

**Utah League of Cities and Towns**  
**Legislative Policy Committee Minutes – March 9, 2020, 12:00 p.m.**  
**Utah State Capitol – Senate Building Room 210 (and Zoom webcast)**

1. Welcome, introductions, logistics, and adoption of March 2, 2020 minutes
  - ULCT 1<sup>st</sup> Vice President Mayor Mike Caldwell welcomed the LPC into session and the body voted to adopt the draft minutes from March 2, 2020
  
2. Legislative items:
  - a. Homeless legislation:
    - ULCT Director of Government Relations, Victoria Ashby, briefed the LPC on the five bills affecting governance of services for individuals experiencing homelessness.
      - i. H.B. 394 Homeless and Transitional Housing Program Amendments
        - H.B. 394 would create the position of a Homeless Director (often referred to as a Homeless Czar) that would coordinate and prioritize funding for homeless services with recommendations from the current State Homelessness Coordinating Committee (SHCC). Currently, the SHCC has the Mayors from the cities who have shelters in their respective jurisdictions. The bill would remove the SHCC's authority to make decisions and remove executive branch appointees from the committee. Several stakeholders have sought to meet on the bill. Victoria stated that she wasn't sure if the stakeholders intended to amend the bill. Last week ULCT voted to oppose the bill and because it had not yet been substituted, staff recommended ULCT continue to oppose it.
      - ii. S.B. 244 Homeless Shelter and Services Sharing Amendments
        - S.B. 244 had some criminal penalties for services providers who did not share data. Victoria explained that the bill sponsor, Senator Anderegg, agreed to remove those provisions. Now the bill would require the Director of Housing and Community Development to oversee the Homeless Management Information System (HMIS). The director may not approve funding for a program that doesn't agree to collect and share HMIS data with homeless services. The bill also appropriates \$1.5m to cover the cost of the program.
      - iii. S.B. 165 Emergency Response Plans for Homelessness
        - S.B. 165 would direct the State Homeless Coordinating Committee to coordinate with COGs and develop nonbinding emergency response plans for homeless individuals, including: ensuring their basic needs are met during an emergency, facilitating access to emergency services, and providing outreach to the homeless community during an emergency.
      - iv. H.B. 440 Homeless Services Funding Amendments
        - H.B. 440 would split the proceeds of the sale of the Road Home shelter in Salt Lake City equally toward paying off the

\$17m loan and towards the Homeless-to-Housing program. The bill would also grant \$75,000 to study the governance of the state's homeless system.

v. H.B. 401 Homeless Resource Center Drug Free Zone

- H.B. 401 would make it a first-degree felony to produce, manufacture, dispense, or possess a controlled substance in or on the grounds of a homeless shelter that has the capacity to provide temporary shelter to at least 200 individuals per night in a county of the 1<sup>st</sup>/2<sup>nd</sup> class or 20 individuals in a county of the 3<sup>rd</sup> through 6<sup>th</sup> class.
- Salt Lake City Councilmember Andrew Johnston added that this bill concerns homeless service providers, since individuals with drug addiction may face additional criminal penalties.

b. Other bills:

i. H.B. 271 Firearm Preemption

- Victoria Ashby updated the LPC on the status of H.B. 271. The bill was amended and substituted but ULCT staff still recommended a position of opposition. The substitute still prohibits a local authority, including organizations or vendors they contract with, from enforcing ordinances or policies that inhibit the use of firearms on public or private property. The 1<sup>st</sup> substitute removed the fine assessed for violating the state preemption and includes language allowing recovery of actual damages, attorneys fees, and governmental immunity waiver. Victoria added that the bill is currently in Senate Rules.

ii. S.B. 214 Gambling Machine and Sweepstakes Amendments

- ULCT Senior Policy Advisor John Hiskey explained S.B. 214 to the LPC. Nathan Bracken who prosecutes for Kearns Metro Township helped Senator Mayne put the bill together. The bill contemplates changes to the gambling statute in several ways, including:
  - increasing the penalty for an individual convicted of a gambling offense;
  - making it unlawful for a person to derive economic benefit from a fringe gaming device;
  - authorizing a municipality and county to seize gambling debts, proceeds, or fringe gaming devices under certain circumstances; and
  - providing a cause of action for a person who suffers economic loss as a result of a fringe gaming device, video gaming device, or gambling device or record.
- Nathan Bracken added that there will be a friendly amendment to the bill, which was requested by the Attorney General's office.
- Layton City Attorney Gary Crane cautioned that a lot of lobbyists have been contracted to oppose S.B. 214 and encouraged LPC members to contact their legislators.

iii. S.B. 242 Raffle Amendments

- John Hiskey added that another, similar bill (S.B. 242)

appeared, which had some language nullifying the effects of S.B. 214. The bill was amended to remove the problematic language.

- iv. S.J.R. 9 Proposal to Amend Utah Constitution - Use of Tax Revenue and H.B. 357 - Public Education Funding Stabilization
  - ULCT Senior Policy Advisory Roger Tew Updated the LPC on the Tax reform discussions. Roger explained that the constitutional amendment contemplated in S.J.R. 9 didn't have a direct impact on municipal revenue streams but wanted to keep the LPC apprised of the ongoing tax reform discussions. S.J.R. would amend Article 13 of the Utah Constitution to allow revenue from intangible property and income taxes to be used "to support children and to support individuals with a disability." Roger added that a partner bill (H.B. 357) would give public education additional funding and flexibility on property tax.

### 3. Other legislative issues and questions from membership

- H.B. 273 – Property Rights Ombudsman Amendments
  - Victoria Ashby stated that the substitute version of the bill that the LPC voted to be neutral on had been adopted and that the bill was moving forward.
- Coronavirus
  - Victoria explained that the Governor may declare a state of emergency to access disaster funds in anticipation of COVID-19. Park City Attorney Margaret Plane asked if URS could create more rule flexibility for part-time employees in an emergency. Mayor Caldwell responded that it would be considered and ULCT would provide updates as they emerge.
- S.B. 39 – Affordable Housing Amendments
  - The legislature is looking at appropriating \$10m in one-time funds for affordable housing efforts. Dave Spatafore added that Provo City would be receiving \$2.9m in affordable housing funding in addition to S.B. 39.

### 4. Interim news

- LPC scheduling
  - Victoria Ashby asked the LPC if they had preferences for holding LPC outside of the session. She encouraged members to reach out to staff and share their thoughts.
- Victoria asked LPC members to keep an eye out for a prioritization survey since Staff wasn't anticipating any prevailing policy issues being driven by the legislature. She listed 27 possible items for study in the categories of land use, administration, water, tax, transportation, public safety and miscellaneous.
- Council Member Jewell Allen from Grantsville inquired about transportation utility fees. Pleasant Grove City Manager Scott Darrington explained that Sen. Henderson's bill was an attempt by Libertas to codify the court decision.

- ULCT Executive Director Cameron Diehl (remotely) explained that the Legislature punted on a number of big issues this year which partially explains the lengthy number of study items and that the Board would be re-examining the Land Use Task Force process.
- Mayor Kristie Overson of Taylorsville asked if the LPC had taken a position on S.B. 134. Roger Tew explained that the bill was tied to the success of a constitutional amendment. He added that none of the affected entities expressed concerns and he's unsure of how impactful it would be. Roger stated that the legislature is currently deciding how many constitutional amendments they want to offer to voters. Dave Spatafore clarified that the bill was on the 1<sup>st</sup> substitute, which excludes special service districts dealing with public safety. The 2<sup>nd</sup> substitute shifted from abatement to exemption. Cities/special districts could no longer remove themselves from the exemption. Dave Spatafore cautioned that if the bill passed and some cities removed themselves, townships would be left holding the tax burden.

5. Ratify staff recommendations

- The LPC voted to ratify staff recommendations.

6. Adjourn

- The LPC voted to adjourn