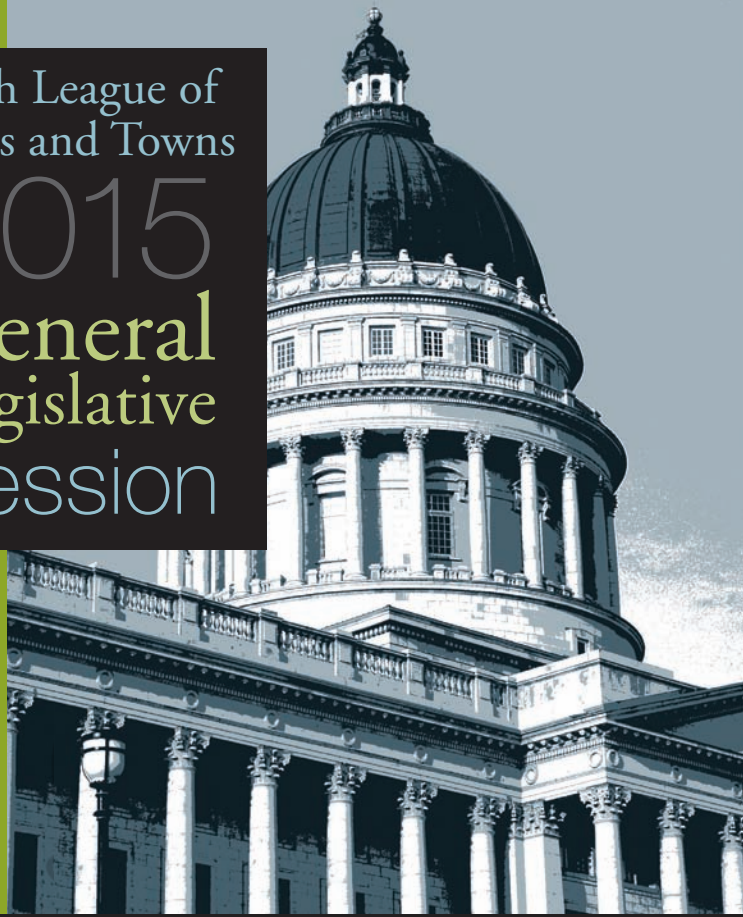


Utah League of  
Cities and Towns

2015  
General  
Legislative  
Session



Wrap Up



## 2015 Legislative Update

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Welcome to the 2015 ULCT Legislative Wrap Up. Team ULCT tracked a record 256 bills (out of 831 total bills) during the 2015 session on topics ranging from transportation to water and from law enforcement to GRAMA. We had a successful and productive year on the Hill.

Thanks to the ULCT Board of Directors and members of the Legislative Policy Committee for your involvement and insight. Thanks to the many elected officials, city attorneys, city managers, city recorders, town clerks, lobbyists, and city and town communication professionals who gave of your time and resources to assist in the Team ULCT effort. ULCT staff appreciates your expertise, dedication, and assistance. We dubbed the phrase (hashtag) #leaguearmy during the session. Your collective involvement is what makes ULCT effective on Capitol Hill.

This book provides multiple resources for you. First, you can find any of the 143 priority bills by simply searching the table of contents. Each bill page will have an online link to the bill, ULCT analysis of the municipal impact, and a summary of ULCT action and a possible future trend for the bill topic. Additionally, each bill page may have a list of dates on the page too. Those dates correspond to emails or Legislative Policy Committee agendas or meetings.

Second, each bill has an icon assigned to it and you can click the icon to go to a separate icon specific table of contents where all 143 priority bills are organized by icon.

Third, the back of the booklet has every daily email that ULCT staff sent during the session including the action alert emails. The bills are linked throughout the document so that you can click back and forth between the bill page, the table of contents, and the email that references the bill.

Fourth, the agendas and minutes for Legislative Policy Committee meetings are also included so that you can recall the discussion that led to ULCT positions on bills.

Fifth, the end of the booklet also includes the list as of April 1, 2015 of the master study items on the legislative interim list. The interim list provides a general snapshot of what issues may arise during the interim and in the 2016 session.

We hope you find this book useful. If you want to learn more about any bill or participate in any work groups on particular topics, please let us know. On behalf of ULCT staff, we appreciate the opportunity to serve you and advocate for local government.

*Utah League of Cities and Towns*

Want to see full text? Please visit [www.ulct.org](http://www.ulct.org) and follow the legislative links

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- 89 HB 321S1 | Vote by Mail Revisions
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- 100 HB 361 | Investigation Protocols for Peace Officer Use of Force
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- 108 HB 409S1 | Amendments to the Procurement Code
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- 110 HB 415S5 | Regulation of Electronic Cigarettes
- 111 HB 420S2 | Revisions to Transportation Funding
- 112 HB 441 | Good Landlord Program Revisions
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- 114 SB 15 | Water Law—Forfeiture Exemptions
- 115 SB 22 | Fire Code Amendments
- 116 SB 29 | School Planning and Zoning Process
- 117 SB 35 | Water Rights Amendments
- 118 SB 39 | Conditions of Probation
- 119 SB 40 | Water Law—Application Withdrawal
- 120 SB 55 | Community Development and Renewal Agencies Task Force
- 121 SB 56 | Wildland Fire Policy
- 122 SB 58S2 | Municipal and County Officials Attendance At School District Board Meetings
- 123 SB 60S2 | American Civics Education Initiative
- 124 SB 69 | Clean-burning Fuel for Motor Pools

- 125 SB 70S1 | Geographic Diversity Amendments
- 126 SB 82S1 | Forcible Entry Amendments
- 127 SB 97S3 | Property Tax Equalization Amendments
- 128 SB 112 | Public Reporting Requirements
- 129 SB 119S1 | Prescription Database Revisions
- 130 SB 121S1 | Procurement Code Revisions
- 131 SB 124S3 | Land Use Amendments
- 132 SB 135 | Workers' Compensation Coverage for Firefighters
- 133 SB 137S3 | Campaign and Financial Reporting Requirements Revisions
- 134 SB 138S1 | Service District Modifications
- 135 SB 139S1 | Service District Amendments
- 136 SB 153 | Access to Health Care
- 137 SB 157S3 | Government Records Amendments
- 139 SB 160S2 | Transportation Funding Amendments
- 140 SB 162 | Distracted Driver Revisions
- 141 SB 164S1 | Access to Health Care Amendments
- 142 SB 165S1 | Property Tax Valuation and Assessment Modifications
- 143 SB 172 | Emergency Medical Services Amendments
- 144 SB 176S2 | Governmental Immunity Act Amendments
- 145 SB 182S1 | Amendments to Sales and Use Tax Exemptions
- 146 SB 185 | Legal Notice Amendments
- 147 SB 193S1 | Local Government Amendments
- 148 SB 197 | Animal Shelter Amendments
- 149 SB 199S5 | Local Government Revisions
- 150 SB 205 | Assessment Area Revisions
- 151 SB 221S1 | Alcohol Amendments
- 152 SB 226 | Search and Seizure Amendments
- 153 SB 231S3 | Transportation Amendments

- 154 SB 234S2 | Utah Fire Prevention Board Amendments
- 155 SB 236 | Justice Court Judges Retirement Amendments
- 156 SB 237S2 | Public Safety Amendments
- 157 SB 241 | Sales Tax Amendments
- 158 SB 256 | Concealed Firearm Amendments
- 159 SB 258S1 | Street-legal All-terrain Vehicle Amendments
- 160 SB 259S4 | Medical Cannabis Amendments
- 161 SB 267S1 | Sales and Use Tax Exemption Amendments
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## ULCT Legislative Team

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**Kenneth H. Bullock**, *Executive Director* [kbullock@ulct.org](mailto:kbullock@ulct.org)

Ken has worked for ULCT for 30 years and is responsible for the overall management of League operations and activities. He works closely with the ULCT Board of Directors, represents ULCT on various committees and boards, and communicates regularly with government officials, business leaders, and the public.

**Jodi Hoffman**, *Land Use Analyst* [jhoffman@xmission.com](mailto:jhoffman@xmission.com)

Jodi has worked for ULCT for 12 years and for municipal government for over 25 years. She specializes in municipal land use and water issues.

**Roger Tew**, *Senior Policy Analyst* [rogertew@ulct.org](mailto:rogertew@ulct.org)

Roger has worked for ULCT for 19 years and within the state government structure for 35 years. He specializes in public utilities, judicial issues, tax policy, and telecommunications policy.

**Cameron Diehl**, *Director of Government Relations* [cdiehl@ulct.org](mailto:cdiehl@ulct.org)

Cameron has worked for ULCT for 6 years, coordinates all ULCT efforts at the county, state, and federal levels, and administers the Legislative Policy Committee. He is responsible for transportation funding, election law, environmental policy, and every other conceivable political issue.

**Nick Jarvis**, *Director of Research & Technology* [njarvis@ulct.org](mailto:njarvis@ulct.org)













Nick has been with ULCT for 5 years and oversees the League's research efforts. He is responsible for compiling and analyzing the data we use to support our positions, managing and advancing our online presence, and working with other research oriented organizations to provide ULCT membership with the best information possible. This session Nick primarily worked on transportation and law enforcement issues.

**Brandon Smith**, *Legislative Research Analyst* [bsmith@ulct.org](mailto:bsmith@ulct.org)

Brandon has been with the League for 6 months. He lobbied and managed logistics during the legislative session. Brandon specializes in legislative research and data analysis.

### Icon and Date Reference

The dates at the top of each page are when Team ULCT referenced the bill in the daily legislative email. All of the emails are available in the book and the listed date will link you from the bill page to the email.

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

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## Air Quality

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Bill: HB 49S3 Clean Fuel School Buses and Infrastructure

Bill: HB 226 Air Quality Revisions  
Feb 13

Bill: HB 266 Vehicle Towing Amendments  
Mar 9, Mar 10 Interim

Bill: SB 69 Clean-burning Fuel for Motor Pools  
Feb 6, Feb 9, Feb 10, Feb 18, LPC minutes Feb 9



## Building Code

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Bill: HB 90 Residential Building Inspections

Bill: HB 193S2 Continuing Education for General Contractor Licensing

Bill: HB 246S3 Amendments to Fire Code

Bill: HB 285S3 Building Code Review and Adoption Amendments  
Feb 19, Interim

Bill: HB 315 Building Permit Amendments

Bill: SB 22 Fire Code Amendments



## Elections

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Bill: HB 32 Local Government Disclosure and Campaign  
Finance Amendments

Bill: HB 51 Voter Eligibility Amendments  
Jan 27, Feb 13

Bill: HB 60S2 Campaign Finance Amendments

Bill: HB 70S1 Posting Political Signs on Public Property

Bill: HB 72S1 Ballot Publishing Amendments

Bill: HB 97 Elections of Officials of New Municipality

Bill: HB 107S2 Political Issues Committee Amendments

Bill: HB 177S2 Modifications to Voting Law

Bill: HB 219 Election Day Voter Registration Pilot Project Amendments

Bill: HB 220 Vote by Mail Amendments

Bill: HB 321S1 Vote by Mail Revisions  
Feb 20

Bill: SB 70S1 Geographic Diversity Amendments  
Jan 29, Feb 2, LPC minutes Feb 2

Bill: SB 137S3 Campaign and Financial Reporting Requirements Revisions



## Finances

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Bill: HB 41S1 Local Economic Development Amendments  
Jan 27

Bill: HB 53 Local Government Residential Reimbursement Authority

Bill: HB 129S1 Economic Development Incentive Amendments

Bill: HB 181 Sales Tax on Vehicle Purchases  
Feb 2, LPC Feb 2, Feb 3, Feb 6, Feb 9, LPC minutes Feb 9

Bill: HB 190S2 Assessment Area Act Modifications  
Feb 11, Feb 13, Feb 24, LPC minutes Feb 23, LPC agenda Mar 9

Bill: HB 204S1 Tax Increment Amendments

Bill: HB 228 Appellate Bond Amendments  
Feb 11, LPC minutes Mar 2

Bill: HB 250 Special Service Districts Amendments  
Feb 5

Bill: HB 251 Amendments to the Interlocal Act

Bill: HB 314S1 Money Management Act Amendments

Bill: HB 328S1 Tax Changes

Bill: SB 55 Community Development and Renewal Agencies Task Force

Bill: SB 97S3 Property Tax Equalization Amendments

Bill: SB 138S1 Service District Modifications

Bill: SB 139S1 Service District Amendments

Bill: SB 165S1 Property Tax Valuation and Assessment Modifications

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Bill: SB 172 Emergency Medical Services Amendments  
Feb 24

Bill: SB 182S1 Amendments to Sales and Use Tax Exemptions

Bill: SB 193S1 Local Government Amendments

Bill: SB 205 Assessment Area Revisions

Bill: SB 241 Sales Tax Amendments

Bill: SB 267S1 Sales and Use Tax Exemption Amendments



### **General Government**

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Bill: HB 45S2 Local Governing Body Amendments

Bill: HB 61 Municipal Business Licensing Amendments  
Jan 29, Jan 30, Feb 2, LPC Feb 2

Bill: HB 142 Municipal Government Revisions  
Jan 29, Jan 30, Feb 2, LPC Feb 2, LPC minutes Feb 2, Feb 5

Bill: HB 150 Prohibition on Electronic Data Collection Assistance

Bill: HB 160 Drive-through Service Usage Amendments

Bill: HB 206 Local District Service Amendments  
Feb 6

Bill: HB 212 Wildland Fire Liability Amendments

Bill: HB 224 Beekeeping Amendments  
Interim

Bill: HB 245 Incorporation Process for Cities and Towns

Bill: HB 267 Municipal Government Changes  
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Bill: HB 268 Good Landlord Program Amendments  
Feb 11, Interim

Bill: HB 290S2 New Car Dealership Franchise Amendments

Bill: HB 339 Alcoholic Beverage Service Amendments  
Interim

Bill: HB 394S2 New Car Sales Amendments

Bill: HB 408S2 Catastrophic Wildfire and Public Nuisance Amendments

Bill: HB 409S1 Amendments to the Procurement Code

Bill: HB 414S1 Utah Broadband Outreach Center

Bill: HB 415S5 Regulation of Electronic Cigarettes

Bill: HB 441 Good Landlord Program Revisions

Mar 9, Mar 10

Bill: SB 56 Wildland Fire Policy

LPC minutes Feb 2

Bill: SB 60S2 American Civics Education Initiative

Bill: SB 121S1 Procurement Code Revisions

Bill: SB 153 Access to Health Care

Bill: SB 164S1 Access to Health Care Amendments

LPC minutes Feb 23, Feb 23, Feb 24, LPC Mar 2, Mar 3, Mar 4

Bill: SB 197 Animal Shelter Amendments

Feb 27, LPC minutes Feb 23

Bill: SB 199S5 Local Government Revisions

Feb 18, Feb 24, Feb 25, Mar 2, LPC Mar 9, LPC minutes Mar 2

Bill: SB 221S1 Alcohol Amendments

Bill: SB 234S2 Utah Fire Prevention Board Amendments



## Judiciary

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Bill: HB 228 Appellate Bond Amendments

Feb 11, LPC Mar 2, LPC minutes Mar 2

Bill: HB 262 Prison Relocation Commission Modifications

Bill: SB 176S2 Governmental Immunity Act Amendments

Bill: SB 185 Legal Notice Amendments



## Land Use

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Bill: HB 42 Annexation Amendments

Feb 13

Bill: HB 87 Enterprise Zone Amendments

Interim

Bill: HB 127S1 Local Land Use Amendments

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Want to see full text? Please visit [www.ulct.org](http://www.ulct.org) and follow the legislative links

Bill: HB 192 Property Rights Ombudsman Amendments

Bill: HB 269 Tourist-oriented Highway Signing Program

Bill: HB 276 Agriculture Structure Amendments  
Feb 23

Bill: HB 287 Transferable Development Agreements  
Interim

Bill: HB 303S2 Legislative Approval of Land Transfers  
Feb 25

Bill: HB 323 Resource Management Planning by Local Governments

Bill: HB 351S3 Planning District Amendments

Bill: HB 355 Utah Agricultural Code Amendments

Bill: HB 407S2 Scenic Byway Amendments  
Mar 2(2), Mar 5

Bill: SB 29 School Planning and Zoning Process  
Jan 30, Feb 2, LPC Feb 2, LPC minutes Feb 2

Bill: SB 124S3 Land Use Amendments

Bill: SB 291 Affordable Housing Amendments

Bill: SB 293 Historic District Amendments



## Public Safety

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Bill: HB 63S2 Distracted Driver Amendments  
Feb 2, LPC Feb 2, LPC minutes Feb 2, Feb 5, Feb 6, Feb 17, Mar 4

Bill: HB 79S1 Safety Belt Law Amendments  
Feb 3, Feb 4, Feb 6, Feb 17

Bill: HB 115 Public Safety Retirement for Dispatchers

Bill: HB 131S3 Tobacco Shop Amendments

Bill: HB 252 Human Trafficking Amendments

Bill: HB 260 Concealed Firearm Permit Amendments

Bill: HB 343S2 Utah Communication Authority Emergency Radio  
and 911 Amendments

Mar 2(2), Mar 3, Mar 4, LPC Mar 9, LPC minutes Feb 23,  
LPC minutes Mar 2

Bill: HB 348S1 Criminal Justice Programs and Amendments  
LPC minutes Feb 23, Feb 23, LPC Feb 23, Feb 27, LPC Mar 2, Mar 3, Mar 4,  
LPC Mar 9

Bill: HB 361 Investigation Protocols for Peace Officer Use of Force

Bill: HB 386 Body Cameras for Law Enforcement Officers  
LPC Mar 2

Bill: HB 454 Prison Development Amendments

Bill: SB 39 Conditions of Probation

Bill: SB 82S1 Forcible Entry Amendments

Feb 2, LPC Feb 2, Feb 4, Feb 9, LPC minutes Feb 2, LPC Feb 9, LPC minutes  
Feb 9, Feb 12, Feb 17, LPC Feb 23, LPC minutes Feb 23

Bill: SB 119S1 Prescription Database Revisions  
LPC minutes Mar 2

Bill: SB 162 Distracted Driver Revisions  
Feb 17

Bill: SB 172 Emergency Medical Services Amendments  
Feb 24

Bill: SB 226 Search and Seizure Amendments  
Feb 13, LPC Mar 9

Bill: SB 237S2 Public Safety Amendments

Bill: SB 256 Concealed Firearm Amendments

Bill: SB 258S1 Street-legal All-terrain Vehicle Amendments

Bill: SB 259S4 Medical Cannabis Amendments

Bill: SB 290 Civil Actions Involving Law Enforcement Officers or Emergency  
Vehicle Operator



### **Retirement/Benefits**

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Bill: HB 73S2 Nepotism Amendments

Bill: HB 77S2 Postretirement Employment Task Force  
Feb 9, LPC Feb 9, LPC minutes Feb 9, Feb 12

Bill: HB 105S1 Antidiscrimination Modifications

Bill: HB 115 Public Safety Retirement for Dispatchers

Bill: HB 151S1 Affiliated Emergency Service Worker Postretirement  
Employment Amendments

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Bill: HB 216S2 Workplace Abusive Conduct Amendments to Promote a Healthy Workplace

LPC Mar 2, LPC minutes Feb 23, LPC minutes Mar 2

Bill: HB 242 State and Local Government Employee Policies

Bill: HB 288S3 Line-of-Duty Death Benefits for Peace Officers and Firefighters

Feb 20, Feb 26, LPC Mar 2, LPC Mar 9, LPC minutes Mar 2

Bill: HB 347 Retirement Window Amendments

Feb 27

Bill: SB 135 Workers' Compensation Coverage for Firefighters

Bill: SB 236 Justice Court Judges Retirement Amendments



### Transparency

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Bill: HB 117 Public Meeting Notice Requirements

Bill: HB 306 Fees for Government Records Requests

Bill: HB 338 Resolving Government Record Disputes  
Interim

Bill: SB 58S2 Municipal and County Officials Attendance At School District Board Meetings

Bill: SB 112 Public Reporting Requirements

Bill: SB 157S3 Government Records Amendments

Feb 9, LPC Feb 9, LPC minutes Feb 9, Feb 18, Feb 23, LPC Feb 23,  
LPC minutes Feb 23, LPC Mar 2, LPC Mar 9, LPC minutes Mar 2



### Transportation

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Bill: HB 332 Local Transportation Corridor Preservation Fund Amendments

Bill: HB 362S6 Transportation Infrastructure Funding

Feb 19, Feb 20, Feb 23, LPC Feb 23, Feb 25, Feb 26, Mar 2(1), Mar 2(2),  
Mar 3, Mar 5, Mar 6, Mar 9, Mar 10, Mar 11, Mar 12, Mar 13  
LPC minutes Feb 23, LPC minutes Mar 2, LPC agenda Mar 9

Bill: HB 420S2 Revisions to Transportation Funding

Bill: SB 160S2 Transportation Funding Amendments  
Feb 6, Feb 9, Feb 11, Feb 12, Feb 20, Feb 25, Feb 26, Mar 3, Mar 9, Mar 10,  
LPC minutes Feb 9, LPC Feb 23, LPC Mar 2, LPC minutes Feb 23,  
LPC minutes Mar 2

Bill: SB 231S3 Transportation Amendments  
Feb 25, LPC Mar 2, Mar 9, Mar 10, LPC minutes Mar 2



## **Water**

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Bill: HB 25 Water Law–Application Revisions  
Feb 4, Feb 9, Feb 10, Feb 19, Feb 26, Mar 6, LPC minutes Feb 2,  
LPC minutes Feb 9, LPC Mar 2, LPC Mar 9

Bill: HB 43S4 Water Rights – Change Application Amendments  
Feb 4

Bill: HB 47 Protection of Water Rights  
Feb 4

Bill: HB 58 Change Application Modifications

Bill: SB 15 Water Law – Forfeiture Exemptions

Bill: SB 35 Water Rights Amendments

Bill: SB 40 Water Law – Application Withdrawal

Bill: SB 281S2 Water Infrastructure Funding  
Mar 4

## 2015 Legislative Update



### HB 25 | Water Law–Application Revisions

Feb 4, Feb 9, Feb 10, Feb 19, Feb 26, Mar 6,  
LPC minutes Feb 2, LPC minutes Feb 9, LPC minutes Mar 2,  
LPC agenda Mar 9

Sponsor: **Snow, Lowry**

Bill Status: **Enrolled**

<http://le.utah.gov/~2015/bills/static/HB0025.html>

ULCT Position: **Support**



#### **Legislative Purpose for the Bill:**

The bill authorizes the State Engineer, upon receiving a change application, to determine whether a proposed change would result in quantity impairment of another existing water right. This bill also modifies the procedure for a change application and authorizes a person who is proposing a change application to request a meeting with the state engineer to discuss potential issues with the change.

#### **Municipal Impact/Requirements:**

ULCT believes that this bill will provide more certainty for cities and towns in the change application process. For example, a protestant must raise a timely protest to a change application that identifies a specific and existing right that could be impaired. The protestant whose water right may face quantity impairment must file a protest or lose the opportunity to later bring a quantity impairment claim in the administrative process. Per this process, a protestant could not protest a municipal water right based on speculation of potential quantity impairment nor resurrect an old paper water right based on quantity impairment after the municipality has finished the change application. (Note: the protestant could still file a forfeiture claim)

The bill defines quantity impairment as any reduction in the amount of water that a person may receive in order to satisfy an existing right to use the water resulting from a proposed change application. The actions could include diminishing the quantity of water or timing of availability of water in the existing right's source of supply and enlarging the quantity of water depleted by the proposed nature of use when compared to the current use. Quantity impairment does not include a decrease in the static level of water in an underground basin.

Additionally, cities and towns—particularly small and rural communities—can utilize the option nonbinding pre-application consultation with the State Engineer before starting the official application process. The State Engineer could also approve a change application when an applicant mitigates the impairment of another person's water right. Finally, there would be a rebuttable presumption of quantity impairment unless a codified exception exists.

#### **ULCT Action/Future Trend:**

In 2011, the Utah Supreme Court held in *Jensen v. Jones* that the State Engineer lacked statutory authority to consider non-adjudicated forfeiture when determining a change application. Since then, the Utah State Legislature and many interested parties, including ULCT, have attempted to address long-standing concerns about the state engineer's statutory authority to adjudicate, the change application procedure, equal and predictable treatment for applicants, state requirements on development timelines compared to state water approval timelines, and the concept of impairment.

During the summer of 2014, ULCT's Cameron Diehl, Ogden Assistant City Attorney Mark Stratford, Sandy Public Utilities Director Shane Pace, and St. George City Attorney Shawn Guzman met regularly with the Farm Bureau Federation's Sterling Brown and Peter Gessel, Weber/Basin Water Conservancy District General Manager Tage Flint, Jordan Valley Water Conservancy District General Manager Richard Bay, Central Utah Water Conservancy District Assistant General Manager Gene Shawcroft, and Washington County Water Conservancy District General Manager Ron Thompson. The subgroup later invited the Utah State Engineer Kent Jones to join us. The subgroup outlined a bill concept that drafted a new definition of "quantity impairment," codified an optional nonbinding pre-application consultation between the applicant and

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the State Engineer, and clarified that the applicant had the burden of producing evidence to support a reasonable belief that the change would not cause a specifically identified water right to experience quantity impairment.

The subgroup then met with Representative V. Lowry Snow who agreed to sponsor the bill. Representative Snow, the floor sponsor Senator Margaret Dayton, and the subgroup shared the language with the water community around the state. The ULCT membership also passed a resolution at our convention endorsing the bill. Finally Representative Snow and Senator Dayton shepherded the bill through the legislature without a single nay vote and with universal consensus.

Going forward, ULCT will engage with the subgroup to tackle other controversial water issues.



## HB 32 | Local Government Disclosure and Campaign Finance Amendments

Sponsor: **Draxler, Jack**

Bill Status: **Enrolled**

<http://le.utah.gov/~2015/bills/static/HB0032.html>

ULCT Position: **Neutral**



### **Legislative Purpose for the Bill:**

This bill authorizes a municipality to utilize state standards for campaign finance and personal use expenditures or to adopt more stringent definitions and requirements for campaign finance disclosures and personal use expenditures. It also provides that a municipality may adopt an ordinance to identify personal use expenditure violations and enforce the prohibitions. The bill also clarifies campaign finance filing deadlines.

### **Municipal Impact/Requirements:**

The purpose of the bill was to standardize the campaign finance regulations for state and municipal elections. A candidate for municipal office must now comply with regulations about expenditures, itemized contributions, identifying the donor if the contribution exceeds the contribution limit, personal use of campaign funds, and reports to the municipal clerk or recorder before or after the primary or general elections. A city or town may adopt an ordinance stricter than the state law.

### **ULCT Action/Future Trend:**

ULCT monitored the bill. ULCT expects more tweaking of the campaign finance statute to ensure consistent disclosure requirements. ULCT does not expect any major overhaul of campaign finance contribution limits at either a state or local level.

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## HB 41S1 | Local Economic Development Amendments

Jan 27

Sponsor: **Snow, Lowry**

Bill Status: **Enrolled**

<http://le.utah.gov/~2015/bills/static/HB0041.html>

ULCT Position: **Support**



### **Legislative Purpose for the Bill:**

This bill modifies provisions related to community development and renewal agencies. The bill defines “tax increment incentive,” and provides that community development project area plans are not subject to certain notice and public hearing requirements under certain circumstances.

### **Municipal Impact/Requirements:**

The intent of the bill is to reduce the time frame for the creation of a Community Development Agency (CDA) project area. The project area plans are not subject to certain notice and public hearing requirements when the project area is created for an industry or business entity that provide goods and services outside of the State, and meets specific post performance requirements, which become part of a required development agreement. The bill also slightly modifies the definition of a tax increment.

### **ULCT Action/Future Trend:**

Tooele and South Salt Lake Representative Randy Sant took the lead for Team ULCT on this bill. The legislature continually refines CDA and other redevelopment agency laws.



## HB 42 | Annexation Amendments

Feb 13

Sponsor: **Westwood, John**

Bill Status: **Enrolled**

<http://le.utah.gov/~2015/bills/static/HB0042.html>

ULCT Position: **Support**



### **Legislative Purpose for the Bill:**

This bill authorizes, in certain circumstances, an annexation that leaves or creates an unincorporated island or peninsula.

### **Municipal Impact/Requirements:**

The bill authorizes a city or town to annex an area and leave or create an unincorporated island or peninsula when both the city/town and the county agree on the annexation.

### **ULCT Action/Future Trend:**

Team ULCT's Cameron Diehl testified in support of the bill and several cities provided examples of how the new process would be beneficial.





**HB 43S4 | Water Rights—Change Application Amendments**

**Feb 4**

Sponsor: **McIff, Kay**

Bill Status: **Enrolled**

<http://le.utah.gov/~2015/bills/static/HB0043.html>

ULCT Position: **Neutral**



**Legislative Purpose for the Bill:**

This bill modifies the procedure for filing a change application and provides an option for a court resolution of legal issues not within the purview of the state engineer.

**Municipal Impact/Requirements:**

The bill will substantially ease the process for municipalities to change water shares from irrigation use to municipal and industrial use, when the city does not control a majority of the shares in an irrigation company. It eliminates the irrigation company’s discretion to “stonewall” change applications requested by shareholders and provides an objective process to determine if the proposed change would adversely affect the irrigation company.

**ULCT Action/Future Trend:**

This bill sponsor actively vetted the bill among all stakeholders over a three-year period. The ULCT remained neutral on the bill because while some cities would benefit, other cities, who control private irrigation companies would lose the stonewalling option that existed without the legislation. The legislature will continue examining water law in future sessions.



## HB 45S2 | Local Governing Body Amendments

Sponsor: **Cunningham, Rich**

Bill Status: **Enrolled**

<http://le.utah.gov/~2015/bills/static/HB0045.html>

ULCT Position: **Neutral**



### **Legislative Purpose for the Bill:**

This bill, with certain exceptions, prohibits a municipal or county governing body or local school board from expelling a member of the body from an open public meeting or prohibiting the member from attending.

### **Municipal Impact/Requirements:**

A municipal governing body may not expel a member of the governing body from an open public meeting unless two-thirds of the governing body members vote to expel the member. The only permissible reasons for expulsion are disorderly conduct at the open public meeting, the commission of a crime during the open public meeting, or the member's direct or indirect financial conflict of interest regarding an issue discussed or an action proposed to be taken during the open public meeting.

### **ULCT Action/Future Trend:**

ULCT monitored the bill but did not take any action on it. No future trend.

*Utah League of Cities and Towns*

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**HB 47 | Protection of Water Rights**

**Feb 4**

**Sponsor: McIff, Kay**

**Bill Status: Failed**

<http://le.utah.gov/~2015/bills/static/HB0047.html>

**ULCT Position: Neutral**



**Legislative Purpose for the Bill:**

This bill would have defined the state's public trust obligations and declared that certain water rights constitute property rights protected by the Utah Constitution.

**Municipal Impact/Requirements:**

No municipal impact. This bill did not pass.

**ULCT Action/Future Trend:**

ULCT monitored the bill. The bill sponsor may bring back the public trust issue in a bill in 2016.



## HB 49S3 | Clean Fuel School Buses and Infrastructure

Sponsor: **Handy, Stephen**

Bill Status: **Failed**

<http://le.utah.gov/~2015/bills/static/HB0049.html>

ULCT Position: **Support**



### **Legislative Purpose for the Bill:**

This bill would have provided funding to replace school buses and to create infrastructure for alternative fuel school buses.

### **Municipal Impact/Requirements:**

No municipal impact. This bill did not pass.

### **ULCT Action/Future Trend:**

The legislature has considered this concept for several years but has yet to provide funding. As the public pressure continues to build to address air quality concerns, ULCT anticipates this concept to return in future sessions.

**HB 51 | Voter Eligibility Amendments**

Jan 27, Feb 13

Sponsor: **Webb, Curt**Bill Status: **Enrolled**<http://le.utah.gov/~2015/bills/static/HB0051.html>ULCT Position: **Support****Legislative Purpose for the Bill:**

This bill allows a person who challenges a voter's right to vote to submit documents in support of the person's claim. The bill also allows a challenged voter to submit documents in support of the challenged voter's right to vote.

**Municipal Impact/Requirements:**

This bill provides that a court shall consider the same facts that were presented at the time a challenge to a voter's legitimacy or candidate's candidacy was called in to question. Because we rely on our elections officials to review pertinent materials when someone's eligibility to vote or become a candidate, this bill simply requires that the district court looks at the same materials that the elections officials was able to review at the time the determination of eligibility was made. This bill is a simple clarification that the district court appeal is to evaluate the appropriateness of the elections official's determination and not to enter new facts in an appeal process. The bill does not limit anyone's ability to challenge eligibility. The bill provides both voter and candidate certainty in the determination of the elections official.

**ULCT Action/Future Trend:**

Team ULCT's Cameron Diehl worked with Representative Curt Webb and the Town of Alta for two years on this bill.

**HB 53 | Local Government Residential Reimbursement Authority****Jan 27, Feb 13**Sponsor: **Anderson, Johnny**Bill Status: **Enrolled**<http://le.utah.gov/~2015/bills/static/HB0053.htm>ULCT Position: **Neutral****Legislative Purpose for the Bill:**

This bill authorizes a municipality or county to establish a reimbursement fund which allows a municipality or county to reimburse an eligible property owner for certain costs if the owner transfers an eligible property's title to a single-family fee simple ownership.

**Municipal Impact/Requirements:**

This bill only applies to cities within a county of the first class and authorizes an optional fund. Those cities may provide funds to reimburse an eligible property owner for all of a portion of the costs that the property owner incurs for survey services, platting fees, or subdivision application fees upon transferring an eligible property title to a single-family fee simple ownership.

**ULCT Action/Future Trend:**

ULCT monitored the bill. No future trend.

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**HB 58 | Change Application Modifications**

Sponsor: **Grover, Keith**

Bill Status: **Enrolled**

<http://le.utah.gov/~2015/bills/static/HB0058.html>

ULCT Position: **Neutral**



**Legislative Purpose for the Bill:**

This bill is part of the “Big Ditch” fix. It requires that a person who applies for a permanent or temporary change to a water right meet certain qualifications. Prior to the legislation, a “person entitled to beneficial use of the water” was entitled to file a change application. That language caused the Utah Supreme Court to allow a company that had a permanent contract to use a large quantity of irrigation water to file a change application on water rights the company had in fact deeded to Metro Water many decades ago. Under HB 58, all change applications are now limited to: 1) a holder of an approved but unperfected application to appropriate water; 2) the record owner of a perfected water right; 3) a person who has written authorization from the water right owner; or 4) a shareholder in a water company who files a change application in accordance with UCA Section 73-3-3.5. The bill was passed as part of a compromise to eliminate a water company’s right to stonewall a shareholder’s request to file a change application under UCA Section 73-3-3.5 in HB43.

**Municipal Impact/Requirements:**

The bill changes a longstanding tenet in water law regarding one attribute of beneficial use of water, but should allay any fear of any possibility, however remote, that a retail customer of municipal water would be allowed to file a change application on municipal water rights, without the consent of the municipality.

**ULCT Action/Future Trend:**

UThe ULCT actively monitored the “Big Ditch” fix discussions for over four years and remained neutral on the bill.



## HB 60S2 | Campaign Finance Amendments

Sponsor: **King, Brian**

Bill Status: **Failed**

<http://le.utah.gov/~2015/bills/static/HB0060.html>

ULCT Position: **Neutral**



### **Legislative Purpose for the Bill:**

This bill would have amended Title 20A, Chapter 11, Campaign and Financial Reporting Requirements, by establishing and enforcing campaign contribution limits.

### **Municipal Impact/Requirements:**

No municipal impact. This bill did not pass.

### **ULCT Action/Future Trend:**

ULCT monitored the bill. ULCT expects more tweaking of the campaign finance statute to ensure consistent disclosure requirements. ULCT does not expect any major overhaul of campaign finance contribution limits at either a state or local level.





## HB 61 | Municipal Business Licensing Amendments

Jan 29, Jan 30, Feb 2, LPC minutes Feb 2

Sponsor: **Anderegg, Jake**

Bill Status: **Failed**

<http://le.utah.gov/~2015/bills/static/HB0061.html>

ULCT Position: **Opposed**



### **Legislative Purpose for the Bill:**

This bill would have amended provisions authorizing a municipality to license a business. It also would have prohibited a municipality from requiring a license for certain home-based businesses.

### **Municipal Impact/Requirements:**

No municipal impact. This bill did not pass.

### **ULCT Action/Future Trend:**

This is the second consecutive year that ULCT has opposed an effort to restrict municipal authority to license home-based businesses. Team ULCT—staff and the #leaguearmy—expressed our opposition to the bill sponsor and to committee members and the committee subsequently held the bill.

**HB 63S2 | Distracted Driver Amendments**

Feb 2, Feb 5, Feb 6, Feb 17, Mar 4, LPC minutes Feb 2

Sponsor: **Anderegg, Jake**Bill Status: **Failed**<http://le.utah.gov/~2015/bills/static/HB0063.html>ULCT Position: **Opposed****Legislative Purpose for the Bill:**

This bill would have modified the Traffic Code by amending provisions relating to the use of a handheld wireless communication device while operating a moving motor vehicle.

**Municipal Impact/Requirements:**

No municipal impact. This bill did not pass.

**ULCT Action/Future Trend:**

In its original form the bill would have removed many of the restrictions on manipulating a handheld electronic device while driving that were put in place last year. In its final form, the bill would have allowed the manipulation of a handheld electronic device to view GPS or navigation device and to initiate a voice controlled function, but would have prohibited talking on a cellular phone without using a hands-free function. Mayor Jon Pike of St. George brought this issue to the LPC's attention in 2014 and ULCT staff has continued to monitor it. ULCT's Nick Jarvis testified against the bill in committee. Like this bill, Utah's first "texting and driving" law allowed for certain actions to be performed on a handheld electronic device while making others illegal. However, this was problematic for law enforcement officers who had no way to determine what activity was occurring on the device, only that the device was being operated. For this reason the law enforcement community opposes changes to the law that force an officer to determine exactly what action is being performed on a handheld electronic device. The House and Senate came very close to compromise language on this bill and we expect to see similar legislation next year.

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## HB 70S1 | Posting Political Signs on Public Property

Feb 2, Feb 5, Feb 6, Feb 17, Mar 4, LPC minutes Feb 2

Sponsor: **Daw, Brad**

Bill Status: **Enrolled**

<http://le.utah.gov/~2015/bills/static/HB0070.html>

ULCT Position: **Support**



### **Legislative Purpose for the Bill:**

This bill addresses the posting of political signs on public property. The bill provides that a local government entity, or an individual who is part of that entity, allow equal use of public space when posting political signs.

### **Municipal Impact/Requirements:**

The bill requires that local governments allow equal use of public space when allowing a candidate to post political signs. Local governments may not regulate signs on the basis of the sign content under existing law. If a city or town does not prohibit a candidate's political signs on public property, then the city or town must allow all candidates the same access on the public property.

### **ULCT Action/Future Trend:**

The United States Supreme Court is considering a case this year arising from the sign regulations in Gilbert, Arizona. That pending decision could have significant impact on all municipal sign regulations. The court's holding will appear in June and ULCT will provide an update at that time.



## HB 72S1 | Ballot Publishing Amendments

Sponsor: **Knotwell, John**

Bill Status: **Enrolled**

<http://le.utah.gov/~2015/bills/static/HB0072.html>

ULCT Position: **Neutral**



### **Legislative Purpose for the Bill:**

This bill amends provisions of the Election Code, which will now make it a class C misdemeanor to take a photograph of someone else's ballot, at a polling place, but does allow an individual to take, share, or publish a photograph of the individual's own ballot.

### **Municipal Impact/Requirements:**

The bill allows an individual to take or share a photograph of the individual's own ballot but not take or share a photograph of another person's ballot.

### **ULCT Action/Future Trend:**

ULCT monitored the bill. No future trend.



## HB 73S2 | Nepotism Amendments

Sponsor: **Cutler, Bruce**

Bill Status: **Enrolled**

<http://le.utah.gov/~2015/bills/static/HB0073.html>

ULCT Position: **Neutral**



### **Legislative Purpose for the Bill:**

This bill amends provisions prohibiting a public officer from employing a relative.

### **Municipal Impact/Requirements:**

The bill prohibits a public officer from employing, appointing, or recommending the appointment of a grandfather, grandmother, grandson, or granddaughter (other relatives are already covered in existing law) unless the chief administrative officer (CAO) determines that the appointee is the only or best person available and qualified for the position. Despite the broad restriction on employing or appointing relatives, the city CAO still retains discretion to hire the public officer's relative if the relative is the only or best candidate.

### **ULCT Action/Future Trend:**

ULCT monitored the bill. No future trend.



## HB 77S2 | Postretirement Employment Task Force

Feb 9, Feb 12, LPC minutes Feb 9

Sponsor: **Cunningham, Rich**

Bill Status: **Failed**

<http://le.utah.gov/~2015/bills/static/HB0077.html>

ULCT Position: **Neutral**



### **Legislative Purpose for the Bill:**

This bill would have created the Postretirement Employment Task Force.

### **Municipal Impact/Requirements:**

No municipal impact. This bill did not pass.

### **ULCT Action/Future Trend:**

ULCT invited the bill sponsor, Representative Rich Cunningham, to address the LPC on February 9. ULCT also invited an opponent of the legislation, former state Senator Dan Liljenquist, to speak. After 30 minutes of vigorous debate over the concept of public entities re-hiring retired public employees, the LPC voted to table the legislation. Representative Cunningham modified the bill from authorizing the practice to creating a task force to study the practice. The substitute bill passed the House but did not receive a floor vote in the Senate. ULCT expects the issue to continue in the interim and re-emerge in the 2016 session.



## HB 79S1 | Safety Belt Law Amendments

Feb 3, Feb 4, Feb 6, Feb 17

Sponsor: **Perry, Lee**

Bill Status: **Enrolled**

<http://le.utah.gov/~2015/bills/static/HB0079.html>

ULCT Position: **Support**



### **Legislative Purpose for the Bill:**

This bill modifies the Traffic Code by amending provisions relating to safety belt restraints by making not wearing a safety belt a primary offense.

### **Municipal Impact/Requirements:**

The bill now makes not wearing a safety belt while operating a motor vehicle a primary offense. However, until July 1, 2018, a public safety officer may only issue warnings for an individual who has not been previously warned that the individual must wear a safety belt. The fine is a maximum of \$45.

### **ULCT Action/Future Trend:**

ULCT supported the bill. No future trend.



## HB 87 | Enterprise Zone Amendments

**Interim**

Sponsor: **Sandall, Scott**

Bill Status: **Failed**

<http://le.utah.gov/~2015/bills/static/HB0087.html>

ULCT Position: **Neutral**



### **Legislative Purpose for the Bill:**

This bill would have eased the maximum population requirements for a county or a municipality to qualify for designation as an enterprise zone.

### **Municipal Impact/Requirements:**

No municipal impact. This bill did not pass.

### **ULCT Action/Future Trend:**

ULCT monitored the bill. The bill could return in 2016.





## HB 90 | Residential Building Inspections

Sponsor: **Dunnigan, Jim**

Bill Status: **Failed**

<http://le.utah.gov/~2015/bills/static/HB0090.html>

ULCT Position: **Opposed**



### **Legislative Purpose for the Bill:**

This bill would have prohibited a municipality from requiring that a rental dwelling be subject to inspection as a condition for licensure, meet higher standards than standards for other residential housing, or that a landlord submit to a building inspection without cause and notice.

### **Municipal Impact/Requirements:**

No municipal impact. This bill did not pass.

### **ULCT Action/Future Trend:**

This bill was one of many bills offered in 2015 to limit municipal regulation of residential rental units. ULCT expects the trend to continue.

**HB 97 | Elections of Officials of New Municipality**Sponsor: **Cox, Jon**Bill Status: **Enrolled**<http://le.utah.gov/~2015/bills/static/HB0097.html>ULCT Position: **Support****Legislative Purpose for the Bill:**

This bill amends provisions governing the primary and final election of officers for a newly incorporated city and town, as well as assigning certain duties to the county clerk in regard to the officer election in a newly incorporated city and town.

**Municipal Impact/Requirements:**

The bill helps streamline the incorporation process. For newly incorporated cities and towns, the county clerk must administer an election for the new city/town leaders at the earliest primary and general election date. The county clerk is also responsible for the first campaign finance disclosure of the initial municipal candidates. The newly incorporated town shall operate under the five-member council form of government. The petition sponsors determine the initial terms of the mayor and city council members and determine the eventual election schedule so that the successors serve full four-year terms that coincide with state law. The county clerk must post notice about the municipal election (ie. declaration of candidacy) according to existing notice requirements.

**ULCT Action/Future Trend:**

Team ULCT's Cameron Diehl testified in support of the bill in committee. The bill should eliminate confusion and delay in the town incorporation process.

*Utah League of Cities and Towns*

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**HB 105S1 | Antidiscrimination Modifications**

Sponsor: **Miller, Justin**

Bill Status: **Enrolled**

<http://le.utah.gov/~2015/bills/static/HB0105.html>

ULCT Position: **Support**



**Legislative Purpose for the Bill:**

This bill modifies the Utah Antidiscrimination Act to include breastfeeding or medical conditions related to breastfeeding.

**Municipal Impact/Requirements:**

State law already prohibits an employer from discriminating against, demoting, or refusing to hire or promote an individual otherwise qualified based on pregnancy or medical conditions related to pregnancy. The bill extends the definition of pregnancy to include breastfeeding.

**ULCT Action/Future Trend:**

Representative Miller sponsored several bills addressing breastfeeding accommodations in the workplace and sought ULCT support prior to the session.



**HB 107S2 | Political Issues Committee  
Amendments**

Sponsor: **Greene, Brian**

Bill Status: **Enrolled**

<http://le.utah.gov/~2015/bills/static/HB0107.html>

ULCT Position: **Neutral**



**Legislative Purpose for the Bill:**

This bill provides that a political issues committee does not include certain associations of individuals who seek to challenge a single ballot proposition, ordinance, or other governmental action of a county, city, town, local district, special service district, or other local political subdivisions of the state.

**Municipal Impact/Requirements:**

The bill clarifies that a political issues committee does not include individuals who associate together to challenge a single ballot proposition or ordinance. Several cities have experienced referendums in recent years and this bill clarifies the legal requirements for the individuals organizing the challenges.

**ULCT Action/Future Trend:**

ULCT monitored the bill. ULCT anticipates that the legislature will continue to empower residents to organize challenges at the local level.

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## HB 115 | Public Safety Retirement for Dispatchers

Sponsor: **Powell, Kraig**

Bill Status: **Enrolled**

<http://le.utah.gov/~2015/bills/static/HB0115.html>

ULCT Position: **Opposed**



### **Legislative Purpose for the Bill:**

This bill requires the state to cover its certified dispatchers under the public safety retirement systems, and authorizes other participating employers to do the same.

### **Municipal Impact/Requirements:**

The bill enables cities and towns to cover certified dispatchers under the public safety retirement system but does not require cities and towns to cover them.

### **ULCT Action/Future Trend:**

The legislature has considered whether the public safety retirement system should include certified dispatchers for many years. With the passage of HB 115, the bill could silence the issue for awhile.



## HB 117 | Public Meeting Notice Requirements

Sponsor: **Stanard, Jon**

Bill Status: **Enrolled**

<http://le.utah.gov/~2015/bills/static/HB0117.html>

ULCT Position: **Support**



### **Legislative Purpose for the Bill:**

This bill eliminates language that excuses specified local government entities with an annual budget of less than \$1,000,000 from the requirement to post certain notices to the Utah Public Notice Website.

### **Municipal Impact/Requirements:**

While the bill eliminates the exception for cities & towns with budgets smaller than \$1 million to not post notices on the Public Notice Website, the bill also authorizes the Department of Archives to assist those small budget communities to comply with the new requirement.

### **ULCT Action/Future Trend:**

Team ULCT's Cameron Diehl met with Representative Stanard to raise concerns about the burden on small budget cities and towns. Utah Municipal Clerks Association President Fionnuala Kofoed provided ULCT with information about small budget cities and towns. Consequently, Representative Stanard added the provision that authorizes the Department of Archives to assist those communities. Going forward, the legislature supports transparency at all levels of government. ULCT recognizes that cities and towns have different levels of expertise and capability and thus ULCT commits to ensure that cities and towns have the flexibility they need to meet transparency requirements.

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## HB 27S1 | Local Land Use Amendments

Sponsor: **Peterson, Jeremy**

Bill Status: **Enrolled**

<http://le.utah.gov/~2015/bills/static/HB0127.html>

ULCT Position: **Support**



### **Legislative Purpose for the Bill:**

This bill amends land use provisions in the municipal, county, and state construction code. The bill prohibits, county jurisdiction from requiring physical changes to a legal nonconforming rental dwelling use if those changes would compromise the structural integrity of the building or could not be completed in a manner required by the building code or the jurisdiction's setback requirement.

### **Municipal Impact/Requirements:**

Revisions to HB 127S1 substantially limit any adverse impacts of the original bill.

### **ULCT Action/Future Trend:**

Ogden City Attorney Gary Williams worked with Rep. Peterson to revise the bill in a manner that coordinated with the unique demands of residential rental housing regulation in an historic community, the state building code, and the health, safety and welfare of the inhabitants. HB127 was one of several legislative attempts to limit municipal discretion to regulate the business of residential rental housing.



**HB 129S1 | Economic Development Incentive Amendments**

Sponsor: **Powell, Kraig**

Bill Status: **Enrolled**

<http://le.utah.gov/~2015/bills/static/HB0129.html>

ULCT Position: **Neutral**



**Legislative Purpose for the Bill:**

The bill amends the definition of “economic opportunities” to include the development of recreation infrastructure. The bill also modifies which companies may qualify to receive incentives under the Rural Fast Track Program.

**Municipal Impact/Requirements:**

The bill will help rural communities by expanding the Rural Fast Track Program for economic development incentives, to include incentives for businesses that develop “recreation infrastructure”. The purpose of the program is to provide an efficient way for small companies in rural areas of the state to receive incentives for creating high paying jobs in those areas. The bill expands the Rural Fast Track Program to county of the third class, and communities within them with a median household income of less than \$70,000 (prior law had limited these grants to businesses in counties of the fourth through sixth class, with median incomes of less than \$60,000). The bill was offered to allow Summit and Wasatch County businesses to apply for grants from GOED to install recreation infrastructure.

**ULCT Action/Future Trend:**

ULCT monitored the bill and is always watching for ways to encourage rural economic development.

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## HB 131S3 | Tobacco Shop Amendments

Sponsor: **Powell, Kraig**

Bill Status: **Enrolled**

<http://le.utah.gov/~2015/bills/static/HB0131.html>

ULCT Position: **Support**



### **Legislative Purpose for the Bill:**

This bill provides that an individual less than 19 years old cannot, under certain conditions, be present in a tobacco specialty shop and modifies the definition of electronic cigarettes.

### **Municipal Impact/Requirements:**

The bill prohibits individuals less than 19 years old from being in a tobacco specialty shop unless the individuals are with parents or guardians. The bill also defines a “tobacco specialty shop” as a retailer that derives at least 80% of its total sales from the sale of cigarettes, tobacco, or electronic cigarette products.

### **ULCT Action/Future Trend:**

The legislature passed HB 131 and HB 415 to (in part) address the regulation of electronic cigarettes. More state laws and regulations could come depending on the pending actions of the Federal Drug Administration.



## HB 142 | Municipal Government Revisions

Jan 29, Jan 30, Feb 2, Feb 5, LPC minutes Feb 2

Sponsor: **Anderegg, Jake**

Bill Status: **Failed**

<http://le.utah.gov/~2015/bills/static/HB0142.html>

ULCT Position: **Opposed**



### **Legislative Purpose for the Bill:**

This bill would have amended provisions related to a municipal six-member or five-member council vote to remove or reinstate a power, duty, or function of the mayor.

### **Municipal Impact/Requirements:**

No municipal impact. This bill did not pass.

### **ULCT Action/Future Trend:**

The genesis of this bill was a feud between a handful of council members and a certain city administration. ULCT spent several years working with legislators, city leaders, and other stakeholders to overhaul the form of government statutes, culminating in compromise language in 2008. The compromise language defines the municipal forms of government and strikes a balance between all of the stakeholders. Consequently, ULCT opposes any legislative efforts to change the balance of powers between mayors, council members, and city administrations unless all of the stakeholders have deliberatively found consensus.

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**HB 150 | Prohibition on Electronic Data  
Collection Assistance**

**Jan 29, Jan 30, Feb 2, Feb 5, LPC minutes Feb 2**

Sponsor: **Roberts, Marc**

Bill Status: **Failed**

<http://le.utah.gov/~2015/bills/static/HB0150.html>

ULCT Position: **Neutral**

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**Legislative Purpose for the Bill:**

This bill would have prohibited cooperation between a federal agency that collects electronic data and any political subdivisions of the state.

**Municipal Impact/Requirements:**

No municipal impact. This bill did not pass.

**ULCT Action/Future Trend:**

ULCT monitored this bill. The legislature considered a similar bill in 2014 and may consider future such bills. The genesis of the bill is concern about the National Security Agency facility that collects data.



**HB 151S1 | Affiliated Emergency Service Worker Postretirement Employment Amendments**

Sponsor: **Sagers, Doug**

Bill Status: **Enrolled**

<http://le.utah.gov/~2015/bills/static/HB0151.html>

ULCT Position: **Neutral**



**Legislative Purpose for the Bill:**

This bill provides that reemployment as an affiliated emergency service worker is not subject to postretirement reemployment provisions under certain circumstances.

**Municipal Impact/Requirements:**

The bill defines “affiliated emergency services worker” as a person who is employed by a participating employer and who performs emergency services for another participating employer that is a different agency. The service may include being a volunteer firefighter, reserve law enforcement officer, search and rescue personnel, emergency medical technician, ambulance personnel, park ranger, or public utilities worker.

**ULCT Action/Future Trend:**

ULCT monitored the bill. No future trend.



## HB 160 | Drive-through Service Usage Amendments

Sponsor: **Anderson, Johnny**

Bill Status: **Enrolled**

<http://le.utah.gov/~2015/bills/static/HB0160.html>

ULCT Position: **Opposed**



### **Legislative Purpose for the Bill:**

This bill prohibits a municipality or county from requiring a business with a drive-through service to accommodate in the drive-through service a person who is not in a motorized vehicle, or to maintain the same business hours in the business lobby as the drive-through service.

### **Municipal Impact/Requirements:**

See above.

### **ULCT Action/Future Trend:**

ULCT expressed concern about the bill to the bill sponsor because the legislature was essentially overturning a local ordinance that a ULCT member city had enacted. However, the bill sponsor and legislators determined that the burden on businesses was sufficient to limit local control.



## HB 177S2 | Modifications to Voting Law

Sponsor: **Cox, Fred**

Bill Status: **Enrolled**

<http://le.utah.gov/~2015/bills/static/HB0177.html>

ULCT Position: **Support**



### **Legislative Purpose for the Bill:**

This bill amends provisions related to absentee ballots and voter registration.

This bill establishes that a voter's absentee status does not expire, unless the voter designates otherwise.

### **Municipal Impact/Requirements:**

The bill prohibits a county clerk from removing a voter's name from the absentee voter status unless the voter is no longer listed in the official register, the voter cancels the voter's own absentee status, or the voter specifies a date on his/her application form when his/her name could be removed.

### **ULCT Action/Future Trend:**

ULCT monitored the bill. The legislature has considered varying proposals about voter rolls and absentee voter status and will likely consider more proposals in upcoming sessions.

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## HB 181 | Sales Tax on Vehicle Purchases

Feb 2, Feb 3, Feb 6, Feb 9, LPC minutes Feb 2,  
LPC minutes Feb 9

Sponsor: **Ivory, Ken**

Bill Status: **Failed**

<http://le.utah.gov/~2015/bills/static/HB0181.html>

ULCT Position: **Opposed**

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### **Legislative Purpose for the Bill:**

This bill would have amended provisions related to sales and use tax on certain motor vehicle purchases.

### **Municipal Impact/Requirements:**

No municipal impact. This bill did not pass.

### **ULCT Action/Future Trend:**

ULCT opposed this bill because the bill would have radically altered how sales and use taxes are collected. Some cities would have benefitted from the bill and some cities would have been harmed. Longstanding ULCT policy is that ULCT will oppose any changes to the local option 1% sales tax distribution unless the changes included a new source of revenue. ULCT's Cameron Diehl, Ken Bullock, and Roger Tew all articulated ULCT concerns to both the bill sponsor and committee members. ULCT anticipates more discussion about the sales tax impact of motor vehicles, the business model of motor vehicle sales, and the general sales tax distribution in future sessions.



**HB 190S2 | Assessment Area Act Modifications**

**Feb 11, Feb 13, Feb 24, LPC minutes Feb 23,  
LPC agenda Mar 9**

Sponsor: **Webb, Curt**

Bill Status: **Enrolled**

<http://le.utah.gov/~2015/bills/static/HB0190.html>

ULCT Position: **Support**



**Legislative Purpose for the Bill:**

This bill amends provisions related to the designation of an assessment area and the levy of an assessment.

**Municipal Impact/Requirements:**

This bill modifies the protest period, notice requirements, and thresholds for the creation of assessment areas. First, the bill changes the protest period for property owners who do not what their property included in the assessment area, waives part of the objection if the property owner fails to file a timely written protest, and requires the local entity to post the total and percentage of the written protests received on the local entity’s website. The governing body must hear the objections to the assessment area during a public hearing. The new protest threshold is 40% of the taxable value or equivalent residential units of the property proposed to be assessed. If adequate protests are filed, then the governing body may not make a change to the area that reduces the benefit to the potential benefitted property. If the governing body makes a noticing mistake, the governing body may file a corrected notice without invalidating the assessment area designation. The bill also changes the assessment area impact on subsequent purchasers. An owner who fails to make objections (either in person or via writing prior to the first board of equalization hearing) will waive those objections. Finally, a party challenging the misuse of assessment funds may file an action of mandamus.

**ULCT Action/Future Trend:**

Team ULCT, spearheaded by Ogden City Attorney

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Gary Williams and Ogden Assistant City Attorney Mark Stratford, has worked with Representative Curt Webb for nearly three years to find consensus. During the session, we worked through several substitutes, found a compromise, and then fended off potentially hostile amendments. Based on the past three years of work for HB 190S2, ULCT hopes that the legislature will not consider anew the notice, protest, and timing requirements for assessment areas.



## HB 192 | Property Rights Ombudsman Amendments

Sponsor: **Hawkes, Timothy**

Bill Status: **Enrolled**

<http://le.utah.gov/~2015/bills/static/HB0192.html>

ULCT Position: **Support**



### **Legislative Purpose for the Bill:**

This bill prohibits the Office of the Property Rights Ombudsman (OPRO) from representing a person in a legal action, and provides that an action by the Office of the Property Rights Ombudsman or its associates does not create an attorney-client privilege.

### **Municipal Impact/Requirements:**

The bill alleviates concerns, shared by the OPRO, that an unrepresented person would expect the OPRO to act as its advocate in a legal action.

### **ULCT Action/Future Trend:**

The OPRO contacted the ULCT and requested our support.

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## HB 193S2 | Continuing Education for General Contractor Licensing

Sponsor: **Gibson, Francis**

Bill Status: **Enrolled**

<http://le.utah.gov/~2015/bills/static/HB0193.html>

ULCT Position: **Opposed**



### **Legislative Purpose for the Bill:**

This bill modifies the continuing education requirements for certain contractor licensees in the Utah Construction Trades Licensing Act.

### **Municipal Impact/Requirements:**

The bill expands the entities that can provide continuing education for contractor licensees. Each contractor licensee must still complete six hours of approved continuing education during each two-year renewal cycle.

### **ULCT Action/Future Trend:**

ULCT monitored the bill.



## HB 204S1 | Tax Increment Amendments

Sponsor: **Peterson, Jeremy**

Bill Status: **Enrolled**

<http://le.utah.gov/~2015/bills/static/HB0204.html>

ULCT Position: **Amend**



### **Legislative Purpose for the Bill:**

This bill addresses tax increment under community development and renewal agency provisions.

### **Municipal Impact/Requirements:**

The bill modifies the definition of “tax increment.” The new definition is the difference between i) the amount of property tax revenues generated each tax year by all taxing entities from the area within a project area designated in the project area plan as the area from which tax increment is to be collected using the current assessed value of the property and that are paid to the agency from funds from all of the tax levies used in establishing the certified tax rate; and ii) the amount of property tax revenues that would be generated from that same area using the base taxable value of the property.

### **ULCT Action/Future Trend:**

Team ULCT’s Roger Tew and Randy Sant (South Salt Lake/Tooele) handled this bill and worked closely with the bill sponsor and stakeholders to find consensus language. The legislature constantly reviews RDA and CDA law and ULCT anticipates more such examination in the future.

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## HB 206 | Local District Service Amendments

Feb 6

Sponsor: **Perry, Lee**

Bill Status: **Enrolled**

<http://le.utah.gov/~2015/bills/static/HB0206.html>

ULCT Position: **Neutral**



### **Legislative Purpose for the Bill:**

This bill enacts provisions related to the provision of services by a local district. The bill prohibits a local district from suspending service in certain circumstances.

### **Municipal Impact/Requirements:**

The bill prohibits a local district from suspending service to a customer if a private third party requests the suspension. The lone exception would be if the land owner requests temporary discontinuance for maintenance-related activities.

### **ULCT Action/Future Trend:**

ULCT monitored the bill. ULCT noticed an uptick on local district related bills.

**HB 212 | Wildland Fire Liability Amendments**Sponsor: **Wheatley, Mark**Bill Status: **Enrolled**<http://le.utah.gov/~2015/bills/static/HB0212.html>ULCT Position: **Neutral****Legislative Purpose for the Bill:**

This bill amends wildland fire prevention provisions, and allows the use of certain kinds of ammunition under certain circumstances.

**Municipal Impact/Requirements:**

The bill slightly modifies the definition of when a person may fire a tracer or incendiary ammunition. An individual may fire a tracer or incendiary ammunition upon receiving the written permission of the director of the Division of Forestry, Fire, and State Lands that specifies the limited period of time and area where the ammunition may be used.

**ULCT Action/Future Trend:**

ULCT monitored the bill because of previous fires triggered by incendiary ammunition in dry conditions that impacted cities and towns around the state.

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**HB 216S2 | Workplace Abusive Conduct  
Amendments to Promote a Healthy Workplace**

LPC minutes Feb 23, LPC minutes Mar 2

Sponsor: **Stratton, Keven**

Bill Status: **Enrolled**

<http://le.utah.gov/~2015/bills/static/HB0216.html>

ULCT Position: **Neutral**

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**Legislative Purpose for the Bill:**

This bill modifies the Utah State Personnel Management Act to address workplace abusive conduct. The bill requires rulemaking, training, reporting, and outlines the scope of section.

**Municipal Impact/Requirements:**

The department shall provide training to educate employees and supervisors about how to prevent abusive workplace conduct.

**ULCT Action/Future Trend:**

The initial bill may have extended requirements to political subdivisions but the substitute did not include those requirements.



## HB 219 | Election Day Voter Registration Pilot Project Amendments

Sponsor: **Chavez-Houck, Rebecca**

Bill Status: **Enrolled**

<http://le.utah.gov/~2015/bills/static/HB0219.html>

ULCT Position: **Support**



### **Legislative Purpose for the Bill:**

This bill expands the Election Day Voter Registration Pilot Project to permit an individual to register to vote, and vote, on a day when early voting is held.

### **Municipal Impact/Requirements:**

This bill only impacts those cities that are participating in the Election Day Voter Registration Pilot Project. Last year's bill neglected to include early voting provisions for Election Day voter registration.

### **ULCT Action/Future Trend:**

ULCT monitored the bill because a handful of cities and towns will participate in the pilot project in the 2015 election cycle. If your city is interested in participating in the pilot project, please contact ULCT or the Lieutenant Governor's office.

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## HB 220 | Vote by Mail Amendments

Sponsor: **Chavez-Houck, Rebecca**

Bill Status: **Enrolled**

<http://le.utah.gov/~2015/bills/static/HB0220.html>

ULCT Position: **Support**



### **Legislative Purpose for the Bill:**

This bill provides that when an absentee ballot is submitted by mail, the ballot is timely if the ballot is clearly postmarked or otherwise clearly marked as received by the post office before Election Day.

### **Municipal Impact/Requirements:**

Municipal election officials must accept ballots as timely if the ballots are postmarked or otherwise clearly marked as received by the post office prior to Election Day.

### **ULCT Action/Future Trend:**

ULCT monitored the bill because more and more cities and towns are adopting or considering Vote by Mail elections. The bill provides additional guidance for how to accept and count absentee ballots.



## HB 224 | Beekeeping Amendments

### Interim

Sponsor: **Roberts, Marc**

Bill Status: **Failed**

<http://le.utah.gov/~2015/bills/static/HB0224.html>

ULCT Position: **Amend**



### **Legislative Purpose for the Bill:**

This bill amends bee raising registration requirements and prohibits the regulation of bee raising by a political subdivision.

### **Municipal Impact/Requirements:**

No municipal impact. This bill did not pass.

### **ULCT Action/Future Trend:**

ULCT's Cameron Diehl and Jodi Hoffman met with the bill sponsor to discuss the bill. We anticipate the bill sponsor bringing back the concept in 2016. In the meantime, please review any ordinances that your city and town has about the raising of bees.



**HB 226 | Air Quality Revisions**

**Feb 13**

Sponsor: **Edwards, Becky**

Bill Status: **Enrolled**

<http://le.utah.gov/~2015/bills/static/HB0226.html>

ULCT Position: **Support**



**Legislative Purpose for the Bill:**

This bill authorizes the Division of Air Quality to create rules that are different than corresponding federal regulations if additional regulations will provide added protections to public health and the environment.

**Municipal Impact/Requirements:**

This bill does not create new municipal requirements.

**ULCT Action/Future Trend:**

The legislature continues to seek approaches to improve air quality. The legislature previously considered this concept.



## HB 228 | Appellate Bond Amendments

Feb 11, LPC minutes Mar 2

Sponsor: **Sagers, Doug**

Bill Status: **Enrolled**

<http://le.utah.gov/~2015/bills/static/HB0228.html>

ULCT Position: **Support**



### **Legislative Purpose for the Bill:**

This bill repeals and reenacts provisions relating to appellate bonds for political subdivisions.

### **Municipal Impact/Requirements:**

The bill puts Utah municipalities at the same legal right to appeal as other Utah governmental entities without a requirement to post an appeal security for judgments in excess of \$5 million.

### **ULCT Action/Future Trend:**

Tooele's Randy Sant led the Team ULCT efforts on HB 228. The ULCT general membership unanimously endorsed a resolution at our 2014 Annual Convention to repeal the appeal security requirement. Randy Sant, Tooele officials, and ULCT's Cameron Diehl testified and lobbied in strong support of the bill.

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**HB 242 | State and Local Government  
Employee Policies**

Sponsor: **Miller, Justin**

Bill Status: **Enrolled**

<http://le.utah.gov/~2015/bills/static/HB0242.html>

ULCT Position: **Support**



**Legislative Purpose for the Bill:**

This bill enacts language related to the accommodation of public employees who are breastfeeding, and prohibits a public employer from discriminating against an employee who is breastfeeding in the workplace.

**Municipal Impact/Requirements:**

Cities and towns must provide reasonable breaks and a nearby private room (but not a bathroom) for public employees who are breastfeeding. The reasonable accommodation must be written and occur for at least one year after the birth of a public employee's child. Cities and towns may not discriminate against a public employee who is breastfeeding.

**ULCT Action/Future Trend:**

Representative Miller sponsored several bills addressing breastfeeding accommodations in the workplace and sought ULCT support prior to the session.



## HB 245 | Incorporation Process for Cities and Towns

Sponsor: **Brown, Mel**

Bill Status: **Enrolled**

<http://le.utah.gov/~2015/bills/static/HB0245.html>

ULCT Position: **Neutral**



### **Legislative Purpose for the Bill:**

This bill requires the lieutenant governor, rather than a county, to facilitate proceedings for and pay for the expenses incurred from the incorporation of a city or town (including a feasibility study), and requires a newly incorporated city or town to reimburse the lieutenant governor for incorporation expenses.

### **Municipal Impact/Requirements:**

This bill will only affect future unincorporated county areas that seek to incorporate.

### **ULCT Action/Future Trend:**

ULCT monitored the bill.



## HB 246S3 | Amendments to Fire Code

Sponsor: **Kennedy, Mike**

Bill Status: **Enrolled**

<http://le.utah.gov/~2015/bills/static/HB0246.html>

ULCT Position: **Neutral**



### **Legislative Purpose for the Bill:**

This bill modifies provisions relating to a person's right to appeal a fire code official's order, decision, or determination. The bill requires a local ordinance describing local accountability and security for each access key which and owner is required to provide the fire jurisdiction to allow access to private property., The bill also provides that a fire jurisdiction must provide notice of an owner's right of appeal of a fire official's order or decision with respect to private property.

### **Municipal Impact/Requirements:**

Jurisdictions with Fire Departments will need to pass an order or resolution describing the process by which it accounts for and secures access keys to private property. Jurisdictions with Fire Departments will also need to establish a notice of appeal process for fire official's actions.

### **ULCT Action/Future Trend:**

The bill was offered in response to a citizen's request, outside of the Land Use Task Force process.



## HB 250 | Special Service Districts Amendments

Feb 5

Sponsor: **Kennedy, Mike**

Bill Status: **Failed**

<http://le.utah.gov/~2015/bills/static/HB0250.html>

ULCT Position: **Amend**



### **Legislative Purpose for the Bill:**

This bill would have prohibited, in certain circumstances, a municipality from creating a special service district, and would have required the legislative body of a municipality that is creating the special service district to certify to the lieutenant governor certain information.

### **Municipal Impact/Requirements:**

No municipal impact. This bill did not pass.

### **ULCT Action/Future Trend:**

The bill sponsor reached out to ULCT and the Utah Association of Special Service Districts (UASSD) to try to find consensus on the bill concept. ULCT and UASSD provided alternative language to the bill sponsor but ultimately the bill halted. The bill arose from concerns in one particular service district within a city.





**HB 251 | Amendments to the Interlocal Act**

Sponsor: **Anderson, Johnny**

Bill Status: **Enrolled**

<http://le.utah.gov/~2015/bills/static/HB0251.html>

ULCT Position: **Neutral**



**Legislative Purpose for the Bill:**

This bill amends provisions related to interlocal entities and joint or cooperative undertakings, including legal authority, bonding, tax exemptions, board compensation, and fiscal and budgetary procedures.

**Municipal Impact/Requirements:**

This bill was a comprehensive rewrite of the laws governing interlocal entities. It was the product of an ad hoc task force spearheaded by the Utah Special Districts Association. The action was the result of various legislative proposals of the past three years that raised questions about the operations of interlocal entities. For the most part it codified best practices for various interlocals. Tax paying interlocals (IPA, UAMPS, UMPA) were exempted from the provisions of the act.

**ULCT Action/Future Trend:**

Team ULCT’s Roger Tew coordinated the ULCT effort on this bill. This rewrite will hopefully end the piecemeal legislation that had appeared over the last several years. Cities should make themselves aware of the increased formality and operational requirements for creating and operating an interlocal entity.



## HB 252 | Human Trafficking Amendments

Sponsor: **King, Brian**

Bill Status: **Enrolled**

<http://le.utah.gov/~2015/bills/static/HB0252.html>

ULCT Position: **Support**



### **Legislative Purpose for the Bill:**

This bill modifies the definition of the crime of human trafficking of a child, and provides that a person who is convicted of human trafficking of a child is guilty of a first degree felony.

### **Municipal Impact/Requirements:**

See above.

### **ULCT Action/Future Trend:**

ULCT monitored and supported the bill. No future trend.



**HB 260 | Concealed Firearm Permit  
Amendments**

Sponsor: **Oda, Curtis**

Bill Status: **Failed**

<http://le.utah.gov/~2015/bills/static/HB0260.html>

ULCT Position: **Neutral**



**Legislative Purpose for the Bill:**

This bill would have provided an exemption from certain criminal provisions for a person, who is 21 years of age or older, who may lawfully possess a firearm related to the carrying of an unloaded concealed firearm.

**Municipal Impact/Requirements:**

No municipal impact. This bill did not pass.

**ULCT Action/Future Trend:**

ULCT is often involved in dialogue about the lawful and unlawful possession of firearms. The bill sponsor expressed a desire to discuss the bill concept in the interim and bring the bill concept back for consideration in the 2016 session.



## HB 262 | Prison Relocation Commission Modifications

Sponsor: **Nelson, Merrill**

Bill Status: **Failed**

<http://le.utah.gov/~2015/bills/static/HB0262.html>

ULCT Position: **Neutral**



### **Legislative Purpose for the Bill:**

This bill would have modified the duties of the Prison Relocation Commission to require the commission to consider the current site of the state prison as a place to locate new prison facilities.

### **Municipal Impact/Requirements:**

No municipal impact. This bill did not pass.

### **ULCT Action/Future Trend:**

This bill arose from the ongoing dialogue about the prison relocation. The legislature passed HB 454S2 and, as of this writing, has yet to determine the future of the state prison. ULCT is watching all of the prison developments because of the potential impact on several cities and towns.



## HB 266 | Vehicle Towing Amendments

Mar 9, Mar 9(2), Mar 10, Interim

Sponsor: **Coleman, Kim**

Bill Status: **Failed**

<http://le.utah.gov/~2015/bills/static/HB0266.html>

ULCT Position: **Support**



### **Legislative Purpose for the Bill:**

This bill would have amended rulemaking authority of the Department of Public Safety related to the use of a tow truck motor carrier by a peace officer on certain unhealthy air quality days. The bill was nearly substituted to require tow truck drivers to have a criminal background check before performing tow truck services and modifies when a tow truck can tow vehicles from private parking lots.

### **Municipal Impact/Requirements:**

No municipal impact. This bill did not pass.

### **ULCT Action/Future Trend:**

West Valley City Assistant City Manager Nicole Cottle coordinated ULCT's efforts on HB 266. The bill sponsor sought ULCT feedback and ultimately decided to study the bill further during the interim. ULCT expects a towing related bill in the future.

**HB 267 | Municipal Government Changes****Interim**Sponsor: **Westwood, John**Bill Status: **Failed**<http://le.utah.gov/~2015/bills/static/HB0267.html>ULCT Position: **Opposed****Legislative Purpose for the Bill:**

This bill would have allowed the municipal council in the council-manager form of government to change the title of mayor or manager.

**Municipal Impact/Requirements:**

No municipal impact. This bill did not pass.

**ULCT Action/Future Trend:**

ULCT spent several years working with legislators, city leaders, and other stakeholders to overhaul the form of government statutes, culminating in compromise language in 2008. The compromise language defines the municipal forms of government and strikes a balance between all of the stakeholders. Consequently, ULCT opposes any legislative efforts to change the balance of powers between mayors, council members, and city administrations unless all of the stakeholders have deliberatively found consensus.



## HB 268 | Good Landlord Program Amendments

Feb 11, Interim

Sponsor: **Froerer, Gage**

Bill Status: **Failed**

<http://le.utah.gov/~2015/bills/static/HB0268.html>

ULCT Position: **Amend**

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### **Legislative Purpose for the Bill:**

This bill would have amended provisions related to a good landlord program. The bill defined “residential landlord,” and prohibited a municipality from requiring a residential landlord to deny tenancy to certain individuals.

### **Municipal Impact/Requirements:**

No municipal impact. This bill did not pass.

### **ULCT Action/Future Trend:**

ULCT committed to the bill sponsor and all of the good landlord program stakeholders to evaluate the program during the interim. If you want to participate in the conversations about the good landlord program, please contact ULCT.

**HB 269 | Tourist-oriented Highway Signing Program**Sponsor: **Noel, Michael**Bill Status: **Enrolled**<http://le.utah.gov/~2015/bills/static/HB0269.html>ULCT Position: **Support****Legislative Purpose for the Bill:**

This bill provides an exception to the Department of Transportation's authorization to erect, administer, and maintain informational signs on the main-traveled way of an interstate or primary system.

**Municipal Impact/Requirements:**

This bill creates the Tourist Oriented Directional Signing Program (TODS) for rural highways in counties of the fourth, fifth, and sixth counties (excluding expressways and interstates). The signs direct travelers to products and services available at tourism related businesses or cultural facilities not visible from the main road in rural areas. The TODS program exists in 41 states. UODT will solicit a 3rd party contractor to fabricate, install, and maintain the signs. Cities and towns need not proactively act to implement the TODS program.

**ULCT Action/Future Trend:**

ULCT's Cameron Diehl and Jodi Hoffman attended the House committee hearing to support the bill and met regularly with rural and UDOT officials to encourage passage of the bill.

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**HB 276 | Agriculture Structure Amendments**

Feb 23

Sponsor: **McKell, Mike**Bill Status: **Enrolled**<http://le.utah.gov/~2015/bills/static/HB0276.html>ULCT Position: **Neutral****Legislative Purpose for the Bill:**

This bill defines the term “high tunnel,” and states that a municipality building code does not apply to a high tunnel. The bill also states that a high tunnel is exempt from assessment for taxation purposes. A “high tunnel” means a temporary structure that is used for the keeping, storing, sale, or shelter of an agricultural commodity and has a plastic, woven textile, or other flexible covering—think seasonal greenhouse.

**Municipal Impact/Requirements:**

The bill originally proposed to exempt high tunnels from zoning requirements. This bill should have no municipal impact because Section 17.01 of the International Building Code already specifically exempts “temporary growing structures” from the building code. Under the IPC, a “temporary growing structure” means a structure that has the sides and roof covered with polyethylene, polyvinyl, or similar flexible synthetic material and is used to provide plants with either frost protection or increased heat retention. A temporary growing structure is not considered a building for purposes of this code.

**ULCT Action/Future Trend:**

The bill does not prohibit site inspection, inspection for zoning compliance nor a building permit process if the structure remains erect for a period in excess of 180 days.



**HB 285S3 | Building Code Review and  
Adoption Amendments**

**Feb 19, Interim**

Sponsor: **Wilson, Brad**

Bill Status: **Failed**

<http://le.utah.gov/~2015/bills/static/HB0285.html>

ULCT Position: **Opposed**



**Legislative Purpose for the Bill:**

This bill would have modified the process by which the Legislature adopts new versions of the State Construction Code and the State Fire Code, and addressed the ability of state and local entities to adopt a rule or ordinance that is different from the State Construction Code or the State Fire Code.

**Municipal Impact/Requirements:**

No municipal impact. This bill did not pass.

**ULCT Action/Future Trend:**

Layton City Attorney Gary Crane worked extensively with the bill sponsor to arrive at compromise legislation. Expect this issue to return in the 2016 session.



## HB 287 | Transferable Development Agreements

Interim

Sponsor: **Wilson, Brad**

Bill Status: **Failed**

<http://le.utah.gov/~2015/bills/static/HB0287.html>

ULCT Position: **Neutral**

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### **Legislative Purpose for the Bill:**

This bill would have allowed a municipality and county to enter into an agreement to allow the transfer of development rights between their respective jurisdictions.

### **Municipal Impact/Requirements:**

No municipal impact. This bill did not pass.

### **ULCT Action/Future Trend:**

Transfer of development rights have been discussed extensively at the Land Use Task Force (LUTF). The LUTF and ULCT's Jodi Hoffman encouraged Representative Powell to consider the issue in the 2015 interim.



## HB 288S3 | Line-of-Duty Death Benefits for Peace Officers and Firefighters

Feb 20, Feb 26, LPC minutes Mar 2, LPC agenda Mar 9

Sponsor: **Ray, Paul**

Bill Status: **Enrolled**

<http://le.utah.gov/~2015/bills/static/HB0288.html>

ULCT Position: **Support with Amendment**



### Legislative Purpose for the Bill:

The bill requires an employer to provide a death benefit and health coverage for the surviving spouse and children of a peace officer or firefighter who dies in the line of duty under certain circumstances. The bill also requires an employer to provide assistance for applying for a death benefit to a surviving spouse of a public safety officer or firefighter.

### Municipal Impact/Requirements:

The bill provides a death benefit to family members of a public safety officer who dies in the line-of-duty. For example, the surviving spouse and children would receive a lump sum equal to six months of the public safety officer's final average salary in addition to the previous existing benefit of 37.5% of the officer's final average monthly salary. For the first 2 years after the line-of-duty death, the employer (city/town) will also pay 100% of the health insurance premium costs. The surviving spouse and children will remain eligible until the surviving spouse remarries or the children turn 26 years of age (whichever comes first).

### ULCT Action/Future Trend:

Team ULCT diligently worked to improve this bill. Bountiful City Manager Gary Hill, Layton City Attorney Gary Crane, Pleasant View Mayor Toby Mileski, and Pleasant View City Manager Melinda Greenwood met repeatedly with the bill sponsor to explain the potential fiscal impact of the original draft of the bill (note: the original draft would have provided lifetime benefits) on small communities. Due to their efforts, the sponsor narrowed the scope of the bill.

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**HB 290S2 | New Car Dealership Franchise Amendments**

Sponsor: **McKell, Mike**

Bill Status: **Enrolled**

<http://le.utah.gov/~2015/bills/static/HB0290.html>

ULCT Position: **Neutral**



**Legislative Purpose for the Bill:**

This bill addresses the procedure by which a franchisor may establish or relocate a dealership in the same line-make as an existing dealership in the relevant market area, and modifies the membership of the Utah Motor Vehicle Franchise Advisory Board. The bill provides that an affected municipality may participate in a hearing before the Utah Motor Vehicle Franchise Advisory Board.

**Municipal Impact/Requirements:**

The location of new car dealerships was an issue before the 2015 General Session. Some cities felt that existing law negatively impacted the ability of new dealerships to be created and located in some areas. The law addressed some limited issues about the location of some dealerships. It also authorized an impacted city to participate in hearing regarding the location of these dealerships.

**ULCT Action/Future Trend:**

Issues surrounding the location of car dealerships are likely to continue to come before the Utah Legislature as the nature of the business continues to change. The impact on cities is associated the sales tax generated by the sale of cars.



**HB 303S2 | Legislative Approval of Land Transfers**

**Feb 25**

Sponsor: **Stratton, Keven**

Bill Status: **Enrolled**

<http://le.utah.gov/~2015/bills/static/HB0303.html>

ULCT Position: **Opposed until Amended**



**Legislative Purpose for the Bill:**

This bill provides that a governmental entity may submit a proposal to sell or exchange 500 acres or more of governmentally controlled land to the federal government for legislative approval. The bill requires any governmental entity to notify the Legislative Management Committee of any proposal to sell or exchange less than 500 acres of governmentally controlled land to the federal government, and provides that a governmental entity that enters into a discussion with a federal agent that may result in certain actions the option to provide written notice to the Legislature.

**Municipal Impact/Requirements:**

This bill applies to all political subdivisions of the state, including an optional requirement for cities and towns.

**ULCT Action/Future Trend:**

The ULCT opposed the bill because land transactions involving private development of SITLA lands are often preceded by a swap of federal land for SITLA land to assemble SITLA lands for development purposes. The ULCT was and is unaware of any proposal to sell or exchange municipal land to the federal government that would be affected by this bill. ULCT staff worked with the sponsor to remove municipalities from any requirements of informing or gaining the state's permission if negotiating with the federal government about a land exchange.

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## HB 306 | Fees for Government Records Requests

Sponsor: **King, Brian**

Bill Status: **Failed**

<http://le.utah.gov/~2015/bills/static/HB0306.html>

ULCT Position: **Opposed**



### **Legislative Purpose for the Bill:**

This bill would have modified provisions of the Government Records Access and Management Act by providing for de novo review of an appeal of a fee waiver request relating to fees charged for record requests.

### **Municipal Impact/Requirements:**

No municipal impact. This bill did not pass.

### **ULCT Action/Future Trend:**

ULCT is always weary of potential GRAMA modifications and we watched this bill closely. ULCT anticipates similar bills to emerge in future sessions.



## HB 314S1 | Money Management Act Amendments

Sponsor: **Cunningham, Rich**

Bill Status: **Enrolled**

<http://le.utah.gov/~2015/bills/static/HB0314.html>

ULCT Position: **Neutral**



### **Legislative Purpose for the Bill:**

This bill modifies provisions relating to authorized deposits or investments of public funds, and provides for a transition of investments that were previously authorized.

### **Municipal Impact/Requirements:**

The legislation imposes a maturity investment time restriction for various investments of five years for most public entities—10 years for institutions of higher education and cities and counties of the first class.

### **ULCT Action/Future Trend:**

The legislation is based on the recommendations of the state money management council.





## HB 315 | Building Permit Amendments

Sponsor: **Schultz, Mike**

Bill Status: **Failed**

<http://le.utah.gov/~2015/bills/static/HB0315.html>

ULCT Position: **Opposed**



### **Legislative Purpose for the Bill:**

This bill would have established requirements and conditions for a land use authority to authorize an applicant to post an improvement completion assurance.

### **Municipal Impact/Requirements:**

No municipal impact. This bill did not pass.

### **ULCT Action/Future Trend:**

The Land Use Task Force has worked extensively on improvement completion assurance legislation. This bill arose outside of that process and was opposed by the ULCT, the PRC and other LUTF members. Infrastructure improvement issues (aka subdivision bonds) continue to be a source of conflict between cities and developers as we attempt to train municipalities on this area of state law. Please let us know if your city would like to discuss how state law may affect your infrastructure improvement process.



## HB 321S1 | Vote by Mail Revisions

Feb 20

Sponsor: **Westwood, John**

Bill Status: **Enrolled**

<http://le.utah.gov/~2015/bills/static/HB0321.html>

ULCT Position: **Support**



### **Legislative Purpose for the Bill:**

This bill requires a county that administers an election entirely by absentee ballot to provide at least one election day voting center and the election officials need not pay return postage for an absentee ballot.

### **Municipal Impact/Requirements:**

This bill should reduce the cost for cities and towns that conduct elections entirely by absentee ballots.

### **ULCT Action/Future Trend:**

ULCT's Cameron Diehl testified in support of the bill in committee. Many cities and towns are exploring vote by mail options during 2015 and the legislature continues to examine additional avenues for voting.



## HB 323 | Resource Management Planning by Local Governments

Sponsor: **Stratton, Keven**

Bill Status: **Enrolled**

<http://le.utah.gov/~2015/bills/static/HB0323.html>

ULCT Position: **Neutral**



### **Legislative Purpose for the Bill:**

This bill requires a county to develop a resource management plan as a part of the county's general plan, and establishes the content requirements for that resource management plan.

### **Municipal Impact/Requirements:**

This bill applies to counties.

### **ULCT Action/Future Trend:**

ULCT monitored the bill. The legislature will continue to study resource management plans.



**HB 328S1 | Tax Changes**

Sponsor: **McCay, Dan**

Bill Status: **Failed**

<http://le.utah.gov/~2015/bills/static/HB0328.html>

ULCT Position: **Neutral**



**Legislative Purpose for the Bill:**

This bill would have amended provisions related to the calculation of property tax rates.

**Municipal Impact/Requirements:**

No municipal impact. This bill did not pass.

**ULCT Action/Future Trend:**

The question of “new growth” calculation surfaced during the 2014 interim. At issue is the impact of new growth on any property-tax levying entity—particularly whether that entity may have to go through truth-in-taxation hearings. There are also questions about the ability of to forecast future property revenue since anticipated revenue calculations may be impacted by other factors in the “new growth” calculation. This issue will be studied again during the upcoming interim period.



**HB 332 | Local Transportation Corridor  
Preservation Fund Amendments**

Sponsor: **Kennedy, Mike**

Bill Status: **Enrolled**

<http://le.utah.gov/~2015/bills/static/HB0332.html>

ULCT Position: **Neutral**



**Legislative Purpose for the Bill:**

This bill provides that the expenditure of revenues from the Local Transportation Corridor Preservation Fund shall be authorized and managed by the local highway authority rather than the Department of Transportation. The bill also requires the State Tax Commission to allocate and distribute the revenues provided to each county, city, or town imposing certain fees and taxes of funds. The bill provides that a highway authority may only expend money to purchase a right-of-way for a state highway under certain circumstances.

**Municipal Impact/Requirements:**

The bill changes how the Local Transportation Corridor Preservation Fund is distributed to local governments.

**ULCT Action/Future Trend:**

ULCT monitored the bill.



## HB 338 | Resolving Government Record Disputes

### Interim

Sponsor: **Chavez-Houck, Rebecca**

Bill Status: **Enrolled**

<http://le.utah.gov/~2015/bills/static/HB0338.html>

ULCT Position: **Neutral**



### Legislative Purpose for the Bill:

This bill modifies duties of the State Records Committee and authorizes the state auditor to submit to the State Records Committee a dispute about the public release of a record in conjunction with the release of an audit report.

### Municipal Impact/Requirements:

This bill would only impact cities and towns that are involved in disputes with the state auditor over the release of audit reports. The State Records Committee would have authority to review such disputes.

### ULCT Action/Future Trend:

ULCT monitored the bill. ULCT has seen more and more bills about the authority and jurisdiction of the State Records Committee.

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## HB 339 | Alcoholic Beverage Service Amendments

### Interim

Sponsor: **Powell, Kraig**

Bill Status: **Failed**

<http://le.utah.gov/~2015/bills/static/HB0339.html>

ULCT Position: **Support**

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### **Legislative Purpose for the Bill:**

This bill was intended to address restrictions related to sitting at a bar structure, and exempting a restaurant from certain restrictions on the dispensing and storage of alcoholic products if the restaurant complied with certain requirements.

### **Municipal Impact/Requirements:**

No municipal impact. This bill did not pass.

### **ULCT Action/Future Trend:**

The legislature has considered many bills in recent years about the so-called “Zion Curtain” dispensing and storage structures, grandfathered bar structures, and other state alcohol laws that govern restaurants. While the legislature did not act in 2015, ULCT anticipates more bills in 2016.



**HB 343S2 | Utah Communication Authority  
Emergency Radio and 911 Amendments**

**Mar 2(2), Mar 3, Mar 4, LPC minutes Feb 23,  
LPC minutes Mar 2, LPC agenda Mar 9**

Sponsor: **Dee, Brad**

Bill Status: **Enrolled**

<http://le.utah.gov/~2015/bills/static/HB0343.htm>

ULCT Position: **Support**



**Legislative Purpose for the Bill:**

This bill amends the Utah Communications Authority Act and the Emergency Telephone Service Law to implement a statewide public communications network for 911 emergency services. The bill amends powers of the Utah Communications Authority, and creates the 911 Division within the authority. The bill also creates the Radio Network Division within the authority. It also creates the Utah Statewide Radio System Restricted Account within the General Fund and specifies its purpose. The bill additionally creates the Interoperability Division within the authority.

**Municipal Impact/Requirements:**

This bill starts to address the need to upgrade Utah’s emergency radio, 911 service, Public Safety Answering Points, dispatch, and interoperability of the emergency system. While the total upgrade cost is estimated at \$240 million statewide, this bill seeks just a one-time appropriation of \$1.5 million to develop a design proposal for a new statewide radio network. After significant dialogue with the private sector, the substitute bill does not include a fee increase. The bill instead addresses the organizational changes necessary to help UCA put the statewide network in place in coming years using all available public and private resources in the state.

**ULCT Action/Future Trend:**

Layton City Attorney Gary Crane led the Team ULCT effort on HB 343. ULCT sent action alerts, participated in negotiations, and testified in committee. After significant dialogue with the private sector, Team ULCT agreed to scale back the bill and continue the negotiations during the offseason. ULCT anticipates more legislation on the Utah Communications Authority in 2016.

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## HB 347 | Retirement Window Amendments

Feb 27

Sponsor: **Cunningham, Rich**

Bill Status: **Enrolled**

<http://le.utah.gov/~2015/bills/static/HB0347.html>

ULCT Position: **Support**



### **Legislative Purpose for the Bill:**

This bill adds a six-month window for employers of certain entities, and eligible employees, to elect to participate in the Public Employees' Noncontributory Retirement System.

### **Municipal Impact/Requirements:**

This bill only impacts South Jordan City.

### **ULCT Action/Future Trend:**

ULCT testified in support of the bill in committee and assisted South Jordan City and the bill sponsor in promoting the bill's passage.



## HB 348S1 | Criminal Justice Programs and Amendments

Feb 23, Feb 27, Mar 3, Mar 4, LPC minutes Feb 23,  
LPC minutes Mar 2, LPC agenda Mar 9

Sponsor: **Hutchings, Eric**

Bill Status: **Enrolled**

<http://le.utah.gov/~2015/bills/static/HB0348.htm>

ULCT Position: **Opposed**



### Legislative Purpose for the Bill:

This bill amends Utah Code provisions regarding corrections, sentencing, probation and parole, controlled substance offenses, substance abuse and mental health treatment, vehicle offenses, and related provisions to modify penalties and sentencing guidelines, treatment programs for persons in the criminal justice system, and probation and parole compliance and violations to address recidivism.

### Municipal Impact/Requirements:

The sweeping reforms of HB 348 enhance drug and mental health treatment, create an early assessment process and an enhanced supervisions system for people convicted of crimes, and drop some crimes from a felony to a misdemeanor. It reduces the punishments for drug offenses and shifts efforts towards reducing recidivism and increasing screening and treatment. However, reducing certain offenses from a felony to a misdemeanor could shift the burden of drug-related offenses onto municipal prosecutors, and it is still unclear how the new law will be funded.

### ULCT Action/Future Trend:

There was a great deal of support for this bill in the House, the Senate, and from the Governor. The ULCT Legislative Policy Committee voted to oppose the bill, mostly because of concerns over funding, but also recognized that the momentum behind the bill was incredibly strong. Much of the funding for prevention and treatment in this bill has some connection to Medicaid expansion, which is still yet to be resolved. ULCT will continue to monitor the funding situation and the overall impact of the bill on municipalities. Please let ULCT know if you want additional information on this bill.

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**HB 351S3 | Planning District Amendments**

Sponsor: **Dee, Brad**

Bill Status: **Enrolled**

<http://le.utah.gov/~2015/bills/static/HB0351.html>

ULCT Position: **Neutral**



**Legislative Purpose for the Bill:**

This bill excludes, with certain exceptions, any area located within a mountainous planning district from the land use jurisdiction of a municipality. The bill also authorizes a county to establish a planning commission for a mountainous planning district, and amends other applicable provisions of Title 17, Chapter 27a, County Land Use, Development, and Management Act.

**Municipal Impact/Requirements:**

The bill has a one year repeal provision, does not apply to the Town of Alta or Salt Lake City, exercising its control over its watershed. It is offered as an experiment to plan for and regulate “regional assets” such as the Cottonwood Canyons, but specifically divests any area subsequently annexed to or incorporated as a city of all planning and zoning power.

**ULCT Action/Future Trend:**

The bill is the next step in the Mountain Accord process and perhaps the first open step in the “One Wasatch” proposal to connect seven separate mountain resorts. It allows Salt Lake County to override future planning and zoning authority for cities and towns that annex or to newly incorporated areas within the Mountainous Planning District. The bill allows the County Council to form the district, without the consent of private landowners or included and neighboring jurisdictions. It is a testament to the faith the legislature and Salt Lake County municipalities have in the current County Mayor.



**HB 355 | Utah Agricultural Code Amendments**

Sponsor: **Handy, Steve**

Bill Status: **Enrolled**

<http://le.utah.gov/~2015/bills/static/HB0355.html>

ULCT Position: **Neutral**



**Legislative Purpose for the Bill:**

This bill states that the county bee inspector or the Department of Agriculture and Food may inspect an apiary within a county, and also states that the Department of Agriculture and Food may make rules to control and eradicate certain infectious diseases in livestock.

**Municipal Impact/Requirements:**

None.

**ULCT Action/Future Trend:**

We noticed more “bee” bills this year than usual (see HB 224).



**HB 361 | Investigation Protocols for Peace Officer Use of Force**

Sponsor: **Roberts, Marc**

Bill Status: **Enrolled**

<http://le.utah.gov/~2015/bills/static/HB0361.html>

ULCT Position: **Support**



**Legislative Purpose for the Bill:**

This bill requires the chief executive of a law enforcement agency to work with the district or county attorney to designate an agency to investigate instances of peace officer use of force. The bill requires that the investigating agency not be the agency where the officer is employed.

**Municipal Impact/Requirements:**

The investigating agency of an officer-involved critical incident (injury resulting from an officer’s use of a dangerous weapon, fatal injury resulting from the use of a motor vehicle by an officer or resulting from the efforts of an officer attempting to gain physical control of a person, or the death of a person who is in law enforcement custody) may not be the agency at which the involved officer is employed. However, the bill does not preclude a law enforcement agency from conducting an additional internal investigation.

**ULCT Action/Future Trend:**

National concerns over the handling of officer-involved shooting investigations continue to be a major issue. This bill essentially codifies what is already common practice among Utah’s law enforcement agencies and received the support of the law enforcement community.



**HB 362S6 | Transportation Infrastructure Funding**

Feb 19, Feb 20, Feb 23, Feb 25, Feb 26, Mar 2(1), Mar 2(2), Mar 3, Mar 5, Mar 6, Mar 9, Mar 10(1), Mar 10(2), Mar 10(3), Mar 11, Mar 12(1), Mar 12(2), Mar 13, LPC minutes Feb 23, LPC minutes Mar 2, LPC agenda Mar 9

Sponsor: **Anderson, Johnny**

Bill Status: **Enrolled**

<http://le.utah.gov/~2015/bills/static/HB0362.html>

ULCT Position: **Support**



**Legislative Purpose for the Bill:**

This bill modifies provisions relating to transportation funding.

This bill authorizes a county to impose a local option sales and use tax for highways and public transit, subject to voter approval, and addresses the use of revenue collected from the local option sales and use tax for highways and public transit. The bill imposes a percentage tax per gallon on motor and special fuels. The bill amends the apportionment formula for revenues deposited in the class B and class C roads account.

**Municipal Impact/Requirements:**

This bill provides additional motor fuel tax revenue and potential local option sales tax revenue for local governments. The bill modifies the motor fuel tax from 24.5 cents to a 12% tax with a \$2.45 rack price floor. The modification is the equivalent of a 5 cent motor fuel tax increase which will be distributed according to the existing 70/30 split (70% to the state, 30% to cities and counties according to weighted lane mileage and population). The motor fuel tax portion of the bill will be effective January 1, 2016. SB 160 (see below) initially was the vehicle for the motor fuel tax portion of HB 362. Meanwhile, the bill also authorizes each county to impose a .25% general sales tax for transportation after voter approval. In areas with transit service, the funds would be allocated .10% to

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transit systems, .10% to cities, towns, and unincorporated areas, and .05% to counties. In areas without transit service, the funds would be allocated .10% to cities, towns, and unincorporated areas, and .05% to counties. The .10% municipal portion would be distributed according to the existing 50/50 sales tax formula (50% point of sale, 50% population). In order for cities and towns to receive the revenue, then counties must impose the tax and voters must approve the entire quarter cent. The Tax Commission would then need 90 days to prepare to collect and remit the tax and would start collecting the tax on the first day of the subsequent calendar quarter after the 90 day period. The .10% revenue would start flowing to cities and towns within 2-3 months from that subsequent calendar quarter.

**ULCT Action/Future Trend:**

Team ULCT dedicated considerable time and resources in order to achieve the historic passage of HB 362. ULCT's Ken Bullock, Cameron Diehl, and Roger Tew spent countless hours working with the bill sponsor, negotiating with other transportation stakeholders, organizing city and town outreach, and lobbying legislators. ULCT's Nick Jarvis and Brandon Smith spent significant time analyzing data and providing research. ULCT membership from around the state met with legislators, offered information, and advocated together to propel the bill. HB 362 was a tremendous team accomplishment by and for the entire ULCT membership.

Representative Johnny Anderson and Senator Kevin Van Tassell, the Co-Chairs of the Transportation Interim Committee, were instrumental in studying the issue of local transportation funding over the past two years. Because of their leadership—and the leadership of Senator Al Jackson, the Senate Transportation Chair in 2015—the House and Senate were willing to examine both a motor fuel tax increase and a local option sales tax dedicated to transportation.

The next step for cities and towns will be to work with counties to authorize the ballot proposition for the quarter cent local option. Then, municipal and county officials must educate and persuade the general public to support the tax increase. ULCT staff has prepared financial data of what the bill potentially means for each city and town in the state to help you in your decision making process of when to move forward with the ballot proposition. ULCT staff also has identified the potential timeline of the process and potential obstacles. Ultimately, ULCT staff is here to assist your city and town as you determine how and when to proceed so as to achieve success at the ballot and secure the additional sales tax revenue for transportation.





**HB 386 | Body Cameras for Law Enforcement Officers**

LPC Mar 2

Sponsor: **McCay, Dan**

Bill Status: **Failed**

<http://le.utah.gov/~2015/bills/static/HB0386.html>

ULCT Position: **Opposed**



**Legislative Purpose for the Bill:**

This bill would have set a minimum statewide protocol for the use of body-worn cameras by law enforcement officers. The bill also provided that a recording made by a body-worn camera by a law enforcement officer constitutes a private record, and allowed that a law enforcement agency that uses body-worn cameras by law enforcement officers may have a written policy governing the use of body-worn cameras that exceeds the minimum guidelines provided.

**Municipal Impact/Requirements:**

No municipal impact. This bill did not pass.

**ULCT Action/Future Trend:**

This bill will likely be taken up again during interim. ULCT and the Utah Law Enforcement Legislative Committee worked with the sponsor and other stakeholders before and during the 2015 legislative session and will continue to do so. The law enforcement community has concerns about the “one-size-fits-all” nature of the bill and some of the implications this legislation would have on law enforcement officers (for example: the bill states that if an officer fails to make a recording of a required encounter—for any reason, including mechanical failure—and is accused of misconduct, there will exist a rebuttable presumption that the misconduct occurred.) Please contact ULCT if you would like to be involved with this issue during the interim.

**HB 394S2 | New Car Sales Amendments****Interim**Sponsor: **Coleman, Kim**Bill Status: **Failed**<http://le.utah.gov/~2015/bills/static/HB0394.html>ULCT Position: **Neutral****Legislative Purpose for the Bill:**

This bill would have allowed and created a license for a new car dealer to conduct business online, and created a license for an online salesperson. The bill also addressed penalties to enforce the provisions of the bill, and exempted an online dealer from the provisions of the New Automobile Franchise Act.

**Municipal Impact/Requirements:**

No municipal impact. This bill did not pass.

**ULCT Action/Future Trend:**

Issues surrounding the location of car dealerships are likely to continue to come before the Utah Legislature as the nature of the business continues to change. The impact on cities is associated the sales tax generated by the sale of cars.

**HB 407S2 | Scenic Byway Amendments****Mar 2(2), Mar 5****Sponsor: Noel, Michael****Bill Status: Failed**<http://le.utah.gov/~2015/bills/static/HB0407.html>**ULCT Position: Neutral****Legislative Purpose for the Bill:**

This bill would have modified the Designation of the State Highways Act by amending provisions relating to scenic byways to allow billboards on scenic byways.

**Municipal Impact/Requirements:**

No municipal impact. This bill did not pass.

**ULCT Action/Future Trend:**

It wouldn't be a legislative session in Utah without a billboard industry attempt to proliferate billboards along the federal highway system. Kudos to our scenic byways champion, Gary Uresk, City Manager of Woods Cross, and to the Utah APA for offering new language to this bill. ULCT anticipates that a similar bill will re-emerge in 2016.



**HB 408S2 | Catastrophic Wildfire and Public Nuisance Amendments**

**Mar 2(2), Mar 5**

Sponsor: **Christofferson, Kay**

Bill Status: Enrolled

<http://le.utah.gov/~2015/bills/static/HB0408.html>

ULCT Position: **Neutral**



**Legislative Purpose for the Bill:**

This bill states that a chief executive officer of a political subdivision or a county sheriff may determine that a catastrophic public nuisance exists.

**Municipal Impact/Requirements:**

This bill authorizes a city's chief executive officer (CEO) to determine that a catastrophic public nuisance exists on land within the city borders. The municipal CEO considers forest health, insect infestation, slope, and other natural characteristics or relevant factors. The municipal CEO must serve notice with a detailed explanation for the determination to the federal or state agency that manages the land, to the governor, the attorney general, and the congressional delegation (if federal land involved). Finally, the CEO may enter into a plan with the relevant federal or state agency to abate the catastrophic public nuisance.

**ULCT Action/Future Trend:**

ULCT monitored the bill. ULCT will engage in dialogue with legislators and policymakers about how to address and mitigate wildland fires.

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**HB 409S1 | Amendments to the Procurement Code**Sponsor: **Snow, Lowry**Bill Status: **Enrolled**<http://le.utah.gov/~2015/bills/static/HB0409.html>ULCT Position: **Neutral****Legislative Purpose for the Bill:**

This bill modifies provisions relating to the procurement of the services of an architect or engineer, authorizes the head of a procurement unit with independent procurement authority to address a procurement or contract that is out of compliance and authorizes the use of appeals and bonding provisions by a non-participating local government.

**Municipal Impact/Requirements:**

As a general rule Utah cities are exempted from the state procurement code if they choose to create their own procurement policy. This legislation is actually two parts: (1) It codifies existing practices regarding the architect and engineering services; and (2) It allows entities that are not subject to the procurement code to utilize the procurement code's appeals and bonding provisions.

**ULCT Action/Future Trend:**

The legislation impacts Utah cities only to the extent they choose to be subject to the procurement code. The option to utilize the bonding and appeals process came at the request of some Utah cities.

**HB 414S1 | Utah Broadband Outreach Center**Sponsor: **Handy, Steve**Bill Status: **Enrolled**<http://le.utah.gov/~2015/bills/static/HB0414.html>ULCT Position: **Support****Legislative Purpose for the Bill:**

This bill creates the Utah Broadband Outreach Center (center) within GOED, and authorizes the executive director of GOED to appoint a director of the center. The bill also describes the duties of the center.

**Municipal Impact/Requirements:**

The ULCT has actively participated with the Utah Broadband Mapping Project. This legislation formally establishes a state government-authorized agency to examine broadband deployment issues.

**ULCT Action/Future Trend:**

The ULCT will continue to be an active participant with this new agency.

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**HB 415S5 | Regulation of Electronic Cigarettes**

Sponsor: **Ray, Paul**

Bill Status: **Enrolled**

<http://le.utah.gov/~2015/bills/static/HB0415.html>

ULCT Position: **Support**



**Legislative Purpose for the Bill:**

This bill requires a person to obtain a license in order to sell or distribute an electronic cigarette product, and provides criminal penalties for a person that sells an electronic cigarette without a license. The bill also gives the Department of Health the authority to determine product quality, nicotine content, packaging, and labeling standards for an electronic cigarette substance.

**Municipal Impact/Requirements:**

This bill requires a vendor to obtain a license from the Utah State Department of Health to sell e-cigarettes or e-cigarette substances. The bill defines e-cigarette substance as any substance, including liquid containing nicotine, used or intended for use in an e-cigarette. The bill also prohibits someone under age 19 from being in a tobacco specialty shop on their own. The bill coordinates with HB 131.

**ULCT Action/Future Trend:**

ULCT has monitored the ongoing e-cigarette issue for several years because of questions that cities have about regulating tobacco specialty shops. More state laws and regulations could come depending on the pending actions of the Federal Drug Administration.

**HB 420S2 | Revisions to Transportation Funding**Sponsor: **Anderson, Johnny**Bill Status: **Enrolled**<http://le.utah.gov/~2015/bills/static/HB0420.html>ULCT Position: **Neutral****Legislative Purpose for the Bill:**

This bill amends the allowable uses for revenue in the County of the First Class Highway Projects Fund. The bill also provides that a portion of the revenue in the County of the First Class Highway Projects Fund shall be transferred to the legislative body of a county of the first class to be used for certain purposes.

**Municipal Impact/Requirements:**

This bill only affects municipalities within Salt Lake County. This bill modified the use of the “quarter of a quarter” portion of the County of the First Class Highway Projects Fund and authorizes the Salt Lake County Council to control part of the funds. For example, the revenue can now be utilized for improvements to a highway located within a city where the city is located within the boundaries of more than one county. Additionally, the revenue can be used to construct, maintain, or operate an active transportation or multi-modal facility.

**ULCT Action/Future Trend:**

ULCT monitors all transportation funding bills. This bill only applies to Salt Lake County and the cities and town located therein but should provide more flexibility for those cities and town to access that revenue.

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**HB 441 | Good Landlord Program Revisions****Mar 9, Mar 10**Sponsor: **King, Brian**Bill Status: **Failed**<http://le.utah.gov/~2015/bills/static/HB0441.html>ULCT Position: **Opposed****Legislative Purpose for the Bill:**

This bill would prohibit a municipality from requiring a landlord to deny tenancy based on an individual's criminal record.

**Municipal Impact/Requirements:**

No municipal impact. This bill did not pass.

**ULCT Action/Future Trend:**

ULCT committed to the bill sponsor and all of the good landlord program stakeholders to evaluate the program during the interim. If you want to participate in the conversations about the good landlord program, please contact ULCT.



**HB 454S2 | Prison Development Amendments**

Sponsor: **Wilson, Brad**

Bill Status: **Enrolled**

<http://le.utah.gov/~2015/bills/static/HB0454.html>

ULCT Position: **Neutral**



**Legislative Purpose for the Bill:**

This bill modifies the duties and authority of the Prison Relocation Commission and creates the Prison Development Commission. The bill also enacts a local option sales and use tax for a city or town that has a new state correctional facility, and provides a process for the choice of a new prison site.

**Municipal Impact/Requirements:**

This bill would impact a city that is selected to house the new prison site. The bill authorizes a .50% local option sales tax that a city could implement to potentially offset any costs from the new prison.

**ULCT Action/Future Trend:**

ULCT is watching all of the prison developments because of the potential impact on several cities and towns.

**SB 15 | Water Law—Forfeiture Exemptions**Sponsor: **Dayton, Margaret**Bill Status: **Enrolled**<http://le.utah.gov/~2015/bills/static/SB0015.html>ULCT Position: **Neutral****Legislative Purpose for the Bill:**

This bill clarifies that abandonment and forfeiture of water provisions do not apply to a water right for nonuse during the period of time in which the water right is subject to an approved change application where the applicant is diligently pursuing certification.

**Municipal Impact/Requirements:**

Many cities and each of the large conservancy districts have approved, but unperfected change applications. This bill protects the water rights associated with those change applications from forfeiture.

**ULCT Action/Future Trend:**

ULCT monitored the bill, but remained neutral.

**SB 22 | Fire Code Amendments**Sponsor: **Bramble, Curt**Bill Status: **Enrolled**<http://le.utah.gov/~2015/bills/static/SB0022.html>ULCT Position: **Neutral****Legislative Purpose for the Bill:**

This bill modifies references to certain standards established by Underwriters Laboratories Inc. that relate to carbon monoxide detection systems.

**Municipal Impact/Requirements:**

No apparent impact.

**ULCT Action/Future Trend:**

The ULCT monitors all proposed changes to the construction codes.



## SB 29 | School Planning and Zoning Process

Jan 30, Feb 2, LPC minutes Feb 2

Sponsor: **Vickers, Evan**

Bill Status: **Enrolled**

<http://le.utah.gov/~2015/bills/static/SB0029.html>

ULCT Position: **Support**



### **Legislative Purpose for the Bill:**

This bill requires a school district or charter school to meet with a local governmental entity about a proposed acquisition, provide certain information regarding the acquisition to the local governmental entity, and submit a rough proposed site plan to a design review committee. The bill also requires a design review committee to provide comments on a rough proposed site plan.

### **Municipal Impact/Requirements:**

The bill may enhance planning associated with the siting of schools.

### **ULCT Action/Future Trend:**

Layton City Attorney Gary Crane and ULCT's Jodi Hoffman worked with representatives from the charter schools and traditional public schools to address the legislature's concerns that school siting should involve transportation planning and coordination with the local land use authority. With Gary Crane's help, Team ULCT was able to circulate language to interested members, provide input and proposed revisions in advance of the legislative session.



## SB 35 | Water Rights Amendments

Sponsor: **Dayton, Margaret**

Bill Status: **Failed**

<http://le.utah.gov/~2015/bills/static/SB0035.html>

ULCT Position: **Amend**



### **Legislative Purpose for the Bill:**

This bill would have required that a person who applies for a permanent or temporary change to a water right meet certain qualifications.

### **Municipal Impact/Requirements:**

No municipal impact. This bill did not pass. The mirror image of this bill originated in the House and became enrolled as HB58 (see above).

### **ULCT Action/Future Trend:**

ULCT monitored the bill. Water legislation will always be a hot topic on Capitol Hill.



**SB 39 | Conditions of Probation**

Sponsor: **Jenkins, Scott**

Bill Status: **Enrolled**

<http://le.utah.gov/~2015/bills/static/SB0039.html>

ULCT Position: **Neutral**



**Legislative Purpose for the Bill:**

This bill provides that a county may release a specified number of inmates from a county correctional facility if the state does not appropriate an amount of funds as specified.

**Municipal Impact/Requirements:**

This bill authorizes a county to release a number of inmates from a county correctional facility but not to exceed the number of state probationary inmates in excess of the number of inmates funded by the state. The law prior to the bill authorized a county to release inmates not to exceed the number of state probationary inmates AND state parole inmates. The bill deleted the “state parole inmates” language.

**ULCT Action/Future Trend:**

ULCT monitored the bill. Criminal justice reform was a major theme of the 2015 session and ULCT is monitoring the potential cost of implementing the reform.

**SB 40 | Water Law—Application Withdrawal**Sponsor: **Dayton, Margaret**Bill Status: **Enrolled**<http://le.utah.gov/~2015/bills/static/SB0040.html>ULCT Position: **Neutral****Legislative Purpose for the Bill:**

This bill requires an individual who wishes to withdraw an unperfected application to send written notice to the state engineer, and requires the state engineer, upon receipt of the notice of withdrawal, to update state engineer records.

**Municipal Impact/Requirements:**

None.

**ULCT Action/Future Trend:**

The ULCT monitored this bill through the Water Task Force and throughout the legislative session.



**SB 55 | Community Development and Renewal Agencies Task Force**Sponsor: **Harper, Wayne**Bill Status: **Failed**<http://le.utah.gov/~2015/bills/static/SB0055.html>ULCT Position: **Support****Legislative Purpose for the Bill:**

This bill would have created the Community Development and Renewal Agencies Task Force.

**Municipal Impact/Requirements:**

No municipal impact. This bill did not pass.

**ULCT Action/Future Trend:**

ULCT monitored the bill because it would have created a task force with five municipal representatives appointed by ULCT. ULCT anticipates continued legislative oversight on community development and redevelopment agencies.



**SB 56 | Wildland Fire Policy**

**LPC minutes Feb 2**

Sponsor: **Vickers, Evan**

Bill Status: **Enrolled**

<http://le.utah.gov/~2015/bills/static/SB0056.html>

ULCT Position: **Support**



**Legislative Purpose for the Bill:**

This bill requires the director of the Division of Forestry, Fire, and State Lands to coordinate the development of a statewide wildland fire policy, and report to the Natural Resources, Agriculture, and Environment Interim Committee on the director's recommendation for a state-wide wildland fire policy.

**Municipal Impact/Requirements:**

This bill sets the stage for a comprehensive review of statewide wildland fire policy during the 2015 interim period.

**ULCT Action/Future Trend:**

ULCT committed to Senator Vickers to organize meetings during the 2015 interim period with local policymakers to determine the best approach for preventing wildland fire and for financing wildland firefighting efforts. If you want to be included in those conversations, please contact ULCT.

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**SB 58S2 | Municipal and County Officials  
Attendance At School District Board Meetings**Sponsor: **Harper, Wayne**Bill Status: **Enrolled**<http://le.utah.gov/~2015/bills/static/SB0058.html>ULCT Position: **Neutral****Legislative Purpose for the Bill:**

This bill modifies provisions relating to school district board meetings that a mayor or county executive or county manager, or designee, may attend.

**Municipal Impact/Requirements:**

This bill authorizes a mayor (or designee) to participate in school district board closed meetings.

**ULCT Action/Future Trend:**

ULCT monitored this bill.



**SB 60S2 | American Civics Education Initiative**

Sponsor: **Stephenson, Howard**

Bill Status: **Enrolled**

<http://le.utah.gov/~2015/bills/static/SB0060.html>

ULCT Position: **Neutral**



**Legislative Purpose for the Bill:**

This bill requires a public school student to pass a basic civics test, or alternate assessment, as a condition for receiving a high school diploma. The bill also requires a student enrolled in an adult education program to pass a basic civics test as a condition for receiving an adult education secondary diploma.

**Municipal Impact/Requirements:**

This bill does not impact cities and towns directly.

**ULCT Action/Future Trend:**

The Salt Lake County Conference of Mayors endorsed this bill and ULCT used the concept for the mock debate for youth council members during the 2015 Local Officials Day.

**SB 69 | Clean-burning Fuel for Motor Pools****Feb 6, Feb 9, Feb 10, Feb 18, LPC minutes Feb 9****Sponsor: Jenkins, Scott****Bill Status: Failed**<http://le.utah.gov/~2015/bills/static/SB0069.html>**ULCT Position: Support****Legislative Purpose for the Bill:**

This bill would have required a government entity to ensure that 50% or more of the government entity's replacement motor vehicles in certain categories would be alternative-fuel or high-efficiency vehicles.

**Municipal Impact/Requirements:**

No municipal impact. This bill did not pass.

**ULCT Action/Future Trend:**

ULCT met several times with the bill sponsor to successfully narrow the scope of the bill. Initially, the bill would have required cities and towns to replace 50% of all of their replacement vehicles within the fleet with high-efficiency or alternative-fueled vehicles. Team ULCT requested information from cities and towns about the cost of such a mandate and then ULCT relayed that information to the bill sponsor. The bill sponsor then agreed to narrow the bill to exclude public works trucks and public safety vehicles and only apply to cities of the first, second, and third classes. While the bill did not pass, ULCT anticipates the bill to return in 2016 as part of the legislature's overall effort to address air quality concerns.

**SB 70S1 | Geographic Diversity Amendments****Jan 29, Feb 2, LPC minutes Feb 2****Sponsor: Weiler, Todd****Bill Status: Failed**<http://le.utah.gov/~2015/bills/static/SB0070.html>**ULCT Position: Support****Legislative Purpose for the Bill:**

This bill would have required that an initiative or referendum petition in a city, county, or town meet certain signature requirements within a majority of the precincts in the city, county, or town.

**Municipal Impact/Requirements:**

No municipal impact. This bill did not pass.

**ULCT Action/Future Trend:**

The legislature has considered this bill the past two years. The Land Use Task Force hosted by ULCT has deliberated on this concept and was generally supportive of aligning local initiative and referendum petition requirements with state initiative and referendum petition requirements. However, the legislature has declined to enact the bill to date.

**SB 82S1 | Forcible Entry Amendments**

**Feb 2, Feb 4, Feb 9, Feb 12, Feb 17, LPC minutes Feb 2,  
LPC minutes Feb 9, LPC minutes Feb 23**

Sponsor: **Urquhart, Steve**

Bill Status: **Enrolled**

<http://le.utah.gov/~2015/bills/static/SB0082.html>

ULCT Position: **Support**

**Legislative Purpose for the Bill:**

This bill amends existing law regarding the use of forcible entry by a law enforcement officer when executing a warrant. The bill also requires a law enforcement officer to wear identifying articles that designate the law enforcement officer as a peace officer. The bill provides that if the deploying law enforcement agency owns and operates body camera devices, the officer will wear it for the duration of the execution of the warrant. The bill also provides that a search or administrative warrant may not be issued solely for the alleged possession or use of a controlled substance or drug paraphernalia.

**Municipal Impact/Requirements:**

When forcibly entering a household, law enforcement officers are specifically required by the bill to: identify himself/herself as a law enforcement officer, state the purpose of his/her entry, wear readily identifiable markings that identify him/her as a law enforcement officer, and wear a body-worn camera if one is available. It also requires law enforcement agencies throughout the state seeking a warrant under this section to comply with guidelines and procedures which are, at a minimum, in accordance with state law and model guidelines and procedures recommended by the Utah Peace Officer Standards and Training Council created in Section 53-6-106.

**ULCT Action/Future Trend:**

The original bill included language that barred justice court judges from issuing warrants under this section, and that made any evidence obtained in violation of this section inadmissible in any civil, criminal, or administrative proceeding. ULCT and the law enforcement community worked with the sponsor and other stakeholders to remove these provisions and make the bill acceptable to local governments and law enforcement.

**SB 97S3 | Property Tax Equalization Amendments**

Feb 2, Feb 4, Feb 9, Feb 12, Feb 17, LPC minutes Feb 2,  
LPC minutes Feb 9, LPC minutes Feb 23

Sponsor: **Osmond, Aaron**

Bill Status: **Enrolled**

<http://le.utah.gov/~2015/bills/static/SB0097.html>

ULCT Position: **Neutral**

**Legislative Purpose for the Bill:**

This bill creates the Minimum Basic Growth Account, and amends the calculation of the school minimum basic tax rate. The bill requires a certain amount of revenue collected from the minimum basic tax rate to be deposited into the Minimum Basic Growth Account, and distributes the money deposited into the Minimum Basic Growth Account to fund the state's portion of the voted levy guarantee, the Capital Outlay Foundation Program, and the Capital Outlay Enrollment Growth Program.

**Municipal Impact/Requirements:**

Utah cities are concerned about school funding and the ability of school districts to meet anticipated growth. In a few cases school district boundaries and city boundaries are the same. This legislation imposes a state authorized property tax increase (via the school district minimum school levy) to equalize funding school funding between school districts with different property-tax generating capacities. The increase is capped at \$75 million and is allocated to both operational expenses and capital improvements.

**ULCT Action/Future Trend:**

ULCT monitored the bill but there was no direct city action associated with this legislation.

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## SB 112 | Public Reporting Requirements

Sponsor: **Harper, Wayne**

Bill Status: **Enrolled**

<http://le.utah.gov/~2015/bills/static/SB0112.html>

ULCT Position: **Neutral**



### **Legislative Purpose for the Bill:**

This bill clarifies that public financial information of component units of state entities, local entities, and independent entities is required to be included on the Utah Public Finance Website.

### **Municipal Impact/Requirements:**

The bill requires that component units of local and independent entities fulfill the same public posting of financial information requirements that cities and towns must fulfill.

### **ULCT Action/Future Trend:**

ULCT monitored the bill. Financial transparency in general will continue to be a major legislative priority.

**SB 119S1 | Prescription Database Revisions****LPC minutes Mar 2**Sponsor: **Weiler, Todd**Bill Status: **Enrolled**<http://le.utah.gov/~2015/bills/static/SB0119.html>ULCT Position: **Neutral****Legislative Purpose for the Bill:**

This bill provides that a person may request that the division provide to the person his or her records that are in the controlled substance database, and provides a procedure for a patient to correct erroneous information in the database. The bill requires law enforcement to use a search warrant to gain database information related to a controlled substance investigation and requires specification of the person regarding whom the information is sought.

**Municipal Impact/Requirements:**

The bill requires that law enforcement obtain a search warrant prior to accessing private records in the prescription database.

**ULCT Action/Future Trend:**

ULCT invited the bill sponsor to address the Legislative Policy Committee about the bill.

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**SB 121S1 | Procurement Code Revisions**

Sponsor: **Mayne, Karen**

Bill Status: **Enrolled**

<http://le.utah.gov/~2015/bills/static/SB0121.html>

ULCT Position: **Neutral**



**Legislative Purpose for the Bill:**

This bill modifies the Utah Procurement Code relating to work site safety programs.

**Municipal Impact/Requirements:**

Utah cities are exempt from the state procurement code if they choose to adopt their own code. This legislation required that the existence of a work safety program be a factor in making procurement decisions.

**ULCT Action/Future Trend:**

There is no impact on Utah cities unless they choose to be subject to the state procurement code. For those that choose to do so this would simply add a factor to determining a procurement decision.



**SB 124S3 | Land Use Amendments**

Sponsor: **Stevenson, Jerry**

Bill Status: **Enrolled**

<http://le.utah.gov/~2015/bills/static/SB0124.html>

ULCT Position: **Support**



**Legislative Purpose for the Bill:**

The bill authorizes (but does not require) a city to allow subdivision for utility purposes that do not meet the subdivision standards for a particular zone. It helps cities prevent third parties from attempting to use the city’s subdivision process to effect an illegal exaction. The bill further clarifies aspects of the security cities may require prior to plat recordation and prior to accepting privately constructed infrastructure as public infrastructure. It eases the process involved in modifying common area on a plat and eliminated state imposed site plan restrictions in first class counties.

**Municipal Impact/Requirements:**

This bill was the product of the ULCT hosted Land Use Task Force. It served to memorialize the consensus reached with the Property Rights Coalition during the 2014 interim LUTF meetings.

**ULCT Action/Future Trend:**

The ULCT hosts the Land Use Task Force, a coalition of public and private entities, which meet bi-weekly during the interim to resolve disputes between private developers and public entities outside of the crush of the legislative session.

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**SB 135 | Workers' Compensation Coverage for Firefighters**

Sponsor: **Mayne, Karen**

Bill Status: **Enrolled**

<http://le.utah.gov/~2015/bills/static/SB0135.html>

ULCT Position: **Opposed**



**Legislative Purpose for the Bill:**

This bill modifies the Utah Occupational Disease Act to address coverage for firefighters, and creates a rebuttable presumption of coverage for certain presumptive cancers under certain circumstances.

**Municipal Impact/Requirements:**

This bill creates a rebuttable presumption that employers and insurers are liable for firefighters who contract cancer and meet certain criteria. For example, the firefighter must have undergone annual exams, been employed as a firefighter for at least eight years, did not use tobacco for the preceding eight years, and responded regularly to emergency calls within the eight year period. The presumption may be rebutted by a preponderance of the evidence.

**ULCT Action/Future Trend:**

ULCT was concerned about the bill and sought to narrow the scope of the presumption.

**SB 137S3 | Campaign and Financial Reporting Requirements Revisions**Sponsor: **Weiler, Todd**Bill Status: **Enrolled**<http://le.utah.gov/~2015/bills/static/SB0137.html>ULCT Position: **Support****Legislative Purpose for the Bill:**

This bill amends the definition of “political purposes,” and establishes a deadline to pay a fine imposed for violating Title 20A, Chapter 11, Campaign and Financial Reporting Requirements. The bill also prohibits a person from sending an email, using the email of a public entity, for a political purpose, or to advocate for or against a ballot proposition.

**Municipal Impact/Requirements:**

This bill prevents a person from using the email of a public entity for a political purpose or to advocate for or against a ballot proposition and sets fines for any violation. The bill also recodifies the existing exceptions in state law which enables public officials to exercise their free speech rights for political purposes and enables cities and towns to provide neutral information about ballot propositions. Cities and towns need to ensure that municipal employees and officials understand the prohibition on political activity with public resources.

**ULCT Action/Future Trend:**

ULCT monitored the bill. With upcoming ballot propositions for transportation funding and other issues, ULCT urges cities and towns to be cognizant of what the law allows and what the law prohibits.

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**SB 138S1 | Service District Modifications**

Sponsor: **Stevenson, Jerry**

Bill Status: **Enrolled**

<http://le.utah.gov/~2015/bills/static/SB0138.html>

ULCT Position: **Neutral**



**Legislative Purpose for the Bill:**

This bill provides that a board of trustees shall hold a public hearing on a proposed withdrawal with certain exceptions, and clarifies language related to the time in which a board of trustees adopts a withdrawal resolution.

**Municipal Impact/Requirements:**

None as substituted.

**ULCT Action/Future Trend:**

The original bill language would have removed municipal membership from certain special district boards. It was advanced by the Utah Association of Special Districts to prevent the participation of certain cities on special district boards. ULCT's Jodi Hoffman spotted some concerning provisions in the bill. With the help of Sandy's Deputy Mayor, John Hiskey, ULCT was able to persuade the bill sponsor to remove harmful concepts from the bill.



**SB 139S1 | Service District Amendments**

Sponsor: **Stevenson, Jerry**

Bill Status: **Enrolled**

<http://le.utah.gov/~2015/bills/static/SB0139.html>

ULCT Position: **Amend**



**Legislative Purpose for the Bill:**

This bill amends provisions related to the creation of a special service district administrative control board, and amends provisions governing the annexation of an area into, or addition of, a service provided by a special service district.

**Municipal Impact/Requirements:**

None.

**ULCT Action/Future Trend:**

The ULCT actively monitors all Special Service District bills.





**SB 153 | Access to Health Care**

Sponsor: **Christensen, Allen**

Bill Status: **Failed**

<http://le.utah.gov/~2015/bills/static/SB0153.html>

ULCT Position: **Neutral**



**Legislative Purpose for the Bill:**

This bill would have extended access to health care to individuals not currently eligible for Medicaid who are below 100% of the federal poverty level, medically frail, uninsured, and vulnerable to becoming disabled.

**Municipal Impact/Requirements:**

No municipal impact. This bill did not pass.

**ULCT Action/Future Trend:**

This bill was a response bill to SB 164 and was an attempt to provide health coverage to Utah's neediest populations. The Medicaid expansion proposals—from Healthy Utah to Utah Cares—consumed considerable time and attention during the 2015 session. While all of the Medicaid expansion bills ultimately failed during the session, the Governor and legislative leadership have committed to finding a solution during the 2015 interim.



**SB 157S3 | Government Records Amendments**

**Feb 9, Feb 18, Feb 23, LPC minutes Feb 9,  
LPC minutes Feb 23, LPC minutes Mar 2, LPC agenda Mar 9**

Sponsor: **Bramble, Curt**

Bill Status: **Enrolled**

<http://le.utah.gov/~2015/bills/static/SB0157.html>

ULCT Position: **Support**



**Legislative Purpose for the Bill:**

This bill modifies the process of appealing the denial of a record request. It also modifies provisions relating to a political subdivision’s process for appealing a decision concerning records of the political subdivision.

**Municipal Impact/Requirements:**

This bill has multiple impacts on cities and towns. First, the bill changes the membership of the State Records Committee so as to authorize ULCT to appoint a member of the Committee. Previously, the Governor appointed an elected official to represent political subdivisions and now ULCT will handle the appointment. Second, the bill authorizes an aggrieved party may appeal record denial from a city to the State Records Committee prior to filing an action in district court. The bill then creates a standard for when the State Records Committee reviews the denial of a record request at the local level. For cities and towns where the Chief Administrative Officer denies the record request, the State Records Committee shall review the appeal de novo. For cities and towns where a local appeals board reviews record requests, the State Records Committee shall review the appeal and “review and consider the decision of the local appeals board.”

**ULCT Action/Future Trend:**

Team ULCT’s Cameron Diehl, Ogden City Attorney Gary Williams, and South Jordan City Attorney Ryan Loose worked closely with the bill sponsor and representatives from the news media to improve the bill. The initial draft of the bill eliminated the local authority to have a local appeals

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board. The next draft would have crafted a de novo review of records decisions by the local appeals board. ULCT negotiators successfully preserved an enhanced standard of review for local appeals boards and opened the door to a better qualified local official on the State Records Committee. GRAMA modifications will always be a trend and ULCT will continue to try to address GRAMA related concerns in the offseason.



**SB 160S2 | Transportation Funding Amendments**

**Feb 6, Feb 9, Feb 11, Feb 12, Feb 20, Feb 25, Feb 26, Mar 3, Mar 9, Mar 10, LPC minutes Feb 9, LPC minutes Feb 23, LPC minutes Mar 2**

Sponsor: **Van Tassell, Kevin**

Bill Status: **Failed**

<http://le.utah.gov/~2015/bills/static/SB0160.html>

ULCT Position: **Support**



**Legislative Purpose for the Bill:**

This bill would have amended provisions relating to transportation funding. The bill would have increased the tax rate for a tax imposed upon motor fuel from 24.5 cents per gallon to 34.5 cents per gallon.

**Municipal Impact/Requirements:**

No municipal impact. This bill did not pass.

**ULCT Action/Future Trend:**

The key provisions of SB 160—an increase in the motor fuel tax—were ultimately adopted into HB 362 (see above). Team ULCT was heavily involved on HB 362. Senator Kevin Van Tassell and Representative Johnny Anderson, the Co-Chairs of the Transportation Interim Committee, were instrumental in studying the issue of local transportation funding over the past two years. Because of their leadership—and the leadership of Senator Al Jackson, the Senate Transportation Chair in 2015—the House and Senate were willing to examine both a motor fuel tax increase and a local option sales tax dedicated to transportation.

**SB 162 | Distracted Driver Revisions**

Feb 17

Sponsor: **Urquhart, Steve**Bill Status: **Failed**<http://le.utah.gov/~2015/bills/static/SB0162.html>ULCT Position: **Support****Legislative Purpose for the Bill:**

This bill would have modified the Traffic Code by amending provisions relating to using a handheld wireless communication device while operating a moving motor vehicle.

**Municipal Impact/Requirements:**

No municipal impact. This bill did not pass because it was part of a larger negotiation over distracted driving with HB 63 (see above).

**ULCT Action/Future Trend:**

The law enforcement community opposes changes to the distracted driving law that force an officer to determine exactly what action is being performed on a handheld electronic device. The House and Senate came very close to compromise language on the topic and we expect to see similar legislation next year.



**SB 164S1 | Access to Health Care Amendments**

**Feb 23, Feb 24, Mar 3, Mar 4, LPC minutes Feb 23,  
LPC minutes Mar 2**

Sponsor: **Shiozawa, Brian**

Bill Status: **Failed**

<http://le.utah.gov/~2015/bills/static/SB0164.html>

ULCT Position: **Neutral**



**Legislative Purpose for the Bill:**

This bill would have authorized an application for a waiver to the state Medicaid program to expand access to health care to the adult expansion population that does not qualify for the state's traditional Medicaid program.

**Municipal Impact/Requirements:**

No municipal impact. This bill did not pass.

**ULCT Action/Future Trend:**

The Medicaid expansion proposals—from Healthy Utah (SB 164) to Utah Cares—consumed considerable time and attention during the 2015 session. While all of the Medicaid expansion bills ultimately failed during the session, the Governor and legislative leadership have committed to finding a solution during the 2015 interim. ULCT monitored the proposals, particularly SB 164, because of their link to the criminal justice reform effort in HB 348 (see above). SB 164 would have provided a significant chunk of the funding for HB 348. ULCT is watching the pending developments on both health care and criminal justice reform funding closely.



**SB 165S1 | Property Tax Valuation and Assessment Modifications**

Sponsor: **Bramble, Curt**

Bill Status: **Enrolled**

<http://le.utah.gov/~2015/bills/static/SB0165.html>

ULCT Position: **Neutral**



**Legislative Purpose for the Bill:**

This bill authorizes the State Tax Commission to consult with a county during the valuation process, modifies the nature and extent of county appeals involving state assessed property, and requires a study by the Revenue and Taxation Interim Committee.

**Municipal Impact/Requirements:**

There is no direct involvement by cities in the valuation of property assessed by the state tax commission (utilities, mines, and property that crosses county lines). However, counties do have responsibility for assessment of other properties and have authority to participate in appeals of state-assessed property. This legislation addresses that appeals responsibility.

**ULCT Action/Future Trend:**

Cities do use property tax and therefore have a general interest in assuring that all property is assessed properly. However, this issue involves the relationship between counties, state-assessed property owners and the state tax commission.

**SB 172 | Emergency Medical Services  
Amendments****Feb 24**Sponsor: **Bramble, Curt**Bill Status: **Enrolled**<http://le.utah.gov/~2015/bills/static/SB0172.html>ULCT Position: **Support****Legislative Purpose for the Bill:**

This bill imposes a uniform assessment on ambulance service providers, and directs the Division of Health Care Financing to collect the assessment.

**Municipal Impact/Requirements:**

This bill increases the amount of Medicaid reimbursement for ambulance service. The bill places an annual assessment on ambulances which will allow them to qualify for federal matching dollars to increase the overall Medicaid reimbursement. The fiscal impact of the bill is expected to increase the Medicaid reimbursement for ambulance service by nearly \$11 million.

**ULCT Action/Future Trend:**

ULCT worked closely with several partners and the bill sponsor to ensure the passage of the bill.

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**SB 176S2 | Governmental Immunity Act  
Amendments**

Sponsor: **Bramble, Curt**

Bill Status: **Enrolled**

<http://le.utah.gov/~2015/bills/static/SB0176.html>

ULCT Position: **Neutral**



**Legislative Purpose for the Bill:**

This bill modifies provisions of the Governmental Immunity Act of Utah. The bill provides that immunity is retained unless expressly waived. The bill also modifies language relating to actions that constitute an exception to a waiver of governmental immunity.

**Municipal Impact/Requirements:**

The bill clarifies that governmental entities and employees retain immunity unless the immunity was expressly waived. The bill recodifies several sections of existing immunity code.

**ULCT Action/Future Trend:**

ULCT monitored the bill and worked with partner organizations to ensure that the language satisfied the needs of local government.

**SB 182S1 | Amendments to Sales and Use Tax Exemptions**Sponsor: **Bramble, Curt**Bill Status: **Enrolled**<http://le.utah.gov/~2015/bills/static/SB0182.html>ULCT Position: **Neutral****Legislative Purpose for the Bill:**

This bill enacts a sales and use tax exemption for certain purchases or leases of equipment for manufacturers of diamond drilling bits. This equipment has a useful life less than three years. It is a credit of 50% of actual taxes paid and limited to fiscal years 2016 and 2017. After 2017 the credit is converted to a sales exemption.

**Municipal Impact/Requirements:**

This bill does have an impact on local government sales tax revenue.

**ULCT Action/Future Trend:**

This is a specialized sales tax exemption. There is a fiscal impact to the extent that such equipment is purchased or leased.



**SB 185 | Legal Notice Amendments**

Sponsor: **Urquhart, Steve**

Bill Status: **Failed**

<http://le.utah.gov/~2015/bills/static/SB0185.html>

ULCT Position: **Opposed**



**Legislative Purpose for the Bill:**

This bill would have modified the duties of the Division of Archives and Records Service related to the Utah Public Notice Website by providing an alternative method of submitting a notice of claim against a governmental entity or its employee.

**Municipal Impact/Requirements:**

No municipal impact. This bill did not pass.

**ULCT Action/Future Trend:**

This bill would have allowed a claimant to file a written notice of claim against a city or town via the Public Notice Website rather than providing a written notice of claim directly with the city or town. Team ULCT, led by Roger Tew and Salt Lake City's Lynn Pace, raised concerns about the claimant not filing a written notice of claim directly with the municipality and the bill sponsor recognized the concerns and pulled the bill. ULCT anticipates that certain legal groups may continue the effort to broaden the ability and extend the timeline for claimants to file claims against governmental entities.



**SB 193S1 | Local Government Amendments**

Sponsor: **Henderson, Deidre**

Bill Status: **Enrolled**

<http://le.utah.gov/~2015/bills/static/SB0193.html>

ULCT Position: **Neutral**



**Legislative Purpose for the Bill:**

This bill requires a county treasurer to include certain information on a property tax notice. The bill amends provisions authorizing a lien for an assessment, and prohibits a local district from compounding interest more frequently than annually.

**Municipal Impact/Requirements:**

This legislation addresses some issues that have arisen regarding assessments from assessment areas. Specifically it requires the county treasurer to provide information about assessments on the property tax notice and also restricts imposition of liens and calculation interest.

**ULCT Action/Future Trend:**

This legislation is part of a rather large focus on assessment area issues that arose this session.



**SB 197 | Animal Shelter Amendments**

Feb 27, LPC minutes Feb 23

Sponsor: **Weiler, Todd**

Bill Status: **Failed**

<http://le.utah.gov/~2015/bills/static/SB0197.html>

ULCT Position: **Opposed**



**Legislative Purpose for the Bill:**

This bill would have authorized an animal shelter to euthanize an animal by sodium pentobarbital, and prohibit an animal shelter from using certain methods to euthanize an animal.

**Municipal Impact/Requirements:**

No municipal impact. This bill did not pass.

**ULCT Action/Future Trend:**

The bill would have eliminated certain types of animal euthanasia in Utah and would have required animal shelters to actually remove all gas chamber equipment. Team ULCT, led by South Jordan's Chip Dawson, organized a collection of animal control officers to contact the bill sponsor and committee members. The committee tabled the bill. ULCT has seen several animal shelter related bills in recent years and we anticipate animal shelter related bills to continue in the years to come.



**SB 199S5 | Local Government Revisions**

**Feb 18, Feb 24, Feb 25, Mar 2, LPC minutes Mar 2,  
LPC agenda Mar 9**

Sponsor: **Mayne, Karen**

Bill Status: **Enrolled**

<http://le.utah.gov/~2015/bills/static/SB0199.html>

ULCT Position: **Amend**



**Legislative Purpose for the Bill:**

This bill provides population classification for a metro township, amends municipal annexation provisions, and enacts “Municipal Incorporation,” including unincorporated islands in a county of the first class on, and after, May 12, 2015. The bill provides for the determination of metro township council districts and election of officers. The bill also requires a township located outside of a county of the first class to change its name to “planning advisory area.” The bill further enacts provisions related to the levy of a municipal services district property tax.

**Municipal Impact/Requirements:**

The fifth substitute of SB199 confines the townships experiment to Salt Lake County and removes virtually all adverse impacts of the townships experiment from the remaining 28 of 29 counties. Annexations outside of Salt Lake County will no longer involve a three person committee which must consent to annexation from “township” planning commission territory.

**ULCT Action/Future Trend:**

ULCT staff and contributing members worked throughout the interim and around the clock during the last half of the legislative session to negotiate substantial revisions to SB199. Stay tuned to observe the campaign for and results of the vote this fall within six Salt Lake County townships as they decide whether to incorporate or to become “quasi-cities.”

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**SB 205 | Assessment Area Revisions**

Sponsor: **Bramble, Curt**

Bill Status: **Enrolled**

<http://le.utah.gov/~2015/bills/static/SB0205.html>

ULCT Position: **Neutral**



**Legislative Purpose for the Bill:**

This bill enacts language related to assessment area bonds, and authorizes a local entity to transfer title to property in satisfaction of debt if certain requirements are met.

**Municipal Impact/Requirements:**

To the extent cities are involved in an assessment area this legislation requires notification that a property transfer may be used to satisfy outstanding assessment area payments.

**ULCT Action/Future Trend:**

The legislation imposes an increased notification of this payment option on bonding information.



**SB 221S1 | Alcohol Amendments**

Sponsor: **Urquhart, Steve**

Bill Status: **Failed**

<http://le.utah.gov/~2015/bills/static/SB0221.html>

ULCT Position: **Support**



**Legislative Purpose for the Bill:**

This bill would have modified the Alcoholic Beverage Control Act to address definitions of community location.

**Municipal Impact/Requirements:**

No municipal impact. This bill did not pass.

**ULCT Action/Future Trend:**

This bill would have modified the definition of “community location” within the Alcoholic Beverage Control Act so that the local governing body could have had more flexibility in determine the proximity of a restaurant with an alcohol permit near the community location. St George Mayor, City Manager and City Attorney led a valiant charge to refine state law in a manner that would have prevented improvements to a city park from colliding with the city’s economic development efforts. The legislature declined to enact most of the alcohol related bills during the 2015 session. ULCT anticipates future legislative conversation about alcohol law and policy.



**SB 226 | Search and Seizure Amendments****Feb 13, LPC Mar 9**Sponsor: **Madsen, Mark**Bill Status: **Enrolled**<http://le.utah.gov/~2015/bills/static/SB0226.html>ULCT Position: **Neutral****Legislative Purpose for the Bill:**

This bill describes the circumstances under which a government entity is required to obtain a warrant in order to use an imaging surveillance device.

**Municipal Impact/Requirements:**

This bill requires that, under most circumstances, a government entity must obtain a search warrant before using a device that uses radar, sonar, infrared, or other remote sensing or detection technology to obtain information, not otherwise directly observable, about individuals, items, or activities within a closed structure.

**ULCT Action/Future Trend:**

The use of this technology is not a common practice of law enforcement agencies in Utah, and the law enforcement community has no problem with the requirement of a warrant to do so. However, fire departments often use this technology to find people and “hot spots” in burning buildings, which would be allowed without a warrant under the “exigent circumstances” exception in this bill.



**SB 231S3 | Transportation Amendments**

Feb 25, Mar 9, Mar 10, LPC minutes Mar 2

Sponsor: **Harper, Wayne**

Bill Status: **Failed**

<http://le.utah.gov/~2015/bills/static/SB0231.html>

ULCT Position: **Support**



**Legislative Purpose for the Bill:**

This bill would have increased motor vehicle registration fees for certain motor vehicles of 12,000 pounds or less, excluding motorcycles.

**Municipal Impact/Requirements:**

No municipal impact. This bill did not pass.

**ULCT Action/Future Trend:**

Team ULCT supported this bill and urged ULCT members to contact legislators to support it as part of a comprehensive approach to local transportation funding. The crux of this bill was in an earlier draft of HB 362. However, the conference committee decided to pull the registration fees provision from the final draft of HB 362 that legislators enacted. ULCT anticipates more conversation in the years to come about how alternative fueled vehicle owners pay for their usage of the transportation infrastructure.

**SB 234S2 | Utah Fire Prevention Board  
Amendments**Sponsor: **Stephenson, Howard**Bill Status: **Enrolled**<http://le.utah.gov/~2015/bills/static/SB0234.html>ULCT Position: **Neutral****Legislative Purpose for the Bill:**

This bill modifies the membership of the Utah Fire Prevention Board.

**Municipal Impact/Requirements:**

This bill increases the membership of the Utah Fire Prevention Board from 10 to 13. The Board now includes a fire executive from a fire department in a county of the first class, a fire executive from a fire department in a county of the second class, and a fire executive from a department in a county of the third, fourth, fifth, or sixth class.

**ULCT Action/Future Trend:**

ULCT monitored this bill. On a related note, ULCT committed to Senator Vickers to organize meetings during the 2015 interim period with local policymakers to determine the best approach for preventing wildland fire and for financing wildland firefighting efforts. If you want to be included in those conversations, please contact ULCT.



## SB 236 | Justice Court Judges Retirement Amendments

Sponsor: **Weiler, Todd**

Bill Status: **Enrolled**

<http://le.utah.gov/~2015/bills/static/SB0236.html>

ULCT Position: **Neutral**



### **Legislative Purpose for the Bill:**

This bill establishes the full-time or part-time service status of a justice court judge for retirement purposes, based on employer certification and combined workload for multiple employers.

### **Municipal Impact/Requirements:**

For cities that have their own justice court this bill establishes a service credit computation for justice court judges. There has been some question about how service credits are to be computed.

### **ULCT Action/Future Trend:**

The bill's effective date delayed until July 1, 2016.



**SB 237S2 | Public Safety Amendments**

Sponsor: **Harper, Wayne**

Bill Status: **Enrolled**

<http://le.utah.gov/~2015/bills/static/SB0237.html>

ULCT Position: **Neutral**



**Legislative Purpose for the Bill:**

This bill authorizes the Utah Communications Authority Board to commission a performance audit and study of the state’s 911 emergency response system, and creating a strategic plan for the state 911 emergency response system.

**Municipal Impact/Requirements:**

The Utah Communications Authority Board shall oversee a performance audit and study of the state’s 911 emergency response system, determine cost savings and increases in quality and efficiency via functional consolidation of PSAPs and dispatch centers around the state regardless of jurisdiction, and offer recommendations for interoperability and standard operating procedures. The audit must begin by July 1, 2015 and report to the Law Enforcement and Criminal Justice Interim Committee and the Retirement and Independent Entities Interim Committee by July 1, 2016. Money from the Unified Statewide 911 Emergency Service Account may not be used to fund a new local PSAP or dispatch project before the audit and study are completed.

**ULCT Action/Future Trend:**

Team ULCT, led by Layton City Attorney Gary Crane and Bountiful City Manager Gary Hill, worked closely with all stakeholders to discuss enhanced interoperability and functional consolidation of dispatch services. ULCT anticipates additional legislation in the future, particularly after the performance audit and study commissioned by this bill are completed.



**SB 241 | Sales Tax Amendments**

Sponsor: **Harper, Wayne**

Bill Status: **Enrolled**

<http://le.utah.gov/~2015/bills/static/SB0241.html>

ULCT Position: **Neutral**



**Legislative Purpose for the Bill:**

This bill modifies a date for obtaining voter approval to impose the city or town optional sales and use tax levy tied to the elimination of the 1983 hold harmless provision.

**Municipal Impact/Requirements:**

This is a technical change imposed by the national Streamlined Sales Tax project (SST) of which Utah is a participant.

**ULCT Action/Future Trend:**

This change will have no impact on most cities and towns. There only a very few cities that may be eligible to impose the levy and the legislation slightly changes the imposition date.

**SB 256 | Concealed Firearm Amendments**Sponsor: **Hinkins, David**Bill Status: **Failed**<http://le.utah.gov/~2015/bills/static/SB0256.html>ULCT Position: **Neutral****Legislative Purpose for the Bill:**

This bill would have amended provisions of Title 76, Chapter 10, Part 5, Weapons, related to conduct involving the carrying of a concealed firearm. The bill provided an exemption for a person, who is 21 years of age or older, who may lawfully possess a firearm, from certain criminal provisions related to the carrying of an unloaded concealed firearm.

**Municipal Impact/Requirements:**

No municipal impact. This bill did not pass.

**ULCT Action/Future Trend:**

ULCT monitored the bill. ULCT anticipates future legislation to clarify language about the carrying of a concealed firearm.

**SB 258S1 | Street-legal All-terrain Vehicle Amendments**Sponsor: **Jenkins, Scott**Bill Status: **Enrolled**<http://le.utah.gov/~2015/bills/static/SB0258.html>ULCT Position: **Opposed****Legislative Purpose for the Bill:**

This bill amends provisions related to where an individual may operate a street-legal all-terrain vehicle, the equipment requirements for a street-legal all-terrain vehicle, and the speed limitations relating to the use of a street-legal all-terrain vehicle.

**Municipal Impact/Requirements:**

A municipality may no longer prohibit or restrict the use of a street-legal all-terrain vehicle on a street of highway where the use of another street-legal vehicle is permitted. The street-legal all-terrain vehicle may not exceed 50 miles per hour and may not travel on an interstate freeway.

**ULCT Action/Future Trend:**

ULCT opposed the bill and will monitor any potential public safety concerns that occur.

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**SB 259S4 | Medical Cannabis Amendments**

Sponsor: **Madsen, Mark**

Bill Status: **Failed**

<http://le.utah.gov/~2015/bills/static/SB0259.html>

ULCT Position: **Neutral**



**Legislative Purpose for the Bill:**

This bill would have allowed an individual with a qualifying illness to possess and use, cannabis, under certain circumstances.

**Municipal Impact/Requirements:**

No municipal impact. This bill did not pass.

**ULCT Action/Future Trend:**

This bill would have authorized the cultivation, manufacture, and use of medical cannabis. The bill also would have prohibited cities and towns from prohibiting a medical cannabis establishment on the basis of being a medical cannabis establishment and would have declared it to be a permitted use in an agricultural, industrial, or commercial zone. The bill arose late in the session and failed in the Senate by one vote. ULCT anticipates the issue and the bill to return in 2016.



**SB 267S1 | Sales and Use Tax Exemption Amendments**

Sponsor: **Adams, Stuart**

Bill Status: **Failed**

<http://le.utah.gov/~2015/bills/static/SB0267.html>

ULCT Position: **Opposed**



**Legislative Purpose for the Bill:**

This bill would have repealed a provision related to the economic life of machinery, equipment, or normal operating repair or replacement parts for purposes of a sales and use tax exemption.

**Municipal Impact/Requirements:**

No municipal impact. This bill did not pass.

**ULCT Action/Future Trend:**

This legislation reflects an ongoing debate over the impact and value of tax exemptions and economic development. The fiscal impact on state and local sales tax revenue was significant (over \$70 million). However the counter argument was the simulative impact on economic activity. Of particular concern was the effort to delay and “camouflage” the fiscal note—this altering the nature of the debate. It is likely that similar legislation will be introduced in the future.

**SB 281S2 | Water Infrastructure Funding****Mar 4**Sponsor: **Adams, Stuart**Bill Status: **Enrolled**<http://le.utah.gov/~2015/bills/static/SB0281.html>ULCT Position: **Support****Legislative Purpose for the Bill:**

This bill creates the Water Infrastructure Restricted Account and funded the account with a \$5M appropriation.

**Municipal Impact/Requirements:**

None.

**ULCT Action/Future Trend:**

This account is a placeholder for funding for large water project maintenance and for construction of the Bear River reservoirs and pipeline, as well as the Lake Powell pipeline.

**SB 290 | Civil Actions Involving Law Enforcement Officers or Emergency Vehicle Operator**

Sponsor: **Madsen, Mark**

Bill Status: **Failed**

<http://le.utah.gov/~2015/bills/static/SB0290.html>

ULCT Position: **Opposed**

**Legislative Purpose for the Bill:**

This bill would have repealed the provision that provides that the operator of a marked authorized emergency vehicle owes no duty of care to a person who is a suspect in the commission of a crime in certain circumstances.

**Municipal Impact/Requirements:**

No municipal impact. This bill did not pass.

**ULCT Action/Future Trend:**

ULCT worked on a bill last year that created the provision that a marked authorized emergency vehicle owes no duty of care to a person suspected of committing a crime. As such, ULCT was concerned about the shift in public policy. While the bill failed, ULCT will watch for any potential movement in 2016.

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**SB 291 | Affordable Housing Amendments**Sponsor: **Harper, Wayne**Bill Status: **Failed**<http://le.utah.gov/~2015/bills/static/SB0291.html>ULCT Position: **Support****Legislative Purpose for the Bill:**

This bill would have created a National Housing Trust Fund Advisory Council.

**Municipal Impact/Requirements:**

No municipal impact. This bill did not pass.

**ULCT Action/Future Trend:**

ULCT supported the bill and would have had an appointment on the National Housing Trust Fund Advisory Council. While the bill failed, Team ULCT has committed to engaging in dialogue about expanding all forms of housing options within our cities and towns.

**SB 293 | Historic District Amendments**Sponsor: **Weiler, Todd**Bill Status: **Failed**<http://le.utah.gov/~2015/bills/static/SB0293.html>ULCT Position: **Opposed****Legislative Purpose for the Bill:**

The bill would have modified provisions related to a legislative body's authority to designate a local historic district or area.

**Municipal Impact/Requirements:**

No municipal impact. This bill did not pass.

**ULCT Action/Future Trend:**

This ULCT, through the LUTE, has helped negotiate reasonable, non-legislated compromises to historic district issues focused on the Avenues area of Salt Lake City. We will continue to assist in this effort in the interim.

**SB 296 | Antidiscrimination and Religious Freedom Amendments**

Sponsor: **Urquhart, Steve/Adams, Stuart**

Bill Status: **Enrolled**

<http://le.utah.gov/~2015/bills/static/SB0296.html>

ULCT Position: **Neutral**

**Legislative Purpose for the Bill:**

This bill modifies the Utah Antidiscrimination Act and the Utah Fair Housing Act to address discrimination and religious freedoms.

**Municipal Impact/Requirements:**

The bill supersedes municipal ordinances on the subject and defines a statewide body of law that will apply in all jurisdictions.

**ULCT Action/Future Trend:**

The ULCT monitored the bill.

**ULCT FRIDAY FACTS: January 9th 2015**

Hello folks,

Happy New Year! I wasn't going to write until I knew for sure that the Utes still had our football coach. Hence, it has been awhile. We will post all of the assistant coach openings at Utah and USU on our job board but at least we both won our bowl games! BYU still has their football coach though—which may or may not be reassuring, depending on your point of view!

Today's FF will reference Monday's LPC meeting, transportation, and Local Officials Day.

**1. Legislative Policy Committee on Monday, January 12 at noon...  
both at Zions Bank and ONLINE!**

We will meet on Monday at noon on Jan 12 in the Founders Room. If you cannot come, we invite you to our first ever online LPC webcast. Former Ephraim Council Member Don Olson requested this service and we are ready to rock and roll. You will find instructions and tips on how to log in and make this a successful webcast event at the bottom of this email. Please login by 11:45! You can find the November minutes here and the agenda here. We also have updated our LPC roster which is here. Please check the roster; each city/town can have up to 3 voting members (elected or appointed; 4 members if your city is represented on our board) and your city/town determines those members. **WE NEED YOUR PARTICIPATION.** This is the first time in my tenure at ULCT (which began in 2006) that we are holding a LPC in the weeks leading up to the session. Why? Every day brings a new transportation development and we want to bring you up to speed and foster dialogue on transportation and other issues. Please come prepared to discuss transportation and any other issues on your radar.

**2. Transportation**

Since our previous weekly email, Team ULCT has been extremely busy. Ken Bullock and your correspondent have met with Senate and House leadership, Lt. Governor Spencer Cox, Legislative Transportation Committee members in the House and Senate, county leaders, and UTA officials to discuss the varying funding concepts that are under consideration. The House has one proposal that is a starting point. The Senate is still putting together their starting point and the Governor is supportive of transportation funding in general but has not officially endorsed any approach yet. Team ULCT is lobbying for a local option quarter cent dedicated to local transportation and many policymakers are receptive to that concept.

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### 3. Local Officials Day on Wednesday, January 28

Mark your calendars! We invite you to join us for LOD on January 28. First, we invite your youth councils to the capitol at 8:30 am to debate an upcoming bill on whether passing a civics test should be a requirement for graduating from high school. Second, your youth councils will participate in a Your Utah, Your Future planning exercise led by Envision Utah. At the same time, Team ULCT will offer a legislative briefing for city leaders. Third, we will host a lunch at the Salt Lake Marriott with city leaders, legislators, and other policymakers where we will discuss transportation funding. The icing on the cake? The great Terry Bradshaw will address us during lunch. Join us! Register here.

Have a great weekend! See you on Monday at LPC.

#### INSTRUCTIONS FOR WEBINAR:

1- If you have never attended an Adobe Connect meeting (or even if you have), **Test your connection at**  
[https://connect.usu.edu/common/help/en/support/meeting\\_test.htm](https://connect.usu.edu/common/help/en/support/meeting_test.htm)

2- Once you have tested your connection **Join the meeting at**  
<https://connect.usu.edu/lpc2015>

#### Mobile Devices:

- Following the this link: <https://connect.usu.edu/lpc2015>, it will open a prompt to Install **the Adobe Connect Mobile app**. (if you don't already have it).
- Once you have downloaded it, open the app and Enter in this **URL:** <https://connect.usu.edu/lpc2015>, then Click "Next"
- **Select "Guest,"** (unless you are already a member) then Type your Name and **Organization**, then **Click "Enter"**

#### Computers:

- First, **Follow the link** to <https://connect.usu.edu/lpc2015>
  - **Select "Enter as Guest,"** (unless you are a registered user) then **Type your name** and **Organization**, then **Click "Enter Room"**
- 3- Once in the room you will be able to:
- Watch the presenter
  - See what is being shown on the projector
  - Hear comments and questions from those in attendance
  - Ask questions to the presenter who will share them with those in attendance

We are excited about this new opportunity for you to participate in LPC. If you have difficulties, you can contact ULCT's Brandon Smith on his cell phone at 702-524-5236. Please note that once the meeting has begun at 12 p.m., he will be busy with other meeting responsibilities and may not be able to answer. Below are some tips that will help avoid or identify any questions or issues you may have so they can be addressed prior to the start of the meeting.

Tip 1- Google Chrome and Internet Explorer are better suited than Mozilla Firefox for this webcast event.

Tip 2- Please TEST your computer using the test link above in advance

Tip 3- Please try logging in advance

**Please log in by 11:45!**

## **ULCT FRIDAY FACTS: January 16th 2015**

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Hello folks,

Happy Friday! What a week—Utah basketball is cruising, Coach Whit signed an extension, and we are all excited about tomorrow's Utah-Arizona hoops showdown. It is the first battle between two top 10 Pac 12 teams since 2008. Meanwhile the legislative session ends in 55 days, which means it starts in 10. Thankfully, we can catch our breath in honor of Martin Luther King Jr. and civil rights this weekend.

Today's Friday Facts will reference this past Monday's LPC meeting, transportation, and Local Officials Day. So you know, we also continued working this week on assessment areas, foster homes, employment issues, townships, and water and we'll have more information on those topics in the 55 days to come.

### **1. Legislative Policy Committee**

Our first LPC webcast was a resounding success. We had over 130 people in attendance and another 24 cities that attended online. You can find the draft minutes, the link to webinar, and the link to the transportation presentation on our blog. We also updated the LPC voting membership which you can find here. You can also find the current bill tracking list on the website too.

### **2. Transportation**

At LPC, we had a vigorous discussion about transportation funding. We just finished the first quarter of a four quarter game and the next three quarters will play out during the upcoming 55 days. At this point, we see considerable momentum in the House and Senate to address local government funding in some capacity. Critical questions remain: Will the legislature modify the motor

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fuel tax? Will the legislature authorize local governments with a local option sales tax dedicated to transportation? If so, how much? Who will impose it? Who all will have access to the revenue? Your correspondent, Ken Bullock, and other members of Team ULCT had robust conversations with Speaker of the House Greg Hughes, Senate Transportation Chair Al Jackson, House Transportation Vice Chair Jake Anderegg, Senator Stuart Adams, and other key policymakers about those very questions.

At the Exoro Group Legislative Summit today, Utah State University presented fascinating polling data about the public perception of transportation needs and transportation funding. Essentially, the public recognizes the need for transportation investment but not to the same degree as they recognize the need for enhanced education investment. Likewise, the survey results indicated that over 30% of the public is neutral on a motor fuel tax increase. Those with opinions are fairly evenly split in support and in opposition. Both data points demonstrate that we collectively need to continue informing residents, passing council resolutions, and educating legislators about the needs and potential solutions.

How can you help? Do the Transportation T3: 1) pass a council resolution endorsing increased transportation funding (found here) that will demonstrate to legislators that your city/town will support them if and when they authorize a local option sales tax, 2) participate in the Utah Transportation Coalition (details here), and 3) reach out to your legislators about the needs in your community. Participating in the Coalition will empower your city to participate in the communications campaign and access the toolkit of social media messages, graphics, data, mayor's messages, newsletters, and bill inserts. Contact Abby Albrecht for more information at [abby.albrecht@gcinc.com](mailto:abby.albrecht@gcinc.com). If you want data about your city's transportation needs, please contact Nick Jarvis at ULCT at [njarvis@ulct.org](mailto:njarvis@ulct.org). When your city/town passes a resolution, please notify me at [cdiehl@ulct.org](mailto:cdiehl@ulct.org). To date, we know of about 50 cities and towns that have enacted resolutions.

### 3. Local Officials Day on Wednesday, January 28

Mark your calendars! We invite you to join us for LOD on January 28. First, we invite your youth councils to the capitol at 8:30 am to debate an upcoming bill on whether passing a civics test should be a requirement for graduating from high school. Second, your youth councils will participate in a Your Utah, Your Future planning exercise led by Envision Utah. At the same time, Team ULCT will offer a legislative briefing for city leaders. Third, we will host a lunch at the Salt Lake Marriott with city leaders, legislators, and other policymakers where we will discuss transportation funding. The icing on the cake? The great Terry Bradshaw will address us during lunch. Join us! Register here. The registration deadline is Friday, January 23!

Have a great Martin Luther King, Jr. weekend! See you on Local Officials Day and Go UTES!

**ULCT FRIDAY FACTS: January 23rd 2015**

Hello folks,

Happy Friday! Do you know the feeling before a big game, say Utah-BYU or the church ball title game? The mix of excitement and anxiousness? The sweaty palms? The rapid heartbeats? Welcome to our world! On Monday, the session kicks off and we are ready to rock and roll. Thank you for the privilege of representing you on the Hill. This week, we worked on many bills ranging from greenbelt definitions to law enforcement retirement and from sign restrictions to impact fees. We even talked a little transportation funding. Your correspondent will provide you with more details about specific bills once the session begins next week but rest assured that Team ULCT will be reviewing dozens of them this weekend. This email will mainly focus on logistics, future LPCs, and Local Officials Day.

**Speaker Becky Lockhart:**

First, your correspondent wants to pay tribute to former Speaker of the House Becky Lockhart. As you know, Speaker Lockhart tragically and suddenly passed away last weekend. Speaker Lockhart was always gracious, kind, and receptive to ULCT interests, to ULCT staff, and to me personally. She believed in the process, she supported local government, and she was always willing to listen. Team ULCT attended the memorial service at the capitol on Thursday which was tender, emotional, and beautiful. She was a dear friend to us and she will be missed.

**Logistics:**

Once the session starts, your correspondent will send you a daily update. Yes, I have plenty of Utah-BYU-USU material to make it for 45 days so don't you fret. Your correspondent and Ken Bullock addressed the Provo and Eagle Mountain city councils this past week and your correspondent even wore a blue dress shirt while in Utah County! The daily update will have the next day's committee assignments, the upcoming key bills that the full body will consider, and our bill tracking list. Please forward it far and wide. Monday is a ceremonial day and the first standing committee meetings will occur on Tuesday, January 27. The legislature will hold appropriations meetings in the morning and standing committee meetings in the afternoon for the first two weeks. The committee agendas must be posted 24 hours in advance and we will notify you as soon as possible. You can follow our legislative efforts at [www.ulct.org](http://www.ulct.org) and you can contact us anytime.

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**LPC:**

Our LPC schedule is as follows:

Monday, February 2

Monday, February 9

Monday, February 23

Monday, March 2

Monday, March 9 (tentative)

We will meet in W030 at the state capitol complex (west building) from 12-1:30. We will provide lunch and we anticipate having the webcast option available as well. We will post agendas on our blog and email them to you.

**Local Officials Day:**

We are excited for Local Officials Day (more info here). We are at full capacity for lunch so thank you in advance! Here's your quick preview: first, the youth councils will debate a mock bill at 8:30 about passing a civics test prior to graduating from high school and expanding voting options. Second, the youth will attend an Envision Utah training at 10:45. Third, city officials can attend a legislative briefing hosted by yours truly at 11:15. Finally, we will gather at 12 for lunch where Terry Bradshaw will address us about leadership, teamwork, and deflated footballs. We will also declare to legislators how many cities have considered or will consider transportation resolutions. You can find the sample resolution here. Please notify me at [cdiehl@ulct.org](mailto:cdiehl@ulct.org) when your city passes or considers the resolution. Finally, the Utah Foundation will release their local roads survey with a press conference at 2:30 at the capitol and we invite you to attend it.

**Transportation:**

No email is complete without the Transportation T3 reminder: 1) pass a council resolution endorsing increased transportation funding (found here) that will demonstrate to legislators that your city/town will support them if and when they authorize a local option sales tax, 2) participate in the Utah Transportation Coalition (details here), and 3) reach out to your legislators about the needs in your community. Participating in the Coalition will empower your city to participate in the communications campaign and access the toolkit of social media messages, graphics, data, newsletters, and bill inserts. Contact Abby Albrecht for more information at [abby.albrecht@gcinc.com](mailto:abby.albrecht@gcinc.com).

Enjoy your final pre-session weekend and remember that the session ends in 48 days!

## **ULCT Legislative Update for January 26, 2015**

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Hello folks,

Ladies and gentlemen, start your engines! Day 1 down and 44 to go. As there were no standing committees today, today's brief email will just detail Local Officials Day schedule modifications, provide a quick snippet on transportation, and offer tomorrow's committee assignments.

### **Local Officials Day:**

On Wednesday, we hope you have already registered to join us for Local Officials Day because we are at full capacity! Thank you for your support and attendance. Please note that the legislative briefing that was scheduled to begin at 11:15 will now begin at 11:00 and will be in the Salt Palace in Room 255A. We have the youth debates at 830 at the capitol, the youth interactive survey with Envision Utah at 11 at the Salt Palace, and lunch at 12 at the Marriott at City Creek with the one and only Terry Bradshaw. Even though he's not a former University of Utah QB, he is still noteworthy for winning 4 Super Bowls and 2 Super Bowl MVPs. We will have a registration desk in the Capitol 1st floor until 9:30 am and then another registration desk at the Marriott outside of the ballroom from 10:00 until lunch. Please holler if you have any questions.

### **Transportation:**

I'm sorry to say that the legislature did not resolve the transportation issue in their first 9 hours of meetings but here's the Salt Lake Tribune's view on the politics between the House and the Senate. Team ULCT continues to work with all partners to find the best way to empower local governments to address their local transportation needs. Stay tuned.

### **Committees/bill list:**

Finally, I have attached the committee assignments for tomorrow's first standing committees. Going forward, you'll be able to find the committee information on our blog and via this email. We had loads of bills pop out today but you can find our bill list [here](#).

That's all folks—hasta manana!

## **ULCT Legislative Update for Tuesday, January 27, 2015**

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Hey folks,

Happy Local Officials Day Eve! At least, it is the Eve for a few more hours. We are excited for Local Officials Day to begin in 10 hours. Where did the past year go?!? Day 2 is behind us and this email will reference Local Officials Day, HB 41, and HB 51.

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**Local Officials Day:**

First, tomorrow's main event! First, the youth councils will register at the capitol in the Hall of Governors at 730 am and debate at 830 am. Then we shift downtown for two simultaneous events. The youth will participate in an interactive event with Envision Utah at 11 am at the Salt Palace. City officials will join your correspondent at 11 am in 255A in the Salt Palace to review legislative politics. Then we all gather at the Marriott at City Creek for lunch and Terry Bradshaw at 12:15. We are at full capacity for lunch so thank you in advance for joining us! Finally, the Utah Foundation will release its survey results about local road needs at 2:30 at a press conference at the Capitol. You'll see the press release attached to this email so please attend. We are excited about Terry Bradshaw and we are excited to unveil our transportation video at lunch to show legislators and everyone in attendance the new and future transportation paradigm. See you there!

**HB 51**

Second, Team ULCT had a successful day on the Hill in our first standing committee hearings of 2015. Alta Town Clerk Kate Black and your correspondent joined Rep. Curt Webb to promote HB 51 in the House Government Operations Committee. This bill would simply provide that a court shall consider the same facts that were presented at the time a challenge to a voter's legitimacy or candidate's candidacy was called in to question. Because we rely on our elections officials to review pertinent materials when someone's eligibility to vote or become a candidate, this bill simply requires that the district court looks at the same materials that the elections officials was able to review at the time the determination of eligibility was made. Kate was terrific—she provided insight about the bill and answered multiple questions from committee members. The committee endorsed the bill.

**HB 41**

Team ULCT also was pleased to rely on Tooele's Randy Sant on HB 41 in the House Economic Development Committee. The bill was substituted and provides that CDAs are not subject to certain notice and public hearing requirements, if certain requirements are met. The intent is to reduce the time frame for the creation of a CDA project area. The specific requirements include the project area is created for an industry or business entity that provide goods and services outside of the State, and meets specific post performance requirements, which become part of a required development agreement. The substitute added a definition of tax increment. We did not get a chance to see the amendment prior to the meeting, and we made need to clarify other definitions in the statue regarding tax increment and the sponsor was open to that clarification and change if needed. The Committee passed the bill.

I have attached tomorrow's relatively light committee schedules here. On behalf of Team ULCT, your correspondent thanks the legislature for a quiet afternoon after Local Officials Day (knock on wood).

Morning and Local Officials Day will be here momentarily so we'll see you at the Capitol, the Salt Palace, and the Marriott Hotel at City Creek tomorrow!

## **ULCT Legislative Update for Wednesday, January 28, 2015**

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Hello folks,

What a day! Another Local Officials Day is in the books. This email will cover Local Officials Day, the Utah Foundation survey results on local roads, and recap the Governor's State of the State speech.

### **1. Local Officials Day**

Thank you to the nearly 1,000 people who attended Local Officials Day from over 70 cities and towns ranging from Washington to Moab, Ephraim to Layton and Nibley to Murray. The youth debated a mock bill that we designed for them that would require high school students to pass a civics test and increase vote by mail and same day voting registration options. Envision Utah then engaged the youth in a planning exercise while your correspondent provided a legislative briefing. At lunch, ULCT unveiled our transportation documentary on how transportation has changed through the years narrated by former Senate President Haven Barlow. Finally, four time Super Bowl Champion Terry Bradshaw spoke and had the kids on the edges of their seats. Thanks to all of you for your attendance and to ULCT staff for their diligent preparation to hold the event.

### **2. Utah Foundation Survey**

Later this afternoon, the Utah Foundation released their survey analysis about Utah's local road infrastructure. You can read the report [here](#). ULCT 2nd Vice President and Kaysville Mayor Steve Hiatt spoke on behalf of ULCT at the press conference and urged the legislature to empower local governments to meet our infrastructure needs by providing additional funding. We appreciate the work of the Utah Foundation and our co-sponsors in the survey which included the Salt Lake Chamber, Wasatch Front Regional Council, Utah Association of Counties, UTA, UDOT, and other MPOs and transportation entities in the state.

### **3. State of the State**

Tonight was also Governor Herbert's "State of the State" address. Kudos to Channels 2 and 5 for airing the speech live; apparently "Inside Edition" was too important for Channel 4 to pre-empt. The Governor led with education funding increases, local control in education, and frustrations with the federal bureau-

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cracy. He pivoted to the “Healthy Utah” initiative and public lands. He then raised transportation and growth needs and said he looks forward to working with the legislature for long-term solutions. He proclaimed that the time for long-term transportation funding solutions is now. He was vague on specifics but the sentiment was encouraging. He also touched on the need for reform in the criminal justice system and the need to invest in water infrastructure. Finally, he referenced efforts to improve air quality and declared that industry leaders have committed to convert to Tier III fuels in refineries to reduce emissions.

As a reminder, we will hold our first LPC of the session on Monday, February 2 at noon in W030 and we will broadcast it via the USU webinar. Instructions will be available on our website. Tomorrow’s committees are attached. Thanks, as always, for your participation in ULCT and for attending Local Officials Day!

### **ULCT Legislative Update for Thursday, January 29, 2015**

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Hello folks,

Day 4 is in the books and the session ends 6 weeks from tonight. So much time, so little to do! No wait, that’s not right. We met with Governor Herbert to talk transportation, we successfully pushed SB 70 through committee, and we are preparing for a couple of key votes tomorrow.

#### **Governor Herbert:**

First, ULCT Executive Director and your correspondent joined Provo Mayor and ULCT President John Curtis and Ogden Mayor and ULCT Board Member Mike Caldwell to chat transportation with Governor Gary Herbert, Lieutenant Governor Spencer Cox, and their staff. The Governor graciously extended the meeting not once but twice. We had scheduled a 30 minute meeting which went over 50 minutes. Mayors Curtis and Caldwell explained the tremendous demand from employers in their communities for active and alternative transportation options. Collectively we discussed the changing transportation paradigm, the need to view transportation through the prism of air quality, economic development, and public health, and the benefits of a local option sales tax. The Governor expressed support at the concept of broadening the definition of transportation, inquired diligently about the potential funding mechanisms, and agreed to continue the dialogue with the legislature and with city officials. It was a positive meeting and the Governor’s closing words were that he had set the table for long-term transportation funding options and he wanted to ensure a “bottoms-up” approach that empowered local government.

#### **SB 70:**

Team ULCT’s Jodi Hoffman, Layton City Attorney Gary Crane, and West Valley Community and Economic Development Director Nicole Cottle shepherded

SB 70 unanimously through the Senate Government Operations and Political Subdivisions Committee. The bill brings parity to the local referendum process compared to state referendum criteria and the local initiative process. It doesn't change existing percentages, just requires a minimum level of geographic diversity in signature gathering.

**Tomorrow:**

ULCT will oppose a couple of key bills in committee tomorrow including HB 61 Municipal Licensing Amendments and HB 142 Municipal Government Revisions. Team ULCT has discussed the Municipal Licensing Amendments bill in previous LPCs. The bill would eliminate municipal authority to require a business license for home-based businesses (with some stipulations). If you know anyone on the House Political Subdivisions Committee (see here), please contact them and notify us of their response. You can see the rest of the committee bills attached here and the bill list here.

Thanks as always for your involvement in ULCT!

## **ULCT Legislative Update for Friday, January 30, 2015**

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Hello folks,

Happy Friday! It was a happy Friday for local government on Capitol Hill today (though it was an unhappy Thursday night for Utah basketball fans). This email will update you on HB 61 Municipal Business License Amendments, HB 142 Municipal Government Revisions, and SB 29 School Planning and Zoning Process. This email will also have the tentative LPC agenda and webinar link.

### **1. HB 61 & HB 142**

Both HB 61 and HB 142 (both sponsored by Rep. Jake Anderegg) were in House Political Subdivisions today. HB 61 would have eliminated municipal authority to issue business licenses for home-based businesses and HB 142 would have modified how a six member council form of government could strip the mayor of his/her authorized mayoral duties.

Team ULCT worked diligently to educate committee members about our opposition to both bills. Bluffdale Council Member Heather Pehrson, Washington Terrace City Manager Tom Hanson, Bountiful City Manager Gary Hill, Park City Asst. City Manager Matt Dias, West Valley's Nicole Cottle, Sandy's John Hiskey, plus municipal representatives Dave Nicponski, Brian Allen, and Dave Stewart (and others including the Utah Business Licensing Association) all joined your correspondent in chatting with each member of the committee multiple times before the hearing. Because of our collective efforts, the committee tabled HB 61.

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On HB 142, Representatives Kraig Powell, Johnny Anderson, Ray Ward, and Kraig Powell all referenced conversations they had with their cities. Layton City Attorney Gary Crane—the pre-eminent expert on forms of government—represented ULCT and testified during a feisty committee hearing. The debate raged for an hour and Gary calmly and decisively refuted the sponsor’s arguments. Ultimately, Representative Anderson made the motion to hold the bill and the bill sponsor declared his intent to continue pushing the bill. The committee expressed interest in learning more about forms of government and Team ULCT will follow up with them. For now, THANK YOU to all of Team ULCT for your efforts on these two bills. We will have many more bills before House Political Subdivisions so it is vital that you follow up with your representatives on the committee to thank them for their support on these two issues.

## 2. SB 29

Senator Evan Vickers’ SB 29 amends the notification requirements for a public school to a local government. The bill requires a school district or charter school to meet with a local government about a proposed acquisition, submit a rough proposed site plan to a design review committee, and authorizes a local government in certain circumstances to request a traffic study in certain circumstances. Senator Vickers (and House sponsor Representative Rich Cunningham) worked closely with Team ULCT—particularly Layton’s Gary Crane and ULCT’s Jodi Hoffman—and West Valley’s Nicole Cottle endorsed the bill on ULCT’s behalf. The Senate Education Committee recommended the bill unanimously.

## 3. LPC

As you can see, it was a busy day! Team ULCT will spend the weekend updating the bill status sheet so that it is ready for Monday’s LPC. The Jazz are outplaying the Warriors so far which makes reviewing bills even more enjoyable! We look forward to seeing you on Monday at noon in W030 in the House building at the capitol or online via the webcast courtesy of Utah State University. You’ll see the link below and the tentative agenda attached. You’ll also find Monday’s committee bills. Finally, here is the link for the Transportation video that we unveiled at Local Officials Day. We urge you to share it with legislators, leaders, and community members so that we can tell the story of why we must address long-term comprehensive transportation funding this session.

Thanks as always for your participation in ULCT, please thank the committee members of the House Political Subdivisions committee, and have a Super (Bowl) weekend!

Hello again folks,

Sorry for the second email, but I inadvertently neglected to also mention the efforts of Midvale's Kane Loader and Murray's Kory Holdaway with House Political Subdivisions earlier today. As stated earlier, it was a team effort. It was a great Team ULCT day—just like tonight's Jazz effort vs. Golden St!

See you at LPC on Monday.

## **ULCT Legislative Update for Monday, February 2, 2015**

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Hello folks,

Happy Groundhog Day! To quote everyone's favorite weatherman: "It's going to be cold. It's going to be grey. And it's going to last you the rest of your life." In actuality, the session only lasts another 37 days! The day was consumed by LPC, law enforcement, and preparing for upcoming bills.

### **LPC:**

Today was the first Legislative Policy Committee meeting at the capitol. We had over 100 in attendance and a bunch who attended via the webinar. Thanks to you all for attending! Senator Evan Vickers presented his vision for how the state, counties, and cities prevent and fight wildfire in the wildland urban interface. He has been pleased by the ongoing dialogue with ULCT and has a boxcar open. That said, he expects to wait until the 2016 session for the final policy. After ULCT staff explained our tracking software, then Team ULCT recapped last week's successes including the successful lobbying efforts on HB 61 (Business Licensing), HB 142 (Municipal Government Revisions), SB 29 (School Planning and Zoning), and SB 70 (Geographic Diversity).

The committee pivoted to this week's top priorities. The LPC spent considerable time deliberating on HB 181—Sales Tax on Vehicle Purchases—and heard varying perspectives on the bill from city officials from Bluffdale, Lindon, North Ogden, Riverdale, Riverton, Sandy, Taylorsville (among others), and from staff. Since the 1983 sales tax distribution 50/50 compromise, ULCT has opposed any proposed changes to the sales tax distribution formula or sourcing. As Ken Bullock and Roger Tew explained, sales tax distribution is a divisive both within ULCT membership and within the legislature because of the diversity of cities and towns. Ken cited an example of a Representative who represents both an established commercial center and a bedroom community and most legislators will represent a similar diversity of cities and towns in their districts. Surprisingly, word came later today that the House Revenue and Taxation Committee will consider HB 181 on Tuesday afternoon. We encourage you to contact committee members and you can see the committee membership and agenda here.

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The LPC also discussed emergency dispatch, water law, and transportation. The minutes and video will be available later this week.

**Law Enforcement:**

The LPC reviewed several law enforcement bills. First, the LPC also opposed HB63S1 (Distracted Driving Amendments) because it would chip away at distracted driving provisions in state law that ULCT supported in last year's legislative session. Additionally, your correspondent announced that Senator Steve Urquhart would hold SB 82 (Forcible Entry Amendments) in committee so as to give ULCT and law enforcement sufficient chances to come to yes with the Senator. The bill would require officers executing a no-knock warrant to clearly identify themselves, wear a body-worn camera, and use a warrant issued by a district court judge only. The bill would also forbid an officer from entering a premise without notice to secure evidence at risk of being destroyed and impossible to obtain a warrant from a justice court judge. Senator Urquhart is a long-time ally and friend of ULCT so we are willing to continue the dialogue with him. Lastly, ULCT's Nick Jarvis and your correspondent spent several hours analyzing Representative Dan McCay's protected draft about body-worn camera policies and procedures.

**Your help:**

Finally, your correspondent made two requests from the LPC membership. 1) Does your city video stream your council meetings? If so, how much did the technology cost and how do you retain the records? 2) Does your city have a municipal GRAMA appeals process? There are two protected bills that your correspondent discovered over the weekend that deal with those two questions. One bill would require video streaming (and retention) of all city and town council meetings. The other bill would require all GRAMA appeals to go the State Records Commission. Your correspondent needs this background info so that Team ULCT is prepared when the bills go public.

As a reminder, the LPC membership will vote on positions for the ULCT bill list next Monday. You can see the bill list [here](#). I'll close with our favorite weatherman again: "There is no way that this winter is ever going to end as long as this groundhog keeps seeing his shadow. He's got to be stopped. And I have to stop him." Thanks as always for your participation in ULCT!

## ULCT Legislative Update for Tuesday, February 3, 2015

Hello folks,

Day 9 was mighty fine for local governments and we are officially 20% finished with the 2015 session. It feels like we just started...

This email will touch on HB 181, the Utah Transportation Coalition, and yesterday's requests.

### **HB 181:**

First, the House Revenue and Taxation Committee did not consider HB 181 today and pulled it from the agenda. HB 181 would allocate the sales tax revenue from the sale of a motor vehicle to the municipality residence of the purchaser instead of the municipality where the purchase occurred (point of sale). Since the 1983 sales tax distribution 50/50 compromise, ULCT has opposed any proposed changes to the sales tax distribution formula or sourcing. Numerous cities contacted committee members who raised concerns about the potential ramifications of the bill. The bill sponsor expressed a willingness to meet with Team ULCT to explain his rationale. Meanwhile Ken Bullock met with a key legislator who is supportive of the bill and we are in the process of arranging a larger meeting with the bill sponsor. You can read the Tribune article about the overall issue here. For now, thank you to those of you who contacted committee members. Your advocacy made a difference.

### **Utah Transportation Coalition:**

Second, ULCT is a proud member of the Utah Transportation Coalition which is a partnership of cities, counties, transit districts, metropolitan planning organizations, business chambers, and individual businesses that is promoting the need for enhanced local transportation funding. The public relations campaign is in full swing with radio ads, social media messages, and billboards. Your city can join by contacting Abby Albrecht at [abby.albrecht@gcinc.com](mailto:abby.albrecht@gcinc.com). This week, the Coalition has two big events. First, the Coalition invites you to the Salt Lake Chamber's Annual Legislative Reception on Wednesday, February 4th is at the Little America. Please make sure to register. Second, the Coalition requests that you sign the online petition to support HB 79 which will allow officers to ticket a driver or passenger for not wearing a seat belt. In the last five years, 1,177 people have died on Utah's roads and the most common contributing factor was a failure to buckle up. HB 79 will likely be in committee this week. Finally, Save the Date for the Coalition's Transportation Rally at the Capitol south steps on Wednesday, February 25th at 9:45 a.m. More info about the rally will be forthcoming.

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**Yesterday's Requests:**

Finally, your correspondent made two requests yesterday and the response has been fantastic. 1) Does your city video stream your council meetings? If so, how much did the technology cost and how do you retain the records? 2) Does your city have a municipal GRAMA appeals process? There are two protected bills that your correspondent discovered over the weekend that deal with those two questions. One bill would require video streaming (and retention) of all city and town council meetings. The other bill would require all GRAMA appeals to go to the State Records Commission. Your correspondent needs this background info so that Team ULCT is prepared when the bills go public. In the 33 hours since LPC ended, your correspondent has received feedback from dozens of cities with valuable information. Thank you! Your correspondent chatted with one of the bill sponsors today who was taken aback at the information that we provided him. Thank you and keep it coming!

Tomorrow's committee bills are attached and it is a light afternoon. You can see the bill list here and we are updating it constantly. Thanks, as always, for your involvement and participation in ULCT.

**ULCT Legislative Update for Wednesday, February 4, 2015**

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Hello folks,

Happy National Letter of Intent Day! For you non-football fans, dozens of future Utes, Cougars, Aggies, Wildcats, T-Birds, Rebels, and Badgers signed to play college football today. While there is tons of hype today, let's recall that former Ute Star Lotulelei was considered by the experts to be just a three star recruit and became an NFL first round draft pick. In other words, we don't always know what the future results will be based on today's reports...so in this way, sports are like politics!

This email will update you on water efforts, law enforcement progress, and ULCT success on HB 117.

**1. Water:**

Representative V. Lowry Snow, the sponsor of HB 25, hosted a meeting about key water bills with 15 members of the House and the overall water community. He presented about HB 25—which the ULCT membership strongly endorsed via this resolution at the September convention—and we are hopeful that the bill will be assigned to committee soon. Ogden's Mark Stratford, Sandy's Shane Pace, and your correspondent represented Team ULCT. He told his legislative colleagues about all of the stakeholders, including ULCT, which have endorsed the bill and asked for their support. Representative Kay McIlff then presented on his two pending bills, HB 43 and HB 47.

**2. SB 82 & body-worn cameras:**

On Monday, SB 82 sponsor Senator Steve Urquhart told a small group of law enforcement personnel and attorneys (including West Jordan Police Chief Doug Diamond, South Jordan's Ryan Loose and Chip Dawson, and your correspondent) that he was willing to compromise on his initial language. This morning, our small group reconvened with Dave Spatafore to draft potential language. Meanwhile, Ogden City's Gary Williams has taken the lead on behalf of local government with Representative Dan McCay to find consensus on his proposed body-worn camera legislation. We will keep you posted on both efforts.

**3. HB 117:**

Representative Jon Stanard is sponsoring HB 117 which would require all public entities to post public notice for meetings of a public body or specified body on the Utah Public Notice Website. Team ULCT had raised concerns with Representative Stanard previously about the difficulties of small, remote communities that have limited internet access and capability. During a meeting with St George City Attorney Shawn Guzman and your correspondent today, he offered an amendment that would provide flexibility for communities with limited resources to work with the Division of Archives to secure technical assistance in order to comply. Team ULCT appreciates Representative Stanard for his willingness to consider our towns.

Finally, several noted that there was no link to the online petition to support HB 79 which will allow officers to ticket a driver or passenger for not wearing a seat belt. In the last five years, 1,177 people have died on Utah's roads and the most common contributing factor was a failure to buckle up. Your correspondent regrets the omission and you can sign here. Save the Date for the Coalition's Transportation Rally at the Capitol south steps on Wednesday, February 25th at 9:45 a.m. More info about the rally will be forthcoming.

That's a wrap for both Signing Day and the Hill. The committees are attached and the bill list is here. Thanks, as always, for your participation in ULCT.



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**ULCT Legislative Update for Thursday, February 5, 2015**

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Hello folks,

Day 11 is history and it was a relatively quiet day on Capitol Hill for local government. In fact, your correspondent personally thanked the Chair of the House Political Subdivisions Committee for canceling not just today's committee meeting but tomorrow's 4:00 pm committee meeting too! This email will reference the dialogue on HB 250, HB 100, and meetings with the House Political Subdivisions Committee and other key legislators.

**HB 250:**

Representative Michael Kennedy is sponsoring HB 250 which would modify the authority of a municipality to create a special service district in certain circumstances. Representative Kennedy is responding to some constituent concerns and reached out to ULCT, the Utah Association of Counties (UAC), and the Utah Association of Special Service Districts to try to find consensus. After several meetings this week, we hope to have proposed language ready for him soon.

**HB 100:**

Representative David Lifferth is sponsoring HB 100 which would require a political candidate to make certain disclosures about his/her criminal background within seven days of filing a declaration of candidacy. The election officer (i.e. clerk or recorder) would be responsible to monitor the disclosure form and levy a \$100 fine on the candidate if the candidate did not file an accurate report. ULCT's Roger Tew met with the Lieutenant Governor's office to discuss potential concerns about the legislation and we will chat with the bill sponsor soon.

**House Political Subdivisions Committee:**

Your correspondent met with numerous members of the House Political Subdivisions Committee during the last two days. The Committee members graciously made time to chat about HB 142 (Forms of Government) and other bills that the Committee may consider in the weeks to come. The Committee consists of many friends of local government. The Chair, Representative Curt Webb, has worked with ULCT on numerous issues. The Vice Chair, Representative Kraig Powell, is a city attorney. Representative Kim Coleman previously served on a planning commission. Representative Ray Ward said that he had a strong relationship with City Attorney Gary Hill in Bountiful. Representative Johnny Anderson has championed local transportation funding. Representative Justin Miller previously worked in local government. Representatives Jim Dunnigan, Don Ipson, Mike Kennedy, Dixon Pitcher, Marie Poulson, and Norm Thurston all have demonstrated their willingness to consider local government needs. Please make a point to thank them for their support of local government.

Tomorrow promises to be a busy day on the Hill as we have several important bills in committee and on the floor. For example, the LPC voted to oppose HB 63S1—Distracted Driving Amendments—and we will be in committee tomorrow alongside law enforcement to oppose the bill. As a reminder, the LPC will meet at noon on Monday, February 9 in W030 in the House Building at the State Capitol Complex. We will have webcast information on our website as well. The bill list is here and tomorrow's committees are attached. Thanks, as always, for your participation in ULCT!

### **ULCT Legislative Update for Friday, February 6, 2015— *Saturday edition***

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Hello folks,

Happy Saturday! This special Saturday edition of the legislative update is because your correspondent wisely honored the request of his wife for dinner and a movie last night instead of reading bills. Your correspondent regrets the delay but not the decision!

This email will preview Monday's critical LPC and review yesterday's actions on SB 69, HB 63S1, and HB 79. As you'll see, yesterday was a mixed bag for local government..

#### **1. LPC:**

Please join us at LPC on Monday at noon in W030. The agenda is attached, but there are three key discussions that will occur on sales tax distribution (HB 181), body-worn cameras, and transportation. The LPC membership will also vote whether to ratify the ULCT staff recommended positions on our bill list. On sales tax distribution, you can read the Tribune's report on HB 181 here. On body-worn cameras, ULCT staff and allies have made good progress with both Representative McCay and with Senator Urquhart. On transportation, the Senate has released the first of the potential transportation funding bills. You can read the Tribune's coverage of Senator Kevin Van Tassel's ten cent per gallon gas tax increase bill (SB 160) here. Team ULCT has had numerous conversations with legislative leaders and we anticipate more funding bills in the days ahead. We look forward to a vigorous dialogue. If you can't attend in person, the webcast instructions are below.

#### **2. SB 69:**

The Senate Governmental Operations and Political Subdivisions Committee held SB 69 yesterday. SB 69 would require that 50% of the replacement vehicles purchased by cities and towns over the next five years to be alternative-fuel or

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high-efficiency vehicles. Your correspondent and Ogden's Gregg Buxton met with bill sponsor Senator Scott Jenkins earlier to raise our concerns and then Team ULCT chatted with committee members beforehand. Your correspondent testified against the bill because of the unfunded mandate on local government. Your correspondent declared to the committee that our membership supports efforts to clean the air and make our municipal fleets more efficient. However, ULCT placed a fiscal note on the bill and the committee was sympathetic to the major cost on local government to meet the 50% requirement. Thanks to Gregg Buxton and Ogden City Fleet Manager Richard Brookins, your correspondent was prepared with detailed costs of potential compliance as well as information on previous state grants that Ogden City had utilized to meet the cost of upgrading a portion of their fleet and installing natural gas infrastructure. The committee held the bill and requested more information from ULCT on the current overall municipal fleet and suggestions of how to fund the bill. Thanks to those of you who contacted your legislators on the committee; three Senators specifically referenced the cities in their district contacting them about the potential cost.

Our request to you: what is the size of your municipal fleet and how much of your current fleet is alternative-fueled or high efficiency?

### 3. HB 63S1 & HB 79:

As you recall, the LPC voted last Monday to oppose HB63S1 which would repeal some distracted driving language that the legislature codified last year to ban dialing when driving and other phone uses. The House Transportation Committee deliberations alternated between personal and public safety and personal liberty. The Law Enforcement Legislative Committee, Police Chiefs Association, and Sheriffs Association all opposed the bill and ULCT's Nick Jarvis testified against the bill. The sponsor urged the committee to let the House body debate the bill. With the bill vote deadlocked at 5-5, the committee chair said that while he wasn't convinced of the merits of the bill, he did see the value of debate on the floor. With that, the committee recommended the bill 6-5. Here's the Tribune report on the HB63S1 committee hearing. On a related note, here's the Tribune's report on the House Law Enforcement Committee's recommendation of HB 79 which would make not wearing a seat belt a primary offense.

We look forward to seeing you at LPC on Monday. Committee agendas are light on Monday for ULCT-monitored bills—the House Public Utilities Committee will consider Rep. Lee Perry's HB 206 Local District Amendments at 3:40 pm in 450 State Capitol—but legislators have 4 hours of floor time before and after LPC so we urge you to contact them while you are on the Hill. Here is the link to our bill list for your review. Enjoy the spring weekend!

## **ULCT Legislative Update for Monday, February 9, 2015**

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Hello folks,

The session is 1/3 over and the race is on. Today's report will recap LPC, transportation, and other LPC requests (particularly SB 69).

### **1. LPC**

The Legislative Policy Committee met at the capitol with approximately 120 in attendance in person and another 22 in attendance via webcast. For the record, this synopsis does not attempt to replace the minutes. First, the LPC was treated to a vigorous debate over HB 77 (Postretirement Employment) between bill sponsors Senator Ralph Okerlund and Representative Rich Cunningham, and former Senator Dan Liljenquist. After 30 minutes of debate, the LPC voted to table the bill until our next LPC meeting on February 23. The LPC voted to oppose HB 181 (Sales Tax on Vehicle Purchases) because of longstanding ULCT policy against changes to sales tax distribution and sourcing. The LPC then voted to oppose HB 167 (Asset Forfeiture Amendments) in part to support law enforcement organizations that oppose the bill. Speaking of law enforcement, Team ULCT provided an update on body-worn camera policies (unnumbered bill) and forcible entry legislation (SB 82) sponsored by Representative Dan McCay and Senator Steve Urquhart. In both cases, ULCT representatives have worked with law enforcement agencies to provide alternative language to the bill sponsors. Representative McCay at this point does not seem receptive to the proposed changes. Senator Urquhart is ruminating on the proposed language.

### **2. LPC—Transportation**

Team ULCT also offered an update on transportation funding discussions on Capitol Hill. As you know, Team ULCT has advocated for a long time for the authority for cities and towns to impose a quarter cent sales tax that could be utilized for the new paradigm of transportation. Legislators are well aware of the local needs so thank you for taking the time to explain the local transportation needs to your legislators. We are where we are today because of our collective efforts. In the Senate, Senator Kevin Van Tassell is sponsoring SB 160 (Transportation Funding Amendments) which would increase the motor fuel tax by 10 cents. Senator Alvin Jackson is sponsoring a bill (as yet unnumbered) that would convert the current 24.5 cent motor fuel tax to a sales tax. Finally, Representative Johnny Anderson has a bill (also as yet unnumbered) that would authorize a county imposed quarter cent sales tax, subject to voter approval, that would be split between counties, cities, and transit. At this point, Team ULCT has not seen either Senator Jackson's bill or Representative Anderson's bill. Representative Anderson has articulated that he prefers the allocation of the quarter cent to be .10 to cities/towns, .10 to transit, and .05 to counties within a transit district.

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For counties without a transit district, the allocation could be .15. Your correspondent emphasizes that Team ULCT has not actually seen an official bill and thus this report is based on conversations with the good Representative. After Team ULCT presented this information to the LPC, the LPC elected to not take a specific position yet on the transportation bills that are on the table. We will keep you posted.

### 3. LPC requests

The LPC ratified the staff recommendations for the 155 bills that we are currently tracking. You can see the bill list [here](#). Please note that the LPC can make changes at future LPC meetings and you can contact us at any time to offer feedback. Speaking of feedback, thank you for the information that you provided to Team ULCT last week. We asked which cities and towns had their own GRAMA appeals process and we now know of at least 26 cities and towns with their own GRAMA appeals process. SB 157 would repeal some of that authority. Second, we requested information about video streaming costs and received responses from 34 cities and towns which we have relayed to the bill sponsor. He is willing to modify the video streaming bill now in large part due to your feedback and the outreach from North Ogden, Ogden, and Pleasant View leaders. Thank you for your advocacy and participation!

This week's request comes from SB 69 which would require that 50% of your replacement vehicles to be alternative-fueled or high efficiency. We testified last week about the staggering cost of the bill while also notifying both the bill sponsor and the committee that ULCT supported air quality efforts and the bill's objectives. You can read the news article [here](#) about the committee hearing. Team ULCT requests that you provide us with information about your municipal fleet, how many vehicles you replace per year, and how many vehicles in your fleet are currently alternative-fueled or high efficiency. That way, we have a better grasp of the scope of the bill. Again, ULCT supports the clean air objective but we are actively engaging in dialogue with the sponsor about how to approach and pay for the conversions. We welcome your suggestions and data.

With that, tomorrow's committees are attached (our water bill, HB 25, is in committee tomorrow) and thanks again for participating in ULCT!

## **ULCT Legislative Update for Tuesday, February 10, 2015**

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Hello folks,

Day 16 is history and I am pleased to report that our consensus water bill passed its first hurdle, we met with the Weber Chamber on transportation, and we are spotting more and more new bills.

### **1. Water—HB 25**

The House Natural Resources Committee considered Representative V. Lowry Snow's HB 25 today. As you may recall, HB 25 is the water bill that has been four years in the making. Over the past year, the general managers of the four largest water conservancy districts, the Farm Bureau Federation, ULCT, and the State Engineer have met regularly to address the state engineer's "gatekeeper" role over change applications, define "quantity impairment," and provide more certainty in the change application process. The ULCT membership endorsed the bill via this resolution and later the Farm Bureau membership endorsed the bill as well. Last week, Representative V. Lowry Snow initiated a meeting with key House lawmakers. Today, the House Committee heard from Representative Snow, Jordan Valley WCD General Manager Richard Bay, Ogden Assistant City Attorney Mark Stratford, the Farm Bureau, and your correspondent. After the discourse, the committee voted—wait for it—unanimously to recommend the bill. Representative Mike Noel, a longtime fixture in the legislature and water law expert, quipped "well seldom is heard a discouraging word," and thus the bill must be good! We will continue to stay attentive on the bill to help Representative Snow and bring to pass this key legislation. Much thanks to Mark Stratford, Sandy City Director of Public Utilities Shane Pace, and St. George City Attorney Shawn Guzman who all represented ULCT on the subgroup over the past year.

### **2. Weber Chamber**

Your correspondent and Ken Bullock started the morning at 7:00 am in beautiful downtown Ogden to discuss transportation funding with the Weber Chamber (sadly, we didn't have time for iFly). The audience included civic leaders, university officials, and business leaders, most of whom were supportive of the need to fund the new transportation paradigm with new tools. Tomorrow morning, your correspondent and Ken Bullock will address the legislative Conservative Caucus on the same topic. If your city, local chamber, or other entity would like more information about either transportation funding specifically or municipal issues generally, please let us know.

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### 3. New Bills

After a slight lull last week, bills are popping out at a rapid pace. For example, today we spotted bills ranging from beekeeping to building codes. If you notice a particular bill of concern, please notify us. The bill list is here and is being updated as fast as possible. Tomorrow the House Political Subdivisions Committee resumes its meetings and we have several bills in numerous committee that we are monitoring closely. Your correspondent met with House Majority Leader Jim Dunnigan today to discuss ULCT key issues and we will be meeting tomorrow with Senator Bramble on GRAMA appeals among others. As a reminder, please circle back with us about SB 69. That bill would require that 50% of your replacement vehicles to be alternative-fueled or high efficiency. Team ULCT requests that you provide us with information about your municipal fleet, how many vehicles you replace per year, and how many vehicles in your fleet are currently alternative-fueled or high efficiency. That way, we have a better grasp of the scope of the bill. Again, ULCT supports the clean air objective but we are actively engaging in dialogue with the sponsor about how to approach and pay for the conversions. We welcome your suggestions and data.

That's all folks! Thanks for your involvement in ULCT!

### ULCT Legislative Update for Wednesday, February 11, 2015

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Hello folks,

Day 17 is in the books and it was another busy day for local government. This email will recap transportation, assessment areas, appeal security, and emergency dispatch.

On a side note, Thursday evening brings a dilemma for your correspondent. As many of you know, ULCT Executive Director Ken Bullock's son Elliott plays basketball for Stanford. Who does Stanford play on Thursday evening? Your correspondent's University of Utah Utes right here in SLC. Should I wear Crimson red or Cardinal red ...or both?!

#### 1. Transportation

South Jordan's Chip Dawson and your correspondent accepted the invitation from Representative Ken Ivory to participate in the Conservative Caucus' 7 am breakfast meeting about transportation this morning. Senator Kevin Van Tassell presented SB 160 which would increase the motor fuel tax by 10 cents a gallon. Representative Johnny Anderson then presented his unnumbered bill which would do two things. First, the bill would modify the current motor fuel tax from a straight cents per gallon (24.5 cents) to a percentage based tax with a floor and ceiling to contain volatility. Then, the bill would have a quarter cent local option sales tax that would be split between cities, counties, and transit.

Finally, Speaker of the House Greg Hughes spoke about the unique opportunity this year to address local transportation needs and urged his colleagues to carefully consider the options on the table. Chip and your correspondent met with Speaker Hughes, Representative Anderson, and Senator Van Tassell for a while afterwards to talk through the proposals. In fact, Senator Van Tassell's SB 160 will be in the Senate Transportation Committee tomorrow. The committee members are Senators Al Jackson, Stuart Adams, Wayne Harper, David Hinkins, Karen Mayne, and Kevin Van Tassell. Please reach out to the committee members and encourage them to vote yes on the bill.

## 2. Assessment Areas

The House Political Subdivisions Committee considered Representative Curt Webb's HB 190 today. By way of background, Team ULCT has worked with Rep. Webb for three years on this issue and last year the Governor vetoed a version of the bill due to the proposed moratorium on new assessment areas. Numerous city officials, particularly Ogden City, worked on this year's bill but it was still unacceptable to us in its current form. Ogden City representatives, bond counsel, the Utah Association of Counties, and your correspondent testified against the bill. However, Rep. Webb was joined by the Utah Banking Association and the Taxpayers Association in support of the bill. After over an hour of deliberation, the committee recommended the bill. However, committee members urged Representative Webb and Team ULCT to continue the dialogue and find consensus before the bill comes to the House floor.

## 3. Appeal Security

The House Political Subdivisions Committee also considered Representative Doug Sagers' HB 228 Appellate Bond Amendments today. In 2013, the Legislature placed a burden on cities and towns only that we have to post security for all judgment amounts in excess of \$5 million as a condition for obtaining a stay of judgment during the appeal of that judgment. There was a city locked in costly litigation at the time which would have had to post security of \$15 million in order to appeal a judgment. Team ULCT believed then and now that the requirement was unconstitutional, unjust, and prohibitively expensive, thus depriving municipalities of their right to access the courts. At our September convention, Tooele City sponsored a resolution calling for the repeal of the requirement and you can read that League resolution here. The Committee agreed and unanimously recommended the bill.

## 4. Emergency Dispatch

Senator Wayne Harper previously met with city leaders in Davis and Utah Counties to discuss emergency dispatch operations. Initially, he sought physical

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consolidation of dispatch facilities which was met with opposition by ULCT. Today, Bountiful City Manager Gary Hill, Layton City Attorney Gary Crane, and ULCT's Brandon Smith joined Senator Harper. The bill will now focus on technological consolidation and build off the progress to date, including computer-aided dispatch, standard operation procedures, and telephone systems without physical consolidation. Senator Harper is now seeking guiding objectives and feedback from us.

Tomorrow's committees are attached. For those of you with Good Landlord programs, I will follow up in the morning about Rep. Froerer's HB 268. Otherwise, here is the bill list and thanks for your involvement in ULCT!

### **ULCT Legislative Update for Thursday, February 12, 2015**

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Hello folks,

Day 18 leads to a key question. When your correspondent returned to ULCT in 2010, what would have seemed more likely: the Utah legislature increasing the motor fuel tax or Utah basketball sitting in 1st place in the Pac 12? Welcome to February 12, 2015, where both things happened on the same day! (Yes, it was only a committee hearing and yes the Utes are a half-game ahead of Arizona because they didn't play tonight but humor me—they are both still big!) Additionally, Ken's son Elliott played some strong and physical ball for Stanford too. This email will recap today's committee recommendation of SB 160, HB 77, and law enforcement bills.?

#### **1. SB 160:**

The Senate Transportation Committee considered Senator Kevin Van Tassell's SB 160 which would raise the motor fuel tax by 10 cents. Your correspondent was part of the parade of supporters including representatives from the Retail Association, Salt Lake Chamber, UAC, and others. The Committee recommended the bill unanimously and we chucked with Senator Van Tassell that all the work was done! In actuality, the hard work for comprehensive transportation funding is just now underway. Please thank committee members Senator Al Jackson, Senator Margaret Dayton, Senator Dave Hinkins, Senator Wayne Harper, Senator Karen Mayne, and Senator Van Tassell for their support.

#### **2. HB 77:**

Remember this bill from LPC? In the red corner, we had Representative Rich Cunningham who advocated passionately for HB 77 and the need in rural police departments to recruit and retain retired police officers. In the blue corner, we had former state senator Dan Liljenquist who was concerned that HB 77 would burden the Utah Retirement System. The LPC voted to be neutral on the bill because we needed more time to consider the issue. The legislature agreed and Rep. Cunningham will substitute his bill to become an interim study bill.

### 3. Law Enforcement:

This morning ULCT's Nick Jarvis and your correspondent attended the Salt Lake County Caucus breakfast where the caucus discussed the following law enforcement issues:

**Body-Worn Cameras:** While the discussion continues on Rep. McCay's bill to institute a statewide body-worn camera policy, it is unclear if the parties involved will be able to come to an agreement on an acceptable bill. However, Utah Police Chiefs Association lobbyist Dave Spatafore mentioned that the state will have roughly \$1 million this year from asset forfeitures that will fund the purchase of body-worn cameras by UHP and local law enforcement. This money will also be used for data storage associated with the cameras.

**Forcible Entry:** Sen. Urquhart has worked with law enforcement to create a substitute for SB 82 which should come out shortly.

**Officer Involved Shootings:** Sen. Henderson & Rep. Roberts have worked with law enforcement in an effort create some uniformity in how officer involved shootings are investigated throughout the state. A bill should be coming shortly.

**Public Safety Radio Funding:** Steve Proctor of the Utah Communications Agency Network presented on the need for updating the state radio system. This would be done by raising the current 911 fee.

**Justice Reinvestment Initiative:** Sen. Hutchings spoke to the Justice Reinvestment Initiative which seeks to reform the criminal justice system to provide for different tracks for offenders with mental health and substance abuse issues in order for them to receive treatment.

Good fight, good night! You'll see the attached bills for Friday the 13th, here's the bill list, and thanks for your involvement in ULCT!

### ULCT Legislative Update for Friday, the 13th of February, 2015

Hey folks,

It is 60+ degrees and snowless on Capitol Hill—so it must be Friday the 13th! In actuality, Friday the 13th was a productive and positive day for local government. This email will recap HB 190, HB 42, and HB 51, and HB 226.

First as a reminder, we will not have LPC on Monday. On behalf of everyone on the Hill, thanks to you all for voting for the constitutional revision that postponed the start of the legislative session to the 4th Monday and gives us President's Day as a holiday. As such, no LPC! The LPC will meet again on Monday, February 23.

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A second reminder—as much for your correspondent as for anyone—is that Valentine’s Day is tomorrow. There is still time!

**1. HB 190:**

As previously reported, a House committee recommended HB 190 despite ULCT objections and ULCT committed to continue negotiating with the bill sponsor. This morning, bill sponsor Representative Curt Webb met with Ogden’s Gary Williams and Mark Stratford, Lewis Young’s Jason Burningham, Rob Jolley, Jodi Hart, and your correspondent for an hour and a half to review our concerns with the bill. There are major forces pushing on the bill against ULCT interests and we are cautiously optimistic that we can get to yes. Gary and Mark have been tremendous advocates for local government on this issue and we thank them for their patience and diligence.

**2. HB 42:**

The Senate Government Operations and Political Subdivisions Committee considered HB 42 Annexation Amendments. The bill will allow for unincorporated islands or peninsulas in the limited cases when the county and municipality both agree. The bill gives local government the tool to respect private property rights and not compel annexation of a property that would stay an unincorporated island or peninsula. Your correspondent joined the bill sponsor, Representative John Westwood, as well as Herriman City’s Gordon Haight to testify in support of the bill and the Committee recommended it.

**3. HB 51:**

The Senate Government Operations and Political Subdivisions Committee also considered HB 51. Alta Town Clerk Kate Black and your correspondent joined bill sponsor Rep. Curt Webb. This bill would simply provide that a court shall consider the same facts that were presented at the time a challenge to a voter’s legitimacy or candidate’s candidacy was called in to question and sets a deferential review standard into the code. The committee endorsed the bill.

**4. HB 226:**

The House Natural Resources Committee considered HB 226 Air Quality Revisions. The bill authorizes the Division of Air Quality to create air quality rules that are more stringent than corresponding federal regulations if additional regulations will provide added protections to public health and environment. ULCT’s Ken Bullock offered support to bill sponsor Representative Becky Edwards and the committee recommended the bill unanimously.

We return to the Hill on Tuesday but the committee agendas are attached. Thanks, as always, for your participation in ULCT. Happy Valentine’s Day and Presidents Day weekend!

## **ULCT Legislative Update for Tuesday, February 17, 2015**

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Hello folks,

We hope that everyone enjoyed Presidents Day. With the holiday, 60 degree temperatures, and lack of snow, did it feel like the Twilight Zone? If so, it is because the day didn't exist. Let me explain. When the Utah electorate changed the legislative session dates to honor Martin Luther King, Jr. Day and Presidents Day, the legislature started a week later to honor MLK but didn't want to lose the working day on Presidents Day. As such, the legislature now has 46 days to meet the 45 day constitutional requirement. Even though the Saturdays and Sundays count toward the 45 days, Presidents Day does not count. Consequently, Presidents Day essentially didn't happen. Now you know... and knowing is half the battle.

This email will recap SB 82, Distracted Driving, and HB 79.

### **SB 82**

Senator Steve Urquhart presented the substitute of SB 82 to the Senate Judiciary Committee today. Senator Urquhart collaborated with law enforcement, local government, ACLU, Libertas Institute, the defense attorney bar, and others to address concerns about the bill. In the substitute, the bill defines the standard when an officer may enter a premise without notice. The bill also defines what an officer should wear when executing the warrant and that the officer should comply with a local agency's body worn camera policy. While Team ULCT still has a few minor concerns with the bill, Team ULCT has a strong working relationship with Senator Urquhart and we appreciate his responsiveness. The Committee recommended the bill.

### **Distracted Driving**

Representative Jake Anderegg's HB 63 (Distracted Driving) was on the House floor today and the House members debated it for 45 minutes. As you may recall, the LPC voted to oppose the bill because it peeled back part of the definition of distracted driving that the legislature enacted last year (with ULCT support) and Team ULCT testified against the bill in House Committee two weeks ago. After lengthy debate, the House decided to circle the bill and the sponsor agreed to work with those legislators who had concerns. Meanwhile, the Senate Transportation Committee considered Senator Urquhart's SB 162 which would expand the distracted driving definition from last year. It will be fascinating to watch how the two bills may come together.

### **HB 79**

Representative Lee Perry's HB 79 (Safety Belt Law Amendments) was also on the House floor today. Team ULCT supported the bill. UDOT data demonstrates

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that of the people killed in car crashes on Utah's roads in the last five years, 45% were not wearing a seat belt. The House amended it so as to require a warning rather than a citation for the first three years. The House passed the bill and we'll see what happens in the Senate.

With that, remember that the LPC will convene again on Monday, February 23. The bill list is here and tomorrow's bills are attached. Thanks, as always, for your participation in ULCT.

### **ULCT Legislative Update for Wednesday, February 18, 2015**

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Hello folks,

We have officially passed the halfway point of the session... which means the session has only just begun! Today was a very productive day for local government and this email will recap ULCT negotiations on SB 69, SB 157, and SB 199. Additionally, we invite you to all join us for our Rally for Transportation at the State Capitol at 10 am on Wednesday, February 25. Legislators and other policymakers will address the group about the need for transportation funding. More details will be available on our website but please join us!

#### **SB 69**

Senator Scott Jenkins' clean fuel fleet bill SB 69 was in the Senate Government Operations Committee again this morning. Team ULCT—ULCT's Brandon Smith, Ogden's Gregg Buxton, and your correspondent—have met regularly with Senator Jenkins about the bill. We frequently offered support for the concept of the bill. Yesterday the Department of Public Safety joined ULCT in expressing concern about the scope of the bill. Consequently, Senator Jenkins amended the bill in committee today. The bill requires cities of the first, second, and third class to purchase alternative fueled vehicles for 50% of their replacement fleet. The replacement fleet requirement only applies to vehicles intended for passengers and does not include law enforcement or emergency vehicles or public works vehicles. Team ULCT appreciates that Senator Jenkins responded to our concerns and we believe that the bill is a good and realistic approach. Please thank Senator Jenkins for his willingness to work with us.

#### **SB 157**

Senator Curt Bramble's GRAMA Amendments was also heard in the Senate Business and Labor Committee. The bill as currently drafted would eliminate some of the municipal authority to have a local GRAMA appeals process and require all additional appeals to go to the State Records Committee. Prior to committee, Senator Bramble convened a meeting with Team ULCT, the Department of Public Safety, and the media about SB 157. Team ULCT was represented by Ken Bullock, Ogden City Attorney Gary Williams, South Jordan Interim

City Attorney Ryan Loose, Utah Municipal Clerks Association President Finn Kofoed, and your correspondent. Senator Bramble expressed a willingness to maintain the local GRAMA appeals process and modify the membership of the State Records Committee. He also wanted ULCT attorneys to meet with lawyers for the press to discuss GRAMA language for body-worn cameras. Even though the Committee approved the current draft of SB 157, Senator Bramble committed to make necessary changes when the bill comes to the floor in the Senate. Please thank Senator Bramble for his willingness to work with us.

### **SB 199**

Team ULCT also hosted a meeting with several city officials and Salt Lake County Mayor Ben McAdams to discuss SB 199. The 204 page bill would provide an option for the current townships to vote and become metro townships in Salt Lake County. We are concerned about the potential consequences of this bill in other counties. We are also concerned about the new functions and roles within the proposed metro townships. The bill is not scheduled in committee yet but we are committed to continue the dialogue with the Mayor and with Salt Lake County city leaders.

Tomorrow's bills are attached and the bill list is here. Thanks for your participation in ULCT.

## **ULCT Legislative Update for Thursday, February 19, 2015**

Hello folks,

The halftime score in Corvallis was Utah 16 Oregon State 14. That was the actual basketball, not football, score. The defense is terrific but the offense is offensive. There was far more offense on Capitol Hill today. This email will update you on HB 362—Transportation Infrastructure Funding—HB 25 and HB 285.

### **HB 362**

Representative Johnny Anderson's HB 362 Transportation Infrastructure Funding became public today. The bill authorizes a county imposed quarter cent local option sales tax dedicated to transportation subject to voter approval. The bill also modifies the motor fuel tax from the 24.5 cents per gallon to a percentage based sales tax.

For most of the day, ULCT staff has analyzed the bill. We drafted the attached memo that explains the bill, raises some policy questions that ULCT membership should consider about the bill, and provides a framework for Monday's LPC and other discussions. The session ends 3 weeks from tonight and the urgency increases by the moment. Please review the memo and provide us with your feedback.

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**HB 25**

As you know, Representative V. Lowry Snow's HB 25 Water Law—Application Revisions is a top priority for ULCT. Today, the House approved it 69-0. We appreciate everyone who has worked on this consensus water bill and we will continue to shepherd it in the Senate.

**HB 285**

The House Business and Labor Committee did not consider HB 285 Building Code Review and Adoption Amendments. Layton City Attorney Gary Crane has led the ULCT discussions with the bill sponsor. The sponsor, Representative Brad Wilson, has agreed to propose some amendments to the bill. The amendments should include allowing the 2015 changes to be completed, maintain the commercial code review on a three year cycle, place the residential review on a 6 year cycle, and no more restrictive local codes than the state code unless the local entity utilizes the commission and legislative committee process. We expect the amendments next week.

The bill list is here and tomorrow's committees are attached. Please respond with your feedback on HB 362. Thanks, as always, for your participation in ULCT.

PS: Utah won 47-37—well done Utes!

**ULCT Legislative Update for Friday, February 20, 2015**

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Hello folks,

Happy Friday! It was a busy day on Capitol Hill. First—please join us on Monday for the Legislative Policy Committee meeting. This LPC meeting will be the most critical meeting of the session to date because we will discuss HB 362 and the other transportation bills in-depth. You can see the LPC agenda here and the ULCT legal and policy analysis of HB 362 here. PLEASE take a moment and read the analysis so that you are prepared for Monday's LPC discussion. You can see the previous minutes here and here and the webcast instructions here. PLEASE read the analysis and join us on Monday!

This email will cover HB 362, HB 321, and HB 288.

**HB 362**

Yesterday, Representative Johnny Anderson's HB 362 appeared and we prepared a policy memo about the benefits and consequences of the bill. The LPC will consider the bill on Monday. You can read the Salt Lake Tribune's article hereabout HB 362. We appreciate Representative Anderson's leadership on the issue over the past two years. Today, Team ULCT met with representatives from

the Utah Association of Counties (UAC) and the Utah Transit Authority (UTA) to discuss HB 362, SB 160, and the other transportation options. We intend to continue the dialogue with UAC and UTA.

### **HB 321**

Today the House Government Operations Committee considered HB 321 Vote by Mail Revisions. The bill would affect cities, towns, and counties that administer absentee ballot only elections. The bill would eliminate the requirement that cities, towns, and counties pay for return postage on the absentee ballots. The bill would also require counties that administer absentee ballot only elections—but not cities and towns—to have at least one election center open on Election Day. Logan City and other cities provided your correspondent with data about the potential cost savings and your correspondent testified in support of the bill. The Committee recommended the bill.

### **HB 288**

The House Retirement Committee considered HB 288 Line-of-Duty Death Benefits for Peace Officers and Firefighters. The bill would require an employer to provide continuing health coverage for the surviving spouse and children of a peace officer or firefighter who dies in the line-of-duty. Bountiful City Manager Gary Hill (also President of the Utah City Management Association) and Layton City Attorney Gary Crane represented ULCT in the committee. Gary and Gary have worked closely with Representative Ray to support the principle of the bill and ensure that the cost of the bill is fairly distributed. The Committee recommended the bill.

The bill list is here and we will continue to update it over the weekend. Monday's committee bills are attached. Thanks for your participation in ULCT, please read the transportation memo, and see you on Monday for LPC!

## **ULCT Legislative Update for Monday, February 23, 2015**

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Hello folks,

Happy Monday! First, congrats to Stew Morrill who secured win #400 on Saturday night in Logan. He started his coaching career in 1987, which is about the same time that Ken Bullock became the ULCT Executive Director!

Congrats to Stew and your correspondent looks forward to celebrating Stew's last game at the Spectrum with the Aggie faithful next Saturday. In the meantime, today was a critically important day for transportation funding. This email will also update you on law enforcement issues, on SB 157 negotiations, and on HB 276.

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**LPC on Transportation:**

The Legislative Policy Committee considered Representative Johnny Anderson's HB 362. The bill would authorize counties to impose, subject to voter approval, a quarter cent general sales tax dedicated to transportation. The counties would impose the tax and retain .05 of it. Cities would be allocated .10 and transit districts would be allocated .10. In counties without a transit system, the allocation would be .10 to cities/towns and .15 to counties. The allocation would be based on a B&C formula within the taxing county. Counties and cities would have to maintain their current transportation funding levels and not supplant them. The LPC debated the bill for an hour and discussed the allocation formula, the equity among transit districts around the state, the voter approval requirement, the allocation in rural Utah, and the maintenance of effort. Ultimately, Sandy City Mayor Tom Dolan made a substitute motion to "support the bill and leave it up to staff to negotiate on improving the bill where necessary." Mayor Dolan also pointed out that many municipal leaders were working on improving the bill. The LPC voted to approve the motion with some nay votes. Thanks to all of you who attended and participated either by speaking up or sending emails. Representative Anderson has indicated that the bill will likely be in the House Transportation Committee on Friday morning.

**LPC on Law Enforcement:**

The Legislative Policy Committee met today with over 130 in attendance in person and another 20+ cities in attendance online. The LPC discussed Healthy Utah (SB 164) and HB 348 Criminal Justice Programs and Amendments. HB 348 would reduce the punishments for drug offenses and shift efforts towards reducing recidivism and increasing screening and treatment. The legislature and the Governor both have called on the passage of Healthy Utah to help cover the cost of HB 348. Citing concerns about the cost of HB 348, the LPC voted to oppose the bill as currently drafted. The LPC also voted in a fairly even vote to oppose SB 164 too.

You can watch the LPC webcast here: <https://connect.usu.edu/p7jvn1ea8qf/>

**SB 157:**

Ogden City Attorney Gary Williams, South Jordan Interim City Attorney Ryan Loose, and your correspondent met with representatives from the news media for two hours earlier today to deliberate over SB 157 Government Records Access and Management Act. We negotiated over the authority for local governments to have a local GRAMA appeals board, the membership and standard of review at the state records committee, and the proper GRAMA classification for body worn camera recordings. We will resume the talks tomorrow with Senator Bramble and will keep you posted.

**HB 276:**

The House Natural Resources Committee considered Representative Mike McKell's HB 276 Agriculture Structure Amendments. Numerous cities and towns around the state contacted us with concerns about this bill. We in turn reached out to Representative McKell. During the hearing, he told the committee that he had met with ULCT, UAC, and several cities and offered two amendments to address our concerns. ULCT's Brandon Smith testified in appreciation of the Representative's willingness to work with us and the Committee recommended the bill favorably.

That's a wrap—the LPC will meet again on Monday, March 2 at noon. Thanks again for your participation today and in general with ULCT. Tomorrow's committee bills are attached and the bill list is here. Thanks again and we have 13 business days to go!

**ULCT Legislative Update for Tuesday, February 24, 2015**

Hello folks,

To the people of ULCT and all Americans of the World... I shall never surrender or retreat.

179 years ago today, Colonel William Travis penned his famous call for aid from the besieged Alamo. After 13 heroic days, the fort fell on March 6. Don't fret—today was not Alamo-esque on Capitol Hill for local government—but know that your Team ULCT shall never surrender or retreat in our advocacy for local government!

Before the recap, your correspondent needs to correct a statement about yesterday's LPC action. The LPC did not vote to oppose SB 164 (Healthy Utah). In actuality, there was a motion to support SB 164 that narrowly failed. Your correspondent regrets the error. On a side note, the Senate moved SB 164 from the 2nd to the 3rd reading calendar today by a 21-8 vote.

Additionally, please join us at Wednesday's Transportation Rally on the Capitol's south steps at 9:45 am! More details are here.

This email will recap HB 190, SB 172, and SB 199.

**HB 190S2:**

As you may recall, HB 190S2 Assessment Area Act Modifications has been a high priority bill for ULCT. Team ULCT—spearheaded by Ogden City Attorney and Assistant City Attorney Gary Williams and Mark Stratford, South

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Salt Lake's Randy Sant, and your correspondent—have spent countless hours with the bill sponsor (Representative Curt Webb) to try to find consensus. After a contentious committee hearing, we met with the bill sponsor several times and today the bill was debated on the House floor. Despite some potentially hostile amendments that were circulating, Representative Webb stood firm with the consensus 2nd substitute. We appreciate Representative Webb's work and the dedicated efforts by Team ULCT on this bill. The House passed the 2nd substitute and we will watch the bill closely in the Senate.

### **SB 172**

The House Health and Human Services Committee considered SB 172 Emergency Medical Services Amendment today. This bill would increase the amount of Medicaid reimbursement for ambulance service. The bill would place an annual assessment on ambulances which would then qualify for federal matching dollars to increase the overall Medicaid reimbursement. The fiscal impact of the bill is expected to increase the Medicaid reimbursement for ambulance service by nearly \$11 million. The House Committee, like the Senate Committee and full Senate, approved the bill unanimously. Thanks to all of you who contacted the committee membership to express support.

### **SB 199**

Finally, Team ULCT met with Salt Lake County representatives to discuss SB 199 Local Government Revisions. We mentioned this 204 page Salt Lake County township bill last week. Team ULCT's working group met on Friday and Jodi Hoffman and your correspondent raised each of the working group's points with SL County reps today, ranging from the applicability of the bill outside of Salt Lake County to the modifications of 95 sections of the state municipal code (Title 10). Alas, they informed us that the bill will be substituted in the Senate Business and Labor Committee tomorrow and the 225 page substitute bill only became publicly available at 8 pm tonight. Team ULCT is plowing through the substitute and we will raise our policy and process concerns in the Senate Business and Labor Committee hearing.

The committees are attached, the bill list is here, and we'll see you at the Transportation Rally at 9:45 am on the Capitol's south steps!

## **ULCT Legislative Update for Wednesday, February 25, 2015**

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Hey folks,

We have a fortnight to go in the 2015 session! Today marked the end of the Lone Peak reign in 5A basketball courtesy of my wife's alma mater (Viewmont HS) and the ascension of Davis County high school 5A hoops. Three of the 5A's Final 4 teams are Davis County products. Today also marked Davis County's own Kaysville Mayor Steve Hiatt—also the 2nd Vice President of ULCT—delivering the final address at the Utah Transportation Coalition Rally for Transportation at the Capitol. Check out the attached pic!

This email will recap the transportation rally and progress of the transportation bills, HB 303, and SB 199.

### **Transportation:**

Hundreds of folks—including many of you—gathered on the south steps of the capitol today to urge support for transportation investment. The speakers list included key legislators, business leaders, and our very own Mayor Hiatt (see news article). Many thanks to the leadership of the Utah Transportation Coalition for their efforts to organize and host the rally. The rally was the fun part—now we continue the work of policy making. Senator Wayne Harper's SB 231 Transportation Amendments passed out of the Senate Transportation Committee and will increase the registration fees for electric vehicles and other alternative fueled vehicles which could mean additional revenue for local government via the B&C fund. Meanwhile, HB 362 will be heard in committee next week and we are still anticipating more motor fuel tax specific bills to come. Per the LPC vote on Monday, Team ULCT is working with stakeholders and legislators to hopefully find consensus to modify HB 362. For example, ULCT's Roger Tew met with Legislative Research and General Counsel, Ken Bullock and your correspondent met with other stakeholders, and Nick Jarvis is preparing data. We expect to discuss HB 362, SB 160, and all of the transportation bills again during this upcoming Monday's LPC meeting.

### **HB 303**

The House Natural Resources Committee heard Representative Keven Stratton's HB 303 Legislative Approval of Land Transfers. The original version of the bill would have required all governmental entities in Utah—including cities and towns—to notify the state Legislative Management Committee before any sale, exchange, or transfer of land of any size less than 500 acres with the federal government. Concerned about the burden on local governments and the state—for example, one city recently purchased a 1,000 square foot parcel of property from the federal government—Representatives Doug Sagers and Kraig Powell

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raised concerns on behalf of local government. Ultimately, they amended the bill to remove local governments from the requirement. Thanks to Team ULCT's Brandon Smith and Tooele's Randy Sant for leading the charge on the bill.

### **SB 199**

As mentioned in yesterday's edition, the Senate Business and Labor Committee considered Senator Karen Mayne's SB 199 Local Government Revisions. Team ULCT raised some concerns about not seeing the 225 page substitute bill until late last night, how the bill affects more communities beyond Salt Lake County's borders, and the impact on Title 10 (Municipal Code) in state law. Team ULCT also publicly committed to continue working with Salt Lake County representatives and Salt Lake County representatives likewise pledged to address our concerns before a floor vote. Rest assured that ULCT's legal team, spearheaded by Jodi Hoffman, is closely reviewing all 6,958 lines in the bill and we will meet with Salt Lake County representatives soon.

Tomorrow's bills are attached and our bill list is here. Thanks again for your involvement in ULCT!

## **ULCT Legislative Update for Thursday, February 26, 2015**

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Hello folks,

How 'bout those UTEs! We had more blocks (10) than our guests had points (9) in the first half tonight. Welcome to Swat Lake City! After tonight's 83-41 torching of the Arizona St. Sun Devils, your correspondent is pumped for Saturday night's title showdown with #7 Arizona. While tonight's win was big, ULCT had some other highlights today. This email will recap HB 25, HB 288, and SB 160/transportation.

### **HB 25**

The Senate Natural Resources Committee considered HB 25 Water Law—Application Revisions today. As you know, the water subgroup consisting of the large conservancy districts, ULCT, the Farm Bureau, and the State Engineer met repeatedly during the interim to find consensus on the definition of quantity impairment, the authority of the State Engineer, and an early consultation process. Representative V. Lowry Snow has masterfully guided the bill through the House and the Senate Committee today unanimously recommended the bill.

### **HB 288**

The House voted nearly unanimously today to support HB 288 Line of Duty Death Benefits for Peace Officers and Firefighters. Several days ago, Team ULCT met with the bill sponsor previously to express support for the concept so long as the funding mechanism would share the burden across jurisdictions. We have concern about the potential impact on small communities. For example, the

bill would require a small city to pay indefinitely for the health insurance of a fallen police officer's family. That cost burden in a small city could prevent the small city from hiring another police officer. Team ULCT is committed to find an approach that would honor the personal sacrifice and also share the financial burden.

### **SB 160/Transportation**

The Senate considered SB 160 Transportation Funding Amendments and voted 19-6 to move the bill from the 2nd reading calendar to the 3rd reading calendar. SB 160 would increase the motor fuel tax by 10 cents. In the meantime, Team ULCT met with representatives from the Utah Association of Counties, Utah Transit Authority, Wasatch Front Regional Council, and the Salt Lake Chamber to discuss HB 362. As you know, the LPC voted to support HB 362 and authorized ULCT staff to recommend changes to the bill. You can read our analysis of the bill [here](#). Today's stakeholder meeting was extremely productive and we expect HB 362 in committee next Wednesday.

Tomorrow's bills are attached and the bill list is [here](#). Thanks for your participation in ULCT!

## **ULCT Legislative Update for Friday, February 27, 2015**

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Hello folks,

Happy Friday! We have just one Friday remaining in the legislative session! Tomorrow night the #13 Utes host #7 Arizona. The Utes haven't beaten the Wildcats since 1998... which, as it happens, was the last time that an increase in motor fuel tax went into effect. Coincidence? I think not—history will be made this year on both Capitol Hill and up on the (U.) hill! This email will recap today's events on HB 348, HB 347, and SB 197.

### **HB 348**

The House Law Enforcement Committee considered HB 348 Criminal Justice Program and Amendments. HB 348 would enhance drug and mental health treatment, create an early assessment process and an enhanced supervisions system for people convicted of crimes, and drop some crimes from a felony to a misdemeanor. The LPC voted on Monday to oppose the bill as it was currently drafted because of concerns about the cost of the bill. The initial funding mechanism was the Healthy Utah proposal that the Senate passed earlier this week but the House has not yet considered it. The sponsor substituted the bill to address some of the concerns that local governments have raised. The substitute changed some penalties and law enforcement and prosecutors still raised some concerns. Nevertheless, the Committee recommended the bill unanimously and you can read the Salt Lake Tribune's coverage [here](#).

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**HB 347**

The House Retirement Committee considered HB 347 Retirement Window Amendments. HB 347 only impacts one city (South Jordan) and one county (Uintah) and would allow the employees of those entities to move from the contributory retirement system to the non-contributory retirement system. The current situation puts South Jordan at a competitive disadvantage. Because it only affects one city, your correspondent joined South Jordan representatives to support the bill. The Committee voted unanimously to recommend the bill and placed it on the consent calendar.

**SB 197**

The Senate Governmental Operations Committee considered SB 197 Animal Shelter Amendments. The bill would have eliminated certain types of animal euthanasia in Utah and would have required animal shelters to actually remove all gas chamber equipment. Animal shelter professionals contacted Senator Weiler to inform that the legislation may actually increase the suffering of animals in the shelters and increase the safety risk for the shelter personnel. The Committee ultimately tabled the bill.

Team ULCT was also plugging away on other key issues—transportation funding, townships, emergency communications—and we look forward to seeing you at LPC. Over the weekend, you'll receive another email with the LPC agenda, last week's minutes, and Monday's committee bills. We will also have the LPC materials and our bill list on our website at [www.ulct.org](http://www.ulct.org). Enjoy the weekend and GO UTES!!!

**ULCT Legislative Update for Monday, March 2, 2015**  
**Sunday, March 01, 2015 7:44 PM**

Hello folks,

This may seem unlike me, but kudos to the BYU Cougars for their historic victory at Gonzaga yesterday. Cougar fans can rejoice with me in person when we meet for LPC on Monday at noon in W030 or online. Here is the LPC agenda link and I attached it. This link will also direct you to our webcast instructions and to last week's minutes. You'll also see Monday's committee bills attached. Let me know if you have any questions and we look forward to seeing you at LPC. Please come prepared to discuss transportation and the other key issues on the docket. You can read our transportation memo from last week here. Only 9 more business days to go in the 2015 session!

**ULCT ACTION ALERT for HB 362 (1)**

**Monday, March 02, 2015**

Greetings,

As you know, ULCT staff has been engaging in negotiations for HB 362. We need you to contact your Representative on the House Revenue and Taxation Committee which will consider HB 362 on Tuesday afternoon. That committee is meeting tomorrow at 4:10 and will be hearing HB 362. It is important that the committee understands that we support the concept of the bill (even though we still have some policy concerns) and want it to move forward so we can continue the dialogue with legislators and other stakeholders.

Here is a link to ULCT’s webpage that contains links to the talking points memo and the bill summary memo that were both handed out today in LPC.

HB 362 authorizes the counties to impose a 0.25% cent general sales tax. Cities and unincorporated county will receive 0.10% of the 0.25% tax. The 0.10% that cities and unincorporated county receive will be disbursed within the county of origin using a 50% weighted lane mile, 50% population distribution formula. This is similar to the statewide B&C formula, but operates on a county level. The bill also addresses the motor fuel tax, and is currently written to change that from a per gallon tax, to a tax on the sale amount. This amount will continue to be distributed using the current B&C formula. There may be a substitute that will increase the motor fuel tax.

There is still work and discussion on the imposition, distribution formula, and allocation components of the bill, and ULCT is playing a key role on getting those parts right.

You are receiving this email because one of your Representatives is on the committee.

- Rep. Daniel McCay (R), Chair ..... dmccay@le.utah.gov
- Rep. Jeremy A. Peterson (R), Vice Chair ..... jeremyapeterson@le.utah.gov
- Rep. Joel K. Briscoe (D) ..... jbriscoe@le.utah.gov
- Rep. Rich Cunningham (R) ..... rcunningham@le.utah.gov
- Rep. Gage Froerer (R) ..... gfroerer@le.utah.gov
- Rep. Brian M. Greene (R) ..... bgreene@le.utah.gov
- Rep. Eric K. Hutchings (R) ..... ehutchings@le.utah.gov
- Rep. Ken Ivory (R) ..... kivory@le.utah.gov
- Rep. Brian S. King (D) ..... briansking@le.utah.gov
- Rep. John Knotwell (R) ..... jknotwell@le.utah.gov

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Rep. Mike K. McKell (R) ..... mmckell@le.utah.gov  
 Rep. Douglas V. Sagers (R) ..... dougsagers@le.utah.gov  
 Rep. Jon E. Stanard (R) ..... jstanard@le.utah.gov

Thank you for your efforts. We have come a long way because of those efforts and will need them to get this across the finish line. Please make sure to contact me with your Representative's response on the bill.

### **ULCT Legislative Update for Monday, March 2, 2015 (2)**

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Hello folks,

March is here like a lion! Today's email will preview three important bills—two that we support (HB 362, HB 343) and one that we oppose (HB 407)—that are in committee on Tuesday and review our Legislative Policy Committee. We recognize that this email is coming to you on short notice about these three bills, but we appreciate any and all advocacy that you can offer. You can expect Action Alerts to increase in frequency between now and next Thursday as we come down the stretch.

#### **HB 362:**

The House Revenue and Taxation Committee will consider Representative Johnny Anderson's HB 362 Transportation Infrastructure Funding on Tuesday afternoon at 4:00 pm in 445 State Capitol. This bill would authorize counties to impose a quarter cent sales tax, of which cities and towns would receive .10, and would modify the motor fuel tax. You can see our talking points about the bill on our blog. ULCT supports HB 362 and we are working to address some concerns with the sponsor and other stakeholders and you can read about those concerns here. In the meantime, the sponsor needs our help to move the bill forward. We have sent targeted action alerts to those of you whose representatives are on the House Revenue and Taxation Committee. PLEASE contact the committee members and let us know about their response. The few minutes that you offer to email or call will make a huge difference. Their names and contact info will be listed below.

#### **HB 343S1:**

The House Revenue and Taxation Committee will also consider Representative Brad Dee's HB 343S1 Utah Communication Authority (UCA) Emergency Radio and 911 Amendments. This bill addresses the need to upgrade Utah's emergency radio, 911 service, Public Safety Answering Points, dispatch, and interoperability of the emergency system. While the total upgrade cost is estimated at \$240 million statewide, this bill seeks just a one-time appropriation of \$1.5 million to develop a design proposal for a new statewide radio network. After

significant dialogue with the private sector, the substitute bill does not include a fee increase. The bill now addresses the organizational changes necessary to help UCA put the statewide network in place in coming years using all available public and private resources in the state. Talking points are attached and again we urge you to contact the committee members.

Both Representative Anderson and Representative Dee are counting on ULCT support for their bills in committee. While we will talk to committee members and testify, we also need your advocacy. Here are the committee members:

Rep. Daniel McCay, Chair: [dmccay@le.utah.gov](mailto:dmccay@le.utah.gov)

Rep. Jeremy A. Peterson, Vice Chair: [jeremyapeterson@le.utah.gov](mailto:jeremyapeterson@le.utah.gov)

Rep. Joel K. Briscoe: [jbriscoe@le.utah.gov](mailto:jbriscoe@le.utah.gov)

Rep. Rich Cunningham: [rcunningham@le.utah.gov](mailto:rcunningham@le.utah.gov)

Rep. Gage Froerer: [gfroerer@le.utah.gov](mailto:gfroerer@le.utah.gov)

Rep. Brian M. Greene: [bgreene@le.utah.gov](mailto:bgreene@le.utah.gov)

Rep. Eric K. Hutchings: [ehutchings@le.utah.gov](mailto:ehutchings@le.utah.gov)

Rep. Ken Ivory: [kivory@le.utah.gov](mailto:kivory@le.utah.gov)

Rep. Brian S. King: [briansking@le.utah.gov](mailto:briansking@le.utah.gov)

Rep. John Knotwell: [jknottwell@le.utah.gov](mailto:jknottwell@le.utah.gov)

Rep. Mike K. McKell: [mmckell@le.utah.gov](mailto:mmckell@le.utah.gov)

Rep. Douglas V. Sagers: [dougsagers@le.utah.gov](mailto:dougsagers@le.utah.gov)

Rep. Jon E. Stanard: [jstanard@le.utah.gov](mailto:jstanard@le.utah.gov)

Please notify us of the response from the committee members to both HB 362 and HB 343.

#### **HB 407:**

The House Transportation Committee will consider HB 407 Scenic Byway Amendments at 8:30 am (sorry for the short notice) and ULCT opposes the bill. State law allows a property owner to request the removal of a segment of a scenic byway so that the owner may install a billboard along the byway. The request would first go to the local government for review and approval and owner could then appeal the local government decision to the state scenic byways commission. HB 407 would require the local government or commission to approve the request, unless it can be demonstrated to the state property rights ombudsman that the area requested to be segmented is not a non-scenic area. The ULCT concern is that cities and towns will lose their local review and zoning authority over the signage on scenic byways. We encourage you to contact the members of the House Transportation Committee as well and report back to us. If the bill passes out of committee, you can expect that we will fight this bill on the floor.

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Rep. Johnny Anderson, Chair: janderson34@le.utah.gov  
Rep. Jacob Anderegg, Vice Chair: janderegg@le.utah.gov  
Rep. Stewart Barlow: sbarlow@le.utah.gov  
Rep. Kay Christofferson: kchristofferson@le.utah.gov  
Rep. Jon Cox: jcox@le.utah.gov  
Rep. Rich Cunningham: rcunningham@le.utah.gov  
Rep. Brad Dee: bdee@le.utah.gov  
Rep. Sophia DiCaro: sdicaro@le.utah.gov  
Rep. Justin Fawson: justinfawson@le.utah.gov  
Rep. Brad King: bradking@le.utah.gov  
Rep. David Lifferth: dlifferth@le.utah.gov  
Rep. Carol Spackman Moss: csmoss@le.utah.gov  
Rep. John Westwood: jwestwood@le.utah.gov

#### LPC:

The Legislative Policy Committee met today for nearly two hours and discussed townships in SL County, law enforcement, transportation, and a myriad of other issues. We had over 140 in person and another 29 cities online. Thank you all for your participation. You can watch the webcast here: <https://connect.usu.edu/p1hvnxt4uat/>. We often cancel the final LPC of the session but we are tentatively planning on LPC on Monday, March 9 if our issues are still pressing. For those of you keeping track at home, we have just 8 more mornings on Capitol Hill! Tomorrow's committees are attached and the bill list is here. Now that you've had your late night reading, you can sleep peacefully! Thanks for your involvement in ULCT.

#### ULCT Legislative Update for Tuesday, March 3, 2015

Hello folks,

Local government issues were squarely in focus today on Capitol Hill. This email will recap HB 362, HB 348, and HB 343.

#### HB 362

The House Revenue and Taxation considered and recommended HB 362 which would authorize counties to impose a quarter cent local option sales tax of which cities, towns, and unincorporated areas would receive an allocation of .10 cent. ULCT 1st Vice President Lynn Pace spoke in support of the bill and also raised some concerns with the current formula within the bill. Syracuse Council Member Karianne Lisonbee spoke in opposition to the bill. Numerous other city officials attended the committee hearing as well. Representative Johnny Anderson

committed to continue negotiations with all of the stakeholders and the committee recommended the bill. Meanwhile, House and Senate leadership are working towards a comprehensive transportation approach which you can read about here. The approach could combine a 5 cent motor fuel tax increase, a conversion from the cents per gallon to a sales tax rate, and the local option sales tax. SB 160, Senator Van Tassell's 10 cent motor fuel tax increase, remains circled on the Senate Third Reading Calendar. We continue to meet with legislators and other stakeholders on the comprehensive transportation package.

### HB 348

The House considered HB 348 Criminal Justice Programs and Amendments and passed it 72-3. As you may recall, the LPC voted each of the past two weeks to oppose HB 348 because of cost and implementation concerns. House and Senate leadership have made the bill a priority. Several legislators asked questions on the floor about the cost and burden on local government. The House will hold a hearing tomorrow afternoon on SB 164 (Healthy Utah) and House leadership has been negotiating with Governor Gary Herbert and Senator Brian Shiozawa. We still do not fully know how HB 348 will be funded; the counties and law enforcement have either endorsed the bill or decided to go neutral on the bill. You can read more about the floor discussion here.

### HB 343

Your correspondent sent an action alert last night about HB 343 Utah Communication Authority Emergency Radio and 911 Amendments. HB 343 was re-assigned to the House Law Enforcement Committee and will be in committee tomorrow at 4. I have included the membership of the committee and talking points. This bill addresses the need to upgrade Utah's emergency radio, 911 service, Public Safety Answering Points, dispatch, and interoperability of the emergency system. While the total upgrade cost is estimated at \$240 million statewide, this bill seeks just a one-time appropriation of \$1.5 million to develop a design proposal for a new statewide radio network. After significant dialogue with the private sector, the substitute bill does not include a fee increase. The bill now addresses the organizational changes necessary to help UCA put the statewide network in place in coming years using all available public and private resources in the state. Talking points are attached and again we urge you to contact the committee members.

Brad Daw, [bdaw@le.utah.gov](mailto:bdaw@le.utah.gov)

Steve Eliason, [seliason@le.utah.gov](mailto:seliason@le.utah.gov)

Sandra Hollins, [shollins@le.utah.gov](mailto:shollins@le.utah.gov)

Don Ipson, [dipson@le.utah.gov](mailto:dipson@le.utah.gov)

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Kay McIff, kaymciff@le.utah.gov  
Jeremy Peterson, jeremyapeterson@le.utah.gov  
Marc Roberts, mroberts@le.utah.gov  
Paul Ray, pray@le.utah.gov  
Ed Redd, eredd@le.utah.gov  
Angela Romero, angelaromero@le.utah.gov  
Earl Tanner, earltanner@le.utah.gov

Tomorrow's committee bills are attached and you can see the bill list here.  
Thanks as always for your participation in ULCT.

### **ULCT Legislative Update for Wednesday, March 4, 2015**

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Hello folks

Happy Hump Day! We are approaching the stretch run and long days are the norm. Today's email will update you on HB 343S2 (Utah Communication Authority), SB 281 (Water Infrastructure Funding), SB 164 (Healthy Utah) and prepare you for tomorrow.

#### **HB 343S2:**

As forewarned by your correspondent, the House Law Enforcement Committee considered Representative Brad Dee's HB 343S2 Utah Communication Authority Emergency Radio and 911 Amendments today. The substitute bill allocates \$1,500,000 for the planning and design of a future comprehensive statewide radio system. The original bill would have provided additional revenue for the radio service but the substitute reflected a compromise with telecommunication providers. Regardless of whether or not the full House and Senate support HB363S2, we anticipate this issue returning in future legislative sessions in order to finalize the technology, the radio equipment, and the stable revenue stream. Nevertheless, the committee unanimously supported the bill.

#### **SB 281:**

The Senate Natural Resources Committee considered Senator Stuart Adams' SB 281 Water Infrastructure Funding. The bill would create a special revenue fund entitled the "Water Infrastructure Fund" which will collect monies from future state appropriations. The future money would be used to develop the state's undeveloped share of the Bear and Colorado Rivers (pursuant to the existing interstate compacts), and repair and replace unfunded federal water projects. The bill has strong support among conservancy districts, the business community, and local government because the fund could be a potential source of money for necessary water infrastructure projects. While the fund will receive no appropriation this year, that didn't stop the committee from engaging in lively debate. During

public comment, constituents railed against the proposed Lake Powell pipeline even though the purpose of the fund encompasses far more water infrastructure projects. The committee recommended the bill.

### **SB 164S1/Tomorrow:**

Just about an hour ago, the House Business and Labor Committee failed to recommend SB 164 (Healthy Utah) and thus the Governor's negotiated expansion of Medicaid looks to have finished its legislative journey. As we have discussed at LPC, SB 164 was projected to help provide funding for HB 348 which would reform the criminal justice system in Utah. Despite the battles over Healthy Utah, the House, Senate, and Governor have all made HB 348 a top priority. Team ULCT has raised concerns about cost and burden on local government but the Senate Law Enforcement Committee will review HB 348S1 tomorrow and we expect smooth sailing. You'll see in the attached bill list that there are 22 bills in committee tomorrow that Team ULCT is watching. The agendas are growing longer by the day as legislators rush to secure a hearing before committees finish on Tuesday. More bills popped up today too and you can see our bill list [here](#).

Thanks as always for your participation in Team ULCT!

### **ACTION ALERT ON HB 362 (transportation) and ULCT Legislative Update for Thursday, March 5, 2015**

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Hello folks,

**HB 362 Transportation Infrastructure Funding will be debated on Friday in the House and we need YOUR help!** Today was a tremendous day for local government. This email will recap ULCT efforts on HB 362, HB 407, and ask for your help on transportation.

Today, Team ULCT met with leaders from the Utah Association of Counties, Wasatch Front Regional Council, and Utah Transit Authority, along with the bill sponsor Representative Johnny Anderson and Senate President Wayne Niederhauser. After much negotiation, we believe we are close to consensus on the language. Representative Anderson circled HB 362 so as to provide time to prepare some amendments about transit funding outside of UTA, a sunset for the maintenance of effort provision, non-impairment language for the municipal .10, and the distribution formula for the municipal .10 allocation. We expect the amendments to be ready on Friday. We appreciate the hard work, patience, and diligence of all of the transportation stakeholders, legislators, and of Team ULCT.

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**Now, we need YOUR help.** Representative Anderson has specifically requested that the ULCT membership rally in support of HB 362 in anticipation of the floor debate on Friday in the House and next week in the Senate. First things first. **Please call, text, or email your representative and ask him/her to support HB 362 NOW.** The legislative roster is attached with contact information. Please notify me ASAP via email at [cdiehl@ulct.org](mailto:cdiehl@ulct.org) of how your representative responds so that we can monitor the vote count.

Here's the crux of our message: HB 362 provides two important tools for local government to address transportation needs. First, the bill authorizes counties to impose a general sales tax of .25% that will be allocated .10 to cities and towns, .10 to transit districts/systems, and .05 to counties subject to voter approval. In areas without transit, then the counties would be allocated .15 and the cities and towns would receive .10. The bill expands the definition of transportation so that cities, towns, and counties have flexibility in how to invest those funds in their local infrastructure. Second, the bill modifies the motor fuel tax from a 24.5 cents per gallon tax to a sales tax. Keep in mind that the motor fuel tax has not increased since 1997. You can read the ULCT talking points here and I attached talking points from Wasatch Front Regional Council. Please contact your Representatives and let us know!

### HB 407

One other bill of note today was HB 407S1 Scenic Byway Amendments. Team ULCT had concerns about the bill as initially drafted because it exempted local government zoning and authorized the Private Property Ombudsman to make a determination over the proposed segmentation. The substitute, negotiated by Team ULCT (Layton City Attorney Gary Crane in particular) maintains all land use controls with the local government and declares that a property may only be segmented if it is determined to be non-scenic by either the local government or by the scenic byway commission. An appeal goes to an agreed upon ALJ instead of the property rights ombudsman. Representative Mike Noel appreciated ULCT involvement and the House passed the bill.

Tomorrow's committees are also attached, the bill list is here, and we will notify you of the progress of HB 362. Thanks as always for your participation in ULCT!

## **LPC Notice for Monday, March 9 and ULCT Legislative Update for Friday, March 6, 2015**

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Hello folks,

Happy Friday—the final Friday of the 2015 session! This email will prepare you for Monday’s Legislative Policy Committee and update you on today’s progress on HB 362 Transportation Infrastructure Funding. The email will also provide great news about HB 25 (Water).

### **LPC:**

Yes, the LPC will meet on Monday at 12:15 in W030 at the State Capitol Complex. We have invited Representative Johnny Anderson to come speak about HB 362. We also will have updates on other key bills and will seek LPC guidance for some final bills. Ideally, once the LPC meeting ends, the entire LPC membership will proceed to the Senate and lobby Senators to support HB 362. Can you envision the power of 100+ municipal officials going to the Senate en masse to urge their support for HB 362? The Senate resumes at 2 so we hope to catch Senators at 1:45ish. We will have contact information and talking points prepared for you. Regardless of what type of relationship you have with your Senator(s), we hope you can join us for LPC and for our collective lobbying effort.

### **HB 362:**

Representative Anderson circled HB 362 today because the substitute language was not ready and to give the Transportation Coalition more time to rally support. Wasatch Front Regional Council Executive Director Andrew Gruber, your correspondent, and the other transportation stakeholders (UAC, UTA, etc.) have worked on language all day and just finished it a few minutes ago. Additionally, many of you contacted representatives who expressed their support for HB 362. Thank you for responding to me with their replies and concerns. Please, please, please continue communicating with your representatives. Between your outreach and Team ULCT today, we touched over 50 representatives and most of them were generally supportive. We need 38 votes in the House to pass the bill. On Monday, Representative Anderson will uncircle the bill, introduce the substitute, and proceed with the floor vote. We hope that the House will pass the bill on Monday morning so that we can discuss strategy in the Senate with the LPC. We are cautiously optimistic about HB 362 in the House. We will need all of our efforts if and when the bill moves to the Senate.

### **HB 25:**

Finally, the Senate unanimously approved HB 25 Water Law Application Revisions today. Think about that folks—the bill garnered unanimous support in the House Committee, the full House, the Senate Committee, and the full Senate.

*Utah League of Cities and Towns*

Want to see full text? Please visit [www.ulct.org](http://www.ulct.org) and follow the legislative links



We applaud and appreciate the bill sponsor, Representative V. Lowry Snow, for his leadership shepherding the bill through the process. The bill was the culmination of four years of effort by the water stakeholders and an intense summer of diligent work by the water subgroup. Many thanks again to Ogden Assistant City Attorney Mark Stratford, St. George City Attorney Shawn Guzman (who commuted to the Wasatch Front for the meetings), and Sandy City Public Utilities Director Shane Pace for representing ULCT on the subgroup. The Farm Bureau Federation, Jordan Valley Water Conservancy District, Washington County Water Conservancy District, Weber/Basin Water Conservancy District, Central Utah Water Conservancy District, and the Utah State Engineer joined ULCT on the water subgroup. Today was a great victory for collaboration on a difficult topic. Today water, next week—the world!

The LPC agenda and Monday's committees are attached, the bill list is here, and we'll see you on Monday at LPC. Thanks as always for your participation in ULCT!

### **Towing, HB 266S2—Action Alert** **Monday, March 09, 2015**

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Hello LPC members,

As you may be aware, HB 266S2 is scheduled for a hearing before the House Transportation Committee this afternoon at **4:10 in House Building 30**. The first substitute bill was proposed and it would strip municipalities of their ability to regulate any aspect of the towing industry, potentially impacting business licensing, safety regulations, and the freedom of cities to contract with providers for tow rotation services. Following discussion with towing industry representatives, a compromise substitute (the second sub) was proposed that would allow the tow industry to collect additional fees and would impose the signage and criminal background check requirements that the industry supported. Nevertheless, the industry was not supportive in the last hearing. The link to HB 266S2 is here.

The sponsor of the bill is Rep. Kim Coleman, who is a strong supporter of cities and has worked hard to change this bill to make it palatable to us and she needs our help today. The tow industry will be in committee in force and we will need to be there to support Rep. Coleman and her efforts to help us find a compromise. We will also need assistance prior to the hearing in educating committee members about Rep. Coleman's efforts and the desirability of the second substitute. Please contact all of these members and tell them we support the second substitute as a negotiated compromise, and that we recognize the need for these types of businesses and we think this bill helps improve the good businesses. The following are members of the committee:

Rep. Johnny Anderson  
Rep. Jacob Anderegg  
Rep. Stewart Barlow  
Rep. Richard Cunningham  
Rep. Justin Fawson  
Rep. Carol Spackman Moss  
Rep. Kay Christofferson  
Rep. Brad Dee  
Rep. Brad King  
Rep. John Westwood  
Rep. Jon Cox  
Rep. Sophia DiCaro  
Rep. David Lifferth

Please respond to me with their thoughts on this issue. Please feel free to contact me with any questions or concerns. Thank you for your support of the League on this critical issue.

### **ULCT Legislative Update for Monday, March 9, 2015**

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Hello folks,

HB 362S3 passed the House! SB 160S2 passed the Senate! The House Transportation Committee referred Representative Kim Coleman's HB 266 Vehicle Towing Amendments back to Rules. The House did not pass HB 441 Good Landlord Revisions. Add LPC on top of those bills and our final Monday of the 2015 session was action packed. This email will address the transportation bills and the next steps on transportation. Stay tuned.

#### **HB 362S3/House:**

Representative Johnny Anderson spoke to the Legislative Policy Committee today about HB 362S3. The new substitute drafts the 50/50 statewide formula for distributing the .10 municipal allocation, has a sunset provision for the maintenance of effort, expands the transit options to include transit systems around the state, and expands the definition of transportation options. After LPC, dozens of you contacted legislators and we expected 52 votes in support. All told, the final vote was 51-22-2 and you can see the vote count here. Thanks to all of you for your help and advocacy.

#### **SB 160S2/Senate:**

This afternoon, Team ULCT met with Senate President Wayne Niederhauser and Senator Stuart Adams to discuss the prospects for HB 362S3 in the Senate.

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They both said that we face an uphill climb in the Senate for several reasons. First, the Senate prefers a simpler approach to increasing the motor fuel tax, as evidenced by the Senate's support of SB160S2 today. SB160S2 would increase the motor fuel tax incrementally by five cents in year one and then a cent a year for five years. Second, the Senate passed Senator Wayne Harper's SB231S2 last Friday which would increase vehicle registration fees for alternative fueled vehicles. ULCT is supportive of both bills. Third, the Senate has had some frustrations with the House on a variety of issues, including transportation funding. Fourth, the Senate has yet to discuss the local option sales tax in great detail. Team ULCT will remedy the fourth point on Tuesday when we will present to the Senate caucus about HB362S3.

#### Next steps:

We need you to contact Senators now and urge their support for HB362S3. Here are the talking points for HB362S3. We are preparing data for each Senate district that we will distribute to you tomorrow so that you can forward it to your Senator. We need 15 votes in the Senate and we do NOT have 15 votes yet. We need your help. Expect more action alerts in the days to come. Contact information for all of the Senators is attached.

Tomorrow's committee assignments are attached and the bill list is here. Thanks for your participation in ULCT—3 days to go!

### **ACTION ALERT: HB 362 Sub 3 in the Senate (1)** **Tuesday, March 10, 2015**

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Hello ULCT Members!

HB 362 Sub 3 passed the House yesterday and now we move to the Senate. League staff and members of the Utah Transportation Coalition presented to the Senate Republican and Democratic caucuses today on the importance of this bill to local governments. The Senators made it clear that they need to hear from YOU in order to support this bill! You can read our talking points about the bill here. Attached is contact information for the Senate. The session ends at midnight on Thursday night so PLEASE CONTACT THEM NOW to support the bill. We need 15 votes in the Senate and we do not have them yet. ULCT members contacted over 50 House members about HB 362 Sub 3 and we need to double our efforts in the Senate. Please let them know that, on average B&C funds only make up about 40% of local government spending on transportation and share with them your specific local needs and desired transportation projects. We can provide city or town specific data to you upon request. For more information on HB 362 Sub 3 and other ULCT legislative efforts, see Cameron Diehl's legislative update from yesterday, which I have included below. When you contact your Senator, please circle back with ULCT staff at [cdiehl@ulct.org](mailto:cdiehl@ulct.org) and notify us what your Senator says. Thanks for your participation with the League!

**ACTION ALERT & ULCT Legislative Update for Tuesday,  
March 10, 2015 (2)**

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Hello folks,

The session ends in 49 hours and 30 minutes and the time is now for transportation funding. Team ULCT worked on numerous bills today—it was the final day of committees and dozens of bills sailed off the board—but this email will focus on the ongoing local transportation funding deliberations. **WE NEED YOUR ADVOCACY NOW.**

**Upcoming Senate Republican Caucus on Wednesday:**

The Senate Republican Caucus will meet at noon on Wednesday to debate the local option sales tax. They need to hear from you. They must know about the needs in your local community, the projects that your community would invest in, and your willingness to support the sales tax increase. Please call, email, text, or come to the capitol to meet with Senators in person. We have had multiple mayors and council members join us at the capitol in recent days and we thank you for your time and outreach. Please notify us of the Senators' responses to your communication. The Senate contact information is attached.

**Today's (Tuesday) Senate Republican and Democratic Caucus:**

Today Team ULCT along with our transportation partners from the Utah Association of Counties, Utah Transportation Coalition, Salt Lake Chamber, Utah Transit Authority, Wasatch Front Regional Council, and others presented on HB 362 to both the Senate Republican and Senate Democratic Caucuses. The Senators were receptive to HB 362 and to local needs. They were less receptive, however, to the local option as you can read in today's Tribune here. We distributed local data of the transportation funding needs for every city and town in the state organized by each Senate district. After we left, they discussed the bill and they will reconvene tomorrow at noon to discuss it further. We need 15 votes in the Senate and currently we are short of that number.

In summary, here is what we ask of you:

- We ask your city to contact your Senator and explain to him/her about your specific transportation needs in your community (we can provide city/town specific data upon request)
- We ask your city to urge your Senator to support the bill (talking points are here)
- If your Senator declines for a certain reason, let us know the reason so that we can follow up!

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- After you communicate with your Senator, please reply to ULCT's Cameron Diehl at [cdiehl@ulct.org](mailto:cdiehl@ulct.org)

Your lobbying team is diligently working to promote local transportation funding as well as handle the other bills still remaining on the boards. Constitutionally, our political March madness ends on Thursday night/Friday morning at midnight. You can see the floor calendars here and our bill list here. Thanks for your involvement in ULCT. Here we go!

### **ULCT Legislative Update for Wednesday, March 11, 2015**

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Hello folks,

44 days down, 1 to go. So much to do, so little time! The House is still on the floor—they go until midnight—and floor time is scheduled for another 13 hours tomorrow.

On transportation funding, THANK YOU FOR YOUR ADVOCACY! HB 362S3 was not yet considered on the Senate floor. Instead, the Senate Republican Caucus deliberated extensively about HB362S3 and comprehensive transportation funding in general. Here's the scoop:

- There is support within the Senate now for local transportation funding. From last night to tonight, the number of Senators who committed to support the local option doubled. That's right, the number of commits doubled. Thanks to all of you who emailed, called, texted, tweeted, or visited your Senators. Your advocacy, both today and during the past months, created the opportunity for movement on the Hill.
- Senators heard from cities and towns loud and clear. ULCT Executive Director Ken Bullock, ULCT's Roger Tew, and your correspondent met with several senators today. One Senator, upon seeing us, declared, "Hey, call off your dogs! I know where you guys are at on transportation." As your advocates on Capitol Hill, we are proud of your outreach and efforts. Thank you. In fact, we have started referring to your collective outreach as #leaguearmy.
- The question is whether that transportation funding will be via a motor fuel tax increase, a local option sales tax, or both. Senate and House leadership, transportation stakeholders, Team ULCT, and others met diligently all afternoon and evening to discuss all of the options. The Senate and the House are considering numerous policy issues and transportation is a part of that overall dialogue. It is still possible that the legislature will not pass any transportation funding. It is possible that the legislature could pass one or a combination of both the sales tax and motor fuel tax.

We will keep you posted on what happens next. Team ULCT and your voiceless correspondent—yes, certainly an inconvenient time for one to lose his voice in this line of work at this time of year—will press onward for transportation funding. We will also monitor the remaining 100+ bills on the House and Senate boards, of which numerous bills impact local government. You can see the floor calendars here and our bill list here. Stay tuned. Thanks as always for your involvement in ULCT. The session ends in 24 hours and 45 minutes...

### **FINAL ACTION ALERT: HB 362 (1)** **Thursday, March 12, 2015**

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**NOW OR NEVER—WE NEED YOU!!!** The Senate passed HB 362 Sub 5 by a 22-7 vote, but the House did not concur with the new Senate language. There is now a conference committee of six legislators negotiating the final bill that will return to the House for a final vote. We have a tremendous opportunity before us tonight. Legislators could enact a historic funding increase and provide local government with new tools via both a motor fuel tax adjustment and a local option sales tax. This is a once-in-a-generation opportunity. PLEASE CONTACT YOUR HOUSE REPRESENTATIVE NOW. Urge them to support HB 362. The session ends in less than 4 hours at midnight. Please call, text, email, or visit Representatives NOW. We are sweeping the House right now. Here is the House vote tally from Monday; please contact everyone who represents you, but particularly those who voted for the bill on the House floor on Monday. Contact Cameron Diehlcdiehl@ulct.org with any questions. It is go time—thanks for your advocacy and participation!

### **Transportation Funding: Last Day of the Session! (2)** **Thursday, March 12, 2015**

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A message from ULCT Director of Government Relations, Cameron Diehl:

Hello folks,

44 days down, 1 to go. So much to do, so little time! Yesterday, the House was on the floor until midnight—and floor time is scheduled for another 13 hours today.

On transportation funding, THANK YOU FOR YOUR ADVOCACY! HB 362S3 was not yet considered on the Senate floor. Instead, the Senate Republican Caucus deliberated extensively about HB362S3 and comprehensive transportation funding in general. Here's the scoop:

- There is support within the Senate now for local transportation funding. From Tuesday night to last night, the number of Senators who committed to support the local option doubled. That's right, the number of commits

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- Senators heard from cities and towns loud and clear. ULCT Executive Director Ken Bullock, ULCT's Roger Tew, and your correspondent met with several senators yesterday. One Senator, upon seeing us, declared, "Hey, call off your dogs! I know where you guys are at on transportation." As your advocates on Capitol Hill, we are proud of your outreach and efforts. Thank you. In fact, we have started referring to your collective outreach as #leaguearmy.
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We will keep you posted on what happens next. Team ULCT and your voiceless correspondent—yes, certainly an inconvenient time for one to lose his voice in this line of work at this time of year—will press onward for transportation funding. We will also monitor the remaining 100+ bills on the House and Senate boards, of which numerous bills impact local government. You can see the floor calendars [here](#) and our bill list [here](#). Stay tuned. Thanks as always for your involvement in ULCT. The session ends in 15 hours.

### **ULCT Members: HB 362 PASSED!!! (3)** **Friday, March 13, 2015**

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ULCT Members,

Thank you all for your efforts and support this legislative session! It was a successful year for cities and towns. HB 362 gives local governments more funding and more options when it comes to building and maintaining comprehensive transportation systems in Utah's communities. Please see the message below from ULCT's Director of Government Relations, Cameron Diehl, and look for a legislative recap email next week.

Hello ULCT,

We are thrilled and humbled to report that the Senate and House concurred to pass HB 362 sub 6 tonight at 11:45 pm. Tonight was a historic night for transportation investment in the State of Utah. The bill authorizes a local option

quarter cent for transportation and increases the motor fuel tax by 5 cents. Both sources will make a significant impact in your cities and towns.

In all seriousness, we have the best team on Capitol Hill and it is an honor for us to represent you here. You can read more about the last minute movement in the Tribune here. Last night, we made history. Thank you to the legislators who courageously voted to invest in local infrastructure, especially Representative Johnny Anderson and Senator Al Jackson, the sponsors of the bill. Thanks to those of you who made calls, sent messages, and visited with legislators. Legislators continuously told us that they heard from their local officials and understood the critical nature of tonight's votes. Your advocacy made a difference.

We will have more comprehensive details about both the bill and the session soon. For now, thank you and congratulations.

For the 2015 legislative session, that's the way it was. Your correspondent thanks you for your participation in ULCT and looks forward to seeing you at our Midyear Conference on April 8-10 in St. George.

#leaguearmy

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**LPC AGENDAS and MINUTES**

Utah League of Cities and Towns Legislative Policy Committee—  
REVISED

Monday, February 2, 2015

State Capitol—House Building, Room W030 (basement floor),  
12:00 pm, also ONLINE

1. Welcome & adoption of minutes (ULCT 1st Vice President Lynn Pace)
2. ULCT bill tracking (Cameron Diehl and Brandon Smith)
3. Wildland fire policy (Senator Evan Vickers)
4. First Week Successes (ULCT staff)
  - a) Local Officials Day (Ken Bullock)
  - b) HB 61 – Business Licensing (Cameron Diehl)
  - c) SB 70 – Referendum (Jodi Hoffman)
  - d) SB 29 – School Planning and Zoning Process (Gary Crane, Layton City)
  - e) HB 142 – Municipal Government Revisions (Gary Crane, Layton City)
5. Second Week Focuses
  - a) HB 25 –Water Law Application Amendments (Cameron Diehl)
  - b) HB 181—Sales Tax on Vehicle Purchases (Cameron Diehl)
  - c) Law enforcement bills: SB 82—Forcible Entry Amendments and HB 63S1—Distracted Driving Amendments (Nick Jarvis)
  - d) Dispatch (Gary Hill, Bountiful City)
  - e) Transportation (Ken Bullock, Roger Tew, Cameron Diehl)
  - f) Other issues (inspections, special service districts, assessment areas, etc.)
6. Other Items from the LPC membership
7. Economic Update (Doug MacDonald)
8. Adjourn

Next meeting: **Monday, February 9, 2015 in W030 at noon in the House Building and online**

**Utah League of Cities and Towns  
Legislative Policy Committee Meeting Minutes  
Monday, February 2, 2015**

Welcome

Lynn Pace welcomed everyone to LPC. Mr. Pace then allowed Sen. Vickers to jump his item on the agenda to the front and address his wildland fire bill.

Wildland fire policy

Senator Vickers serves in Senate District 28, and has been working on the wildland fire project for almost two years. Began when the Governor appointed commissioner of agriculture to find a way to reduce the cost of fighting catastrophic wildland fires. Six regional task force groups were put together and Sen. Vickers was on one of those. Since then he has been carrying legislation dealing with the issue. He has also been working with the state forester, Brian Cottom, and the commissioner of agriculture. Last year a resolution was passed that we would work on the wildland fire issue. The Sen. said that they have been working with the league on the finance piece of the issue. This year's bill is talking about the next policy stage of how to fight the fires and work with the local entities. Regional meetings, as well as meetings with the state forester and his task force, have been taking place. The goal of setting this all up is to find a way to fight the fires more seamlessly. The idea is to get the first responders, and those closest and most able, to put the fire out without any worry about the cost. That is the idea behind the fix. Last year we started a move toward prevention and mitigation. The state hasn't ever done this. The feds have, but this is new for the state. The feds usually put 3 to 4 percent up to take care of this area, but now spend less than 1%. The state last year through the forester's office put up \$2 million to those kinds of projects. For the most part these programs have been or will be completed. The projects are focusing on high-risk areas and water sheds. Many projects have been able to partner with the feds and BLM and they are pushing to get \$3 to \$4 million dollars from the state this year. There have been reports that for every \$1 spent on prevention you get \$17 to \$25 back in direct costs. This year's bill has gone out of the Senate committee unanimously. This bill is how to get everyone to work together to get the fire put out quickly as possible without worry about ramifications. The counties have an insurance fund, but cities do

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not. 2010 Sen. Stole tried to bridge the issue. The League hasn't been required to pay, but counties have. Chairs of natural resource now say that communities have to pay. Part of the work was been trying to figure out how to help communities pay for it through lots of different ways, including projects, matching, and banking those credits. Currently, at the end of the year the state makes a one-time payment to pay for the fires. The Governor wants to reduce that payment. There is an effort to work with cities to help reduce that. That piece is something we hoped to have ready for this session, but it doesn't look like anything will happen this time, but will continue to work with the League.

Question on what the bill number was. and it was **SB 56**. Sen. Vickers welcomed any contact on this issue as the session moves forward.

Question from Mayor Seghini (inaudible). The Sen. answered that that is the intent. If the fire occurs, and it is close to a city, and your fire dept. is available, then they should put it out, if it is a state truck they would, if it was the feds, and we have a partnership, we would hope that they would put it out.

A question was asked if this plan establishes a chain of command on who makes the decisions. The answer was that chain of command would be figured out through this process, but primarily the county fire warden in conjunction with your fire chiefs would make up that chain.

Lynn asked that as you have questions please wait for the microphone and state your name and organization so those who are joining us online will know what is being asked and by who.

### Bill Tracking

Lynn then moved on to the agenda item of discussing the bill tracking software. The League's tracking sheet will be updated regularly. It is already up and running. Each bill has a position already marked. We want everyone to look through the tracking sheet and be back next week ready to endorse the positions on the bills, or to discuss positions on specific bills.

Cameron Diehl and Brandon Smith began the discussion on bill tracking. Cameron welcomed all who were participating, and invited Ken Bullock

to discuss Local Officials Day. Ken said if you would like a copy of the transportation video shown we will get it to you.

Brandon Smith gave instruction on how to get to the bill tracking website, and the ins and outs of using the site for basic bill tracking purposes. He discussed all the ways one can sort through how bills are tracked, and how to find all bills being tracked, and how to know what is going on with any given bill.

Cameron thanked Brandon, said he hoped it would be useful, and mentioned we are in the 2<sup>nd</sup> year of a 2-year contract. Cameron pointed out that we are on day 8, and already have 121 bills being tracked, 29 of which are law enforcement bills.

#### First week successes

Cameron shared that our first week was a successful week. One of our successes was the Business Licensing Bill, which would have eliminated the ability of the city to regulate businesses that are home based. When talking with committee members, they each had heard from many of their cities over the course of an hour to an hour and half while they were on floor. That contact allowed many legislators to express the feelings of those cities and towns. Cameron said “we are cautiously optimistic that the bill won’t go anywhere this session. Business license bill tabled for now.

Cameron turned it over to Jodi to discuss **SB 70**. Jodi said she would be brief, and mentioned that the bill made it out of committee last week. She informed us that the bill is a geographic diversity bill that applies to referendums. It doesn’t increase signatures, but requires those signatures be achieved in at least 50% of voting precincts. The idea is that if it is a decision that would affect everyone city wide, the referendum should be represented by all areas of the city. She shared that it looks like the bill is in good shape. She noted that it is a Land Use Task Force bill, and the League supports it.

Gary Crane came up to discuss **SB 29**, which is a School Planning and Zoning Process bill, came about from charter schools contacting Gary Crane. Sen. Vickers had an idea to avoid the fight that took place last year

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between Rep. Cunningham and Charter schools, and schools in general, regarding development in our communities. Sen. Vickers wanted to put together a pre planning process that takes place before the city, which requires 2 things. First, is that they talk to the city before they acquire property. Second, they would again go before the city before any construction on the property began, and address a list of items that are important to city planning (traffic circulation, egress, ingress). This way if impact fees and other issues come forward, they are aware of them before they begin construction. Schools, charter schools, and the League, were all involved in the bill.

Question, from John Hiskey, wanted to know if there is anything onerous in the bill for those who are already playing by the rules. Gary Crane answered that if they are playing by the rules they are already doing those things.

House Bill **142** is Rep. Anderegg's Municipal Government Revisions. About every 1 or 2 years a mayor or council member comes up and tries to get things to change so that the balance of power falls in their favor. In 2008 the legislature made another effort at evening things out. The result of that was that it is now a difficult thing to change the balance of power. This bill is trying to make it easier for city councils to change the powers of their mayor by a simple majority vote. Right now it needs to include the vote of the mayor. Gary Crane said he isn't in favor of mayor's or councils, but said it will stir up the mayors. This is why the League has taken a position against this. It is in the Political Subdivisions Committee, and might come back up at any time.

Mayor Seghini made a motion to oppose HB 142. The motion had a second by Mayor Eyre of Murray. Motion was in order and passed.

#### Second week focuses

Cameron then took the microphone and mentioned that lots of things are coming up in the second week of the session. The first two bills for the week would be **HB 25** and **HB 181**.

HB 25, consensus water legislation. Came up on a "snag", have meetings later this week to address that. Lynn mentioned that the "snag" is that other people are trying to put baggage on this bill. This is a bill that has been a long time in coming. It was our position that after the process, the

bill needs to pass without amendment and no conditions. Asked for any discussion to come up now. No dialogue came.

Cameron then addressed HB181, stating it was a sales tax distribution bill. This bill is meant to be a leverage bill. However, it does change the distribution formula, and we take that seriously. Instead of 50/50 it would be based on where the purchasing individual resides.

Question from Heather Pehrson from Bluffdale city: She told Cam that she knew he didn't want to speak on this, and that she knew that the League's position is to oppose it. She said she didn't feel that calling it a distribution bill was accurate. She said she can understand why the bigger cities might be opposed to it, but doesn't feel that the League should be opposing this, and doesn't recall a discussion within the league on whether or not this should be opposed. She shared that she agrees that there are two bills and that this one (HB 181) is being used as leverage. She said she felt this is a unique issue due to the nature of vehicles. She noted that it is different because of the protections that new car dealers enjoy. She said that Bluffdale does not enjoy the ability to have dealerships because of those protections, and doesn't feel that the League should oppose the bill if they aren't willing to support the other bill, which shrinks the dealership radius. She stated that she feels the issue has been simplified too much.

Ken Bullock said the reason that Cameron said that it is leverage is because that is what the sponsor of HB181 told us. Ken mentioned that he, Roger Tew, and John Hiskey have been around for quite some time and mentioned that there is no issue more divisive than the issue of sales tax distribution. Noting that water was close, but was too complicated. Sales tax distribution though, is not complicated, and allows more people to be involved. Ken said that he and his staff feel very strongly about this, mentioning that they have talked with Rep. Mckell, and anyone else associated with car dealerships or with sales tax distribution, letting them know this is not an issue for the legislature to be involved in. Ken shared the while he and Roger Tew were meeting with President Niederhauser the sales tax distribution came up, and the President's exact words to them were "Nope, don't want to touch that, that is your issue." Ken said that was correct, that it is our issue, and it is an issue as staff that we have an understanding as being an important issue that needs discussion.

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Ken noted that it is an uncomfortable discussion as well. Ken stated that this is not an issue of avoidance of discussion, but a matter of who owns the discussion and whether it should be discussed at the legislative level when it is cities' money being discussed, and how it should be distributed. Other things that need to be considered are what factors to look at when reallocating. Ken said that it is an exceptionally divisive issue in the body and that some legislators are faced with communities that are very diverse. It isn't the legislature's issue. It is our money and our issue. Ken addressed Heather, and said the reason the League is definitive about the issue is because this is being used as a pawn in an area that is very serious for us. Roger Tew wanted to clarify that it isn't a distribution bill, but is instead a sourcing bill. Roger mentioned the bill would mess with sourcing rules, which would change the dynamics of the sales tax system.

Dama Barbour from Taylorsville agreed with Heather Pehrson, and stated that she loves her neighbor cities, but feels that the League should have a neutral position. Ken said that those issues are things that they can deal with as a body, but as a staff, with lots of experience with the issue, we are suggesting we oppose HB 181. Dama said that Taylorsville is absolutely locked in, and can't participate with dealerships because of state statute and that is why she sees it as a legislative issue.

Mayor Tom Dolan said that he echoes what Ken has stated, and that there has been a great deal of experience with this. Mayor Dolan shared that he has lost two new car dealers, and is losing another. He shared that he would love to have their money, but that isn't the issue, the issue is that the distribution formula as it exists today makes it so everyone shares, and that includes cities that don't have dealers. He mentioned that Sandy is shipping off ½ of a percent to the statewide pool of population. 15% of that ½ of a percent is going out and not staying with Sandy. He said to that extent you are sharing. He continued that this is a very divisive issue, but if you want to play that game, then I guess we say everything is point of sale. But that isn't where we want to be; we are all in this together. It is a divisive issue, and fair or not, if you start saying you want someone else's money it gets divisive. Been through this 3 or 4 times in his career, he state that it is a tough position to put the League in.

Adam Cowie with Lindon City stated that this is not just a big city issue, and that Lindon would strongly oppose any changes to sales tax distribution. He shared that Lindon has heavily invested in car dealerships and this would create a significant hit to their economy. He mentioned that they export 32% of the sales tax created in Lindon to other cities, and would strongly oppose anything that would change that ratio.

Brent Taylor, North Ogden Mayor, said that they don't have a dealership in North Ogden, so they don't have a big dog in the race, but he thinks it is a bad idea to tinker with the sales tax distribution formula. Sure they could make more money, but the other neighboring cities have the dealers, and along with those dealers they provide the infrastructure and the services to deal with them, but North Ogden does not. He stated that there is no reason to take one item sold in the state and move that sales tax somewhere else because there is an address on a title. He asked why it should be treated different from other items, suggesting that it just opens up other issues.

Heather Pehrson spoke again, saying that she felt everyone was missing the point a little. She agrees that it is a leverage issue, but again stated that it is different because of the 15-mile radius protection. Her question to the LPC is that if they oppose this, and ask smaller cities or other cities to join you in this fight, will they equally support the other bill and take the 15-mile radius down to 0, and support competition. She mentioned that the reason they picked vehicles is because they are unique. She isn't excited about opening the can of worms of distribution either, she gets where the league is at on that issue.

Ken Bullock said he would answer her question with a statement. He told her that she is the League. Ken said that the League makes recommendations, but it is the members who make the decisions and motions, stating that the League takes direction from its members.

Bill Applegarth, Mayor of Riverton, would love to have Mayor Tom Dolan's money, but is not in favor of HB 181 for the reasons that have been said. He said he feels it is very dangerous to start messing with the formula. He also mentioned that it is a legal issue for cities that have used sales tax in their bonding revenues.

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Norm Searle, Mayor of Riverdale stated that Riverdale is a small city with an 8,500 nighttime population that grows to about 50,000 to 60,000 during the day. He shared that they have been paying fire and police to take care of those businesses. He mentioned that it used to be 50% point of sale, but changed it to 25%, and that that change really hurt Riverdale, but still feels it was a good thing. He shared that in a meeting he had with new car dealers the 15-mile radius was addressed. He said he learned that not all manufacturers honor that rule. He then posed the question of how far would things go if the sales tax distribution was allowed to be changed.

Ken Bassett from Vernal wanted an explanation of what the other bill is that was being referenced. Lynn Pace said that in the interest of time they would move on. Lynn said he appreciated the discussion, but that a position wouldn't be taken this week. He said that it is something that regardless of how it is packaged is messing with sales tax distribution, and that has consequences in many important areas for towns and cities, including current revenues, existing obligations, and a longer term ramification of the state's perception of cities and towns. He said that we needed to move on, but asked that those with questions on the topic come prepared next week to discuss it further if needed.

Cameron Diehl then shared that **SB 82** would be brought forward in the afternoon, but that the sponsor, Sen. Urquhart, committed to hold it. He said that if anyone has specific questions about the bill to please ask, but mentioned that the bill would be described in more detail in the daily email.

Nick Jarvis then began to discuss Rep. McCay's bill on body cams. Nick stated that there isn't any language on the bill as of yet. He mentioned that in the discussions taking place that there are still a number of sticking points. One point that was resolved is that the current version of the bill has taken out language that stated body cams would need to be turned off during a lawful protest. Other issues, like those that deal with retention, have also been addressed, discussing the schedule of the records and who has access to them. Nick also shared that some filming that was done outside of policy would be excluded from evidence. He also informed us that the rebuttable presumption is still in the bill.

Rob Wall, Sandy City Attorney, wanted to bring forward the huge cost of the bill because of the retention cost. He encouraged everyone to discuss these issues with their chiefs. He shared that all tools used by police have been used and studied so much that they understand them, but the filming still has such a large failure rate that it leaves police vulnerable if there was a technical failure.

Ken Bassett and Mayor Norton from Vernal wanted to know if there was a bill number for body cams yet. Nick responded that no, there is no bill number for this yet.

Mayor Jon Pike from St. George then addressed the LPC about the distracted driving bill sponsored by Rep. Anderegg (**HB63S01**). He shared that he feels that is guts last year's bill. He said it essentially provides too many excuses to not be hands free, including using online music, making/receiving calls, and doing voicemails. The concern is that this is a giant step backward and creates a safety problem. He said that local people are hurting and sometimes killing other local people because they are using their phone and asked that a position be taken against the bill. Mayor Curtis made a motion to oppose the bill. Mayor JoAnn Seghini seconded the motion to oppose the bill. Nick Jarvis added that UHP and other law enforcement agencies have opposed this. Gary Crane wanted to add that last year the LPC supported Sen. Urquhart to get last year's bill passed, and that we needed to continue to support him in that. The motion to oppose the bill passed.

Lynn mentioned that there would be a large number of law enforcement bills and that a law enforcement working group would soon be put together.

Gary Hill City Manager of Bountiful then addressed everyone to discuss Sen. Wayne Harper's proposal that would combine dispatch centers physically. He noted that there is no numbered bill yet. He mentioned that Sen. Harper had held meetings with some representatives from Davis and Utah counties prior to the session to discuss what he perceives is an issue in communication, as well as duplicative costs in counties that have more than one dispatch center. Gary suggested that there might be some differing opinions from Sen. Harper's ideas on having multiple dispatch centers and why they are actually valuable. A big part of the concern is

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having only one dispatch center and being told how to use our resources. He stated that he thinks we are supportive of doing interoperability and innovation, but a single dispatch center per county poses problems. He asked for any conversation to the bill.

Scott Darrington with Pleasant Grove was one of the ones who met with Sen. Harper, and complimented the Sen. on his willingness to listen to what the cities had to say. He shared that the Sen. wanted some more information on Peace Apps and how they communicate with each other. Pleasant Grove's concern was about keeping local control. Scott wants the League to take a look at it and support the local control aspect. Mayor Seghini suggested that one of the problems they have had in Salt Lake County is cell-towers. She shared how cell towers have, at times, been where emergency personnel have been dispatched to if they didn't have enough information from the caller. She said if you can solve those on a local level that is fine, but felt that in Salt Lake County they are missing the ability to provide prompt and appropriate service to their citizens in the county. She shared that Murray is moving toward a single dispatch, and shared that everyone might look at those thoughts as you evaluate this issue in the different counties.

Gary Hill said he thinks that is where we are at on the issue, and stated that we would like the control and decision making to be kept local. He said he isn't looking for a position on this because there is no bill with language yet, but asked for general direction on keeping local control funding and help on interoperability. Jamie Davidson with Orem said there has been lots of discussion in Utah County about this, and that there are lots of options to consolidate that don't include consolidating physically. He said he felt it was short sighted to require everyone to consolidate physically, when the future is heading toward a technological solution.

Cameron Diehl then moved on to some other items that needed to be addressed. The first item he addressed was how many cities and towns currently stream city council meetings. He asked for a raise of hands and took a quick count. He mentioned that a bill was sent to him over the weekend that would require cities and towns to stream council meetings. He then asked how many cities and towns have a GRAMA appeals process

at the local level, and took a quick count. He mentioned that if you have a process email it to Cameron over the weekend. This is another bill that does not have number that he was tipped off to by a reporter. He explained that the bill would eliminate the ability to have a local GRAMA appeals process and would funnel everything through the state records committee. Cameron asked that those who raised their hands to either of those two issues, to email Cameron with details.

Cameron mentioned that there were lots of bills expected on special service districts, special assessment areas, and interlocal agreements, and asked if there were people who wanted to be involved or knew of others who could be or would want to be to let us know.

Cameron shared that transportation will be the most volatile of our issues, followed by law enforcement. He stated that the SSD, SAA and interlocal agreements, are being lumped together. He also noted that assessment area bills have been debated the last 3 sessions, and that 11 drafts were made over the summer, and it is still being worked on.

Another set of issues with potential upcoming bills is a rental unit inspections bill and Good Landlord bill. These issues are trying to be resolved through the efforts of Ogden and Salt Lake.

Ken Bullock then addressed the LPC about transportation. Ken feels the situation is not volatile, but fluid with lots of ups and downs. He shared that he has been having meetings with legislators, and that not everyone is on board yet. He mentioned that there are differences of opinions and approaches from the house to the senate, but there does seem to be a growing sense that there needs to be additional local funding. There are some bills being opened in the house to deal with fuel taxes. The difference maker is cities being able to say how they would spend the dollars that they would get. Another part of the picture is completing the last "half mile" to help better utilize mass transit. Mr. Bullock asked Mayor Curtis if he wanted to speak about the meeting they had with the Governor. He said no. Ken said Mayor Curtis, Mayor Caldwell, himself and Cameron Diehl had met with the Governor to discuss transportation.

Mayor Curtis said that Ken asking him to speak to the meeting with the Governor was like his wife asking if he wanted to help with the dishes. He then praised Ken for his efforts on the transportation issue and a good meeting with the Governor. The Governor was on board with lots of what was said, and the bottom line for Mayor Curtis was that the league is doing a great job pushing this issue. Ken followed up saying that the League has developed a good relationship with the Doug Wright show in recent years and might be using that avenue to get our message out, as well as meeting with the Deseret News editorial board. Ken explained to the members that their constant involvement is what is going to make the difference on the transportation issue.

#### Other items from LPC membership

Lynn echoed Mayor Curtis' comment on Ken's efforts, and asked if there was anything that the members felt needed to be brought up. Brent Taylor with North Ogden said he would like a discussion about public safety dispatch being put into law enforcement or public safety retirement. Feels it is a bad idea, and wants to discuss it with others. Posting of political signs on public property was brought up. Lynn Pace said there is no change to current law, except that it regulates different signs differently, which is a problem. The bill doesn't change law or status quo. Gary Crane said they had some concerns, primarily on the enforcement side of things. Shellie Baertsch from Saratoga Springs said there is a case going to the Supreme Court based that deals with political signs, and could have an impact on this issue in the near future.

#### Economic Update

Doug McDonald then covered economic updates. He shared that residential construction numbers were up, but that that is a preliminary number. He said to give him a call if you have details you would like to know about certain areas. The report covers both sides of the Wasatch. Sales tax grew in last quarter, and is expected to grow in the next 6 to 9 months.

**Utah League of Cities and Towns Legislative Policy Committee—REVISED  
Monday, February 9, 2015**

**State Capitol – House Building, Room W030 (basement floor),  
12:00 pm, also ONLINE**

**1. Welcome & approval of Feb 2 minutes (ULCT 1st Vice President  
Lynn Pace)**

**2. HB 77 Postretirement Employment**

- **Bill sponsors Representative Rich Cunningham and Senator Ralph Okerlund**
- **Bill opponent former Senator Dan Liljenquist**

**3. Second Week Successes (ULCT staff)**

- a) **HB 25—Water Law Application Amendments (Cameron Diehl)**
- b) **SB 69—Clean-burning Fuel for Motor Fuels (Cameron Diehl)**
- c) **SB 82—Forcible Entry Amendments and Representative Dan McCay’s body camera bill (Cameron Diehl and Nick Jarvis)**

**4. Upcoming Focuses**

- a) **HB 181—Sales Tax on Vehicle Purchases (Cameron Diehl, Ken Bullock, and Roger Tew)**
- b) **Transportation (Ken Bullock, Roger Tew, Cameron Diehl)**
- c) **Other issues**

**5. Requested Information from ULCT Staff to LPC Members**

- a) **SB 157 GRAMA Amendments (appeals)**
- b) **Video streaming**
- c) **SB 69 costs**

**6. Other Items from the LPC membership**

**7. Ratify ULCT Bill List and ULCT Staff Recommendations**

**8. Adjourn**

**Next meeting: Monday, February 23, 2015 in W030 at noon in the  
House Building and online... no meeting on Presidents Day**

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**Utah League of Cities and Towns Legislative Policy  
Committee Meeting Minutes**

**Monday, February 9, 2015**

Welcome by Lynn Pace.

Mr. Pace extended thanks to USU for making the broadcast available. Mr. Pace pointed out that the next item on the agenda was the approval of minutes, but noted that there was an issue in getting last week's minutes posted early enough for everyone to review them. He said that the following LPC all minutes that had not yet been approved would be ratified. Mr. Pace said that we would skip item 2 on the agenda for now until all those who will be speaking can make it.

Second Week Successes

Cameron Diehl took some time to cover last week's bills.

**HB 25**, a water bill that LPC passed a resolution in September to endorse had run into some "snags" that were related to outside efforts trying to tie bills to it, but that is currently not the case.

**SB 69** was in committee on Friday. This bill would require 50% of fleet replacement to be replacements of high-efficiency or alternative-fuel vehicles. Ogden was in that committee hearing and was a great resource in sharing their experience in converting to CNG. The committee held the bill, stating they wanted to look at alternative funding sources and get a better idea of the total cost of the bill. Mr. Diehl said that it would be helpful if cities sent us information to answer the following questions:

How big is your fleet?

In the current fleet, how many are alternative or high efficiency?

What type of infrastructure is in place?

Mark Christensen asked about the infrastructure piece that comes along

with having CNG vehicles, and how it is being addressed. Mr. Diehl answered that that concern was also brought up in the committee, especially as it relates to the more rural areas of the state, and noted that that concern resonated with the committee. Chuck Newton with South Jordan spoke the CNG fueling station, and mentioned that he had talked to Questar Gas about putting in the infrastructure. Questar Gas said that they help with the infrastructure cost, but rural areas will need to discuss it further for cost sharing.

Law Enforcement related issues. **SB 82** is Senator Urquhart's bill on forceful entry. Sen. Urquhart committed last week to hold the bill and have a conversation in the committee about the bill, which is what took place. Collection of law enforcement groups, along with the League in working out a solution on this bill. Dave Spatafore, who works with the police chiefs, said Urquhart has language and is looking it over. Mr. Diehl thanked the attorneys that have been involved in getting that language drafted.

A meeting with Representative Dan McCay and many stakeholders took place last Monday that lasted 2 ½ hours. The meeting was on Rep. McCay's bill about body worn cameras for law enforcement and the issues the bill has, including the rebuttable presumption. Gary Williams, the city attorney for Ogden has been working on language for that bill. Mr. Spatafore thanked Mr. Williams for his work, and said that at one point the language had been accepted, but has since that time been rejected. He informed us that Rep. McCay wanted to have another meeting to discuss the language, but that meeting is currently on hold. Mr. Diehl wants to make sure that ULCT staff has the appropriate pulse of the LPC on the issue of body worn cameras.

Lynn Pace stated that on most of these bills we have been working on them to fix them and live with whatever comes out. Mr. Pace stated that he assumed that LPC has not adopted the policy to try to kill these bills. Chuck Newton from South Jordan said that we need to be ready to kill Rep. McCay's bill. Lynn said it might go without saying, that if we can't fix these bills, we will take that position. Mayor Brent Taylor of North Ogden expressed that he is in complete agreement with Mr. Newton, and that he would like to see Rep. McCay's bill killed.



### Upcoming Focuses

Roger Tew, ULCT staff addressed **HB 181**. Mr. Tew said when we talk about the term “sales tax distribution” we think about the formula. He shared that when we talk about distribution in general, we can be talking about sourcing, which is a change in distribution, and stated that the League is always very skeptical of anything that changes the sourcing or distribution. He briefly explained that the bill makes changes to where the money from buying a car goes.

Mr. Pace said he felt it would be appropriate to have a discussion to the position of LPC on the issue, or entertain a motion to take a position on the bill. Jan Wells from Murray moved to make a motion of reaffirming a previous position of opposing HB 181. Several seconds to the motion were heard. Some opposition, but the motion passed, making the position of the LPC on of opposition to HB 181.

### **HB 77** Postretirement Employment

Mr. Pace was informed that Representative Cunningham was on his way to the meeting, so item 2 on the agenda would now be addressed. Senator Okerlund was the first to address the LPC on HB 77. He shared the he is supporting this because it is dealing with rural issues of getting good people to fill positions that need to be filled. He stated that it is harder for the more rural areas to fill positions when they open up. He made it clear that he is not in favor of double dipping, but this is a problem in those smaller areas if they can't hire those who have retired, that have a wealth of knowledge and experience. He shared that they wouldn't be getting a second retirement if they started working again after they retired.

Representative Cunningham apologized for being late and being stuck on the floor. Said this bill isn't about double dipping, but deals with post retirement individuals who are qualified to fill positions around the state. Suggested that this bill doesn't change what is already in the law, but adds a few options. He mentioned that it makes so a person can't retire in place or hold jobs. Feels that those who retire often want to get back to work, and we should be able to utilize their qualifications in the work place. Rep. Cunningham gave examples of teachers and

police officers in various places around that state that are negatively affected by the current law. He then shared how his bill addresses the unfunded liability issue. Shared that the baby boomer issue is one of the greater issues Utah is going to face, and that his bill is to going to help make things better and easier on the state. He mentioned that there is a new fiscal note on the bill that will be released later in the day, and that the note is smaller than the original one. Shared that as he has moved forward with addressing this issue he has found that it is not just a rural area issue, and that many areas on the Wasatch Front are dealing with the same issue. He then complimented former Senator Liljenquist on his efforts in the past on working on this issue.

Mark Christensen from Saratoga Springs brought up a fiscal note issue related to a social security issue for a number of cities. Rep. Cunningham said there are many issues that will still need to be addressed, and that he is willing to continue to talk about issues that need to be addressed.

Former Senator Liljenquist then addressed the LPC, and said he wanted to be clear that Rep. Cunningham's bill would completely undo what was done in recent years to address retirement issues in Utah. A solution he says was carefully crafted and unanimously supported by LPC. He acknowledged that there are some very real issues that still exist in the rural and Wasatch Front areas, but that Rep. Cunningham's bill doesn't address those issues. He claims that this bill would reinstate incentives that were shown to be broken, including well connected people essentially switching jobs at the end of their careers. He noted that the fiscal note that everyone will see later in the day will show that Rep. Cunningham's bill is going to raise everyone's contribution rates.

Mark Seethaler with South Jordan City Council said that it seems to him that there are two issues. One is the current retirement system is one that permits early retirement that at some point will be paying out the pension on that retirement. The second is that positions go unfilled because qualified applicants are not readily available. Mr. Seethaler suggested that preventing people from retiring early is the answer. Mr. Liljenquist responded that what the current law does is allows these people to come back to work, and that it fixed the problem of people retiring after 20 years and switching jobs instead of working 25 years and retiring.

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Mark said it sounds like they are both saying essentially the same thing. That it doesn't matter how long someone is retired before they go back to work, it matters when they retire relative to their years of service. Isn't it true that if they were required to have the full number of years to retire that it would solve the problem? Mr. Liljenquist's response was that the actuary on when someone is first eligible to retire. He mentioned that the actuaries base it on when they actually physically retire. He said that the movements of retiring early is what cost the pension system so much, because they had been artificially increased because people weren't actually retiring, they were just switching jobs.

Jamie Davidson with Orem said it was painful last time and will be painful this time. His question to the body as a whole, do we want to change this again? The world is moving toward a defined contribution. Mr. Davidson said that he feels there is a wage issue more than anything. Mr. Liljenquist agreed that there is a wage issue, especially in public safety. He suggested that if he were doing it he would systematically fix the wage issue.

Gary Crane from Layton said that he was wondering what the thinking behind the one year time period is, as opposed to the 60 day time period. Mr. Liljenquist said that the 60 days was too short. He explained that school teachers only had to wait over the summer before switching to another job in another school district, sometimes even lining up a job before they left their old job. Thought the year of separation was an adequate time frame of separation.

Rep. Cunningham addressed the body once more. He shared that there are issues with how the unfunded liability is playing out, and that something needs to be done. He then shared his background, suggesting that how things currently are will not work, and that the fiscal note on the bill is based on actuarial data. He also pointed out that the data being used by Mr. Liljenquist is 6 years old. He shared that the fire and police chiefs did not support the last bill. He said they were told take the deal and the money will come back. He says they still haven't made it back, suggesting that the bill hasn't worked out, and things need to be fixed.

Mr. Pace thanked them both for coming to speak to us. He asked if the LPC was interested in taking a position on the bill. Chuck Newton,

after an explanation that there are still some issues, it is worth moving forward with, and moved to support Rep. Cunningham's HB 77. There was a second to the bill. Mayor Taylor from North Ogden had some discussion to the motion. He voiced a concern that the LPC was moving too quickly on a bill that will have significant impact on our cities and towns, and that he spends a good deal of time defending the retirement plans for the city's public employees right now, and that HB 77 would be opposed by most tax payers. Ron Bigelow, West Valley Mayor, declared that of any issue coming before you, retirement should be done the slowest of all because the ramifications will last for decades. He feels the time frame we are operating in is very suspect and would like a year, at least, to look at this. Cautioned everyone on taking a position on the issue at this time, and said he is going to oppose the motion. Karianne Lisonbee with Syracuse stated that she felt it was too soon to vote on a position on the bill and made a substitute motion to table the issue and discuss it more at a later time. Dama Barbour of Taylorsville seconded the substitute motion. Motion passed.

#### Requested Information from ULCT Staff to LPC Members

Mr. Diehl then took the floor once again to cover a range of other issues, stating that the transportation discussion would be saved for the end. He first addressed the GRAMA appeals bill (**SB 157**), and thanked the cities that responded. Mr. Diehl shared that the League is working to defeat the bill. The League heard back from 26 cities that said they have their own appeals process. Mr. Diehl informed the LPC that the bill would strip that process.

Mr. Diehl then moved to the video streaming bill. The League is working on some guiding principles for the representative. He stated that through some research it was discovered that there is no standards in state law that govern what takes place on the House and Senate floor recordings, which the representative found surprising. Mr. Diehl shared that the League had heard back from 34 cities and towns on this issue. He thanked those cities as well as Finn Kofoed with the Utah Municipal Clerks Association for spreading the word.

Mr. Diehl then asked the cities to please continue to send the League information on SB 69.

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### Transportation

Mr. Pace excused Ken Bullock who had other meetings he had to be to. Mr. Pace stated that the transportation subject has primarily three parts. He brought up two bills dealing with transportation that are currently in the Senate. One of the bills increases the gas tax by .10 cents a gallon with no index sponsored by Senator Van Tassell. Its number is **SB 160**. Senator Jackson's bill doesn't raise the gas tax, but converts it to a gas sales tax, that would be revenue neutral today. He also shared that we expect to see a bill from Representative Johnny Anderson in the House. This bill deals with the .25 cent tax increase. Dialogue on that is still continuing.

Cam said he met with Rep. Anderson many times last week, and expect language soon. What Rep. Anderson has relayed to Mr. Diehl and others, is that the .25 cent would be split .1 to cities, .1 to UTA for those inside UTA districts, and .05 for counties. For those areas that are outside of the UTA area, Mr. Diehl mentioned that there situations have been sent to Rep. Anderson, and will make sure that they are included in that discussion about transit funding. The House, however, is still not clear on what the imposing mechanism would be. Rep. Anderson favors a voter approved increase, but it still isn't settled in the house.

There was a question about the split of funds in Anderson's bill. The question was what would be the case in a county where only a portion is covered by transit? Mr. Diehl answered that there are still some issues that need to be worked out, and that is one of them. Another question asked was will the sales tax still be subject to the 50/50 formula? Mr. Diehl responded that it depends on who imposes it. Our preference would be that the cities do it. He brought up the issues of a mixed bag of counties and cities adopting and imposing.

Heather Pehrson with Bluffdale asked how we got to a .25 cent and explained that at the Legislative Roundup she had heard a higher number. Mr. Pace explained that the LPC had previously adopted a bill that included the .25 cent option. He said since our proposal has been out on the table, there have been other ideas brought forward by the counties and UTA. He recounted that last year UTA was up here looking for a .25 cent.

Dama Barbour with Taylorsville said that she had a question about the League's proposal, and that is who will impose the tax. Mr. Pace explained that the League's original proposal was the taxed to be imposed city by city, but that could change. To which Ms. Barbour responded that she had a problem with that.

Michael Poff from South Weber recalls earlier talks about what cities would be able to spend the money on. Cameron answered saying that the new broader definition of transportation that has been pushed by the League is widely accepted by legislators, allowing for the sales tax option to be open to discussion.

Roger Tew stepped in to give some insight. He brought up two issues. The first is who imposes the tax. The second is how it gets divided up. Roger explained that whichever entity imposes the tax, is the one who owns it and is responsible for dividing it up.

Ron Bigelow from West Valley mentioned that the LPC had taken a position on a concept that most matches the bill that is starting in the House. He clarified that the LPC has not yet taken a position on the Senate proposals. His concern is that if he were representing his city on this, he would say that they support a revenue increase, but at this point the Senate proposals haven't been officially supported by the LPC. His concern is that the bill in the House continues to morph and change. He candidly shared that he had been up on the hill doing some of his own lobbying, nothing hard, just sharing ideas. Has made the statement to the Speaker that the easiest solution is the gas tax because the money is set as to how it is divided. The .25 cent is still up to negotiation, and is still an unknown. But if we do the .25 cent, we won't actually be in the room when that final decision is made. He feels our position should be an increase in revenue that we want to be realistic, and happen this year.

Mr. Pace said that what was passed in September by the LPC supported a gas tax increase, an indexing of the gas tax, as well as the local option sales tax. Mr. Diehl corrected Mr. Pace that only one senate gas tax bill has been put out.

Ratify ULCT Bill List and ULCT Staff Recommendations

Mr. Pace mentioned that League staff has posted positions on the bills in the League's tracking system. Brent Taylor from North Ogden brought up **HB 77** and wanted to make sure that the support will be taken off the League's bill tracking system. It was determined that HB 77 would be listed as neutral in the bill tracking system.

Mr. Pace asked for a Motion to endorse the positions on the bills.

Ken Bassett from Vernal wished to oppose HB 167 Asset Forfeiture Amendments. Second by Gary Crane, who shared that the police chiefs are against it because it limits the ability to use forfeiture funds. Dave Spatafore said chiefs have also voted to oppose the bill. Karianne Lisonbee with Syracuse said she feels it is a good bill that is a roll back of previous bills and did not support the motion. Mr. Newton from South Jordan informed everyone that Congress is looking at entertaining laws on this, and made a substitute motion to remain neutral on the bill. Duncan Murray of South Weber City seconded the motion. Mr. Crane wanted to speak to the substitute motion and make a note that none of us are experts on this subject, we rely on our groups that are experts, like our police chiefs. He encouraged everyone to vote against the substitute motion to remain neutral. The Vote on the sub motion to remain neutral failed. Mayor Bigelow moved to make a substitute motion to approve the League's bill list as it is, and come back to HB167 later. Mr. Pace ruled the motion out of order. Mr. Pace entertained the original motion to oppose 167. Motion passed.

Mr. Pace then accepted a motion to approve the rest of the list. Several seconds were given. Mr. Pace then called for a vote to approve staff positions on League bills. The motion passed. Mr. Diehl closed with a "thank you" to those cities that have passed the Transportation Resolution. The League has had 69 cities and towns representing 2/3 of the population in the state that have passed a resolution. If you haven't passed it yet please do so and pass them on to the League.

**Utah League of Cities and Towns Legislative Policy Committee**  
**Monday, February 23, 2015**  
**State Capitol – House Building, Room W030 (basement floor), 12:00**  
**pm, also ONLINE**

- 1. Welcome & adoption of minutes** (*ULCT 1st Vice President Lynn Pace*)
- 2. General Legislative Update** (*Cameron Diehl*)
- 3. Healthy Utah** (*Rep. Ray Ward*)
- 4. Law Enforcement** (*Nick Jarvis, Cameron Diehl, Gary Williams*)
  - HB 348
  - SB 82
  - Other
- 5. GRAMA – SB 157** (*Cameron Diehl, Gary Williams*)
- 6. Transportation** (*Ken Bullock, Cameron Diehl, Roger Tew*)
  - SB 160
  - HB 362 (see attached memo)
  - Transportation Rally – Wednesday, February 25th @ 9:30 AM on the south steps of the Capitol
- 7. Other Items from the LPC membership**
- 8. Adjourn**

Next meeting: Monday, March 2, 2015 in W030 at noon in the House Building and online

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**Utah League of Cities and Towns  
Legislative Policy Committee Meeting Minutes**

**Monday, February 23, 2015**

**Welcome**

Lynn Pace gave the welcome for the meeting. He then announced that there would be a change in the order of the agenda, and that we would have a presentation by Representative Ward for the Healthy Utah proposal.

**Healthy Utah (Rep. Ray Ward)**

Rep. Ward addressed the LPC stating he would like to briefly discuss the Healthy Utah proposal (**SB 164**). Stated it brings back \$450 Million in federal tax money by the year 2021, and there are secondary tax benefits that cascade down to all the other areas of the state. He stated that it is estimated that local taxes could benefit \$10 Million a year if that money does come back to our state. Rep. Ward encouraged the LPC to please support the Governor's plan. He stated it is the only plan that leverages that kind of money to come back to our state.

He also shared that it addresses criminal justice issues such as recidivism rates, mental health, and substance abuse, and that those need to be addressed if we are serious about criminal justice reform.

A question was asked about the bill's information. Rep. Ward answered that it is Sen. Shiozawa's bill, and is SB 164. He stated that it is essentially the Governor's Healthy Utah Plan. Other bills that might happen include Senator Christensen has a bill that will cover 1/5 or 1/8<sup>th</sup> of the people. Had some naming issues, but will be called the Utah Cares Plan. He stated that it is less well defined, but still helpful to some people, but not as helpful as Governor's bill.

### Adoption of Minutes

Lynn Pace asked for an adoption of the minutes from the meetings of January 26, February 2, and February 9. A motion to approve the minutes was given by Mayor Seghini from Midvale. Several seconds were given to the motion. Motion passed unanimously and all of the minutes were adopted.

### Law Enforcement

Cameron shared how Rep. Ward wanted to go first because of how Healthy Utah dovetails with **HB 348**. He mentioned that 2 articles that address HB 348 had been provided for the LPC. One of them was from Standard Examiner and the other from Salt Lake Tribune. HB 348 would cost 11-16 million/week, but provides an early assessment program to prevent rather than correct behavior. The biggest deal for the League is the reduction of charges of drug offenses, and those will have a direct impact on local government and local law enforcement. Part of the way that HB 348 would be funded is by Healthy Utah, but other options are being pursued, and HB 348 could go into effect by itself. The state estimates that it will save hundreds of millions of dollars. The politics is that the Governor, the Senate, and the House support the underlying concepts of the bill. Law Enforcement Legislative Committee (LELC) voted to oppose the bill as written. Mr. Diehl said that ULCT staff is looking to LPC for preliminary direction on how to pursue the bill.

A question was asked why LELC opposed the bill as written. Keegan Rank of LELC said they opposed it because of current talk of amendments and not sure how to proceed with the bill knowing there are changes coming. They also mentioned the reduction of sentences. Mark Johnson with Ogden said his biggest concern is passing may cause problems for cities if there is no funding. Will to support if passed with funding. Right now in favor of opposing until funding is guaranteed as part of the bill.

Cameron said that Healthy Utah will cover part of the cost and a second funding source is still to be determined. Steve Thacker with Centerville asked if there was any fiscal impact research that has been done. Cameron said that is where the \$11-\$16 million came from. Paul Cutler Mayor of Centerville asked the League to do research for impact on municipalities. Cameron answered that the League would be willing to do that.

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Duncan Murray with South Weber asked if the League has talked to prosecuting attorneys at city and county levels to make sure it is functional. Cameron stated that the prosecutors have been the tip of the spear for opposing the bill. Jeff Stenquist from Draper mentioned that in their discussions with legislators, the legislators seem to want to tie to the prison relocation efforts to this bill. Mr. Diehl agreed that, that is indeed the case.

Mayor Seghini said that it seemed to her that reducing the severity of sentences is tied to health care bill that assumes that upon arrest that you will be schedule for treatment. She said it seemed more like a catch and cure not catch and cage approach. Cameron agreed that the bill is looking for treatment programs for prevention not just corrections. The issues are connected, but Healthy Utah may not pass this year. Dama Barbour from Taylorsville asked if there anything about the competing plan to Healthy Utah that would address covering costs of HB 348, stating that cities aren't able to cover those costs. Cameron said that Utah Cares has not been tied to this bill publicly or privately so we don't know. Mark from South Jordan said that in the article it shows that the length of stays is increasing saying that he is not convinced this program will help all of the individuals in the same way. Cameron stated that screening is currently based on the type of crime, and that that may predict future crimes.

Lynn Pace wanted to see if the LPC should take a position on any of the bills discussed. Mayor Seghini made a motion to support Healthy Utah, SB 164. There was a second to the motion. Mr. Pace asked for any discussion to the motion. Paul Cutler with Centerville shared that he thought we should stay out of the debate and allow legislators to handle it. Shellie Baertsch from Saratoga Springs felt it was too early to decide, while they are making changes to the bill, to support it at this time. Lynn called for the vote. The motion failed on a close vocal vote. Mr. Pace stated that there was the option to bring it back next week and asked if anyone was interested in making a motion on HB 348. Duncan Murray made a motion to oppose HB 348. There were a few seconds to the motion. Mr. Pace called for discussion to the motion. There was no discussion. Mr. Pace then called for a vote on the motion to oppose HB 348. The motion passed. Mr. Pace stated that makes the League's position one of opposition to HB 348.

Cameron then addressed the LPC on **SB 82**. He wanted to bring it back for review. He mentioned that there is still some language changing. At this point we are still working on it, but don't have more information.

Mr. Diehl then covered **SB 157**. He mentioned the bill as currently drafted doesn't allow for local appeals for GRAMA requests. Gary Williams stated that this is a discussion between just using a state board for appeals, or using the local appeals process that many cities have in place. Mr. Williams shared that Sen. Bramble wanted to address video and audio of officer worn cameras. He shared that it was decided in committee that that issue should be worked on over the next year due to how complicated it is. Mr. Pace said that was the end of the general legislative update, and asked if there were any other items to be discussed before the transportation discussion.

Chip Dawson from South Jordan brought up **SB 197**, which is a bill that takes away the ability of animal shelters to use gas or carbon monoxide chambers to euthanize animals, and would require the dismantling and removal of those chambers from the shelter. He informed everyone that the bill was going to be in committee later that day at 4 o'clock.

Gary Crane from Layton informed everyone on Rep. Brad Dee's **HB 343** bill, which deals with 911 issues. The bill is currently requesting funding at .71 cents in additional funding. This would go to pay for radios, which currently cost \$25 month per radio. He shared that Gary Hill may have more information but felt that things were headed in a good direction. Shawn Guzman with St. George said that they still have a few questions about the bill. He wanted to know if the bill will fund radios from the get go still, or will it be in the future after the infrastructure needs are met first. Gary Crane acknowledged that Shawn's questions still needed to be straightened out, but felt that the bill should be supported. He then made a motion to support HB 343. Lynn received several seconds to the motion. There was no discussion to the motion. It passed with some limited opposition.

Gary Crane then spoke to **HB 385**, which is a building inspector and fire code bill. He mentioned that most issues were resolved but that there were still some concerns about the bill not passing the 2015 code or allowing for local fire codes to be grandfathered in. He stated that there

will be no more simply passing local fire ordinance, but instead will need to work through a fire board. He stated that the bill should be supported, but probably isn't ready to take a position on just yet.

Midvale's Kane Loader asked if anyone knows if the House has brought up **HB 216** yet, which will make it very difficult to dismiss a person from the job.

Brian Brower with Clearfield addressed HB 190 and asked for an update and mentioned that **HB 190** is opposed right now. Cameron said that this has been a three-year process, mentioning that at this point we are still not at yes. It was in committee a few days ago and turned ugly. He then shared that this morning it was circled on the reading calendar, and gives us a chance to get to yes. Ogden gave some amendments the last few days. We are trying get those addressed before a vote on the floor. We are still trying to work on good faith with the bill sponsor while the bill is on the house floor. Gary Williams said that Rep. Webb did come out with an amendment that is pretty good, but there are many floor amendments that would change it. Cameron mentioned that we would need to rally our support against the hostile floor amendments.

Lynn asked if there was anything else before we moved on to transportation. There was no other input. Lynn then gave some background to the transportation discussion. He stated that **SB 160** has passed out of committee in the Senate, which increases the per gallon tax by .10 cents. We have position to support that bill. There is a bill coming out of the senate that would convert some portion to a sales tax on fuel, though it isn't currently numbered. The third bill is **HB 362**, which would authorize a local option sales tax increase by .25 percent. Those funds are divided by giving .10 percent to the cities, .05 percent to the counties, and .10 percent to counties that have a transit district. Without transit district, cities would get .10 percent, and the counties would receive .15 percent. Cameron stated that there is still some confusion if Cache Valley's transit system qualifies. We think the local system might qualify. There was a question about allocation where the transit doesn't cover all of county? Lynn informed everyone that it stays the same.

Lynn then moved on to item B which outlines that the sales tax would be on a county by county basis. Each county would impose the tax. Mayor

Seghini asked if the county imposed by the tax, how would the money be distributed. Lynn stated that we are not sure. But said if legislative council says we can then we should be okay, though it is still an open question.

Lynn continued on stating that item C says that the tax would be imposed on a county by county basis, but must be on ballot for voter approval. Mr. Pace then covered item D that deals with the distribution formula. He informed us that the tax would be distributed on a county bases using the B and C formula by county. Item E requires a maintenance of effort and making sure the money is used to increase transportation efforts. Item F indicates that this bill, in addition to authorizing a local option sales tax, also converts current the current gas tax so it can be adjusted yearly.

Lynn stated that his goal today is to get feedback for how to proceed. He shared that HB 362 maybe in committee on Wednesday. He wanted to make sure that city reps. had the first chance to comment. Duane Huffman from West Bountiful said that item E will be regretted. He stated that money fluctuates and will remove our flexibility, and that the maintenance will eventually cost. He mentioned that in West Bountiful they have been proactive and raised property taxes for this, and will be locked in if this moves forward as written. Michael from South Weber, wanted to know our position with both the house bill and the senate bill? Lynn stated that we support all bills, though that may not be realistic. We need the money to fund it. Michael stated that he doesn't encourage supporting both bills.

Mayor Dave Sakrison from Moab stood and mentioned that he takes exception to transit issue, stating that if you don't have a transit system then the money goes to county and none of it can go back to the city. He felt that the money should be divided between the city and county. He also raised the question if how the money was being distributed is constitutional?

Mayor Ted Eyre from Murray city had a question about the average rack price, and wanted to know if a city could opt out of that. Cameron answered that there would be no option to opt out. He also informed everyone that the rack price is the wholesale price. Ted then asked if everyone gets the wholesale price. He also asked if we need to maintain that money or can we use the money for other issues later. Cameron

stated that the maintenance of effort was a big issue for some of the legislators. Mayor Eyre then asked about item E and not being able to use the funds to supplant other funds. Does that mean that cities would need to maintain the current level of spending? Cameron answered that that was the case, and that there is not yet a mechanism to figure out what level that spending is at. Ted asked if this would start in 2016. Cameron answered yes to that as well, stating again that the maintenance of effort was a big deal to some legislators. Ted then asked if cities and towns would continue to receive their portion of the 30 percent of the B and C formula. He wanted to know what how that works. Cameron answered that the current B and C breakdown is a 70-30 split. The 30 percent is split with about 2/3 to the counties and 1/3 going to city coffers.

Jim Gass from Smithfield stated he was concerned with the League's position. He stated that he thinks the need to maintain is just as great for small towns as well as big cities. Lynn chimed in mentioning that this isn't the League's bill, but that it proposes a distribution based on county to county instead of state-wide. Jim said it looked like the League was supporting the bill as he read the memo. Roger Tew said that the memo had been sent out on the issue just to inform, not to endorse. Cameron Diehl said that as staff we were trying to say there would be a new distribution formula, and we wanted to make sure everyone is aware that it is not a 50-50 distribution. Ted said that those who don't have a great deal of sales tax in their areas don't get a very good deal, especially because of their large number of lane miles. North Salt Lake Mayor said he guesses this is a tax where there are winners and losers. He stated that he was supportive of the staff recommendations in the memo. He said he realized there are other places, but I don't want the city money to be sent out to other places. I'd rather pass a property tax if that happened.

Dennis Cluff with Clinton said they increased their property tax by 25%. It is a general fund, though so that we can put the money where it is needed. There is a problem with distribution not being based on mileage, stating that there is a problem with cities being required to maintain a certain level of funding even though that will change year to year. Local budgeting should belong to local governments. If the state government wants to determine local government, they should fund it.

Mayor Jon Pike from St. George said that they could support the bill with a few changes. We have our own transit but we believe that we could change language to make it so that if we qualify for federal funds, we should qualify for this. He shared concerns of the county being able to impose the tax and not the cities, stating that there might be constitutional issues with that.

Gary Hill from Bountiful stated that this is the first time we have come close to increasing the sales tax in a long time. He stated that he thought we won't get another chance in the near future, and that the maintenance of effort is a small price to pay for this. He also said that he felt the distribution formula position should be status quo. He then stated that he was prepared to make a motion when the time came. Mayor Caldwell from Ogden said that he thinks this is a unique opportunity, and that it is do or die with this. It has been twenty years in preparation. It should be put on the table and then we will make changes as needed. We need to come together on this.

Tom Dolan from Sandy stated that no bill is perfect. We think the 2040 plan states that we will spend the same amount of money and still short 11.3 billion. The sponsor and speaker have made it clear that if we don't support it as it stands, it won't move forward. We haven't had a shot at this forever and if we don't support it we won't have another chance for years. Shellie Baertsch from Saratoga Springs asked a clarifying question. She wanted to know if the city imposed the tax made by a county-wide vote, but said that item D states that those not included won't be participants. How is that possible?

Lynn said that League staff wants amend the county by county imposition to a city by city imposition. Mayor Brent Taylor from North Ogden said he though we all realize that we won't get everything we want out of this. He expressed that we should prioritize items B and C.

Nick Jarvis then read a host of online comments: Ben Reaves from Santaquin said they agree that sales tax should be pursued. The distribution formula needs to be reevaluated. Tami Fillmore from Centerville said we should be pushing for both the gas and sales tax increase. Bret Howser from Brian Head agrees. Bret Howser asked how does 50-50 formula undercut the bill. There are many different types of sales tax. I don't see a problem with B and C style distribution.

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Mayor Ron Bigelow of West Valley shared that he believed the Speaker said we need to support the bill as it is, but there is still the Senate to consider, that he thinks there will be changes there. Should we support the bill in general concept? Yes, but we have until the last night at midnight to try and weigh in and try and make changes. We should have a flexible motion so that we can continue to make changes until the end. Mark Christensen with Saratoga Springs wanted to get some clarification. He asked if it isn't county imposed, what if one city passes and the neighbor doesn't, that could be a .40-cent difference across the street. Lynn stated that the bill will change the gas tax to a sales tax that would be state wide, and that would prevent that problem. The city-by-city tax is a general sales tax. Roger Tew stated that it is essentially the size of the ZAP Tax.

Mayor Pike said we typically support each other on this, but it has big flaws for rural areas and that St. George can't support the bill without some changes. Mayor Steve Hiatt from Kaysville said he thought we should have support for such a great opportunity, but it is still early and we should support with modifications. We don't want to risk it spiraling out of control by opposing it. A question from Murray about how to give feedback for the question asked on the printout? Lynn said there would be a general motion with feedback after. The maker of the motion will be able to specify which of those questions we will talk about for instructions for staff.

Gary Hill then made a motion that first the League supports HB 362 as recommended by staff, meaning there are three things the staff will amend or oppose. The second part of the motion is that we give the staff the flexibility to negotiate as needed. Then they will come back to inform us for further debate.

A substitute motion was made by Mayor Dolan to support bill with the caveat that the League works with the sponsor to add whatever amendments we need in the future. This won't go anywhere unless we support today. There were several seconds to that substitute motion. Lynn asked if there was discussion to that motion.

Mayor Caldwell from Ogden said that he agreed that we should go forward with support. If we have too many bullet points we will just bog

it down and it won't go forward. Gary Hill commented that he felt we are close to being on the same page. I think staff needs to have every opportunity to make improvements. I think we should oppose the substitute motion and know we can always come back to re-discuss. A comment that if we support it as is, how do we come back to the Senate and say that we want changes. There was a comment that maybe we should be somewhere between the two motions. I can't image saying we don't want feedback four days after releasing bill. I think if it is an all or nothing, it is a little too radical. Brody Bovero of Syracuse said that on its merits alone, I think as it is proposed now, it makes a lot of sense when speaking of the distribution. If someone drives a few miles for shopping, they might drive on three or four different city roads to get there.

North Ogden Mayor Brent Taylor said we support it because it is better than nothing and hope that we can make something better happen. I think we are all on the same page but one has just a little stronger wording. Michael from South Weber said that if today is our only chance, maybe it isn't such a good idea. A call was made for the question. No opposition to that.

Mayor Dolan summarized his motion to support bill and leave it up to the staff to improve bill as necessary. Many are working on this bill. Lynn called for a vote on the substitute motion. It passed with some opposition. There was a quick announcement that on Wednesday at 9:30 a.m. there is a transportation rally that will be taking place because we still need to sell the vote to the legislators. We need to persuade them to increase taxes.

Next meeting is Monday March 2<sup>nd</sup> at noon.

**Utah League of Cities and Towns Legislative Policy Committee**  
**Monday, March 2, 2015**  
**State Capitol – House Building, Room W030 (basement floor), 12:00**  
**pm, also ONLINE**

**1. Welcome & adoption of minutes** (*ULCT 1st Vice President Lynn Pace*)

**2. General Legislative Update on bills from previous LPC meetings**  
(*Cameron Diehl*)

- HB 228 Appellate Bond Amendments
- HB 216 Workplace Abusive Conduct Amendments
- SB 157 GRAMA Amendments

**3. Salt Lake County Mayor Ben McAdams (Townships)**

**4. Law Enforcement and Public Safety** (*Nick Jarvis, Cameron Diehl, Gary Crane, Gary Williams, Gary Hill*)

- HB 348 Criminal Justice Programs and Amendments
  - SB 164 Access to Health Care Amendments (Healthy Utah)
- HB 343 Utah Communication Authority Emergency Radio and 911 Amendments
- HB 386 Body Cameras for Law Enforcement Officers
- HB 288 Line-of-Duty Death Benefits

**5. Transportation** (*Ken Bullock, Cameron Diehl, Roger Tew*)

- SB 160 Transportation Funding Amendments
- SB 231 Transportation Amendments
- HB 362 Transportation Infrastructure Funding (see memo online)

**6. Other Items from the LPC membership**

**7. Adjourn**

**Next meeting: Monday, March 9, 2015 in W030 at noon in the House Building and online**

**Utah League of Cities and Towns  
Legislative Policy Committee Meeting Minutes**

**Monday, March 2, 2015**

Welcome & Adoption of Minutes

Welcome given by Lynn Pace. Mr. Pace called for the approval of minutes. He received a motion for the approval and a second. The minutes passed unanimously.

General Legislative Update

General Legislative update from the previous LPC minutes. Mr. Pace then turned the time over to Cameron Diehl to cover those issues. Mr. Diehl said that **HB 228** Appellate Bond Amendments was the product of a League resolution passed in September. Randy Sant has been shepherding the bill through both the house. Another issue that came up in the September resolution committee, that came from Vernal city. It addresses fireworks, an issue that has been addressed in recent sessions. Though the league passed a resolution, there wasn't a legislator who was willing to sponsor a bill to address those issues. Workplace harassment issues were addressed in **HB 216** which came up last week in LPC, but has been substituted, and amended in a way that is agreeable to the League. Senator Bramble's **SB 157** GRAMA bill that has been addressed many times in LPC has been moving forward. It doesn't currently have the correct language, but Sen. Bramble has assured League staff that it will.

Townships (Salt Lake County Mayor Ben McAdams)

Mr. Pace then introduced Mayor Ben McAdams to have him address us on Townships, which is being addressed by **SB 199** sponsored by Senator Mayne.

Mayor Ben McAdams then addressed the LPC and shared that shortly after he was elected, President Niederhauser told him that he needed to do something about bringing some resolution to the contentious issues to the unincorporated county areas. HB 199 is a product of Mayor McAdams to find the resolution to those problems. He addressed how Salt Lake County issues often flow out of that county where others also have to deal with them. Mayor McAdams feels that they have had a great response over the last year from stakeholders concerning the efforts to

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find a solution. HB 199 creates new municipalities, which will be called metro townships, and will have an elected council that would make zoning decisions, have ordinance power, and the ability to make other municipal decisions. It becomes state code and in Nov. we give them on the ballot the option to be a metro township or a city. The Mayor stated that there would be a representative from each of the townships who would sit on the municipal governing council that would decide how to allocate the funds. He suggested that he felt that they may choose to have Salt Lake County to provide services, but they aren't locked into that. They can have them do some, and contract others. They can choose to 1) opt in and 2) once the board has been created, decide which services to have, and from who. He explained that this approach isn't new, and that they have the unified fire department and the unified fire authority. He said the model has worked in the past and he thinks it will provide a more stable budget and provide services in the future. He said he feels there is general support for the concepts in the bill, and that the bill will give residents a chance to choose for themselves on whether they want to be a city or a township. He added that they have worked very closely with the unincorporated areas and also the cities in Salt Lake County, stating that they have the majority of the mayors in Salt Lake County that support the legislation. The Mayor thinks it is a great option to bring some finality to the log-jam we have in Salt Lake County.

Gary Hill said that there was appreciation for all of the mayor's work and that he knows this is a bill that has a lot of consensus support. The main question Gary had was, over the years, there has been a lot of bills that couch around certain municipal governments. This is a new type of government that is for one type of county, and it isn't needed or wanted in other counties. Gary asked for some assurance that when it comes to land use, annexation, and changing boundaries, that other areas are not adversely affected by it. Mayor McAdams said it is a proposal of the county of the 1<sup>st</sup> class and that the legislation is clear on that. He expressed that he didn't think the bill would have an impact outside Salt Lake County, other than taking the word township and appropriately changing it to "planning district," but said that isn't sacred ground either. He shared that he felt there could be a discussion about keeping the word township. He said to please let him know if it will affect other counties and they will amend it so that it doesn't. He shared that this

isn't the first time there has been legislation specifically for Salt Lake County because it is different than other counties. This is a county of the 1<sup>st</sup> class proposal. He said a decision would be made in September that would take the metro townships and bring them under Title 10, stating he that he thinks this brings the most clarity. He felt it made sense to put them under Title 10, because it is a council manager form of government, and many residents feel strongly connected to this township identity, and it will still give them some legal structure.

Lynn Pace said that there would be questions and discussion to this topic now that the presentation was finished. Gary Hill wanted clarification on metro townships and their ability to each have their own boards and participate on a county level board. Mayor McAdams said it would be a service area board that they opted into. Mr. Hill asked that if they don't opt in, how would they arrange services?

Mayor McAdams responded that they would have general taxing authorities. Metro municipalities would have property and sales tax authority. Mr. Hill expressed concern with it being in title 10. In 10 years down the road, there is will likely be a problem that arises that affects everyone. He would like to know if there is a chance of putting this into Title 11, if it achieves all of the same goals. Mayor McAdams asked what would you change about the metro townships that would give you a highly comfort level? Mr. Hill said he felt a lengthier conversation than they could have at the meeting, but he's happy to sit down and talk about it.

Mayor McAdams said they won't have franchise tax authorization, but they have elected representatives and be governed by same code. Cities can join, just as cities can join fire type districts. He said he's not sure he understands the risk or fear from having a municipality called a metro township. Mr. Hill stated that it's a 250-page bill and is afraid of unintended consequences. He said he would like to take the time to make sure there aren't unintended consequences, and after that he could support the bill. Mayor McAdams stated that over the last year, he has engaged with League staff, municipalities, and cities to create the bill. A 200+ page bill is not uncommon, and shared that 70 of those pages have no changes. He said it is really only about a 50- page bill with a paragraph or more at a time for changes. He said the approach they took

is still pretty simple. He shared that they will put in the time to address concerns over the next few days. He explained that they had a three-hour meeting with the League on Friday and will make many of the changes the League suggested before it is voted on the Senate floor. He said that they don't think there are any unintended consequences.

Mark Christensen City Manager Saratoga Springs said that we appreciate what you are trying to do, but shared a big concern of his is that we are dealing with a very fast growing area and are very concerned and watching what other cities are doing to deal with problems that we will face. He believes that Utah County will be dealing with similar problems in the future. Generally speaking, Utah County often sees what Salt Lake County does for a problem and then does the same thing. You said that 40 years ago, you might have done something differently. If we apply the bandage now, are we creating a pattern for counties that are a decade or two behind? Are we pushing this too fast? Mr. Christensen agrees with other's concerns that this is a part of Title 10. His question to the mayor is whether this is something that has to be done today? He said that the mayor was asking them to make a broad decision. He asked if there was an interim approach to be taken so they don't trigger a new form of government? How does a township go to a city in the future? Has this been thought out?

Mayor McAdams said the time is right for Salt Lake County to move forward. He shared that from around the country they have found in their research that what we think of as a city is not the same. So a metro township is a municipality. That's why it needs to be in Title 10. These areas could join a special district like a city could. He asked that we not get caught up in the name metro township.

Steve Fairbanks Council Member from Sandy said that he has been approached by constituents that are wondering what we are getting from the tax dollars they send to the county which is so much more than what we send to the city. Given that the townships don't have the commercial base. How are they solvent? The other cities in the county are subsidizing the townships. Mayor McAdams said that Salt Lake County divides the funds from other counties so that the money doesn't subsidize the townships. As mayor I furthered that divide. There is no mingling of funds.

There will be a debate. We are not forcing anyone into a metro township. I predict the debate will be over if they are getting the funding they need. It will be decided over the ballot boxes and we will live with whatever they decide.

Randy Sant with South Salt Lake said that Title 10 does give concern. In 10-15 years, if something goes wrong, he can see them going to a city and saying they want to be a part and need funds. We have court cases of these. If we don't have time to forward this this session, could we have your assurance that you would look into title 11? Mayor McAdams stated that the crux of the legislation is that they are municipalities. They aren't PUDs. These are residents that will make the decisions. I guess there is always the chance of a city going bankrupt. This is an incorporated government we are giving the name metro township. Lynn Pace said a year ago he told the Mayor he was very brave and still thinks that.

Mr. Pace said he would like to highlight the issues that have been raised, and hastened to add that the list wasn't put together by staff. Mr. Pace shared four problems.

- 1) Concern about how the bill will affect areas outside of Salt Lake County. There is no intent to affect outside, but there might be a future impact.
- 2) Section 4-18 issues. Under title 10, it allows for a limited range of city annexation. There is a concern that this will take this away, even with no intention.
- 3) As metro townships are created, where are they being placed in the code? First, counties are in title 17. Cities are title 10. Townships are currently in title 17. When residents go to ballots, they will be given the option to be a metro township or a city. Having read through the bill, metro townships are in title 10, and it states that a city can mean a metro township. This means even if you vote to be a metro township, you are becoming a city. That needs to be fixed. Second, if metro townships become sister cities. This is a bold experiment. If something goes wrong, the metro townships will look to the League for help. Their manager is the county mayor, not us. If they vote to not be a city, they will need to have an option that doesn't default them to a city.
- 4) If the residents vote to be a city, we know what to do. If

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they choose to not be a city, we don't really know why they would vote to not be a city. We don't know if annexations to neighboring cities shouldn't be allowed. The bill fixes the boundaries even if they opt to not be a city.

Mayor Cullimore of Cottonwood Heights said his city understands this problem. He thinks this is a good step to finding an answer, but doesn't think we have had enough time to think this through. He feels the League has shown us that this Salt Lake County solution for a Salt Lake County problem might affect other counties. He also feels that this is big decision for the residents to make and how do we give them enough information to make this decision. We would like to see some way that someone who doesn't have a dog in the fight distributes the information.

Gary Crane, the City Attorney for Layton said in 2008 we struggled to decide the forms of government. Strong mayor (Provo, Ogden, SLC) the rest of 6-member council forms of government. This gave flexibility. Today there was introduced a "new" form of government. We have gotten rid of the city management form of government in 2008. Some have been grandfathered in. The other concern is that if we create another form of government, it throws the current forms of government out on its ear. It throws what we did in 2008 upside down. This is a 3 or 5 member form of government. I like the idea but think it needs to be thoroughly vented.

Brent Taylor, Mayor North Ogden asked if counties become 1<sup>st</sup> class counties later, would they be subjected to this. Also, great ideas, but it seems really fast to do this at the end of the session. Lynn Pace stated that a county of the 1<sup>st</sup> class is by population. Currently, yes if they grew, they would be subjected to this law. Ken Basset City Manager for Vernal commented online that if the agenda is full, we should move on.

#### **SB 119 Prescription Database Revision (Senator Weiler)**

Senator Weiler then addressed the LPC. He stated that he is a Woods Cross resident, and that as a city council member he had been part of the League. He shared information about his bill **SB 119** Prescription Database Revisions. He said that if you go your doctor and get a controlled prescription, you are entered into a controlled substance database. A previous bill allowed this, and it has been abused as the

governor was concerned it might be. A bottle of morphine went missing in Salt Lake County and about 500 firefighters had their private medical records searched by law enforcement. Two of the firefighters were convicted of felonies for things that were unrelated to the missing morphine. He stated that the chiefs don't like his bill, but if the law enforcement was to come to your home and ask to look into your medicine cabinet, you could say no and they would have to get a search warrant. His bill does the same thing with our online medicine cabinet. There would have to be probable cause for law enforcement to access your information on the database. It doesn't stop the pharmacist from stopping fraudulent prescriptions or stopping doctor prescription shopping. All it does is make law enforcement have probable cause for a search warrant. It passed committee and in the House, there will be those that try to water it down.

#### Law Enforcement and Public Safety

Nick Jarvis with the League addressed the LPC and started with a discussion on **HB 348**. He stated that a substitute bill for the bill passed unanimously on Friday. The substitute changes the bill so that there is sentencing reduction from 4 convictions to have a felony, to 2 convictions to have a felony. The League and others still have concerns with the funding being tied to Healthy Utah.

Cameron Diehl mentioned that there was a motion to support Healthy Utah last week that did not pass. There has been discussion that the alternate House bill has some funding but not all of it is for HB 348. They are searching for other ways to fund the bill. Healthy Utah continues to suck all of the oxygen out of the room and still waiting to see if it will go forward to the floor. The League is still opposed to HB 348, even with amendments. Mr. Diehl shared that the LPC can change that to "hold" position, or continue to oppose it. Mayor Seghini of Midvale, proposed a motion that they change to a "hold" on HB 348. She said that it seems that there are a lot of people who are felons who need not be. She stated that she didn't want to support it right now, but thinks they should be neutral. Lynn Pace said there was a motion and a second to change position from opposition to neutral of HB 348. Any discussion? None. He ruled the motion failed so that the position remains opposed to 348.

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Cameron Diehl then brought up **HB 343** and asked Gary Crane from Layton to speak to the bill. Gary said that HB 343 is the 911 bill that increases the user fee to cellphones and wireless communications. The equipment is at least 10 years old and they are now buying parts on the Internet to fix problems. A 71 cent increase was first proposed, but the telcos did not like the idea of that. They indicated they wouldn't let it get out of committee as it is. Gary shared that we are looking for \$1.5 million one-time money that would create a 911 system. He stated that transpiration is first priority this session, but this it is a bill that requires us to come back next year. It would be \$7 million of ongoing money for the state, and increase of revenue for us. Please support it as amended. It will set us up for next year to find the ongoing funding. Lynn Pace stated that he thinks we have a position of support for the bill.

Eric Isom with Century Link said it is not that we are opposed to this effort, the concern we have over this is that we have not sat down over the last two years to discuss the money options. We want to make sure that there is a commitment that a public-private partnership will be in place to make sure the best equipment is being used. We don't want it to overbill or duplicate existing private provider services. Dave Spatafore said that, with due respect, every meeting requested, we had, and that Eric had every opportunity to discuss the options. Dave said we have done everything we could to work with the telcos. He stated that we will keep things going with bungee cords and duct tape, and asked for support of this bill with no additional funding. Mr. Pace declined a response by Mr. Isom, stating things would move on in the interest of time.

Nick Jarvis then brought up HB 386. He informed everyone that HB 386 is Rep. McCay's body camera bill. This bill had been discussed early on and worked with the sponsor to get it so we could support it. As it is now, we cannot support it. Lynn Pace had a motion that the League oppose the bill and asked for any discussion to the motion. Nick Jarvis added that the rebuttal presumption is still in the bill. If an officer does fail to record, there would be a rebuttal presumption that misconduct did occur. There are also some issues of retention and accessing private records. We were working with them, but this is not where we were hoping to arrive with it. Matt Dias with Park City asked where the police chief association is on this. Dave Spatafore said that the Police chiefs are opposed to HB 386.

Rep McCay wants the bill to go to a hearing, but then wants to put it in interim study. We appreciate your help. We think we will be ok in the long run. We think the League should oppose. Nick Jarvis thanked Gary Williams and Ryan Loose who have worked very hard on this bill. Chuck Newton with South Jordan said he was prepared to make a motion, and moved that we oppose the bill in its current form and continue to work with sponsor. Lynn Pace accepted the motion and had a second. Motion passed.

Cameron Diehl then brought up **HB 288**, stating that there was an agreement with the sponsor two weeks ago now that they were going to change the funding mechanism and make it broader in scope. If a police officer tragically died in the line of duty, the city under the current bill would have to provide health benefits for that family going forward. The solution we propose it to increase the death benefit in the beginning and broaden the pool of those who would be responsible to pay for it. It would be a statewide system. The sponsor went back and forth on us. In committee we said we were working with them. On the house floor we decided to not oppose it, due to media and widows present. That said, we are meeting with the sponsor after this meeting. We are happy that Bountiful, Pleasant View, and Layton have joined the League to meet with the Senator. Pleasant View has prepared a letter to explain the repercussions on a small city, as well as repercussions in general. We are cautiously optimistic we will have a positive meeting today. Then we will halt or modify the bill so we don't have to be opposed to it.

Melinda Greenwood, Pleasant View City Administrator said that a portion of this bill would be retroactive, and asked if they have determined how far back that would go? Gary Crane with Layton said he didn't put that in because there wasn't a funding source, but he might work on that later. Lynn Pace said we are not opposed to the idea of the bill, but we are concerned with the financial hardship it puts on cities. Val Shupe with the Washington Terrace City Council asked if the bill includes fire, and if it does, does it include fulltime, volunteer, or part time as well? Gary Hill explained that it applies to fire, but only to full time employees that are currently enrolled in the state retirement system.

### Transportation

Cameron Diehl discussed the three bills relating to transportation funding: **SB160** (increase in the gas tax), **SB 231** (increase in registrations fees for alternative fuel vehicles), and **HB 362** (Representative Anderson's transportation funding bill). We have prepared a second memo to update you based on the comments in this meeting last week, as well as calls and emails that we received.

The first change is the sequence of items on the memo. First is Voter approval piece. The reason is because of the results of the conversations with the stakeholders. What we heard was that the top priority was the ability to control and impose a municipal quarter cent. As we chatted, it became clear that the priority was that all of the entities were moving forward together. "We are all in this together"—we must pursue funding at the same time. The staff didn't want you to be in a position that a local funding was dependent on county approval or state approval. The second piece is allocation. We are still looking at what it would be in the rural areas. We have been looking at language to incorporate those not under the Public Transit District Act, such as St. George, Park City, Vernal, and Cache Valley. We will present that language to stake holders this afternoon. The third piece is the authority to oppose. The fourth piece is the sales tax distribution.

Roger Tew with the League said that a lot of the issues we have raised disappear somewhat in the imposing entity of cities taxes. We have over 40 cities that have a different rate. The counties are imposing the tax, and cities are dependent on the county for the use of funds. He stated that he is not saying there would be a prohibition that the cities would not be able to bond that money, but it is very clear, based on whom he has talked to, that the entity that imposes the tax has to have some involvement in the issuance of money. They own it. Our goal is that "we want our money" in exactly in the same format that it would be if we had imposed the tax. Does the county impose it statutorily for our benefit? He stated that the issue goes away if it is a city-imposed tax. There is also the issue of distribution that arises. This is what divides the ½ of one percent. It uses the B and C formula. This is not the current state B and C formula. This is a special county B and C formula. In his opinion, it is a fairly significant change. He doesn't think that anyone tried to hide this,

but there needs to be understanding that taxes will be moved from cities to unincorporated areas. The cities have always taken the stand that sales tax needs to have some linkage to the seller and the community. B and C didn't care where it was sold at all. The factors dividing it up have nothing to do with location. What is represented in HB 362 is a paradigm shift. He thinks the primary idea is to drop off the cliff together. It is a clear departure from "where you sell the stuff matters."

John Brems of Herriman asked that if his city doesn't impose the tax, would they still get money. The response was that only the county imposes it. So, Salt Lake County imposes it and Herriman gets some. Roger said that we don't really know yet how that will all work. We are still working on it. Cameron said there are discussions about a sunset provision for maintenance of effort. The local option will be discussed in the morning in the House Republican Caucus. The House is still up in the air, and we are working with our partners so the Senate is still hearing the need.

Roger Tew said that HB 362 is not, and was not, our proposal. The League's proposal was a city tax that was divided up from the pool of revenue. Ken Bullock said that we have heard from the beginning that we all have to do this together. Brian Allen from Cottonwood Heights asked if we have city approval and county approval, do the voters have two proposals? Mr. Diehl answered that we are still working on that. Brian said his caution is that if one gets voted on, and not the other, than someone is not going to get what they want. Cameron said that goes back to the underlying idea that we are all in this together.

Dama Barbour with Taylorsville said that she is more confused than ever, and that she is trying to decide as city, are we better off with SB 160 because there will be more money, or does the League have a bill. Where are we as a League? Lynn Pace said that the League put forth the idea to have a city sales tax, and they said great idea, but let's add the county as the imposer and change distribution.

Cameron, the motor vehicle tax and sales tax are tied. We are seeing the Senators and Representatives work together. It is likely that what will be passed the last night of the session will have an increase of the

motor fuel tax with some local sales tax component. Not sure what that will exactly be yet. Within minutes of our motion to support last week, the mood changed and the door opened for more negotiations. It's very possible that they take all of the things that are outlined on the memo and say no. At that time we will have to decide if we can further support the bill.

Tom Hansen with Washington Terrace asked if about the cities that have very little sales tax capacity. Are they protected? Roger explained that the 50-50 says yes, but with the B and C we are not sure yet. Mayor Bigelow with West Valley City said it is interesting to hear this discussion in light of the discussion to last week. The concept is to have the staff keep working, but understand that they can only push so far. The Legislators have their own agenda. He then asked the LPC if they are you willing to accept some modifications or no revenue at all. The League has taken the position to take the bills, work with them, and try to do the best for the cities. We are likely going to have a proposal with things we may not like. The League staff is doing exactly what we asked them to do.

Lynn Pace said that we endorsed a position of support, but are still working with them on points. That gives the staff more ability to make changes. Brent Taylor of North Ogden said that the distribution is something to put efforts towards, because it is something we are going to live with for years. The smaller the community, the worse off you will be. We need a better statewide solution. Steve Thacker with Centerville City asked if the legislators understand that cities have less than .10. Cameron Diehl pointed out that the B and C would double or triple what the 50-50 would be for unincorporated areas. Brent Bybee with Orem asked what the best guesstimate is for acceptance of the issues in the memo. Cameron Diehl said it varies with whom we speak, stating that the House speaker and leadership has been receptive. The transportation committee will be hearing the bill today and information will be emailed out and posted online.

**Utah League of Cities and Towns Legislative Policy Committee**  
**Monday, March 9, 2015**  
**State Capitol – House Building, Room W030 (basement floor),**  
**12:15 pm, also ONLINE**

**1. Welcome & adoption of minutes** (*ULCT 1st Vice President Lynn Pace*)

**2. Transportation: Representative Johnny Anderson**

- HB 362S3 Transportation Infrastructure Funding
- House results
- Senate strategy—LPC support

**3. SB 199S3 Community Preservation (Townships) update**

**4. General Legislative Update on bills from previous LPC meetings**  
(*Cameron Diehl*)

- HB 190 Assessment Area Act Modifications
- SB 157 GRAMA Amendments

**5. Law Enforcement and Public Safety** (*Nick Jarvis, Cameron Diehl*)

- HB 348 Criminal Justice Programs and Amendments
  - Healthy Utah and Utah Cares
- HB 343 Utah Communication Authority Emergency Radio and 911 Amendments
- HB 288 Line-of-Duty Death Benefits
- SB 226 Search and Seizure Amendments

**6. Other Items from the LPC membership**

**7. Adjourn and lobby legislators on HB 362!**

**Next meeting: Midyear Conference in St. George, Apr 9-10 at the Dixie Center**

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## INTERIM STUDY LIST

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- 1) Health Insurance- to study the “crowd out” effect on health insurance costs
- 2) Alcoholic Beverage Service—to study restaurant alcoholic beverage service (HB 339)
- 3) Assessment Bonding- study assessment bonding and foreclosure
- 4) Auto Dealers—to study the purpose for addressing auto dealer issues in legislation (HB 394)
- 5) Automobile Franchise Laws—to study issues related to automobile franchise laws
- 6) Building Code Adoption—to study whether the residential building code adoption cycle should be three years or six years (HB 285)
- 7) Consumer Protections- to study code, rules, and regulations related to online and other disruptive means for conducting auto sales and related consumer protections
- 9) Earthquake Certificate—to study issues related to an earthquake resilience certificate
- 10) Good Landlord—to study issues related to the Good Landlord Program (HB 268)
- 11) Good Landlord Revisions—to study changes to the Good Landlord program
- 24) Subdivision Base Parcels—to study delinquent taxes on subdivision base parcels
- 25) Subdivision Bonding—to study subdivision bonding and security
- 49) Affordable Housing and Transit—to study transit-oriented and transit supportive developments
- 50) Economic Development Tax Incentives- to study and review economic

development tax incentives and follow up on the implementation of previous audit recommendations

- 54) Volunteer Registry- to study the creation of a volunteer registry that will provide a central point for organizations to determine whether an individual who wants to volunteer has had a background check (S.B. 209)
- 56) Campaign Disclosure—to study issues related to campaign disclosure, including deadlines and penalties
- 57) Campaign Disclosure Process—to study issues related to the campaign disclosure process
- 58) Campaign Finance Revisions—to study and review ways to simplify campaign finance requirements while ensuring transparency
- 60) Conflict of Interest—to study elections conflict of interest disclosure modifications
- 62) Disclosure Laws—to study campaign contribution disclosure laws
- 63) Election Technical Cleanup—to study areas of the Utah Code that should be modified for consistency with other code sections
- 64) Grounds for Removal from Office—to study how to remove elected officials from office due to health or mental illness issues
- 65) In-Kind Contributions—to study what constitutes an in-kind contribution and under what circumstances an in-kind contribution needs to be reported
- 66) Low Voter Participation—to study past and present voter participation trends in Utah and other states, what administrative or other barriers may inhibit voter participation in Utah, what other states are doing to increase voter participation, and other issues. The study should include an analysis of past studies that have been performed on this topic (H.B. 200)
- 67) Monitoring Impact of Federal Rules and Regulations—to study the

process and cost to monitor and address the impact of all federal rules and regulations on the state of Utah, its political subdivisions, and its citizens

- 68) Releasing Election Results—to study whether election officials should be required, or allowed, to give updated election results after election night but before the official canvass
- 69) State Auditor Records Appeal—to study whether to allow the state auditor to make an appeal to the State Records Committee for release of agency records in certain circumstances (H.B. 338)
- 78) Radon—to study radon education
- 82) Administrative Action Expungement—to study the classification and expungement of records under certain circumstances (H.B. 109)
- 85) Asset Forfeiture—to study issues related to civil forfeiture procedures (H.B. 167)
- 86) Capital Punishment—to study issues related to the death penalty
- 97) Ivory Homes, Ltd. v. Utah State Tax Commission—to study issues related to Ivory Homes, Ltd. v. Utah State Tax Commission
- 100) Medical Marijuana—to study how Utah should proceed with the issue of medical marijuana
- 101) Requirements for judges—to study whether administrative law judges and justice court judges should be required to be attorneys
- 106) Body Cameras—to study body cameras for peace officers
- 111) Incarceration Costs—to study restitution for the costs of incarceration (H.B. 453)
- 112) Law Enforcement Use of Force—to study issues related to law enforcement use of force (S.B. 252)

- 113) Mental Health and Substance Abuse Funding—to study the costs and funding of community mental health and substance abuse treatment programs for inmates released from jail and prison under criminal justice reform
- 114) Protection for Peace Officers—to study bulletproof windshields for peace officers
- 116) Sex Offender Treatment Approaches—to study changes in sentencing for sex offenders based on risk assessment and engagement in treatment programs
- 117) Treatment Options for Sex Offenders—to study treatment options in jails, prisons, and community settings for sex offenders based on screening and risk assessments
- 118) Air Quality—to study ways to improve Utah’s air quality
- 119) Air Quality Amendments—to study a five-year statute of limitations for violating the Environmental Quality Code & the study should also consider increasing civil penalties in the Air Conservation Act (S.B. 208)
- 121) Beekeeping—to study potential changes to the Utah Bee Inspection Act (H.B.224)
- 122) Emissions Testing—to study whether to assign color-coded stickers to counties having vehicle emissions testing to help determine whether vehicles are registered in counties that do not have emissions testing, yet reside in counties where emissions testing is required
- 130) Transferring Water Shares in a Mutual Benefit Corporation—to study whether to modify the Utah Revised Nonprofit Corporation Act to allow for the transfer of water shares in a mutual benefit corporation (H.B. 161)
- 131) Wildfire Mitigation—to study how to make property in the wildland urban interface more fire resistant

- 132) Insurance for Lateral Sewer Lines—to study whether local government and sewer districts provide insurance to homeowners for lateral sewer lines
- 133) Land Information Records—to study the way county assessors collect and hold data and its potential uses. The study should include how records might be organized and delivered to improve economic development opportunities, public safety, and aid in the efficient provision of government services while still protecting personal information
- 134) Local Government Development Rights Transfer—to study whether to allow a municipality and county to enter into an agreement to allow the transfer of development rights between their respective jurisdictions (H.B. 287)
- 135) Manager-Council Form of Government—to study the manager-council form of government, with the primary focus on the role of the manager in representing the city and the city council in external relationships, both in industry and government
- 136) Municipal and County Inspection Enforcement—to study municipal and county enforcement of ordinances regarding abatement of weeds, garbage, refuse, unsightly objects, and other conditions deemed to be a public nuisance
- 137) Municipal Office Name Changes—to study whether to allow a municipal council, in a council-manager form of government, to change the title of mayor or manager (H.B. 267)
- 138) Electrical Grid—to study what Utah has done to protect its electrical grid and examine the work that has been done in other states to see if any of these approaches should be implemented in Utah
- 139) Energy Issues Related to Large Electric and Natural Gas Consumers—to study municipal energy sales and use tax revisions to address large electric and natural gas consumers
- 141) Geographic Systems and Technologies—to study geographic information systems and digital mapping technology

- 142) Impact of Regulations on Power Companies—to study the impact of Environmental Protection Agency regulations on regulated power companies in Utah
- 145) Oversight of Broadband Expansion—to study the expansion of a broadband “super highway” and the need or advisability of Public Service Commission-like controls and oversight
- 146) Transmission Line Regulation—to study and continue to review interstate electrical transmission line regulation
- 147) Utility Conservation—to study incentives that can be provided to utility companies to encourage conservation by their customers
- 148) Centrally Assessed Taxes—to study issues related to centrally assessed taxes
- 149) Constitutional Change Impacting Golf Course Taxation—to study whether to change the Utah Constitution to allow non-retail areas of golf courses to be taxed as green belt
- 154) Golf Courses—to study golf course tax exemptions
- 155) Historic Preservation Credit—to study whether to grant a historic preservation tax credit exemption
- 159) Local Option Sales Tax Distribution—to study whether to adjust the local option sales tax distribution to 100% point of delivery of sale
- 161) Payment Method for Water—to study whether to move Utah’s payment for water from a property tax to a user fee
- 162) Property Tax—to study issues related to property taxes
- 163) Property Tax Cap Changes—to study the effect of changes to current caps on property taxes for education funding
- 164) Property Tax Exemptions—to study and review all property tax exemptions

- 165) Property Taxes and Water Rates—to study whether to lower property taxes and replace the taxes with water fee increases
- 166) Public Debt Assessment—to study whether to assess the amount of public debt under Utah Constitution, Article XIV, Section 4
- 167) Sales Tax—to study issues related to sales taxes
- 168) Sales Tax Exemptions—to study and review all sales tax exemptions
- 169) Sales Tax on Business Inputs—to study issues related to the sales tax on business inputs
- 172) Tax Credit for Wildfire Mitigation Measures—to study whether to enact a nonrefundable income tax credit for wildfire mitigation measures in certain areas for a certain period of time and the qualifications to receive the income tax credit (H.B. 196)
- 173) Tax Credits and Abatements—to study and evaluate the effectiveness of Utah’s tax credits and abatements
- 174) Tax Credits and Grants for Clean Fuel and Alternative Fuel Vehicles - to study the development of a database to reflect the impact of tax credits and grants for clean fuel and alternative fuel vehicles that have been available since the 1990s to determine the return on investment for the tax credits
- 175) Taxes on Subdivided Property—to study apportionment of delinquent property taxes on subdivided property
- 176) Truth in Taxation—to study whether to adjust Truth in Taxation to allow for Consumer Price Index adjustments
- 180) Phased-Retirement—to study potential policies and costs relating to phased-retirement in the Utah Retirement Systems, including options that may allow for a gradual reduction in an employee’s work arrangement while receiving part of a retirement allowance as a transition toward retirement
- 181) Police and Fire Benefits—to study retroactive line of duty benefits for police and fire employees

- 182) Postretirement Employment—to study issues related to postretirement employment
- 183) Postretirement Reemployment—to study the actuarial costs and fiscal impacts to the Utah Retirement Systems of postretirement reemployment under the current restrictions and to study options and costs for revising Utah law on postretirement reemployment
- 184) Public Employee Wellness Plan—to study ways to encourage employees to have and maintain a relationship with a primary care provider (H.B. 255)
- 185) Retirement Contribution Rates—to study and receive a presentation on preliminary retirement contribution rates
- 186) Utah Retirement Systems Benefits Claims—to study statutes of limitations for benefits claims in the Utah Retirement Systems
- 187) Utah Retirement Systems Modifications—to study and review annual Utah Retirement Systems modifications, including technical amendments
- 188) Utah Retirement Systems Overview—to study an overview of systems, plans, and actuarial information
- 189) Air Traffic in Residential Areas—to study the ability of the state to limit or restrict non-emergency air traffic over residential areas
- 190) Fuel Taxes—to study issues related to fuel taxes
- 191) Ground Transportation Services—to study the regulation of ground transportation businesses and ground transportation vehicles, including licensing, insurance, and background check requirements (2nd Sub. H.B. 440)
- 194) Railroad Crossings—to study issues related to safety at railroad crossings
- 196) Registering Electric Bicycles—to study whether to require that electric bicycles be registered



- 197) Sales Tax Earmarks for Transportation—to study ways to simplify the sales tax earmarks for transportation funding (H.B. 188)
- 198) Transportation Funding Modifications—to study whether to rename the Transportation Investment Fund of 2005 as the Rebecca D. Lockhart Transportation Investment Fund and to make changes to revenues deposited into the fund (1st Sub. H.B. 421)
- 200) Vehicle Towing—to study issues related to the use of a tow truck motor carrier, vehicle towing, whether to require tow truck drivers to have a criminal background check before performing tow truck services, and towing vehicles from private parking lots (2nd Sub. H.B. 266)
- 204) Historic Districts—to study parameters and creation guidelines of historic districts
- 205) Towing—to study statewide towing policies
- 207) Transportation Prioritization—to study the Transportation Commission’s prioritization process
- 208) Enterprise Zone Amendments (H.B. 87)
- 211) The feasibility of electric motorcycle fleet for local law enforcement



## Utah League of Cities and Towns

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