

Utah League of Cities and Towns

Legislative Policy Committee

February 18, 2020

#citieswork

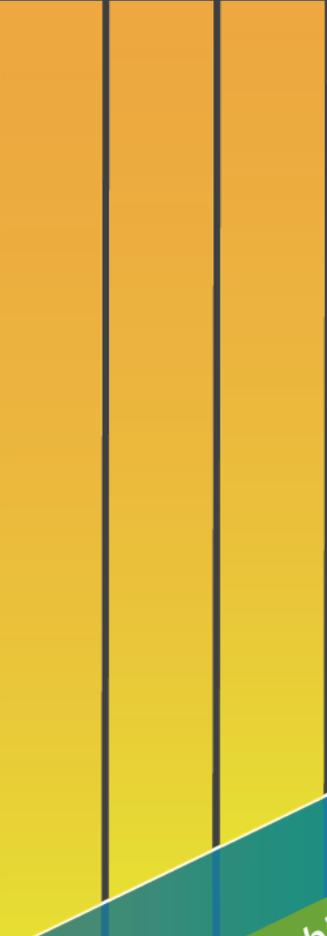
Half-way mark of Session!



Feb. 18 Agenda



- Storm water
- Tax reform: SCR 6
- Preemption/Unfunded mandates: HB 271, HB 273
- Other legislation: Public property, econ. dev., law enforcement, misc.
- Litigation: Inland port, transportation utility fees
- Other issues from membership
- Ratification of staff recommendations



**U
CT**
**POLICY
PRISM**

1 Does the bill respect the traditional role of local government?

2 Is the bill a one-size-fits all approach or does it respect that every city is unique?

3 Will the bill result in an unfunded or unworkable mandate on cities?

VALUE PILLARS

**RE
SPECT**

**OUT
COMES**

**COL
LAB
ORA
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HB 226 Storm Water Permitting Amendments

- Clean Water Act: control pollutants in waters of the U.S., including stormwater
- DEQ: Municipal Separate Storm Sewer System (MS4s)
- 5 month process
 - DEQ
 - Homebuilders
 - League
 - Engineers
- HB 226(01): Prohibits any municipality from issuing or requiring post construction containment. Requires DEQ to complete a study on the impacts of stormwater from subdivisions on impaired systems.



SCR 6 Study of Local Option Sales Tax



- First substitute adopted

Utah Association of Counties and ULCT will provide the Legislature with information regarding the impact of e-commerce and the point of sale associated with the various local option sales and use tax rates and possible changes to the distribution formulas.

HB 271 Firearms preemption

- State law already preempts city authority to regulate firearms unless the legislature specifically grants us permission
 - Police stations/jails (secure areas)
 - Mental health facilities
 - Airports
 - Discharge in city limits

Why do we care?

- ***If a city violates HB 271, then liable for:***
 - ***Treble actual damages***
 - ***Reasonable attorney fees***
 - ***\$500 per day fine***
 - ***No public \$ to defend the city***
 - ***Removal from office***
- Similar penalties in other states



HB 273 Property Rights Ombudsman Amendments

If a municipality and property owner seek an advisory opinion from the PRO → the same dispute is subsequently litigated
→ the judge's decision agrees with the PRO
→ the prevailing party receives **compensatory damages**

Why do we care?

- **Threat of significant damages hangs over each land use decision**
- **Erodes government immunity**
- **PRO no longer neutral, advisory**
- **Does not address concern of regulatory speed/cost**

HB 273 Property Rights Ombudsman Amendments

HB 273

- Referred this morning by the House Political Subdivisions Committee to the House Business and Labor Committee

Members of the House Business and Labor Committee

Rep. Jim Dunnigan (Chair)	Rep. Tim Hawkes	Rep. Marc Roberts
Rep. Cory Maloy (Vice Chair)	Rep. Brian King	Rep. Mike Schultz
Rep. Brady Brammer	Rep. Mike McKell	Rep. Casey Snider
Rep. Sue Duckworth	Rep. Calvin Musselman	Rep. Mark Wheatley
Rep. Craig Hall	Rep. Tim Quinn	Rep. Mike Winder



HB 98 Offenses Against the Administration of Government Amendments

- Extension of 2019 legislation responding to UFA audit
- Modifies criminal elements of misuse of public money
- Criminal penalties if a public servant knowingly engages in misconduct related to public property
- Criminal penalties based on value or repair cost of public property
- Creates an exemption for de minimis personal use of public property

Economic development legislation



1st Sub. SB 95 Economic Development Amendments

- Rural County Grant Program
- County Economic Development Advisory Board

HB 299 Opportunity Zone Enhancements

- Air Quality
- Affordable Housing
- Parking Structures

RDA



Law enforcement legislation

- UCA/911
- Body cameras
- DNA

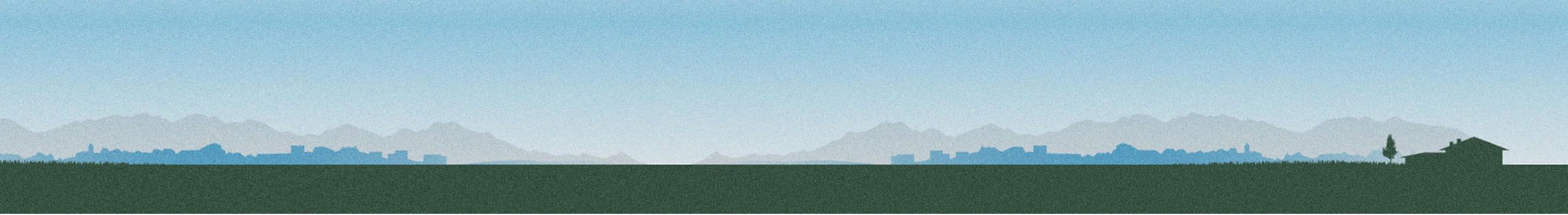
Other bills of note

SB 129 S.B. 129 Metro Township Amendments

- Telecommunications tax for MT
- Oppose extending city tax authority to non-cities
- ULCT Board seeking volunteers from cities in SL County to work with MT in 2020 for 2021 bill

1st Sub. S.B. 51 Secondary Water Requirements

H.B. 190 Local Government Cooperation Contracts



Litigation: Legislation & Updates



Inland port legislation (HB 347, SB 112)



HB 347 (Rep. Gibson)

- Land use authority
- Property tax increment
- Board membership
- Mitigation/sustainability

SB 112 (Sen. Escamilla)

- Mitigation fund on adjacent communities
- Minimum standards
 - Waste, hazardous materials, storm water, dust
- SLC School District representative

Inland port legislation (HB 347)

Land use

- Land use authority restored to city to approve/deny each application
- Land use appeal authority restored to city for appeal of an inland port use appeal decision
- Property owners vested as of Dec. 31, 2018 according to city regulations for 40 years

Property tax

- 2019-2044: 75% of property tax differential to port authority and 25% of property tax for the city to provide services
- Port authority no longer reimburses the city for services and city no longer charges IPA
- Differential does not apply to property substantially developed before Dec. 1, 2018 and on a list that SLC provides by Apr. 1, 2020

Inland port legislation (HB 347)

Board membership

- Still 11
- SLC Airport rep. becomes SLC Mayor
- UDOT becomes Magna Mayor
- 2 Gubernatorial appointments become one statewide econ. dev. expert and one int'l trade expert

Mitigation

- Encourage use of renewable energy
- Use project \$ to mitigate pollution (air, water, noise, light, traffic)
- Encourage zero emissions
- Promote UT as global center for sustainable supply chain

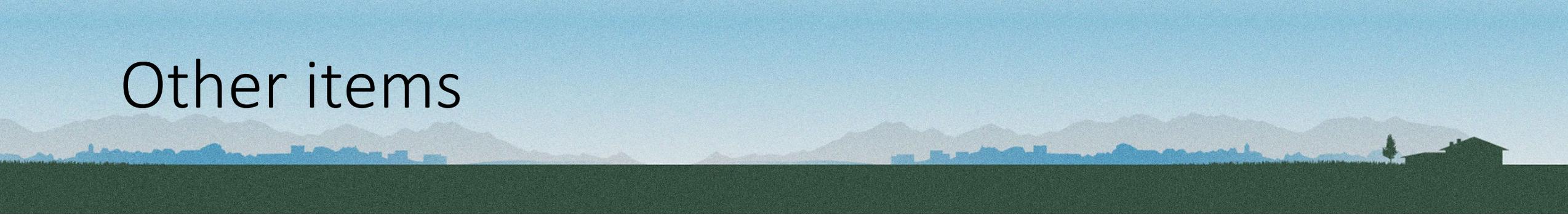


Transportation Utility Fee litigation (Feb 12)

- Fee: reasonably related to services provided, benefits received, or the need created by those who pay it
 - 1) Fee for service or benefit
 - 2) Fee to cover cost of regulation
- Tax: general gov't purposes
- Previous case law: no set list of what services are specific v. general

- Holding: cities have the authority to impose a TUF, but... Pleasant Grove's TUF = tax, not fee
- Benefit of a road system is *general* rather than *specific*; benefits both individual fee payer **AND** other users regardless of their residency
 - Impact on other city fees?
- Court called on legislature to clarify
 - Pleasant Grove has 30 days to appeal

Other items



Other legislative issues or items?

Contact us anytime through midnight on Mar. 12!

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See you at next LPC, Feb. 24 @ noon

