



Legislative Policy Committee

January 25, 2021



Agenda

Minutes

Session Engagement

Legislation

- Law Enforcement

- Land use

- Revenues

- Other Priorities

Ratify Staff Recommendations



Session Engagement

Key takeaways today

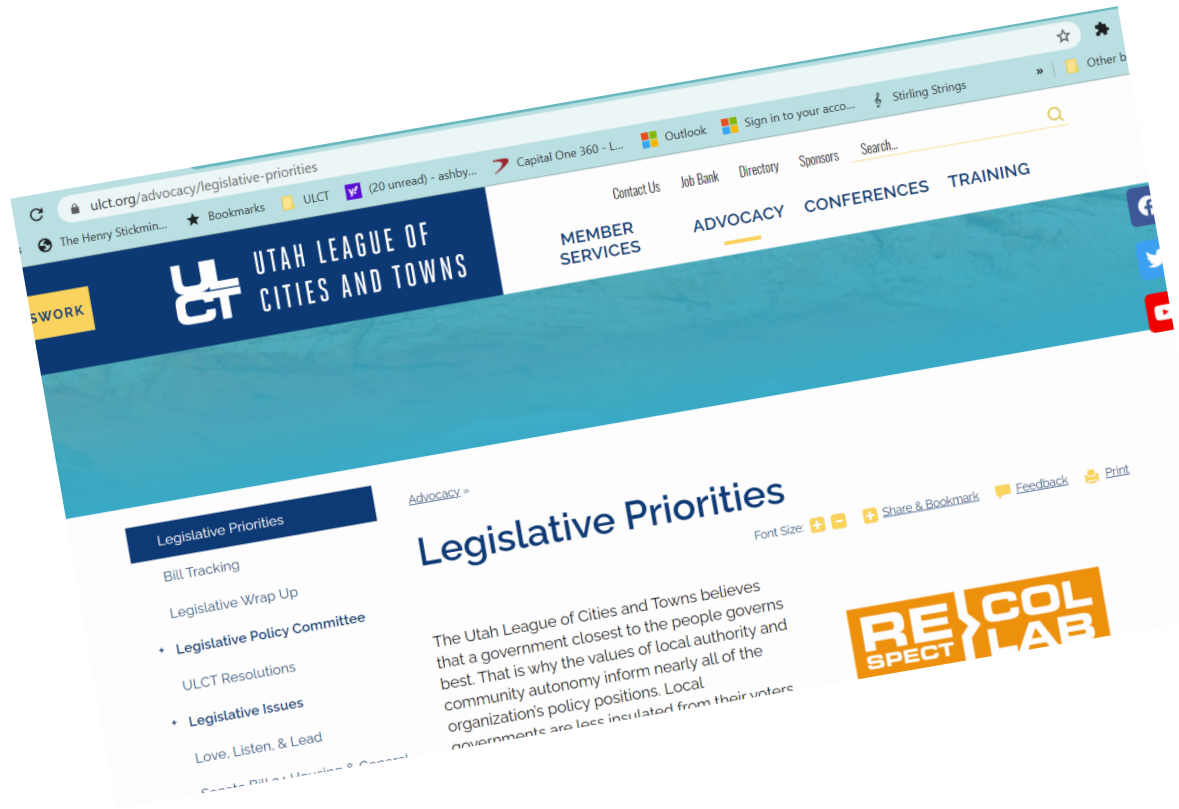
- 1) Ensure direct communication between your city and your legislator(s)
 - A) Call, text, email, social media, in-person
 - B) Thank them for the good and hold them accountable for the bad

- 2) Stay in touch with ULCT
 - A) Sign up for Friday Facts/daily email at ulct.org
 - B) Provide input via LPC, polls/surveys, fiscal note requests, and more
 - C) Respond immediately to ULCT action alerts ... your text will make a difference!
 - D) Share your political intel with us on any bill/topic at intern@ulct.org

- 3) Ring the alarm about bills that disrespect the role of local gov't & highlight potential partnership bills

#CITIESWORK

Advocacy Resources



<https://www.ulct.org/advocacy/legislative-priorities>

Find Your legislator

The screenshot shows the Utah Legislature website (le.utah.gov) in a web browser. A red banner at the top states: "The Capitol Complex is closed to the public due to COVID-19. All meetings will be held virtually online. View [procedures and guidelines \(PDF\)](#) for remote public comment and [virtual meeting instructions \(PDF\)](#)." Below the banner is a navigation bar with "Search", "Settings", and "Login". The main menu includes "Legislators", "Bills", "Code", "Committees", "Audits", "Budget", and "Research and Legal". The "Legislators" dropdown menu is open, showing three columns: "All Legislators", "House", and "Senate". In the "All Legislators" column, the "Find by Address/Map" option is highlighted with a red arrow. Other options in this column include "By Session (1896-Current)", "Alphabetical (Historical)", "Sessions", and "Reading Calendars". The "House" column includes "About the House", "Leadership", "Roster", "Seating Chart", "Conflict of Interest Forms", and "Past Floor Debates". The "Senate" column includes "About the Senate", "Leadership", "Roster", "Seating Chart", "Extraordinary Sessions", and "Past Floor Debates". The browser's address bar shows "le.utah.gov" and the Windows taskbar at the bottom displays the time as 10:33 AM on 12/11/2020.

Home | Utah Legislature

le.utah.gov

Apps Bookmarks ULCT (20 unread) - ashby... Capital One 360 - L... Outlook Sign in to your acco... Stirling Strings Work Other bookmarks

ⓘ The Capitol Complex is closed to the public due to [COVID-19](#). All meetings will be held virtually online. View [procedures and guidelines \(PDF\)](#) for remote public comment and [virtual meeting instructions \(PDF\)](#).

Search Settings Login

UTAH STATE LEGISLATURE

Legislators Bills Code Committees Audits Budget Research and Legal

All Legislators

By Session (1896-Current)

Alphabetical (Historical)

Find by Address/Map

Sessions

Reading Calendars

House

About the House

Leadership

Roster

Seating Chart

Conflict of Interest Forms

Past Floor Debates

Senate

About the Senate

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Extraordinary Sessions

Past Floor Debates

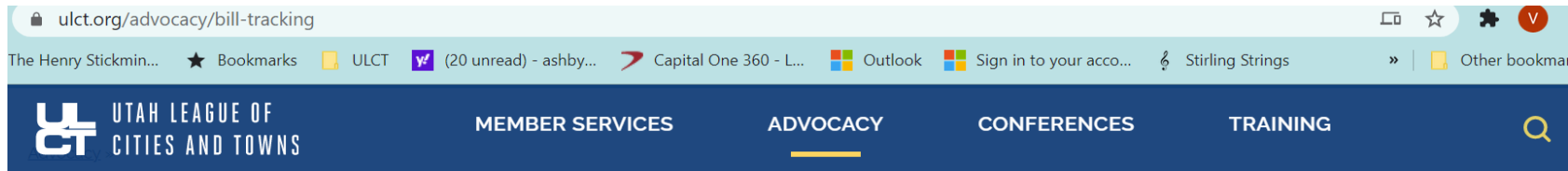
<https://le.utah.gov/GIS/findDistrict.jsp>

Type here to search

10:33 AM 12/11/2020

ULCT Bill Tracker

- <https://www.ulct.org/advocacy/bill-tracking>



Bill Tracking

Font Size: [+](#) [-](#) [Share & Bookmark](#) [Feedback](#) [Print](#)

Click the tracking filter to follow bills by priority as designated by ULCT.

SESSION	BILL	ACTION	STATUS
01/19/2021	HB0154 Use of Force Revisions	House/ 1st reading (Introduced)	In Progress
01/19/2021	HB0162 Peace Officer Training Amendments	House/ 1st reading (Introduced)	In Progress
01/19/2021	SB0061 Outdoor Advertising Amendments	Senate/ to standing committee	In Progress
01/19/2021	SB0013 Law Enforcement Internal Investigation Requirements	Senate/ to standing committee	In Progress
01/19/2021	HB0098 Local Government Building Regulation Amendments	House/ 1st reading (Introduced)	In Progress



LPC Coordination/Legislation

LPC Member Coordination

- Review LPC agenda
- Text/Email
- Consensus = 60% of attendees (no consensus = no position)
- Positions: support, oppose, neutral; can direct staff to engage on A but hold firm on B.

City/Town Initiated Legislation

- Notify League Staff
 - Wayne Bradshaw: wbradshaw@ulct.org
 - Victoria Ashby: vashby@ulct.org
 - Karson Eilers: keilers@ulct.org

Remote LPC Voting

For casting **official** votes on positions (LPC voting members only):

<https://www.vvoter.com/connect/351199652>

Zoom polling may be used to gather informal policy information.

Public Comment: Committee Meetings

- Go to the committee's webpage
- Approximately 15 minutes before the meeting is scheduled to begin, click "Virtual Meeting Access"

UTAH STATE LEGISLATURE

Legislators Bills Code **Committees** Audits Budget Research and Legal

2020 Retirement and Independent Entities Interim Committee

Meetings Members Legislation Overview Studies and Recommendations Related Links Subscribe

Upcoming Meetings

Fri. Sep 11, 8:30 AM (Electronic Meeting)

Notice Agenda Draft Minutes PDF | With Audio Links Audio/Video View Meeting Materials List

Virtual Meeting Access ?

Click here to attend the meeting remotely and provide comments on agenda items. Please review the public comment procedures before the meeting is scheduled to begin.

Click the "?" to read the public comment procedures and guidelines

1. Sign-up in Before Meeting (Recommended)

- Signing up in advance of the meeting is recommended, but not required. All public comment is at the chair's discretion.
- On the webpage of the committee meeting in which you'd like to comment on, click: "Public Comment." This link appears on the website when an agenda is posted and closes one hour before meeting is scheduled to begin.
- Follow instructions on the form.
- When it's time for the meeting, follow steps 2 through 4.

Senate Government Operations Confirmation Committee 202

Meetings View All Meetings

January

Thu. Jan 14, 10:30 AM

Electronic Meeting ?

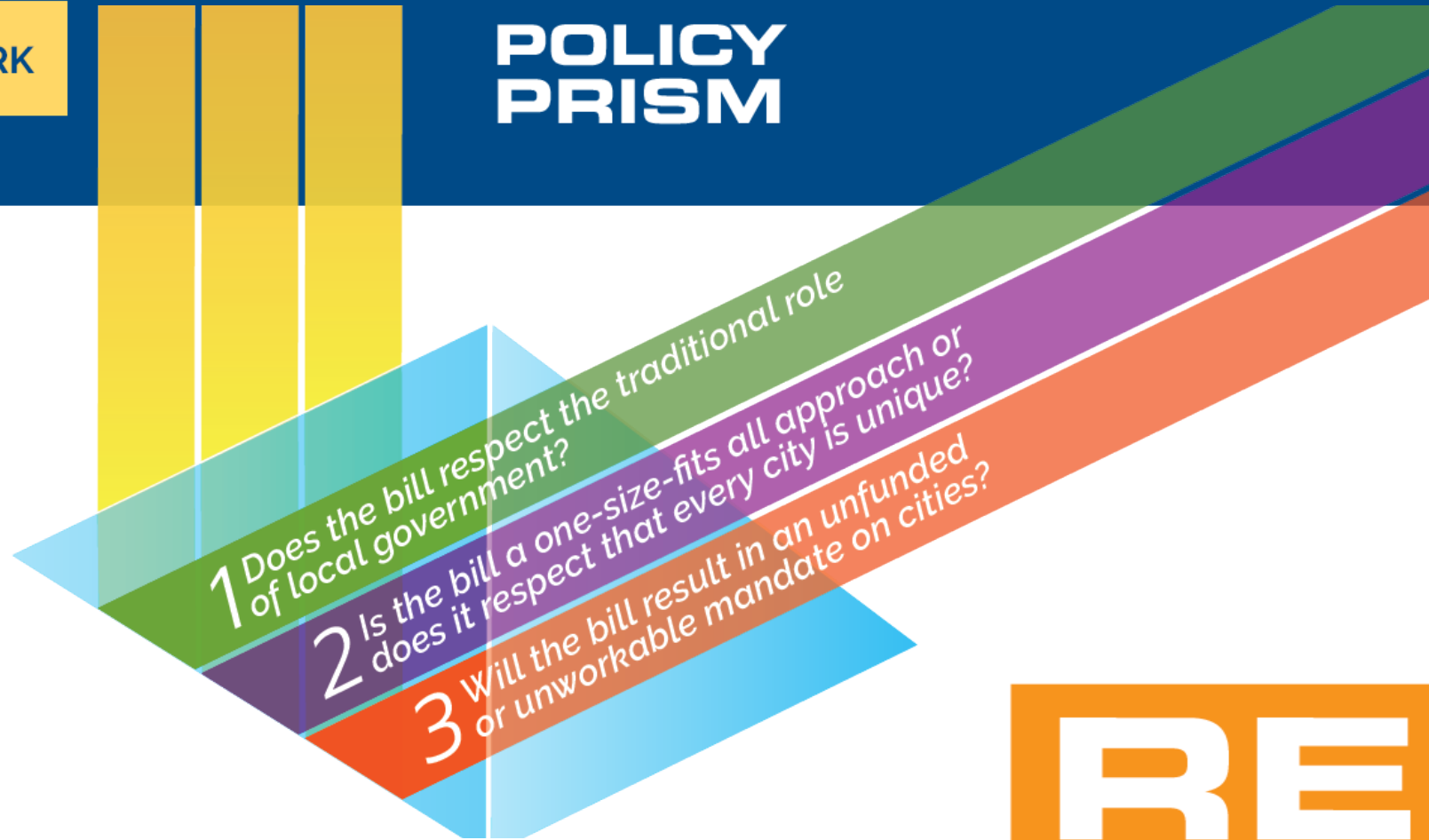
Notice Agenda **Public Comment**



Legislative Outlook

#CITIESWORK

POLICY PRISM



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Law Enforcement

SB 13 Law Enf. Internal Investigation Req'ts

- SB 13 objective: enhance trust in public safety by ensuring transparent communication about officers with a history of misconduct
- SB 13 1st sub highlights:
 - If officer terminates during an open investigation into 211(1) allegation, then notify POST
 - If officer has left and agency receives credible info about 211(1) allegation, notify POST
 - Agencies shall share information about internal investigations during the hiring process
 - Info includes records of disciplinary action, reason for termination, performance evaluation
 - Current law is a “may” but SB 13 changes that to a “shall”
 - Still negotiating final language around disclosure and liability protection
- LLL/staff Recommendation: support and continue improving the bill

Other Love, Listen, Lead updates

HB 22: Medical Examiners Amendments

- The chief medical examiner shall investigate deaths resulting directly from actions of a law enforcement officer

LLL Recommendation: support

SB 38: K-9 Policy Requirements

- No liability for injury caused by dog IF:
 - Dog's law enforcement handler is trained and certified annually
 - Dog is trained and certified annually
 - Agency has a written policy on the necessary and appropriate use of dogs in official law enforcement duties

LLL Recommendation: support

• LLL criteria for data collection bills:

- What is the overarching purpose of the data collection and of a central repository of the data?
 - What are the definitions that we are using? Consistency and clarity are critical.
 - What system is required, for both the officer inputting data & the tech supporting the data?
 - How will that system be funded?
 - How will the data be used and by whom?
 - Who can access the data (both the raw data and the work product)?
 - How will the privacy of officers and individuals be protected?
-
- LLL will meet during the session to review bills; will coordinate w/Law Enf. Leg. Comm. (LELC)

Other law enforcement & firearm bills

- HB 60: Conceal Carry Firearms Amendments (Brooks) ... **LELC oppose/ULCT TBD**
 - Passed House Committee 8-3
- HB 61: Conceal Carry During State of Emergency (Maloy) ... **LELC oppose/ULCT TBD**
- HB 76: Firearm Preemption Amendments (Maloy) ... **LELC hold/ULCT continue to oppose**
 - Re-defines state preemption, extends it to preempts ability of cities to regulate discharge/hunting in city limits, and waives gov't immunity to defend ordinances or contracts
- HB 143: Driver License Suspension Amendments (Maloy) ... **LELC oppose/ULCT continue to oppose**
 - Prohibits a justice court from suspending a person's driver license for failure to pay court ordered sanctions
 - ULCT, prosecutors, and law enf. testified in opposition but House Comm passed it 10-1



Land Use

Photo by [Courtney Smith](#) on [Unsplash](#)

HB 82 Single-family Housing Modifications

- Rep. Ward: Working Substitute
- Same
 - Amend “single-family limit” to remove “unrelated”
 - Amends building code to distinguish internal ADU from duplex
 - Enacts loan guarantee program for loans related to internal ADU
 - Prohibits a homeowners association from prohibiting internal ADU
 - Prohibits a municipality from enacting restrictions on internal ADU, including size, street frontage, total lot size, and parking
- Working substitute changes
 - **Mandates that all cities allow internal ADUs in any single-family residential zone as a permitted use**
 - Authorizes a municipality to require one additional parking spot for an internal ADU
 - Clarifies that internal ADUs are only within the existing footprint of home
 - Authorizes a municipality to enforce the owner-occupied requirement (Rep. Ward is open to a lien or other enforcement mechanism)
- **LPC opposed original bill**

*Rumors of more intrusive
Leadership bill...*



Photo by Birgit Loit on Unsplash

HB 82: Talk to your legislator

- 1) Utah cities recognize that ADUs can help address the challenges of housing affordability and affordable housing, which is why more than 57 cities have recently authorized ADUs in order to comply with SB 34 (2019)
- 2) Local ADU ordinances are crafted with significant public input to balance needs and property rights of existing homeowners and future residents
- 3) A state mandate would mean the state would interfere with the expectations and property rights of residents in every single-family zone in the state
- 4) A state mandate could cause major challenges in college towns & recreation gateway cities where they are trying to preserve family housing and balance their unique community needs
- 5) The top complaint from existing residents about ADUs is parking and the bill would limit the ability of cities to mitigate those concerns

HB 82 in Committee on Friday

- House Business Labor Committee – Talk to your members

Rep. Joel Ferry- Chair	Rep. Walt Brooks- Vice Chair
Rep. Brady Brammer	Rep. Casey Snider
Rep. James Dunnigan	Rep. Mark Strong
Rep. Tim Hawkes	Rep. Jordan Teuscher
Rep. Jon Hawkins	Rep. Norm Thurston
Rep. Brian King	Rep. Mark Wheatley
Rep. Cory Maloy	

SB 61 Outdoor Advertising Amend. (Sandall)

- 1) Prohibits a municipality from enacting or enforcing an ordinance that prevents conforming and non-conforming signs from upgrading to an electronic/mechanical changeable sign.
- 2) City may not require a sign owner who converts a sign to forfeit another sign.
- 3) Allows a city to set a curfew only if sign:
 - Is located outside an area governed by the Highway Beautification Act of 1965 or the Utah-Federal Agreement; and
 - Face is within 150 feet of the outer edge of an existing residential dwelling, legally occupied, and located on property zoned exclusively residential
- 4) Requires a municipality to pay attorney fees to owner who successfully enforces right to upgrade sign to electronic/mechanical changeable sign.
- 5) Amends provisions related to brightness of electronic/mechanical changeable sign
 - Repeals minimum spacing criteria for signs located on nonlimited access primary highways in commercial, industrial, or H-1 zone areas.
 - Illumination of electronic changeable message signs may not be limited except to prevent increasing ambient lighting levels by more than 0.3 footcandles.
 - If a municipality adopts an illumination standard different than the above for other signs, an electronic changeable message sign may illuminate to the bright of the two standards.

#CITIESWORK

What does SB 61 (billboard) mean in your city?



SB 61: Talk to your legislator

- 1) Billboards are located in residential and commercial areas and at different heights and sizes— SB 61 is a one-size-fits-all approach.
- 2) SB 61 gives billboard companies a unilateral right to convert *every* billboard, no matter its location or impact on nearby property owners, to digital.
- 3) SB 61 makes it very difficult to regulate lighting intensity or impose a lighting curfew regardless of the impact on the neighbors.
- 4) Acquiring expensive digital billboards will be cost-prohibitive for a city or another property owner, which at times interferes with redevelopment.
 - Examples of property owner forced to re-do redevelopment plans due to the location of a billboard
- 5) Under state law, billboards already enjoy significant protections:
 - May relocate anywhere within a municipality within 5,280 ft. of original location
 - Heightened land use protections

HB 98 Local Government Building Regulation Amendments

- Rep. Ray

1) Allows applicants to opt-out of an inspection and engage their own licensed building inspector

- Applicant must provide name and address of the licensed building inspector
- Building inspector may issue certificate of occupancy

2) Allows applicants to opt out of a plan review and engage a licensed building inspector to review the plan

3) Municipality may require a zoning review; may not charge more than \$200

4) Prohibits municipality from adopting building design elements (exterior materials, roof structure, location/design of windows or doors, interior layout, min. square footage, landscaping, min. dimensions)

- Position: Oppose



HB 98: Talk to your legislator



- 1) Under state law, cities are responsible for the **health, safety, and welfare** of residents. HB 98 strips cities of vital tools to ensure community safety and welfare.
- 2) Cities play an important role as a third-party with no financial interest in a project. HB 98 will allow builders to hire their own inspectors (including in-house inspectors), leaving inspectors beholden to the best interests of the builder, not the occupant. This is a significant compromise of **public safety**, including fire safety.
- 3) HB 98 also allows a commercial builder to hire its own inspector, bypassing city review on complex projects that have significant local impact, and again jeopardizing safety.
- 4) Long after a builder's inspector issues a certificate of occupancy and the builder is gone, the **city residents and officials will be left to tackle problems** from poor construction, including improper slope construction, water run-off, etc.
- 5) **HB 98 eliminates important city design tools** to encourage water conservation, reduce long-term maintenance cost for owners, buffering between incompatible land uses, etc.
- 6) While Utah cities are committed to doing our part to address housing affordability and affordable housing, HB 98 does not actually result in more affordable housing. It instead could result in housing that is less safe or lacks standards that would enhance a resident's quality of life.
- 7) State law already encourages cities to provide third-party review when the city is backlogged.
- 8) **Let your legislator know that your city meets review/inspection deadlines and HB 98 impacts all cities with long-term consequences.**

Commission on Housing Affordability

- Draft bill:

- Landlord-tenant mediation funding (rental assistance subgroup)
 - \$300,000
- Rural/remote community pre-development assistance grant (rural subgroup)
 - \$500,000
- Allow the affordable housing set-aside to be used for public infrastructure to support affordable housing.
- Allows the set-aside to be used outside of the project areas.

- Other concepts:

- 1) Authorize inclusionary zoning in statute, but mandate density bonuses to offset developer costs.
- 2) Requiring a city receiving economic development support from GOED to create a plan for how they will accommodate the new workforce housing.
- 3) Require cities to set up a separate account for each development fee. Report on fees and expenditures to auditor each year.
- 4) Change the number of SB 34 housing strategies from 3/4 to 4/5.

Expected to meet this week...



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Revenue

SB 18 Property Tax Exemption Amendments

- Sen. Harper
- Modifies the qualifications for tangible personal property tax to be exempt from property tax
- Excludes the revenue generated from the increase in the exemption amount from the certified tax rate calculation.
- Staff recommendation: Oppose

SB 52 Property Tax Deferral Modifications

- Sen. Fillmore
- Requires a county to grant a property tax deferral to an owner of a single-family residence who is 66 years old or older and whose residence is valued at less than \$500,000 under certain circumstances
- Provides an inflation adjustment for the value threshold
- Clarifies the application requirements for a compulsory property tax deferral
- Staff recommendation: Oppose

Upcoming bill on city & county fees

- A city or county may not impose any fee unless:
 - i. Reasonably related to the cost of providing the service
 - Total cost falls equitably upon all payers
 - Recovered in proportion to the benefits conferred on all payers
 - ii. Aggregate amount is less than the cost
 - iii. Reasonable methodology that is transparent to the public
- Runway of Dec. 2022 for implementation

LPC Action on Revenue Bills

- 1) Do fiscal analysis of tax bills on your city and share with ULCT (wbradshaw@ulct.org)
- 2) Review your fee schedules to determine the necessary scope of work to comply with this type of bill
- 3) Urge your county and local/special districts to be allies

Other Priorities

Infrastructure is in season (Gov's budget)

- Multimodal transportation

- Transit should receive higher portion of state TIF/TTIF
- \$350 mill for FrontRunner double track
- \$6 mill for EV charging stations (rural)
- \$1 mill for technical planning assistance* (ULCT request)
- Note: approx. \$75 mill recommendation for priority active transp. projects statewide

- Outdoor

- \$125 mill for outdoor recreation/State Parks/active transportation projects
- \$50 mill for Wasatch canyons transportation
- \$7.3 mill for LeRay McAllister* (ULCT reps)
- End 2023 sunset of Outdoor Recreation Grant Program* (Cameron is Vice Chair)

- Broadband

- \$50 mill for rural broadband

- Water

- Lake Powell Pipeline, Bear River investment, but specific policy direction awaiting EY report

Infrastructure is in season

- One-time revenue v. Bond, James Bond
 - Legislature: Diamonds are Forever, \$1-2 billion potential
 - Asked for ULCT support
 - Governor: (Dr.) No bond in proposed budget
 - \$626 mill & \$1.5 bill ongoing



Infrastructure is in season

ULCT: historically not involved in appropriations/bonding

- Winners and losers of finite dollars, stay in our policy lane

ULCT Board in 2021: support **general** state infrastructure investment consistent with ULCT policy on air quality, economic dev., housing, tax, & transportation

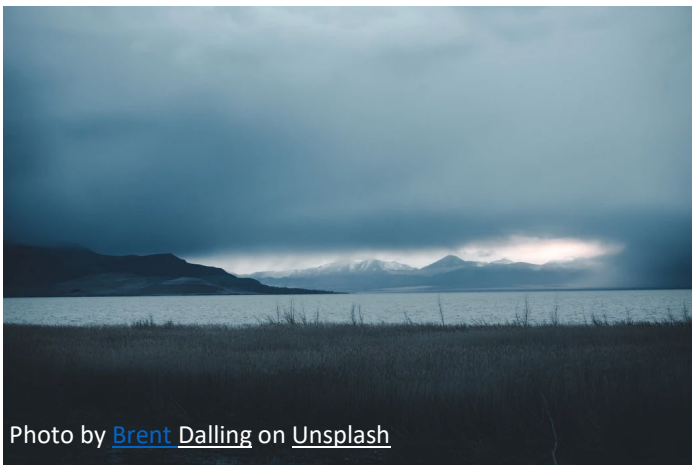
Transportation:

- Principles: investment, follow established prioritization process, multimodal (roads, transit, active, outdoor rec), technical assistance
 - Don't advocate for specific projects or dollar amounts

Broadband

- If investing state money in assets, then those assets must be open to all providers for use to ensure connectivity for cities & residents
- Minimum standard of megabits (i.e. 25 mgb)

Utah Lake Authority Concept



- Presentation at Utah Lake Commission
- Bill TBD
- Potential creation of a commission to facilitate development around the lake
 - Regulatory authority
 - Economic development
 - Bonding
 - Legislative appropriations
 - Geographic boundaries TBD
- Inland Port Authority v. Point of the Mountain Authority

ULCT Resolution 2017-001: Encouraging Economic Development while Preserving Local Land Use Authority & Local Control of Tax Increment

(C) Now, therefore, we the members of the Utah League of Cities and Towns, resolve that:

1. Cities and towns within the State of Utah commit that they are willing and ready to collaborate and partner with the State, the business community, and other stakeholders to pursue a broad range of future economic development opportunities, including those located in proximity to State transportation infrastructure.
2. Cities and towns cannot support development proposals, task forces, commissions, districts, development authorities or other legislation that would deprive local municipalities of their traditional local land use authority on private property or deprive them of control of tax increment generated within their jurisdiction ***without their consent***.

Population Growth Series

ULCT, Envision Utah, Wasatch Front Regional Council, and Salt Lake Chamber are partnering to hold two population growth webinars for legislators.

- **Housing:** Friday, January 29 at noon
- **Transportation:** Friday, February 5 at noon

Bills from LPC Members

- Open forum for members to highlight other bills to the LPC.



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Ratification: ULCT Recommended Positions (>60% = consensus)

- SB 13 Law Enforcement Internal Investigation Requirements: **Support**
- HB 22 Medical Examiner Amendments: **Support**
- SB 38 K-9 Policy Requirements: **Support**
- HB 82 Single-Family Housing Modifications: **Oppose**
- SB 61 Outdoor Advertising Amendments: **Oppose (no change)**
- HB 98 Local Government Building Regulation Amendments: **Oppose (no change)**
- SB 18 Property Tax Exemption Amendments: **Oppose**
- SB 52 Property Tax Deferral Modifications: **Oppose**
- Note: only take positions on written bills
- **Other positions as indicated on ULCT Bill Tracker/attached spreadsheet**

Contact ULCT

- Cameron Diehl cdiehl@ulct.org
- Victoria Ashby vashby@ulct.org
- Roger Tew rtew@ulct.org
- Wayne Bradshaw wbradshaw@ulct.org
- Karson Eilers keilers@ulct.org
- John Park john@johnwpark.com
- Spencer Cawley intern@ulct.org

Mark your (virtual) LPC Calendar

Session LPC: Zoom @ noon

- February 1
- February 8
- February 16 (Tues)
- February 22
- March 1