiciary standing committee for the last 5 sessions, now chair of the Senate interim committee for the same time period. Standing committee meets during 45 days, Interim committee meets between sessions. There are some issues I want to discuss

Issues to upcoming session-some relate 2yrs back JRI-Justice Reinvested-step back see what's working in the criminal justice system and what can be improved. In conjunction with Pew Institute worked all summer and fall before session. We were the 6th,7th or 8th State to go thru this process. Georgia went before and we were trying to learn from success and failures of other states. I know we have Ross from the Bountiful Police Chief is here. We were told you are going to get push back from prosecutors and law enforcement. And we have gotten that pushback and they don't love JRI. The Idea is let's start treating Drug Offenders for their mental condition/addiction, punish for crime, but focus on getting them help they need to recover, let's treating hardened criminals like hardened criminals. Do this instead of treating everyone like same type of criminals and putting them all in the same soup. Gov. Herbert-mentions in almost every speech how Utah is the best managed state and all of the accolades we received, but one area where we do not excel is the recidivism rate. What is that, recidivism is when someone is released from prison and they boomerang and return year after year-our rate is higher than most States.

Costs state of Utah, and costs counties, 30,000 to incarcerate someone cost to rehabilitate addiction/drug treatment program costs 15,000-20,000. If there is insurance, then it will cost less with insurance offsets. Let's screen these folks out and treat them differently-with screening, behavioral analysis, find out what kind of person is this and treat them accordingly. This saves taxpayer money and gets a better result. Love all of the facts you learn being in the legislature. One of these facts is that right now in the population of the Prison 97% of all inmates will eventually be released and they will return to our neighborhoods. We have learned in the last 100 years that if you lock someone up and slip them food under the door and treat them that way-they are sometimes crazy and usually very angry.

Those are the people we will be releasing back into our neighborhoods. The new system we will have is, I say tongue in cheek, like the three degrees of glory. Based on attitude and behavior you have move up levels-this has proven cheaper and prisoners come out less angry and less crazy and better able to assimilate to society. Recently, toured 5 prisons in 24 hours in Phoenix, AZ. Learned a lot in visiting those prisons in Arizona. Also, toured the prisons for California inmates since they are also being housed in AZ.--that was interesting. Idea behind JRI-is to give people shorter sentences if they are not hardened criminals, reduce categorization, and change some felonies to misdemeanor, that is where prosecutors get upset for taking tools out of their tool box. We are trying to be pioneers and do something different. We continue to tweak it, whenever we are doing a new piece we tweak year after year. Now we are going to be doing JRI 2.0 focusing on the juvenile system. Lowry Snow from St.

George, Stuart Adams will be the Senate floor sponsor-partnered with PEW, very Utah centric approach, collected tons of data and analyzed it an it's been fascinating. Where the youth resides has an impact. We can look at where a juvenile resides and saw that determined outcomes-we can look at incarceration rates of those areas. Some districts-have a much higher rate of incarceration-for the same offenses- it looks like in certain areas there are different personality of judges. There really is no rhyme or reason. We learned that you are three times more likely to be removed from the home as in other parts of the state. It appeared to me-if a juvenile detention facility was nearby Judges than they were more likely to put a teen in that facility. That is my own conclusion, one of my take-aways.

It costs the State of Utah 300-500% more to take a child out of their home and put them in detention facility-and the results that we get are much worse. If

you incarcerate a teenager when the brain is developing, and put them into criminal justice system, remove them from their parents-in prison with other offenders their chances of finishing high school decrease and chances of repeat offending skyrocket. Paying more money and getting exact opposite

I am guilty of thinking of a juvenile just like adult, but data shows, that because they are still figuring out their place in the world-they take on that identity. Going thru JRI process as a legislature-we found out that prison gives them a wakeup call. For juveniles, they embrace it and that is how they act the rest of their lives. Indigent Defense. Under 6th amend right to council. US Supreme Court decision in the 60's said that it is the obligation of states that people have adequate public defense. For whatever reason, in Utah we took that responsibility for all the indigent people and we punted it to the counties and said good luck. Small counties could be bankrupt trying to do one of these capital punishment cases. SL County, Weber County done an excellent job, excellent defender program Salt Lake County did a really good job, but other counties, rural Utah not so much. Did a study by a work group for four years-this group studied counties all across the state and they observed what was happening. The data that was brought back the anecdotal observances was terrifying. Had Justice Court in rural Utah, after Judge had sentenced the person to jail the court observer asked the Judge should you have offered them an attorney before sentencing someone to prison and the Judge shrugged shoulders and said I don't know.

5

That happened less than 2 years ago. We passed this major piece of legislation and we created an indigent defense commission 11-member board-Michael Zimmerman is the chair of this board, and I am a member. We will be monitoring what's happening in all 29 counties, and we have state money that counties can apply for grants most of that is matching funds. For those that have Justice courts, there have been 3 major pieces of legislation that happened in last 15 years. Justice Courts adjustments were necessary, example bill last year bill to make all Justice Court Judge trained attorneys, most of that was watered down now they only have to be trained attorneys along the Wasatch Front not in rural areas.

This issue of right to council does not go away. I am concerned about people coming back into justice court for contempt proceedings and things-and this is happening in Juvenile court this has happened as well. They don't pay their

fine, and when they come back they are sentenced to juvenile detention due to breach and never offered attorney.

Q: Rob Wall-Sandy city attorney-have had dealings with four different justice courts up-experience that indigent defense really a money issue. Places where they handle well the principle reason, they developed good working relationship with Judge and defense bar. In an appropriate way, what are your thoughts on coming up with scheme that helps with funding statewide, as opposed to hiring attorneys?

A: It all comes down to money- we were looking for 6-8 million to help with this last year and got 1 million. ACLU waited for several years while we waited for case. They were about the most patient people in the world-they waited gave us opportunity to do more than x, y, z and all we did was x, y, z. Made 2016 as a baseline year. If you want to increase you have to spend that amount and then can increase has to be shared effort. In first 6 months, most of our focus on rural Utah. Family member picked up in rural Utah, for a crime, and they can't afford attorney, they will spend 7-8 minutes total with public defender and will be told to plead guilty.

Q: Gary Crane, Layton City Attorney -Where is the Money? Problem with JRI-reduction in penalties, funding 12-13k that assists in restoring these people. We don't have any resources to send people anywhere to get assistance. Conditioned on Medicaid expansion, that would be the money to help those people. We are handling the problem but have no resources.

A: I've been a vocal proponent for this the whole JRI piece was contingent on the Medicaid expansion- when that wasn't expanded we are still working on that piece it will be difficult without Medicaid expansion. Let me just tell you that someone put together a graph with all of the elevation in penalties in the State, it was staggering of upgrading penalties to felony. There is constant pressure on legislature to upgrade different laws and make different things a felony. People get causes and want to push to upgrade laws. Abusing a pet can be a harder penalty than abusing a human. Everything getting upgraded, longer sentences and longer time and all of this winds up costing the State. Still getting pressure to make misdemeanor into felonies. As soon as we pass JRI, we continue to get that pressure, hard to do more without a reset button.

Q: Sam Klemm, Wasatch Front Regional Council-Funding eight month waiting

list to get people money. Salt Lake County making the point that Police feel that it's not even worth arresting them anymore waiting period so long doesn't matter anymore.

A: JRI promise was contingent on Medicaid expansion happening, that did not come thru. Doubt it will get fixed this year with Trump. Was not aware of eight month waiting period appreciate learning that.

Gary Hoogeveen However, Senior VP with Rocky Mountain Power: Utah Net Metering Not expected to be a legislative issue in 2017 passed in 2014 State Tax incentive currently capped at $2,000.00 that will be addressed, but we are not discussing that today.

Ongoing process began in 2014 SB208 (Bramble)-set out process for rooftop solar. Contract to reimburse 10.5 cents for every kwh generated. Just filed 2016 results of projected rates: Each customer gets paid roughly $400 a year-this is projected to grow dramatically. Will be significant cost shift.

Talking to rooftop solar companies at the request of Governor Herbert. Contentions issue, probably heard about this on the news. The $400 is the reason we are talking about it. Hearing scheduled for August of next year. How big an issue? It is small but growing. 667billion dollars over next 20 years. 20k customers, that is expected to double if we did nothing about it. Not bad thing. Love solar power, want to take Solar Power, but we want to take it at lowest cost to our customers. Roof top Solar vs. Solar farms. Being built in Central and Southern Utah where there are eight times as much on these large farms. Farms sell that power for 4-5 cents they are now paying 10.5 to rooftop customers. Do need lines.

Points to the slides included. Shows complicated graph meant to be simple. Brown bar is the amount of time that rooftop person uses the curb. Blue curve is the output of solar generation system, red typical usage. Point where those cross-2 micro seconds where they correspond-they use the network. Services for which everyone pays, they are using it 23.9 hours of the day, back up services, etc. Pay for what you use rather than using it at all. Our filing is meant to reflect the fact that you pay for what you use. Give rooftop credit-don't pay for what they are using. That is what we are trying to fix. Most interesting piece of graphic. Reflection of average customer bills for usage. 0% is how much they pay today without any rooftop solar. Highlighted row average net metering customer, rooftop solar. Uses 700 kwh/1000 rts

$74 dollar what they would pay. Today they would pay $55. $20 increase.

AVG. $74-look at other parts of spectrum. Anything that is negative that would result in lower cost, to those that would put smaller systems and face them to the west they would get more power late afternoon. They would get more power late afternoon, and would be beneficial for all customers and reduce our costs. That is what is reflected here. Dramatic increases out here. If you have large kwh now pay eight dollars if you put in large enough system. Doesn't compare to what they need for what they use. Payment of the usage of the system.

Trying to be fair to all of our customers, we want customers to pay for systems they use, those that choose not to put solar on their rooftop we don't believe should be paying for those that do.

Subsidies might be ok, this might be good to incentivize these people. This is good for environment- good tax policy. What we argue with is forcing it through this public service commission process, which is simply meant to make people pay for what they use. Should be done through elected leaders at the legislature.

Cameron: January 30 - postpone rest of agenda-Local official's day 11:00 AM legislative briefing. Showing 80 bills put into software, record number of bills again this year.

Motion to adjourn.