Utah League of Cities and Towns

2018 General Legislative Session

ULCT Legislative Team

Cameron Diehl, ***Executive Director*** **cdiehl@ulct.org**
Cameron has worked for ULCT for 8 years and coordinates all ULCT efforts at the county, state, and federal levels. This session, he spearheaded the League's efforts on homelessness, transportation governance and funding, and is everyone's go-to for literally every other conceivable local government issue.

Rachel Otto, ***Director of Government Relations*** **rotto@ulct.org**
Rachel joined ULCT in December of 2017. As the League's Director of Government Relations, she manages the League's legislative outreach and tries to keep up with Cameron. She is an attorney who previously worked in local government.

Roger Tew, ***Senior Policy Analyst*** **rtew@ulct.org**
Roger has worked for ULCT for 21 years and within the state government structure for 36 years. He specializes in public utilities, judicial issues, tax policy, and telecommunications policy.

John Hiskey ***Senior Policy Advisor*** **jhiskey@ulct.org**
John recently joined ULCT in January. John has many years of experience in local government, most recently as the Deputy Mayor in Sandy City. John took on the issues of water, retirement, and public safety this year.

Brandon Smith, ***Legislative Research Analyst*** **bsmith@ulct.org**
Brandon has worked for ULCT for over 3 years. He lobbied and managed logistics during the legislative session.

Karson Eilers, ***Legislative Research Analyst*** **keilers@ulct.org**
Karson has worked for ULCT for nearly a year, after his term as a legislative intern. He lobbied and assisted with logistics during the legislative session.

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105 HB 291 | Sentencing Commission Length of Supervision Guidelines
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152 SB 29 | County Listing of Local Government and Limited Purpose Entities
153 SB 31 | Utah Mobile Crisis Outreach Team
154 SB 38 | Local Elected Officer Amendments
156 SB 44 | Impoundment of Motor Vehicle Amendments

157 SB 52 | Sale of State Land Act
158 SB 55 | Motor Vehicle Registration Amendments
159 SB 57 | Police Service Animal Amendments
160 SB 58 | Failure to Appear Amendments
161 SB 59 | Theft Amendments
162 SB 62 | Expungement Amendments
163 SB 66 | Emergency Vehicle Operator Duty of Care Amendments
164 SB 71 | Road Tolls Provisions
165 SB 74 | Voter Privacy Amendments
166 SB 76 | Commercial Property Tax Amendments
167 SB 79 | Judiciary Amendments
169 SB 80 | Exempt and Apportioned License Plate Amendments
170 SB 82 | Utah Transparency Advisory Board Amendments
171 SB 83 | State Real Property Amendments
172 SB 90 | Hit and Run Penalties Amendments
173 SB 96 | Canal Amendments
174 SB 101 | Tax Amendments
175 SB 102 | Tinted Vehicle Amendments
176 SB 105 | Crime Statistics Reporting Amendments
177 SB 106 | Court Records Amendments
178 SB 108 | Raw Milk Amendments
179 SB 111 | Community Reinvestment Agency Changes
180 SB 120 | Local Government Fees and Taxes Amendments
181 SB 122 | Bond Elections Amendments
182 SB 124 | Budget Deadline Amendments
183 SB 128 | Transportation Revisions
184 SB 133 | Design and Build Amendments
185 SB 136 | Transportation Governance Amendments
187 SB 137 | Amendments Relating to Government Records

188 SB 142 | Victims of Domestic Violence Services Account Amendments
189 SB 151 | Court Security Funding Amendments
190 SB 154 | Prohibition of Law Enforcement Quotas
191 SB 157 | Residential Solar Energy Amendments
192 SB 158 | Municipal Business Licensing
194 SB 159 | Forcible Entry and Detainer
195 SB 167 | Food Truck Regulation Amendments
197 SB 175 | Metro Township Modifications
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199 SB 189 | Small Wireless Facilities Deployment Act
200 SB 191 | State Regulation of Oil and Gas
201 SB 192 | Retail Bag Impact Reduction Program
202 SB 199 | Utah Protection of Public Employees Act Amendments
203 SB 206 | Local Public Safety and Firefighter Surviving Spouse Trust Fund Amendments
204 SB 216 | Ethics Amendments
205 SB 218 | Container Regulation Amendments
206 SB 219 | Court Citation Amendments
207 SB 226 | Urban Farming Amendments
208 SB 230 | Law Enforcement Protection Amendments
209 SB 233 | Sales and Use Tax Amendments
210 SB 234 | Utah Inland Port Authority
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Categories

Each category of bills is given an icon. Many bills fall into multiple categories. These bills will be grouped with the category that is most prominent in the bill.

Air Quality	Land Use
Building Code	Public Safety
Elections	Retirement/Benefits
Finances	Transparency
General Government	Transportation
Judiciary	Water

Air Quality

HB 74	Emissions Inspection Modifications
HB 101	Air Quality Emissions Testing Amendments
HB 171	Motor Vehicle Emissions Amendments
HB 331	Air Pollution Mitigation Education Program

AIR QUALITY

Building Code

HB 32 **Uniform Construction Code Amendments**
- Action Required

HB 305 **Fire Code Amendments**
- Action Required

HB 310 **Professional Licensing Amendments**

BUILDING CODE

Elections

HB 16 **Candidate Replacement Amendments**
- Action Required

HB 35 **Municipal Alternate Voting Methods Pilot Project**

HB 113 **Candidate Filing Amendments**
- Action Required

HB 141 **Early Voting Amendments**
- Action Required

HB 218 **Modifications to Election Law**
- Action Required

HB 225 **Initiatives, Referenda, and Other Political Activities**

HB 281 **Voter Eligibility Amendments**
- Action Required

SB 17 **Election Law Modifications**
- Action Required

SB 74 **Voter Privacy Amendments**

ELECTIONS

Finances

HB 15 Community Reinvestment Agency Amendments
- Action Required

HB 168 Political Subdivision Lien Authority
- Action Required

HB 255 Extra-jurisdictional Municipal Property

HB 336 Fine Amendments
- Action Required

HB 357 Evaluating Tax Revenue Foregone from Federally Controlled Lands

HB 367 Transient Room Tax Amendments

HB 369 Auto Dealership License Amendments

HB 464 Affordable Housing Bond

HJR 20 Joint Resolution Submitting a Question to Voters

SB 76 Commercial Property Tax Amendments
- Action Required

SB 101 Tax Amendments

SB 120 Local Government Fees and Taxes Amendments
- Action Required

SB 122 Bond Elections Amendments

SB 191 State Regulation of Oil and Gas

SB 233 Sales and Use Tax Amendments
- Action Required

SB 240 Military Installation Development Authority Amendments
- Action Required

SJR 2 Proposal to Amend Utah Constitution—Property Tax Exemptions

General Government

HB 30 Utah Antidiscrimination Act Amendments

HB 36 Free Expression Regulation Amendments
• Action Optional

HB 37 Occupational and Professional Licensing Amendments

HB 66 Local Government Modifications

HB 79 Private Attorney General Doctrine

HB 133 Employment Amendments

HB 150 Single Sign-on Database Amendments

HB 151 Utah Population Estimates Production

HB 175 Legislative Oversight Amendments

HB 176 Temporary Replacement for County Elected Officials

HB 179 State Training and Certification Requirements
• Action Required

HB 181 Home Consumption and Homemade Food Act
• Action Required

HB 196 Breastfeeding Protection Act
• Action Required

HB 203 Nighttime Highway Construction Noise Amendments

HB 212 Business Expansion and Retention Initiative Amendments

GENERAL GOVERNMENT

HB 242 **Local Animal Control Regulation Amendments**

HB 261 **Renewable Energy Amendments**

HB 279 **Design Professionals Liability Amendments**
• Action Required

HB 294 **Municipal Forms of Government Amendments**

HB 310 **Professional Licensing Amendments**

HB 324 **Tobacco Regulations Amendments**
• Action Required

HB 373 **Waste Management Amendments**

HB 390 **Rural Economic Development Incentives**

HB 417 **Federal Grants Management Amendments**

HB 430 **Affordable Housing Amendments**
• Action Required

HB 462 **Homeless Services Amendments**
• Action Required

HJR 20 **Joint Resolution Submitting a Question to Voters**

SB 38 **Local Elected Officer Amendments**

SB 80 **Exempt and Apportioned License Plate Amendments**

SB 108 **Raw Milk Amendments**

SB 124 **Budget Deadline Amendments**
• Action Required

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- New Process

SB 133 Design and Build Amendments

SB 157 Residential Solar Energy Amendments

SB 158 Municipal Business Licensing
- Action Required

SB 167 Food Truck Regulation Amendments

SB 175 Metro Township Modifications
- Action Required

SB 189 Small Wireless Facilities Deployment Act
- Action Required

SB 192 Retail Bag Impact Reduction Program

SB 199 Utah Protection of Public Employees Act Amendments

SB 234 Utah Inland Port Authority
- Action Required

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Judiciary

HB 77 Criminal Code Amendments

HB 132 Juvenile Justice Modifications

HB 157 Justice Reinvestment Amendments

HB 248 Compensatory Service in Lieu of Fine Amendments
- Action required

HB 273 Criminal Judgement Account Receivable Amendments
- Action required

HB 291 Sentencing Commission Length of Supervision Guidelines
- Action required

SB 19 Competency to Stand Trial Amendments
- Action required

SB 20 Misdemeanor Amendments
- Action required

SB 24 Local Government Indigent Defense Requirements
- Action required

SB 55 Motor Vehicle Registration Amendments
- Action Required

SB 58 Failure to Appear Amendments
- Action Required

SB 59 Theft Amendments

SB 62 Expungement Amendments

JUDICIARY

SB 79 **Judiciary Amendments**

SB 142 **Victims of Domestic Violence Services Account Amendments**

SB 151 **Court Security Funding Amendments**

SB 186 **Indigent Defense Amendments**
• Action Required

SB 216 **Ethics Amendments**

SB 218 **Container Regulation Act**

JUDICIARY

Land Use

HB 17 Community Reinvestment Agencies Revisions

HB 62 Property Rights Amendments

HB 111 Community Reinvestment Agency Modifications

HB 142 Impact Fees Amendments

HB 249 Statewide Resource Management Plan Adoption
- Action Required

HB 250 Building Permit and Impact Fees Amendments
- Action Required

HB 253 Trust Lands Amendments
- Action Required

HB 255 Extra-jurisdictional Municipal Property

HB 259 Moderate Income Housing Amendments
- Action Required

HB 361 Billboard Amendments
- New Process

HB 372 Point of the Mountain State Land Authority

HB 377 Land Use Amendments
- Action Required

SB 83 State Real Property Amendments
- Action Required

SB 111 Community Reinvestment Agency Changes

SB 226 Urban Farming Amendments

LAND USE

Public Safety

HB 13 Public Safety Peer Counseling Provisions

HB 38 Fireworks Restrictions
- Action Required

HB 43 Blood Testing Amendments

HB 56 Emergency Personnel Recording Amendments

HB 59 Unmanned Aircraft Revisions

HB 102 Use of Force Amendments

HB 126 Offender Housing Amendments

HB 152 Good Samaritan Law Amendments

HB 209 Mental Health Protections for First Responders

HB 222 Peace Officer Amendments

HB 226 Citation Authority Amendments
- Action Required

HB 265 Body Camera Amendments

HB 268 Off Duty Employment of Law Enforcement Officer

HB 295 Driving under the Influence Revisions

HB 298 Victim Advocate Confidentiality Amendments

HB 321 Arrest Amendments

HB 322 Non-emergency Patient Transportation Safety Amendments

PUBLIC SAFETY

HB 347 Law Enforcement Agreements

HB 348 Secondhand Merchandise Dealers Amendments

SB 16 Public Safety Fee Revisions

SB 27 Relationship Violence and Offenses Amendments

SB 31 Utah Mobile Crisis Outreach Team

SB 44 Impoundment of Motor Vehicle Amendments

SB 57 Police Service Animal Amendments

SB 66 **Emergency Vehicle Operator Duty of Care Amendments**
- Action Required

SB 90 Hit and Run Penalties Amendments

SB 102 Tinted Vehicle Amendments

SB 105 Crime Statistics Reporting Amendments
- Action Required

SB 154 Prohibition of Law Enforcement Quotas

SB 159 Forcible Entry and Detainer
- Action Required

SB 219 Court Citation Amendments

SB 230 Law Enforcement Protection Amendments
- Action Required

SB 235 **Homeless Shelter Funding Amendments**
- Action Required

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Retirement/Benefits

HB 28 **Retirement Systems Amendments**
- Action Required

HB 29 **Public Employees Long-term Disability Act Amendments**
- Action Required (for some)

HB 146 **Post retirement Reemployment Restrictions Act Amendments**

HB 147 **Retirement Forfeiture for Employment Related Offenses**
- Action Required

HB 288 **Workers' Compensation Claims Amendments**

SB 21 **Public Safety and Firefighter Retirement Death Benefit Amendments**
- Action Required

SB 206 **Local Public Safety and Firefighter Surviving Spouse Trust Fund Amendments**

RETIREMENT BENEFITS

Transparency

HB 72 **Communications of Governmental Entity Employees and Officers**
- Action Required

HB 134 **Conflict of Interest Disclosure Requirements**

SB 28 **Local Government and Limited Purpose Entity Registry**
- Action Required

SB 29 **County Listing of Local Government and Limited Purpose Entities**
- Action Required

SB 82 **Utah Transparency Advisory Board Amendments**

SB 106 **Court Records Amendments**

SB 137 **Amendments Relating to Government Records**
- Action Required

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Transportation

HB 65 **Ignition Interlock Amendments**
- Action Required

HB 145 **Pedestrian Safety Amendments**

HB 266 **Limited Access Highway Amendments**

HJR 20 **Joint Resolution Submitting a Question to Voters**

SB 71 **Road Tolls Provisions**

SB 136 **Transportation Governance Amendments**
- Action Required

TRANSPORTATION

Water

HB 124 Water Holdings Accountability and Transparency Amendments

HB 135 Extraterritorial Jurisdiction Amendments

HB 303 Drinking Water Source Sizing Requirements
• Action Required

HJR 15 Proposal to Amend Utah Constitution—Municipal Water Amendment

SB 96 Canal Amendments

WATER

The legislature passed a bill in the 2018 session that requires all local government entities to register with the Lt. Governor's office by July 1, 2019. Please keep this date in mind. In preparation for that date the Lt. Governor's office has sent a letter to help you be prepared once the registration process becomes available. Please follow this link to ULCT's website to see the direction from the Lt. Governor's office, as well as the registration website once it becomes available and functional.

House Bills

HB 13 | Public Safety Peer Counseling Provisions

Reference: **Daily Recap Jan. 31**
Sponsor: **Perry, Lee**
Bill Status: **Enrolled**
Link: **https://le.utah.gov/~2018/bills/static/HB0013.html**
ULCT Position: **Support**

Legislative Purpose of the Bill:
HB 13 sanctions the creation of a peer support team for law enforcement agencies, fire departments, emergency medical service providers, and rescue units.

Municipal Impact/what you need to do:
If an agency decides to create a peer support team, peer support team members must first complete a training approved by their respective training agencies (Peace Officer Standards and Training Division, the State Fire Marshal's Office, or the Health Department). If the agency creates a peer support team, it must also develop guidelines for the team and its members. Be aware that if an employee discusses allegations of discrimination or harassment with a peer support team member, the peer support team member may refuse to disclose those allegations to the agency if doing so is in accordance with the Utah Rules of Evidence. Peer support communications (including group therapy sessions) may be kept confidential unless information obtained through such communications indicates child abuse, unfitness for duty, immediate danger to the member or others, intent to commit a crime, or evidence that a crime has been committed.

ULCT Action/Future Trend:
No action is required unless the agency decides to implement a peer support team.

HB 15 | Community Reinvestment Agency Amendments

Reference: **Daily Recap Jan. 23**
Sponsor: **Handy, Steve**
Bill Status: **Enrolled**
Link: **https://le.utah.gov/~2018/bills/static/HB0015.html**
ULCT Position: **Support**

Legislative Purpose of the Bill:
This bill is intended to be a "clean up" of the 2016 modernization of the Community Reinvestment Agency Act (HB 346). This bill (in the form of HB 290) ran out of time during the 2017 General Session.

Municipal Impact/what you need to do:
HB 15 was brought forward by the Redevelopment Agency Association to clean up 2016's HB 246.In addition to some technical changes, it requires cities and counties to report their use of a housing allocation in the moderate income housing plan (consistent with HB 259). It allows a city to sell, purchase or acquire property from an agency for less than fair market value or for free. In coordination with HB 17 (Community Reinvestment Agencies Revisions), this bill effectuates a change to Utah Code Ann. 17C-1-207 by stating that project area assistance and transfer of funds or property from an agency to a public entity are not subject to Utah Code 10-8-2. Some transparency elements were also added to this iteration of the bill, requiring an agency to submit its annual report to the community in which it operates and ensure that the community posts the annual report on its website. It further requires that the annual report include certain new

information for project areas in which the funds collection period has not expired.

ULCT Action/Future Trend:
ULCT will continue to engage with the RDA Association on future efforts to revise and modernize Title 17C.

HB 16 | Candidate Replacement Amendments

Reference: **Daily Recap. Jan. 29**
Sponsor: **Arent, Patrice**
Bill Status: Enrolled
Link: **https://le.utah.gov/~2018/bills/static/HB0016.html**
ULCT Position: **Support**

Legislative Purpose of the Bill:
This bill is intended to provide a process for political subdivisions to fill vacancies when a candidate withdraws who is one of the two finalists after a non-partisan primary election.

Municipal Impact/what you need to do:
HB 16 applies if a non-partisan primary election is held for the office, and a candidate withdraws after the date of the primary but at least 65 days before the general election. If the number of remaining candidates is less than or equal to the number of open positions for the office, the election officer must fill the vacancy by certifying the next available candidate who received the highest number of votes in the primary.

ULCT Action/Future Trend:
ULCT worked on bill language with the sponsor during the 2017 session and testified in support of the bill.

HB 17 | Community Reinvestment Agencies Revisions

Reference: **None**
Sponsor: **Sagers, Doug**
Bill Status: **Enrolled**
Link: **https://le.utah.gov/~2018/bills/static/HB0017.html**
ULCT Position: **Support**

Legislative Purpose of the Bill:
This bill amends powers and benefits to communities under Title 17C.

Municipal Impact/what you need to do:
HB 17 has three main components. First, it adds that an agency may "own, hold, maintain, utilize, manage, or operate real or personal property, which may include the use of agency funds or the collection of revenue." Second, it allows a community to enter into an interlocal agreement with an agency in the same or an adjoining county, regardless of whether the community has formed its own agency. Third, consistent with HB 15, HB 17 clarifies that a city or county may lease or acquire property from an agency for less than fair market value. It also allows a city or county to convey a property to an agency/RDA for less than fair market value.

As discussed above, in coordination with HB 15, this bill effectuates a change to Utah Code Ann. 17C-1-207 by stating that project area assistance and transfer of funds or property from an agency to a public entity are not subject to Utah Code 10-8-2.

ULCT Action/Future Trend:
ULCT will continue to engage with the RDA Association on future efforts to revise and modernize Title 17C.

HB 28 | Retirement Systems Amendments

Reference: **None**
Sponsor: **Moss, Jefferson**
Bill Status: **Enrolled**
Link: **https://le.utah.gov/~2018/bills/static/HB0028.html**
ULCT Position: **Neutral**

Legislative Purpose of the Bill:
This bill is intended to modify and clarify the Utah Retirement Systems Administration statute (Title 49).

Municipal Impact/what you need to do:
City administrators should review the records that may be required in the event of an audit by URS or its independent auditor; review modifications to a domestic relations order to determine benefits following a member's death. Finally, a municipality, county, or political subdivision may exempt at least one regular full-time employee and the employer shall maintain and update a list of employee exemptions.

ULCT Action/Future Trend:
ULCT monitored the bill. It is typical for there to be an annual "clean up" bill modifying the URS statute.

HB 29 | Public Employees Long-term Disability Act Amendments

Reference: **None**
Sponsor: **Moss, Jefferson**
Bill Status: **Enrolled**
Link: **https://le.utah.gov/~2018/bills/static/HB0029.html**
ULCT Position: **Neutral**

Legislative Purpose of the Bill:
This bill modifies the long-term disability provisions in the Public Employees Long Term Disability Act.

Municipal Impact/what you need to do:
This legislation was requested by URS on behalf of PEHP. PEHP requested modifications to definitions, such as "gainful employment." It also clarifies the amount and length of time for payment; clarifies "off sets" of other funds received by the employee; and requires repayment to PEHP if there has been an overpayment of disability benefits.

ULCT Action/Future Trend:
ULCT monitored the bill.

HB 30 | Utah Antidiscrimination Act Amendments

Reference: **None**
Sponsor: **Dunnigan, Jim**
Bill Status: **Enrolled**
Link: **https://le.utah.gov/~2018/bills/static/HB0030.html**
ULCT Position: **Neutral**

Legislative Purpose of the Bill:
This bill amends the Utah Antidiscrimination Act and the Utah Administrative Procedures Act to change the process the Utah Antidiscrimination and Labor Division follows upon receipt of a claim.

Municipal Impact/what you need to do:
Be prepared for a new process if an employee files a charge of discrimination with the UALD. The Division no longer will hold informal hearings upon receipt of a claim. It will "promptly" assign a mediator to try to resolve the claim. If resolution isn't reached or if mediation is refused, the Division will assign an investigator, who will "promptly" investigate and produce a report, from which the director will enter a determination and order. Either party may request an evidentiary hearing de novo after the issuance of the determination.

ULCT Action/Future Trend:
ULCT monitored the bill.

HB 32 | Uniform Construction Code Amendments

Reference: **None**
Sponsor: **Schultz, Mike**
Bill Status: **Enrolled**
Link: **https://le.utah.gov/~2018/bills/static/HB0032.html**
ULCT Position: **Neutral**

Legislative Purpose of the Bill:
This bill adopts the 2017 National Electrical Code, amends the International Plumbing Code regarding motor vehicle waste disposal wells, and amends the International Residential Code on certain plumbing fixtures.

Municipal Impact/what you need to do:
Check your building code and update it for consistency, and ensure that building inspectors are aware of all relevant changes.

ULCT Action/Future Trend:
This was not a Land Use Task Force bill. ULCT monitored it. Also note that there is a broader push back from the building community on building inspectors, and compliance with state and local codes will continue to be scrutinized.

HB 35 | Municipal Alternate Voting Methods Pilot Project

Reference: **None**
Sponsor: **Roberts, Marc**
Bill Status: **Enrolled**
Link: **https://le.utah.gov/~2018/bills/static/HB0035.html**
ULCT Position: **Support**

Legislative Purpose of the Bill:
This bill creates a pilot project for cities to conduct nonpartisan races by instant runoff voting.

Municipal Impact/what you need to do:
Cities of the 3rd, 4th, or 5th class may participate during any odd-numbered year by providing written notice to the Lt. Governor before Jan. 1. In an instant runoff race, a voter indicates candidates in order of preference. There will be a rulemaking process for how a counting judge is required to count ballots in an instant run-off.

Instant runoff voting works as follows:

- First ballot-counting phase: The election officer shall declare a candidate who gets more than 50% of the first-preference votes the winner
- Second ballot-counting phase (if no candidate gets more than 50% of the first-preference votes): candidate with fewest first-preference votes is excluded. If there is a tie b/t first-preference votes, the second-preference votes are added. Candidate with more than 50% of the votes wins; if not, then the process repeats.

ULCT Action/Future Trend:
The pilot project begins January 1, 2019 and ends January 1, 2026. There is no requirement to participate, but ULCT will be gathering information from cities that elect to do so to monitor how the process is working.

HB 36 | Free Expression Regulations

Reference: **None**
Sponsor: **Thurston, Norm**
Bill Status: **Enrolled**
Link: **https://le.utah.gov/~2018/bills/static/HB0036.html**
ULCT Position: **Neutral**

Legislative Purpose of the Bill:
This bill codifies constitutional law in terms of political activity on public property. The bill takes effect on May 14, 2019.

Municipal Impact/what you need to do:
HB 36 enacts a new chapter in Title 11–Chapter 58, Expressive Activity Regulation. It defines terms and prohibits a public entity from restricting political activity on public property except for narrowly tailored time, place, and manner restrictions.

ULCT Action/Future Trend:
ULCT monitored this bill and discussed it with Rep. Thurston. Rep. Thurston may be interested in expanding the scope of this bill in subsequent sessions.

HB 37 | Occupational and Professional Licensing Amendments

Reference: **None**
Sponsor: **Dunnigan, Jim**
Bill Status: **Enrolled**
Link: **https://le.utah.gov/~2018/bills/static/HB0037.html**
ULCT Position: **Neutral**

Legislative Purpose of the Bill:
This bill modifies what information DOPL is authorized to share when investigating a licensee. It also modifies background check and licensing requirements for certain medical professions, cosmetologists, and contractors.

Municipal Impact/what you need to do:
HB 37 does not require municipal action; just be aware that DOPL's requirements for licensing have changed for some professions.

ULCT Action/Future Trend:
ULCT monitored the bill.

HB 38 | Fireworks Restrictions

Reference: **LPC: Dec. 16, Jan. 8; Daily Recap: Jan. 24, Jan. 29, Jan. 30**
Sponsor: **Dunnigan, Jim**
Bill Status: **Enrolled**
Link: **https://le.utah.gov/~2018/bills/static/HB0038.html**
ULCT Position: **Support**

Legislative Purpose of the Bill:
This bill expands the ability of local jurisdictions to prohibit discharge of fireworks in sensitive areas. It also shortens the period that fireworks can be sold or discharged.

Municipal Impact/what you need to do:
HB 38 allows local fire code officials to consider existing OR historical hazardous environmental conditions to prohibit fireworks in previous areas plus

- Dry grass areas
- 200 feet of waterways, trails, canyons, washes, ravines, or similar areas
- And a limited area outside of the hazardous areas in order to facilitate a "readily identifiable closed area"

The legislative body or state forester must make a finding that the historical hazardous environmental condition has existed in the defined area before July 1 of at least 2 of the last 5 years AND produce a map of the defined area before May 1 of each year to the county. The county must create a county-wide map before June 1 indicating each area

where fireworks are prohibited, provide the map to retailers and the state fire marshal, and post it on the county website. Retailers must display a sign that indicates the legal discharge dates and the penalties for illegal discharge. The bill also reduces the days fireworks can be sold and discharged. Now they may be sold from June 24 through July 25 and discharged from July 2-5 and 22-25. (Winter is unchanged.) A person who negligently, recklessly, or intentionally causes or spreads a fire through fireworks is liable for the costs of suppression and any damages.

ULCT Action/Future Trend:
ULCT worked with Rep. Dunnigan over the interim on this compromise bill. We do not anticipate any changes over this next year.

HB 43 | Blood Testing Amendments

Reference: **None**
Sponsor: **Hall, Craig**
Bill Status: **Enrolled**
Link: **https://le.utah.gov/~2018/bills/static/HB0043.html**
ULCT Position: **Neutral**

Legislative Purpose of the Bill:
This bill outlines the circumstances under which a peace officer may obtain a blood draw.

Municipal Impact/what you need to do:
HB 43 adds a "blood testing" section to Utah Code 77-23. It defines "law enforcement purpose" and also states when a peace officer may require an individual to submit to a blood test (consent, warrant, judicially recognized exception to a warrant). Under this section, only a physician, a registered nurse, a licensed practical nurse, a paramedic, EMS personnel designated by rule, or a person with a permit from the Department of Health may draw blood to determine alcohol/drug content.

ULCT Action/Future Trend:
ULCT monitored the bill, which stemmed from a situation where a nurse was arrested for refusing to allow a blood draw from an unconscious person because the police officer did not have a warrant.

HB 56 | Emergency Personnel Recording Amendments

Reference: **None**
Sponsor: **Maloy, Cory**
Bill Status: **Enrolled**
Link: **https://le.utah.gov/~2018/bills/static/HB0056.html**
ULCT Position: **Neutral**

Legislative Purpose of the Bill:
This bill is intended to aid in the training of emergency personnel by protecting under GRAMA certain audio recordings made during life-saving operations.

Municipal Impact/what you need to do:
HB 56 states that if properly classified by a government entity, an audio recording made by first responders responding to an emergency and using life-saving equipment is protected under GRAMA if used for training purposes. EKG and defibrillators have recording devices built-in, but they are not typically used because of privacy concerns. This bill is intended to resolve those concerns by making these recordings protected under GRAMA and therefore usable for training purposes.

ULCT Action/Future Trend:
This bill ran out of time last year after passing through the House and Senate committees. ULCT monitored the bill.

HB 59 | Unmanned Aircraft Revisions

Reference: **None**
Sponsor: **Pitcher, Dixon**
Bill Status: **Enrolled**
Link: **https://le.utah.gov/~2018/bills/static/HB0059.html**
ULCT Position: **Support**

Legislative Purpose of the Bill:
This bill prohibits operations of unmanned aircraft systems ("drones") around correctional facilities.

Municipal Impact/what you need to do:
HB 59 prohibits individuals from operating UASs in a way that interferes with operations or security of a correctional facility, and makes it a class B misdemeanor. It also prohibits and makes dropping any items inside the property of a correctional facility a third-degree felony. Mosquito abatement operations are specifically exempted.

ULCT Action/Future Trend:
ULCT monitored the bill.

HB 62 | Property Rights Amendments

Reference: **None**
Sponsor: **Quinn, Tim**
Bill Status: **Enrolled**
Link: **https://le.utah.gov/~2018/bills/static/HB0062.html**
ULCT Position: **Neutral**

Legislative Purpose of the Bill:
This bill intended to codify the *UDOT v. Admiral Beverage (2011 UT 62)* case on eminent domain.

Municipal Impact/what you need to do:
HB 62 states that when exercising eminent domain on a portion of a property, the court/jury/referee may consider everything a willing buyer and a willing seller would consider in determining the value after a partial taking. It also prohibits a court/jury/referee from considering the assessed value on a property tax assessment except in certain circumstances.

ULCT Action/Future Trend:
ULCT worked with UDOT and other stakeholders on this bill.

HB 65 | Ignition Interlock Amendments

Reference: **None**
Sponsor: **Westwood, John**
Bill Status: **Enrolled**
Link: **https://le.utah.gov/~2018/bills/static/HB0065.html**
ULCT Position: **Neutral**

Legislative Purpose of the Bill:
HB 65 amends the Driving Under the Influence and Reckless Driving provisions to remove the installation of an ignition interlock device as a penalty for driving under the influence offenses that do not involve alcohol.

Municipal Impact/what you need to do:
Courts may no longer designate a person as an "interlock restricted driver" if the DUI conviction does not involve alcohol.

ULCT Action/Future Trend:
ULCT was neutral on this legislation.

HB 66 | Local Government Modifications

Reference: **None**
Sponsor: **Handy, Steve**
Bill Status: **Enrolled**
Link: **https://le.utah.gov/~2018/bills/static/HB0066.html**
ULCT Position: **Neutral**

Legislative Purpose of the Bill:
HB 66 removes the statutory requirement that local district boards with more than nine members have an odd number of members.

Municipal Impact/what you need to do:
None.

ULCT Action/Future Trend:
ULCT monitored the bill.

HB 72 | Communications of Governmental Entity Employees and Officers

Reference: **Daily Recap: Jan. 23, Jan. 25; Friday Facts: Jan. 26, Feb. 9**
Sponsor: **Fawson, Justin**
Bill Status: **Enrolled**
Link: https://le.utah.gov/~2018/bills/static/HB0072.html
ULCT Position: **Neutral**

Legislative Purpose of the Bill:
This bill intends to ensure that if a government employee uses his or her government email for political purposes, those emails are "records" under GRAMA.

Municipal Impact/what you need to do:
HB 72 amends Utah Code 20A-11-1205 to add that an email sent by a government employee using his or her government email address for a political purpose is a record under GRAMA. A "political purpose" is defined under Title 20A as "an act done with the intent or in a way to influence or intend to influence, directly or indirectly, any person to refrain from voting or to vote for or against any candidate for public office at any caucus, political convention, primary, or election; or judge standing for retention at any election." Whether the email violates the "political purpose" rule is to be determined by the entity's records officer. ULCT worked with the sponsor to narrow the scope of this bill, which was originally proposed as an amendment to GRAMA and reached into an individual's personal electronic communications. Now, in the narrow circumstance where a person uses government email to send political emails, the records officer (in conjunction

with the city attorney) will evaluate those emails to determine whether they are responsive to a GRAMA request.

ULCT Action/Future Trend:
ULCT worked closely with Rep. Fawson on numerous drafts of this bill in order to narrow the scope of the documents at issue. GRAMA-related bills are always contentious and we would appreciate feedback on the implementation of this bill.

HB 74 | Emissions Inspection Modifications

Reference: **None**
Sponsor: **Sandall, Scott**
Bill Status: **Failed**
Link: **https://le.utah.gov/~2018/bills/static/HB0074.html**
ULCT Position: **Neutral**

Legislative Purpose of the Bill:
This bill would have exempted from emissions inspections certain vehicles owned by canal/irrigation companies.

Municipal Impact/what you need to do:
The bill failed; no action is necessary.

ULCT Action/Future Trend:
ULCT monitored the bill as one of numerous air quality measures this year.

HB 77 | Criminal Code Amendments

Reference: **None**
Sponsor: **McKell, Mike**
Bill Status: **Enrolled**
Link: **https://le.utah.gov/~2018/bills/static/HB0077.html**
ULCT Position: **Neutral**

Legislative Purpose of the Bill:
This bill modifies sexual offenses in the Utah Code.

Municipal Impact/what you need to do:
HB 77 adds a new section to Title 76-5, defining "indecent liberties." It also modifies other sexual offenses in Title 76.

ULCT Action/Future Trend:
ULCT monitored the bill.

HB 79 | Private Attorney General Doctrine

Reference: **Daily Recap: Feb. 28; Friday Facts: Feb. 2**
Sponsor: **Greene, Brian**
Bill Status: **Failed**
Link: **https://le.utah.gov/~2018/bills/static/HB0079.html**
ULCT Position: **Oppose**

Legislative Purpose of the Bill:
This bill would have repealed the provision that disallows the private attorney general doctrine.

Municipal Impact/what you need to do:
HB 79 was this year's attempt at repealing Utah Code 78B-5-825.5, the private attorney general doctrine. The bill passed out of the House but died in the Senate.

ULCT Action/Future Trend:
ULCT testified against this bill in the House and the Senate, and worked to ensure its demise. As a repeat offender, it will undoubtedly be back again.

HB 101 | Air Quality Emissions Testing Amendments

Reference: **None**
Sponsor: **Arent, Patrice**
Bill Status: **Enrolled**
Link: **https://le.utah.gov/~2018/bills/static/HB0101.html**
ULCT Position: **Neutral**

Legislative Purpose of the Bill:
This bill amended requirements for emissions testing and creates a pilot program requiring certain counties to require inspections for diesel vehicles.

Municipal Impact/what you need to do:
HB 101 does not require municipal action. However, the bill obligates any county in a non-attainment area for PM 2.5 to participate in a 3-year diesel emissions testing pilot program, if that county already tests gasoline emissions. It also requires certain reporting by the counties to the Natural Resources, Agriculture, and Environment Interim Committee beginning January 1, 2020.

ULCT Action/Future Trend:
ULCT monitored this bill.

HB 102 | Use of Force Amendments

Reference: **Daily Recap: Feb. 7**
Sponsor: **Greene, Brian**
Bill Status: **Enrolled**
Link: **https://le.utah.gov/~2018/bills/static/HB0102.html**
ULCT Position: **Neutral**

Legislative Purpose of the Bill:
This bill requires a nexus between the use of force and a crime being committed for using a self-defense claim.

Municipal Action/What you need to do:
HB 102 creates an exception to the prohibition that a self-defense claim cannot be used in certain circumstances. Utah Code 76-2-402 prohibits the use of force to defend one's self if a person is committing a crime or attempting to commit a crime. This bill clarifies that if the use of force is unrelated to the reason the person is a felon, it is justified. For example, if a restricted person has a firearm (which is a felony) and uses it to defend himself from a home intruder, he could now use self-defense as claim. Previously he would have been prohibited from using the defense because of his status as a felony.

ULCT Action/Future Trend:
ULCT monitored the bill.

HB 111 | Community Reinvestment Agency Modifications

Reference: **LPC: Feb. 5, Feb. 12; Daily Recap: Feb. 12, Feb. 13, Feb. 14, Feb. 15, Feb. 21**
Sponsor: **Coleman, Kim**
Bill Status: **Failed**
Link: **https://le.utah.gov/~2018/bills/static/HB0111.html**
ULCT Position: **Oppose**

Legislative Purpose of the Bill:
This bill would have re-established the ability to create economic development areas and removed the 10% affordable housing set-aside required when CRAs are typically established.

Municipal Action/What you need to do:
The bill failed so no action is necessary.

ULCT Action/Future Trend:
ULCT worked on this bill with UAC and the bill sponsor in an attempt to reach consensus on the 10% affordable housing set-aside. We will certainly see this or similar legislation back in 2019. There is concern by some stakeholders that the set-aside is ineffective; however, given the current housing crisis, other stakeholders are unwilling to abolish this tool.

HB 113 | Candidate Filing Amendments

Reference: **Daily Recap: Jan. 30, Jan. 31; Friday Facts: Jan. 26, Feb. 9**
Sponsor: **Hall, Craig**
Bill Status: **Enrolled**
Link: **https://le.utah.gov/~2018/bills/static/HB0113.html**
ULCT Position: **Amend**

Legislative Purpose of the Bill:
This bill is intended to address a circumstance where a person who wants to run for office is physically unable to file in person.

Municipal Action/What you need to do:
HB 113 Allows an individual to file a declaration of candidacy via a designated agent if:

- the individual is located outside the state during the entire filing period,
- the person's designated agent appears in person, and
- the potential candidate communicates with the local official via electronic device that allows the local official to see and hear the candidate.

The designated agent may not sign the declaration of candidacy form. The declaration form should be modified in accordance with this statutory change.

ULCT Action/Future Trend:
ULCT worked with Rep. Hall and city clerks on this bill to ensure that the requirements for electronic filing are clear and not overly burdensome on city staff.

HB 124 | Water Holdings Accountability and Transparency Amendments

Reference: **LPC: Feb. 26; Daily Recap: Feb. 15, Feb. 20, Feb. 21, March 5; Friday Facts: Feb. 16**
Sponsor: **Coleman, Kim**
Bill Status: **Failed**
Link: **https://le.utah.gov/~2018/bills/static/HB0124.html**
ULCT Position: **Oppose**

Legislative Purpose of the Bill:
This bill would have required cities of the first class that supply water outside of their jurisdictions to post certain information on their website and provide it to the state engineer.

Municipal Action/What you need to do:
The bill failed so no action is necessary.

ULCT Action/Future Trend:
When this bill was first proposed, it was not limited to cities of the first class. ULCT worked closely with some of our smaller communities that would have been severely burdened by these requirements. After the bill was amended to apply only to cities of the first class, ULCT continued to work with those cities and representatives of the Executive Water Task Force to explain why this issue (one of several water issues) should be further studied by the EWTF over the interim. We testified against the bill in committee. We anticipate that water transparency bills will re-emerge next session and this is one of a number of issues we will work on over the interim.

HB 126 | Offender Housing Amendments

Reference: **None**
Sponsor: **Peterson, Jeremy**
Bill Status: **Enrolled**
Link: **https://le.utah.gov/~2018/bills/static/HB0126.html**
ULCT Position: **Neutral**

Legislative Purpose of the Bill:
This bill creates a process and formula for determining the release of offenders to community correctional centers ("halfway" or transitional housing).

Municipal Action/What you need to do:
HB 126 allows the Department of Corrections to establish community correctional centers based on county or county zone population beginning in 2023. The total number of offenders housed in correctional centers within a county or county zone may not exceed 20% of the cap established.

ULCT Action/Future Trend:
ULCT met with Rep. Peterson on this bill and monitored it. We will continue to monitor the rulemaking process before implementation in 2023.

HB 132 | Juvenile Justice Modifications

Reference: **None**
Sponsor: **Snow, Lowry**
Bill Status: **Enrolled**
Link: **https://le.utah.gov/~2018/bills/static/HB0132.html**
ULCT Position: **Neutral**

Legislative Purpose of the Bill:
This bill addresses treatment of minors who commit offenses or truancy, and expands the uses of appropriations for the Enhancement for At-Risk Students Program. It modifies provisions related to responses to school-based behavior and clarifies when a prosecutor may file a petition or review a referral. The bill also addresses adjudication of jurisdiction by juvenile court, suspended custody orders, the inquiry a prosecutor shall conduct before filing a petition, and addresses victim related issues.

Municipal Action/What you need to do:
None

ULCT Action/Future Trend:
This bill was monitored by ULCT.

HB 133 | Employment Amendments

Reference: **None**
Sponsor: **Hall, Craig**
Bill Status: **Enrolled**
Link: **https://le.utah.gov/~2018/bills/static/HB0133.html**
ULCT Position: **Support**

Legislative Purpose of the Bill:
HB 133 expands Title 52 nepotism provisions to apply to any household members of the government official. Public officers may no longer employ, appoint, vote, or recommend the appointment of a household member unless the appointee is eligible or qualified to be employed by the agency of the state or political subdivision, receives compensation from funds designated for vocational training, is employed for 12 weeks or less, is a volunteer, or the chief administrative officer determines that the appointee is the best person for the position. Public officers may not directly supervise the household member. Public officers must disclose their relationship with appointed household members as they're required to disclose relationships with immediate family members.

Municipal Action/What you need to do:
Public officers are now required to treat household members as they would immediate family members in terms of appointment and employment.

ULCT Action/Future Trend:
ULCT monitored the bill.

HB 134 | Conflict of Interest Disclosure Requirements

Reference: **None**
Sponsor: **Potter, Val**
Bill Status: **Enrolled**
Link: **https://le.utah.gov/~2018/bills/static/HB0134.html**
ULCT Position: **Neutral**

Legislative Purpose of the Bill:
This bill reduces the number of conflict of interest disclosures a public officer is required to make—now, the officer will only file with the Lt. Governor's office. The bill is intended to prevent confusion on behalf of the public and the officer.

Municipal Action/What you need to do:
HB 134 states that if a public officer files a disclosure under the Election Code, he or she is exempt from having to make disclosures to their respective public entity regarding business interests. Entities should update their practices to reflect this change.

ULCT Action/Future Trend:
ULCT monitored this bill.

HB 135 | Extraterritorial Jurisdiction Amendments

Reference: **LPC: Jan. 29, Feb. 26; Daily Recap: Feb. 15, Feb. 20, Feb. 21, March 5; Friday Facts: Feb. 16**
Sponsor: **Noel, Mike**
Bill Status: **Failed**
Link: **https://le.utah.gov/~2018/bills/static/HB0135.html**
ULCT Position: **Oppose**

Legislative Purpose of the Bill:
This bill would have significantly modified a section of state code (10-8-15) that gives first class cities jurisdiction to protect their sources of culinary water from pollution when those municipal water sources are located outside a city's corporate boundaries (extra-territorial jurisdiction).

Municipal Action/What you need to do:
HB 135 did not pass. However, this is one of several water-related bills we anticipate will be returning next session. It would have removed the jurisdiction of first class cities over the entire watershed, and reduced this jurisdiction to 300 feet on either side of the stream in which water is taken. ULCT, along with other allies, had major concerns about this bill because it would have put drinking the water sources for more than 340,000 people in Salt Lake City's culinary water service area along the East Bench of Salt Lake County at risk for pollution. It also restricted local control. Limiting municipal authority to protect water from pollution to 300 feet on either side of the stream does not account for unique pollution vulnerabilities. Proponents of HB 135 stated that Salt Lake City intends to regulate many watersheds outside of Salt Lake County, including in Utah County, Duchesne County, and Juab County. Salt Lake City adamantly denies

this, and it is questionable whether the law as currently written would even support this. Finally, while water quality vulnerabilities are increasing in our watersheds, our population is growing. For example, Salt Lake City will need to provide water for the new state correctional facility and significant growth planned in the City's Northwest Quadrant.

ULCT Action/Future Trend:
ULCT worked closely with our allies, particularly Salt Lake and Sandy City, on this bill. We will continue to engage with the Executive Water Task Force and our own water working group on bills impacting water jurisdiction.

HB 141 | Early Voting Amendments

Reference: **None**
Sponsor: **Westwood, John**
Bill Status: **Enrolled**
Link: **https://le.utah.gov/~2018/bills/static/HB0141.html**
ULCT Position: **Neutral**

Legislative Purpose of the Bill:
This bill allows a municipal clerk to shorten the early voting period under certain circumstances.

Municipal Action/What you need to do:
HB 141 permits a municipal clerk to reduce the early voting period if:

- The clerk conducts early voting on at least 4 days
- Those 4 days are within the period beginning 14 days before the election and ending on the day before the election.
- The clerk provides notice of the reduced early voting period.

The election officer must provide notice of the dates, times, and locations of early voting at least 19 days before the date of the election.

ULCT Action/Future Trend:
ULCT monitored this bill.

HB 142 | Impact Fees Amendments

Reference: **None**
Sponsor: **Owens, Derrin**
Bill Status: **Enrolled**
Link: **https://le.utah.gov/~2018/bills/static/HB0142.html**
ULCT Position: **Neutral**

Legislative Purpose of the Bill:
The bill adds "municipal natural gas facilities" to the definition of "public facilities" for purposes of impact fees.

Municipal Action/What you need to do:
HB 142 addressed a situation brought up by Nephi City, where Nephi built their own gas infrastructure. They now need to expand those facilities. This change to 11-36a-102 will permit them to assess impact fees for this needed infrastructure

ULCT Action/Future Trend:
ULCT monitored the bill, which only impacts cities that manage their own natural gas facilities.

HB 145 | Pedestrian Safety Amendments

Reference: **None**
Sponsor: **Eliason, Steve**
Bill Status: **Enrolled**
Link: **https://le.utah.gov/~2018/bills/static/HB0145.html**
ULCT Position: **Support**

Legislative Purpose of the Bill:
This bill amends provisions related to roads where a pedestrian is restricted from certain conduct that may impede and block traffic to include roads with a median or that share a right-of-way with a railway, and also amends provisions related to pedestrian safety in a crosswalk.

Municipal Action/What you need to do:
None.

ULCT Action/Future Trend:
ULCT watched this bill. This bill is part of the discouragement of panhandling and encouraging people to seek resources available in their community.

HB 146 | Postretirement Reemployment Restrictions Act Amendments

Reference: **None**
Sponsor: **Sagers, Doug**
Bill Status: **Enrolled**
Link: **https://le.utah.gov/~2018/bills/static/HB0146.html**
ULCT Position: **Neutral**

Legislative Purpose of the Bill:
HB 146 provides an exemption for affiliated emergency services workers from the Utah Retirement System (URS) 12 month separation period to accept a position with another agency that is also a URS member. Existing statute requires an extension of the employees retirement date to the date they retire from the new employer.

Municipal Action/What you need to do:
None

ULCT Action/Future Trend:
ULCT monitored this bill.

HB 147 | Retirement Forfeiture for Employment Related Offenses

Reference: **None**
Sponsor: **Hall, Craig**
Bill Status: **Enrolled**
Link: **https://le.utah.gov/~2018/bills/static/HB0147.html**
ULCT Position: **Neutral**

Legislative Purpose of the Bill:
This bill modifies the Utah State Retirement and Insurance Benefit Act by amending provisions relating to the forfeiture of retirement benefits. The bill authorizes a district attorney, a county attorney, the attorney general's office, or the state auditor to notify the Utah State Retirement Office and the employee's participating employer if an employee is charged with an offense that is or may be an employment related offense, and requires the participating employer who received the notification to make certain reports to the entity that provided the notification.

Municipal Action/What you need to do:
Be aware of how the changes will, or may effect your city or town.

ULCT Action/Future Trend:
This bill was monitored by ULCT. Is not part of any larger trend.

HB 150 | Single Sign-on Database Amendments

Reference: **None**
Sponsor: **Cutler, Bruce**
Bill Status: **Enrolled**
Link: **https://le.utah.gov/~2018/bills/static/HB0150.html**
ULCT Position: **Support**

Legislative Purpose of the Bill:

Municipal Action/What you need to do:

ULCT Action/Future Trend:

HB 151 | Utah Population Estimates Productions

Reference: **None**
Sponsor: **Spendlove, Robert**
Bill Status: **Enrolled**
Link: **https://le.utah.gov/~2018/bills/static/HB0151.html**
ULCT Position: **Neutral**

Legislative Purpose of the Bill:
HB 151 creates the Utah Population Committee and defines its composition. The committee will prepare annual population estimates for the state, review methodologies, prepare place estimates for new political subdivision annexation, and publish demographic information. This committee will become the primary source of population data unless otherwise specified.

Municipal Action/What you need to do:
Newly incorporated political subdivisions must provide the committee with a list of residential building permits issued within corporate boundaries since the last decennial census.

ULCT Action/Future Trend:
ULCT monitored this bill.

HB 152 | Good Samaritan Law Amendments

Reference: **None**
Sponsor: **Quinn, Tim**
Bill Status: **Enrolled**
Link: **https://le.utah.gov/~2018/bills/static/HB0152.html**
ULCT Position: **Support**

Legislative Purpose of the Bill:
HB 152 specifies that a person who uses reasonable force to remove a child from an unattended locked car is not liable for damages in a civil action if the person has a good faith belief that the child is in imminent anger unless they're removed from the car, has verified that the there is no other means to remove the child from the vehicle, notifies a first responder before entering the vehicle, does not use excessive force to enter the vehicle, and remains with the child until a first responder arrives at the vehicle.

Municipal Action/What you need to do:
None

ULCT Action/Future Trend:
ULCT monitored this bill.

HB 157 | Justice Reinvestment Amendments

Reference: **None**
Sponsor: **Potter, Val**
Bill Status: **Enrolled**
Link: **https://le.utah.gov/~2018/bills/static/HB0157.html**
ULCT Position: **Neutral**

Legislative Purpose of the Bill:
HB 157 establishes the daily compensation rate for treatment beds in county facilities offering alternative treatment programs. It defines terms, and amends the definition of "treatment program" to include alternative treatment programs related to vocational training or cognitive behavioral therapy. The bill also establishes the daily compensation rate to be paid to a county for treatment beds dedicated to state inmates receiving alternative treatment in a county facility.

Municipal Action/What you need to do:
None

ULCT Action/Future Trend:
ULCT watched this bill.

HB 168 | Political Subdivision Lien Authority

Reference: **Friday Facts: Jan. 26**
Sponsor: **Webb, Curt**
Bill Status: **Enrolled**
Link: **https://le.utah.gov/~2018/bills/static/HB0168.html**
ULCT Position: **Neutral**

Legislative Purpose of the Bill:
This bill is a clean-up and clarification of what priority local government liens hold.

Municipal Action/What you need to do:
HB 168 clarifies existing lien authority to ensure that each grant of authority provides an effective date, notice mechanism, and enforcement mechanism. Among other technical changes and clarifications, it provides that certain liens are invalid against a bona fide purchaser if the lien isn't recorded or if certain notice is not provided before the purchase, and clarifies what items can be included on the property tax notice. If your municipality employs liens for abatement purposes or otherwise, this should clarify the process you must follow.

ULCT Action/Future Trend:
ULCT discussed this bill with the sponsor at the beginning of the session and monitored it.

HB 171 | Motor Vehicle Emissions Amendments

Reference: **None**
Sponsor: **Romero, Angela**
Bill Status: **Failed**
Link: **https://le.utah.gov/~2018/bills/static/HB0171.html**
ULCT Position: **Neutral**

Legislative Purpose of the Bill:
HB 171 elevates the fine for repeated violations of diesel emission standards found in 41-6a-1626 and requires law enforcement agencies (local agencies included) in non-attainment areas (defined in 63N-3-102) to report violations to their local health department.

Municipal Action/What you need to do:
None–the bill failed.

ULCT Action/Future Trend:
ULCT monitored this bill.

HB 175 | Legislative Oversight Amendments

Reference: **LPC: Feb. 5, Feb. 26; Daily Recap: Feb. 1, Feb. 7, Feb. 12, Feb. 20, Feb. 21, Feb. 22, Feb. 27, March 6; Friday Facts: Feb. 16; YouTube: https://www.youtube.com/watch?v=YKZirLRjM20**
Sponsor: **Stratton, Keven**
Bill Status: **Failed**
Link: **https://le.utah.gov/~2018/bills/static/HB0175.html**
ULCT Position: **Oppose**

Legislative Purpose of the Bill:
The purpose of this bill was to create a governmental oversight committee that could review actions of political subdivisions.

Municipal Action/What you need to do:
HB 175 violated all four elements of our local control prism. It ultimately failed, despite numerous substitutes and the eventual morphing of the bill into a rules resolution that only applied to state executive branch agencies. In its original form, a committee of 9 state legislators would have had authority to "examine an action of a local government entity in relation to the entity's application of a law passed or a rule authorized by the Legislature." The committee was tasked with examining the "efficiency" and "effectiveness" of local government acts. ULCT worked closely with our allies at UAC, UASD, and the Utah School Board Association to adamantly oppose this bill. After a full-on assault by the League Army, substitutions of this bill removed all local government oversight powers. Although it eventually only applied to state executive branch agencies, the bill ultimately failed.

ULCT Action/Future Trend:
The threat of major state overreach will continue in sessions to come. ULCT will remain vigilant if an HB 175-type bill returns.

HB 176 | Temporary Replacement for County Elected Officials

Reference: **None**
Sponsor: **Potter, Val**
Bill Status: **Enrolled**
Link: **https://le.utah.gov/~2018/bills/static/HB0176.html**
ULCT Position: **Neutral**

Legislative Purpose of the Bill:
HB 176 grants statutory authority for a county legislative body to remove certain county officials by unanimous vote. It also defines the process for temporary replacement of county office vacancies.

Municipal Action/What you need to do:
None

ULCT Action/Future Trend:
ULCT monitored the bill.

HB 179 | State Training and Certification Requirements

Reference: **None**
Sponsor: **Ivory, Ken**
Bill Status: **Enrolled**
Link: **https://le.utah.gov/~2018/bills/static/HB0179.html**
ULCT Position: **Neutral**

Legislative Purpose of the Bill:
This bill requires that certain training and certification required of public officials, employees, and volunteers be presented or available in an online web-based format, unless certain exceptions apply.

Municipal Action/What you need to do:
Check and make sure that all required certifications and trainings are offered in an online format, unless your municipality is exempted.

ULCT Action/Future Trend:
ULCT monitored this bill. This bill is part of the larger trend of greater transparency.

HB 181 | Home Consumption and Homemade Food Act

Reference: **Daily Recap: Jan. 30, Jan. 31, Feb. 7**
Sponsor: **Roberts, Marc**
Bill Status: **Enrolled**
Link: **https://le.utah.gov/~2018/bills/static/HB0181.html**
ULCT Position: **Neutral after amended**

Legislative Purpose of the Bill:
The bill is intended to lessen the regulatory burdens on homemade food producers.

Municipal Action/What you need to do:
HB 181 enacts Utah Code 4-5a-101, Home Consumption and Homemade Food Act. It defines terms and allows certain food products to be sold from one's home or a direct-to-sale farmer's market. ULCT worked with the sponsor to ensure that the bill did not undermine any provisions of 2017's SB 81, Local Government Licensing Amendments, and still requires home-based businesses to comply with local zoning and business licensing requirements.

ULCT Action/Future Trend:
ULCT worked with Rep. Roberts to amend the bill to protect local government's ability to regulate home-based businesses.

HB 196 | Breastfeeding Protection Act

Reference: **None**
Sponsor: **Fawson, Justin**
Bill Status: **Enrolled**
Link: **https://le.utah.gov/~2018/bills/static/HB0196.html**
ULCT Position: **Neutral**

Legislative Purpose of the Bill:
HB 196 establishes pregnancy as a protected class against discrimination. It also states that women may breastfeed in public places as described in 13-7-2.

Municipal Action/What you need to do:
Municipalities may not prohibit breastfeeding in public locations or discriminate against persons on the basis of pregnancy.

ULCT Action/Future Trend:
ULCT monitored this bill.

HB 203 | Nighttime Highway Construction Noise Amendments

Reference: **Daily Recap: Jan. 24; Friday Facts: Feb. 23**
Sponsor: **Christofferson, Kay**
Bill Status: **Failed**
Link: **https://le.utah.gov/~2018/bills/static/HB0203.html**ULCT Position: **Oppose**

Legislative Purpose of the Bill:
HB 203 would have required cities to issue a nighttime highway construction permit to applicants who meet certain requirements for noise and nuisance abatement.

Municipal Action/What you need to do:
No action is required because the bill failed.

ULCT Action/Future Trend:
ULCT worked with the sponsor and other stakeholders on this bill to attempt to reach consensus. A similar bill was considered in 2017 (HB 327) and also failed. We succeeded in limiting the scope of the bill, but ultimately the bill failed. We are likely to see legislation again next session.

HB 209 | Mental Health Protections for First Responders

Reference: **Daily Recap: Feb. 5, Feb. 6, Feb 13, Feb. 26**
Sponsor: **Kwan, Karen**
Bill Status: **Failed**
Link: **https://le.utah.gov/~2018/bills/static/HB0209.html**
ULCT Position: **Neutral**

Legislative Purpose of the Bill:
HB 209 sought to streamline the process for first responders with physical, mental, or emotional health injuries to file and receive workers compensation funding. The final version of the bill would have created a workgroup to study a change in the workers compensation claim procedure and make recommendations to the Business and Labor Interim Committee.

Municipal Action/What you need to do:
Nothing, since the bill failed.

ULCT Action/Future Trend:
The original draft of the bill would have waived the standards of legal and medical causation for first responders with diagnosed physical, mental, or emotional injuries to receive workers compensation. ULCT staff expressed concern about the fiscal ramifications of this change in process and worked closely with the bill sponsor and other stakeholders to find an alternative to help first responders dealing with mental and emotional trauma. The result was a study group to examine the issue.

HB 212 | Business Expansion and Retention Initiative Amendments

Reference: **None**
Sponsor: **Watkins, Christine**
Bill Status: **Enrolled**
Link: **https://le.utah.gov/~2018/bills/static/HB0212.html**
ULCT Position: **Neutral**

Legislative Purpose of the Bill:
This bill modifies provisions related to the Business Expansion and Retention Initiative, as well as the Rural Fast Track Program. HB 212 requires that a certain amount of money from the Industrial Assistance Account be available to the Rural Fast Track Program and the Business Expansion and Retention Initiative each year. It also says that the Governor's Office of Economic Development must consider a recommendation from the Governor's Rural Partnership Board when awarding financial assistance under the Rural Fast Track Program and the Business Expansion and Retention Initiative.

Municipal Action/What you need to do:
None

ULCT Action/Future Trend:
ULCT monitored this bill. There is not future trend associated with this bill.

HB 218 | Modifications to Election Law

Reference: **None**
Sponsor: **Chavez-Houck, Rebecca**
Bill Status: **Enrolled**
Link: **https://le.utah.gov/~2018/bills/static/HB0218.html**
ULCT Position: **Neutral**

Legislative Purpose of the Bill:
This bill amends provisions of the Election Code, including some definitions. The bill provides that an otherwise eligible voter may register to vote, and vote, by casting a provisional ballot on election day or during the early voting period. It also amends provisions relating to voter registration deadlines and the information provided to applicants for voter registration. The bill changes the deadline for filing an absentee ballot application and for casting an absentee ballot in person, and amends provisions for removing a voter from the absentee ballot list. Further, the bill simplifies the process by which an individual may register to vote (including as an absentee voter) when the individual applies for or renews the individual's driver license or state identification card, and allows any individual to request that the individual's voter registration record be classified as a private record. The bill also provides certain requirements for conducting an election by absentee ballot, and requires a county that conducts an election by absentee ballot to provide a certain number of polling places on the date of an election.

Municipal Action/What you need to do:
Election officials and election staff/volunteers need to be aware of election changes.

ULCT Action/Future Trend:
ULCT monitored this bill.

HB 222 | Peace Officer Amendments

Reference: **None**
Sponsor: **Maloy, Cory**
Bill Status: **Enrolled**
Link: **https://le.utah.gov/~2018/bills/static/HB0222.html**
ULCT Position: **Neutral**

Legislative Purpose of the Bill:
HB 222 clarifies the penalties for evading arrest. The bill specifies that motor vehicle operators who fail to stop after receiving a signal from a law enforcement officer (but not a peace officer) and motor vehicle operators who attempt to elude a law enforcement officer (again, not a peace officer) are guilty of a 3rd degree felony. The bill also instructs the Department of Motor Vehicles to revoke the operator's driver's license upon receiving a record of conviction for the previously mentioned act. HB further clarifies that fleeing or eluding a peace officer (not a law enforcement officer) is a class A misdemeanor.

Municipal Action/What you need to do:
Drivers who evade or a attempt to evade a peace officer are guilty of a class A misdemeanor, not a 3rd degree felony. Drivers who evade or attempt to evade a law enforcement officer are guilty of a 3rd degree felony.

ULCT Action/Future Trend:
ULCT monitored this bill.

HB 225 | Initiatives, Referenda, and Other Political Activities

Reference: **LPC: Jan. 29, Feb. 5; Daily Recap: Jan. 23, Feb. 6, Feb. 12, Feb. 13**
Sponsor: **Daw, Brad**
Bill Status: **Failed**
Link: **https://le.utah.gov/~2018/bills/static/HB0225.html**
ULCT Position: **Support**

Legislative Purpose of the Bill:
The bill was intended to amend provisions of the Election Code relating to initiatives, referenda, and political activities of public entities for the benefit of local government and petitioners.

Municipal Action/What you need to do:
HB 225 was intended to clarify the process for petitioners and political subdivisions relating to initiatives and referenda, including the timeline for identifying the fiscal/legal impact, for/against arguments, signature gathering, clerks, pamphlets, dates. It also clarified when the communication restrictions on the public entity begin, the adjudication of referability at beginning of process with codified standards. It changed the signature requirements to be based on "active voters" rather than election turnout and codified policy objective of "equal access." Finally, it clarified the ability of a city to respond to questions about referendum without violating state law. The final substitute avoided many hostile amendments. However, the bill ultimately failed.

ULCT Action/Future Trend:
ULCT spent over a year with Rep. Brad Daw and a work group of city and county elected officials, clerks,

recorders, administrators, and attorneys working toward consensus legislation that would modernize and clarify the local initiative and referendum statutes. HB 225 passed the House of Representatives overwhelmingly and passed a Senate Committee. Alas, HB 225 did not come up for a vote in the Senate before sine die. ULCT still has the policy objectives of modernizing and clarifying the local direct democracy processes, definitions, and communication channels. ULCT also plans to clarify the due process of local government officials accused of violating the Political Activities of Public Entities Act. Rep. Daw worked in good faith with ULCT and we appreciate his efforts. ULCT intends to try again to find consensus on this topic in future legislative sessions.

HB 226 | Citation Authority Amendments

Reference: **Daily RecaP: Feb. 1; Friday Facts: Feb. 2, March 3**
Sponsor: **Christofferson, Kay**
Bill Status: **Enrolled**
Link: **https://le.utah.gov/~2018/bills/static/HB0226.html**
ULCT Position: **Support**

Legislative Purpose of the Bill:
The bill addresses who may enforce local ordinance by criminal citations.

Municipal Action/What you need to do:
HB 226 was intended to amend a provision enacted last year through 2017s SB 251 Local Government Criminal Penalty Amendments. SB 251 prohibited a municipal officer or official who is not a sworn law enforcement officer from issuing a criminal citation for a violation that is punished as a misdemeanor. Now, Utah Code 10-3-703 states that only law enforcement officers or special function officers may issue citations for misdemeanors, except that a fire officer or an animal control officer may if the violation threatens the health and safety of an animal or the public. This was intended to offer more flexibility to smaller municipalities and those that employ animal control officers who are not regular LEOs or SFOs.

ULCT Action/Future Trend:
ULCT worked with Rep. Christofferson, Sen. Thatcher, and local government stakeholders (city and county) to get to this compromise bill.

HB 242 | Local Animal Control Regulation Amendments

Reference: **Daily Recap: Feb. 13, Feb. 14, Feb. 15**
Sponsor: **Roberts, Marc**
Bill Status: **Failed**
Link: **https://le.utah.gov/~2018/bills/static/HB0242.html**
ULCT Position: **Oppose**

Legislative Purpose of the Bill:
This bill would have pre-empted a city or county's ability to regulate the number of animals an individual could have on his or her property.

Municipal Action/What you need to do:
No action necessary because the bill failed.

ULCT Action/Future Trend:
ULCT successfully opposed this bill and it failed in the House Natural Resources committee based on the committee's concerns that bill encroached on local government authority.

HB 248 | Compensatory Service in Lieu of Fine Amendments

Reference: **Daily Recap: Feb. 5, Feb. 6, Feb. 7; Friday Facts: Feb. 23**
Sponsor: **King, Brian**
Bill Status: **Enrolled**
Link: **https://le.utah.gov/~2018/bills/static/HB0248.html**
ULCT Position: **Neutral as amended**

Legislative Purpose of the Bill:
This bill was intended to give defendants the option of performing community service in lieu of paying a fine for conviction of an infraction or misdemeanor.

Municipal Action/What you need to do:
HB 248 as originally drafted interfered with judicial discretion by mandating a judge give a defendant the option of performing community service in lieu of paying a fine. As amended, the bill directs that compensatory service "shall be considered" when a judge sentences a defendant in an infraction or misdemeanor, but the determination of whether a defendant will be permitted to do community service in lieu of a fine rests with the judge, not the defendant.

ULCT Action/Future Trend:
ULCT met with Rep. King before the session started to express our concerns about this bill as originally drafted. With judicial discretion intact, it remains to be seen whether this bill will have any major impacts on current practices in justice court.

HB 249 | Statewide Resource Management Plan Adoption

Reference: **None**
Sponsor: **Stratton, Kevin**
Bill Status: **Enrolled**
Link: **https://le.utah.gov/~2018/bills/static/HB0249.html**
ULCT Position: **Oppose**

Legislative Purpose of the Bill:
HB 249 adopts the statewide resource management plan on file with the Public Lands Policy Coordinating Office (PLPCO) and requires the PLPCO to monitor the implementation of the plan at both the state and local levels. If the PLPCO determines deficiencies in the management plan, they shall submit recommendations to the state legislature. The PCPCO may not preempt any authority granted to political subdivisions by the Municipal Land Use, Development, and Management Act (Title 10, Chapters 9a and 8).

Municipal Action/What you need to do:
Political subdivisions shall keep the PLPCO informed of substantive modifications to their resource management plans.

ULCT Action/Future Trend:
ULCT monitored this bill.

HB 250 | Building Permit and Impact Fees Amendments

Reference: **LPC: Jan. 8, Feb. 5, Daily Recap: Feb. 12**
Sponsor: **Schultz, Mike**
Bill Status: **Enrolled**
Link: **https://le.utah.gov/~2018/bills/static/HB0250.html**
ULCT Position: **Support**

Legislative Purpose of the Bill:
This was a Land Use Task Force bill. The intention of the bill is to clarify who has standing to challenge impact fees and to increase funding to the Office of Property Rights Ombudsman.

Municipal Action/What you need to do:
HB 250 clarifies definition of "claimant" in Utah Code 11-36a-603 by adding "the person who paid an impact fee."

- If the fee was spent or encumbered, a claimant may challenge whether the entity spent or encumbered it properly one year after the expiration of when the entity had to do so. (The entity must spend or encumber within 6 years.)

- If the fee was NOT spent or encumbered, a claimant many challenge the fee two years after the expiration of when the entity was supposed to do so, but didn't.

HB 250 also changes the allocation of the 1% building permit surcharge under Utah Code 15A-1-209. An entity charges a 1% fee on building permits it issues. It will now transmit 85% to DOPL instead of 80%.

- DOPL will use 30% of the 85% to provide education to building inspectors.
- DOPL will use 10% of the 85% to provide training to contractors (individuals licensed in construction trades or related professions).
- DOPL will transmit 60% of the 85% to OPRO to provide education and training on the drafting and application of land use laws and regulations and land use dispute resolution.

OPRO shall use any money transmitted pursuant to 15A-1-209 to pay for dispute resolution and training on drafting and application of land use laws and regulations. Training includes grants to a land use training organization selected by the Land Use and Eminent Domain Advisory Board and approved by the ombudsman and director of the Dept. of Commerce.

ULCT Action/Future Trend:
ULCT convened the Land Use Task Force throughout the year to work on this consensus bill.

HB 253 | Trust Land Amendments

Reference: **None**
Sponsor: **Snow, Lowry**
Bill Status: **Enrolled**
Link: **https://le.utah.gov/~2018/bills/static/HB0253.html**
ULCT Position: **Neutral**

Legislative Purpose of the Bill:
HB 253 makes technical changes to the statutes governing the School and Institutional Trust Lands Administration (SITLA). The administration is now exempt from 63G-3-301(5), which previously required the agency to conduct a thorough analysis of the impact filing a given rule would have on businesses. The bill also allows the SITLA director to make management determinations for plant species that have been proposed for designations as endangered or threatened.

Municipal Action/What you need to do:
None

ULCT Action/Future Trend:
ULCT monitored this bill.

HB 255 | Extra-jurisdictional Municipal Property

Reference: **Daily Recap: March 1, March 5**
Sponsor: **Coleman, Kim**
Bill Status: **Failed**
Link: **https://le.utah.gov/~2018/bills/static/HB0255.html**
ULCT Position: **Amend**

Legislative Purpose of the Bill:
HB 255 attempted to limit the circumstances in which a municipality may own property outside the municipality's boundaries, and would have applied certain property tax liability to property that a city owns regardless of that city's extraterritorial jurisdiction. The bill also aimed to create an exception to the property tax exemption for certain property that a municipality owns. The bill would have authorized a municipality to levy a property tax on certain property that another municipality owns within the taxing municipality's boundaries. The bill also would have prohibited a municipality that owns property within another municipality's boundaries from levying a tax within the other municipality's boundaries.

Municipal Action/What you need to do:
None

ULCT Action/Future Trend:
ULCT worked with stakeholders and municipalities in opposition to this bill. ULCT also testified against the bill. The bill ultimately failed.

HB 259 | Moderate Income Housing Amendments

Reference: **LPC: Feb. 5; Daily Recap: Feb. 5, Feb. 6, Feb. 20, Feb. 21, March 8**
Sponsor: **Wilde, Logan**
Bill Status: **Enrolled**
Link: **https://le.utah.gov/~2018/bills/static/HB0259.html**
ULCT Position: **Support**

Legislative Purpose of the Bill:
HB 259 updates the existing requirement for cities to develop a moderate-income housing plan.

Municipal Action/What you need to do:
HB 259 requires all cities of 10,000 or more statewide and of 5,000 or more in counties of the third class or larger must address Moderate Income Housing in their general plan by July 2019.

- The report must analyze and publish data on the number of housing units that are at or below 80%, 50%, and 30% of the adjusted median income and the number of units that are subsidized or deed restricted. The Housing and Community Development Division (HCDD) of the Utah Department of Workforce Services can help you in obtaining this data as well as the Gardner Institute at http://gardner.utah.edu/demographics
- The report must also include how a city is using the MIH set aside.

The substantive updates to the MIH plan in HB 259 are the following:

1. Towns remain exempt

2. Provisions were put in place to exempt some municipalities by population. (see below)

3. Municipalities that submitted a findings report of their biennial moderate-income housing review to The Housing and Community Development Division (HCDD) in 2017 will not be required to report until 2019. All other obligated municipalities are to submit a report to HCDD no later than December 31st, 2018.

4 Every two years the legislative body of obligated municipal governments are to:

- Conduct a thorough review of the municipality's moderate-income housing element and its implementation; and
- Revise its 5-year moderate-income housing needs estimates; and
- Report the findings of the biennial review to the Housing and Community Development Division (HCDD) of the Utah Department of Workforce Services and the Association of Government in which the municipality is located.
- Post the findings report on their website.

ULCT Action/Future Trend:
Moderate income housing is a major topic throughout the state. We worked closely with Rep. Wilde and the Salt Lake Chamber on this bill in order to clarify what role cities can play in the MIH discussion. We want to be proactive while also making clear that cities do not control many key aspects of developing MIH, including land and labor costs. We will continue to work diligently on this topic over the interim with internal and external working groups.

HB 261 | Renewable Energy Amendments

Reference: **None**
Sponsor: **Knotwell, John**
Bill Status: **Enrolled**
Link: **https://le.utah.gov/~2018/bills/static/HB0261.html**
ULCT Position: **Neutral**

Legislative Purpose of the Bill:
HB 261 allows public utilities (excluding governmental entities) to claim the 30% federal tax credit up-front at a market rate, rather than carry it as a 20-year total cost credit. It also clarifies Utilities must still undergo a RFP process for solar or thermal energy purchases.

Municipal Action/What you need to do:
None

ULCT Action/Future Trend:
ULCT monitored this bill.

HB 265 | Body Camera Amendments

Reference: **Daily Recap: Feb. 8; Friday Facts: Feb. 9**
Sponsor: **McCay, Dan**
Bill Status: **Enrolled**
Link: **https://le.utah.gov/~2018/bills/static/HB0265.html**
ULCT Position: **Neutral**

Legislative Purpose of the Bill:
This bill amends the Utah Criminal Code regarding the retention of recordings made by law enforcement officers wearing a body-worn camera. The bill provides that the recordings made by law enforcement officers while wearing a body-worn camera may not be retained by a private entity if the private entity has authority to withhold the recording or prevent access or disclosure of the recording.

Municipal Action/What you need to do:
None

ULCT Action/Future Trend:
ULCT watched this bill. This bill is part of the ongoing trend of transparency and making the law clear as it relates to government records.

HB 266 | Limited Access Highway Amendments

Reference: **None**
Sponsor: **Webb, Curt**
Bill Status: **Enrolled**
Link: **https://le.utah.gov/~2018/bills/static/HB0266.htmll**
ULCT Position: **Neutral**

Legislative Purpose of the Bill:
This bill limits the ability of an entity to close access to a public highway without providing reasonably equivalent access to that highway. It exempts interstate freeways and certain similar highways.

Municipal Action/What you need to do:
Previously, if a jurisdiction closed an access point to a property, they only had to provide reasonable access to the property -- not necessarily access to that same road. Now the entity must ensure that the property maintains reasonable access to that same street unless the property owner is compensated.

ULCT Action/Future Trend:
ULCT discussed the bill with UDOT and monitored it.

HB 268 | Off Duty Employment of Law Enforcement Officer

Reference: **Daily Recap: Feb. 14, Feb. 20**
Sponsor: **Perry, Lee**
Bill Status: **Failed**
Link: **https://le.utah.gov/~2018/bills/static/HB0268.html**
ULCT Position: **Neutral**

Legislative Purpose of the Bill:
This bill modifies provisions regarding how law enforcement officers engage in secondary employment. The bill defines terms, and modifies provisions related to the requirements for a law enforcement officer to engage in secondary employment.

Municipal Action/What you need to do:
None

ULCT Action/Future Trend:
ULCT watched this bill. Secondary employment for law enforcement has been looked at the past couple of legislative sessions, and has potential for coming back again next year.

HB 273 | Criminal Judgment Account Receivable Amendments

Reference: **None**
Sponsor: **Elizabeth Weight**
Bill Status: **Enrolled**
Link: **https://le.utah.gov/~2018/bills/static/HB0273.html**
ULCT Position: **Neutral**

Legislative Purpose of the Bill:
HB 273 addresses a technical issue in the criminal fine payment process. The bill permits courts to accept payment to criminal judgement account receivable on the date of sentencing. Collection of any remaining balance in the account is sent to debt collection.

Municipal Action/What you need to do:
Courts shall now accept payment on the criminal judgement account receivable on the date of sentencing.

ULCT Action/Future Trend:
ULCT monitored this bill.

HB 279 | Design Professionals Liability Amendments

Reference: **Daily Recap: Feb. 20**
Sponsor: **Christofferson, Kay**
Bill Status: **Enrolled**
Link: **https://le.utah.gov/~2018/bills/static/HB0279.html**
ULCT Position: **Oppose**

Legislative Purpose of the Bill:
This bill is intended to limit the liability government entities can assign to design professionals in contracts.

Municipal Action/What you need to do:
HB 279 limits the indemnification provisions in government contracts with design professionals (architects and engineers) to breach of contract, negligence, recklessness, or intentional misconduct, and indemnification of their subcontractors to negligence. The impetus for this bill was a claim by design professionals and their insurers that government entities were forcing them to sign contracts that included uninsurable indemnification provisions because they were overly broad, requiring defense of third parties over which the contractors had no control. Entities need to ensure that their contracts with this type of contractor do not violate the new indemnification standards.

ULCT Action/Future Trend:
ULCT had numerous conversations with the sponsor and industry representatives about this bill, and testified against it in committee.

HB 281 | Voter Eligibility Amendments

Reference: **None**
Sponsor: **Briscoe, Joel**
Bill Status: **Enrolled**
Link: **https://le.utah.gov/~2018/bills/static/HB0281.html**
ULCT Position: **Neutral**

Legislative Purpose of the Bill:
This bill modifies provisions of the Election Code relating to voter age requirements by providing that an individual who is 17 years of age may register for and vote in a primary election if the individual will be 18 years of age on or before the date of the general election. The bill also makes changes to the process of preregistering to vote to conform with the provisions of this bill.

Municipal Action/What you need to do:
None.

ULCT Action/Future Trend:
ULCT monitored this bill.

HB 288 | Workers' Compensation Claims Amendments

Reference: **None**
Sponsor: **Ivory, Ken**
Bill Status: **Enrolled**
Link: **https://le.utah.gov/~2018/bills/static/HB0288.html**
ULCT Position: **Neutral**

Legislative Purpose of the Bill:
This bill clarifies protections related to a workers' compensation claimant. It is unlawful for an employer to interfere with an employee's ability to seek benefits and to retaliate against an employee who does so.

Municipal Action/What you need to do:
No action required.

ULCT Action/Future Trend:
ULCT monitored the bill.

HB 291 | Sentencing Commission Length of Supervision Guidelines

Reference: **None**
Sponsor: **Hutchings, Eric**
Bill Status: **Enrolled**
Link: **https://le.utah.gov/~2018/bills/static/HB0291.html**
ULCT Position: **Neutral**

Legislative Purpose of the Bill:
HB 291 directs the Utah Sentencing Commission to recommend guidelines pertaining to the supervision of adult offenders' probation or parole to the Legislature, governor, and the Judicial Council. The bill also states that probation for individuals placed on probation after December 31, 2018 may not exceed the individual's maximum sentence unless the sentence is for one year or less. If an individual is placed on probation for one year or less after December 31, 2018, they may not be placed on probation for longer than 36 months. HB 291 also mandates the parole board make determinations consistent with the recommendations of the sentencing commission.

Municipal Action/What you need to do:
Courts and law enforcement agencies should be aware of these changes to the probation process and watch for the Sentencing Commission's recommendations.

ULCT Action/Future Trend:
ULCT monitored this bill and will continue to monitor changes in the probation process.

HB 294 | Municipal Forms of Government Amendments

Reference: **None**
Sponsor: **Coleman, Kim**
Bill Status: **Failed**
Link: **https://le.utah.gov/~2018/bills/static/HB0294.html**
ULCT Position: **Support**

Legislative Purpose of the Bill:
This bill would have reinstated the council-manager form of municipal government, and allowed a municipality to change to the council-manager form of municipal government if the municipality previously operated under the council-manager form of municipal government, and provides a grandfather clause for certain provisions of this bill. The bill spells out many of the particulars of how the government should be formed.

Municipal Action/What you need to do:
None

ULCT Action/Future Trend:
ULCT worked with the sponsor and stakeholders to arrive at a consensus bill. ULCT testified in favor of this bill. There is a good chance this bill will return in the 2019 legislative session.

HB 295 | Driving under the Influence Revisions

Reference: **None**
Sponsor: **Eliason, Steve**
Bill Status: **Enrolled**
Link: **https://le.utah.gov/~2018/bills/static/HB0295.html**
ULCT Position: **Support**

Legislative Purpose of the Bill:
HB 295 elevates the penalty for driving under the influence a Class A misdemeanor if an individual drives the wrong direction of a freeway or highway as described in 41-6a-713, while intoxicated.

Municipal Action/What you need to do:
Driving under the influence cases may now be enforced as a Class A misdemeanor if a person also drove in the incorrect direction of traffic on a highway or freeway.

ULCT Action/Future Trend:
ULCT monitored this bill.

HB 298 | Victim Advocate Confidentiality Amendments

Reference: **None**
Sponsor: **McKell, Mike**
Bill Status: **Enrolled**
Link: **https://le.utah.gov/~2018/bills/static/HB0298.html**
ULCT Position: **Support**

Legislative Purpose of the Bill:
HB 298 creates the Victim Advocate Confidentiality Task Force to study when and how communication and information provided to victim advocates shall be kept confidential. The Task Force will recommend to the Judiciary Interim Committee qualifications for a victim advocate, what forms of communication should be considered confidential, how to address an advocate's knowledge of perjured testimony, communication of exculpatory evidence, duties to disclose suspicion of child abuse or neglect, and whether these requirements should be enacted in statute or court rule.

Municipal Action/What you need to do:
None

ULCT Action/Future Trend:
ULCT monitored this bill.

HB 303 | Drinking Water Source Sizing Requirements

Reference: **LPC: Feb. 26, Daily Recap: Feb. 15; Friday Facts: Feb. 16, Feb. 23**
Sponsor: **Sandall, Scott**
Bill Status: **Enrolled**
Link: **https://le.utah.gov/~2018/bills/static/HB0303.html**
ULCT Position: **Support as amended**

Legislative Purpose of the Bill:
This bill is intended to establish drinking water source sizing requirements for certain public water systems, as well as require systems to publish certain use data.

Municipal Action/What you need to do:
HB 303 requires a community water system (public system that serves residents year-round) to annually collect and report water use data to the Division of Water rights. It also allows the Division Director to establish system-specific source and storage minimum sizing requirements for a community water system serving a population of more than 3300 based on the past 3 years of data. By 2023, the Director must establish system-specific source and storage minimum sizing requirements for systems serving between 500 and 3300. The director shall also establish requirements for systems serving fewer than 500 and establish a schedule for transition from statewide sizing standards to system-specific standards. Wholesale water suppliers of more than 10,000 are exempt.

ULCT Action/Future Trend:
ULCT worked with the Division of Drinking Water on this bill, as well as the sponsor and other stakeholders. We supported the final bill. This is one of several bills

we saw this session on water, water holdings, and water transparency. This will continue to be a big topic that we will work on during the interim with our internal work group and well as the Executive Water Task Force.

HB 305 | Fire Code Amendments

Reference: **None**
Sponsor: **Brooks, Walt**
Bill Status: **Enrolled**
Link: **https://le.utah.gov/~2018/bills/static/HB0305.html**
ULCT Position: **Neutral**

Legislative Purpose of the Bill:
This bill clarifies the language dealing with a standard for fire access roads in subdivisions and clarifies that municipalities can still withhold issuance of a final certificate of occupancy until permanent roads are complete.

Municipal Action/What you need to do:
HB 305 amends Chapter 33 of the International Fire Code (IFC). It clarifies the following:

- If an improvement completion assurance has been posted in accordance with 10-9a-604.5, a local jurisdiction may not require permanent roads, or asphalt or concrete on temporary roads, before final approval of the structure served by the road.
- Vehicle access shall be provided to within 100 feet of temporary or permanent fire department connections.
- Vehicle access shall be provided by either temporary or permanent roads.
- Temporary roads shall be constructed with a minimum of site specific required structural fill for permanent roads and road base, or other approved material complying with local standards.

- Maintenance. Temporary roads shall be maintained until permanent fire apparatus access roads are available.
- Compaction reports may be required.
- Temporary or permanent fire department access roads shall be functional before construction above the foundation begins and before an appreciable amount of combustible construction materials are on site.

ULCT Action/Future Trend:
ULCT met with fire chiefs and developers during the interim and all parties thought the issue was resolved. However, during the session it was alleged that a city was still requiring completed roads before issuing building permits. We will monitor how this bill impacts cities and if additional technical changes are needed.

HB 310 | Professional Licensing Amendments

Reference: **None**
Sponsor: **Schultz, Mike**
Bill Status: **Neutral**
Link: **https://le.utah.gov/~2018/bills/static/HB0310.html**
ULCT Position: **Neutral**

Legislative Purpose of the Bill:
This bill adds a subsection to the definition of "unprofessional conduct" in Utah Code 58-56.9.3 regarding building inspectors..

Municipal Action/What you need to do:
HB 310 adds that DOPL may find "unprofessional conduct" if a building inspector is requiring work that materially varies from the building codes adopted by the state. The division may not take action until the entity's administrative process is exhausted.

ULCT Action/Future Trend:
This was not a Land Use Task Force Bill. This bill stemmed out of complaints by the homebuilders and others that building inspectors are requiring last-minute changes and additional requirements that go above and beyond the building code. We worked on the bill to ensure that the city's administrative appeals process must be exhausted before DOPL can take action against an inspector.

HB 321 | Arrest Amendments

Reference: **None**
Sponsor: **Miles, Kelly**
Bill Status: **Enrolled**
Link: **https://le.utah.gov/~2018/bills/static/HB0321.html**
ULCT Position: **Support**

Legislative Purpose of the Bill:
HB 321 clarifies that when a jail accepts custody of a person arrested without a warrant the duties defined in 77-7-23 are transferred to the from the peace officer or private person to the jail facility.

Municipal Action/What you need to do:
Once peace officers or private person transfer a person arrested without a warrant to a jail, the facility becomes responsible for delivering the arrested person to the appropriate magistrate.

ULCT Action/Future Trend:
ULCT supported this bill.

HB 322 | Non-emergency Patient Transportation Safety Amendments

Reference: **None**
Sponsor: **Redd, Ed**
Bill Status: **Enrolled**
Link: **https://le.utah.gov/~2018/bills/static/HB0322.html**
ULCT Position: **Support**

Legislative Purpose of the Bill:
This bill amends the Utah Emergency Medical Services System Act. It creates a new category for designation as an emergency medical service provider and adds to the list of individuals who must be transported by a licensed ambulance. The bill also allows an emergency medical services provider to decline or delay a request for non-emergency transportation under certain circumstances that would endanger the patient or the provider; and requires a hospital to hold a bed for a patient whose transportation is delayed or declined under the provisions of this bill.

Municipal Action/What you need to do:
None

ULCT Action/Future Trend:
ULCT monitored this bill.

HB 324 | Tobacco Regulations Amendments

Reference: **None**
Sponsor: **Last, Brad**
Bill Status: **Enrolled**
Link: **https://le.utah.gov/~2018/bills/static/HB0324.html**
ULCT Position: **Neutral**

Legislative Purpose of the Bill:
HB 324 modifies the licensing process for retail tobacco specialty businesses to include a local health department and expands the definition of tobacco products to include "non-tobacco shisha" in the Utah Indoor Clean Air Act.

Municipal Action/What you need to do:
HB 324 makes several relevant changes for municipalities. First, homeless shelters are now considered community locations in 10-8-41.6. So municipalities may not license new retail tobacco specialty businesses within 1,000 feet if a homeless shelter. The definition of retail tobacco specialty business has also changed slightly to include businesses where 20% or more of the public retail floor space or shelf space is allocated to tobacco products and stores that features a "self-service display" as defined in 76-10-105.1. Finally, the bill gives local health departments the responsibility to fine and suspend or revoke licensing from non-compliant retailers.

ULCT Action/Future Trend:
ULCT monitored this bill.

HB 331 | Air Pollution Mitigation Education Program

Reference: **None**
Sponsor: **Kennedy, Michael**
Bill Status: **Enrolled**
Link: **https://le.utah.gov/~2018/bills/static/HB0331.html**
ULCT Position: **Neutral**

Legislative Purpose of the Bill:
This bill requires the Driver License Division and the State Board of Education to each create rules regarding the creation and dissemination of educational information to students in driver education and applicants for a driver license on ways drivers can help improve air quality and the harmful effects of vehicle emissions.

Municipal Action/What you need to do:
None

ULCT Action/Future Trend:
ULCT monitored this bill.

HB 336 | Fine Amendments

Reference: **Daily Recap: Feb. 20**
Sponsor: **McCay, Dan**
Bill Status: **Enrolled**
Link: **https://le.utah.gov/~2018/bills/static/HB0336.html**
ULCT Position: **Oppose**

Legislative Purpose of the Bill:
This bill limits the late fees and interest a jurisdiction can impose for a parking citation, civil citation, or administrative fine to no more than 25% of the original citation amount.

Municipal Action/What you need to do:
HB 336 enacts Utah Code 11-58-201 and amends 76-3-301 to prevent jurisdictions from generating more than 25% in the aggregate on fines, late fees, and interest on infractions, civil citations, parking citations, and administrative fines. This was a priority bill brought by an anti-government special interest group and apparently is directed at a city that imposes astronomical fines for parking violations, but gives deep discounts if those fines are paid off within a short period of time. The goal was to prevent jurisdictions from further punishing people with oppressive late fees and interest when they can't afford to pay fines in the first place.

ULCT Action/Future Trend:
ULCT and UAC had numerous conversations with the sponsor of this bill and succeeded in limiting it to parking citations and the like. However, we also made an agreement that this bill won't be enacted until July 1, 2019 so that we can delve further into the problem this bill is allegedly trying to solve over this next year.

HB 346 | Local Government Plan Review Amendments

Reference: **LPC: Oct. 16, Dec. 11, Jan. 8; Daily Recap: Feb. 12, Feb. 13**
Sponsor: **Schultz, Mike**
Bill Status: **Enrolled**
Link: **hhttps://le.utah.gov/~2018/bills/static/HB0346.html**
ULCT Position: **Support**

Legislative Purpose of the Bill:
This bill makes permanent the timeframes for plan review established in 2017's SB 241. It reached consensus in the Land Use Task Force last year.

Municipal Action/What you need to do:
HB 346 defines plan review and includes three categories for plans that are not subject to that review (and therefore not subject to the 14 and 21-day timelines):

> "Plan review" does not mean a review of a document:
>
> (A) required to be re-submitted for additional modifications or substantive changes identified by the plan review;
>
> (B) submitted as part of a deferred submittal when requested by the applicant and approved by the building official; or
>
> (C) that, due to the document's technical nature or on the request of the applicant, is reviewed by a third party.

HB 346 also:

- Defines "lodging establishment"

- Defines "planning review"–means a review to verify that a city has approved the specified elements of a construction project
- Defines what "plan review" DOES NOT mean (see above)
- Defines "structural review" – a review that verifies compliance with
- Footing size and bar placement
- Foundation thickness and bar placement
- Beam and header sizes
- Nailing patterns
- Bearing points
- Structural member size and span
- Sheathing
- Or if it exceeds typical "structural review", a review that a licensed engineer conducts.
- Defines "technical nature"—a characteristic that places an item outside the training and expertise of an individual who regularly performs plan reviews.
- Makes permanent the same 14 and 21-day timelines as last year for plan review (with the 3 exemptions listed above).
- Process:
- If a city doesn't complete the plan review (AS DEFINED) in 14 or 21 days, the applicant may request that the city complete it.
- If the applicant makes such a request, the city then has 14 or 21 days to do so.

- An applicant may waive the plan review time requirements, or with the city's consent, establish an alternative time requirement.

- If a city does not complete the plan review (again, AS DEFINED) within the time period, it may not enforce a plan review requirement so long as a licensed architect and/or engineer has stamped the plan.

- A city may attach to a reviewed plan a list that includes items "with which a city is concerned and may enforce during construction; and building code violations found in the plan."

- A city may not require an applicant to redraft a plan if the city requests minor changes as identified in the city's attached list.

- Applicant must ensure that each plan includes a statement that actual construction will comply with local ordinances and building codes.

Review the bill with your Building and Planning Staff and adjust your review process accordingly. Again, much of this language existed in 2017 so it should not present major shifts from those made by municipal staff last year to adhere to the statute.

ULCT Action/Future Trend:
Over the interim last year, the LUTF agreed that the timelines had not created hardship for cities and so reached this consensus with the Property Rights Coalition.

HB 347 | Law Enforcement Agreements

Reference: **None**
Sponsor: **Watkins, Christine**
Bill Status: **Enrolled**
Link: **https://le.utah.gov/~2018/bills/static/HB0347.html**
ULCT Position: **Neutral**

Legislative Purpose of the Bill:
A recent district court decision makes it difficult to determine where state jurisdiction ends and tribal jurisdiction begins. HB 347 aims to address those concerns by allowing certain political subdivisions to enter into law enforcement agreements with the Bureau of Indian Affairs.

Municipal Action/What you need to do:
This bill allows presidential townships to enter into law enforcement jurisdiction agreements with the Bureau of Indian Affairs (BIA) and the local county sheriff to deputize BIA law enforcement agents to enforce state and local laws beyond.

ULCT Action/Future Trend:
ULCT monitored this bill.

HB 348 | Secondhand Merchandise Dealers Amendments

Reference: **None**
Sponsor: **Edwards, Rebecca**
Bill Status: **Enrolled**
Link: **https://le.utah.gov/~2018/bills/static/HB0348.html**
ULCT Position: **Neutral**

Legislative Purpose of the Bill:
This bill modifies the Pawnshop and Secondhand Merchandise Transaction Information Act. The bill defines "children's product" and "children's product resale business"; and exempts children's product resale businesses from requirements regarding secondhand merchandise dealers.

Municipal Action/What you need to do:
None.

ULCT Action/Future Trend:
ULCT monitored this bill.

HB 357 | Evaluating Tax Revenue Foregone from Federally Controlled Lands

Reference: **None**
Sponsor: **Ivory, Ken**
Bill Status: **Enrolled**
Link: **https://le.utah.gov/~2018/bills/static/HB0357.html**
ULCT Position: **Support**

Legislative Purpose of the Bill:
HB 357 requires the state's Commission on Federalism study the fiscal impact of federal payments to local schools and governments in lieu of collecting property tax on federal land. The bill also authorizes the commission to engage with Utah's congressional delegation to secure these federal payments.

Municipal Action/What you need to do:
None.

ULCT Action/Future Trend:
ULCT supported this bill.

HB 361 | Billboard Amendments

Reference: **LPC: Feb. 12, Feb. 26, March 5; Daily Recap: Feb. 15, March 5, March 7; Friday Facts: Feb. 16, March 3**
Sponsor: **Gibson, Francis**
Bill Status: **Enrolled**
Link: **https://le.utah.gov/~2018/bills/static/HB0361.html**
ULCT Position: **Neutral as amended**

Legislative Purpose of the Bill:
This bill adopts the eminent domain process for a city's acquisition of a billboard.

Municipal Action/What you need to do:
HB 361 allows a city or county 180 days from the time a billboard owner requests to rebuild, maintain, repair, restore, or relocate a billboard to complete the procedural steps required to file an eminent domain action. The bill as originally proposed would have required all of these steps to be completed in 90 days. We found this to be completely unreasonable, and worked to develop a fair process for both parties. However, negotiations on adopting a process other than eminent domain were unsuccessful. We worked with UDOT, Sen. Weiler, and Sen. Anderegg to strike a deal that lengthened the timeframe to 180 days as a stopgap procedure with an agreement to work with the outdoor advertising industry over the interim.

ULCT Action/Future Trend:
ULCT and the outdoor advertising industry agreed that a process needs to be put in place for when a city wants to acquire a billboard. We will work over the interim to see whether we can reach agreement on what that process should be.

HB 367 | Transient Room Tax Amendments

Reference: **None**
Sponsor: **Noel, Mike**
Bill Status: **Enrolled**
Link: **https://le.utah.gov/~2018/bills/static/HB0367.html**
ULCT Position: **Neutral**

Legislative Purpose of the Bill:
This bill adds road repair and upgrade to the list of purposes for which counties of the fourth, fifth, or sixth class may spend revenue from the transient room tax.

Municipal Action/What you need to do:
HB 367 adds repair and upgrade for Class B, C, and D roads to the list of purposes for which counties of the fourth, fifth, or sixth class may spend revenue from the transient room tax (TRT).

Prior to HB 367, the county TRT in counties of the fourth, fifth, or sixth class (population of 30,999 or below) could only be used to promote recreation and tourism, operating related facilities, and mitigate the impacts of recreation or tourism on solid waste disposal operations, emergency medical services, search and rescue, or law enforcement activities.

If you are a city or town in a county of the fourth, fifth, or sixth class, you can seek TRT revenue for the impact of tourism on your class C roads.

ULCT Action/Future Trend:
ULCT monitored the bill. This interim, the Political Subdivisions committee has agreed with our suggestion to study resort community needs, and examining the adequacy of the TRT may be part of that discussion.

HB 369 | Auto Dealership License Amendments

Reference: **None**
Sponsor: **Coleman, Kim**
Bill Status: **Enrolled**
Link: **https://le.utah.gov/~2018/bills/static/HB0369.html**
ULCT Position: **Neutral**

Legislative Purpose of the Bill:
HB 369 creates a licensing process for manufacturers of electric vehicles to sell directly to consumers. Direct sale manufacturers, like Tesla automotive, were previously only allowed to sell used cars. This legislation allows for them to sell new cars as well. Direct sale automotive manufacturers will be otherwise regulated the same as regular automotive manufacturers.

Municipal Action/What you need to do:
Direct sales car manufacturers may now be licensed in Utah.

ULCT Action/Future Trend:
ULCT monitored the bill.

HB 372 | Point of the Mountain State Land Authority

Reference: **Daily Recap: Feb. 6**
Sponsor: **Snow, Lowry**
Bill Status: **Enrolled**
Link: **hhttps://le.utah.gov/~2018/bills/static/HB0372.html**
ULCT Position: **Neutral**

Legislative Purpose of the Bill:
This bill creates the Point of the Mountain State Land Authority and provides for its purposes, authorities, duties, and governance.

Municipal Action/What you need to do:
HB 372 resulted from the decision to move the state prison from Point of the Mountain to the Northwest Quadrant. The POTM State Land Authority applies only to the 700 acres of state-owned land, and was consented to by Draper City and the neighboring jurisdictions.

ULCT Action/Future Trend:
ULCT respected the desires of the jurisdictions most impacted by POTM and took a neutral position on this bill. However, in light of development in the Northwest Quadrant and other areas of regional economic significance, ULCT is studying different approaches to encouraging and managing development that impacts multiple jurisdictions while guarding local land use authorities.

HB 373 | Waste Management Amendments

Reference: **None**
Sponsor: **Perry, L.**
Bill Status: **Enrolled**
Link: **https://le.utah.gov/~2018/bills/static/HB0373.html**
ULCT Position: **Support**

Legislative Purpose of the Bill:
This bill addresses several issues that followed the passage of last year's HB 115. It permits owners/operators of solid waste management facilities to self-inspect the facility by taking a 5-hour (or less) training course and inspecting and reporting annually. DEQ would still inspect every 5 years. Before July 1, 2018, it requires the department to establish an annual fee schedule that is "equitable and fair, though not necessarily equal or uniform" and based on actual costs, including consideration of whether the owner/operator self-inspects. It also eliminates a $400,000 sweep from the Environmental Quality Restricted Account (intended to fund landfill oversight) to the State's General Fund and puts $200,000 into the Division of Waste Management's special revenue fund to upgrade technology for permitting and compliance.

Municipal Action/What you need to do:
No action required, but self-inspection is an option for municipalities that operate waste management facilities.

ULCT Action/Future Trend:
ULCT worked on this bill over the interim and throughout the session.

HB 377 | Land Use Amendments

Reference: **LPC: Oct. 11, Dec. 16, Jan. 8; Daily Recap: Feb. 12, Feb. 13, Feb. 20**
Sponsor: **Schultz, Mike**
Bill Status: **Enrolled**
Link: **https://le.utah.gov/~2018/bills/static/HB0377.html**
ULCT Position: **Support**

Legislative Purpose of the Bill:
This bill is a consensus bill from the Land Use Task Force last year. It clarifies when vesting rights are established, reaffirms the scope and process for conditional uses, clarifies the assurance process for subdivisions and clarifies definitions for administrative and legislative decisions.

Municipal Action/What you need to do:
HB 377 makes the following clarifications:

- Definitions (10-9a-103)
- A "land use decision" means "an administrative decision of a land use authority or appeal authority regarding a land use permit, land use application, or the enforcement of a land use regulation, land use permit, or development agreement."
- A "land use regulation" means "a legislative decision enacted by ordinance, law, code, map, resolution, specification, fee, or rule that governs the use or development of land; and includes the adoption or amendment of a zoning map or the text of a zoning code."
- Conditional uses (10-9a-507)
- Approval or denial of a conditional use is an

administrative decision. This is not new language just reiterated in this update.

- The land use authority shall approve a conditional use if reasonable conditions are proposed or can be imposed to mitigate. Mitigate does not mean eliminate. Again, not new language just reiterated this year.
- If a land use authority proposes reasonable conditions, they must be stated on the record and must reasonably relate to mitigating the anticipated detrimental effects.
- Vesting (10-9a-509)
- An applicant who has submitted a complete land use application is entitled to substantive review of the application under the land use regulations in effect on the date that the application is complete. This update just reaffirms what was already in the statute.
- An applicant is entitled to approval of the application if it conforms to the requirements in the applicable land use regulations, land use decisions, and development standards in effect when the applicant submits a complete application, and pays all fees. Again this
- The land use authority can deny the application if it makes a formal finding on the record that a compelling, countervailing public interest would be jeopardized. This must be specified in writing. This update clarifies rights that already were detailed in the code but now makes it explicate that the finding must be written and entered into the record.
- Improvement completion assurances (10-9a-604.5) & (10-9a-802)
- A land use authority shall establish objective inspection standards for required landscaping or infrastructure improvements.

- Before an applicant starts development or records a plat, the applicant must:

  Complete required landscaping or infrastructure improvements or post an assurance.

  If the applicant posts an assurance, the applicant must ensure that it provides for 100% of the required improvements OR, if the city has accepted a portion of the improvements, 100% of the unaccepted improvements.

- If the applicant posts an assurance, the city must:

  Establish a system for partial release of assurances as portions of improvements are completed and accepted.

  Issue or deny a building permit in accordance with 10-9a-802 based on the installation of landscaping or infrastructure improvements.

- A city may not require an applicant to post an assurance for landscaping or infrastructure improvements that the city has inspected and accepted.
- At any time before a city accepts an improvement and for the duration of each improvement warranty period, the city may require the applicant to execute an improvement warranty and post an assurance.
- When a city accepts an improvement completion assurance, the city may not deny a building permit if the development meets the requirements of the building code and fire code.
- Standard of review (10-9a-801)
- A decision is arbitrary and capricious if the decision is not supported by substantial evidence in the record.
- Enforcement (10-9a-802)

- A municipality may not deny a building permit because the applicant has not completed an infrastructure improvement that is not essential to meet the requirements under the building code and fire code, and for which the municipality has accepted an improvement completion assurance for landscaping or infrastructure improvements.

ULCT Action/Future Trend:
ULCT will continue to manage the LUTF along with our city members to work with the Property Rights Coalition on consensus legislation

HB 390 | Rural Economic Development Incentives

Reference: **None**
Sponsor: **Carl Albrecht**
Bill Status: **Enrolled**
Link: **https://le.utah.gov/~2018/bills/static/HB0390.html**
ULCT Position: **Support**

Legislative Purpose of the Bill:
HB 390 enacts the Rural Employment Expansion Program, which incentivizes companies along the Wasatch front to hire programmers from rural Utah to telecommute. The bill also authorizes the Governor's Office of Economic Development to implement the program.

Municipal Action/What you need to do:
None

ULCT Action/Future Trend:
ULCT supported this bill.

HB 417 | Federal Grants Management Amendments

Reference: **None**
Sponsor: **Gibson, Francis**
Bill Status: **Enrolled**
Link: **https://le.utah.gov/~2018/bills/static/HB0417.html**
ULCT Position: **Neutral**

Legislative Purpose of the Bill:
HB 417 clarifies the reporting requirements for local government healthcare facilities that receive federal funds.

Municipal Action/What you need to do:
Local government entities (or similar non-state entity) which operate a nursing care facility that receives less than $1,000,000 per year from the Upper Payment Limit Program must enter into a Nursing Care Facility Non-State Government-Owned Upper Payment Limit program contract with the Utah Department of Health. Local government entities operating nursing care facilities that receive between $1,000,000 and $10,000,000 per year from the Upper Payment Limit Program must enter into contract with the Utah Department of Health as well, with approval from the Legislature's Executive Appropriations Committee. Local government entities that receive more than $10,000,000 per year from the Upper Payment Limit Program must enter into contract with the Utah Department of Health, following approval from the governor and state legislature. Funds received from the Nursing Care Facility Non-State Government-Owned Upper Payment Limit program may only be used for operating expenses, patient care, capital expenses, rent and royalties.

ULCT Action/Future Trend:
ULCT monitored this bill.

HB 430 | Affordable Housing Amendments

Reference: **Daily Recap: Feb. 26**
Sponsor: **Edwards, Rebecca**
Bill Status: **Enrolled**
Link: **https://le.utah.gov/~2018/bills/static/HB0430.html**
ULCT Position: **Support**

Legislative Purpose of the Bill:
HB 430 creates a 20 member commission of which ULCT will have 2 recommendations. The commission will include state elected officials, housing non-profit officials, the Utah Homebuilders Association, the Utah Association of Realtors, Utah Bankers Association, and a rural expert on housing. The Commission's duties will include increasing public and government awareness on housing affordability, identifying strategies, studying the effectiveness of policies, and providing recommendations. The Commission will prepare an annual report.

Municipal Action/What you need to do:
No action is necessary. However, we encourage all communities to participate in this critical discussion.

ULCT Action/Future Trend:
ULCT lobbied to have two spots on the commission as well as a spot for a redevelopment agency representative and a rural representative. ULCT supported the bill and recognized the growing political pressure for the state to take action to address housing affordability and moderate income housing in Utah. ULCT is concerned about potential state legislative encroachment on traditional local land use. That said, ULCT is willing to participate in productive dialogue about housing affordability and the commission will be that platform during the 2018 interim.

HB 462 | Homeless Services Amendments

Reference: **LPC: Jan. 8, Feb. 5, Feb. 12, Feb. 26, March 5; Daily Recap: March 1, March 5, March 7**
Sponsor: **Eliason, Steve**
Bill Status: **Enrolled**
Link: **https://le.utah.gov/~2018/bills/static/HB0462.html**
ULCT Position: **Opposed; neutral as amended**

Legislative Purpose of the Bill:
HB 462 appropriates $6,600,000 from the state general fund to help pay for the operation and maintenance of homeless shelters that serves 50 or more individuals per night. The original version of the bill would have required cities to contribute $3,300,000 toward the operation and maintenance of homeless shelters in Salt Lake County. The original version of the bill also would authorized the State of Utah to levy an assessment against every city in the state according to the quantity of low and moderate income housing available in the city. ULCT vigorously opposed both provisions and the Senate removed those provisions. The bill, similar to HB 259, requires the Division of Workforce Services to do an annual report with an estimate of the quantity of affordable housing units available in each city in the state with a percentage of the available affordable housing and low income housing available in the city compared to the statewide average.

Municipal Action/What you need to do:
No action is necessary.

ULCT Action/Future Trend:
ULCT vigorously opposed the concept of a state assessment of local land use and the concept of the state "punishing" a city because of the market forces that result

in housing development therein. ULCT also vigorously opposed charging cities to pay for the operation and maintenance of homeless shelters. ULCT supported expanding the Homeless Coordinating Committee membership to include the four additional mayors so that the Committee would include more local voices. Homelessness continued to be a major priority of House leadership, Senate leadership, and the Governor. All of them expressed support for the original version of HB 462 and ULCT successfully lobbied to pivot the bill away from the original version. ULCT expects more legislative discussion on homelessness and the local government focus will be on public safety impacts (see SB 235) and on housing affordability and affordable housing (see HB 259, HB 430).

HB 464 | Affordable Housing Bond

Reference: **None**
Sponsor: **Briscoe, Joel**
Bill Status: **Failed**
Link: **https://le.utah.gov/~2018/bills/static/HB0464.html**
ULCT Position: **Neutral**

Legislative Purpose of the Bill:
HB 464 would have issued a $100,000,000 general obligation bond to finance affordable housing, including transitional housing.

Municipal Action/What you need to do:
None

ULCT Action/Future Trend:
ULCT monitored this bill.

HJR 15 | Proposal to Amend Utah Constitution—Municipal Water Amendment

Reference: **LPC: Feb. 26; Daily Recap: Feb. 12, Feb. 27; Friday Facts: Feb. 23**
Sponsor: **Stratton, Keven**
Bill Status: **Failed**
Link: **https://le.utah.gov/~2018/bills/static/HJR015.html**
ULCT Position: **Oppose**

Legislative Purpose of the Bill:
HJR 15 proposed to amend the Utah Constitution to eliminate the prohibition on municipalities from leasing water rights, waterworks, or sources of water.

Municipal Action/What you need to do:
The resolution failed.

ULCT Action/Future Trend:
ULCT opposed this bill and testified against it. The Executive Water Task Force also opposed the bill based on the unknown unintended consequences of what would be a major policy shift. This bill will be studied during the interim by the EWTF and we will continue to engage in this process.

HJR 20 | Joint Resolution Submitting a Question to Voters

Reference: **Daily Recap: March 5, March 6**
Sponsor: **Edwards, Rebecca**
Bill Status: **Enrolled**
Link: **https://le.utah.gov/~2018/bills/static/HJR020.html**
ULCT Position: **Support**

Legislative Purpose of the Bill:
HJR 20 was part of the Our Schools Now referendum agreement. It directs the Lieutenant Governor to present an opinion question to voters at the 2018 regular general election to see if voters support a 10-cents per gallon gas tax increase. The tax would generate approximately $170M in the first year to be split by the standard formula, 30% to "B&C" city and county roads (approx. $50M), and 70% to the state's transportation fund (approx. $120M) increase in gas tax revenues would allow the same amount of state sales tax funds to remain in the state's general fund to be used for public education.

Municipal Action/What you need to do:
No action required.

ULCT Action/Future Trend:
ULCT worked with OSN leadership to ensure that any gas tax increase would maintain the same allocation for local roads, and to update our data on how much such an increase would garner for B&C roads. Because the gas tax increase would generate significant funds, we supported this question going on the ballot and testified in support of the resolution in committee.

Senate Bills

SB 16 | Public Safety Fee Revisions

Reference: **None**
Sponsor: **Thatcher, Daniel**
Bill Status: **Enrolled**
Link: **https://le.utah.gov/~2018/bills/static/SB0016.html**
ULCT Position: **Neutral**

Legislative Purpose of the Bill:
This bill amends fees for services provided by the Department of Public Safety. The bill changes a number of fee amounts for services provided by the Department of Public Safety (mostly, if not all, are increases), and removes some Department of Public Safety fees from statute to regulatory fees.

Municipal Action/What you need to do:
None

ULCT Action/Future Trend:
ULCT monitored the bill.

SB 17 | Election Law Modifications

Reference: **None**
Sponsor: **Harper, Wayne**
Bill Status: **Enrolled**
Link: **https://le.utah.gov/~2018/bills/static/SB0017.html**
ULCT Position: **Neutral**

Legislative Purpose of the Bill:
SB 17 makes changes to the Election Code.

Municipal Action/What you need to do:
This bill modifies the date by which a candidate must have information submitted to the Lt. Governor for publication in the voter information pamphlet to the first business day in August before the election. It also requires that political parties notify the Lt. Governor of convention dates by February 15 of even-numbered years, and requires a change to the declaration of candidacy form for write-in candidates.

ULCT Action/Future Trend:
ULCT monitored the bill.

SB 19 | Competency to Stand Trial Amendments

Reference: **None**
Sponsor: **Fillmore, Lincoln**
Bill Status: **Enrolled**
Link: **https://le.utah.gov/~2018/bills/static/SB0019.htmll**
ULCT Position: **Neutral**

Legislative Purpose of the Bill:
This bill amends provisions related to a defendant's competency to stand trial by establishing procedures for determining the competency of a defendant charged with a misdemeanor. It also adds and modifies time frames for evaluations, reports, and court hearings relating to competency to stand trial determinations, and clarifies standards for restoration treatment and competency review.

Municipal Action/What you need to do:
None

ULCT Action/Future Trend:
ULCT watched this bill.

SB 20 | Misdemeanor Amendments

Reference: **None**
Sponsor: **Thatcher, Daniel**
Bill Status: **Enrolled**
Link: **https://le.utah.gov/~2018/bills/static/SB0020.html**
ULCT Position: **Neutral**

Legislative Purpose of the Bill:
This bill modifies penalties in county and municipal ordinances and the Utah Code. SB 20 repeals a criminal provision in the Wildlife Resources Code of Utah that is addressed by another provision of law, and designates offenses currently designated as misdemeanors for which a punishment or classification is not specified in the Utah Code as class B misdemeanors. The bill also reduces to an infraction the default penalty for offenses designated as misdemeanors for which a punishment or classification is not specified in the Utah Code and, as of a certain date, in a county or municipal ordinance.

Municipal Action/What you need to do:
Cities and towns need to review the offenses that have changed because of this bill and make appropriate updates to city code reflect the appropriate penalty for offenses.

ULCT Action/Future Trend:
ULCT monitored this bill, and worked with the sponsor to make it possible to update city code to reflect the changes instead of updating all affected municipal ordinances.

SB 21 | Public Safety and Firefighter Retirement Death Benefit Amendments

Reference: **None**
Sponsor: **Mayne, Karen**
Bill Status: **Enrolled**
Link: **https://le.utah.gov/~2018/bills/static/SB0021.html**
ULCT Position: **Neutral**

Legislative Purpose of the Bill:
SB 21 changes the calculation of death benefits for public safety officers with 20 or more years of public service credit to allow spouses to receive benefits at the same rate as their retired peers.

Municipal Action/What you need to do:
If a Division A public safety officer has accrued 20 or more years of service credit and dies in the line-of-service, their surviving spouse should now be compensated in accordance with 49-14-504. If the same officer's death is not classified as line-of-duty, the officer is considered to have been retired with their retirement allowance calculated in accordance with 49-14-402. Their spouse's compensation should be calculated in accordance with 49-14-504. If a Division B public safety officer has accrued 20 or more years of public safety service credit and dies in the line-of-duty, their spouse shall be eligible to receive an allowance of 37.5% of the officer's final salary or the death benefit described in 49-14-504, whichever is greater.

This change may result in a small increase in program costs. Affected local governments may see an increase in contribution rates between 0.03% and 0.14%.

ULCT Action/Future Trend:
ULCT staff were engaged in this legislation, as well as other public safety benefit changes this session.

SB 24 | Local Government Indigent Defense Requirements

Reference: **Daily Recap: Jan. 29, Jan. 30**
Sponsor: **Thatcher, Daniel**
Bill Status: **Enrolled**
Link: **https://le.utah.gov/~2018/bills/static/SB0024.html**
ULCT Position: **Neutral**

Legislative Purpose of the Bill:
SB 24 requires municipal and county legislative bodies to disclaim in ordinances which carry imprisonment as a penalty, that the municipal or county government must provide indigent legal defense.

Municipal Action/What you need to do:
Local governments must include in their code a disclaimer that they are required to provide indigent defense for ordinances that include a possibility of imprisonment as a penalty for violation. The bill also amends 10-3-704(10)(a) to specify that when an ordinance passes in a municipality where the mayor may disapprove, a statement must be included to say the mayor approves of the ordinance.

ULCT Action/Future Trend:
ULCT staff successfully negotiated with the bill sponsor to reduce the burden it initially imposed on local governments.

SB 27 | Relationship Violence and Offenses Amendments

Reference: **None**
Sponsor: **Weiler, Todd**
Bill Status: **Enrolled**
Link: **https://le.utah.gov/~2018/bills/static/SB0027.html**
ULCT Position: **Support**

Legislative Purpose of the Bill:
This bill modifies provisions related to domestic violence, dating violence, and stalking. First, it modifies the definition of "crime victim" as it relates to dating violence. It next addresses violation of specified protective orders, amends provisions for forms of petitions and protective orders, and addresses duties of law enforcement officers. The bill further addresses when and how a court may act ex parte modifies provisions related to mutual protective orders or stalking injunctions. Finally, the bill amends continuing duty to inform court of other proceedings, and addresses dismissal or expiration of protective orders.

Municipal Action/What you need to do:
Communicate with your law enforcement agency to make sure they are aware and up to speed on changes made by this bill.

ULCT Action/Future Trend:
ULCT watched this bill.

SB 28 | Local Government and Limited Purpose Entity Registry

Reference: **Daily Recap: Jan. 25; Friday Facts: Jan. 26**
Sponsor: **Henderson, Deidre**
Bill Status: **Enrolled**
Link: **https://le.utah.gov/~2018/bills/static/SB0028.html**
ULCT Position: **Neutral**

Legislative Purpose of the Bill:
SB 28 enacts Utah Code 10-1-204 and creates a registry of local government and limited purpose entities with the Lt. Governor (Please see the note on page ??? of the Wrap Up Book). It allows the state auditor to withhold certain state funds and property tax disbursements for non-compliance, namely allocated state funds to pay for the accounting report. The registry will include municipal entities, interlocal entities, governmental non-profits, counties, local substance abuse authorities, mental health authorities, local districts, CRAs, special service districts, local building authorities, conservation districts, local health departments, housing authorities. Each entity must register by July 1, 2019 and include information enumerated in the statute. There is a process for noncompliance before funds are withheld.

Municipal Action/What you need to do:
Each entity must register by July 1, 2019 and include information enumerated in the statute. There is a process for noncompliance before funds are withheld. Currently the website and process for registration is still being created, and local entities will receive a form letter from the Lt. Governor's office regarding their registration requirements.

ULCT Action/Future Trend:
ULCT monitored this bill over last interim and provided feedback. We will be working with the Lt. Governor's office to provide notice to all entities who need to register.

SB 29 | County Listing of Local Government and Limited Purpose Entities

Reference: **Daily Recap: Jan. 25; Friday Facts: Jan. 26**
Sponsor: **Henderson, Deidre**
Bill Status: **Enrolled**
Link: **https://le.utah.gov/~2018/bills/static/SB0029.html**
ULCT Position: **Neutral**

Legislative Purpose of the Bill:
This is the companion bill to SB 28, and requires each county to publish info on the county's website regarding each local government entity and limited purpose entity in the county.

Municipal Action/What you need to do:
No municipal action necessary, but see see SB 28.

ULCT Action/Future Trend:
Refer to SB 28.

SB 31 | Utah Mobile Crisis Outreach Team

Reference: **None**
Sponsor: **Thatcher, Daniel**
Bill Status: **Enrolled**
Link: **https://le.utah.gov/~2018/bills/static/SB0031.html**
ULCT Position: **Neutral**

Legislative Purpose of the Bill:
This bill enacts the Utah Mobile Crisis Outreach Team Act. The bill defines terms and requires the Mental Health Crisis Line Commission to serve as the mobile crisis outreach team (MCOT) advisory committee. The bill also requires the Division of Substance Abuse and Mental Health (division) to set standards for an MCOT certification, requires the division to make rules outlining the responsibilities of MCOTs; and the interaction of MCOTs with the civil commitment process.

Municipal Action/What you need to do:
None.

ULCT Action/Future Trend:
This bill was monitored by ULCT.

SB 38 | Local Elected Officer Amendments

Reference: **Daily Recap: Jan. 24**
Sponsor: **Thatcher, Daniel**
Bill Status: **Enrolled**
Link: **https://le.utah.gov/~2018/bills/static/SB0038.html**
ULCT Position: **Neutral**

Legislative Purpose of the Bill:
This bill establishes a process to remove a county elected officer from office for mental incapacity under Title 20A. It only applies to counties with at least 5 members on the council and that opts in by ordinance. It allows the council to make a preliminary finding that the officer does not have the mental capacity to fill the position with or without reasonable accommodation. If unanimous, the officer then has 5 days to resign, get an actual mental capacity evaluation, or do nothing.

If the council does not reach a unanimous decision, they publicly announce that the vote failed without disclosing details of the vote. They also provide reasonable accommodations if necessary and allow the officer to continue serving.

If the officer elects to have a mental capacity evaluation, the county and the officer must mutually agree on a qualified medical professional. If they don't, the council can file for a court order. If the medical professional concludes that the officer lacks mental capacity, the officer may resign within 5 days. If he or she does not resign, the council may remove him or her from office in an open meeting by unanimous vote.

If the council unanimously concludes that the officer lacks mental capacity and the officer does not resign or agree to undergo an evaluation, the council may file an action in district court asking for a court order for the officer to undergo the evaluation.

Municipal Action/What you need to do:
No action is required for cities.

ULCT Action/Future Trend:
ULCT worked with the sponsor and UAC on this bill, and ensured that cities are not required to institute this process. A city could adopt a similar process if desired.

SB 44 | Impoundment of Motor Vehicle Amendments

Reference: **None**
Sponsor: **Fillmore, Lincoln**
Bill Status: **Enrolled**
Link: **https://le.utah.gov/~2018/bills/static/SB0044.html**
ULCT Position: **Neutral**

Legislative Purpose of the Bill:
This bill allows officer discretion to impound a vehicle in certain circumstances.

Municipal Action/What you need to do:
SB 44 amends Utah Code 41-1a-1101 to permit an officer to impound a vehicle when he or she makes a reasonable determination that public safety would be compromised otherwise.

ULCT Action/Future Trend:
ULCT monitored the bill.

SB 52 | Sale of State Land Act

Reference: **Daily Recap: Jan. 24, Feb. 7**
Sponsor: **Davis, G.**
Bill Status: **Failed**
Link: **https://le.utah.gov/~2018/bills/static/SB0052.html**
ULCT Position: **Opposed**

Legislative Purpose of the Bill:
This bill would have enacted Utah Code 63L-10-101, establishing a policy and preference for leasing state land instead of selling state land.

Municipal Action/What you need to do:
No action is necessary as the bill failed.

ULCT Action/Future Trend:
ULCT opposed this bill because of its implications for leasing state land to a private party that would not be bound by local zoning or required to pay taxes. This is a very dangerous trend that we will continue to oppose. We anticipate the return of this or similar legislation in the future.

SB 55 | Motor Vehicle Registration Amendments

Reference: **Friday Facts: Feb. 9**
Sponsor: **Niederhauser, Wayne**
Bill Status: **Enrolled**
Link: **https://le.utah.gov/~2018/bills/static/SB0055.html**
ULCT Position: **Neutral**

Legislative Purpose of the Bill:
SB 55 amends Utah Code 41-1a-42 to require waiver of certain fines.

Municipal Action/What you need to do:
This bill requires that the fine for failure to display license plate decals be waived if the individual can show that the vehicle was registered and the vehicles are properly displayed within 21 business days of the violation.

ULCT Action/Future Trend:
ULCT worked with the bill sponsor to insert the time limit of 21 business days. It was originally open-ended.

SB 57 | Police Service Animal Amendments

Reference: **None**
Sponsor: **Iwamoto, Jani**
Bill Status: **Enrolled**
Link: **https://le.utah.gov/~2018/bills/static/SB0057.html**
ULCT Position: **Support**

Legislative Purpose of the Bill:
This bill makes it a second-degree felony to intentionally or knowingly cause death to a police service canine; and makes it a third-degree felony to intentionally or knowingly injure a police service canine.

Municipal Action/What you need to do:
None.

ULCT Action/Future Trend:
This bill was watched by ULCT.

SB 58 | Failure to Appear Amendments

Reference: **None**
Sponsor: **Thatcher, Daniel**
Bill Status: **Enrolled**
Link: **https://le.utah.gov/~2018/bills/static/SB0058.html**
ULCT Position: **Opposed**

Legislative Purpose of the Bill:
SB 58 repeals 77-7-22, which establishes the penalty for failure to appear as a class B misdemeanor.

Municipal Action/What you need to do:
Failure to appear can no longer be charged as a class B misdemeanor.

ULCT Action/Future Trend:
ULCT opposed this bill.

SB 59 | Theft Amendments

Reference: **None**
Sponsor: **Thatcher, Daniel**
Bill Status: **Enrolled**
Link: **https://le.utah.gov/~2018/bills/static/SB0059.html**
ULCT Position: **Neutral**

Legislative Purpose of the Bill:
This bill amends the Utah Criminal Code regarding the penalty for theft. This bill removes certain provisions relating to circumstances when theft is classified as a third degree felony.

Municipal Action/What you need to do:
Review municipal code and adjust as necessary so it reflects the changes made by this bill.

ULCT Action/Future Trend:
This bill was monitored by ULCT. This bill is part of a greater trend to make adjustments to penalties.

SB 62 | Expungement Amendments

Reference: **None**
Sponsor: **Weiler, Todd**
Bill Status: **Enrolled**
Link: **https://le.utah.gov/~2018/bills/static/SB0062.html**
ULCT Position: **Neutral**

Legislative Purpose of the Bill:
SB 62 modifies the timeframe and circumstances that a case may be expunged.

Municipal Action/What you need to do:
Records of arrest may now be dropped if an entire case is dismissed without prejudice or condition and either the prosecutor consents in writing to the issuance of a certificate of eligibility or at least 180 days have passed since the day which the case was dismissed. The bill also specifies that a petitioner seeking expungement for a conviction record must only pay court fines and interest for the conviction which the expungement is sought. Finally, if a court denies a petition for expungement because a prosecutor intends to file charges but fails to do so within 180 days of the denial, the petitioner may file for expungement again. Courts shall consider the number of good faith intentions to refile a prosecutor presents when determining whether to grant expungement.

ULCT Action/Future Trend:
ULCT monitored this bill.

SB 66 | Emergency Vehicle Operator Duty of Care Amendments

Reference: **Daily Recap: Feb. 20**
Sponsor: **Jake Anderegg**
Bill Status: **Enrolled**
Link: **https://le.utah.gov/~2018/bills/static/SB0066.html**ULCT
Position: **Neutral**

Legislative Purpose of the Bill:
SB 66 requires agencies with authorized emergency vehicles to develop written rules governing the termination of vehicle pursuits. It also states if the operator of an emergency vehicle acts outside of these written parameters, they owe a duty of care to the occupants of the vehicle under pursuit.

Municipal Action/What you need to do:
Municipalities that operate law enforcement agencies must have written guidelines for the termination of vehicle pursuits. In instances involving an authorized emergency vehicle pursuit that result in injury or property damage, the chief of the law enforcement agency must document and remedy violations of the written guidelines. Documents produced during the chief's investigation are subject to GRAMA.

ULCT Action/Future Trend:
Earlier versions of this bill would have assigned emergency vehicle operators a duty of care for the occupants of pursued vehicles, regardless of the circumstances. ULCT collaborated with law enforcement representatives and worked with the sponsor to add the narrower requirements for assigning duty of care.

SB 71 | Road Tolls Provisions

Reference: **Daily Recap: Feb. 6, Feb. 13**
Sponsor: **Niederhauser, Wayne**
Bill Status: **Enrolled**
Link: **https://le.utah.gov/~2018/bills/static/SB0071.html**
ULCT Position: **Support**

Legislative Purpose of the Bill:
SB 71 modernizes UDOT's ability to toll roads.

Municipal Action/What you need to do:
During the 2017 interim, the Transportation Task Force discussed the expansion of toll roads as a method to generate user fees for transportation infrastructure. SB 71 will apply to any existing state highway in Utah. While the headlines focused on Little Cottonwood Canyon, the bill creates a process for the Transportation Commission to establish a tollway. UDOT must submit a proposal to the commission with a description of the tollway project, projected traffic on the tollway, anticipated amount of the toll, and projected toll revenue. How widespread the new toll process will be used remains to be seen. ULCT expects additional dialogue in future years about user fees for transportation, including a road user charge (see SB 136, and HB 362 from 2015), congestion pricing, and traditional tolling.

ULCT Action/Future Trend:
ULCT monitored the bill and discussed the potential for expanding tolling through the Transportation Task Force during the 2017 interim.

SB 74 | Voter Privacy Amendments

Reference: **None**
Sponsor: **Niederhauser, Wayne**
Bill Status: **Enrolled**
Link: **https://le.utah.gov/~2018/bills/static/SB0074.html**
ULCT Position: **Support**

Legislative Purpose of the Bill:
Among numerous technical changes, SB 74 allows any individual to apply to the Lt. Governor or county clerk to have his or her entire voter registration record classified as private. No reason/evidence is necessary.

Municipal Action/What you need to do:
On DL or State ID card: registration forms will include a question on whether the applicant wants to use the information in the form for voter registration, whether the applicant wants to register as absentee to receive ballots by mail, and whether the applicant would like to request that his or her voter registration record be classified as private.

Provisional ballots: an individual who is not registered to vote may register and vote on election day or during early voting by voting a provisional ballot. If the provisional ballot and the voter meet certain criteria, the provisional ballot will be considered a voter registration form. The Lt. Governor will report to the Gov Ops interim committee in October 2018 and October 2020 on implementation of registration by provisional ballot

ULCT Action/Future Trend:
ULCT monitored the bill.

SB 76 | Commercial Property Tax Amendments

Reference: **None**
Sponsor: **Hemmert, Daniel**
Bill Status: **Enrolled**
Link: **https://le.utah.gov/~2018/bills/static/SB0076.html**
ULCT Position: **Neutral**

Legislative Purpose of the Bill:
SB 76 provides a tax exemption for real property that's leased exclusively to a state or local government entity.

Municipal Action/What you need to do:
Real property owners who lease property to government entities may now claim a tax exemption on said property.

ULCT Action/Future Trend:
ULCT monitored this bill.

SB 79 | Judiciary Amendments

Reference: **None February 28th. March 3rd**
Sponsor: **Hillyard, Lyle**
Bill Status: **Enrolled**
Link: **https://le.utah.gov/~2018/bills/static/SB0079.html**
ULCT Position: **Amend**

Legislative Purpose of the Bill:
SB 79 addresses multiple technical issues in the judicial system including interest rates, abeyance periods, and justice court dissolution.

Municipal Action/What you need to do:
First, SB 79 clarifies that the 10% interest rate for judgements under $10,000 in actions regarding the purchase of goods is effective on January 1st of the year which the judgement is entered. It Allows courts to accept electronically submitted written statements as evidence in cases of motorists who fail to provide proof of insurance to a peace officer. The bill states that pleas may be held in abeyance for up to two years if the plea is to any class of misdemeanor and includes a condition that the defendant participate in an approved problem-solving court. It specifies that valid indictments do not need to be signed by the attorney for the state or special prosecutor. Finally, SB 79 provides that when municipalities or counties with active justice courts that enter into interlocal agreements must resume or dissolve operations of the justice court upon termination of the interlocal agreement. Municipalities must notify the Judicial Council within 90 days before resuming operations of the justice court and demonstrate compliance with operating standards. If

the Judicial Court determines the justice court does not meet standards, the municipality or county must stay in the interlocal agreement until their justice court is either dissolved or it's brought into compliance with Judicial Council standards. If a municipality or county did not have a justice court prior to entering into an interlocal agreement, they must notify the Judicial Council 180 days before terminating the interlocal agreement and provide how they will address the adjudication of offenses.

ULCT Action/Future Trend:
ULCT worked with the sponsor to amend the bill and address concerns.

SB 80 | Exempt and Apportioned License Plate Amendments

Reference: **Daily Recap: Feb. 13**
Sponsor: **Ipson, Don**
Bill Status: **Enrolled**
Link: **https://le.utah.gov/~2018/bills/static/SB0080.html**
ULCT Position: **Neutral**

Legislative Purpose of the Bill:
A vehicle with an EX or UHP license plate owned by a governmental entity is exempt from registration renewal requirements as long as the vehicle is registered and owned by the entity.

Municipal Action/What you need to do:
No action required.

ULCT Action/Future Trend:
ULCT monitored the bill.

SB 82 | Utah Transparency Advisory Board Amendments

Reference: **None**
Sponsor: **Henderson, D.**
Bill Status: **Enrolled**
Link: **hhttps://le.utah.gov/~2018/bills/static/SB0082.html**
ULCT Position: **Neutral**

Legislative Purpose of the Bill:
This bill changes the appointment term for a member of the Utah Transparency Advisory Board from two years to four years. It also changes the election of a chair and vice chair from annually to every two years.

Municipal Action/What you need to do:
No action required.

ULCT Action/Future Trend:
ULCT monitored the bill

SB 83 | State Real Property Amendments

Reference: **Daily Recap: Jan. 24, Jan. 25, Jan. 29, Jan. 30, Feb. 1; Friday Facts: Jan. 26**
Sponsor: **Dayton, Margaret**
Bill Status: **Enrolled**
Link: **https://le.utah.gov/~2018/bills/static/SB0083.html**
ULCT Position: **Neutral as amended**

Legislative Purpose of the Bill:
This bill requires a municipality to provide notice to the state when a proposed boundary adjustment affects state property.

Municipal Action/What you need to do:
Be aware of the notice and hearing requirements under 10-2-419 if your city intends to adjust a boundary that affects any part of state property.

ULCT Action/Future Trend:
As originally drafted, this bill was overly broad and would have stripped cities' ability to adjust any boundaries without state input. ULCT met with the bill sponsor and OLRGC numerous times to ensure that the language of this bill was narrowed and granted the state the same notice and right to comment on the proposed boundary adjustment as any other property owner.

SB 90 | Hit and Run Penalties Amendments

Reference: **None**
Sponsor: **Thatcher, Daniel**
Bill Status: **Enrolled**
Link: **https://le.utah.gov/~2018/bills/static/SB0090.html**
ULCT Position: **Neutral**

Legislative Purpose of the Bill:
This bill amends provisions related to penalties for operators of a vehicle involved in a hit and run accident causing property damage. The bill defines "knowledge" and "with knowledge" with respect to involvement in an accident, and defines the penalty for an individual who has knowledge that the individual was involved in an accident causing property damage and flees the scene without complying with the requirements of the section, including exchange of information.

Municipal Action/What you need to do:
No action required.

ULCT Action/Future Trend:
This bill was watched by ULCT.

SB 96 | Canal Amendments

Reference: **Daily Recap: Jan. 24**
Sponsor: **Hinkins, David**
Bill Status: **Enrolled**
Link: **https://le.utah.gov/~2018/bills/static/SB0096.html**
ULCT Position: **Neutral**

Legislative Purpose of the Bill:
SB 96 provides a process for property owners and owners of water conveyance facilities to move or modify canals.

Municipal Action/What you need to do:
Both private properties owners owners of water conveyance facilities may request the Property Rights Ombudsman mediate or arrange mediation in a dispute involving the relocation or modification of a water conveyance facility.

ULCT Action/Future Trend:
ULCT monitored this bill

SB 101 | Tax Amendments

Reference: **None**
Sponsor: **Lincoln, Fillmore**
Bill Status: **Enrolled**
Link: **https://le.utah.gov/~2018/bills/static/SB0101.html**
ULCT Position: **Neutral**

Legislative Purpose of the Bill:
SB 101 requires counties to post notification of significant adjustments (adjustments that change the original assessment of real property by 20% or 1,000,000) as a separate item on the county equalization board's hearing agenda. The county must also include a description of that property.

Municipal Action/What you need to do:
No action is required.

ULCT Action/Future Trend:
ULCT monitored this bill.

SB 102 | Tinted Vehicle Amendments

Reference: **Friday Facts: Feb. 2**
Sponsor: **Fillmore, Lincoln**
Bill Status: **Failed**
Link: **https://le.utah.gov/~2018/bills/static/SB0102.html**
ULCT Position: **Neutral**

Legislative Purpose of the Bill:
This bill revises the allowable window tint on motor vehicle windows. The bill would have reduced the required light transmittance of tinted windows on motor vehicles to 35 percent.

Municipal Action/What you need to do:
No action required.

ULCT Action/Future Trend:
ULCT monitored this bill and pushed back on the original version of the bill. Ultimately the percentage was moved back to an acceptable amount, and ULCT changed its position to neutral.

SB 105 | Crime Statistics Reporting Amendments

Reference: **Daily Recap: Jan. 31**
Sponsor: **Ipson, Don**
Bill Status: **Enrolled**
Link: **https://le.utah.gov/~2018/bills/static/SB0105.html**
ULCT Position: **Neutral**

Legislative Purpose of the Bill:
This bill modifies provisions related to reporting criminal activity to the Bureau of Criminal Identification. The bill prohibits the Bureau of Criminal Identification from acquiring certain information. The bill requires a law enforcement agency to report certain information to the Bureau of Criminal Identification within a specified time frame, submit that information in a specified manner, and review and verify that information upon request of the Bureau of Criminal Identification.

Municipal Action/What you need to do:
Make sure that your municipalities law enforcement agency is aware of the new reporting requirements.

ULCT Action/Future Trend:
This bill was watched by ULCT.

SB 106 | Court Records Amendments

Reference: **None**
Sponsor: **Thatcher, Daniel**
Bill Status: **Enrolled**
Link: **https://le.utah.gov/~2018/bills/static/SB0106.html**
ULCT Position: **Neutral**

Legislative Purpose of the Bill:
This bill enacts Utah Code 77-40-104.1, which allows a person whose criminal case has been dismissed to move the court for an order to remove the link between the person's personal identifying information from the dismissed case in any publicly searchable database of the Utah state courts. The courts must grant relief if certain conditions are met.

Municipal Action/What you need to do:
No action is required.

ULCT Action/Future Trend:
ULCT monitored the bill.

SB 108 | Raw Milk Amendments

Reference: **None**
Sponsor: **Hinkins, David**
Bill Status: **Enrolled**
Link: **https://le.utah.gov/~2018/bills/static/SB0108.html**
ULCT Position: **Neutral**

Legislative Purpose of the Bill:
SB 108 makes several substantive changes to the regulation of raw milk. It allows the unlicensed production and sale of raw milk if certain conditions are met.

Municipal Action/What you need to do:
SB 108 allows mobile units to sell raw milk if it's kept properly refrigerated. Producers may now sell up to 120 gallons of raw milk per month without a license if:

- the sale is made directly to an end consumer for household use;
- the sale is made upon the premises where the milk is produced;
- the label on the milk contains the producer's contact information, the date of production;
- a statement disclosing that the milk is raw and the producer is unlicensed; and
- handling and preservation information.

Producers are also responsible for testing and maintaining records of quality standards for at least two years.

ULCT Action/Future Trend:
ULCT monitored this bill.

SB 111 | Community Reinvestment Agency Changes

Reference: **Daily Recap: Jan. 29, Jan. 30**
Sponsor: **Harper, Wayne**
Bill Status: **Enrolled**
Link: **https://le.utah.gov/~2018/bills/static/SB0111.html**
ULCT Position: **Support**

Legislative Purpose of the Bill:
This bill permits a Community Reinvestment Agency Board to make a finding of "blight" if the site was used for disposal of solid or hazardous waste.

Municipal Action/What you need to do:
No action required

ULCT Action/Future Trend:
ULCT monitored the bill and supported as adding flexibility for communities that have these sites in their jurisdictions.

SB 120 | Local Government Fees and Taxes Amendments

Reference: **LPC: Feb. 12, Feb. 26; Daily Recap: Jan. 29, Jan. 30, Feb. 21**
Sponsor: **Henderson, Deidre**
Bill Status: **Enrolled**
Link: **https://le.utah.gov/~2018/bills/static/SB0120.html**
ULCT Position: **Neutral**

Legislative Purpose of the Bill:
This bill is intended to restrict cities from levying transportation utility fees on county property or on chartered cities.

Municipal Action/What you need to do:
If your city has enacted or is contemplating enacting a transportation utility fee, you may not charge the county, nor may a chartered city (Tooele) charge itself.

ULCT Action/Future Trend:
ULCT met with the sponsor numerous times about this bill in an attempt to work out the underlying issue without this legislative restriction. We successfully narrowed the exemption language while legitimizing the concept of a transportation utility fee in state code. Nonetheless, we expect to see additional legislation addressing other traditionally tax-exempt entities in future sessions.

SB 122 | Bond Elections Amendments

Reference: **None**
Sponsor: **Stephenson, Howard**
Bill Status: **Enrolled**
Link: **https://le.utah.gov/~2018/bills/static/SB0122.html**
ULCT Position: **Neutral**

Legislative Purpose of the Bill:
This bill directs that a political subdivision may not receive, from issuance of bonds approved by the voters at an election, an amount that is more than 2% of the maximum principal amount stated in the bond proposition. It applies to bonds issued pursuant to elections held after January 1, 2019.

Municipal Action/What you need to do:
No action required.

ULCT Action/Future Trend:
ULCT monitored this bill.

SB 124 | Budget Deadline Amendments

Reference: **Daily Recap: Jan. 30**
Sponsor: **Fillmore, Lincoln**
Bill Status: **Enrolled**
Link: **https://le.utah.gov/~2018/bills/static/SB0124.html**
ULCT Position: **Neutral**

Legislative Purpose of the Bill:
This bill changes the deadline for a city council to adopt a budget from June 22 to June 30.

Municipal Action/What you need to do:
Adjust your process accordingly.

ULCT Action/Future Trend:
ULCT monitored the bill.

SB 128 | Transportation Revisions

Reference: **None**
Sponsor: **Buxton, Greg**
Bill Status: **Enrolled**
Link: **https://le.utah.gov/~2018/bills/static/SB0128.html**
ULCT Position: **Amend**

Legislative Purpose of the Bill:
SB 128 states that any construction, encroachment, or access on a state highway right-of-way must first receive permission from the Department of Transportation. It also changes the distribution of local option highway construction and transportation corridor fee revenue in a county of the first class.

Municipal Action/What you need to do:
Municipalities and private firms must first give notice and receive permission from UDOT before encroaching on or constructing in a state highway right-of-way. The bill also requires certain construction standards.

ULCT Action/Future Trend:
ULCT worked with UDOT on this bill, and UDOT committed to work with local entities to identify other outstanding behind-the-curb issues for a future bill. The intent is to create a collaborative process for both UDOT and local entities.

SB 133 | Design and Build Amendments

Reference: **None**
Sponsor: **Mayne, Karen**
Bill Status: **Enrolled**
Link: **https://le.utah.gov/~2018/bills/static/SB0133.html**
ULCT Position: **Neutral**

Legislative Purpose of the Bill:
This bill amends the definition of a "design-build" project in Utah Code 11-39-101, and removes the requirement that such a project have a cost of at least $250,000.

Municipal Action/What you need to do:
No action is required.

ULCT Action/Future Trend:
ULCT monitored the bill.

SB 136 | Transportation Governance Amendments

Reference: **LPC: Oct. 11, Dec. 16, Jan. 8, Jan. 29, Feb. 5, Feb. 26, March 5; Daily email: Jan. 25, Feb. 5, Feb. 22, Feb. 27, Feb. 28, March 5, March 6, March 7**
Sponsor: **Niederhauser, Wayne**
Bill Status: **Enrolled**
Link: **hhttps://le.utah.gov/~2018/bills/static/SB0136.html**
ULCT Position: **Support**

Legislative Purpose of the Bill:
This bill modifies governance of the Utah Transit Authority, amends hybrid and electric vehicle registration fees, modifies taxes related to transportation, modifies the governance of the Department of Transportation, and makes other changes.

Municipal Action/What you need to do:
SB 136 authorizes and facilitates state and local funding for transportation, reorganizes the Utah Transit Authority, modernizes the state prioritization criteria, and creates strategic initiatives for transportation funding. First, SB 136 authorizes counties where transit exists to impose the fourth quarter for transportation (the Proposition 1 quarter from HB 362 in 2015) without voter approval. The bill also authorizes a fifth quarter (technically .20) which a county can impose only after all four other quarters have been imposed that is exclusively for transit. If a county imposes the fourth quarter between today and June 30, 2019, the county keeps the entire quarter center UNTIL June 30, 2019. If the county imposes the quarter center between July 1, 2019 and June 30, 2020, then the fourth quarter formula (.10 cities, .10 transit, .05 counties) applies. If the county does not act by June

30, 2020, then a city in a county where transit is provided may impose the full quarter cent within the city. In that case, 50% would go to cities and 50% would go transit. In addition, the bill authorizes transportation reinvestment zones which will be a tool for local governments to use to capture the increased property value from transportation investment. Second, the board of trustees of the Utah Transit Authority will pivot from a 16 member board—of which 11 are appointed by local government—to a 3 member board which counties would recommend and the Governor would appoint. Transit would also be eligible for state funding via the Transit Transportation Investment Fund. Third, SB 136 requires UDOT to create strategic initiatives for state transportation funding that will include local land use and economic development potential. During the 2017 interim, several legislators wanted to punish cities for their land use planning. Because of ULCT pushback, SB 136 has an incentive-based approach instead.

ULCT Action/Future Trend:
ULCT actively engaged throughout the 2017 interim and the 2018 legislative session on the Transportation Task Force and SB 136. The bill is a game changer for transportation in Utah. ULCT will be involved in the rulemaking process in 2018 which will articulate the new prioritization criteria for state transportation projects. ULCT will also assist cities who are encouraging counties to impose the fourth quarter local option sales tax (Proposition 1 from 2015/2016) or to impose the third quarter local option sales tax. Finally, ULCT will work closely with Wasatch Front Regional Council, Mountainland Association of Governments, Utah Association of Counties, and other partners on the other aspects of the bill.

SB 137 | Amendments Relating to Government Records

Reference: **None**
Sponsor: **Bramble, Curtise**
Bill Status: **Enrolled**
Link: **https://le.utah.gov/~2018/bills/static/SB0137.html**
ULCT Position: **Neutral**

Legislative Purpose of the Bill:
This bill amends Utah Code 54-4-206 to add that a transcript and report of a closed meeting are also protected (along with the recording) under GRAMA.

Municipal Action/What you need to do:
Consider updating your entity's GRAMA policy if you have one.

ULCT Action/Future Trend:
ULCT discussed this bill with the sponsor and monitored it.

SB 142 | Victims of Domestic Violence Services Account Amendments

Reference: **None**
Sponsor: **Christensen, Allene**
Bill Status: **Enrolled**
Link: **https://le.utah.gov/~2018/bills/static/SB0142.html**
ULCT Position: **Opposed**

Legislative Purpose of the Bill:
This bill modifies provisions relating to the Victims of Domestic Violence Services Account. The bill amends the percentage of the criminal conviction surcharge that is allocated to the Victims of Domestic Violence Services Account. The bill also repeals the percentage of the criminal conviction surcharge that is allocated to the Office of the Attorney General for domestic violence prosecution training.

Municipal Action/What you need to do:
No action is needed.

ULCT Action/Future Trend:
ULCT watched this bill.

SB 151 | Court Security Funding Amendments

Reference: **None**
Sponsor: **Adams, Stuart**
Bill Status: **Enrolled**
Link: **https://le.utah.gov/~2018/bills/static/SB0151.html**
ULCT Position: **Neutral**

Legislative Purpose of the Bill:
This bill modifies provisions regarding the sources of money of the Court Security Account.

Municipal Action/What you need to do:
No action is needed.

ULCT Action/Future Trend:
This bill was monitored by ULCT.

SB 154 | Prohibition of Law Enforcement Quotas

Reference: **Daily Recap: Feb. 7, Feb. 8; Friday Facts: March 3**
Sponsor: **Stephenson, Howard**
Bill Status: **Enrolled**
Link: **https://le.utah.gov/~2018/bills/static/SB0154.html**
ULCT Position: **Oppose**

Legislative Purpose of the Bill:
This bill defines "quota" in Utah Code 77-7-27 and prohibits a political subdivision from requiring or directing a peace officer to meet an arrest or citation quota. It clarifies that a political subdivision is not prohibited from "including a peace officer's engagement with the community or enforcement activity as part of an overall determination of the peace officer's performance." The original bill was overbroad and would have prohibited cities from using public engagement as a performance metric.

Municipal Action/What you need to do:
Ensure that your peace officer performance reviews are up-to-date.

ULCT Action/Future Trend:
ULCT worked with the Police Chiefs Association to ensure that the language of the final bill was workable and allowed cities to evaluate officers based on public engagement requirements.

SB 157 | Residential Solar Energy Amendments

Reference: **None**
Sponsor: **Fillmore, Lincoln**
Bill Status: **Enrolled**
Link: **https://le.utah.gov/~2018/bills/static/SB0157.html**
ULCT Position: **Neutral**

Legislative Purpose of the Bill:
SB 157 is part of a broader legislative package to reform household solar policy. The bill requires solar retailers and customers to enter into "power purchase agreements." In these agreements, solar retailers must provide their contact information, contact information for the contractor expected to install the system, the consumer's potential eligibility for tax credits, and other details.

Municipal Action/What you need to do:
None—governmental power providers and 3rd party lenders are exempt from this legislation.

ULCT Action/Future Trend:
ULCT monitored this bill.

SB 158 | Municipal Business Licensing

Reference: **Daily Recap: Feb. 8, Feb. 20, Feb. 21**
Sponsor: **Anderegg, Jake**
Bill Status: **Enrolled**
Link: **https://le.utah.gov/~2018/bills/static/SB0158.html**
ULCT Position: **Neutral**

Legislative Purpose of the Bill:
This bill further clarifies last year's SB 81 (Local Government Licensing Amendments). SB 81 modified a city or county's authority to license home-based businesses. Post-SB 81, the law no longer allowed cities to license a business for the purpose of revenue. Instead, cities were only permitted to impose fees on businesses to cover the cost of regulation. By doing so, SB 81 required cities to define the offsite impacts of home-based businesses in order to collect a fee for a license. SB 158 does not fundamentally change what SB 81 did last year.

Municipal Action/What you need to do:
Cities may still charge business licensing fees for a home-based business if the business creates offsite impacts that materially exceed the primary residential use. Cities may not get around this by charging other types of fees for home-based business. They may also charge an administrative fee for issuing a license to a home-based business owner who requests a license but is otherwise exempt from a fee. The bill also requires municipalities to notify home-based business owners that they may be exempt from licensing fee "in any communication with the owner." This puts the burden on cities to communicate to home-based business owners that they are exempt from

the fee. Review your home occupation ordinance and the home-based businesses licensed in your city to ensure your city is only charging home-based businesses for the cost of regulation, and that businesses that do not have offsite impacts are not charged a fee. Some cities do not require home-based businesses that do not have offsite impacts to be licensed. If your city requires every business to be licensed, be aware that you may not be able to charge a fee for each license you issue. However, if you do not require a business to be licensed but that business still requests the city to issue one, you may charge a reasonable administrative fee.

ULCT Action/Future Trend:
ULCT worked with the sponsor on this bill, which as originally drafted would have prevented cities from defining impacts in their communities. We will see legislation on this front again next year if cities do not update their ordinances to comply with state law.

SB 159 | Forcible Entry and Detainer

Reference: **None**
Sponsor: **Dayton, Margaret**
Bill Status: **Enrolled**
Link: **https://le.utah.gov/~2018/bills/static/SB0159.html**
ULCT Position: **Neutral**

Legislative Purpose of the Bill:
This bill modifies provisions related to forcible entry and detainer. The bill modifies provisions related to how notice is served, and addresses a complaint and summons. The bill also amends provisions related to court procedures, addresses attorney fees, modifies enforcement provisions, and addresses abandonment.

Municipal Action/What you need to do:
None.

ULCT Action/Future Trend:
This bill was watched by ULCT.

SB 167 | Food Truck Regulation Amendments

Reference: **Daily Recap: Feb. 12**
Sponsor: **Henderson, Deidre**
Bill Status: **Enrolled**
Link: **https://le.utah.gov/~2018/bills/static/SB0167.html**
ULCT Position: **Neutral**

Legislative Purpose of the Bill:
This bill further clarifies last year's SB 250, which implemented the Food Truck Licensing and Regulation Act. SB 250 required food truck licensing reciprocity between jurisdictions so long as the food truck met health inspection and fire safety requirements. It also prohibited a city from preventing a food truck from operating within a certain distance of a restaurant, and disallowed cities from requiring background checks on employees. SB 167 was requested by the Libertas Institute based on allegations that some cities are still out of compliance with SB 250, as well as charging astronomical fees for reciprocal licenses and placing excessive burdens on food truck operators by requiring them to submit site plans and other land use application materials before issuing a business license. SB 167 is intended to clarify that cities may not require a food truck operator to go through a land use application process to get a business license.

Municipal Action/What you need to do:
Cities and counties may (and should) still require food truck operators to comply with all local land use and zoning regulations. They may (and should) promulgate local laws and regulations that govern the what/where/when of food truck operation. Cities may also still charge a reasonable fee to cover the regulatory cost of issuing a reciprocal license. Be aware that the first version of this

legislation completely removed the city's ability to charge ANY fee for reciprocal licenses, and we fought to continue to permit cities to cover their costs. If cities charge fees that are equal to or more than original business licenses, we can expect to see this right removed by legislation next year. However, a city or county may not

- Require a fee for each food truck employee;
- Require the food truck to demonstrate how it will comply with land use or zoning at the time it applies for a business license;
- Prohibit food trucks in a zone where other food establishments are allowed;
- Restrict the number of days per year a truck can operate;
- Require a site plan for each location the food truck operates if they permit operation in the public ROW; or
- Require a site plan for private property where a truck operates less than 10 hours per week.

ULCT Action/Future Trend:
ULCT worked on this legislation with a group of city attorneys, the sponsor, and the food truck association. As originally drafted, this bill would have severely restricted what cities could require of food truck operators and prohibited any fee for reciprocal licenses. We will see additional legislation next year unless cities update their ordinances to comply with state law.

SB 175 | Metro Township Modifications

Reference: **None**
Sponsor: **Mayne, Karen**
Bill Status: **Enrolled**
Link: **https://le.utah.gov/~2018/bills/static/SB0175.html**
ULCT Position: **Neutral**

Legislative Purpose of the Bill:
SB 175 changes the title of a metro township "chair" to "mayor," authorizes a municipal services district to use sales tax or other revenue from a county or municipality to fund services, and reduces the number of county council members of the municipal services district from two to one. SB 175 is another technical clean up bill from the 2015 legislation that authorized the creation of metro townships.

Municipal Action/What you need to do:
No action necessary unless you are a metro township.

ULCT Action/Future Trend:
ULCT monitored the bill. ULCT staff and members were closely involved in the 2015 legislation that authorized the creation of metro townships in Salt Lake County. Metro townships can only exist in Salt Lake County and are organized under Title 10 like cities and towns. As such, ULCT keeps an eye on legislation that impacts metro townships and we expect annual statutory tweaks.

SB 186 | Indigent Defense Amendments

Reference: **None**
Sponsor: **Weiler, T.**
Bill Status: **Enrolled**
Link: https://le.utah.gov/~2018/bills/static/SB0186.htmlULCT
Position: **Support**

Legislative Purpose of the Bill:
SB 186 makes a number of technical changes to Utah's Indigent Defense Commission and a few minor policy shifts. It changes the Administrative Office of the Court's ex-officio seat to a voting seat and changes the quorum requirement from six members to a majority of the voting members.

Municipal Action/What you need to do:
The biggest change for municipalities affects the indigent defense services grant program application process. Previously, participating cities' and counties' respective legislative bodies applied by passing a resolution committing to meet minimum standards for the program. Under SB 186, the participating city or county must demonstrate that they have incurred or anticipate the incursion of additional costs that exceed annual spending on indigent defense services in the past three fiscal years. The city or county must also prove that they will be unable to meet the commission's minimum standards without the grant and participate in the collection of data.

ULCT Action/Future Trend:
ULCT supported and monitored this bill.

SB 189 | Small Wireless Facilities Deployment Act

Reference: **LPC: Dec. 16, Jan. 8, Jan. 29, Feb. 12, Feb. 26, March 5; Daily email: Jan. 23, Feb. 7, Feb. 20, March 6, March 7**
Sponsor: **Bramble, Curtis**
Bill Status: **Enrolled**
Link: **https://le.utah.gov/~2018/bills/static/SB0189.html**
ULCT Position: **Support**

Legislative Purpose of the Bill:
This bill enacts requirements for cities and wireless providers who want to deploy small cell wireless infrastructure. Federal law has long required that cities allow access to the right of way for telecommunications. This bill creates a uniform process for facilitating that access and compensating cities. Cities may limit new poles under certain circumstances, adopt reasonable design standards, deny applications for public safety reasons, and require indemnification, insurance, and bonding.

Municipal Action/What you need to do:
Ensure your local ordinance is consistent with state code.

ULCT Action/Future Trend:
ULCT started conversations with wireless providers before the session began in an attempt to stave off statewide legislation. However, Sen. Bramble was adamant that he wanted to see a statewide act passed this year. ULCT convened a group to work on this legislation throughout the session, and the end result is a bill that is friendlier to local government than the industry model legislation passed in 30 other states over the past two years. We will continue to monitor how this bill impacts local government and expect to continue making technical changes in sessions to come.

SB 191 | State Regulation of Oil and Gas

Reference: **None**
Sponsor: **Van Tassell, Kevin**
Bill Status: **Enrolled**
Link: **https://le.utah.gov/~2018/bills/static/SB0191.html**
ULCT Position: **Neutral**

Legislative Purpose of the Bill:
This bill was intended to clarify where the state had exclusive jurisdiction to regulate oil and gas operations (under Title 40) and where the state and local governments had shared jurisdiction under Title 17 (County) and Title 10 (City). The goal was to ensure that local government had the ability to maintain jurisdiction and regulatory authority for surface land use issues around mining operations, while also clarifying that the state had some exclusive jurisdiction in areas pertaining to the "down-hole" aspects of the mining operation.

Municipal Action/What you need to do:
This bill only impacts jurisdictions that host oil and gas activity. It will likely be amended in a special session this interim.

ULCT Action/Future Trend:
ULCT worked with the Utah Association of Counties and other stakeholders on the bill. After the bill passed, all stakeholders realized that we need to fix a provision about underground pipes/transportation of oil and gas where shared jurisdiction exists. We anticipate that it will be addressed in a special session if an agreement can be reached among stakeholders.

SB 192 | Retail Bag Impact Reduction Program

Reference: **LPC: Jan. 8; Friday Facts: Feb. 23**
Sponsor: **Iwamoto, Jani**
Bill Status: **Failed**
Link: **https://le.utah.gov/~2018/bills/static/SB0192.html**ULCT
Position: **Neutral**

Legislative Purpose of the Bill:
This bill would have created the Retail Bag Impact Reduction Program.

Municipal Action/What you need to do:
No action required because the bill failed.

ULCT Action/Future Trend:
ULCT worked with the bill sponsor on this bill to ensure that it did not pre-empt or local government authority and/or require local government to administer a program. The Senate Economic Development and Workforce Services Committee determined that this concept should be studied over the interim, so legislation may return next session.

SB 199 | Utah Protection of Public Employees Act Amendments

Reference: **None**
Sponsor: **Iwamoto, Jani**
Bill Status: **Enrolled**
Link: **https://le.utah.gov/~2018/bills/static/SB0199.html**
ULCT Position: **Neutral**

Legislative Purpose of the Bill:
This bill exempts claims filed under the UPPEA from certain requirements under the Governmental Immunity Act. It also expands the list of entities to which an employee may make a claim, and clarifies that an employee has 180 days to file a claim.

Municipal Action/What you need to do:
SB 199 requires an employer to post notices of their protections and obligations under the UPPEA, and also provide employees with a copy of the chapter when the employee is hired, upon request, and when an employee files a grievance under Utah Code 67-21.

ULCT Action/Future Trend:
ULCT monitored the bill.

SB 206 | Local Public Safety and Firefighter Surviving Spouse Trust Fund Amendments

Reference: **None**
Sponsor: **Weiler, Todd**
Bill Status: **Enrolled**
Link: **https://le.utah.gov/~2018/bills/static/SB0206.html**
ULCT Position: **Support**

Legislative Purpose of the Bill:
SB 206 makes technical corrections to allow more municipalities with public safety agencies to participate in the Local Public Safety and Firefighter Surviving Spouse Trust Fund and permits a private entity to manage the fund.

Municipal Action/What you need to do:
Local governments with public safety (either law enforcement or firefighting) agencies who were previously ineligible to participate in the fund may now elect to join.

ULCT Action/Future Trend:
ULCT staff worked with the sponsor and other stakeholders on this legislation.

SB 216 | Ethics Amendments

Reference: **None**
Sponsor: **Bramble, Curtis**
Bill Status: **Enrolled**
Link: **https://le.utah.gov/~2018/bills/static/SB0216.html**
ULCT Position: **Neutral**

Legislative Purpose of the Bill:
This bill cleans up and clarifies the ethics code pertaining to the executive branch and political subdivisions (Utah Code 63A-15-101). It limits the commission to investigating complaints only if they could be grounds for impeachment if true, and requires a complainant to have personal knowledge of matters alleged in a complaint.

Municipal Action/What you need to do:
Be aware of the new standards and update your city's ethics code if applicable.

ULCT Action/Future Trend:
ULCT monitored the bill.

SB 218 | Container Regulation Act

Reference: **Daily Recap: March 1, March 5, March 8; Friday Facts: Feb. 23**
Sponsor: **Buxton, Gregg**
Bill Status: **Failed**
Link: **https://le.utah.gov/~2018/bills/static/SB0218.html**
ULCT Position: **Oppose**

Legislative Purpose of the Bill:
This bill would have prohibited local governments from regulating any kind of "auxiliary" container, including disposable bags, cups, straws, etc. This was a bill championed by special interest groups and would have set a terrible precedent against local government's ability to enact regulations in response to the desires of their unique communities.

Municipal Action/What you need to do:
The bill failed so no action is necessary.

ULCT Action/Future Trend:
ULCT successfully combatted this full-scale assault on local control, leading to the defeat of this bill on the House floor. Thanks to our local government champions for their work on this, including Rep. Tim Quinn, Rep. Logan Wilde, Rep. Marie Poulson and Rep. Val Potter.

SB 219 | Court Citation Amendments

Reference: **None**
Sponsor: **Thatcher, Daniel**
Bill Status: **Enrolled**
Link: **https://le.utah.gov/~2018/bills/static/SB0219.html**
ULCT Position: **Neutral**

Legislative Purpose of the Bill:
SB 219 allows courts to accept an electronic filing for citations after 5 days if the defendant consents to the filing and the court determines it is in the interests of justice.

Municipal Action/What you need to do:
No action required.

ULCT Action/Future Trend:
ULCT monitored the bill.

SB 226 | Urban Farming Amendments

Reference: **None**
Sponsor: **Van Tassell, Kevin**
Bill Status: **Enrolled**
Link: **https://le.utah.gov/~2018/bills/static/SB0226.html**ULCT
Position: **Neutral**

Legislative Purpose of the Bill:
This bill modifies the definition of "urban farming" and authorizes a county to permit urban farming. It takes effect on January 1, 2019.

Municipal Action/What you need to do:
No action is necessary.

ULCT Action/Future Trend:
ULCT monitored the bill.

SB 230 | Law Enforcement Protection Amendments

Reference: **None**
Sponsor: **Ipson, Don**
Bill Status: **Enrolled**
Link: **https://le.utah.gov/~2018/bills/static/SB0230.html**
ULCT Position: **Neutral**

Legislative Purpose of the Bill:
This bill amends provisions relating to publicly available personal information of law enforcement officers. The bill creates a process by which a law enforcement officer may have their own personal information removed from publicly available state or local government sites, and requires that the law enforcement officer deliver copies of a form to the affected state or local government agency. The bill also provides that the ban on the information may remain in place for up to four years.

Municipal Action/What you need to do:
Be aware of the location of where an officer's information may be located on a municipal site, if anywhere.

ULCT Action/Future Trend:
ULCT monitored the bill.

SB 233 | Sales and Use Tax Amendments

Reference: **None**
Sponsor: **Stephenson, Howard**
Bill Status: **Enrolled**
Link: https://le.utah.gov/~2018/bills/static/SB0233.html
ULCT Position: **Oppose**

Legislative Purpose of the Bill:
This bill enacts the full manufacturing exemption (eliminates the 3 year useful life restriction currently in the law).

Municipal Action/What you need to do:
SB 233 is contingent on the U.S. Supreme Court ruling in favor of the states in South Dakota v. Wayfair. If the court rules in favor of the states then a portion of anticipated new money from remote sellers would fund the state and local portions of the increased sales tax exemption. It would take potential new money going to states and cities to fund the exemption. Preliminary estimates place the cost to the state at $58 million and to local governments (cities, counties, special districts) at $25 million. Anticipated new revenues are more difficult to estimate. The state's share is estimated at $200 million and local government at $85 million.

The legislation also outlines reporting requirements to the Legislature from the Division of Finance and the Tax Commission before implementation.

ULCT Action/Future Trend:
ULCT opposed the bill. We will monitor what happens with the South Dakota v. Wayfair case and continue to oppose implementing legislation, if necessary.

SB 234 | Utah Inland Port Authority

Reference: **LPC: Feb. 5, Feb. 26, March 5; Daily Recap: Feb. 1, Feb. 6, Feb. 20, Feb. 21, March 8; Friday Facts: March 3.**
Sponsor: **Stevenson, Jerry**
Bill Status: **Enrolled**
Link: **https://le.utah.gov/~2018/bills/static/SB0234.html**
ULCT Position: **Oppose**

Legislative Purpose of the Bill:
SB 234 directly impacts Salt Lake City, West Valley City, and Magna Metro Township but has potential precedential ramifications on all local governments. The bill has four problematic provisions. First, the bill creates a new land use standard for appeals of city administrative land use decisions. The Inland Port Authority Board would serve as the land use appeals authority with vague standards that are not consistent with the Land Use Development and Management Act. Second, the new board would control up to 100% of the property tax increment on the property within the authority area. Third, the authority area consists of more than 22,000 acres in the three municipalities without the consent of Salt Lake City. Fourth, the eleven member board that will govern the authority will have only 3 city representatives, 1 from West Valley and 2 from Salt Lake City despite the vast majority of the acreage being within Salt Lake City, and no designated representative from the Salt Lake City Mayor's office.

Municipal Action/What you need to do:
No action required.

ULCT Action/Future Trend:
At the request of Salt Lake City, ULCT provided space for the legislature and the City to negotiate on SB 234. The

ULCT membership unanimously endorsed Resolution 2017-001A which articulated our opposition to the state assumption of land use authority over or property tax revenue from private property within a city without the consent of the city. Unfortunately, the House introduced the fourth substitute late on the House floor on the second to final night of the session and the Senate concurred with the amendments. All of that process occurred within approximately thirty minutes. For the land use and taxation reasons referenced above, the Executive Board of the Utah League of Cities and Towns submitted a veto request . While the Governor signed SB 234, he publicly expressed a willingness to address problematic parts of the bill in a special session during the 2018 session. ULCT is coordinating with the stakeholders about the potential special session.

SB 235 | Homeless Shelter Funding Amendments

Reference: **LPC: Feb. 26, March 5; Daily Recap: Feb. 26, March 1, March 8**
Sponsor: **Davis, Gene**
Bill Status: **Enrolled**
Link: **https://le.utah.gov/~2018/bills/static/SB0235.html**
ULCT Position: **Oppose**

Legislative Purpose of the Bill:
SB 235 (along with HB 462) is the result of the third year of homelessness related legislation. The bill expands the members of the State Homeless Coordinating Committee with the mayors of Ogden, Midvale, St. George, and South Salt Lake, all of which house homeless shelters. The bill then withholds the lesser of $200,000 or 1.8% of the 50% population component of the local option sales tax. That money would be deposited into the Homeless Shelter Cities Mitigation Restricted Account and the five cities (the aforementioned four, plus Salt Lake City) that house qualifying shelters of 60 beds or more could apply for reimbursements of the public safety costs that are directly tied to the homeless shelters within their cities.

Municipal Action/What you need to do:
Plan for the withholding, which begins in Jan. 2019. Refer to our website for estimates based on FY 2017: Homeless Services Funding.

ULCT Action/Future Trend:
ULCT opposed SB 235 and HB 462 because both bills would have impacted local government revenues. At one point during the session, ULCT was concerned that both bills could pass. We successfully lobbied for a $200,000 cap, expanded the tools that a city could use to cover the

amount that is withheld, ensured that a transparent process exists for the municipal reimbursement, and eliminated the state assessment based on local land use and housing in HB 462. The final version of SB 235 was the "least bad" option of the homeless bills. ULCT staff brought both bills to the LPC on several occasions for feedback. ULCT board members and senior staff met with House leadership, Senate leadership, and the Lt. Governor who all declared that a homeless bill would pass. ULCT will attend upcoming meetings of the State Homeless Coordinating Committee to report back to cities and towns how the fund is being utilized. ULCT also urges city and town leaders to explain to legislators the impact of the SB 235 withholding and demand that legislators not enact future unfunded mandates or bills that reduce municipal revenues.

SB 240 | Military Installation Development Authority Amendments

Reference: **None**
Sponsor: **Stevenson, Jerry**
Bill Status: **Enrolled**
Link: **https://le.utah.gov/~2018/bills/static/SB0240.html**
ULCT Position: **Neutral**

Legislative Purpose of the Bill:
The bill authorizes the Military Installation Development Authority accommodations tax which is similar to the transient room tax for other local governments.

Municipal Action/What you need to do:
SB 240 only applies to Military Installation Development Authority property—which is federally owned property leased for private development--and specifically applies to a an authority owned hotel that is under development on the Wasatch Back. MIDA development exists in several counties. Every year since the founding of MIDA, the legislature enacts additional legislation about the governance or scope of MIDA.

ULCT Action/Future Trend:
ULCT monitored the bill and met with MIDA representatives to understand the scope of the bill. Historically, ULCT has not opposed MIDA because it is limited to federal property and is subject to the consent of the local municipality.

SJR 2 | Proposal to Amend Utah Constitution—Property Tax Exemptions

Reference: **None**
Sponsor: **Hemmert, Daniel**
Bill Status: **Enrolled**
Link: **https://le.utah.gov/~2018/bills/static/SJR002.html**
ULCT Position: **Neutral**

Legislative Purpose of the Bill:
The premise of SJR 2 is that real property leases are de facto ownership, so governments leasing property should receive the same benefits. SJR 2 proposes a constitutional amendment that extends the governmental property tax exemption to private property that is leased entirely to the state or local governments.

Municipal Action/What you need to do:
This question will be on the ballot in November, and if it passes, the Legislature will need to pass implementing legislation. No direct loss of tax revenue since the result of the exemption would be to shift the newly exempted taxes to other taxpayers. The magnitude of the shift would depend on the amount of newly-exempted property. There could also be a reduction in costs to governments with the elimination of property taxes on the leased property.

ULCT Action/Future Trend:
ULCT monitored this and discussed it with Senator Hemmert.

LPC Agendas

LPC Agenda–October 16, 2018

Utah League of Cities and Towns Legislative Policy Committee
Monday, October 16, 2017, noon
Utah Local Government Trust, 55 South Highway 89, North Salt Lake
(and USU webcast)

1. Welcome, logistics, & adoption of minutes (ULCT 1st Vice President Jon Pike)
2. Rep. Mike Schultz, Co-Chair of the Transportation Task Force
3. Transportation Task Force work group recommendations (Cameron Diehl)
4. Tax Reform update (Roger Tew)
5. Land Use Task Force update (LUTF negotiating team)
6. ULCT Policy Resolutions and legislative outreach goals for membership
7. Other legislative issues from ULCT staff or LPC membership
8. Adjourn

Next meeting: Mon., December 11, 2017 at the Utah Local Government Trust

LPC Agenda–December 11, 2018

Utah League of Cities and Towns Legislative Policy Committee
Monday, December 11, 2017, noon
Utah Local Government Trust, 55 South Highway 89, North Salt Lake
(and USU webcast)

1. Welcome, logistics, farewells, policy guide, & adoption of Oct. 17 minutes (ULCT 1st Vice President Jon Pike)
2. Transportation Task Force work group recommendations on land use and governance (Cameron Diehl)
3. Fireworks draft proposal (Cameron Diehl)
4. Tax Reform (state and federal) update (Roger Tew)
5. Land Use Task Force update (LUTF negotiating team)
   - Plan review proposal
   - Local government fee research

6. Preview of other upcoming issues (ULCT staff)
   - Small cells primer
   - Solid waste fees
   - Tier 2 retirement proposal
7. Other legislative issues from ULCT staff or LPC membership/legislative outreach
8. Adjourn

Next meeting: Mon., January 8, 2017 at the Utah Local Government Trust
Note: Local Officials' Day, Wed., January 24, 2018 at the Capitol and Salt Palace

LPC Agenda–January 8, 2018

Utah League of Cities and Towns Legislative Policy Committee Agenda – January 8, 2018, 12:00 p.m.
Utah Local Government Trust, 55 S Highway 89, North Salt Lake (and USU webcast)

1. Welcome, introductions, logistics, and adoption of December 11, 2017 minutes (ULCT 1st Vice Pres. Jon Pike)
2. Brief update on bill tracking software (Brandon Smith)

3. Land use and other updates (Rachel Otto)
   a. Conditional Use Permit proposal
   b. Building inspectors
   c. Ombudsman funding
   d. Plan review
4. Homelessness, affordable housing, and housing affordability (Cameron Diehl)
5. General preemption (Cameron Diehl)

   a. Small cell legislation
   b. Towing
   c. Plastic bags
6. Brief updates from recent LPCs (Cameron Diehl)
   a. Fireworks
   b. Solid waste fees
   c. Transportation

7. Other legislative issues from membership
8. Adjourn

Local Officials' Day (with legislative briefing) is on
Wednesday, January 24, 2018 at the Capitol and the Salt Palace
Next LPC meeting – Jan. 29, 2018 at the Capitol

LPC Agenda–January 29, 2018

Utah League of Cities and Towns Legislative Policy Committee Agenda – January 29, 2018, 12:00 p.m.
Utah State Capitol (and USU webcast)

1. Welcome, introductions, logistics, and adoption of January 8, 2018 minutes (ULCT 1st Vice Pres. Jon Pike)
2. Update on first week's bills (Rachel Otto)

3. Transportation Governance Amendments (Cameron Diehl/Rachel Otto)
a. Where we started and where we are now.
b. Policy issues to consider
i. county tax authority
ii. UTA governance structure

4. Updates
a. Retirement (John Hiskey)
b. Referendum (Cameron Diehl)
c. Fireworks (H.B. 38) (Cameron Diehl)
d. Housing (Cameron Diehl)
e. Small cells (Roger Tew)
f. Extraterritorial jurisdiction (Noel's H.B. 135) (Cameron Diehl)
5. Other legislative issues from membership (ULCT 1st Vice Pres. Jon Pike)
6. Ratify staff positions (ULCT 1st Vice Pres. Jon Pike)
7. Adjourn

Next LPC meeting – February 5, 2018 at the Capitol

Webcast instructions:
To join the ULCT Legislative Policy Committee meeting by webcast please click on the following link and enter your First Name, Last Name, and which Organization you represent.

LPC Webcast
https://connect.usu.edu/ulct2018ii/ (click and paste if needed)

LPC Agenda–February 5, 2018

Utah League of Cities and Towns Legislative Policy Committee Agenda – February 5, 2018, 12:00 p.m.
Utah State Capitol (and USU webcast)

1. Welcome, introductions, logistics, and adoption of January 29, 2018 minutes (ULCT 1st Vice Pres. Jon Pike)
2. S.B. 136 Transportation Governance Amendments (Sen. Harper and Rep. Shultz)
3. Northwest Quadrant (Cameron Diehl)
4. Housing affordability/affordable housing/homelessness (Cameron Diehl)
   a. H.B. 259 Moderate Income Housing Amendments
   b. Rep. Eliason proposal
   c. H.B. 111 Community Reinvestment Agency Modifications (Rep. Coleman)
5. Updates (Staff)
   a. Referendum
   b. HB 175 Sub 2 Oversight Committee
   i. SL Trib article
   c. HB 250 Building Permit and Impact Fee Amendments
   d. Last week's bills
6. Other legislative issues from membership (ULCT 1st Vice Pres. Jon Pike)
7. Ratify staff positions (ULCT 1st Vice Pres. Jon Pike)
8. Adjourn

Next LPC meeting – February 12, 2018 at the Capitol

Webcast instructions:
To join the ULCT Legislative Policy Committee meeting by webcast please click on the following link and enter your First Name, Last Name, and which Organization you represent.

LPC Webcast
https://connect.usu.edu/ulct2018ii/ (click and paste if needed)

LPC Agenda–February 12, 2018

Utah League of Cities and Towns Legislative Policy Committee Agenda – February 12, 2018, 12:00 p.m.
Utah State Capitol (and USU webcast)

1. Welcome, introductions, logistics, and adoption of February 5, 2018 minutes (ULCT 1st Vice Pres. Jon Pike)
2. Week 3 recap (Rachel Otto)
3. Our legislative prism (Cameron Diehl)
4. Small cell infrastructure proposal (Roger Tew)
5. H.B. 111 Sub. Community Reinvestment Agency Amendments (Rep. Coleman)
6. S.B. 120 Local Government Fees and Taxes Amendments (Sen. Henderson)
7. H.B. 256 Electric Service District (Seth Perrins)
8. Rep. Eliason's homeless shelter proposal (Cameron Diehl)
9. H.B. 361 Billboard Amendments (Cameron Diehl)
10. Other legislative issues from membership (ULCT 1st Vice Pres. Jon Pike)
11. Ratify staff positions (ULCT 1st Vice Pres. Jon Pike)
12. Adjourn

Next LPC meeting – February 26, 2018 at the Capitol

Webcast instructions:
To join the ULCT Legislative Policy Committee meeting by webcast please click on the following link and enter your First Name, Last Name, and which Organization you represent.

LPC Webcast
https://connect.usu.edu/ulct2018ii/ (click and paste if needed)

LPC Agenda–February 26, 2018

Utah League of Cities and Towns
Legislative Policy Committee Agenda – February 26, 2018, 12:00 p.m.
Utah State Capitol (and USU webcast)

1. Welcome, introductions, logistics, and adoption of February 12, 2018 minutes (ULCT 1st Vice Pres. Jon Pike)
2. Week 4-5 recap (Rachel Otto)
3. H.B. 175 Oversight Committee (Cameron Diehl)
4. S.B. 189: Small Wireless Facilities Deployment (Sen. Bramble)
5. Homelessness bills (Cameron Diehl)
   a. Sen. Davis proposal
   b. Rep. Eliason proposal
6. H.B. 225 Third Sub. Initiatives, Referenda, and Other Political Activities (Cameron Diehl)
7. S.B. 120 Local Government Fees and Taxes Amendments (Rachel Otto)
8. UDOT analytics update/S.B. 136 (Carlos Braceras and Shane Marshall)
9. Water bills update – H.B. 135, H.B. 124, H.B. 303, HJR 15 (John Hiskey)
10. H.B. 361 Billboard Amendments (Lynn Pace/Gary Crane)
11. NW Quadrant (tentative)
12. Other legislative issues from membership (ULCT 1st Vice Pres. Jon Pike)
13. Ratify staff positions (ULCT 1st Vice Pres. Jon Pike)
14. Adjourn

Next (and last of the session!)
LPC meeting – March 5, 2018 at the Capitol

Webcast instructions:
To join the ULCT Legislative Policy Committee meeting by webcast please click on the following link and enter your First Name, Last Name, and which Organization you represent.

LPC Webcast
https://connect.usu.edu/ulct2018ii/ (click and paste if needed)

LPC Agenda–March 5th, 2018

Utah League of Cities and Towns
Legislative Policy Committee Agenda – March 5, 2018, 12:00 p.m.
Utah State Capitol (and USU webcast)

1. Welcome, introductions, logistics, and adoption of February 12, 2018 minutes (ULCT 1st Vice Pres. Jon Pike)
2. Week 6 recap and priority bills (Rachel Otto)
3. S.B. 189 Small Wireless Facility Deployment Act (Roger Tew)
4. H.B. 361 Billboard Amendments (Lynn Pace/Gary Crane)
5. S.B. 136 Transportation Governance Amendments (Cameron Diehl)
6. Homelessness bills (Cameron Diehl)
   a. S.B. 235 Homeless Shelter Amendments
   b. H.B. 462 Homeless Services Amendments
7. S.B. 234 Utah Inland Port Authority (Cameron Diehl)
8. Other legislative issues from membership (ULCT 1st Vice Pres. Jon Pike)
9. Ratify staff positions (ULCT 1st Vice Pres. Jon Pike)
10. Adjourn

Webcast instructions:
To join the ULCT Legislative Policy Committee meeting by webcast please click on the following link and enter your First Name, Last Name, and which Organization you represent.

LPC Webcast
https://connect.usu.edu/ulct2018ii/ (click and paste if needed)

LPC Minutes

LPC Minutes–October 16, 2018

1. Welcome, logistics, and adoption of minutes
   a. Mayor Pike welcomed Cameron Diehl as the new executive director for the ULCT and thanked Roger Tew for his service as interim director. Diehl, in turn, welcomed John Hiskey to the team and reminded the committee that the November LPC meeting would be cancelled.
2. Transportation Task Force Updates
   a. Representative Mike Shultz briefed the LPC on the background and underlying issues behind the state's long-term transportation plans. He emphasized the importance of transportation to the state's overall development and population growth. Rep. Shultz also explained the composition of the task force. The transportation task force has three main topics: funding, governance, and land use/economic development. Rep. Shultz expressed his intention to keep Utah ahead of the curve on transportation issues accompanying rapid population growth.
3. Transportation Task Force work group recommendations
   a. Cameron Diehl identified several recommendations for the transportation task force including:
   i. Maintain and enhance state commitment to transportation infrastructure funding
   ii. Increase the flexibility of state transportation funding sources
   iii. Research alternative funding methods
   b. Diehl also reviewed the three governance models and recommendations for economic development, active transportation, rural communities for the task force. He included the potential C/AP incentives and penalties. The League continues to support incentives for corridor planning and oppose penalties.
4. Tax Reform Updates
   a. Roger Tew briefed the committee on the three groups evaluating changes to tax structure. The first group is the legislature's revenue and taxation committee, who's focus is aimed at three issues: the

expansion of the manufacturing exemption, eliminating sales tax on food (for the state levee), and a discussion of the 50/50 sales tax distribution (specifically on the point-of-sale formula). The second group is a governor's commission. This group is focused on the sales tax distribution formula as well. The final group is the tax review commission, which is considering eliminating the advertisement for truth in taxation, including a growth component to the certified tax rate, and statutorily changing the residential exemption to a lower rate.

5. Land Use Task Force (LUTF) Updates
   a. Cameron Diehl updated the committee on the issues the LUTF has been working on, including:
   i. Impact fee standing for a claim,
   ii. Bonding language,
   iii. SB 241 – Initial plan review,
   iv. CUP's,
   v. Subdivision Task Force,
   vi. 2018 bill – mandatory land use training,
6. Other legislative issues from ULCT staff or LPC membership
   a. HB 115 Solid waste amendments – the ULCT worked with other entities to propose a hybrid fee schedule but the DEQ rejected it in favor of a schedule that shifts the cost burden to non-commercial landfills.
   b. The ULCT and UAC are creating a joint-policy guide to preserve local authority and government.
7. ULCT Policy Resolutions and legislative outreach goals for membership
   a. Mayor Steve Hiatt addressed the committee and reminded membership to include incoming municipal officers in day-to-day operations to improve the transition process–Particularly when they interact with legislators.
8. Adjournment

LPC Minutes–December 11, 2018

Utah League of Cities and Towns Legislative Policy Committee Minutes
Monday, December 11, 2017 - 12:00 PM

1. Welcome, logistics, farewells, policy guide, and adoption of minutes
   a. Mayor Pike welcomed all attendees and recognized both outgoing and incoming city leaders. He then turned the time over to Cameron Diehl who introduced the ULCT-UAC policy guide. Mr. Diehl emphasized the definition of "local control" that's included in the policy guide. He also mentioned the prospect of producing a sort of report card for legislators at the end of the session.
2. Transportation Task Force workgroup recommendations on land use and governance
   a. Cameron Diehl briefed the committee on the Transportation Task Force Workgroup's recommendations for land use revisions. These include:
   i. Maintaining State's planned level of commitment to infrastructure investment including class A (state portion) of gas tax revenue.
   ii. Increase flexibility of use of state TIF for highest value projects, regardless of mode (highways, active transportation, transit, freight, rural).
   iii. Incorporation of land use and economic development into prioritization criteria (e.g. state sets broad goals, Transportation Commission develops criteria in cooperation w/ MPOs, locals, stakeholders).
   b. Mr. Diehl also explained that the Transportation Task Force is considering both incentives and disincentives for Corridor/Area Planning (C/AP). Incentives may include prioritization points for programming transportation projects, financial and technical assistance for Transportation and Land Use Connection, and access to additional funding source for transportation. Disincentives could look like state mandates for C/AP, fees levied by the state for local governments who disagree with C/AP.
   c. Next, Mr. Diehl discussed some possible reforms of governance structure for the Utah Transit Authority board. UTA's current board has 16 members and local governments have strong representation,

according to population and sales tax contribution. The Task Force is considering reducing the board to 3 members, appointed by the state.

3. Fireworks draft proposal
   a. Cameron Diehl updated the committee on Rep. Dunnigan's Fireworks proposed fireworks legislation, which:
   i. Expands the environment conditions that warrant fireworks prohibitions to include existing or historical boundaries, within 200 feet of waterways, trails, canyons, washes, ravines, or similar areas, and dry grass covered areas (in addition to brush or forest areas),
   ii. Shortens the dates for which fireworks are permitted to July 2-5 from July 1-7 and July 22-25 instead of July 21-27,
   iii. Expands penalties to $1,000 fines for illegal discharge and civil liabilities for causing a fire, and
   iv. Changes notice maps and penalties to retailers and the public.
4. Tax Reform (state and federal update)
   a. Cameron Diehl updated the committee on the status of the federal tax reform:
   i. Private activity bonds were eliminated in the House bill, preserved in the Senate bill,
   ii. Advanced refunding bonds would be eliminated in both bills,
   iii. State and Local tax deduction will have a $10,000 cap,
   iv. Historic tax credits were eliminated in House bill, preserved in Senate bill,
   v New Markets tax credits eliminated in House bill, preserved in Senate bill, and
   vi. Publicly issued municipal bonds are preserved in both bills.
   b. Roger Tew explained what state tax reform may look like in the upcoming legislative session. The legislature wants to pass an omnibus tax reform bill to identify and capture new revenue sources. The passage of federal tax reform may increase pressure on state tax reform to fill revenue gaps.

5. Land Use Task Force Update
   a. Cameron Diehl updated the committee on the seven proposals from the Land Use Task Force:
   i. Impact fee standing - Defining impact fee standing for a claimant as a person who paid for or an original owner. A claimant may bring a challenge for 1 year for spent/encumbered impact fees; 2 years for unspent/non-encumbered impact fees.
   ii. Assurances – clarifies that an applicant may post an improved completion assurance for all or part of landscaping/infrastructure. The land use authority shall allow the assurance and shall establish a system for the partial release as portions of required improvements are completed and accepted.
   iii. Vesting – clarifies that an applicant vests upon submission of complete application and fees paid; "you get what you applied for." Cities need to have a complete application standard/process.
   iv. CUP – a CUP discussion was proposed last week.
   v. Subdivision Task Force – will begin during 2018 interim.
   vi. Land use training – a mandatory land use training, similar training to the Open and Public Meetings act.
   vii. OPRO Funding – Identifying possible funding increases for the Property Rights Ombudsman.
   viii. SB 241 – Initial Plan Review. The 14/21 day review time limit in SB 241 from 2017 will be in the upcoming bill. Plan Review must follow a specified checklist and must be stamped by a licensed architect or engineer.
6. Preview of other upcoming issues
   a. Small cells primer – Cameron Diehl explained that the communications industry is pushing small cell infrastructure via State-level preemption over local control of rights of way.
7. Adjournment

LPC Minutes–January 8, 2018

Utah League of Cities and Towns Legislative Policy Committee Minutes – January 8, 2018, 12:00PM
Utah Local Government Trust, 55 S Highway 89, North Salt Lake (and USU webcast)

1. Welcome, introduction, logistics, and adoption of December 11, 2017 minutes
   a. Mayor Pike welcomed the committee. After all participants introduced themselves,Mayor Pike reviewed the modifications to the LPC procedures including the new quorum requirements, voting procedure, and policy recommendations. He also reminded attendees that the LPC will meet every Monday of the legislative session at the Capitol at noon, beginning on January 29th.
2. Brief update on tracking software
   a. Brandon Smith explained how to use the ULCT's bill tracking software to the committee.
3. Land use and other legislative updates
   a. ULCT Director of Government Relations, Rachel Otto, updated the committee on Land Use Task Force consensus legislation:
   i. Plan Review – 14- and 21-day timelines from SB 241 will remain in place. 3rd party review is available if the technical nature of the plan exceeds the expertise of the person to regularly reviews the plans. Bill includes checklist of specific items cities enforce during construction.
   ii. Conditional Use Permit Proposal – clarifies current statute for how cities determine conditional uses and specifies that conditional use permits are administrative decisions.
   iii. Building Inspector License Enforcement – adds language to state that building inspectors must disregard building codes or state laws in a negligent manner in order to be punished or denied licenses.
   iv. Ombudsman funding – proposed changes will allocate a portion of the 1% building permit surcharge to the Property Rights Ombudsman and the Land Use Academy of Utah.

4. Homelessness, affordable housing, and housing affordability
   a. ULCT Executive Director, Cameron Diehl, briefed the committee on upcoming legislative issues.
   i. Affordable housing and housing affordability. Diehl explained that affordable housing refers to the cost of housing as a portion of median income while housing affordability refers to the increase in median housing costs. Diehl also explained there is a growing narrative that local government regulations drive up the costs of housing. He discussed several studies, including the Gardner Institute's, attempting to quantify the affect local government regulation has on housing costs. The League has continued to work with the Gardner institute to share city input on their fees.
   ii. Affordable Housing in other states - Diehl discussed affordable housing policy in Colorado and California that severely undermine local government land use authority. He emphasized that Utah could follow in a similar direction unless local governments stand up for their authority and take a leading role in housing affordability.
   iii. Homelessness and Affordable Housing – Diehl explained to the committee a new bill that may impose fees on cities that lack affordable housing to fund the operation and maintenance of homeless facilities. He mentioned that Representative Eliason (the bill sponsor) said cities who have a homeless shelter would not pay the fee. Diehl asked the committee to consider a few questions before the next LPC meets:

1. Should the state impose a fee/tax on local governments for homeless services?
2. Should local governments without a homeless resource center contribute to O&M?
3. Should local governments without a homeless resource center help mitigate the impacts?
4. Which homeless resource centers would qualify?
5. If there is a fee, what should the formula be?
6. If there is a fee, who collects, manages, and expends it and how long does it last?

5. General preemption
   a Cameron Diehl updated the committee on a number of other state preemption issues including small cell legislation, the towing advisory board, and prohibiting cities from banning or charging fees for plastic bags.
   i. ULCT Policy Advisor, Roger Tew, explained the background on small cell legislation. In Utah, unlike other states, cities have already begun working with telecom companies to come to agreement on proper small cell placement. He anticipates that the League and the industry will be able to come to an agreement. Cameron Diehl requested cities with small cell ordinances share them with the League to demonstrate that Utah cities are on top of the issue.
6. Brief updates from recent LPCs
   a. Transportation – Mayor Taylor updated the committee on transportation governance changes. He explained that the board is too large and part time to effectively provide oversight. He also expressed concern over additional debt bonding. Mayor Taylor supported the governance changes to restore local oversight to the UTA board.
   b. Retirement – ULCT Policy Advisor, John Hiskey, explained to the committee changes to retirement systems for public safety personnel. Currently, tier 1 allows 50% of salary retirement after 20 years of service. Tier 2 allows 37.5% of salary after 25 years of service. The proposal would increase the tier 2 amount by 3.74% so after 25 years of service, tier 2 employees would reach the 50% salary level. He mentioned that there is still some uncertainty as to where the funding would come from, but the discussion is still ongoing.
7. Adjournment

LPC Minutes–January 29, 2018

Utah League of Cities and Towns Legislative Policy Committee Minutes – January 29, 2018, 12:00PM
Utah State Capitol (and USU webcast)

1. Welcome, introduction, and adoption of January 8, 2018 minutes.
   a. Mayor Pike welcomed the LPC participants.
2. Update on first week's bills
   a. Rachel Otto, ULCT's Director of Government Relations, updated the committee on bills the League was tracking throughout the first week of the session. The League tracked 162 bills in the first week of the session. Otto invited LPC members to participate in the small-group issue discussions.
3. Retirement Update
   a. ULCT Senior Policy Advisor, John Hiskey, provided the committee with updates on public employee retirement legislation. He explained that there are several agencies currently negotiating legislation for increasing the Tier 2 retirement rate for public safety officials. Tier 1 public safety officers may currently retire with 50% of their salary after 20 years of service. Tier 2 employees may only receive 37.5% after 25 years of service. Law enforcement groups are discussion a strategy to an increase Tier 2 employee rate to 50% after 25 years, but mentioned some municipal governments still have budgetary concerns. Hiskey also discussed Senator Jani Iwamoto's legislation to allow teachers to maintain their retirement accounts after leaving work and returning to work for a different agency if the original agency agreed to continue paying out retirement amounts.
4. Transportation Governance Amendments
   a. Rachel Otto briefed the committee on the upcoming Transportation Task Force legislation. She explained the context of the bill, including the preliminary discussion of investment and land use incentives/ disincentives. The draft legislation has several large policy changes including Transportation Investment Fund (TIF) flexibility, changes to the TIF prioritization process, and incentives for adhering to UDOT initiatives. She emphasized that the draft bill has no disincentives or penalties for land use.

b. Otto also discussed the draft bill's changes to UTA governance. The bill will reduce the size of the governing board from 16 part-time members to three full-time trustees with a nine-member local advisory board.

c. Rachel Otto and Andrew Gruber, Executive Director of Wasatch Front Regional Council, explained revenue changes to transportation funds included the possibility of a road usage fee, and a state deployment of the quarter option sales tax.

d. Rachel encouraged members of the LPC to fully consider the proposal before arriving on a position.

5. Updates

a. Referendum

i. ULCT Senior Policy Advisor Roger Tew explained that Representative Brad Daw is sponsoring legislation to clean up the state's referendum statutes. Representative Daw has solicited feedback from several groups and will soon release the legislation. Tew mentioned there still may be some policy concerns but the legislation offers a lot more clarity.

b. Fireworks (HB 38)

i. Rachel Otto updated the committee on current fireworks reform legislation. The current draft restricts the number of days which fireworks may be launched and creates a 350 ft. buffer zone around fire-sensitive areas.

c. Small Cells

i. Roger Tew explained emerging discussions on small cell wireless regulation. He said that 12 states have already passed legislation that would preempt the ability of local governments to regulate small cell placement. The League is engaged in on-going discussions on small cell wireless.

d. Housing

i. Rachel Otto stated that Representative Steve Eliason's housing legislation has yet to be released but that the League continues to monitor for it.

e. Extraterritorial Jurisdiction (HB 135)

i. Councilmember Lynn Pace of Holladay briefed the committee on extraterritorial water jurisdiction. He explained that jurisdiction varies by city but that there are some state-wide standards (e.g. jurisdiction over 300 feet on either side of the body of water). This bill would shift regulatory authority to the state's Department of Water Quality. Pace suggested the League oppose the bill and consider discussing water management over the interim.

ii. Pace also spoke about Representative Kim Coleman's bill that would place certain disclosure requirements for cities who provide surplus water to customers outside of their jurisdictional boundaries. Pace recommends the League oppose the legislation as drafted, and continue to study the issue over the interim.

6. Ratify Staff Positions

a. Councilmember Lynn Pace moved to oppose HB 111 as currently written. Shawn Guzman of St. George seconded the motion. The motion was approved.

b. Councilmember Lynn Pace moved to oppose SB 55 as currently written. The motion was seconded. The motion was approved.

c. Councilmember Lynn Pace moved to oppose HB 135. The motion was seconded. The motion passed.

d. Councilmember Lynn Pace moved to oppose HB 124. The motion was seconded. The motion passed

e. Gary Hill of Bountiful moved to support HB 38. The motion was seconded. The motion passed.

f. Councilmember Brian Braithwaite of Highland moved to oppose SB 52. The motion was seconded. The motion passed.

7 Adjournment

LPC Minutes–February 5, 2018

Utah League of Cities and Towns
Legislative Policy Committee Minutes – February 5, 2018, 12:00 p.m.
Utah State Capitol (and USU webcast)

1. Welcome, introductions, logistics, and adoption of minutes.
   a. Mayor Pike welcomed the committee to the meeting. The committee adopted minutes from the previous LPC.
2. SB 136 Transportation Governance Amendments
   a. ULCT Executive Director Cameron Diehl updated the committee on the status of SB 136. The disincentives and penalties that have been discussed over the interim transportation task force meetings have been removed. Instead, the bill has incentives for municipalities to cooperate in the form of prioritization points to earn state funds for transportation projects. He emphasized that the bill has incentives for land use coordination with UDOT objectives but no penalties if they do not. Diehl also explained the changes to the composition of the UTA governing board. Instead of a 16 part-time member board, UTA will be governed by 3 full-time trustees with a 9 part-time local advisory board. The final change in the bill is a change in transportation revenues, which include an increase in vehicle registration fees, the transient room tax, a motor vehicle rental fee increase, and a new pilo program for road usage charges.
   b. Senator Wayne Harper and Representative Mike Shultz addressed the committee to answer the committee's questions and concerns.
3. Northwest Quadrant Update
   a. Cameron Diehl briefed the committee on proposals to govern the Northwest Quadrant.

      He explained while the land is within the jurisdiction of Salt Lake City, the state has announced their plans to develop an inland port within the area, governed by a model similar to the Military Installation Development Authority (MIDA). Diehl cited several quotes from a meeting between Salt Lake City and state officials, demonstrating the state's interest in turning the quadrant into a co-managed port authority.

b. Diehl warned the committee that the state's involvement in the Northwest Quadrant could set a dangerous precedent for undermining the local authority of other cities as well.

4. Housing affordability/affordable housing/homelessness

a. Cameron Diehl briefed the committee on HB 259. HB 259 states that a municipality may not deny a land use application for moderate income housing unless the applicant has not filed a complete application or the municipality "demonstrates that approval of the land use application is contrary to the health, safety, or welfare of the municipality." Diehl encouraged cities to evaluate their mandatory moderate income housing plans more thoroughly.

b. Cameron Diehl explained a current proposal that imposes assessments on cities that lack affordable housing or homeless resource centers. He expressed a number of concerns about this concept, including whether local government efforts to mitigate the impacts of homelessness should count towards payment of the assessment. Diehl emphasized that state leadership plans to pass a homelessness funding bill, and they can either do that over the objection of cities or with their input.

5. Updates

a. ULCT Director of Government Relations Rachel Otto mentioned that Representative Kim Coleman will be modifying H.B. 111 and will be attending at the February 12 LPC.

b. Rachel Otto briefed the committee on the status of H.B. 175 – Oversight Committee Creation. H.B. 175 failed in committee, but Otto explained that the bill will likely return on another agenda. She explained that the committee would be composed of state legislators and have jurisdiction over local and state government entities. The proposed commission has the powers of subpoena, audits, and more.

c. Rachel Otto updated the committee on H.B. 250 – Building Permit and Impact Fees. She explained that the bill changes who has standing to challenge impact fees and creates a timeframe. The bill also allocates 70% of the 1% building fee to fund additional resources for the Property Rights Ombudsman and land use training.

6. Ratify staff positions
   a. The committee voted to ratify current league recommended positions on legislation.
7. Adjourn

LPC Minutes–February 12, 2018

Utah League of Cities and Towns
Legislative Policy Committee Minutes – February 12, 2018, 12:00 p.m.
Utah State Capitol (and USU webcast)

1. Welcome, introductions, logistics, and adoption of February 5, 2018 minutes
   - ULCT 1st Vice Pres. Jon Pike welcomed the committee. The committee adopted minutes from the previous meeting.
2. 4. Small cell infrastructure proposal
   - ULCT Senior Policy Advisor Roger Tew updated the committee on the Small Cell legislation. He explained that several city representatives have been negotiating with industry to come up with a mutually bill. Roger introduced Tara Tuey and two other representatives (David Tate and Bob Igneo) from AT&T to answer questions about the small cell legislation. Tuey stated that industry wants predictable process, fees, and access to the right of way.
3. ULCT-UAC Legislative Prism
   - ULCT Executive Director Cameron Diehl discussed the local government policy prism for evaluating legislation. Using HB 175 – Government Oversight Committee Creation as an example, Diehl explained the 4 questions of the prism:

   i. What is the problem the bill is trying to solve?

   ii. Is the bill a “one size fits all” approach?

   iii. Does the bill empower or restrict the “local control” of local governments?

   iv. Does the bill have a financial impact on local governments?
4. H.B. 111 Sub. Community Reinvestment Agency Amendments

- Representative Kim Coleman presented HB 111 to the LPC. She explained that since the Community Reinvestment Agency (CRA) was created in statute, no funds from the 10% have reached the Olene Walker Housing Fund. HB 111 restores the Economic Development Agency (EDA) track, which does not have the 10% housing set-aside requirement.

5. HB 361 Billboard Amendments
   - Councilmember Lynn Pace briefed the committee on HB 361. HB 361 would allow a billboard owner to relocate their sign when their current lease expires at will, without a permit from a city. The language would also allow the billboard owner to change their billboard to an elec tronic billboard at will. The committee voted to oppose the bill.
6. HB 256 – Electric Service District
   - Seth Perrins, City Manager of Spanish Fork, contextualized HB 256 for the committee. He explained that HB 256 would allow the state to intervene in an on-going contract negotiation between a city and the state's only electric service district. The committee voted to oppose the bill.
7. SB 120 – Local Government Fees and Taxes Amendments
   - Cameron Diehl updated the committee on SB 120. SB 120 codifies the Transportation Utilities Fee but would limit which entities it could apply to.
8. Rep. Eliason's homeless shelter proposal
   - Cameron Diehl briefed the committee on the policy concepts contained in Rep. Eliason's homeless services funding bill including:

   i. Should the state impose a fee/tax on local governments?

   ii. Should local governments without a homeless resource center contribute to O&M?

   iii. Should local governments without a homeless resource center help mitigate the impacts of the centers, either in the cities who house them or in their own cities?

   iv. Which homeless resource centers will qualify?

v. Is the proposed fee outcome based or formula based?

vi. If there is a fee, who decides the amount and collects/manages/expends it?

- Diehl also explained the multiple alternatives to Eliason's bill.

9. Ratify staff positions (ULCT 1st Vice Pres. Jon Pike)
   - The committee voted to ratify staff positions.
10. Adjournment

LPC Minutes–February 26, 2018

Utah League of Cities and Towns
Legislative Policy Committee Minutes – February 26, 2018, 12:00 p.m.
Utah State Capitol (and USU webcast)

1. Welcome, introductions, logistics, and adoption of minutes
   - ULCT 1st Vice President Jon Pike Welcomed the committee. The committee voted to adopt the minutes from the LPC meeting on February 12th.
2. S.B. 189: Small Wireless Facilities Deployment
   - ULCT Senior Advisor Roger Tew introduced Senator Curtis Bramble to discuss his small cells bill. Senator Bramble explained that in most other states small cell legislation has been passed without input from municipalities. He wanted to ensure that both municipalities and industry had input on his legislation. Senator Bramble explained that SB 189 createsa uniform framework for deployment of small cell devices. He stated that he's willing to revisit the legislation next year to address concerns that arise.
3. Week 4-5 recap
   - ULCT Director of Government Relations Rachel Otto updated the committee on the prior two weeks. She explained that ULCT staff are currently tracking more than 277 bills.
4. H.B. 175 Oversight Committee
   - UCLT Executive Director, Cameron Diehl briefed the committee on the status of HB 175 – Oversight Committee Creation. ULCT collaborated

with the Utah Association of Counties (UAC), Utah School Boards Association (UASB), and the Utah Association of Special Districts (UASD) to lobby legislators against the bill. The bill failed 54-20 on the house floor but was later brought back. Diehl encouraged members to remind their legislators that they're still opposed to the bill.

5 S.B. 120 Local Government Fees and Taxes Amendments

- Rachel Otto updated the committee on the status of SB 120 – Local Government Fees and Taxes Amendments. SB 120 codifies the use of the transportation utility fee but would exempt counties and chartered cities from the fee. Cameron Diehl emphasized the importance of codifying the use of a transportation utility fees, since a number of legislators are opposed to the use of it.

6. UDOT analytics update/S.B. 136

- Shane Marshall, Deputy Director of the Utah Department of Transportation (UDOT) spoke to the committee about UDOT's new analytics tools to measure transportation performance. He explained that UDOT is adding real-time measures of progress on strategic goals and showed the committee how to use their data.
- Cameron Diehl also updated the committee on changes made to SB 136 – Transportation Governance Amendments. SB 136 adds several new funding mechanisms include a .15% state sales tax diversion to the TTIF and possibly a county-imposed 5th quarter cent local option increase. More likely than the 5th quarter is returning to the "use them or lose them" status of the existing 4 quarters (1.05%). Increased registration fees for electric and hybrid vehicles are anticipated as well.

7. Homelessness bills

- Cameron Diehl updated the committee on the 2 different bills that address homeless funding:

i. Senator Davis' concept addresses public safety needs of cities who host homeless shelters (the impact outside of the building). It would divert approximately $5.3 million from local options sales taxes, based on a municipality's population.

ii. Representative Eliason's proposal would pay for ongoing operation and maintenance costs (the impact inside the shelter) for homeless shelters. This bill would assess cities based on their low-income, affordable housing

- Diehl requested that members of the committee complete a survey to provide feedback on the League's strategic direction. The committee voted to oppose Representative Eliason's bill while giving discretion on Sen. Davis' concept.

8. H.B. 225 Third Sub. Initiatives, Referenda, and Other Political Activities
   - Cameron Diehl explained that HB 225 – Initiatives, Referenda, and Other Political Activities has been under work for more than a year. Current referenda code has many inconsistencies. HB 225 cleans up several components of the current referenda timeline including the fiscal/legal impacts, for/against arguments and signature gathering. Diehl mentioned that Representative Brad Daw and the League were successful in combatting several hostile amendments during the committee hearing. The LPC adopted a position of support on HB 225.
9. Ratify staff positions
   - The LPC Voted to ratify suggested staff positions.
10. Adjourn
    - The LPC adjourned.

LPC Minutes–March 5, 2018

Utah League of Cities and Towns
Legislative Policy Committee Minutes – March 5, 2018, 12:00 p.m.
Utah State Capitol (and USU webcast)

1. Welcome, introductions, logistics, and adoption of February 12, 2018 minutes
   - ULCT Vice President Jon Pike welcomed the LPC and the group approved the minutes from February 26th, 2018.
2. Week 6 recap
   - ULCT Director of Government Relations, Rachel Otto, briefed the commit tee on the previous week. The legislature had 1400 bills numbered and ULCT staff tracked 295 of those with 3 days remaining. She and ULCT Executive Director, Cameron Diehl, emphasized that many of the priority bills are in constant flux and ULCT staff will maintain contact with the ULCT Board of Directors and as many members are possible.

3. S.B. 189 Small Wireless Facilities Deployment
   - ULCT Senior Policy Advisory, Roger Tew, updated the LPC on the status of the small cell wireless facility legislation. He explained the legislation's process and stated that there are still some changes to be made before the bill is finalized. The bill states that wireless providers have the right to install small wireless facilities and utility poles within the right of way (per federal law) and collocate small wireless facilities on non-electrical municipal power poles. Municipalities are required to recognize small wireless facilities in the right of way as a permitted use in all zones and districts (adhering to a strictly administrative process). The legislation defines a small wireless facility as consisting of an antenna of 6 ft3 or less, ground of equipment of 28 ft3 or less, and is collocated or installed on a utility pole no taller than 50 ft with a potential addition of 10ft for an antenna).
   - Tew further explained that municipalities gain several powers of regulation including heightened design standards in historic and underground districts, limiting new utility poles in the right of way, adopting reasonable nondiscriminatory design standards, denial of permits for articulable public safety reasons, and requiring indemnification/insurance/bonding agreements before right of way work. The legislation also codifies several fee rates:

   i. an annual right of way access rate of 3.5% of gross revenue (from the Municipal Telecommunications License Tax) or $250 per small wireless facility, whichever is greater;

   ii. an annual authority pole attachment rate of $50 per collocated small wireless facility per authority pole;

   iii. application fees of $100 per collocated small wireless facility, $250 per utility pole with a small wireless facility, and $1,000 per nonpermitted use.

   - Roger Tew also reviewed several other details of the legislation including application limits and shot clocks. The LPC voted to take a position of support on SB 189.
4. H.B. 361 Billboard Amendments
   - Layton City Attorney Gary Crane briefed the LPC on the origins of HB 361. He expressed several concerns about the usage of the eminent

domain process in the bill. As it's currently written, it would be very difficult for government entities to purchase billboard property. Crane stated that ULCT proposed a different process and it was rejected. He recommended that as long as Title 78 is used in the legislation, the ULCT should maintain opposition to the bill.

5. S.B. 136 Transportation Governance Amendments
   - Cameron Diehl updated the committee on the transportation funding component of SB 136. In the new process, the state will increase all vehicle registration fees by $10 (with dedicated funding going to the Transit Transportation Investment Fund (TTIF)). The State will also phase in a usage fee for electric vehicles. For local funding, counties will have another opportunity to impose the 3rd and 4th sales tax quarters. If counties impose the quarters before June 30st of 2019, the county receives 100% of the revenue until June 30, 2019 to fund debt service or regionally significant projects. If the county imposes it between July 1st of 2019 and June 30th of 2020, .10 goes to cities, .10 goes to transit, and .05 goes to counties per the previous HB 362 language. After July 1st of 2020, cities may impose the quarter with .125 going to cities and .125 going to transit.
6. Homelessness Funding Bills
   - Cameron Diehl updated the committee on the status of the two homeless services bills. He prefaced the discussion by explaining that ULCT conducted a poll among LPC members to confirm the ULCT policy position on the legislation. He emphasized that in every meeting with leadership members and the governor's office, ULCT has been told that one of the bills will pass. He stated that the option to uncompromisingly oppose both bills remains but it will carry political consequences. Mayor Pike reiterated that leadership had told him a bill will pass.
   - Diehl explained that SB 235 aims to generate $2.5 million in FY 2019 and $5 million in FY 2020 with the purpose to have cities help contribute to the impact of public safety in the five cities that have homeless shelters. The formula diverts 1.7% (or $200,000, whichever is less) of the 50/50 sales tax distribution. Cities would have the option to impose a .0135 local sales tax or divert RDA/CRA set aside costs. The money would go towards a fund where cities with shelters could apply to reimburse demonstrated public safety costs.

- Diehl also explained the changes to HB 462 Homeless Services Amendments. HB 462 seeks to supplement operations and maintenance costs for the Road Home shelter. The formula would be based on inventory of low income and affordable housing in each city. Cities with more affordable housing would pay a smaller fee. Cities with less affordable housing would pay a greater fee. Cities may use the 10% set asides from RDA/CRA funds.

7. Our Schools Now
   - Spenser Heaps from The Our Schools Now initiative spoke to the LPC about a potential compromise. He explained that legislative leadership did not want an income tax increase per the ballot initiative. Instead, they were willing to put a non-binding question on the ballot to increase the gas tax, raising approximately $24 million in new B&C road funds. The increase in road funding would offset a state portion of general funds used to pay for roads and restore it to local schools and higher education.
8. S.B. 234 Utah Inland Port Authority
   - Cameron Diehl briefed the LPC on the ongoing discussions with SB 234 Inland Port Authority. He explained that the bill would create a new political subdivision – the Inland Port Authority Board that would act as the governing body for the northwest quadrant of Salt Lake City. It would also create a new land use review standard, a significant change for land use appeals. The board would have nine members, three of which are from Salt Lake City. The authority would also capture a portion (5%) of the tax increment. Diehl stated that the bill has been the genesis of a wide variety of bills this session. Salt Lake City has not yet endorsed the bill and negotiations are ongoing. He emphasized that ULCT stands by Salt Lake City and longstanding ULCT policy to oppose any land use/ tax authority preemption that occurs without the consent of the city. Diehl also reiterated that ULCT has not 'sounded the alarm' because staff is providing space for Salt Lake City and the private property owners to find consensus.
9. Ratify staff positions
   - The LPC ratified recommended staff positions.
10. Adjourn
    - The LPC adjourned.

Emails

Legislative Daily Recap–January 22, 2018

Legislative Advocacy

Day 1 of the 2018 General Session is a wrap! While today was kind of like the first day of school -- high-fiving old friends, trying to remember where your locker is, and arriving late to class -- the stage was set for a lot of action over the next 44 days. With a record number of 1000+ bills expected to be filed, there will be no rest for the weary! Stay informed with these daily recaps, Friday Facts, occasional action alerts, and the ULCT bill tracker. These daily recaps will briefly describe the day's events and alert you to what's coming next.

In their opening addresses today, Speaker of the House Greg Hughes and Senate President Wayne Niederhauser previewed the big issues we'll be hearing about this session and beyond -- a war on opioids, the continuing battle against homelessness, tax reform, transportation funding, and education. Each of these issues has a nexus with local government, and ULCT staff has already been busy working with legislators and other stakeholders on numerous bills affecting your cities and towns. You can be sure you'll hear many more details in the coming weeks as bills materialize on these critical issues.

Tomorrow afternoon marks the first day of committee hearings. Click below for the schedule, and don't forget to join us in person or via phone at 12:15 Tuesdays-Fridays to hear what bills are up in committee and other logistics. Email Rachel for more details on how to participate in the daily operations meetings.

Speaking of setting the stage, we hope to see you at Local Officials Day on Wednesday, January 24th, featuring performances from the musical Hamilton, a brief address by Governor Gary Herbert, and a keynote speech by presidential historian Mark Updegrove. Hundreds of youth council members from across the state will engage in debate on the timely issue of sexual harassment legislation, and ULCT delegates and legislators will have the opportunity to meet and discuss local issues across the board.

As always, we invite you to reach out to us on issues important to you so that we can best represent you on the Hill.

Utah League of Cities and Towns

Legislative Daily Recap–January 23, 2018

Legislative Advocacy

Day 2 is gone but not forgotten. Here's your recap, as well as a preview of what's in store tomorrow.

ULCT and UAC kicked off the day working with Rep. Fawson on H.B. 72 (Personal Communications of Government Entity Employees and Officers). Rep. Fawson was very responsive to our concerns, and we worked with him on narrowing the scope of the bill over the course of the day. Nonetheless, a subpar bill was presented in committee. League Army rockstar Gary Crane testified against it, and the bill was held in committee. We appreciate all of you who reached out to talk with us about this bill and we will follow up with any subsequent versions.

Rep. Handy's H.B. 15 (Community Reinvestment Act Amendments) passed out of committee with a favorable recommendation today. This was largely a clean-up bill, but cities and towns should be aware that it requires them to report use of any housing allocation in their moderate income housing plan. ULCT supported the bill last year when it ran out of time and supports it again this year.

ULCT Executive Director Cameron Diehl attended the Wasatch Choice 2050 + Mayor's Metro-Solutions Symposium at the Salt Palace Convention Center today. At the Symposium, which was co-sponsored by ULCT, Salt Lake County Mayor Ben McAdams unveiled the Wasatch Choice for 2050 vision, an initiative to encourage cities and counties to work together to plan for the population boom along the Wasatch Front. To increase jobs and access to educational systems requires collaboration and creativity. As Bruce Katz of the Brookings Institute and a featured speaker said, "A city must think like a system and act like an entrepreneur." WFRC is asking for feedback on this draft plan.

ULCT staff also met with Senator Thatcher and Representatives Potter, Daw, Robertson, and Buxton, and worked with stakeholders on small cell infrastructure, retail bags, referendum, and land use issues. Tomorrow promises more of the same... phew!

Tomorrow is Local Officials Day and we hope to see you there! Please check the committee schedules below and reach out to us, as always, on issues important to you.

Utah League of Cities and Towns

Legislative Daily Recap–January 24, 2018

Legislative Advocacy

"There's a million things I haven't done, just you wait."- Alexander Hamilton

Day 3 was full of friends, fun, and the state's current and future leaders at Local Officials Day. We had an amazing turnout, along with fantastic performances from Hamilton by Hailey Randall of Central Davis High and the Salt City Voices. Check out the great photos of Rep. John Curtis, Governor Herbert, author Mark Updegrove, and many of our youth council attendees here on our Twitter feed. Thanks to all of you who were able to join us!

Today's recap includes H.B. 38, H.B. 203, S.B. 38, S.B. 96, S.B. 83, and S.B. 52.

Rep. Dunnigan's H.B. 38 (Fireworks Restrictions) passed favorably out of committee today. This bill, which ULCT worked on throughout the interim, is a compromise between cities, counties, public safety agencies, residents, and the fireworks industry. It reduces the total number of days in July when fireworks are legal from 14 to 8, as well as increasing the areas where a city may prohibit discharge of fireworks. Check out this article in the Deseret News for more on the bill.

Sen. Thatcher's S.B. 38 (Local Elected Officer Amendments) passed second reading in the Senate today. This bill was carefully negotiated by ULCT, UAC, and others, and allows some counties to remove elected officials from office if they are deemed to be mentally incapacitated. KSL ran this story on the "controversial" bill.

Sen. Hinkins's S.B. 96 (Canal Amendments) passed favorably out of committee today. This bill deals with relocation of a water conveyance facility and allows the Property Rights Ombudsman to mediate or arbitrate when requested by a property owner or facility owner. This has been a closely watched bill for many of our cities and we thank Salt Lake City's Lynn Pace and Ogden City Attorney Mark Stratford for their continuing hard work on improving this bill.

Tomorrow in Senate Government Operations, two bills dealing with disposal of state land are up: Sen. Dayton's S.B. 83 and Sen. Davis's S.B. 52. We are working on these bills and will report back. Senate Revenue and Taxation also meets tomorrow and ULCT's Roger Tew will be on hand.

Finally, Rep. Christofferson's H.B. 203 (Nighttime Construction Amendments) was introduced today, and we're curious as to how this might affect any of your jurisdictions. Take a look and let us know.
For a more complete list of tomorrow's activities, check out the schedule below. Please send us any feedback on bills you see up in committee tomorrow!

Legislative Daily Recap–January 25, 2018

Legislative Advocacy

If you're a sane human who doesn't check email after business hours, you're probably reading this on the last day of the first week of the 2018 session. Can you believe it? Friday is here! But there's plenty going on today so don't start your weekend too early.

Today's recap includes Transportation Governance Amendments, H.B. 72 (Personal Communications of Governmental Entity Employees and Officers), S.B. 83 (Developmental Center Amendments), H.B. 103 (Water Conservation Amendments) and a look at tomorrow's big issues.

The Transportation Task Force met for the final time at 7 a.m. this morning to a standing-room only crowd to consider the draft bill Transportation Governance Amendments. ULCT Executive Director Cameron Diehl testified about the bill, calling it a "game changer" for transportation in Utah while also respecting local authority. The bill focuses on the governance of UTA, expands Transportation Investment Fund eligibility to include transit projects, and modernizes the UDOT prioritization criteria. The UDOT criteria will focus on incentives for land use and economic development and does not include any disincentives or penalties. In his testimony, Cameron acknowledged the work of the Task Force and expressed appreciation for the focus on incentives instead of penalties or disincentives. For more on today's events, check out this Deseret News article.

At LPC on Monday, we will present the outline of the bill, which includes several key policy changes: modification of the current 16 member UTA Board of Trustees to a 3 member full time Board of Trustees and 9 member local advisory board, the state assumption and imposition of the remaining county option sales taxes for transportation in the six county UTA district if the counties have not imposed all 4 quarters by 2022, the creation of transportation investment zones, and the aforementioned criteria for state TIF funding to include land use, economic development, and access to opportunity. You can read the bill HERE,

or, since it's basically Friday, the summary HERE.

Sen. Dayton pulled S.B. 83 from the Senate Government Operations agenda today in order to respond to concerns brought forth by ULCT and others.

Rep. Froerer's H.B. 103 was held in House Natural Resources Committee today. The bill defines "secondary water provider" and "water district," and modifies what is required in a water conservation plan. Thank you to Ogden City Attorney Mark Stratford for his testimony on this bill and for once again using his water expertise to benefit ULCT.

Rep. Fawson's H.B. 72 is up in House Government Operations again tomorrow. This bill has seen a number of iterations since Tuesday and we are continuing to work on it. Thanks to many of you who have reached out with comments and suggestions.

Also on the agenda tomorrow in the House Political Subdivisions Committee are Sen. Henderson's S.B. 28 and 29. We support Sen. Henderson's goal of transparency for government entities and have been working with our partners on potential improvement of the processes outlined in S.B. 28.

For a more complete list of tomorrow's activities, check out the schedule below. And happy Friday!

Legislative Daily Recap–January 29, 2018

Legislative Advocacy

Welcome to Week 2! Today's email recaps LPC and gives you a heads-up on tomorrow's schedule, including S.B. 111, S.B. 120, S.B. 83, S.B. 24, H.B. 38, and H.B. 16.

Thanks to everyone who braved travel and parking at the Capitol today to join us at LPC. If you missed it, check out the agenda and materials here. Thanks to Andrew Gruber of WFRC for being on hand to answer questions about the draft Transportation Governance Amendments. We heard from many of you who have concerns regarding the Transient Room Tax and the proposed UTA governance structure. We look forward to many more productive conversations on this bill over the next several weeks and appreciate your continued feedback as you digest this novel-length legislation.

The LPC also determined positions on several bills, including Rep. Coleman's H.B. 111, Community Reinvestment Agency Revisions. Unfortunately, I misstated that that Rep. Coleman's bill was to be heard in committee tomorrow, which is not the case. Due to that error, the vote on the League's position was rushed and we have received a request to reconsider this bill at next week's LPC. We have invited Rep. Coleman to attend and speak on the bill and we hope that she can join us.

Lots of committee action tomorrow! Other notable bills on the docket:

- S.B. 111, Sen. Harper's Community Reinvestment Agency Changes. This bill permits a reinvestment agency board to make a finding of "blight" if the area includes a solid or hazardous waste site.
- H.B. 16, Rep. Arent's Candidate Replacement Amendments. This bill provides for the certification of a replacement candidate to fill a vacancy in the candidacy for certain local offices and removes a provision prohibiting a municipal candidate from withdrawing from an election less than 23 days before.
- S.B. 83, Sen. Dayton's Utah State Developmental Center Amendments. ULCT has been working with Sen. Dayton on a potential substitute bill -- thank you to those of you who have provided feedback on this proposal.
- S.B. 120, Sen. Henderson's Local Government Fees and Taxes Amendments. This bill limits the authority a municipality has to levy a transportation utility fee on a legal subdivision of the state. ULCT appreciates Sen. Henderson's willingness to consider feedback on this bill, but many cities are opposed to this concept. The bill will be heard in the Senate Revenue and Taxation Committee, which includes Senators Bramble, Dabakis, Davis, Fillmore, Harper, and Henderson. We'll be there.
- S.B. 24, Sen. Thatcher's Local Government Indigent Defense Requirements. This bill will require cities to state in code that that a defendant is entitled to an attorney for any offense that carries with it the possibility of jail time.
- H.B. 38, Rep. Dunnigan's Fireworks Amendments, is up in Senate Business and Labor.

Make sure to check out our bill tracking page for our current positions on these bills and more.

Legislative Daily Recap–January 30, 2018

Legislative Advocacy

We are happy to announce that Baby Girl Diehl was born in the early hours of January 30th! Congratulations to Cameron and Rachel -- we are thrilled to welcome your new addition into the ULCT family.

We didn't get to sit around and look at baby pictures all day, unfortunately. Here's the rundown on what happened today.

In the Senate Revenue and Taxation Committee, two bills passed out of committee that will interest our members. First – Sen. Fillmore's S.B. 124 sub (Budget Deadline Amendments). The bill moves what has been a June 22 deadline for municipal budgets to be adopted back to June 30. This was so that a city is not finishing up the budget a few days after or sometimes on the same day as receiving their certified tax rates. The bill does not require a municipality to wait until the June 30 deadline. Second – Sen. Stephenson's H.B. 122 (Bond Elections Amendments). The bill states that a political subdivision may not receive an aggregate amount that exceeds by more than 2% the maximum principal amount stated in a bond proposition approved by voters.

Rep. Dunnigan's H.B. 38 (Fireworks Amendments) passed favorably out of the Senate Business and Labor Committee.

Sen. Henderson's S.B. 120 (Local Government Fees and Taxes Amendments) passed out of the Senate Revenue and Tax committee today. This bill states that if cities choose to implement Transportation Utility Fees, they may not charge those fees to their county. The bill does not make exceptions to the fee for other public entities. We appreciate Sen. Henderson's gracious attention to the concerns of many of our cities on this proposal.

Sen. Dayton's S.B. 83 1st Sub. (State Real Property Amendments) was held again because ULCT and Sen. Dayton are still trying to come to terms on this proposal. Sen. Dayton wants to require legislative oversight for boundary adjustments that affect state land. ULCT has concerns with the consequences of this bill and has been working with Sen. Dayton to address those. The bill will be held until Friday. Thanks to those of you who have offered feedback on different forms of this proposal.

Sen. Harper's S.B. 111 (Community Reinvestment Agency Changes) passed out of Senate Government Ops today.

And last but not least, Sen. Thatcher's S.B. 24 (Indigent Defense Requirements) passed out of the House Political Subdivisions committee today.

It was certainly an action-packed day! Check out tomorrow's complete schedule, which includes Sen. Iwamoto's H.B. 113 (Post-retirement Reemployment Provisions for public safety officers) and Rep. Roberts's H.B. 181 (Home Consumption and Homemade Food Act).

Legislative Daily Recap–January 31, 2018

Legislative Advocacy

Was anyone else disappointed that cloud cover blocked Super Blue Blood Moon 2018 this morning? I sure was. But I'm not sorry to say goodbye to an unseasonably warm January and hello (hopefully) to a February that is kinder to our snowpack.

Not that it matters -- the weather inside the Capitol is always hot! Today's recap includes S.B. 113, S.B. 105, H.B. 181, H.B. 43, and H.B. 13, plus your bill to watch tomorrow.

Three bills successfully saw their way through the Senate Judiciary Committee today:

- S.B. 105 (Sen. Ipson) – Crime Statistics Reporting Amendments, which requires a law enforcement agency to report certain information to the Bureau of Criminal Identification each month, received unanimous support.
- H.B. 43 (Rep. Hall) – Blood Testing Amendments, was introduced by Rep. Hall as one that would address the Alexis Wubbels situation. Ms. Wubbels was on hand to testify, as were a number of other organizations. This bill also passed unanimously.
- H.B. 13 (Rep. Perry) – Public Safety Peer Counseling Provisions – This bill also received support from a number of organizations. The Utah Administrative Office of the Courts requested the opportunity to work on the bill after it passed through committee so it will reference the administrative code.

  In other law enforcement news, the Senate Retirement and Independent Entities heard and passed Sen. Iwamoto's S.B. 113, Postretirement Reemployment Revisions. ULCT has been working with our members in conjunction with police chiefs on this proposal, which is similar to legislation

Sen. Iwamoto ran for educators, allows public safety employees to retire and then be rehired with another agency after 60 days without losing their retirement allowance.

Rep. Roberts's H.B. 181 (Home Consumption and Homemade Food Act) drew quite a crowd to the House Natural Resources Committee today. The committee heard a great deal of testimony from those for and against the bill. ULCT testified to request that the legislation incorporate language that ensures that home occupation food producers who create a disproportionate impact be subject to their locality's business licensing regulations, and to request a clarification that they must comply with local zoning ordinances. The bill passed out of committee 6-5, and ULCT will continue to work with Rep. Roberts on those clarifications.

If you pay attention to one bill tomorrow, make it Rep. Stratton's H.B. 175 -- Oversight Committee Creation, which will be heard in House Government Operations at 2:00. This bill creates the Joint Committee on Government Oversight, which will have oversight powers over local government entities including:

- investigating accounting and expenditures of a local entity;
- studying the entity's application or execution of a law or administrative rule; and
- investigating actions local governments take to determine "whether the entity takes the action in accordance with best practices and the best interest of the citizens that the entity serves."

The Oversight Committee, which would be composed of six members of the House and three of the Senate, would also have subpoena powers and rulemaking authority. Needless to say, we'll be in committee and will report to you on this tomorrow.

Check out more of tomorrow's schedule by clicking the committee agenda link below.

Legislative Daily Reca–February 1, 2018

Legislative Advocacy

February is the shortest month of the year and the longest month of the legislative session. One thing we definitely weren't short on today was drama on Capitol Hill. Two events stole the show today and the League was well represented at both.

First, Rep. Stratton's H.B. 175 Sub. 2 -- Oversight Committee Creation, was heard in House Government Operations. This bill, which would create the Joint Committee on Government Oversight, sparked lively debate from committee members and a great deal of public comment. Rep. Stratton began his presentation by comparing the government to Pando, the aspen grove in Fishlake National Forest that is believed to be the largest and most dense organism ever found on Earth. (Insert obvious tasteless joke.) Rep. Stratton explained that when one aspen tree gets sick, it impacts the rest of the system. He suggested that the creation of this new entity, comprising only state legislators, would impose a needed "check and balance" on local entities. Rep. Fawson, Rep. Nelson, Rep. Thurston, Rep. Arent, and Rep. Chavez-Houck posed many questions to the sponsor as to how this bill was not an infringement on local government, school districts, and other local entities. Rep. Daw questioned why it was necessary to create a new entity to perform duties already under the auspices of local regulation and the state auditor.

ULCT Board President and Bountiful City Council Member Beth Holbrook testified on behalf of ULCT and voiced our view that local government is elected by the people to represent what they believe is in their best interests and is held accountable by the voters.This entity is unnecessary and a direct infringement on local control. She was joined in opposition with UAC, the state school board association, the Salt Lake City School Board, and members of the Governor's Office. The vote was 4 in favor to 6 opposed, with Reps. Arent, Chavez-Houck, Fawson, Perry, Nelson, and Thurston opposing.

ULCT thanks these Representatives for watching out for local government, as well as all of you who reached out to the committee in advance of this vote!

While H.B. 175 was unfolding, ULCT Executive Director Cameron Diehl and Senior Policy Advisor Roger Tew were at a meeting hosted by Speaker Greg Hughes where he unveiled the concept of an "inland port" in the Northwest Quadrant of Salt Lake City. Speaker Hughes emphasized that this project is too

big for a single local government to handle, and that it will require unity and collaboration. Salt Lake City has not yet been included in the plan discussed today. Cameron questioned the Speaker as to whether creation of a new independent entity is the best mechanism to carry out the vision of the inland port, and Mayor Biskupski questioned why legislation is necessary if everyone agrees on the ultimate goal. With some hoping to see legislation passed this session, we'll be hearing a lot more on this.

Phew... good thing tomorrow is Friday. On that note, a couple of things on the docket:

- Sen. Dayton's S.B. 83, State Real Property Amendments, will be heard in Senate Gov Ops at 2:00. Note that she will introduce the second substitute of this bill. We thank Sen. Dayton for going through many iterations of this legislation with us, as well as many of you for your indispensable input.
- Rep. Christofferson's H.B. 226, Citation Authority Amendments, will be heard in House Government Ops at 4:00. This bill removes a provision that was inserted in Utah Code 10-3-703 last year that prevented a municipal officer who is not a law enforcement officer from issuing a criminal citation for a misdemeanor. We support this bill and appreciate Rep. Christofferson for sponsoring it.

If you can handle any more action tomorrow, check out the rest of our schedule by clicking the committee agenda link below.

Legislative Daily Recap–February 5, 2018

Legislative Advocacy

Welcome to Week 3 -- we are 1/3 of the way through the 2018 Session but 90% of the work is still ahead. This must be the new math they're teaching kids these days ...

No matter the equation, it was another big day on Capitol Hill and there's a lot on tap tomorrow. This recap includes updates on today's LPC, S.B. 136 (Transportation Governance Amendments), indigent defense, H.B. 136 (Federal Designations), H.B. 248 (Compensatory Service In Lieu of Fines), and H.B. 209 (Mental Health Protections for First Responders).

- Legislative Policy Committee

If you missed LPC today, you missed a discussion on the biggest issues facing our state–transportation and housing. Transportation Funding and Governance Task Force co-chairs Sen. Harper and Rep. Shultz were kind enough to join us and answer questions about S.B. 136. The League resoundingly voted to support S.B. 136, but we will also continue to work through some concerns, including the transient room tax (TRT) increase and the impact of the bill on areas outside of counties served by UTA. Executive Director Cameron Diehl also walked us through the state's proposal on Salt Lake City's Northwest Quadrant, as well as the current landscape of proposals on moderate income housing (Rep. Wilde's H.B. 259) and Rep. Eliason's yet-to-be-released legislation addressing homeless services operations and maintenance costs. We are working on getting materials posted–check back here soon.

- Senate Transportation Committee–S.B. 136

Sen. Harper presented S.B. 136 to the Senate Transportation Committee this afternoon. Executive Director Cameron Diehl testified to the committee on the League's support and referred to the bill as a "game changer" for state transportation infrastructure. The vast majority of the critical testimony focused on the proposed increases to the state TRT, rental car taxes, and registration fees for hybrid and electric vehicles. Sen. Harper pledged publicly to continue listening to the concerns about the proposed tax and fee increases. The committee passed the bill 6-0 with the acknowledgement that more work needed to be done on the proposed fees and taxes.

- Indigent Defense

Cameron Diehl and South Jordan City Attorney Ryan Loose—who also serves as one of the two ULCT appointees to the Indigent Defense Commission (West Valley City General Counsel Nicole Cottle is the other)—attended the Executive Offices and Criminal Justice Appropriations Committee today. Senator Todd Weiler presented the request for additional funding for the Indigent Defense Commission to provide more grant money for counties and cities to provide indigent defense services. Sen. Weiler reminded the committee that the 6th Amendment of the United States Constitution requires states to provide legal counsel for indigent defendants. Until two years ago, Utah was one of just two states in the nation that had delegated that duty to local governments. The Indigent Defense Commission was created in part to fulfill the state's constitutional obligation and to provide resources to local governments. You can see the fact sheet that the Commission provided to ULCT last fall on our website HERE. ULCT appreciates Sen. Weiler's efforts and the work of the

Indigent Defense Commission and we will keep a close eye on the appropriation request.

—TAKE ACTION TOMORROW—

- H.B. 136 Federal Designations (Rep. Noel)

This bill adds Part 3 -- Federal Designations and Local Advocacy -- to Utah Code 63L Chapter 2. Part 3 would prevent any local government entity, or a person employed by and representing a government entity, from advocating or lobbying for a federal designation in the state unless the Legislature passes a concurrent resolution in support of the proposed designation. We strongly oppose this bill. Not only is it state overreach into local government; it potentially restricts the free speech rights of government entities and their employees. This bill will be heard in the House Natural Resources Committee. Committee members are:

Rep. Stewart Barlow, Rep. Joel Briscoe, Rep. Scott Chew, Rep. Susan Duckworth, Rep. Stephen Handy, Rep. Timothy Hawkes, Rep. Michael Noel, Rep. Derrin Owens, Rep. Douglas Sagers, Rep. Scott Sandall, and Rep. Christine Watkins.

- H.B. 248 Compensatory Service in Lieu of Fines (Rep. King)

This bill mandates that a person convicted of an infraction or a misdemeanor be given the option of community service instead of paying the associated fine.

The number of hours ordered by the court may not exceed the hours calculated at $10/hour to equal the fine. We oppose this bill for several reasons including (1) defendants who cannot pay fines are already given the option of community service in many cases; (2) community service is difficult to verify and may not serve as a deterrent; (3) allowing a convicted defendant to pick his or her punishment is bad policy; (4) the surcharge on these fines funds important programs for victim advocates, domestic violence training, Peace Officer Standards and Training programs, the Utah Prosecution Council, among others. This bill will be heard in the House Law Enforcement and Criminal Justice Committee, with members:

Rep. Cheryl Acton, Rep. Becky Edwards, Rep. Sandra Hollins, Rep. Eric Hutchings, Rep. Kelly Miles, Rep. Paul Ray, Rep. Angela Romero, Rep. Elizabeth Weight, and Rep. Mike Winder.

- H.B. 209 Mental Health Protection for First Responders (Rep. Kwan)

This is a well-intentioned bill that has potentially unintended bad

consequences. This bill adds a definition of "first responder" to Title 34A (Workers Compensation Act) and provides that first responders can fulfill the legal and medical causation requirements for mental stress claims with a diagnosis from a medical provider. (See the amendment here.) Rep. Kwan has been open to working with the League on further amendments, but as written, the bill changes the standard for how first responders prove mental stress claims by eliminating the causation and nexus to employment that all other employees are required to prove. We want to support our first responders but not at the expense of our other employees, and we oppose this bill as drafted. This bill will also be heard in the House Criminal Justice and Law Enforcement Committee tomorrow afternoon.

Check out the rest of our schedule by clicking the committee agenda link below.

Legislative Daily Recap–February 6, 2018

Legislative Advocacy

Well, loyal readers, based on yesterday's recap you knew today was going to be a full one, and it was. Today's recap will update you on H.B. 136, H.B. 209, H.B. 248, H.B. 225, S.B. 71, and the Northwest Quadrant.

- H.B. 136 Federal Designations (Rep. Noel)

By the time this bill reached committee today, ULCT had the opportunity to work with Rep. Noel on a substitute. The substituted version removes the requirement for government entities to get permission from the Legislature in order to lobby or advocate for federal designations and instead provides that they report to the Natural Resources, Agriculture, and Environment interim committee for "feedback" on a proposed designation. ULCT's John Hiskey testified (under oath!) to thank Rep. Noel for working on the bill to resolve some of our concerns. UAC's Lincoln Shurtz also testified to clarify that our interpretation of the bill is that governmental entities will not need permission or a favorable vote from the Legislature to take action. The bill passed favorably out of committee with Rep. Briscoe as the lone dissenting vote. We will continue working on this bill to ensure that local governments can represent their citizenry on issues of local concern without being required to first get permission from the state Legislature. Thanks to all of you who helped us reach out to legislators on this one, and to UAC for coordinating with us.

- H.B. 209 Mental Health Protection for First Responders (Rep. Kwan)

League staff and partners worked with Rep. Kwan and others on this bill throughout the day. In committee, a second amendment was accepted which clarifies that after an individual becomes a first responder and is diagnosed with a mental health condition by a certified provider, the individual has fulfilled the legal and medical causation required to receive worker's compensation benefits. ULCT analyst Karson Eilers testified against this bill, articulating the League's concern that this bill allows certain employees to receive benefits without having to prove the same legal and medical causation other employees are required to prove. The bill passed out of committee with a 9-1 vote (Rep. Acton as sole dissenter) and direction to Rep. Kwan to continue working on the language of this bill.

- H.B. 248 Compensatory Service in Lieu of Fines (Rep. King)

After quite a bit of testimony on both sides of this bill, the committee held this bill in order for Rep. King to continue working on this concept and potentially find some middle ground that works for defendants, courts, cities, and counties. West Jordan City Manager David Brickey (formerly a city attorney and county prosecutor) testified against the bill on behalf of the League. Brickey explained some of the unintended consequences of the bill, including the increased administrative burden on city justice courts to verify that a defendant is fulfilling their community service obligation and the infringement into judicial discretion. We will continue working on this bill and report back.

- H.B. 225 Initiatives, Referenda, and Other Political Activities (Rep. Daw)

ULCT Executive Director Cameron Diehl met with Rep. Brad Daw and Legislative Research and General Counsel to discuss amendments to H.B. 225. As a reminder, Rep. Daw held HB 20 in the 2017 session to give ULCT the interim to find consensus with stakeholders to improve the local direct democracy process and law. Our home team consisted of elected officials, city managers, city attorneys, city recorders, county clerks, staff from the Utah Association of Counties, and the Lt. Governor's office. We had a productive discussion and we expect a substitute bill in the next few days.

- S.B. 71 Road Tolls Provisions

Today also saw an interesting twist on Senate President Wayne Niederhauser's bill to modernize tolling. The Senate voted to allow UDOT to authorize tolling on

already-built roads without approval from the Legislature. The original bill would have limited tolling to new roads unless the Transportation Commission and the Legislature authorized it. President Niederhauser supported the amendment, and the bill passed out of the Senate 26-3. It will now work its way through the House.

- Northwest Quadrant

The Salt Lake City Council invited Speaker of the House Greg Hughes, Representative Francis Gibson, and Senator Jerry Stevenson to present about their vision for the Crossroads of the West Port Authority in the northwest quadrant of Salt Lake City. The council peppered them with questions for over an hour and the legislators insisted that they are seeking a collaboration between the city, State of Utah, property owners, and other stakeholders to implement a long-term vision. The council also invited Cameron Diehl to present about the Military Installation Development Authority (MIDA) and the Point of the Mountain Commission. Cameron also presented about the Northwest Quadrant discussions at LPC on Monday and we will keep you posted as a potential bill develops.

Tomorrow's schedule

- H.B. 259 Moderate Income Housing Amendments: ULCT has been working with Rep. Wilde and others on this bill, and Rep. Wilde has indicated the bill will not be heard in committee tomorrow despite what the current agenda says.
- H.B. 182 Local Option Sand and Gravel Tax: ULCT supports this bill, which authorizes a county or city to levy a tax of up to 10 cents per ton on sand and gravel extracted in the local jurisdiction to expend on road repair within that jurisdiction. Rep. Merrill Nelson will present this bill in the House Revenue and Taxation Committee tomorrow afternoon.

Check out the rest of our schedule by clicking the committee agenda link below.

Legislative Daily Recap–February 7, 2018

Legislative Advocacy

If Utah wins the bid to host the 2030 Olympics, can we agree that we'll take the Session off that year? Just asking.

That's a ways away, though, so we better stay focused until then. Today's recap includes updates on H.B. 182 (Local Option Sand and Gravel Tax), S.B. 52 (Sale of State Land Act), our Facebook Live chat, and a heads-up on tomorrow's agenda.

- H.B. 182 Local Option Sand and Gravel Tax

The House Revenue and Taxation Committee met this afternoon and heard a handful of bills, including Rep. Merrill Nelson's H.B. 182. The bill is meant to address the disproportionate burden placed on roads by the hauling of sand and gravel. The bill would permit cities to charge an excise tax of .10 cents per ton of sand and gravel hauled from pits within its jurisdiction. Proceeds would be applied to road repairs within the city. Grantsville City Council Member and ULCT Board of Directors Member Jewel Allen testified in support of the bill. Council Member Allen shared with the committee her perspective as a citizen and legislator in a community with a gravel pit and why this local option sales tax would be beneficial to Grantsville and similarly situated cities. However, this bill faces heavy opposition by industry. The hearing ran to the end of its scheduled time and the committee adjourned without taking any action on the bill, so its fate is unclear for now.

- S.B. 52 Sale of State Land Act

S.B. 52 (Sen. Gene Davis) proclaims that leasing of state land is preferred over selling state land. The bill sailed out under the radar of the Government Operations and Political Subdivisions committee during the first week of the session, but began facing mounting opposition by the League and others over the past couple of weeks. Today the bill failed on third reading in the Senate with a vote of 13-13. During the floor debate, Sen. Hinkins posed concerns about the impact of property tax for local government and schools, and Sen. Adams said it could lead to a cumbersome process and in his experience may create a "cloud" over the property that could negatively affect development. The League was concerned that the bill codifies a policy that could lead to private development on state land that would use local services and infrastructure but not be subject to local zoning and taxes. St. George City

Attorney Shawn Guzman, Layton City Attorney Gary Crane, and Ogden City Attorney Gary Hill drafted language for a proposed amendment that would require a lease to include payment of local property tax as well as adhering to the land use regulations established by local government. If the bill is resurrected, ULCT will push for this amendment. Thank you to our expert city attorneys for their work on this bill.

Did you miss our Facebook Live discussion today? Check it out (and share it!) if you want an overview of H.B. 175 (Oversight Committee Creation), small cell infrastructure, H.B. 248 (Compensatory Service in Lieu of Fines), H.B. 181 (Homemade Food Consumption) and H.B. 271 (Government Enterprise Amendments). ULCT is hosting a Wednesday Webchat each week -- don't be afraid to tune in ask questions of our guests!

Tomorrow's schedule

A couple of law enforcement-related bills on tap tomorrow:

- S.B. 154 Prohibition of Law Enforcement Quotas: ULCT opposes this bill, which prohibits a law enforcement agency from requiring, suggesting, or directing that a police officer meet a quota AND from evaluating, promoting, compensating, rewarding, or disciplining an officer on the basis of a quota. While we do not support "quotas," we believe that local law enforcement agencies must be able to set performance standards and hold officers accountable to meet those standards. This bill reaches too far into the discretion of local government agencies. Sen. Stephenson will present this bill in the Senate Judiciary, Law Enforcement, and Criminal Justice committee at 3:00.
- Rep. Greene's H.B. 102 Use of Force Amendments will also be heard in this committee tomorrow afternoon. This bill modifies when a person is not justified in using force (if the person is attempting to commit, committing, or fleeing after the commission or attempted commission of a felony that is directly related and necessary to the use of force.)

Check out the rest of our schedule by clicking the committee agenda link below.

Legislative Daily Recap–February 7, 2018

Legislative Advocacy

CORRECTION!

Today's Legislative Recap misidentified Gary Hill as the Ogden City Attorney. I should have said that Gary Hill, Bountiful City Manager, offered his expert assistance on S.B. 52. We have a lot of superstar Garys around here, including Gary Williams, the real Ogden City Attorney. I apologize for my error.

Legislative Daily Recap–February 8, 2018

Legislative Advocacy

It's once again time for the world's quadrennial obsession with the sport of curling -- the 2018 Winter Olympics have officially begun!

Before you get all wrapped up in tee lines, toe loops, and twizzles, just remember that the Olympics will come and go, but we're stuck with bad legislation for at least a year. Today's update includes S.B. 154, homeless resource center funding, and tomorrow's committee schedule, which features business licensing and body cams.

- S.B. 154 Prohibition on Law Enforcement Quotas

Sen. Howard Stephenson presented this bill to the Senate Judiciary, Law Enforcement, and Criminal Justice Committee this afternoon. ULCT spent the morning talking with Sen. Stephenson and coordinating with the Utah Chiefs of Police Association on language for a substitute bill that would prohibit quotas but still allow room for requiring officers to make a certain number of contacts per shift, as well as allowing officers to be evaluated on their performance. Sen. Stephenson committed to continuing to work on this bill after it successfully passed out of committee to get the language right for law enforcement. Committee Chair Sen. Todd Weiler and other committee members encouraged stakeholders to work on the bill with Sen. Stephenson, and we will do just that.

- Homeless Resource Center funding

Cameron Diehl, Roger Tew, John Hiskey, and Rachel Otto met with Speaker of the House Greg Hughes and Rep. Steve Eliason to discuss homelessness. Rep. Eliason explained his proposal to charge cities and towns to pay for a portion of the operation and maintenance of the new homeless resource centers. As discussed at LPC on Monday, we proposed an alternative to Rep. Eliason's

proposal that focused on cities without shelters helping to mitigate the impact of the shelters on the five cities who house them. We also proposed that cities should receive credit for the good work they are already doing to address homelessness. Despite a nearly two hour meeting, we did not come to an agreement. There will be much more to come on this issue.

Tomorrow's schedule

We are at that point in the session where things are moving fast & furious. Bills that were just released are already in committee tomorrow. The big ones:

- S.B. 158 Business Licensing Amendments -- Sen. Anderegg's bill revisits how municipalities license home occupation businesses. The bill would prohibit cities and towns from charging a fee for a home-based business for receiving occasional deliveries, as well as requiring certain language to be included in the license application. The legislation also requires a city or town to presume that the licensee is not creating a disproportionate impact until it is proven otherwise.
- H.B. 265 Body Camera Amendments -- Rep. McCay will present this bill in the House Law Enforcement and Criminal Justice committee tomorrow afternoon. This bill prohibits any retention of body cam footage by a private entity if the private entity has authority to edit, delete, or alter the recording. An amendment to the bill would simply prohibit retention of footage by a private entity if the entity has any "ownership or reasonable expectancy of ownership" in the footage. If an agency is under contract with a private entity as of May 7, 2018, it may not renew the contract.

Check out the rest of our schedule by clicking the committee agenda link below.

Legislative Daily Recap–February 12, 2018

Legislative Advocacy

It's day 4 of the 2018 Winter Olympics and day 22 of the 2018 Legislative Session. If you make it through all the action in today's update, you deserve a gold medal! This recap includes H.B. 175, H.B. 250, H.B. 311, S.B. 167, and the Executive Water Task Force.

- H.B. 175 Oversight Committee Creation

The House Government Operations Committee re-considered this bill after failing it on February 1. Despite some changes in the third substitute, ULCT continued our strong opposition to the bill and ULCT President and Bountiful Council Member Beth Holbrook testified against the bill with the entire ULCT Board of Directors in attendance. School district and school board representatives also spoke against it. The bill would create a nine-member Government Oversight committee made up entirely of state legislators with statutory direction to "examine an action of a local government entity in relation to the entity's application of a law passed or a rule authorized by the Legislature." The committee would examine the "efficiency" and "effectiveness" of a local government act. In short, this committee could exercise oversight over every action taken by a local government. ULCT acknowledges that current legislative committees already have the power to examine local government acts. As such, no specific "oversight" committee is needed so the bill is a solution in search of a problem.

After public comment ended, the bill sponsor offered a protected amendment. The committee adopted the protected amendment to say that the oversight committee would examine the act of a local government entity "upon request of a local government entity." The bill sponsor presented the amendment as a "compromise," but ULCT neither requested nor supported the amendment. The amendment calls into question what the point of the committee is if the intent is only to take requests from local government. Is the intent to enable a mayor who disagreed with a council decision to file a request to examine the decision? Even with the amendment, ULCT still opposes the underlying concept of nine state legislators from anywhere in the state with a mission to examine the local acts of mayors and council members. Likewise, a "Government Oversight" committee connotes distrust of local government leaders. The bill would have a chilling effect on local leaders by calling into question their ability to govern and subjecting them to a highly political review process. There is already a mechanism to examine the "effectiveness" of a local government: an election.

Thank you to Representatives Arent, Chavez-Houck, and Nelson for their insightful comments and opposition to this legislation.

You can see the news coverage about today's committee vote on H.B. 175 here:

KUTV
Deseret News
Salt Lake Tribune

- H.B. 311 Retirement Amendments

The House Retirement and Independent Entities Committee recommended Rep. Lee Perry's H.B. 311 today. The legislation provides an option for public safety employees to be hired by an agency prior to the one year separation requirement. The legislation provides a tiered scale based on years of service that determines the number of months prior to the one year separation that the employee can be hired. Rep Perry said the focus of the legislation was to provide rural departments a tool to hire experienced, retired public safety employees.

- H.B. 250 Building Permit and Impact Fee Amendments

The House Business and Labor Committee recommended Rep. Schultz's H.B. 250 today. This bill has two components. First, it clarifies that a payer of an impact fee has standing to challenge the fee. Second, it changes the allocation of the 1% surcharge on building permits so that 70% goes to the Office of the Property Rights Ombudsman for land use training and dispute resolution and 30% goes to a fund for building inspector training. ULCT supported this bill as a good compromise and a way to help facilitate better land use training and faster land use dispute resolution.

- S.B. 167 Food Truck Amendments

No, I didn't copy and paste this part from one of last year's updates -- there really is a food truck bill. ULCT has been working on this bill along with some of our city staff volunteers and Sen. Henderson, who has committed to continue discussions on it. Today, it passed out of Senate Business and Labor. We'll keep you posted on this one.

- Executive Water Task Force

Following a meeting with Rep. Stratton, Mike Styler, Executive Director of the Department of Natural Resources called an emergency meeting of the Executive Water Task Force on Monday to discuss a possible amendment to Article 6 Section 11 of the Utah State Constitution. The intent of the amendment would be to enable all cities to lease water as opposed to surplus water sales agreements. A motion was made to recommend that the Legislature fund a legislative task force to study the issue.

Tomorrow's schedule

H.B. 225 Initiatives, Referenda, and Other Political Activities (Rep. Daw) will be heard in House Government Ops at 2:00.

H.B. 346 Local Government Building Plan Review Amendments (Rep. Schultz) will be heard in House Political Subdivisions at 2:00.

H.B. 111 Community Reinvestment Agency Modifications (Rep. Coleman) is scheduled to be heard in House Revenue and Tax at 2:00. Note that we are anticipating a substitute bill, but it has not yet been released.

Check out the rest of our schedule by clicking the committee agenda link below.

Legislative Daily Recap–February 13, 2018

Legislative Advocacy

Athletes from Russia are dominating figure skating, the U.S. is dominating snowboarding, and the Swiss are currently dominating Sweden in women's hockey. Dominating today's update? Land use and transportation. This recap includes H.B. 111, H.B. 346, H.B. 168, H.B. 225, H.B. 209, H.B. 58, S.B. 71, S.B. 80 and H.C.R. 12.

- H.B. 111 Community Reinvestment Agency Modifications

Rep. Kim Coleman introduced a substitute H.B. 111 early this afternoon, shortly before it was to be heard in the House Revenue and Taxation Committee. The new version of this bill is much different than the original, which aimed to remove the requirement of the 10% affordable housing set-aside for certain CRAs. The substitute bill maintains the set-aside while also removing portions of the statute enacted in 2016 that prevented creation of an economic development area. The new bill also requires cities that create a CRA with a housing allocation from tax increment to develop a moderate income housing plan. After a good deal of testimony and discussion, the committee determined to hold the bill and bring it back for consideration on Thursday, after they had additional time to review it. ULCT is taking a neutral position on the substitute bill at this time.

- H.B. 346 Local Government Plan Review Amendments

Rep. Schultz presented H.B. 346, a product of the Land Use Task Force, today in House Political Subdivisions. The bill received a unanimous favorable recommendation. In brief, the bill repeals the sunset provisions enacted last last

year that required initial plan review to be completed within 14 days for single-family homes and 21 days for other residential structures. It also permits an applicant to waive the time limits for plan review and allows third-party review under some conditions.

- H.B. 225 Initiatives, Referenda, and Other Political Activities

Rep. Daw presented this bill in House Government Operations today. Roger Tew testified on behalf of the League. After 2-plus hours of testimony, the committee decided to hold the bill.

- S.B. 80 Exempt and Apportioned License Plate Amendments

Sen. Ipson's bill automatically renews a registration for publicly owned vehicles. The sponsor mentioned that cities had expressed frustration to him over how much time they spent renewing fleet vehicles. The bill sailed through committee and was placed on the consent calendar.

- H.B. 58 – Traffic Control Signage for Bicycles

Nothing gets people riled up like bicycles and traffic signals.This measure would allow bicyclists to treat stop signs as a yield sign and red traffic lights as a stop sign as long as there's no cross-traffic present. Rep. Moss, the sponsor of this measure, presented that a few states have already passed similar bills. Two cycling advocacy organizations testified in support of this bill and then a sequence of various individual cyclists proceeded to debate whether it was safer for cyclists to stop or not. Despite the contentious debate, the bill passed out of committee unanimously.

- S.B. 71 (second sub) Road Tolls Provisions

President Niederhauser presented his bill as a tool to address the funding shortfall for transportation. He clarified that tolling is already permissible in the state but his bill would authorize specific means of tolling, including license plate tolling. While the President has used Little Cottonwood Canyon as an example of a toll road location, he emphasized that this is a state-wide tool. The Utah Trucking Association opposed the bill as did the Western Chamber of Commerce. A representative from Enterprise Car Rental said they would supply amendments on the floor that would address issues for rental cars. Rep. Westwood motioned to pass the bill out favorably. The bill passed 9-1 with Rep. Kwan being the only negative vote.

HCR 12–Concurrent Resolution Calling Upon Congress to Assure a Complete and Accurate 2020 Census

Representative Chavez-Houck presented HCR 12, which encourages Utah's congressional delegation to support H.R. 4013. H.R. 4013 is a congressional bill to remove funding cuts to the US Census Bureau for the 2020 census. League Policy Analyst Karson Eilers and the United Way spoke on behalf of the resolution. The motion passed out unanimously and was placed on the House consent calendar.

- H.B. 209 Mental Health Protections for First Responders

ULCT staff met with Rep. Kwan and a dozen other stakeholders to discuss this proposed legislation. Rep. Kwan is aware of the fiscal concerns of waiving the workplace causation requirements when first responders to apply for workers' compensation. She was amenable to studying major changes over interim and rewriting H.B. 209 to make small technical tweaks like defining PTSD in another chapter of code. However, no language has been released yet so League staff will continue to monitor the bill and work with Rep. Kwan.

Tomorrow's schedule

Tomorrow's committee schedule is light in honor of St. Valentine's Day. If you forgot, click here for 24-hour grocery stores. If you're already phoning it in for V-Day, check out our complete schedule below.

Looking ahead to Thursday, H.B. 242 Local Animal Control Regulation Amendments will be heard bright and early in House Natural Resources. We'll update the Thursday's committee schedule tomorrow afternoon.

Check out the rest of our schedule by clicking the committee agenda link below.

Legislative Daily Recap–February 14, 2018

Legislative Advocacy

Happy Valentine's Day! The Legislature showed us some love with a light day in committees. ULCT spent the day working behind the scenes on homeless resource center funding, affordable housing, water, and land use issues. Today's update includes H.B. 265 and a look at tomorrow's schedule.

- H.B. 256 Electric Service District

Rep. Gibson introduced this bill in the House Public Utilities, Energy, and Technology Committee this morning. This bill would prevent a municipality from providing municipal electric service to any area that it hasn't annexed and

that is part of an electric service district, provide service to a customer that an electric improvement district services, or construct facilities within the boundaries of an electric improvement district. The practical effect of this bill would be to eliminate a contract between SESD and Payson, Salem, and Spanish Fork. ULCT opposes this bill -- allowing the Legislature to interfere in contract negotiations sets a dangerous precedent. Although this bill passed favorably out of committee this morning, we will continue to monitor it.

Tomorrow's schedule

- H.B. 242 Local Animal Control Regulation Amendments will be heard bright and early in House Natural Resources, 7:00.
- H.B. 268 Off-duty Employment of Law Enforcement Officers will be heard in House Law Enforcement at 8:00.
- H.B. 111 Community Reinvestment Agency Modifications will be considered again in House Revenue and Taxation at 2:00.

Check out the rest of our schedule by clicking the committee agenda link below.

Legislative Daily Recap–February 15, 2018

Legislative Advocacy

Three weeks from tonight, the 2018 Session will be over ... not that any of us are looking forward to that. Personally I like watching Olympic reruns late into the night while trying to write complete sentences about complex legislation. Today's recap includes H.B. 242, H.B. 221, and a look at tomorrow's committee schedule, which features billboards and major water bills.

- H.B. 242 Local Animal Control Regulation Amendments

Rep. Roberts introduced a substitute bill in House Natural Resources this morning, but the bill would still override local animal control ordinances. He faced some tough questions from the committee, which seemed overall circumspect about the need for this legislation and its effect on local control. ULCT testified against the bill, along with representatives from Salt Lake County and Davis County animal control. Rep. Sagers made a motion to hold the bill in committee, which passed unanimously. Not sure if this one is coming back, but we'll stay on top of it.

- H.B. 221 Animal Welfare Amendments

In other animal news, Rep. King introduced this bill in House Natural Resources this morning. This bill, which was resurrected from the 2017 session, would require animal shelters to maintain and publish certain information, including how an animal arrived at the shelter and its ultimate disposition (adoption, euthanasia, returned to the field, etc.) This bill was also held in committee.

- H.B. 111 Community Reinvestment Agency Modifications and H.B. 268 Off-duty Employment of a Law Enforcement Officer were both pulled from agendas today.

Tomorrow's schedule

ULCT will be working on three major water bills that are up in House Natural Resources at 4:00 tomorrow.

- H.B. 303 Drinking Water Source Sizing Requirements (Rep. Sandall): This bill requires certain public water systems to provide water use data, including peak day source demand, average annual demand, the number of equivalent residential connections for retail service and the quantity of non-revenue water. The Division of Drinking Water will then establish system-specific source and minimum storage requirements to serve respective populations. As this is one of biggest changes in retail water policy in decades, public water suppliers are concerned that the implications of this change are not fully understood. Rep. Sandall has been willing to meet with representatives from public water suppliers and has agreed to amendments that will be reflected in HB 303 (1st Sub), including the delay of the reporting from October 1, 2018 to March 1, 2019. Given the magnitude of this change, ULCT is requesting that the implementation portion of the drinking water source sizing requirements be referred to an Interim Committee to fully understand the change and avoid unintended consequences.
- H.B. 124 Water Holdings Accountability and Transparency Amendments (Rep. Coleman): The 1st Sub of this bill will require all cities that supply water outside their jurisdictional boundaries to post publicly and provide to the state engineer: a map showing the area being served, the quantity of water being used outside the city's jurisdictional boundaries, the rates assessed to the water users both inside and outside municipal boundaries, the number of retail water connections both inside and outside the municipal boundaries, the number of master meter connections that provide culinary water to residents beyond the boundary and a financial statement

that shows the separate financial accounting of revenues derived from water service delivered inside the municipal boundary and water service delivered outside the municipal boundary. ULCT is also encouraging this proposal to be studied over the interim.

- H.B. 135 Extraterritorial Jurisdiction Amendments (Rep. Noel): this bill originally limited the jurisdiction a municipality could exercise over its watershed and proposed to transfer responsibility of the watershed and water quality away from cities whose residents depend on the water and to the state Department of Environmental Quality. A substitute bill takes DEQ out of the formula and only targets cities of the first class (population of 100,000 or more). It also creates the Drinking Water Special Expendable Revenue Fund. This fund would be fed by part of a $1 surcharge on customers, of which 50 cents could then be used to fund any drinking water or water infrastructure project in the state. ULCT opposes this bill for its infringement on jurisdiction over vital watershed areas.

And don't forget BILLBOARDS in House Transportation at 4:00:

- H.B. 361 Billboard Amendments (Rep. Gibson): this bill would give a billboard owner a unilateral right to move or rebuild a billboard (including possibly converting it to a digital/electronic billboard) regardless of its location unless the government entity exercises eminent domain powers. ULCT strongly opposes this bill. This bill is up in the House Transportation Committee tomorrow at 4:10. Contact committee members:

Rep. Walt Brooks, Rep. Justin Fawson, Rep. Lynn Hemingway, Rep. Michael Kennedy, Rep. John Knotwell, Rep. Karen Kwan, Rep. Jefferson Moss, Rep. Adam Robertson, Rep. Mike Schultz, Rep. John Westwood

Check out the rest of our schedule by clicking the committee agenda link below.

Legislative Daily Recap–February 20, 2018

Legislative Advocacy

The long weekend feels like a distant memory after today's full committee schedule! There's a lot more where that came from as we work through the final 12 business days of the session. Today's recap features H.B. 175, our Wednesday Webchat, H.B. 377, H.B. 358, H.B. 336, H.B. 279, S.B. 66, S.B. 187, and a look at tomorrow's very full schedule.

- H.B. 175 Oversight Committee Creation is #17 on the House Reading Calendar

This means the bill will likely be considered by the]House either tomorrow or Thursday. If you've been waiting to talk to your legislators, stop waiting! We've been talking and writing a lot about this bill, and urge you to do the same. Today. Right this very minute, even! Check out and share these talking points we developed in conjunction with the Utah Association of Counties, the Utah Association of Special Districts, and the Utah School Boards Association. Also, please watch and share this YouTube video, featuring some of your favorite local officials expressing their opposition to H.B. 175. If you want your voice to be heard on this bill, now is the time.

- Wednesday Webchat with the ULCT Legislative Team

In lieu of LPC this week, join us today at 12:15 on Facebook Live for a chat with the legislative team. Come prepared with questions because we aren't going to sit around and talk to ourselves!

- Today's committee updates

H.B. 377 Land Use Amendments: Rep. Schultz presented this bill -- a product of the Land Use Task Force -- in House Political Subdivisions today. The bill has three main components: (1) it clarifies that a land use decision is an administrative action and a land use regulation is a legislative action; (2) it clarifies when and how a land use authority may deny a conditional use; and (3) it clarifies that an applicant is vested in the land use regulations, decisions, and development standards in effect at the time the applicant submits a complete application. The bill passed out of committee unanimously.

H.B. 358 State Databases Amendments: Rep. Ray also presented in House Political Subdivisions today. This bill requires a municipality to receive a recommendation from fire authority/public safety on a plat and submit the recorded plat to AGRC within 30 days of approval for inclusion in the 911 database. The bill passed out of committee, but Layton City Gary Crane is working on amendments with Rep. Ray to make this bill less of a burden and an expense for cities. Thank you, Gary!

H.B. 336 Fine Amendments: Rep. McCay introduced a substitute bill to House Revenue and Taxation this morning, which exacerbates previous concerns. The bill limits the late fees a jurisdiction may charge for nonpayment of a fine for a

misdemeanor or infraction conviction to 25% of the original fine. Originally the bill proposed a 50% limit. We will coordinate with LELC and others on next steps for this bill.

H.B. 279 Sub 1 Design Professionals Liability Amendments: Rep. Christofferson presented this bill to House Business and Labor this afternoon. ULCT has had numerous conversations with Rep. Christofferson and other interested parties on the troublesome aspects of this bill. As drafted, it limits the indemnification clauses a government entity can include in a contract with an architect, engineer, or land surveyor. The bill's sponsor states this is necessary because entities have been requiring these design professionals to enter into contracts with overly broad indemnification provisions, for which they cannot acquire insurance. ULCT testified in opposition to the bill and will continue working on it.

S.B. 66 Emergency Vehicle Operator Duty of Care Amendments: Sen. Anderegg presented this bill in Senate Judiciary, Law Enforcement, and Criminal Justice today. Sen. Anderegg worked with LELC and came up with a 1st sub, which was adopted. The bill requires agencies to have a written pursuit policy, imposes a duty of care on the vehicle operator when engaging in pursuit outside of the policy, and requires the head of the agency to evaluate and remedy any violations of the policy if an accident occurs. ULCT staff testified in support of the compromise bill, as did Chief Ross of the Chiefs Association.

S.B. 186 Indigent Defense Amendments: Sen. Weiler presented this bill in Senate Judiciary, Law Enforcement, and Criminal Justice today. Joanna Landau, Director of the Indigent Defense Commission, clarified that this bill does not add any additional requirements on local governments, it just cleans some language up and gives IDC more discretion to administer its grant program. It passed out of committee unanimously.

- Tomorrow's schedule

Two bills that were held in House Natural Resources last Friday are up again tomorrow morning:

- H.B. 124 Water Holdings Accountability and Transparency Amendments (Rep. Coleman)
- H.B. 135 Extraterritorial Jurisdiction Amendments (Rep. Noel): check out the 3rd sub of this bill.

Also notable on the docket tomorrow:

- S.B. 158 Business Licensing Amendments (Sen. Anderegg)
- H.B. 268 Off-duty Employment of Law Enforcement Officers (Rep. Perry)
- H.B. 259 Moderate Income Housing Amendments (Rep. Wilde)– check out the 1st Sub.
- S.B. 189 Small Wireless Facilities Deployment Act (Sen. Bramble)

Check out the rest of our schedule by clicking the committee agenda link below, and join us on Facebook Live at 12:15 to discuss these and other issues in more detail.

Legislative Daily Recap–February 21, 2018

Legislative Advocacy

Let's take a moment to celebrate a solid victory today defeating H.B. 175 on the House floor, but only a moment -- there's much more work to be done in the next 11 days! Today's recap features H.B. 175, S.B. 158, H.B. 111, S.B. 120, and H.B. 259.

- H.B. 175 Oversight Committee Creation

First things first: the House of Representatives rejected H.B. 175 Oversight Committee Creation by a decisive 54-20 vote this afternoon. Team ULCT joined with our partners from the Utah Association of Counties, Utah Association of School Boards (UASB), and Utah Association of Special Districts (UASD) to do a full court press on H.B. 175.

Big thanks to former ULCT President and Representative Mike Winder for distributing the joint talking points from our four organizations on the House floor. Thanks also to Reps. Merrill Nelson, Patrice Arent, Logan Wilde, John Westwood, V. Lowry Snow, Steve Handy, and Val Potter, who all spoke on the floor in opposition to H.B. 175. Reps. Wilde, Westwood, Handy, and Potter previously served as county or city elected officials. They were tremendous in their advocacy and you can see their quotes in our live-tweeting of the floor debate HERE. You can also read more about the floor debate in the following articles from the Deseret News and the Salt Lake Tribune.

Among many others, thanks to Salt Lake City's Lynn Pace, Sandy City's Evelyn Everton, Brian Allen and Chantel Nate of Cottonwood Heights, Murray City's

Kory Holdaway, and the teams from UAC, UASB, and UASD who were all instrumental alongside Team ULCT in today's blitz. Finally, thanks to YOU as members of the #leaguearmy. Many legislators told us that they had heard from their city leaders about H.B. 175 so thank you for making a difference for local government.

- Today's committee updates

S.B. 158 Municipal Business Licensing: Sen. Jake Anderegg presented S.B. 158 to the Senate Economic Development Committee today. He opened his presentation by referencing the ULCT compromise on S.B. 81 in the 2017 legislative session. He acknowledged that the current version of the bill was more draconian than he intended and that he was working on a substitute bill and would coordinate with ULCT. Cameron Diehl testified firmly against S.B. 158 as drafted for being a one-size-fits-all approach to licensing and urged the committee to give cities more time to comply with S.B. 81. He also refuted arguments from the Libertas Institute about cities that Libertas claims are intentionally avoiding compliance with S.B. 81. The committee nevertheless passed S.B. 81 unanimously. Sens. Mayne and Millner expressed concerns about the bill and urged Sen. Anderegg to continue the dialogue with ULCT and stakeholders, and Sen. Anderegg committed to doing so.

S.B. 120 Local Government Fees and Taxes Amendments: Sen. Henderson presented this bill to the House Government Operations Committee as one stemming from a unique problem in Provo, which is the fact they have a lot of heavy users of roads who don't pay property taxes. In order to fund much-needed road projects, Provo developed a transportation utility fee that is assessed to all users. As acknowledged by Sen. Henderson, Provo thoughtfully developed their fee schedule based on a thorough and careful study. While Sen. Henderson stated that this fee is a viable option for cities in such a position, she argued that it places a heavy burden on counties, which may be subject to numerous fees from cities within their borders. As such, her bill exempts counties from the fee. Utah County Commissioner Nathan Ivie testified that while he is generally opposed to the imposition of what he characterizes as a tax, he supported the bill as a compromise that allows cities to meet demands placed on their roads. Farmington City Manager Dave Millheim also testified and suggested narrowing the exemption to the county's essential services. Despite numerous questions from the committee, the bill passed out of committee unanimously.

H.B. 259 Moderate Income Housing Amendments: Rep. Wilde presented this bill to the House Government Operations Committee today. ULCT worked in conjunction with the Salt Lake Chamber on the substitute bill, and testified in support of it. This bill is an important step forward to address the shortage of moderate income housing we are facing statewide. It requires cities of a certain size to include their moderate income housing plan as part of their general plan, as well as collecting and reporting additional data on moderate income housing availability as part of that plan.

H.B. 111 Community Reinvestment Agency Modifications: Rep. Coleman presented this bill again today in House Revenue and Taxation, stating that it is a necessary tool for cities and one-size reinvestment agencies don't fit all cities' needs. She also said that the 10% affordable housing set-aside may not always be appropriate for reinvestment projects. After testimony on both sides, the committee passed the bill 6-5.

Also today, the House Natural Resources committee passed out H.B. 124 Water Holdings Accountability and Transparency Amendments (Rep. Coleman) and H.B. 135 Extraterritorial Jurisdiction Amendments (Rep. Noel).

Thanks to all of you who joined us on Facebook Live today! If you missed it, check it out here.

Tomorrow begins reduced committee schedules and lots of floor time. Check out the schedule below, and as always, stay in touch!

Legislative Daily Recap–February 22, 2018

Legislative Advocacy

The legislative session is a little like the biathlon -- a bunch of people racing around, successfully and unsuccessfully shooting at targets, trying to get to the finish line. Luckily we don't have to wear Lycra, but unfortunately most of us are probably not in Olympic-athlete condition. Maybe next year. Today's recap features H.B. 175 (yes, again), H.B. 373, and S.B. 136.

- H.B. 175 Oversight Committee Creation

We witnessed a fascinating development on H.B. 175 today. Yesterday, your outreach helped to defeat the bill 54-20 on the House floor. After today's majority caucus lunch meeting, the House passed a motion to reconsider they bill. They then circled the bill and we expect a vote on a substitute bill

tomorrow. The substitute bill is not yet public. ULCT and our local government partners at the Utah Association of Counties, Utah Association of School Boards, and Utah Association of Special Districts, all continue to oppose the bill. We will keep you posted.

- H.B. 373 Waste Management Fee Amendments

Representatives Perry and Christofferson presented their now merged bill in House Public Utilities today. The intent of the bill is to rectify lingering problems with last year's H.B. 115 Solid Waste Revisions. The proposed bill reduces the Department of Environmental Quality's solid waste regulatory costs by modernizing their inspection systems. It also eliminates the $400,000 general fund sweep from the DEQ's budget and temporarily puts it towards technology upgrades for the department. Several organizations, including ULCT, spoke in favor of the bill and it passed out of committee unanimously. There are a few minor amendments that the sponsors intend to make on the floor, which prevented the bill from being placed on the consent calendar.

- S.B. 136 Transportation Governance Amendments Substitute

We've been anticipating this substitute bill for a while, and it was finally released late this afternoon. As a reminder, this bill's main components are reform of UTA governance and UDOT structure, flexibility to use Transportation Investment Fund money for transit, and various state and local revenue tools. For a refresher on the original bill, take a look at the LPC materials from Feb. 5. The substitute bill has some key differences, perhaps most importantly in the realm of taxes and fees. Here are the highlights from a summary created by OLRGC.

Lots of bills in committee tomorrow morning and ULCT staff will be in every hearing. Check out the complete schedule below, and as always, get us your feedback.

Legislative Daily Recap–February 26, 2018

Legislative Advocacy

I already miss the Olympics. What would Tara and Johnny be wearing tonight? What do they do with those rhinestone headphones in between skating competitions? So many unanswered questions ... If you have unanswered questions about what happened on the Hill today, we have answers. Today's recap features H.B. 462, H.B. 209, H.B. 430, and H.B. 138.

- H.B. 462 Homeless Services Amendments

Rep. Eliason's H.B. 462 was heard in committee this morning.The objective of the bill is to act as a fundraising arm for the operation and maintenance of the homeless resource centers located in Salt Lake County. The bill would assess a charge to cities and towns across the state based on 3 different formulas and then exact money from those municipalities based on the value of the assessment. Executive Director Cameron Diehl testified against the bill as one that creates a bad precedent of a state exacting money from a city, among other reasons. Nonetheless, the bill passed out of committee on a 9-3 vote. As discussed in more depth at LPC today, Rep. Eliason's bill is one of two the Legislature will consider to address funding homeless shelters. The other, sponsored by Sen. Davis, has not been made public yet but should be released at any time. Sen. Davis's bill is also expected to use the 1% local option sales tax to offset the increased public safety costs of communities that house homeless shelters. For more on Rep. Eliason's bill and the League's response, check out these Salt Lake Tribune and the Deseret News articles.

Prior to LPC today, ULCT staff Cameron Diehl, Roger Tew, Rachel Otto and ULCT 1st Vice President Jon Pike met with Lieutenant Governor Spencer Cox to discuss the competing homelessness funding proposals, and he urged us to find consensus. We look forward to working hard, side by side with you over the next 8 days to do just that.

- H.B. 209 Mental Health Protections for First Responders

Rep. Kwan's H.B. 209 was significantly substituted on the floor today. Thanks to concerns brought by a number of stakeholders (ULCT included), the bill no longer waives the causal relationship between employment and a mental injury for first responders. Now, the bill creates a temporary commission to study how to remove barriers for first responders obtaining emergency mental health treatment without substantially impacting public entity budgets. ULCT will have one appointment to the commission and public insurance providers will be represented as well.

- H.B. 430 Affordable Housing Amendments

Rep. Edwards's H.B. 430 passed out of committee unanimously. This bill creates a Commission on Housing Affordability, comprising 17 members from a wide cross-section of stakeholders, including city government representatives

nominated by ULCT. There is ongoing work on some substitute language for the bill, in which ULCT has been involved. During comment on the bill today, the Utah Director of Habitat for Humanity mentioned that in most other states, Habitat programs pay $10,000 for an empty lot. In Utah, Habitat typically can't find lots for less than $50,000.

- H.B. 138 Good Landlord Program Amendments

Rep. Eliason had the unenviable task of presenting his bill last on the House Business and Labor agenda tonight. The bill as drafted would have exempted residential units that are part of an association (an HOA, for example) from a disproportionate impact fee. However, Rep. Froerer presented an amendment that removed that objectionable portion of the bill. The amendment was adopted and the bill passed out of committee.

Check our priority bill list here. This list will update each day, and focuses on the bills up for floor debate. Let us know if you want to get involved on any of these!

Click below for tomorrow's complete committee schedule, and as always, get us your feedback.

Legislative Daily Recap–February 27, 2018

Legislative Advocacy

Today began extended floor time and bills are moving fast and furious through both houses. Check in with us if you need more information on the status of a particular bill. Today's recap features H.B. 175, H.J.R. 15, and H.B. 423.

- H.B. 175 Oversight Committee Amendments

The fourth substitute of H.B. 175 passed out of the House by a vote of 44 to 29 and will now move on to the Senate for consideration. Thanks to pressure from the League, UAC, the Utah Association of Special Districts, and the Utah School Board Association, the fourth substitute carves out local entities. However, the League and our partners remain opposed to this bill. Once this unnecessary oversight structure is in place, it will be all too easy to add local entities back in.

- HJR 15 Proposal to Amend Utah Constitution -- Municipal Water

Today the House Natural Resources, Agriculture, and Environment Committee heard Rep. Stratton's HJR15. This amendment would strike the work "lease" from Article XI, Section 6 of the Utah Constitution. Assistant City Attorney for

Ogden Mark Stratford, who is also ULCT's representative on the Executive Water Task Force, testified in committee along with others from the task force, suggesting that the issue would best be discussed during the interim. The bill was held in committee. Thank you again to Mark, who has put in countless hours on this issue and several others this session. For more on this, check out this Salt Lake Tribune article.

- H.B. 423 Transit and Road Funding Amendments

Rep. Gibson and Sen. Anderegg presented this bill in House Transportation this morning. They explained that the principal objective is to create competition in transit service. In response to requests from some members of the committee, the sponsors intend to offer and amendment to require voter approval if a county wants to impose the new alternate 4th quarter. The bill was also amended to change the effective date to Jan. 1, 2019. Finally, the sponsors stated that this bill will not be pursued if S.B. 136 (Transportation Governance Amendments) passes.

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Legislative Daily Recap -- February 28, 2018

Legislative Advocacy

At the beginning of February, I mentioned that it is the only month entirely consumed by the session. Guess what? It's over! Today's recap features H.B. 462, S.B. 136, H.B. 466, and H.B. 79.

- H.B. 462 Homeless Services Amendments

The House of Representatives considered Rep. Eliason's H.B. 462 today. As Team ULCT's Cameron Diehl outlined at LPC, this bill would authorize the state to assess a fee on cities according to the quantity of affordable housing available in the city. The fee would then pay for the operation and maintenance of homeless resource centers in Salt Lake County. ULCT opposed the bill in committee on Monday and again on the floor today by distributing a letter outlining our policy objections to the bill to every House member. H.B. 462 as

drafted would create a hole in city and town budgets across the state in a year when the state has surplus revenues of nearly $600 million. Rep. Karianne Lisonbee, a former Syracuse City Council Member, proposed a substitute bill that would have funded the operation and maintenance of homeless resource centers out of the state general fund. ULCT supported her substitute bill but it did not pass. Instead, the House passed the original bill and the debate will continue in the Senate. ULCT thanks Rep. Lisonbee and her colleagues who supported her substitute bill. For more, see the Deseret News and the Salt Lake Tribune.

- S.B. 136 Transportation Governance Amendments

Meanwhile, the Senate considered SB 136 Sub 3 which is the omnibus transportation bill from last summer's Transportation Task Force. At Monday's LPC, Team ULCT's Cameron Diehl explained how the funding components of the bill had changed through the multiple drafts. The funding components have changed even since Monday! First, the proposed statewide sales tax of .15 for transit is no longer in the bill. Second, as of January 1, 2019, the annual motor vehicle registration on all vehicles will increase by $28, and the new increased fees for hybrids will be $96, plug-in hybrids will be $166, and electric vehicle fees will be $194. Third, the newly created Transit Transportation Investment Fund will receive a portion of the state sales tax rate for transit capital projects statewide with a minimum of a 40% local match.

Fourth, and of most immediacy to local governments, the bill authorizes a fifth local option quarter cent sales tax—which can only be imposed once the first four quarters are imposed and after 2019—and tweaks the Proposition One fourth quarter rules. If a county of the second class has not either imposed or put the fourth quarter on the ballot, then the city or town may impose their .10 portion on their own. Likewise, any county imposing the fourth quarter after June 30, 2018 will receive the .10 to then allocate for transit instead of the transit district receiving those funds directly. Finally, all of the five quarters are now "use them or lose them" by 2022. If a county has not imposed all five quarters by 2022, then the authorization expires. Got all that? The Senate passed the bill 15-12 and ULCT will continue to be engaged on the bill. For more, see the Deseret News and the Salt Lake Tribune.

- H.B. 466 Wildland Fire Liability Amendments

Rep. McKell presented this bill in House Judiciary this afternoon. A substitute bill would waive governmental immunity for a "person that negligently,

recklessly, or intentionally causes a wildland fire through the operation, maintenance, or use of any instrumentality…". South Jordan City Attorney Ryan Loose testified on behalf of the League to oppose the bill, pointing out that wildland fire policy and process has taken years to implement, and it should only be modified after careful study. Rep. King then moved to amend the substitute to remove the portion that waives governmental immunity. That amendment was unopposed by the sponsor and accepted by the committee. Nonetheless, a motion was made to hold the bill, which passed 7-5.

- H.B. 79 Private Attorney General Doctrine

Rep. Greene presented this bill in Senate Judiciary today. The bill, which would repeal the provision in state code disallowing the private AG doctrine, sparked an interesting debate between Sen. Hillyard and Rep. Greene on whether or not awarding attorneys fees without clear statutory authority is at the discretion of the courts or the legislature. ULCT and UAC spoke in opposition to the bill. Senator Thatcher motioned to move the agenda without taking action on the bill, and the motion passed 3-2.

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Legislative Daily Recap–March 1, 2018

Legislative Advocacy

Can you believe that tomorrow is the last Friday of the 2018 session? Is it too soon for nostalgia? Yes ... too soon. Today's recap features S.B. 235, S.B. 204, H.B. 255, H.B. 450 and an alert on S.B. 218.

- S.B. 235 Homeless Shelter Funding Amendments

Sen. Davis presented S.B. 235 Homeless Shelter Funding Amendments in Senate Business and Labor this morning. Sen. Davis's bill is intended to assist cities that host homeless shelters mitigate their increased public safety costs. As ULCT's

Cameron Diehl described at LPC on Monday, the original bill would have withheld 1.75% of the population component of the local option sales tax from every municipality in the state and put the funds into a restricted account where the five cities (South Salt Lake, Midvale, St. George, SLC, Ogden) that house shelters could apply for some public safety reimbursements. Cameron testified in opposition to the original bill today and, similar to Rep. Eliason's H.B. 462, pointed out that the original bill would create a gap in every municipal budget. Sen. Davis then offered a substitute bill to provide alternative mechanisms for cities and towns to use to contribute to the public safety impact fund. ULCT is still waiting for the fiscal impact data for the substitute from the Office of the Fiscal Analyst. Sen. Todd Weiler asked Cameron what would happen if both Rep. Eliason's H.B. 462 and Sen. Davis' bill passed. Cameron replied that cities would be forced to pay twice. The committee passed the substitute with the acknowledgement of the need to consider both bills. Expect to hear more about both homelessness funding bills at next week's LPC.

- S.B. 204 Secondary Water Metering Requirements

Sen. Anderegg presented this bill in Senate Business and Labor this morning. The bill would require a secondary water provider to begin metering its use by January 1, 2020 for new service. It also requires secondary water providers to meter the use of secondary water for residential users by July 1, 2028 and for commercial, industrial, and institutional users by July 1, 2026. The water use data must also be provided to the state engineer and the Division of Water Rights. Although we agree that the objective of the bill is sound, ULCT testified against the bill as an unfunded mandate. Cities that have been working on implementing secondary water metering are spending millions of dollars just on equipment. The bill passed out of committee 4-3.

- H.B. 255 Extra-jurisdictional Municipal Property

Rep. Coleman presented a substitute of this bill in House Business and Labor today. The substance of the bill is two-fold: (1) it creates a "compelling" standard that cities must show before purchasing property outside of its own jurisdiction; and (2) it allows the "host" city to impose a property tax on the "parasite" city. The substitute limits the circumstances to when a city knowingly purchases property in another city after that city was incorporated. ULCT's Roger Tew, testifying in opposition to the bill, dropped some knowledge on the committee about the property tax issues and far-reaching implications. Murray

City's Tim Tingey also testified in opposition to the bill, pointing out that Murray and other cities bear the burden and enjoy the benefits of tax exemption.

Rep. Schultz moved to recommend the bill favorably; Rep. Hawkes made a substitute motion to hold the bill and study it over the interim given that this is a major policy shift with unknown impacts. That motion failed 9-5. The bill then passed out of committee 9-5.

- H.B. 450 Wastewater Reuse Amendments

House Business and Labor also heard Rep. Froerer's substitute bill on wastewater reuse today. Confusion reigned as some members of the committee understandably struggled to understand what would be a major change in water law. Luckily there were several experts, including Prep 60 counsel Fred Finlinson, on hand to try to explain the impacts of this bill. Assistant City Attorney Mark Stratford of Ogden City was unfortunately not permitted to testify due to time constraints. After a lengthy and somewhat frustrating committee hearing, Rep. Hawkes motioned to move to the next item, and that motion passed.

- TOMORROW: S.B. 218 Container Regulation Act

Sen. Buxton will present this bill in House Political Subdivisions at 4:00 tomorrow. We, along with the Utah Association of Counties, strongly oppose this bill. It prohibits local government entities from regulating, imposing a fee on, or taxing an auxiliary container. Auxiliary containers may include bags, cups, containers, packages, and bottles composed of nearly any conceivable material. We oppose this bill for the following reasons:

- Local Preemption – under this proposed legislation, the state broadly preempts the ability of local authorities – the elected leaders closest to the people – from responding to their residents' needs and desires.
- Local Responsibility – waste collection and disposal are local government responsibilities. These critical everyday services are either provided by or funded through cities and counties. If they're ultimately responsible for managing the disposal of waste, why shouldn't they have any authority over what enters their waste streams?
- Local Environmental Stewardship – Local governments should have the authority to make their own decisions regarding waste, recycling and green waste programs. Presently, local governments have differing programs

depending on the needs and wants of their communities. Although local governments traditionally make decisions regarding waste programs, this legislation singles out one form of refuse and makes it a statewide concern that's exempt from the regulatory authority of local governments.

Please contact members of this committee and let them know that cities and towns oppose this bill!

Check our priority bill list here. This list will update each day, and focuses on the bills up for floor debate. Let us know if you want to get involved on any of!

Click below for tomorrow's complete committee schedule and be aware that things are changing rapidly, so make sure to check back frequently.

Legislative Daily Recap–March 5, 2018

Legislative Advocacy

Today (nearly yesterday at this point!) was the last day for committee hearings and technically the final day to get a bill out of its house of origin. Realistically, though, the rules will be suspended and we will see more bills move out tomorrow. Lots of things are moving quickly so if you have questions on a particular bill, feel free to call any member of the team at any time! Today's recap features an overview of the last LPC of the session, H.B. 124, H.B. 135, H.B. 462, H.B. 373, S.B. 136, H.B. 361, S.B. 218, and H.B. 255.

The last LPC of the session was chock-full, including an update on SB 189 (2nd Sub) Small Wireless Facility Deployment Act, SB 136 Transportation Governance Amendments (4th Sub), homelessness funding, billboards, and the Our Schools Now initiative's proposal to add 10 cents to the gas tax. Click here for the materials if you missed it.

- Two water bills went under in Senate Natural Resources this morning – HB 124 Water Holdings Accountability and Transparency Amendments (Rep. Coleman) and HB 135 Extraterritorial Jurisdiction Amendments (Rep. Noel). The committee was persuaded to hold these bills with the understanding that they require more study, as recommended by the Executive Water Task Force. Big thanks to Mark Stratford, John Hiskey, Laura Briefer, and others for their hard work on getting these bills to the right place.
- HB 462 Homeless Services Amendments passed unanimously out of Senate Revenue and Taxation today. ULCT remains committed to helping find

solutions to the affordable housing gap but opposed to this bill, and testified against it again today. We are diligently working to attempt to find consensus on this extremely important issue.

- HB 373 Waste Management Amendments passed out of the House today. HB 373 is the product of a year of negotiations with multiple private and public sector stakeholders. It reduces landfill fees across the board and allows the DEQ to consider the classification of landfill in their fee schedule. It also addresses a number of concerns created by last year's HB 115.
- SB 136 (4th Sub) Transportation Governance Amendments was presented in House Transportation today and passed favorably out of committee. The funding pieces of this bill are somewhat of a moving target at this point, but ULCT remains supportive of the bill. We'll have more on the mechanics of this bill for you tomorrow.
- HB 361 Billboard Amendments was pulled off the Senate Economic Development committee agenda today and will likely proceed to the Senate floor. We remain opposed to this bill as drafted and are continuing to attempt to engage in discussion with stakeholders.
- SB 218 Container Regulation Act was also (again) not heard in committee today and will likely proceed to the House floor. This bill represents a complete pre-emption of local authority and we urge you to reach out to your legislators to oppose this bill.
- HB 255 Extra-jurisdictional Municipal Property was shuffled around on the House reading calendar tonight and then circled. We anticipate it will be presented, along with an amendment, tomorrow morning. ULCT remains opposed to this bill and would recommend it for further study given the major shift in tax policy it brings.

3 days to go!

Legislative Daily Recap–March 6, 2018

Legislative Advocacy

Yesterday was so long that I thought for a moment today was Wednesday ... then I saw Rep. Fawson and he wasn't wearing his white shoes. So we still have one more White Shoe Wednesday to look forward to tomorrow! Today's recap features SB 136, HJR 20, SJR 18, SB 234, and SB 189.

- SB 136 (5th Sub) Transportation Governance Amendments. The House considered SB 136 S5 Transportation Governance Amendments today. Cameron Diehl testified in support of the bill in House Transportation Committee yesterday. SB 136 was the result of the year-long effort of the Transportation Task Force where SLC Mayor Jackie Biskupski, Ogden Mayor Mike Caldwell, former Cedar Hills Mayor Gary Gygi, and Cameron spent nine months working on the bill. We fought to preserve local land use authority, modernize the Transportation Commission criteria to include incentives for local land use and economic development planning and other strategic initiatives, reform the Utah Transit Authority governance, and facilitate the imposition of the Proposition One county option quarter cent local option sales tax (among many other items). Rep. Mike Schultz acknowledged ULCT's efforts on the bill and the House passed it 54-14-7. The bill will now go to conference committee to reconcile the differences between the 3rd substitute that the Senate passed last week and the fifth substitute that the House passed today. Stay tuned.
- As mentioned Monday in LPC, the Our Schools Now initiative and the Legislature may reach a compromise in the form of HJR 20 Joint Resolution Submitting a Question to the Voters. The joint resolution directs the Lieutenant Governor to place a question on the ballot asking voters whether they support a 10 cents per gallon fuel tax increase to fund education and local roads. If the gas tax increase is approved, 30% will go to B&C road funds, with an estimated $24 million going to cities and towns for C roads. The resolution will be heard in the House Political Subdivisions committee at 4:15 tomorrow.
- The Legislation Formerly Known As HB 175 has been reincarnated as SJR 18 Joint Rules Resolution Creating a Government Oversight Committee. The committee makeup is the same as in HB 175 4th sub, and local government is still exempted. Instead of enacting a new section of code, the resolution enacts new joint rules for the Legislature.
- SB 234 (2nd Sub) Utah Inland Port Authority was placed on the House 3rd reading calendar and circled this morning.
- SB 189 (4th Sub) Small Wireless Facility Deployment Act should be released tomorrow.

Stay tuned tomorrow for action alerts on bills that need the #LeagueArmy's attention down the home stretch!

2 days to go!

Legislative Daily Recap– March 7, 2018

Legislative Advocacy

Welcome to the last day of the 2018 session! And it was an exciting one. Here are the highlights, including SB 361, SB 136, SB 189, HB 462, and HB 234.

- After another day of negotiations, we reached an agreement on HB 361 Billboard Amendments. The bill extends the timeline for initiating the eminent domain process from 90 days to 180 days. The bill then passed out of the Senate. Huge thanks to Sen. Weiler, Sen. Anderegg, Nate Sechrist, Brian Allen, Chantel Nate, Lynn Pace, Gary Crane, Shawn Guzman, Ryan

Loose, Evelyn Everton, Craig Peterson, Ryan Peterson, and Dave Spatafore for their efforts on this bill.

- The Senate concurred on House amendments to SB 189 Small Wireless Facility Deployment Act.
- After the Senate refused to concur with House amendments on SB 136 (5th Sub) Transportation Governance Amendments, it was sent to a conference committee at 7:00 tonight. After the conference, the bill was returned to the House and the 6th Sub was passed by a vote of 40-32. Here are the key changes, thanks to LaNiece Davenport of WFRC:

1. Beginning July 1, 2019, allows counties with (or planning to have) transit service to impose a new 0.20% local option sales tax specifically for transit capital projects or service. The option to impose this 0.20% expires June 30, 2023.
2. The revenues generated from the alternative fuel vehicle registration fee increases will be used to fund electric vehicle infrastructure.
3. Transfers approximately $5M per year -- which will grow over time -- into the new state Transit TIF account for statewide transit capital projects.
4. Creates a new Transportation and Tax Review Task Force, with appointees from the House, Senate and Governor. The Task Force will review transportation taxes and governance structures, and also broader tax issues for the state.

5. Establishes a new process for the Salt Lake County of the First Class Highway Projects Fund, where a committee will review and recommend prioritization of projects to the County.

- SB 234 Utah Inland Port Authority was placed on the House 3rd reading calendar and circled this morning. Late tonight, it was substituted, passed by the House, and the Senate concurred in short order.

1 day to go!

Legislative Daily Recap–March 8, 2018

Legislative Advocacy

Looks like we made it! Thanks to all our members and to the extended League family for the great work done on behalf of local government over the past 45 days. We will get to work on a comprehensive wrap-up, but we wanted to share a few highlights from today.

- SB 218 Container Regulation Act

Late tonight we trashed this bill, which was a statewide pre-emption of any local ordinance regulating disposable containers. Huge thanks to Rep. Quinn, Rep. Poulson, Rep. Potter, and Rep. Wilde for their amazing floor speeches on behalf of local government -- THANK YOU! This bill was defeated by a vote of 59-14, a pretty good showing if we do say so ourselves.

- HB 259 (2nd Sub) Moderate Income Housing Amendments

We were happy to see Rep. Wilde's HB 259 make it out of the Senate tonight. This bill is a good step toward addressing the affordable housing gap in Utah and we were pleased to work with Rep. Wilde on it over the session.

- SB 235 (6th Sub) Homeless Shelter Funding Amendments

Sen. Davis's SB 235 (6th Sub) was presented by Rep. Eliason in the House today and passed. The bill caps the amount any city will pay into the fund at $200,000 and allows a city to pay the assessment with RDA/CRA funds.

THANK YOU AND GOODNIGHT!

Friday Facts

Friday Facts–January 26, 2018

Hello folks,
One week down from the 2018 legislative session and six weeks to go. The opening week is always packed because of Local Officials' Day. Fun fact: your correspondent attended Local Officials' Day as a member of the Murray City Youth Government. We increased our attendance by 7% over last year and we appreciate your attendance. Today's email will spotlight LOD—including a survey for your feedback—and will provide a legislative update for today, preview Monday's LPC, promote upcoming Wasatch Choice 2050 workshops, upcoming training opportunities, and more. See you on Monday at LPC!

One last note before you dig into this week's Friday Facts. On Thursday, KSL radio will highlight the League in its Zions Bank "Speaking On Business" radio program. Click here to learn more and to see the schedule of when it will air, and on which stations.

Legislative Advocacy

There was no sign of casual Friday on the Hill today. We saw plenty of action with the convening of both the House Government Operations Committee and the House Political Subdivisions Committee. The highlights:

H.B. 72 (Communications of Governmental Entity Employees and Officers) passed favorably out of committee with an amendment. Over the course of the week, Rep. Fawson was very receptive to feedback from ULCT and others and agreed to make changes to Title 20A-11-12 (Political Activities of Public Entities Act) instead of GRAMA. The bill now states that an email sent in violation of the act, as determined by the entity's record officer, is subject to GRAMA. We appreciate all of the feedback we have received on this issue.

H.B. 113 (Candidate Filing Amendments) also passed out of Government Operations. This bill allows an individual under certain conditions (such as a member of the military who is out of the country) to file a declaration of candidacy through a designated agent.

H.B. 168 (Political Subdivision Lien Authority) made it favorably out of Political Subdivisions. ULCT worked on this bill with the expert help of the Utah Association of Special Districts and UAC, and we owe another big thanks to

Mark Stratford, assistant attorney in Ogden, for testifying on this bill.

H.B. 185, Rep. Greene's Open and Public Meeting Amendments, was held in committee. This bill proposes that conversation between members of a three-member public body does not constitute a "meeting" under OPMA if they don't take or attempt to take binding action on something.

Finally, Sen. Henderson's S.B. 28(sub) and S.B. 29 passed out of committee. This pair of bills requires the lieutenant governor to create a registry of government entities and limited purpose entities, as well as expands the auditor's enforcement powers over entities that do not comply. ULCT again worked with the Utah Association of Special Districts on amendments, and thanks Sen. Henderson for her continued work with us on these bills.

LPC
Don't forget that we will not have our daily operations call on Monday because we will convene for LPC at noon in the House building, room 30. Click here for the agenda and webcast instructions. Check the voting roster and sign in by 12:15 to vote. If you are attending electronically, make sure to use the chat function in order to vote. You can review the LPC procedures here.

Friday Facts–February 2, 2018

Hello folks,
Happy Groundhog Day! Six more weeks of winter remain according to Punxsutawney Phil, but only five more weeks remain of the legislative session. Your correspondent had a wonderful and life changing week while Team ULCT had a busy week on the Hill. This week's email recap legislative activity at the Capitol, will announce LPC on Monday, tell about the upcoming NLC conference, share the February Director's message about upholding local authority at the Capitol, highlight upcoming events and trainings (including those by our partners), and spotlight the Local Officials Day photo album and news stories about cities. Before you move on to the rest of the email, take a second and listen to the KSL-Zions Bank Speaking on Business feature about ULCT.

Legislative Advocacy

The League Army covered a lot of territory today:

S.B. 83 State Real Property Amendments passed out of Senate Gov Ops today

with 3 yeas, 0 nays, and 5 absents. Thank you to Gary Crane for working on this bill and testifying today.

H.B. 226 Citation Authority Amendments passed favorably out of House Gov Ops today. Much thanks to Ogden Assistant City Attorney Mark Stratford and Sandy's Deputy Mayor Evelyn Everton for their testimony on this bill.

S.B. 102 Tinted Vehicle Window Amendments was heard today in the Senate Business and Labor Committee. This bill would allow for darker tint on the front side windows of a vehicle. ULCT analyst Brandon Smith testified against the bill, along with Colonel Michael Rapich of the Utah Highway Patrol, expressing concern for officer safety. After considerable discussion, the committee eventually passed the bill with a four to three vote.

H.B. 79 Private Attorney General Doctrine was considered in the House Judiciary Committee today. ULCT analyst Karson Eilers and Summit County Deputy Attorney Jami Brackin spoke against this legislation. Karson argued that private entities should not be appointed to represent the public (albeit symbolically), by a non-legislative body. After some brief discussion, the committee passed the bill out unanimously as expected.

LPC

We will be holding our next LPC meeting on Monday, February 5. We wanted to note that we will be discussing S.B. 136 Transportation Governance Amendments in addition to a number of other important pieces of legislation. Thank you to all who attended and participated this past Monday. You can review the minutes of that meeting here. We have updated the LPC roster, and look forward to your participation. As always, you can attend LPC via the web. Click here to log in, and please remember that we need your First Name, Last Name, and Organization. Additionally we now need to know if you are a Voting Member ("V"), or a Non-Voting Member ("NV").

National League of Cities

Finally, ULCT President, Beth Holbrook, will be attending the National League of Cities (NLC) State Municipal League Executive Directors and President's Fly-In next week. NLC is a great resource, and we are thrilled to have Beth representing ULCT at the convention to participate in the important national discussions that have an impact on our cities and towns.

Friday Facts–February 9, 2018

Hello everyone,
The opening ceremonies in South Korea happened—or did they?—and the Olympic challenge of the state legislative session is now 19/45 over. Who's counting? In addition to our efforts at the capitol, ULCT President Beth Holbrook represented cities and towns in DC at the NLC fly-in at the capitol (see the Spotlight). Today's email will update you on today's legislative happenings, announce our upcoming Midyear Conference, remind you of Monday's Board of Directors meeting and Legislative Policy Committee, and more.

Legislative Advocacy

Senate Government Operations
Two House bills found their way through Senate Government Operations today.

H.B. 113 Candidate Filing Amendments -- This bill allows a person to file their candidacy for office electronically under specific conditions. The county clerks association and the Lieutenant Governor's office testified in support of this bill in the House committee.

H.B. 72 Sub 2 Communications of Governmental Entities and Employees passed out with no discussion. Just as a reminder, this bill states that if a government employee uses his or her government email for a non-work-related political purpose, to advocate for or against a ballot proposition, or to solicit a campaign contribution, those records are subject to disclosure pursuant to GRAMA.

House Law Enforcement and Criminal Justice

Rep. McCay's H.B. 265 Body Camera Amendments was heard and passed out of the House Law Enforcement and Criminal Justice today. After talking with Rep. McCay this morning, we confirmed that the intent of the bill is to ensure that when agencies use services like Tazer for video storage, those third-party services do not own the record. We offered a clarification on "ownership" that Rep. McCay is considering.

House Transportation

Sen. Harper's S.B. 55 Motor Vehicle Amendments passed out of the House Transportation Committee today. This bill provides that a person who receives a citation for failure to display proper license plate decals must receive a fine waiver if he or she can show that the vehicle was properly registered at the

time of the citation. Thank you to Sen. Harper for inserting an amendment to this bill at our request requiring the individual to show proof of proper registration within 21 business days of the citation.

LPC
Reminder that we will hold LPC on Monday at Noon in Room W30 of the House Building at the State Capitol Complex. Please take some time to review the agenda, last meetings minutes, and the LPC Roster.

As always, we will be broadcasting LPC via the web. Join the Meeting. As a reminder, we are asking for more information when you sign into the meeting, including your First name, Last name, Organization, and whether you are a Voting (V), or Non-Voting (NV) member of LPC. Everyone, regardless of voting status should select the "Guest" box when signing in. Below are some examples.

ex. - Mike Hanson, Pickleville, NV
ex. - Andrea Hemsley, Ophir, V

We look forward to seeing you Monday at LPC!

Friday Facts–February 16, 2018

Hello everyone,
Your ULCT leg team feels like we've finished a skeleton race, so Washington and Lincoln Day weekend comes at a perfect time. This week's email will highlight the HB 175 talking points, next week's Wednesday Webchat on bills, and more.

First, check out the talking points on HB 175. The talking points are jointly sponsored by the Utah League of Cities and Towns, the Utah Association of Counties, the Utah Association of Special Districts, and the Utah School Boards Association. Your correspondent will be on Channel 4's Inside Utah Politics on Sunday at 8 am in part to talk about HB 175. Please talk to your Representatives this weekend because the bill could be heard on the House floor next week.

Second, remember that we do not have LPC on Monday because of the holiday. Instead, your leg team will host a Wednesday Webchat at 12:15 on Facebook Live on our Facebook page. Tune in to ask questions and get an update on legislation. It is not an LPC so we will not take votes.

Legislative Advocacy

Legislative Information
To make us really appreciate the three-day weekend, today's afternoon committee schedule was stacked.

H.B. 361 Billboard Amendments was heard in the House Transportation Committee. This bill adopts the eminent domain process as the process to condemn a billboard. Layton City Attorney Gary Crane testified on behalf of the League, expressing agreement that cities need a mechanism for compensating a billboard owner if the city does not want to allow the owner to relocate it, but eminent domain is the wrong process and not in the best interest of either municipalities or billboard owners. He also pointed out that there is a small change to the bill that has major consequences. Taking out the word "structural" actually opens up the option for billboard companies unilaterally to replace a regular billboard with a lighted or digital billboard. Rep. Westwood suggested that before the bill goes to the floor, some additional work needs to be done with the sponsor and stakeholders. The bill passed out unanimously, as expected, but you can be sure that we will continue to work on it.

H.B. 303 Drinking Water Source Sizing Requirements, was pulled from this afternoon's House Natural Resources Committee agenda after another day of talks and negotiations among ULCT and other stakeholders. Nonetheless, the committee considered two other water bills this evening.

H.B. 135 Extraterritorial Jurisdiction Amendments: Rep. Noel presented the second substitute of the bill as a way to relieve Salt Lake City of their extraterritorial jurisdiction, in which he characterizes Salt Lake City as being in "way over their heads." Rep. Noel addressed the creation of a permissible $1 charge for all retail water customers, of which 50 cents would be spent on statewide water infrastructure projects, and Rep. Briscoe clarified that the funds would go to developing the Bear River and Lake Powell pipeline. Rep. Noel also brought up the idea of a constitutional amendment that would allow communities like Millcreek to own their water rights instead of entering agreements with Salt Lake City for surplus water. ULCT Senior Advisor John Hiskey testified on behalf of the League in support of the Executive Water Task Force's recommendation to send this proposal to interim committee for further study. After public comment, Rep. Noel proposed an amendment to change the $1 fee allocation so that the local jurisdiction retains 75 cents and the remaining 25 cents would go to the Drinking Water Expendable Special

Revenue Fund. This amendment was in response to public comment expressing opposition to money going to the Lake Powell and Bear River development projects. Rep. Briscoe made a motion to hold the bill based on the complexity of the legislation and the need for further study. A substitute motion was made to recommend the bill, which failed 7-5. The motion to hold the bill then passed unanimously. We are likely to see this one considered in committee again soon.

H.B. 124 Water Holdings Accountability and Transparency Amendments: Rep. Coleman lightened the mood by cracking the joke that "friends don't let friends run water bills." The hearing quickly turned more serious as Rep. Coleman explained that her bill is intended to make more data regarding extraterritorial water service available to the public as people outside a city's boundaries who are served by that city are disenfranchised and discriminated against. Senior Advisor John Hiskey testified on behalf of the League based on a letter from Roosevelt City Manager Ryan Snow. Mr. Snow had expressed concern that while Roosevelt is committed to transparency, the requirements in this bill would be impossible for his city to meet because of the complexity of their water system. Similar concerns were echoed by the office of the State Engineer. Lynn Pace also testified in support of the Executive Water Task Force's recommendation to study this very complex issue. Rep. Sandall moved to hold the bill for lack of information on how it would affect his constituents. Rep. Noel made a substitute motion to pass the bill out favorably, which failed. The underlying motion to hold then passed unanimously.

Friday Facts–February 23, 2018

Hello everyone,
The closing ceremonies of the 2018 Winter Olympics are less than two days away while the closing ceremonies of the 2018 legislative session are less than two weeks away. Team ULCT has lit the fire within this session. The Lazarus legislation, otherwise known as HB 175, has now returned from the dead twice. Not even Lazarus did that! Meanwhile, HB 175 is one of the 276 bills that Team ULCT is tracking—yes, you read that number correctly—and just this morning during the 8:00 am committee time, Team ULCT monitored 23 bills that impacted local government. It was officially just a four day week, but it sure felt like more!

Today's email will announce Monday's critical LPC, update you on today's legislative activity, spotlight the upcoming National League of Cities convention in Washington, D.C., and link to upcoming events and trainings.

LPC
Please join us at LPC on Monday at noon in House W030! We have plenty to discuss and you can see the minutes from February 12 and the agenda here. If you are attending online please click here, and remember to enter you First and Last name, Organization, and whether you are a Voting or Non-voting member. Meanwhile, Park City Mayor Andy Beerman and Heber City Mayor Kelleen Potter invite all new mayors who were elected to their first term in 2017 to join them at 11:00 am at the capitol. Email Abby Bolic at abolic@ulct.org for more information.

Legislative Advocacy
H.B. 203 Sub. 1 Nighttime Highway Construction Noise Amendments: Rep. Christofferson presented this substitute bill in the House Transportation Committee this morning. The substitute added language regarding what activities are prohibited at a gravel pit between the hours of 7 p.m. and 7 a.m. However, the bill also states that a local jurisdiction must issue a nighttime permit if the applicant shows that the permitted activities are "directly related to and necessary" for a nighttime highway construction project. Grantsville Mayor Brent Marshall and Perry City Attorney Craig Hall Sr. testified on the cities' concerns regarding the mandatory issuance of a permit for nighttime activities and the effect on their residents' quality of life. Some committee members also expressed concerns with the bill, and encouraged continued dialogue and modifications to the text. ULCT, in conjunction with UAC, will continue pushing back on this bill's one-size-fits-all approach.

H.B. 248 Sub. 1 Compensatory Service in Lieu of Fine Amendments: As you may recall, Rep. King first presented this bill in House Law Enforcement a few weeks ago, and the committee held the bill based on concerns including removal of judicial discretion, increase in administrative costs for cities, and loss of surcharge revenue. Rep. King presented an amended bill today, which now states that a judge shall consider ordering compensatory service in lieu of a fine for a defendant convicted of an infraction or misdemeanor. It also adds requirements for how a defendant must report the service, and states that it is a class B misdemeanor if the reporting is falsified. This is a much better bill, though there are remaining concerns regarding the fiscal impacts. Layton City

Attorney Gary Crane and ULCT's Brandon Smith testified to these concerns, which were echoed by several committee members. The committee passed the bill out favorably with instruction to the sponsor to continue working on the fiscal impacts.

House Law Enforcement also heard a substitute for H.B. 83 Forcible Entry and Warrants Amendments from Rep. Roberts. This bill is vastly improved from the original version and passed out of committee favorably.

Senate Economic Development and Workforce Services heard two competing bills on plastic bags and disposable containers today: S.B. 192 Retail Bag Impact Reduction Program (Sen. Iwamoto) and S.B. 218 Container Regulation Act (Sen. Buxton). The committee determined to send Sen. Iwamoto's bill to interim, but passed out Sen. Buxton's bill. ULCT will continue to work on this bill, which prohibits local entities from regulating or imposing a fee on a disposable container. This is clear overreach into local government's affairs and ULCT will continue to work on it.

In Water World today, the House Natural Resources passed out H.B. 303 Drinking Water Source Sizing Requirements (Rep. Sandall). Much credit goes to Ogden Assistant City Attorney Mark Stratford for the numerous hours of work he has put into this, along with St. George City Attorney Shawn Guzman. House Natural Resources also considered H.J.R. 15 Proposal to Amend Utah Constitution – Municipal Water Amendment (Rep. Stratton). After a great deal of negative testimony, the resolution was held in committee to give interested parties more time to dialogue.

Friday Facts–March 3, 2018

Hello everyone,
Today was the final Friday of the 2018 legislative session! You may think of March madness in just the basketball context, but our March madness will end at midnight next Thursday. We will meet on Monday for the last LPC, so make sure to join us in person or online. Today's email will brief you on today's legislative news, Spotlight the March Director's Message, and outline other happenings.

Legislative Advocacy

S.B. 234 Utah Inland Port Authority
Sen. Jerry Stevenson presented this bill in Senate Economic Development and Workforce Services this morning. The bill would create the Utah Inland Port Authority which would be a new political subdivision to oversee the development of a potential inland port in the northwest quadrant of Salt Lake City. The bill as currently drafted would create a 9 member governing board (3 of which Salt Lake City would appoint), would dedicate 5% of the future tax increment to the authority, and would create a new appeals body and process for administrative land use actions in the authority area. ULCT's Cameron Diehl coordinated with Salt Lake Mayor Jackie Biskupski and Council Chair Erin Mendenhall on their public comments which expressed concerns that the current draft reduced local land use and taxing authority. Sen. Stevenson pledged to continue the dialogue and the committee passed the bill unanimously.

H.B. 226 Citation Authority Amendments
Rep. Christofferson presented this bill in Senate Government Operations and Political Subdivisions this morning. The bill clarifies last year's S.B. 241, and states that special function officers and animal control officers may issue citations for criminal violations if the health and safety of the public or an animal is at risk. Note that there will be a third substitute to the bill, which cleans up the language and also includes fire service officers.

S.B. 154 Prohibition of Law Enforcement Quotas
Sen. Stephenson presented this bill in House Law Enforcement this morning. A third substitute of the bill was adopted, which represents the language approved by the Association of Police Chiefs. It makes clear that "quotas" do not include requiring officers to make a certain number of contacts per shift.

In House floor news, after unfruitful negotiations, H.B. 361 Billboard Amendments was uncircled and passed out of the House by a 60-9 vote and will now move to the Senate Economic Development committee. We are strongly opposed to this bill and thank those legislators who voted against it.

LPC
Join us Monday at Noon in W030 of the House Building for the final LPC meeting of the 2018 Legislative Session. There are still a number of important issues being addressed, and we look forward to updating you, and hearing your input. Click here see the minutes and materials from the previous LPC and see the agenda for Monday's meeting. If you are attending online remember full name, organization, and if you are a voting or non-voting member.

Friday Facts– March 9, 2018

Hello Everyone,
Happy New Year! You may have celebrated 2018 on January 1, but the ULCT legislative team celebrates the new year on the day after the session ends. Your legislative team—Rachel Otto, Roger Tew, John Hiskey, Brandon Smith, Karson Eilers, and your correspondent—ate, drank, and slept politics for the past 46 days. We tracked 300 bills and resolutions that impacted local government and fought for local authority on legislation up until midnight last night. Your correspondent thanks them and thanks our "extended family" of elected officials, attorneys, managers, and other city leaders who joined us on Capitol Hill throughout the session. Thank you all!

This week's email will outline final legislative happenings (including on SB 234), ULCT legislative advocacy resources for you, next week's National League of Cities conference, grant opportunities, upcoming conferences, and more.

Legislative Advocacy

Legislative update:
Late Wednesday night, the legislature substituted and, after only minutes of deliberation, passed SB 234 Inland Port Authority fourth substitute. The fourth substitute violates core local government principles of local control over property tax increment and land use as unanimously adopted by the ULCT membership at our 2017 convention here.

For the past few months, SLC representatives asked for space to negotiate SB 234 with legislative leadership. Alas, legislative leadership did not share the fourth substitute with Salt Lake City representatives or with ULCT prior to introducing the bill and passing it. Your correspondent referenced ULCT concerns with the bill on several occasions including at our LPC meeting on February 5 (see materials here) and on March 5 (see materials here). The differences between the March 5 version and the March 7 version are drastic.

March 5 2nd Sub: 19,000ish acres (all in SLC), a 9 member port authority board (3 of which are from SLC including the mayor), administrative land use appeals to the board with standards that are incompatible with LUDMA (Land Use Development and Management Act) and the port authority will take 2% of the future tax increment.

March 7 4th Sub: 22,000ish acres (SLC, WVC, Magna), an 11 member port authority board (2 of which are from SLC excluding the mayor), administrative land use appeals to the board with standards that are incompatible with LUDMA, and the port authority will take 100% of the future tax increment

Since the bill's passage, the ULCT staff and executive board members have met several times with the Governor's staff to oppose the bill and urge a veto. Salt Lake City will also seek a veto. ULCT urges you to also contact the Governor at 801-538-1000 and articulate your concerns about the preemption of local control.

What comes next:

In the days and weeks to come, Team ULCT will create resources for you so that you can both update your ordinances AND advocate for local control with legislators and candidates. We will outline all of the bills which passed, legislative trends, and the ULCT efforts on each bill. We expect a slew of legislative retirements in the next few days—already more than a dozen have been announced—so it will be critical for you in March and April to build relationships with legislators and candidates so that they understand and value the important role of local government.

Committee Agendas

Committee Agendas–February 23, 2018

Hello everyone,
HB 175 Government Oversight Committee - Update

We wanted to inform you that Rep. Stratton's HB 175 Government Oversight Committee bill was brought back to the House floor for consideration, and is now circled (meaning they are not currently debating it). We had heard this might take place, and have been watching for it. We are currently monitoring it, and will keep you informed of any further developments.

Agendas and Bill Tracking
Here are the committee agendas for tomorrow, as well as a link to our bill tracking page.

Committee Agendas–February 26, 2018

Hello everyone,

LPC
Please join us at LPC on Monday at noon in House W030! We have plenty to discuss and you can see the minutes from February 12 and the agenda here. If you are attending online please click here, and remember to enter you First and Last name, Organization, and whether you are a Voting or Non-voting member.

Meanwhile, Park City Mayor Andy Beerman and Heber City Mayor Kelleen Potter invite all new mayors who were elected to their first term in 2017 to join them at 11:00 am at the capitol. Email Abby Bolic at abolic@ulct.org for more information.

The County Seat
Please follow this link to watch ULCT's Executive Director Cameron Diehl, and the Utah Association of Counties CEO, Adam Trupp as they sit down with The County Seat's Chad Booth to discuss the implications of Rep. Eliason's HB 175 Government Oversight Committee bill.

Committee Agendas and Bill Tracking
Finally, below are the committee agendas for tomorrow, as well as a link to our bill tracking page.