



UTAH LEAGUE OF CITIES AND TOWNS

# GENERAL LEGISLATIVE SESSION

2019





# GENERAL LEGISLATIVE SESSION

2

## ULCT Legislative Team

---

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

Cameron has worked for ULCT since starting as an intern in 2006, and even though he's now the Head Honcho, he still has to take out the literal and metaphorical garbage.

**Rachel Otto**, *Director of Government Relations* [rotto@ulct.org](mailto:rotto@ulct.org)

Rachel joined ULCT in December of 2017. As the League's Director of Government Relations, she manages the League's legislative outreach and imagines what life would be like if there was such a thing as summer vacation.

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

Roger has worked on the Hill for 41 sessions, more than half with ULCT. He specializes in public utilities, judicial issues, tax policy, and telecommunications policy, and has amazing stories about every conceivable issue in local government.

**John Hiskey**, *Senior Policy Advisor* [jhiskey@ulct.org](mailto:jhiskey@ulct.org)

John knows way more than a thing or two about local government, having been in the business for 40 years. In addition to his expertise in economic development, he serves as ULCT's liaison with law enforcement and coordinated our efforts on water policy. He's also known to break into a Beatles song without warning.

**Wayne Bradshaw**, *Director of Policy* [wbradshaw@ulct.org](mailto:wbradshaw@ulct.org)

Wayne is the newest member of ULCT's full-time staff and jumped in right before the session to direct our research and fiscal analysis efforts. He inexplicably enjoys complicated home improvement projects.

**Karson Eilers**, *Legislative Research Analyst* [keilers@ulct.org](mailto:keilers@ulct.org)

Karson is ULCT's version of Macguyver, capable of managing any kind of logistics while also doing complex policy research. He's also one reason we would never complain about millennials' work ethic.

**Rebecca Ward**, *Legislative Intern* [intern@ulct.org](mailto:intern@ulct.org)

Rebecca joined the ULCT team this session as Intern Extraordinaire, assisting with logistics, research, and analysis. Despite her dual JD/Planning degree, she made a dodgy decision to spend the semester with us, but we are very grateful!



# GENERAL LEGISLATIVE SESSION

## Table of Contents

---

- 2 ULCT Legislative Team
- 11 Icon Reference
- 12 Bills by Icon/At-a-glance of bills that require municipal action
- 32 HB 5 | Retirement and Independent Entities Base Budget
- 33 HB 11 | Second Substitute, Property Tax Amendments
- 34 HB 12 | Instream Flow Water Right Amendments
- 35 HB 14 | State Monuments Act Amendments
- 36 HB 15 | Second Substitute, Victim Rights Amendments
- 37 HB 17 | Second Substitute, Firearm Violence and Suicide Prevention Amendments
- 39 HB 18 | Massage Therapy Practice Act Amendments
- 40 HB 19 | Pretrial Release Amendments
- 41 HB 20 | Human Trafficking Amendments
- 42 HB 23 | First Substitute, Gambling Machines Amendments
- 43 HB 24 | Property Tax Exemptions, Deferrals, and Abatement Amendments
- 44 HB 26 | Political Subdivision Lien Amendments
- 45 HB 30 | Utah Retirement Systems Amendments
- 46 HB 31 | Water Supply and Surplus Water Amendments
- 48 HB 36 | Bureau of Criminal Identification Reporting Amendments
- 49 HB 52 | First Substitute, Remote Notarization Standards
- 50 HB 53 | First Substitute, Victim Communications Amendments
- 52 HB 54 | Fire Code Amendments
- 53 HB 56 | Employers' Reinsurance Fund Amendments
- 54 HB 57 | Fifth Substitute, Electronic Information or Data Privacy
- 55 HB 59 | Government Enterprise Amendments
- 57 HB 60 | First Substitute, Division of Facilities Construction and Management Property Amendments
- 58 HB 61 | State Databases Amendments



# GENERAL LEGISLATIVE SESSION

- 59 HB 64 | Lobbyist Expenditures Amendments
- 60 HB 69 | Legal Notice Amendments
- 61 HB 70 | Community Reinvestment Agency Modifications
- 63 HB 75 | Sex Offender Registry Amendments
- 64 HB 78 | Third Sub. Federal Designations
- 66 HB 79 | Interlocal Provision of Law Enforcement Service
- 67 HB 84 | Economic Development Programs Amendments
- 68 HB 85 | Political Subdivision Boundary Shift Amendments
- 69 HB 86 | Service Area Board of Trustees Amendments
- 70 HB 94 | Weapons Restrictions Amendments
- 71 HB 96 | Fourth Substitute, Nighttime Highway Construction Noise Amendments
- 73 HB 99 | Second Substitute, Catastrophic Wildfire and Other Public Nuisance Revisions
- 74 HB 100 | Third Substitute, Sexual Violence Protective Orders
- 75 HB 101 | First Substitute, Autonomous Vehicle Regulations
- 76 HB 105 | First Substitute, Off-highway Vehicle Permit Amendments
- 77 HB 110 | Rural Economic Development Incentives
- 78 HB 114 | Self-defense Amendments
- 79 HB 119 | Fourth Sub, Initiatives, Referenda, and Other Political Activities
- 81 HB 122 | Property Rights Ombudsman Advisory Opinion Amendments
- 82 HB 125 | Quantity Impairment Modifications
- 83 HB 126 | First Substitute, Tire Recycling Modifications
- 84 HB 129 | First Substitute, Campaign Amendments
- 85 HB 133 | Second Substitute, Initiative Amendments
- 86 HB 135 | First Sub, Wildfire Preparedness Amendments
- 87 HB 137 | Second Sub, Domestic Violence Enhancement Amendments
- 88 HB 139 | First Substitute, Motor Vehicle Emissions Amendments
- 89 HB 142 | Building Construction Amendments
- 90 HB 143 | Water Conservation Plan Amendments



# GENERAL LEGISLATIVE SESSION

- 91 HB 145 | Third Substitute, Citizen Political Process Amendments
- 92 HB 148 | Fourth Substitute, Vehicle Idling Revisions
- 93 HB 149 | First Substitute, Traffic Code Amendments
- 94 HB 150 | Trampoline Park Safety Standards
- 95 HB 151 | Third Substitute, Traffic Flow Amendments
- 97 HB 152 | Voluntary Commitment of a Firearm Amendments
- 98 HB 154 | Mental Health Protections for First Responders
- 99 HB 155 | Fire Management Provisions
- 100 HB 162 | Damage to Underground Facilities Amendments
- 101 HB 163 | Second Substitute, Offenses Against the Administration of Government Amendments
- 102 HB 164 | Local Boards and Councils Structure Amendments
- 103 HB 173 | Emergency Services Volunteer Employment Protection Act
- 104 HB 180 | Agriculture and Industrial Protection Areas Amendments
- 105 HB 185 | Tax Increment Funding for Student Housing
- 106 HB 200 | Third Substitute, Appointment of Constables Amendment
- 107 HB 202 | Off-premise Beer Retailer Amendments
- 108 HB 203 | Homeless Shelter Funding Revisions
- 109 HB 208 | Safe Routes to School Program
- 110 HB 212 | First Substitute, Expungement Changes
- 111 HB 215 | Silver Alert Program
- 112 HB 216 | Utah Wholesome Food Act Revisions
- 113 HB 218 | Second Substitute, Construction Code Modifications
- 115 HB 223 | Fifth Sub, Unlawful Installation of a Tracking Device
- 116 HB 228 | Third Substitute, Towing Revisions
- 117 HB 229 | First Substitute, Land Transfer Amendments
- 118 HB 231 | First Substitute, Tangible Personal Property Revisions
- 119 HB 235 | Second Substitute, Municipal Tax Amendments
- 120 HB 243 | Domestic Violence Modifications
- 121 HB 245 | Third Substitute, Community Reinvestment Agency Revisions



# GENERAL LEGISLATIVE SESSION

- 122 HB 247 | County Recorder Fees Amendments
- 123 HB 251 | Drug Diversion Reporting Requirements
- 124 HB 252 | Electronic Cigarette and Other Nicotine Product Amendments
- 125 HB 254 | Unlawful Outdoor Advertising Amendments
- 126 HB 258 | First Substitute, Sexually Oriented Business License Amendments
- 127 HB 262 | Municipal Boundary Adjustment Amendments
- 128 HB 266 | First Substitute, Resort Communities Transient Room Tax Amendment
- 129 HB 269 | Public Safety and Firefighter Retirement Amendments
- 130 HB 272 | Second Substitute, Election Law Amendments
- 131 HB 276 | Rural Economic Development Amendments
- 132 HB 277 | Third Sub, Amendments to Municipal Alternate Voting Methods Pilot Project
- 133 HB 281 | Second Substitute, Prosecution Review Amendment
- 134 HB 288 | Second Substitute, Critical Infrastructure Materials
- 136 HB 296 | First Substitute, Rural Online Working Hubs Amendments
- 137 HB 302 | Traffic Code Modifications
- 138 HB 305 | Second Substitute, Post Disaster Recovery and Mitigation Restricted Account
- 139 HB 307 | Second Substitute, Utility Online Usage Data Amendments
- 140 HB 310 | First Substitute, Solid and Hazardous Waste Amendments
- 141 HB 311 | First Sub, Governmental Immunity Revisions
- 143 HB 313 | First Sub, Hit and Run Amendments
- 144 HB 315 | Fourth Substitute, Land Use and Development Amendments
- 148 HB 320 | Container Regulation Act
- 149 HB 321 | Public Improvements to Provide Sewer Services
- 150 HB 324 | Fourth Substitute, Tobacco Age Amendments
- 151 HB 325 | Domestic Violence—Weapons Amendments
- 152 HB 338 | Changes to Tobacco Retail Permit
- 153 HB 342 | Homeless Provider Oversight Amendments
- 155 HB 343 | Second Substitute, Development Advertising Amendments



# GENERAL LEGISLATIVE SESSION

- 156 HB 348 | Utah Emergency Medical Services System Act Amendments
- 157 HB 350 | Mobile Carrier Amendments
- 158 HB 353 | Reduction of Single Occupancy Vehicle Trips Pilot Program
- 160 HB 354 | Second Substitute, Peer-to-Peer Car Sharing Act
- 161 HB 355 | Water General Adjudication Amendments
- 162 HB 357 | First Substitute, Voluntary Wood Burning Conversion Program
- 163 HB 358 | Right of Way Equity Amendments
- 164 HB 365 | Animal Shelter Amendments
- 165 HB 367 | Boundary Adjustment Notice Amendments
- 166 HB 381 | First Sub, Amusement Ride Safety
- 167 HB 382 | Resort Communities Tax Amendments
- 168 HB 386 | Economic Development and Affordable Homes Amendments
- 169 HB 394 | Pawnshop and Secondhand Merchandise Amendments
- 171 HB 401 | Eminent Domain Amendments
- 172 HB 406 | Investigation Protocols for Peace Officer Use of Force
- 173 HB 410 | Drug Paraphernalia Penalty Amendments
- 174 HB 411 | Community Renewable Energy Act
- 175 HB 415 | Local Law Enforcement Structure and Governance Amendments
- 176 HB 425 | Local Government Officer Bonding Amendments
- 177 HB 433 | Inland Port Amendments
- 178 HB 441 | Tax Equalization and Reduction Act
- 180 HB 444 | At-risk Government Employee Information Protection Amendments
- 181 HB 446 | Truth in Taxation Revisions
- 182 HB 448 | Litigation Funding Transparency Acts
- 184 HB 453 | Alcohol Amendments
- 186 HB 466 | Firefighter Retirement Amendments
- 187 HB 495 | Tax Restructuring and Equalization Task Force
- 188 SB 10 | Identification Request Amendments
- 189 SB 17 | Extraterritorial Jurisdiction Amendments



# GENERAL LEGISLATIVE SESSION

- 191 SB 25 | First Substitute, Records Committee
- 193 SB 26 | Second Substitute, Governmental Nonprofit Corporation Act Amendments
- 194 SB 27 | Governmental Nonprofit Corporation Meetings Amendments
- 195 SB 32 | Fourth Substitute, Indigent Defense Act Amendments
- 196 SB 33 | Political Procedures Amendments
- 197 SB 34 | Fourth Substitute, Affordable Housing Modifications
- 201 SB 35 | First Substitute, Municipal Incorporation Amendments
- 202 SB 42 | First Substitute, Tangible Personal Property Amendments
- 203 SB 43 | Second Substitute, Criminal Provisions Modifications
- 205 SB 44 | Street-legal ATV Amendments
- 206 SB 45 | Domestic Violence Revisions
- 207 SB 46 | Tire Recycling Amendments
- 208 SB 49 | Homeless Shelter Funding Amendments
- 209 SB 50 | Second Sub, Local Government Office Amendments
- 210 SB 52 | Fifth Substitute, Secondary Water Requirements
- 212 SB 54 | Board of Pardons
- 213 SB 56 | Community Reinvestment Agency Report Amendments
- 215 SB 57 | Second Substitute, Child Abuse Amendments
- 216 SB 60 | First Substitute, Automatic Local District Withdrawal Amendments
- 218 SB 61 | Poll Hours for Early Voting
- 219 SB 62 | Second Substitute, Campaign Finance Revisions
- 220 SB 68 | First Substitute, Driver License and Implied Consent Modifications
- 221 SB 71 | Third Substitute, Food Truck Amendments
- 223 SB 72 | Third Substitute, Transportation Governance and Funding Revisions
- 226 SB 75 | Domestic Violence Amendments
- 227 SB 76 | Workers' Compensation Adjudication Amendments
- 228 SB 77 | First Substitute, Tax Increment Amendments
- 229 SB 79 | Sales and Use Tax Changes
- 230 SB 85 | First Substitute, Secure Transport Designation Amendments





# GENERAL LEGISLATIVE SESSION

- 231 SB 88 | Crime Victims Restitution Amendment
- 232 SB 90 | First Substitute, Political Signs Amendments
- 233 SB 93 | Third Substitute, Agricultural Nuisance Amendments
- 234 SB 98 | Second Substitute, Community Reinvestment Agency Amendments
- 235 SB 100 | Second Substitute, Electronic Driver Licenses
- 236 SB 103 | Fourth Substitute, Victim Targeting Penalty Enhancements
- 237 SB 105 | Hemp and Cannabinoid Act Amendments
- 238 SB 107 | First Substitute, Nuisance Ordinances for Municipalities
- 239 SB 108 | First Substitute, Modifications to Government Records Provisions
- 240 SB 109 | First Substitute, Asset Forfeiture Amendments
- 241 SB 117 | Tax Amendments
- 242 SB 123 | Sixth Substitute, Election Process Amendments
- 243 SB 124 | Local Government Administration Amendments
- 244 SB 129 | Third Substitute, Public Safety and Firefighter Tier II Retirement Enhancements
- 246 SB 131 | Ignition Interlock Amendments
- 247 SB 132 | Second Substitute, Beer Amendments
- 248 SB 135 | Prosecution Council Amendments
- 249 SB 137 | Single User Data Correlation Act
- 250 SB 139 | Second Substitute, Motor Assisted Transportation Amendments
- 252 SB 144 | First Substitute, Environmental Quality Monitoring Amendments
- 253 SB 145 | Legal Notice Revisions
- 255 SB 151 | Third Substitute, Initiative Procedure Amendments
- 256 SB 152 | Second Substitute, Mineral Lease Funds Amendments
- 257 SB 154 | Fourth Substitute, Utah Communications Authority Amendment
- 260 SB 155 | Animal Shelter Transparency Amendments
- 261 SB 160 | Body Camera Disclosure Amendment
- 262 SB 161 | Medical Cannabis Act Amendments
- 265 SB 165 | Quorum Requirements
- 266 SB 167 | Public Safety and Firefighter Planned Retirement Programs















# GENERAL LEGISLATIVE SESSION

- 267 SB 172 | Fourth Substitute, Economic Development Amendments
- 268 SB 179 | Third Substitute, Truth in Taxation Amendments
- 269 SB 183 | Uniform Criminal Records Accuracy Act
- 270 SB 184 | First Substitute, Code Enforcement Amendments
- 271 SB 187 | County Planning and Services Amendments
- 272 SB 200 | First Substitute, Rural Economic Development Modifications
- 273 SB 206 | Underground Conversion of Utilities Amendments
- 274 SB 214 | First Substitute, Property Tax Relief Modifications
- 275 SB 225 | Homeless Service Provider Amendments
- 276 SB 228 | Second Substitute, Public Infrastructure District Act
- 278 SB 250 | First Substitute, Graffiti Amendments
- 279 SB 252 | First Substitute, Fines and Fees Amendments
- 280 SB 253 | Construction Code for Historic Preservations
- 281 SB 256 | Truth in Taxation Requirements Revisions
- 282 SB 259 | Second Substitute, Railroad Right-of-way Amendments
- 283 SB 269 | First Sub, Military Development Authority
- 284 LPC Agendas
- 290 LPC Minutes
- 328 2019 Legislative Session emails
- 376 ULCT Friday Facts

# GENERAL LEGISLATIVE SESSION

## Categories

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

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



# GENERAL LEGISLATIVE SESSION



## Air Quality

---

**HB 139 Motor Vehicle Emissions Amendments**

**HB 148 Vehicle Idling Revisions**

**HB 353 Reduction of Single Occupancy Vehicle Trips Pilot Program**

**HB 357 Voluntary Wood Burning Conversion Program**

**SB 144 Environmental Quality Monitoring Amendments**

AIR QUALITY



*Back to Table  
of Contents*

*Utah League of Cities and Towns*



# GENERAL LEGISLATIVE SESSION



## **Building Code**

---

- HB 54**    **Fire Code Amendments**
  - Action Required
  
- HB 142**    **Building Construction Amendments**
  
- HB 218**    **Construction Code Modifications**
  - Action Required
  
- SB 253**    **Construction Code for Historic Preservation**
  - Action Required

BUILDING CODE



*Back to Table  
of Contents*

# GENERAL LEGISLATIVE SESSION



## Elections

---

**HB 119 Initiatives, Referenda, and Other Political Activities**

- Action Required

**HB 129 Campaign Amendments**

**HB 133 Initiative Amendments**

**HB 145 Citizen Political Process Amendments**

- Action Required

**HB 272 Election Law Amendments**

- Action required for towns and cities of the 3rd through 5th class that nominate candidates through a municipal party convention or committee

**HB 277 Amendments to Municipal Alternate Voting Methods Pilot Project**

**SB 50 Local Government Office Amendments**

- Action Required

**SB 61 Poll Hours for Early Voting**

**SB 62 Campaign Finance Revisions**

**SB 123 Election Process Amendments**

**SB 151 Initiative Procedure Amendments**

# ELECTIONS





# GENERAL LEGISLATIVE SESSION



## Finances

---

- HB 11 Property Tax Amendments
- HB 24 Property Tax Exemptions, Deferrals, and Abatement Amendments
- HB 56 Employers' Reinsurance Fund Amendments
- HB 70 Community Reinvestment Agency Modifications
- HB 84 Economic Development Programs Amendments
- HB 110 Rural Economic Development Incentives
- HB 135 Wildfire Preparedness Amendments**
- HB 231 Tangible Personal Property Revisions**
- HB 235 Municipal Tax Amendments
- HB 266 Resort Communities Transient Room Tax Amendments**
- HB 276 Rural Economic Development Amendments
- HB 296 Rural Online Working Hubs Amendments
- HB 382 Resort Communities Tax Amendments**
- HB 441 Tax Equalization and Reduction Act
- HB 446 Truth in Taxation Revisions
- HB 495 Tax Restructuring and Equalization Task Force
- SB 42 Tangible Personal Property Amendments
- SB 49 Homeless Shelter Funding Amendments
- SB 77 Tax Increment Amendments**

FINANCES



# GENERAL LEGISLATIVE SESSION



- SB 79**    **Sales and Use Tax Changes**
- SB 98**    **Community Reinvestment Agency Amendments**
- SB 117**   **Tax Amendments**
- SB 179**   **Truth in Taxation Amendments**
  - Action Required
- SB 214**   **Property Tax Relief Modifications**
  - Action required for certain municipalities
- SB 256**   **Truth in Taxation Requirements Revisions**







# GENERAL LEGISLATIVE SESSION



## General Government

- HB 18**    **Massage Therapy Practice Act Amendments**
  - Action Required
- HB 26**    **Political Subdivision Lien Amendments**
- HB 52**    **Remote Notarization Standards**
- HB 59**    **Government Enterprise Amendments**
- HB 60**    **Division of Facilities Construction and Management Property Amendments**
- HB 61**    **State Databases Amendments**
  - Action Required
- HB 64**    **Lobbyist Expenditures Amendments**
- HB 69**    **Legal Notice Amendments**
- HB 78**    **Federal Designations**
- HB 85**    **Political Subdivision Boundary Shift Amendments**
- HB 86**    **Service Area Board of Trustees Amendments**
- HB 96**    **Nighttime Highway Construction Noise Amendments**
- HB 99**    **Catastrophic Wildfire and Other Public Nuisance Revisions**
- HB 126**    **Tire Recycling Modifications**
- HB 150**    **Trampoline Park Safety Standards**
  - Action required for cities with a trampoline park in their jurisdiction
- HB 155**    **Fire Management Provisions**
- HB 162**    **Damage to Underground Facilities Amendments**

GENERAL GOVERNMENT



GENERAL LEGISLATIVE SESSION



- HB 163**   **Offenses Against the Administration of Government Amendments**

  - Action Required
- HB 164**   **Local Boards and Councils Structure Amendments**
- HB 180**   **Agriculture and Industrial Protection Areas Amendments**
- HB 185**   **Tax Increment Funding for Student Housing**
- HB 202**   **Off-premise Beer Retailer Amendments**
- HB 203**   **Homeless Shelter Funding Revision**
- HB 212**   **Expungement Changes**

  - Action Required
- HB 216**   **Utah Wholesome Food Act Revisions**
- HB 228**   **Towing Revisions**

  - Action Required
- HB 247**   **County Recorder Fees Amendments**
- HB 252**   **Electronic Cigarette and Other Nicotine Product Amendments**
- HB 254**   **Unlawful Outdoor Advertising Amendments**
- HB 258**   **Sexually Oriented Business License Amendments**

  - Action Required
- HB 262**   **Municipal Boundary Adjustment Amendments**
- HB 305**   **Post Disaster Recovery and Mitigation Restricted Account**
- HB 307**   **Utility Online Usage Data Amendments**
- HB 310**   **Solid and Hazardous Waste Amendments**
- HB 320**   **Container Regulation Act**



# GENERAL LEGISLATIVE SESSION



**HB 321** Public Improvements to Provide Sewer Services

**HB 324** Tobacco Age Amendments

- Action Required

**HB 338** Changes to Tobacco Retail Permit

**HB 342** Homeless Provider Oversight Amendments

**HB 350** Mobile Carrier Amendments

**HB 354** Peer-to-Peer Car Sharing Act

**HB 365** Animal Shelter Amendments

**HB 367** Boundary Adjustment Notice Amendments

**HB 381** Amusement Ride Safety

**HB 386** Economic Development and Affordable Homes Amendments

**HB 401** Eminent Domain Amendments

**HB 411** Community Renewable Energy Act

**HB 425** Local Government Officer Bonding Amendments

- Action Required

**HB 433** Inland Port Amendments

**HB 446** Truth in Taxation Revisions

**HB 448** Litigation Funding Transparency Act

**HB 453** Alcohol Amendments

**SB 33** Political Procedures Amendments

- Action Required

**SB 35** Municipal Incorporation Amendments

**SB 46** Tire Recycling Amendments

GENERAL GOVERNMENT





# GENERAL LEGISLATIVE SESSION



**SB 60 Automatic Local District Withdrawal Amendments**

**SB 71 Food Truck Amendments**

- Action Required

**SB 76 Workers' Compensation Adjudication Amendments**

**SB 90 Political Signs Amendments**

**SB 100 Electronic Driver Licenses**

**SB 105 Hemp and Cannabinoid Act Amendments**

**SB 107 Nuisance Ordinances for Municipalities**

**SB 124 Local Government Administration Amendments**

**SB 132 Beer Amendments**

**SB 135 Prosecution Council Amendments**

**SB 137 Single User Data Correlation Act**

**SB 152 Mineral Lease Funds Amendments**

**SB 161 Medical Cannabis Act Amendments**

- Action Required

**SB 165 Quorum Requirements**

**SB 172 Economic Development Amendments**

- Action Required

**SB 184 Code Enforcement Amendments**

- Action Required

**SB 200 Rural Economic Development Modifications**

**SB 225 Homeless Service Provider Amendments**

**SB 250 Graffiti Amendments**

- Action Required



*Back to Table  
of Contents*

*Utah League of Cities and Towns*

GENERAL GOVERNMENT

# GENERAL LEGISLATIVE SESSION



## Judiciary

---

- HB 36** Bureau of Criminal Identification Reporting Amendments
- HB 53** Victim Communications Amendments
  - Action Required
- HB 100** Sexual Violence Protective Orders
- HB 137** Domestic Violence Enhancement Amendments
- HB 243** Domestic Violence Modifications
- HB 281** Prosecution Review Amendments
- HB 311** Governmental Immunity Revisions
  - Action Required
- HB 410** Drug Paraphernalia Penalty Amendments
- SB 32** Indigent Defense Act Amendments
  - Action Required
- SB 75** Domestic Violence Amendments
- SB 88** Crime Victims Restitution Amendments
- SB 103** Victim Targeting Penalty Enhancements
  - Action Required
- SB 252** Fines and Fees Amendments

JUDICIARY





# GENERAL LEGISLATIVE SESSION



## Land Use

---

- HB 14** State Monuments Act Amendments
- HB 85** Political Subdivision Boundary Shift Amendments
- HB 122** Property Rights Ombudsman Advisory Opinion Amendments
- HB 180** Agriculture and Industrial Protection Areas Amendments
- HB 229** Land Transfer Amendments
- HB 245** Community Reinvestment Agency Revisions
  - Action Required
- HB 262** Municipal Boundary Adjustment Amendments
- HB 288** Critical Infrastructure Materials
  - Action Required
- HB 315** Land Use and Development Amendments
  - Action Required
- HB 343** Development Advertising Amendments
  - Action Required
- HB 401** Eminent Domain Amendments
- HB 433** Inland Port Amendments
- SB 34** Affordable Housing Modifications
  - Action Required
- SB 93** Agricultural Nuisance Amendments
  - Action Required
- SB 187** County Planning and Services Amendments

LAND USE



Back to Table of Contents



# GENERAL LEGISLATIVE SESSION

23



**SB 206** Underground Conversion of Utilities Amendments

**SB 228** Public Infrastructure District Act

**SB 259** Railroad Right-of-way Amendments

**SB 269** Military Development Authority



*Back to Table  
of Contents*

*Utah League of Cities and Towns*



# GENERAL LEGISLATIVE SESSION



## Public Safety

---

- HB 5 Retirement and Independent Entities Base Budget
- HB 15 Victim Rights Amendments
- HB 17 Firearm Violence and Suicide Prevention Amendments
- HB 19 Pretrial Release Amendments
  - Action Required
- HB 20 Human Trafficking Amendments
- HB 23 Gambling Machines Amendments
- HB 57 Electronic Information or Data Privacy
  - Action Required
- HB 75 Sex Offender Registry Amendments
- HB 79 Interlocal Provision of Law Enforcement Service
- HB 94 Weapons Restrictions Amendments**
- HB 114 Self-defense Amendments
- HB 149 Traffic Code Amendments
- HB 151 Traffic Flow Amendments
- HB 152 Voluntary Commitment of a Firearm Amendments
- HB 154 Mental Health Protections for First Responders
- HB 173 Emergency Services Volunteer Employment Protection Act**
- HB 200 Appointment of Constables Amendments
- HB 215 Silver Alert Program
- HB 223 Unlawful Installation of a Tracking Device**
- HB 251 Drug Diversion Reporting Requirements**

PUBLIC SAFETY



Back to Table  
of Contents



GENERAL LEGISLATIVE SESSION



- HB 302 Traffic Code Modifications**
  - Action Required
- HB 313 Hit and Run Amendments**
- HB 325 Domestic Violence—Weapons Amendments**
  - Action Required
- HB 348 Utah Emergency Medical Services System Act Amendments**
- HB 381 Amusement Ride Safety**
- HB 394 Pawnshop and Secondhand Merchandise Amendments**
  - Action Required
- HB 406 Investigation Protocols for Peace Officer Use of Force**
  - Action Required
- HB 415 Local Law Enforcement Structure and Governance Amendments**
  - Action required for jurisdictions with a civilian review board or civil service commission
- HB 444 At-risk Government Employee Information Protection Amendments**
- SB 10 Identification Request Amendments**
- SB 43 Criminal Provisions Modifications**
- SB 45 Domestic Violence Revisions**
- SB 54 Board of Pardons Amendments**
- SB 57 Child Abuse Amendments**
- SB 68 Driver License and Implied Consent Modifications**
  - Action Required

PUBLIC SAFETY



Back to Table of Contents

*Utah League of Cities and Towns*



# GENERAL LEGISLATIVE SESSION



- SB 85**    **Secure Transport Designation Amendments**
- SB 109**   **Asset Forfeiture Amendments**
- SB 131**   **Ignition Interlock Amendments**
- SB 154**   **Utah Communications Authority Amendments**
  - Action Required
- SB 160**   **Body Camera Disclosure Amendments**
- SB 183**   **Uniform Criminal Records Accuracy Act**





# GENERAL LEGISLATIVE SESSION



## Retirement/Benefits

---

- HB 5 Retirement and Independent Entities Base Budget
- HB 30 Utah Retirement Systems Amendments
- HB 154 Mental Health Protections for First Responders
- HB 269 Public Safety and Firefighter Retirement Amendments
- HB 466 Firefighter Retirement Amendments
- SB 129 Public Safety and Firefighter Tier II Retirement Enhancements**
  - Action Required
- SB 167 Public Safety and Firefighter Planned Retirement Program

RETIREMENT BENEFITS





# GENERAL LEGISLATIVE SESSION



## Transparency

---

- SB 25**    **Records Committee**
- SB 26**    **Governmental Nonprofit Corporation Act Amendments**
  - Action required for governmental nonprofits and political subdivisions that wholly control or have a controlling interest in a nonprofit corporation
- SB 27**    **Governmental Nonprofit Corporation Meetings Amendments**
- SB 56**    **Community Reinvestment Agency Report Amendments**
  - Action Required
- SB 108**    **Modifications to Government Records Provisions**
  - Action Required
- SB 145**    **Legal Notice Revisions**
  - Action Required
- SB 155**    **Animal Shelter Transparency Amendments**

TRANSPARENCY





# GENERAL LEGISLATIVE SESSION



## Transportation

---

- HB 101** Autonomous Vehicle Regulations
- HB 105** Off-highway Vehicle Permit Amendments
- HB 208** Safe Routes to School Program
- HB 302** Traffic Code Modifications
- HB 358** Right of Way Equity Amendments
- SB 44** Street-legal ATV Amendments
- SB 72** Transportation Governance and Funding Revisions
  - Action Required
- SB 139** Motor Assisted Transportation Amendments

TRANSPORTATION





# GENERAL LEGISLATIVE SESSION



## Water

---

- HB 12**    **Instream Flow Water Right Amendments**
- HB 31**    **Water Supply and Surplus Water Amendments**
  - Action Required
- HB 125**   **Quantity Impairment Modifications**
- HB 143**   **Water Conservation Plan Amendments**
- HB 355**   **Water General Adjudication Amendments**
- SB 17**    **Extraterritorial Jurisdiction Amendments**
  - Action required for cities that exercise jurisdiction over watershed outside of the city or county
- SB 52**    **Secondary Water Requirements**
  - Action Required

WATER





## GENERAL LEGISLATIVE SESSION

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

GENERAL LEGISLATIVE SESSION

House Bills



**HB 5 | Retirement and Independent Entities Base Budget**

Reference: **LPC Feb. 4**

Sponsor: **Craig Hall; Wayne Harper**

Bill Status: **Enrolled**

Link: <https://le.utah.gov/-2019/bills/static/HB0005.html>

ULCT Position: **Support**

**Legislative Purpose of the Bill:**

Last year, it was discovered that there was a deficit in the firefighter retirement fund. This bill appropriates \$17 million in one-time funding from the state General Fund to the Firefighters Retirement Trust and Agency Fund to backfill the deficit. It also transfers \$12 million on-going from the state Insurance Premium Tax to the Firefighters Retirement Trust and Agency Fund. Also note that HB 466 is intended to correct the problem going forward.

**Municipal Impact/what you need to do:**

No municipal action is required.

**ULCT Action/Future Trend:**

After this problem was identified last year, ULCT worked during the interim with other stakeholders on how to correct it.





## GENERAL LEGISLATIVE SESSION

33

**HB 11 | Second Substitute, Property Tax Amendments**Reference: **None**Sponsor: **Tim Hawkes; Dan Hemmert**Bill Status: **Enrolled**Link: <https://le.utah.gov/-2019/bills/static/HB0011.html>ULCT Position: **Neutral****Legislative Purpose of the Bill:**

The Revenue and Taxation Interim Committee recommended this bill to address the issue of outlier property valuations that can occur in counties that use a mass appraisal system. In part, the bill provides two procedural safeguards for taxpayers: (1) The bill requires county assessors to do a case-by-case review of outlier properties wherein the property's assessed value is 15% above the median property value and is at least \$10,000; and (2) The bill establishes a presumption to determine the fair market value for a taxpayer who successfully appealed their valuation the previous year. The bill is retrospective to January 1, 2019.

**Municipal Impact/what you need to do:**

No municipal action is required.

**ULCT Action/Future Trend:**

ULCT monitored the bill.



## GENERAL LEGISLATIVE SESSION

34

**HB 12 | Instream Flow Water Right Amendments**Reference: **None**Sponsor: **Tim Hawkes; Scott Sandall**

Bill Status: Enrolled

Link: <https://le.utah.gov/~2019/bills/static/HB0012.html>ULCT Position: **Support**

---

**Legislative Purpose of the Bill:**

Enacted by HB 117 in 2008, the Instream Flow to Protect Habitat was a 10-year pilot program to allow a water right to be leased to a fishing group in order to protect trout habitat. This bill repeals the sunset provision so that the program can continue and is recommended by the Natural Resources, Agriculture, and Environment Interim Committee.

**Municipal Impact/what you need to do:**

No action is required.

**ULCT Action/Future Trend:**

ULCT monitored the bill.



# GENERAL LEGISLATIVE SESSION



## HB 14 | State Monuments Act Amendments

Reference: **None**

Sponsor: **Steve Eliason; David Hinkins**

Bill Status: **Enrolled**

Link: <https://le.utah.gov/~2019/bills/static/HB0014.html>

ULCT Position: **Neutral**

### **Legislative Purpose of the Bill:**

The idea behind this bill was generated by the late Fred Hayes, former director of the Division of Parks and Recreation. The bill outlines a process to propose property for state monument designation. Another version of this bill, HB 275, did not pass last year.

### **Municipal Impact/what you need to do:**

Under HB 14, the Division of Parks & Recreation or counties may propose property for state monument designation to the Natural Resources, Agriculture, and Environment Interim or Standing Committee. If locals are against the proposed monument designation, the county, city, or town in which the property is located may pass a resolution opposing the monument. Local opposition prevents the Committee from taking further action.

If the proposed monument is supported locally and by the Division, the Committee may recommend that the legislature and governor create a state monument through a concurrent resolution. A management committee would be formed to oversee the monument and would include representation from the county.

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

ULCT monitored the bill.



# GENERAL LEGISLATIVE SESSION



## HB 15 | Second Substitute, Victim Rights Amendments

Reference: **None**

Sponsor: **Steve Eliason, Todd Weiler**

Bill Status: **Enrolled**

Link: <https://le.utah.gov/-2019/bills/static/HB0015.html>

ULCT Position: **Neutral**

### Legislative Purpose of the Bill:

This bill is a version of last year’s HB 449 that creates a review process for open investigations.

### Municipal Impact/what you need to do:

A victim of a first-degree felony or a family member of a homicide victim or missing person may request that the chief executive of the law enforcement agency investigating the crime review the case if the agency has not submitted the investigation results to be screened for criminal charges by the county or district attorney within one year from the date the incident was reported.

If the chief executive determines that the agency will close the case, will further investigate the case, or will submit the investigation results for screening and no charges are filed within a certain time period, the victim or family member may request that the evidence be transferred to the county attorney for further investigation. The victim or family member may also seek review of the investigation by the attorney general pursuant to its concurrent jurisdiction.

### ULCT Action/Future Trend:

ULCT worked with UCOPA last year on the consensus version of this bill as it was presented this year.



# GENERAL LEGISLATIVE SESSION



## HB 17 | Second Substitute, Firearm Violence and Suicide Prevention Amendments

Reference: **None**

Sponsor: **Steve Eliason; Curt Bramble**

Bill Status: **Enrolled**

Link: <https://le.utah.gov/-2019/bills/static/HB0017.html>

ULCT Position: **Support**

### Legislative Purpose of the Bill:

In 2014, the Legislature enacted HB 134, Firearm Safety Amendments, to create a program aimed to reduce suicide by firearm through education and safety. The program was subject to sunset review on July 1, 2018.

In 2016, the Legislature passed HB 440, which required the state suicide prevention coordinator to commission a study on suicide and guns. The study was completed by the Harvard T.H. Chan School of Public Health in October of 2018. Based on the data and analysis of the 2018 study, the Health and Human Services Interim Committee recommended the first iteration of this bill to reenact and modify the 2014 program.

The bill charges the Division of Substance Abuse and Mental Health and the Bureau of Criminal Identification (BCI), in coordination with the Department of Health and local mental health and substance abuse authorities and organizations, with reviewing and updating a safety brochure on suicide and firearm safety. The bill also requires BCI and the Division to create a short online video for those renewing a firearm permit that provides information about safe handling and use of firearms in home environments, at-risk individuals and those



## GENERAL LEGISLATIVE SESSION

38

legally prohibited from possessing firearms, and suicide prevention awareness.

The Division must continue to procure and distribute cable-style gun locks to gun dealers to provide to purchasers of guns at no cost. Additionally, the bill provides for a redeemable coupon for Utahns to purchase a gun safe.

**Municipal Impact/what you need to do:**

No action is required.

**ULCT Action/Future Trend:**

ULCT monitored the bill.



# GENERAL LEGISLATIVE SESSION

39



## HB 18 | Massage Therapy Practice Act Amendments

Reference: **None**

Sponsor: **Marc Roberts; Wayne Harper**

Bill Status: **Enrolled**

Link: <https://le.utah.gov/-2019/bills/static/HB0018.html>

ULCT Position: **Neutral**

---

### Legislative Purpose of the Bill:

This bill, recommended by the Occupational and Professional Licensure Review Committee and the Business and Labor Interim Committee, exempts a Bowenwork practitioner—a practitioner that stimulates the nervous and musculoskeletal systems through a series of minor movements directed at specific points on the body—from massage therapist licensure and amends provisions related to reflexology and foot zone therapy.

### Municipal Impact/what you need to do:

Potential need to update your city's business license requirements.

### ULCT Action/Future Trend:

ULCT monitored the bill.



*Back to Table  
of Contents*

*Utah League of Cities and Towns*

# GENERAL LEGISLATIVE SESSION



## HB 19 | Pretrial Release Amendments

Reference: **None**

Sponsor: **Angela Romero; Todd Weiler**

Bill Status: **Enrolled**

Link: <https://le.utah.gov/~2019/bills/static/HB0019.html>

ULCT Position: **Support**

---

### Legislative Purpose of the Bill:

This bill was before the legislature last year as HB 165 and the House Law Enforcement and Criminal Justice Committee passed the bill with a favorable recommendation to establish pretrial protections for victims. The bill passed the House but did not make it before the Senate.

### Municipal Impact/what you need to do:

This year, the legislature passed HB 19 to create guidelines for prosecutors and law enforcement regarding the pretrial process and extends protective order protections for victims of domestic violence to victims of sexual assault or exploitation. Review and update processes for these victims.

### ULCT Action/Future Trend:

ULCT monitored the bill.





GENERAL LEGISLATIVE SESSION



**HB 20 | Human Trafficking Amendments**

Reference: **None**

Sponsor: **Angela Romero; Jake Anderegg**

Bill Status: **Enrolled**

Link: <https://le.utah.gov/~2019/bills/static/HB0020.html>

ULCT Position: **Support**

**Legislative Purpose of the Bill:**

This bill was before the legislature last year as HB 334 to enhance protections for victims of sex trafficking. The 2018 House Law Enforcement and Criminal Justice Committee and the Senate Judiciary, Law Enforcement, and Criminal Justice Committee favorably recommended the bill. The House passed the bill 69-0, but the bill failed on the Senate 2nd Reading Calendar when time ran out.

**Municipal Impact/what you need to do:**

This year, the bill passed and clarifies that there is no statute of limitations for the offense of child trafficking. Those who knowingly benefit from child trafficking may be charged as perpetrators and victims of human trafficking may bring a civil action against anyone who knowingly benefitted from trafficking. The bill creates a first-degree felony for trafficking a vulnerable adult. The term “children engaged in prostitution” is replaced with “children engaged in commercial sex.”

**ULCT Action/Future Trend:**

ULCT monitored the bill.



# GENERAL LEGISLATIVE SESSION

42



## HB 23 | First Substitute, Gambling Machines Amendments

Reference: **None**

Sponsor: **Mike McKell; Todd Weiler**

Bill Status: **Enrolled**

Link: <https://le.utah.gov/-2019/bills/static/HB0023.html>

ULCT Position: **Neutral**

### Legislative Purpose of the Bill:

This bill, a modified version of last year’s SB 225, aims to clarify the state’s gambling laws to prohibit fringe-gaming devices.

### Municipal Impact/what you need to do:

The bill defines a “fringe gaming device,” which resembles a slot machine and provides tokens or credits for chance prizes in exchange for cash. Often located in a business with a valid business license, it can be difficult for local authorities to monitor and enforce violations. It is estimated that there are many fringe gaming devices in gas stations, convenience stores, mini-marts, laundromats, bars, and other locations throughout the state. This bill clarifies that a fringe gaming device is a form of gambling.

### ULCT Action/Future Trend:

ULCT monitored the bill.



Back to Table  
of Contents

## GENERAL LEGISLATIVE SESSION

43

**HB 24 | Property Tax Exemptions, Deferrals, and Abatement Amendments**Reference: **None**Sponsor: **Steve Eliason; Dan McCay**Bill Status: **Enrolled**Link: <https://le.utah.gov/-2019/bills/static/HB0024.html>ULCT Position: **Neutral**

---

**Legislative Purpose of the Bill:**

The Revenue and Taxation Interim Committee recommended this bill to repeal outdated provisions and to reorganize, redraft, and update provisions related to property tax exemptions, deferrals, and abatements.

**Municipal Impact/what you need to do:**

The bill allows a person to appeal certain county-level tax decisions to the State Tax Commission.

**ULCT Action/Future Trend:**

ULCT monitored the bill.



*Back to Table  
of Contents*

*Utah League of Cities and Towns*

# GENERAL LEGISLATIVE SESSION

44



## HB 26 | Political Subdivision Lien Amendments

Reference: **None**

Sponsor: **Cheryl Acton; Daniel Thatcher**

Bill Status: **Enrolled**

Link: <https://le.utah.gov/-2019/bills/static/HB0026.html>

ULCT Position: **Neutral**

---

### Legislative Purpose of the Bill:

This bill is recommended by the Political Subdivisions Interim Committee to correct a drafting error in Utah Code 11-60-103.

### Municipal Impact/what you need to do:

The bill replaces the word “municipality” with “lienholder” to clarify that Utah Code 11-60-103(2)(c) applies to all liens recorded against property by a political subdivision and not just to liens recorded by a municipality.

### ULCT Action/Future Trend:

ULCT monitored the bill.



*Back to Table  
of Contents*

*Utah League of Cities and Towns*

# GENERAL LEGISLATIVE SESSION

45



## HB 30 | Utah Retirement Systems Amendments

Reference: **None**

Sponsor: **Jefferson Moss; Wayne Harper**

Bill Status: **Enrolled**

Link: <https://le.utah.gov/-2019/bills/static/HB0030.html>

ULCT Position: **Neutral**

### Legislative Purpose of the Bill:

This is the annual Utah Retirement Systems (URS) clean-up bill that makes administrative and technical changes. The bill increases the URS Membership Council from 13 to 15 and adds a school business official and special district officer to the council. The municipal representative appointed by ULCT retains membership on the council. HB 60 allows the URS executive director to consolidate payments at the director's discretion and provides that a URS member may dispute the calculation of their benefit, whether the dispute exists between a participating employer and a member or the office and a member. The bill clarifies how URS will determine whether a justice court judge's service is part-time or full-time. Under the bill, retirees in certain systems may choose from six retirement options but may not choose payment of an allowance under a retirement option not applicable to that retiree. Lastly, the bill authorizes "Tier 2" as an alternative official system and plan name to "Tier II."

### Municipal Impact/what you need to do:

No action is required.

### ULCT Action/Future Trend:

ULCT has an appointment on the Membership Council and monitored this bill.



Back to Table  
of Contents

*Utah League of Cities and Towns*

# GENERAL LEGISLATIVE SESSION



## HB 31 | Water Supply and Surplus Water Amendments

Reference: **Action Alert Feb. 21; Daily Email March 6; LPC Feb. 25, Mar. 11; Podcast Feb. 22**

Sponsor: **Kim Coleman; Ralph Okerlund**

Bill Status: **Enrolled**

Link: <https://le.utah.gov/-/2019/bills/static/HB0031.html>

ULCT Position: **Support**

### Legislative Purpose of the Bill:

This is one of the bills generated out of interim study committees on water issues. It arose from a bill Rep. Coleman sponsored during the 2018 session, HB 124. This bill was developed to resolve concerns regarding perceptions of cities “hoarding” water, lack of representation and equal protection for people served outside of a city’s jurisdiction, and transparency. HB 31 passed both houses in tandem with HJR 1, which proposes to amend the Utah Constitution to revise the provision on municipal water. HB 31 will take effect on Jan. 1, 2021 if HJR 1 is approved by voters.

### Municipal Impact/what you need to do:

Among other things, the bill defines “designated water service area,” which could include areas inside and outside of a city’s jurisdiction. It also clarifies definitions for “retail customer” and “waterworks system.” If a municipality provides water to a retail customer outside of its boundary, it must create and maintain a map showing the DWSA. If an entity serves a population of 10,000 or more, and 10% of those customers are outside of the city’s boundaries, it must establish an advisory board to make recommendations to the legislative body regarding water rates, standards, and capital projects.





# GENERAL LEGISLATIVE SESSION

**ULCT Action/Future Trend:**

ULCT participated in last interim's water study groups and was involved in drafting this consensus legislation. As water conservation and transparency continue to be critical topics in our state, ULCT will be active participants.



# GENERAL LEGISLATIVE SESSION



## HB 36 | Bureau of Criminal Identification Reporting Amendments

Reference: **None**

Sponsor: **Ray Ward; Don Ipson**

Bill Status: **Enrolled**

Link: <https://le.utah.gov/-2019/bills/static/HB0036.html>

ULCT Position: **Support**

### Legislative Purpose of the Bill:

This bill requires a district court clerk to report to BCI when the court determines an individual is mentally unfit to purchase a firearm. The BCI is then required to submit the information reported by the court to the National Instant Criminal Background Check System.

### Municipal Impact/what you need to do:

No action is required.

### ULCT Action/Future Trend:

ULCT monitored the bill.





# GENERAL LEGISLATIVE SESSION



## HB 52 | First Substitute, Remote Notarization Standards

Reference: **Daily Email Jan. 29**

Sponsor: **Craig Hall; Kirk Cullimore**

Bill Status: **Enrolled**

Link: <https://le.utah.gov/-2019/bills/static/HB0052.html>

ULCT Position: **Neutral**

### Legislative Purpose of the Bill:

This bill establishes a process for the lieutenant governor to certify a notary to perform remote notarizations, audio-video notarial acts that are completed online. Rep. Hall worked on the bill all year in order to resolve concerns regarding process and security, and the Lt. Governor's office supports it.

### Municipal Impact/what you need to do:

Certification for remote notarization is voluntary and interested notaries may apply to the Lt. Governor's office for certification when the bill goes into effect, November 1, 2019. This delayed implementation date, made at the request of the Lt. Governor's office, gives the office a chance to work with notaries who want to employ this system. The bill was substituted to correct an accidental revision of the statute that made notary misconduct a Class A misdemeanor. It remains a Class B misdemeanor.

### ULCT Action/Future Trend:

ULCT monitored the bill.



# GENERAL LEGISLATIVE SESSION

50



## HB 53 | First Substitute, Victim Communications Amendments

Reference: **Daily Email March 6; LPC Mar. 11**

Sponsor: **Lowry Snow; Todd Weiler**

Bill Status: **Enrolled**

Link: <https://le.utah.gov/-2019/bills/static/HB0053.html>

ULCT Position: **Neutral**

### Legislative Purpose of the Bill:

In 2018, the Legislature enacted HB 298 and created the Victim Advocate Confidentiality Task Force. The Task Force was charged with investigating when and how communications that are provided to victim advocates should be kept confidential and privileged. The Task Force recommended HB 53, which enacts a fourth part to the Rights of Crime Victims Act. The bill extends confidentiality protections to victims of sexual assault, domestic violence, and dating violence and outlines when communications between a victim and certain victim advocates may be disclosed.

### Municipal Impact/what you need to do:

HB 53 distinguishes between a criminal justice system victim advocate employed by a government agency and a nongovernment organization victim advocate. Criminal justice system victim advocates must disclose certain communications to a prosecutor to determine whether the communications are exculpatory or go to the credibility of a witness, or to the extent allowed pursuant to the Utah Rules of Evidence. If the prosecutor determines that the information is exculpatory or goes to the credibility of a



*Back to Table  
of Contents*

*Utah League of Cities and Towns*

# GENERAL LEGISLATIVE SESSION

witness, the prosecutor presents the communication to the court for in camera review.

Criminal justice system victim advocates must notify victims if communications with the advocate will be disclosed to a prosecutor and that a statement relating to the incident that forms the basis for criminal charges or that goes to the credibility of a witness will be disclosed to the defense attorney. Criminal justice system victim advocates are required to provide a victim with information so they may contact a non-government organization advocacy services provider.

HJR 3, Joint Resolution Adopting Privilege Under Rules of Evidence, passed both houses and enacts Utah Rules of Evidence Rule 512 to align with HB 53. However, the joint resolution also provides that the Utah Supreme Court may adopt a rule of privilege for victim communications on or before July 30, 2019 in lieu of the joint resolution.

**ULCT Action/Future Trend:**

ULCT monitored the bill and met with Rep. Snow regarding concerns of some prosecutors. Rep. Snow indicated his desire to get the policy right on this bill and urged us to stay in touch as the bill is implemented.



# GENERAL LEGISLATIVE SESSION



## HB 54 | Fire Code Amendments

Reference: **None**

Sponsor: **James Dunnigan; Curtis Bramble**

Bill Status: **Enrolled**

Link: <https://le.utah.gov/~2019/bills/static/HB0054.html>

ULCT Position: **Support**

### Legislative Purpose of the Bill:

The Business and Labor Interim Committee recommends this bill after a one-year fire code review to update state code. The bill adopts the 2018 International Fire Code with amendments, the 2016 National Fire Alarm and Signaling Code with amendments, and the 2016 National Fire Protection Associations 2016 Installation of Sprinkler Systems.

The bill exempts single family homes outside wild and urban interface on single-lot subdivisions with 50 feet of defensible space from installing a fire sprinkler system.

The bill amends requirements under the 2018 International Fire Code for Group A-2 restaurants and bars that serve alcoholic beverages with an occupant load of 300 or more from retrofitting their establishments with heightened fire sprinkler systems.

### Municipal Impact/what you need to do:

Check your building code and update it for consistency, and ensure that building inspectors are aware of all relevant changes.

### ULCT Action/Future Trend:

ULCT worked with the State Fire Marshall and monitored the bill.



# GENERAL LEGISLATIVE SESSION



## HB 56 | Employers’ Reinsurance Fund Amendments

Reference: **None**

Sponsor: **James Dunnigan; Karen Mayne**

Bill Status: **Enrolled**

Link: <https://le.utah.gov/-2019/bills/static/HB0056.html>

ULCT Position: **Neutral**

### **Legislative Purpose of the Bill:**

HB 56 clarifies that after all State liabilities are paid from the Employers’ Reinsurance Fund, the Division of Finance must transfer any remaining assets to the Uninsured Employer’s Fund.

### **Municipal Impact/what you need to do:**

Currently the Utah Tax Commission collects a surcharge on workers’ compensation insurance premiums to cover the unfunded liability in the Employers’ Reinsurance Fund (ERF). Since this fund is a closed fund, at some point the fund will no longer be needed and the fund will be closed. This legislation clarifies that these funds will be transferred to the Uninsured Employer’s Fund.

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

ULCT monitored the bill and does not anticipate further action.



# GENERAL LEGISLATIVE SESSION



## HB 57 | Fifth Substitute, Electronic Information or Data Privacy

Reference: **None**

Sponsor: **Craig Hall; Dan Hemmert**

Bill Status: **Enrolled**

Link: <https://le.utah.gov/-2019/bills/static/HB0057.html>

ULCT Position: **Neutral**

### **Legislative Purpose of the Bill:**

Last year, Rep. Hall proposed to amend the Utah Constitution to protect electronic information and data from unreasonable searches. He received pushback to make a statutory rather than a constitutional change, so this session Rep. Hall sponsored HB 57, recommended by the Judiciary Interim Committee.

### **Municipal Impact/what you need to do:**

HB 57 requires that law enforcement obtain a search warrant to access electronic information and data. The bill outlines notification and storage requirements when electronic information or data is obtained by warrant.

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

ULCT monitored the bill.



# GENERAL LEGISLATIVE SESSION



## HB 59 | Government Enterprise Amendments

Reference: **LPC Mar. 11**

Sponsor: **Adam Robertson**

Bill Status: **Not Passed**

Link: <https://le.utah.gov/~2019/bills/static/HB0059.html>

ULCT Position: **Opposed**

### Legislative Purpose of the Bill:

In 2008, the Legislature enacted SB 45, which requires cities of the first and second class to inventory all competitive activities the city undertakes and to report the inventory to the Free Market Protection and Privatization Board every two years. A competitive activity is a city-provided good or service that is similar to a privately-offered good or service.

This year, the Legislature proposed to impose additional requirements on cities of the first and second class that undertake recreation or entertainment activities. HB 59 would have required cities that undertake recreation or entertainment activities to conduct a market impact study and evaluate the effect the activity would have on the local economy, city budget, and tax rate.

The bill also would have required cities to investigate whether private entities in the state could provide the good or service, to notify such private entities of the city's plan, and to allow the private entities to respond.

### Municipal Impact/what you need to do:

HB 59 failed to pass and no action is required.





# GENERAL LEGISLATIVE SESSION

**ULCT Action/Future Trend:**

ULCT engaged the sponsor in numerous conversations about his goals with this bill. Eventually, he decided not to push the bill this session but expressed a desire to continue conversations over the interim.





# GENERAL LEGISLATIVE SESSION

57



## HB 60 | First Substitute, Division of Facilities Construction and Management Property Amendments

Reference: **LPC Feb. 4**

Sponsor: **Walt Brooks; Wayne Harper**

Bill Status: **Enrolled**

Link: <https://le.utah.gov/-/2019/bills/static/HB0060.html>

ULCT Position: **Neutral**

---

### Legislative Purpose of the Bill:

HB 60 enacts the Division-Owned Real Property Act, which empowers the state to change the use of vacant Division of Facilities Construction and Management (DFCM) facilities or to lease vacant property to private entities, local government entities, or non-profit organizations.

### Municipal Impact/what you need to do:

The bill provides processes for DFCM to transfer ownership of vacant property and authorizes DFCM to refer vacant property to the Department of Transportation for public auction. Private parties leasing division-owned property under the Division-Owned Real Property Act must comply with local land use ordinances and regulations.

### ULCT Action/Future Trend:

ULCT worked with Rep. Brooks to ensure that private parties leasing state property still must comply with local land use laws and regulations. There is still a lack of clarity on whether local or state government is responsible for inspections of state-leased property, which we hope to address next session.



*Back to Table  
of Contents*

*Utah League of Cities and Towns*

# GENERAL LEGISLATIVE SESSION



## HB 61 | State Databases Amendments

Reference: **Jan. 29 Daily Email**

Sponsor: **Paul Ray; Allen Christensen**

Bill Status: **Enrolled**

Link: <https://le.utah.gov/~2019/bills/static/HB0061.html>

ULCT Position: **Support**

### Legislative Purpose of the Bill:

This legislation works to ensure that 911 dispatch has timely up-to-date GIS data for the statewide emergency service database.

### Municipal Impact/what you need to do:

The bill encourages municipalities to receive a recommendation from the public safety answering point before approving a plat. Within 30 days after approving a final plat, municipalities must submit the plat, or preliminary geospatial data on new streets and situs addresses proposed for construction on an approved plat, to the Automated Geographic Reference Center to be included in the unified statewide 911 emergency service database. Additionally, all municipalities that utilize an existing county coordinate system or are establishing a new countywide coordinate network for surveying or mapping must conform to the current Utah Coordinate System by January 1, 2021.

### ULCT Action/Future Trend:

ULCT worked with Rep. Ray on modifications to his original bill last session and supported its return this year.



# GENERAL LEGISLATIVE SESSION



## HB 64 | Lobbyist Expenditures Amendments

Reference: **Daily Email Jan. 29**

Sponsor: **Mike McKell; Karen Mayne**

Bill Status: **Enrolled**

Link: <https://le.utah.gov/~2019/bills/static/HB0064.html>

ULCT Position: **Neutral**

### Legislative Purpose of the Bill:

This legislation restricts lobbyists and “government officers” from making expenditures on local officials beyond what is permitted for state legislators and requires reporting on those expenditures. An identical bill got through committee last session but ran out of time in the Senate. It exempts certain organizations and publicly-employed individuals that only represent local government or education.

### Municipal Action/What you need to do:

ULCT worked with Rep. McKell last session and this session on modifications to this bill to ensure that it does not add reporting requirements for organizations like ULCT and UAC when hosting events for or engaging with their membership. We also clarified with OLRGC that it would not apply to intergovernmental events (e.g., inviting your county commissioners to attend the city-sponsored rodeo).

### ULCT Action/Future Trend:

ULCT does not expect additional legislation on this in the near future.



# GENERAL LEGISLATIVE SESSION

60



## HB 69 | Legal Notice Amendments

Reference: **Jan. 31 Daily Email; LPC Feb. 4**

Sponsor: **Coleman, Kim**

Bill Status: **Not Passed**

Link: <https://le.utah.gov/~2019/bills/static/HB0069.html>

ULCT Position: **Support**

---

### **Legislative Purpose of the Bill:**

HB 69 aimed to address the cost of notices as well as the requirement to publish certain notices in a newspaper. Last year this same bill passed the House but didn't get through the Senate, and this year suffered the same fate. However, a similar bill, SB 145, did pass.

### **Municipal Action/What you need to do:**

This bill would not have impacted how a government entity perfects service under the rules of civil or criminal procedure; it just attempted to clarify circumstances under which an entity would not also have to publish a general legal notice in a newspaper.

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

ULCT testified in support of the bill.



*Back to Table  
of Contents*

*Utah League of Cities and Towns*

GENERAL LEGISLATIVE SESSION



**HB 70 | Community Reinvestment Agency Modifications**

Reference: **LPC Feb. 4, Mar. 11**

Sponsor: **Kim Coleman**

Bill Status: **Not Passed**

Link: <https://le.utah.gov/-2019/bills/static/HB0070.html>

ULCT Position: **Opposed**

**Legislative Purpose of the Bill:**

This is the second year that Rep. Coleman introduced this bill, which would have modified provisions related to the Community Reinvestment Agency Act.

The bill (1) removed provisions that prevented the creation of an economic development project area after 2016; (2) allowed an economic development project area to receive tax increment through an interlocal agreement between a taxing entity and the agency; (3) addressed measurement of the project area funds collection period; (4) required a community that creates an agency having a housing allocation from tax increment to create an affordable housing plan; (5) allowed an agency to use the agency’s housing allocation to implement the affordable housing plan; (6) required a description of how an agency used the agency’s housing allocation in the agency’s annual budget report; (7) imposed certain requirements on jobs created for post-performance distribution; (8) for urban renewal project areas, removed the option to reduce the agency’s housing allocation; and (9) required an agency to start distributing the agency’s housing allocation held from project areas created in the past. LPC voted to oppose the bill because of the exemption of the 10% housing allocation.





# GENERAL LEGISLATIVE SESSION

**Municipal Impact/What you need to do:**

HB 70 did not pass so no action is necessary.

**ULCT Action/Future Trend:**

ULCT discussed the bill with Rep. Coleman, including how other bills introduced this session rendered this legislation unnecessary.



# GENERAL LEGISLATIVE SESSION

63



## HB 75 | Sex Offender Registry Amendments

Reference: **None**

Sponsor: **Ken Ivory; Luz Escamilla**

Bill Status: **Enrolled**

Link: <https://le.utah.gov/~2019/bills/static/HB0075.html>

ULCT Position: **Support**

---

### Legislative Purpose of the Bill:

This bill arose out of a situation where an individual plead out of a situation where an individual plead down to unlawful sexual activity with a minor and a class A misdemeanor. All parties involved expected the guilty party would need to register as a sex offender but he was ultimately told he didn't. This is a technical bill to address that loophole.

### Municipal Impact/What you need to do:

This bill clarifies that an individual convicted of the offense of unlawful sexual activity with a minor is required to register as a sex offender unless the individual was less than four years older than the minor at the time of the offense or the individual is under 21 years old at the time of the offense.

### ULCT Action/Future Trend:

ULCT monitored the bill.



GENERAL LEGISLATIVE SESSION



**HB 78 | Third Sub. Federal Designations**

Reference: **Daily Email Feb. 6, 7, 11, 12, Mar. 7; Podcast Feb. 22**

Sponsor: **Carl Abrecht; David Hinkins**

Bill Status: **Enrolled**

Link: <https://le.utah.gov/-2019/bills/static/HB0078.html>

ULCT Position: **Neutral as amended**

**Legislative Purpose of the Bill:**

The original bill invoked last session’s failed HB 136, which (as amended) required the legislative body of a political subdivision to report to the Legislature if it wanted to advocate for lands to receive a federal designation. Rep. Abrecht then introduced a substitute that made this bill substantially more problematic for local government. The substitute bill proposed to amend Utah Code 63J-8-106 by expanding the Legislature’s discretion to review, approve, or disapprove a political subdivision’s support for a congressional land use designation. To request approval, a political subdivision would be required to draft a detailed report and a concurrent resolution to be submitted to and considered by a legislative committee. If the resolution was adopted by the committee and signed by the Governor, a political subdivision could “officially” support a congressional land use designation. We opposed this bill not only as state government overreach, but for potentially restricting the free speech rights of government entities and their employees.

**Municipal Impact/what you need to do:**

The bill was amended again in the Senate, and in its final form, requires a government entity to notify the Natural Resources, Agriculture, and Environment







# GENERAL LEGISLATIVE SESSION

Interim Committee before advocating for a federal lands designation within the state. It does not, however, give the Committee the authority to prohibit the government entity from advocating or otherwise require it to report back. It also doesn't apply if a political subdivision is advocating for a designation that is less than 5,000 acres. This was a major improvement over the original form of this bill.

**ULCT Action/Future Trend:**

ULCT testified against the bill in the House and advocated for changes in the Senate.



# GENERAL LEGISLATIVE SESSION

66



## HB 79 | Interlocal Provision of Law Enforcement Service

Reference: **None**

Sponsor: **Mike Winder: Dan McCay**

Bill Status: **Enrolled**

Link: <https://le.utah.gov/-2019/bills/static/HB0079.html>

ULCT Position: **Neutral**

### Legislative Purpose of the Bill:

Sen. McCay sponsored this bill during the 2018 legislative session, but it didn't pass due to time. HB 79 gives certain counties and municipalities discretion to appoint a law enforcement services chief executive officer in lieu of an elected county sheriff.

### Municipal Impact/What you need to do:

This bill grants discretion when a county of the first class and one or more municipalities enter into an interlocal agreement to appoint a chief executive officer to direct law enforcement. In a county of the 2nd through 6th class, the interlocal agreement must require that the county sheriff provide or direct law enforcement services.

### ULCT Action/Future Trend:

ULCT monitored the bill.



# GENERAL LEGISLATIVE SESSION



## HB 84 | Economic Development Programs Amendments

Reference: **None**

Sponsor: **Christine Watkins; David Hinkins**

Bill Status: **Enrolled**

Link: <https://le.utah.gov/-2019/bills/static/HB0084.html>

ULCT Position: **Support**

### Legislative Purpose of the Bill:

This bill changes the months examined to determine an incremental job from 24 months to 12 months under the Rural Fast Track Program. It removes the annual \$30,000 cap that a rural economic development entity may receive under the Business Expansion and Retention Initiative. The purpose is to increase the benefit for a company that creates a high paying job in rural Utah. The smaller window for job creation could result in companies expanding in rural Utah at a faster pace. It also removes the cap available to rural development entities, however it did not provide additional appropriations.

### Municipal Impact/What you need to do:

Rural development entities can compete for additional money, but it will be the same level of funds going into the account.

### ULCT Action/Future Trend:

ULCT monitored the bill. GOED has expressed interest in consolidating the economic development programs for rural Utah. Another bill proposed this session, SB 200, was an attempt to consolidate these programs but it failed to pass.



# GENERAL LEGISLATIVE SESSION

68



## HB 85 | Political Subdivision Boundary Shift Amendments



Reference: **None**

Sponsor: **Jeff Stenquist; Dan McCay**

Bill Status: **Enrolled**

Link: <https://le.utah.gov/-2019/bills/static/HB0085.html>

ULCT Position: **Support**

---

### Legislative Purpose of the Bill:

This bill requires a county to provide notice to political subdivisions before adjusting a county boundary. Counties must alert municipalities, school districts, local districts, special service districts, interlocal entities, CRAs, building authorities, and conservation districts at least one week before holding a public hearing on a proposed boundary change.

### Municipal Impact/What you need to do:

No action is required

### ULCT Action/Future Trend:

ULCT monitored this bill.



# GENERAL LEGISLATIVE SESSION



## HB 86 | Service Area Board of Trustees Amendments

Reference: **None**

Sponsor: **Steve Waldrip; Allen Christensen**

Bill Status: **Enrolled**

Link: <https://le.utah.gov/-2019/bills/static/HB0086.html>

ULCT Position: **Neutral**

### Legislative Purpose of the Bill:

According to Rep. Waldrip, this bill addresses taxation without representation that emerged under current statute. Three park districts in the Ogden Valley were consolidated into one special service area, the Ogden Valley Parks Service Area. Under current statute, Huntsville town, which owns one of the parks in the service area, could not appoint a member to the service area board because it is a town, even though residents contribute taxes to the service area.

### Municipal Impact/What you need to do:

This bill allows a municipal governing body to petition a service area board to appoint a member from the municipality to the board of trustees in instances where the service area and municipality have entered into an interlocal agreement for the service area and the municipality is not in the service area boundary.

### ULCT Action/Future Trend:

ULCT monitored the bill.



# GENERAL LEGISLATIVE SESSION



## HB 94 | Weapons Restrictions Amendments

Reference: **None**

Sponsor: **Norm Thurston; Jake Anderegg**

Bill Status: **Enrolled**

Link: <https://le.utah.gov/~2019/bills/static/HB0094.html>

ULCT Position: **Neutral**

### Legislative Purpose of the Bill:

Rep. Thurston presented this bill as one of the consequences of his bill from a couple years ago to reduce the legal BAC from .08 to .05. This bill eliminates the exemption that allowed a law enforcement officer to carry a dangerous weapon while intoxicated.

### Municipal Impact/What you need to do:

If an officer is employed by a state or federal agency or political subdivision that has a policy on the use of dangerous weapons, the employer is expected to handle any employee process or discipline. If the employer doesn't have a policy, the officer will go through the court system like anyone else. The bill clarifies that the definition of "carry" does not mean when a weapon is securely encased or not readily available, and provides a statutory exemption for an individual who is carrying a dangerous weapon while intoxicated on private property with the consent of the owner.

### ULCT Action/Future Trend:

ULCT monitored the bill and took a neutral position based on the UCOPA position.



# GENERAL LEGISLATIVE SESSION

71



## HB 96 | Fourth Substitute, Nighttime Highway Construction Noise Amendments

Reference: **LPC Feb. 4**

Sponsor: **Kay Christofferson; David Buxton**

Bill Status: **Enrolled**

Link: <https://le.utah.gov/-2019/bills/static/HB0096.html>

ULCT Position: **Neutral**

### Legislative Purpose of the Bill:

This bill pertains to roads with a speed limit of 55 mph and above when nighttime construction is necessary to mitigate daytime traffic. Nighttime highway construction projects on such roads are exempted from certain ordinances on construction sites and this bill expands those exemptions to gravel pits for “permitted activities,” defined as activities between 7 p.m. and 7 a.m. that are related to and necessary for the nighttime construction and include loading, unloading, mixing, and hauling, but not blasting or crushing.

### Municipal Impact/What you need to do:

The bill requires municipalities to issue nighttime highway construction permits for permitted activities when the applicant demonstrates that the activities are related to and necessary for a DOT project, the DOT has obtained a noise permit from the municipality and coordinates with the municipality to address noise exemption conditions, and the municipality determines that any nuisance caused by the nighttime construction may be reasonably mitigated. Municipalities retain discretion to request adjustments to the permit to mitigate unreasonable noise disturbances.



*Back to Table  
of Contents*

*Utah League of Cities and Towns*



# GENERAL LEGISLATIVE SESSION

**ULCT Action/Future Trend:**

ULCT worked with Rep. Christofferson on this bill beginning last session, and were comfortable with the second substitute, which passed out of the House. A third substitute of the bill was then proposed, which would have fundamentally changed a jurisdiction's ability to work with an operator to mitigate noise and other impacts. After bringing this to Rep. Christofferson's attention, he bypassed the 3rd sub and introduced a 4th, which basically reverted to the 2nd sub we were all on board with. This topic may or may not be re-opened during interim discussion on gravel pit regulation.





# GENERAL LEGISLATIVE SESSION

73



## HB 99 | Second Substitute, Catastrophic Wildfire and Other Public Nuisance Revisions

Reference: **None**

Sponsor: **Ken Ivory; Ronald Winterton**

Bill Status: **Enrolled**

Link: <https://le.utah.gov/-2019/bills/static/HB0099.html>

ULCT Position: **Support**

### Legislative Purpose of the Bill:

Rep. Ivory introduced this bill last year and it passed the House but didn't make it through the Senate due to time. The bill indemnifies a chief executive officer or county sheriff that abates a catastrophic public nuisance, which is defined as a condition on state or federal land where natural resources and biota have been managed or neglected and cause a threat of catastrophic wildfire or other conditions.

### Municipal Impact/What you need to do:

This bill requires the state to indemnify, defend, and hold a chief executive officer or county sheriff harmless from claims or damages, court costs, and attorney fees when the officer or sheriff complies with the Catastrophic Public Nuisance Act to abate a catastrophic nuisance in reasonable furtherance of a proposed abatement plan.

### ULCT Action/Future Trend:

ULCT monitored the bill.



*Back to Table  
of Contents*

# GENERAL LEGISLATIVE SESSION

74



## HB 100 | Third Substitute, Sexual Violence Protective Orders

Reference: **None**

Sponsor: **Lowry Snow; Curtis Bramble**

Bill Status: **Enrolled**

Link: <https://le.utah.gov/-2019/bills/static/HB0100.html>

ULCT Position: **Support**

---

### Legislative Purpose of the Bill:

To obtain a domestic, cohabitant, or dating violence protective order, a relationship between the parties is required. This bill establishes protective orders for victims of sexual violence who do not necessarily have a relationship with their alleged attacker.

### Municipal Impact/What you need to do:

This bill establishes the Sexual Violence Protection Act and creates a sexual violence protective order and ex parte sexual violence protection order. Sexual violence protective orders and dating violence protective orders must be recorded on the statewide warrant system. The bill has a delayed effective date of July 1, 2019 to allow courts time to prepare.

### ULCT Action/Future Trend:

ULCT monitored this bill.



Back to Table  
of Contents

# GENERAL LEGISLATIVE SESSION



## HB 101 | First Substitute, Autonomous Vehicle Regulations

Reference: **None**

Sponsor: **Robert Spendlove; David Buxton**

Bill Status: **Enrolled**

Link: <https://le.utah.gov/~2019/bills/static/HB0101.html>

ULCT Position: **Neutral**

### Legislative Purpose of the Bill:

In 2016, the Legislature enacted HB 280 and required state agencies to study and report on autonomous vehicles. In 2017, HB 371 1st Substitute proposed to allow automated driving systems (ADS) to operate in the state but did not pass.

HB 101 defines autonomy. Most modern vehicles are already at level two (e.g. cruise control assistance) but manufacturers want to start highway testing level three. Large cities around the country have MOUs with specific companies. This bill allows testing in specific areas, but not statewide. If there's an accident involving an ADS, it must be reported. UDOT explained that it's good to have these clarifications and level 5 ADS (completely autonomous) are still a long way out.

### Municipal Impact/What you need to do:

HB 101 preempts cities from imposing additional restrictions, fees, or requirements on ADS.

### ULCT Action/Future Trend:

ULCT monitored the bill.



# GENERAL LEGISLATIVE SESSION



## HB 105 | First Substitute, Off-highway Vehicle Permit Amendments

Reference: **None**

Sponsor: **Derrin Owens; Scott Sandall**

Bill Status: **Enrolled**

Link: <https://le.utah.gov/-2019/bills/static/HB0105.html>

ULCT Position: **Support**

### Legislative Purpose of the Bill:

Utah currently provides reciprocity to OHV operators registered in thirteen other states. This bill removes the reciprocity provisions and requires non-resident OHV operators to register their OHV in Utah and to pay a fee. Those nonresidents operating an OHV for animal husbandry are exempt from registration and fees.

Beginning on January 1, 2020, out-of-state OHV operators will be required to pay a \$30 annual user fee to the DMV. It is estimated that in FY 2020, this will generate \$135,400, and in FY 2021, \$270,900, for the Off-highway Access and Education Restricted Account, which is used in part to protect access to public lands by motor vehicles and OHV operators, and to educate the public about OHV use.

### Municipal Impact/What you need to do:

No action is necessary.

### ULCT Action/Future Trend:

ULCT monitored the bill.



# GENERAL LEGISLATIVE SESSION

77



## HB 110 | Rural Economic Development Incentives

Reference: **None**

Sponsor: **Carl Albrecht; Ralph Okerlund**

Bill Status: **Enrolled**

Link: <https://le.utah.gov/~2019/bills/static/HB0110.html>

ULCT Position: **Support**

---

### Legislative Purpose of the Bill:

This bill is intended to adjust last year's HB 390 that encourages businesses to create jobs for people living in rural Utah.

### Municipal Impact/What you need to do:

HB 110 increases the cap a company can receive in post-performance incentives from \$25,000 to \$250,000 for moving a job to rural Utah. It also clarifies that a company can take advantage of multiple incentives when producing a job in rural Utah.

### ULCT Action/Future Trend:

ULCT monitored this bill.



*Back to Table  
of Contents*

*Utah League of Cities and Towns*

# GENERAL LEGISLATIVE SESSION

78



## HB 114 | Self-defense Amendments

Reference: **None**

Sponsor: **Cory Maloy; David Hinkins**

Bill Status: **Enrolled**

Link: <https://le.utah.gov/~2019/bills/static/HB0114.html>

ULCT Position: **Neutral**

---

### Legislative Purpose of the Bill:

This bill is somewhat a reiteration of Utah's "Stand Your Ground" law. It provides that an individual is not required to retreat from an aggressor even if there is a safe place to which the individual can retreat and provides that an individual's failure to retreat is not relevant when determining whether the individual acted reasonably.

### Municipal Impact/What you need to do:

No action is required.

### ULCT Action/Future Trend:

ULCT monitored this bill.



# GENERAL LEGISLATIVE SESSION



## HB 119 | Fourth Sub, Initiatives, Referenda, and Other Political Activities

Reference: **Daily Email Feb. 27, Mar. 4, 5, 11; LPC Feb. 4, 11, 25, Mar. 4, 11; Friday Facts Mar. 1; Podcast Feb. 8**

Sponsor: **Brad Daw; Curtis Bramble**

Bill Status: **Enrolled**

Link: <https://le.utah.gov/-2019/bills/static/HB0119.html>

ULCT Position: **Support**

### Legislative Purpose of the Bill:

HB 119 makes substantial changes to the Election Code regarding a ballot proposition, initiative, and referendum. The bill, in part, outlines the content, preparation, and publication of an information pamphlet for a proposed initiative or referendum. HB 119 also establishes requirements for holding a public hearing on a proposed or pending local initiative or referendum. The bill ties the petition signature thresholds to percentages of the number of active voters in the political subdivision, rather than to all votes cast for candidates of President of the United States at the last Presidential election. HB 119 outlines potential reasons a legislative body may determine that an initiative or referendum is not legally referable to voters. If the body determines it is not legally referable, the bill describes the appeal process for the sponsors. The bill establishes procedures and requirements specific to a referendum for a local land use law and defines “land use law.”

HB 119 also outlines when a municipality may expend public funds to gather information for and respond directly to individuals who make a direct inquiry regarding a ballot proposition, initiative, or referendum. The bill allows a public entity to conduct research, and to collect



# GENERAL LEGISLATIVE SESSION

and compile information or arguments. An elected or appointed official may use research, information, and arguments to advocate for or against a ballot proposition, proposed initiative, or referendum on a website or another medium that is not owned or controlled by the public entity. HB 119 establishes a process for a public entity to make information available to the public under certain limitations.

The Lieutenant Governor will create instructional materials on initiatives and referenda and will publish the information on the Lieutenant Governor's website.

### **Municipal Impact/What you need to do:**

By January 1, 2020 (again on January 1, 2022, and every 10 years after that), metro townships with a population of 65,000+ and a city of the first or second class must divide their metro township or city into eight contiguous and compact voter participation areas of substantially equal population. Metro townships with 10,000+ and a city of the third or fourth class must divide the township or city into four voter participation areas. Townships under 10,000, cities of the fifth class, and towns are exempt.

Also, become familiar with changes to the expenditure of public funds for political purposes related to proposed and pending local initiatives and referenda, as well as to the communications piece that outlines how a municipality may make information available on an initiative or referendum to the public.

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

ULCT has been directly involved in the two-year effort on this bill. The substitute bill that passed is a consensus bill involving many stakeholders. Based on the increasing frequency of referenda on local land use decisions, we anticipate that some stakeholders will want to continue pushing for additional change to this process.





# GENERAL LEGISLATIVE SESSION



## HB 122 | Property Rights Ombudsman Advisory Opinion Amendments

Reference: **LPC Mar. 11**

Sponsor: **Calvin Musselman; David Buxton**

Bill Status: **Enrolled**

Link: <https://le.utah.gov/-2019/bills/static/HB0122.html>

ULCT Position: **Support**

---

### Legislative Purpose of the Bill:

HB 122 amends the Property Rights Ombudsman Act in terms of when a party is entitled to attorneys' fees.

### Municipal Impact/What you need to do:

If a dispute results in issuance of an advisory opinion by the PRO, and the dispute is later litigated, a party is entitled to attorneys' fees if the court rules consistently with the PRO's opinion. Fees are determined from the date the PRO's opinion was issued. Also, if impact fees are at issue, the political subdivision must refund the impact fees to the prevailing party in accordance with Utah Code 11-36a-603 in an amount that is based on the difference between the amount the party paid in impact fees and what it should have paid had the political subdivision correctly calculated it.

### ULCT Action/Future Trend:

This was one of the consensus bills generated through the Land Use Task Force last interim, and ULCT worked on it in conjunction with the Property Rights Ombudsman and the Property Rights Coalition.



## GENERAL LEGISLATIVE SESSION

82

**HB 125 | Quantity Impairment Modifications**Reference: **None**Sponsor: **Carl Albrecht; Daniel Hemmert**Bill Status: **Enrolled**Link: <https://le.utah.gov/~2019/bills/static/HB0125.html>ULCT Position: **Neutral**

---

**Legislative Purpose of the Bill:**

This bill is a technical correction/cleanup bill endorsed by the Utah Water Task Force.

**Municipal Impact/What you need to do:**

The bill provides a rebuttable presumption of quantity impairment to the extent that for a period of at least seven consecutive years, a portion of the right identified in a change applicant has not been diverted or beneficially used.

**ULCT Action/Future Trend:**

ULCT monitored this bill.



# GENERAL LEGISLATIVE SESSION



## HB 126 | First Substitute, Tire Recycling Modifications

Reference: **None**

Sponsor: **Lee Perry; Todd Weiler**

Bill Status: **Enrolled**

Link: <https://le.utah.gov/~2019/bills/static/HB0126.html>

ULCT Position: **Support**

### Legislative Purpose of the Bill:

The first version of this bill increased the rate of reimbursement for tire recyclers, but the bill was substituted to remove this increase in order to allow for more discussion over the interim.

This bill changes the definition of crumb rubber to include waste tires that are ground, shredded, or otherwise reduced in size from 3/8-inch to 3/4- inch or smaller to allow tire recyclers to create in a new product. The bill clarifies that waste tire transporters must deliver tires to a recycler and may not simply transport tires from one tire pile to another pile.

### Municipal Impact/What you need to do:

No action is required.

### ULCT Action/Future Trend:

ULCT monitored the bill.



# GENERAL LEGISLATIVE SESSION

84



## HB 129 | First Substitute, Campaign Amendments

Reference: **None**

Sponsor: **Craig Hall; Deidre Henderson**

Bill Status: **Enrolled**

Link: <https://le.utah.gov/-2019/bills/static/HB0129.html>

ULCT Position: **Support**

---

### Legislative Purpose of the Bill:

This bill addresses campaign funds and childcare expenses for parents who run for public office and who serve as an officer.

### Municipal Impact/What you need to do:

This bill allows city, county, and statewide candidates to use campaign funds to pay for childcare while the candidate is engaged in campaign activity, and officeholders to use campaign funds for childcare while carrying out the duties of their office.

### ULCT Action/Future Trend:

ULCT monitored the bill.



# GENERAL LEGISLATIVE SESSION

85



## HB 133 | Second Substitute, Initiative Amendments

Reference: **None**

Sponsor: **Brad Daw; Curtis Bramble**

Bill Status: **Enrolled**

Link: <https://le.utah.gov/-2019/bills/static/HB0133.html>

ULCT Position: **Neutral**

---

### Legislative Purpose of the Bill:

This bill delays the effective date for a successfully passed statewide initiative. It makes the effective date the same date as any bill that passes a general session. If the initiative has a tax increase, the effective date would be delayed one year.

### Municipal Impact/What you need to do:

No action is required.

### ULCT Action/Future Trend:

This is one of a handful of bills this session that dealt with statewide initiatives. ULCT was intimately involved with HB 119 on local initiatives and referenda, and monitored this bill.



# GENERAL LEGISLATIVE SESSION

86



## HB 135 | First Sub, Wildfire Preparedness Amendments

Reference: **None**

Sponsor: **Derrin Owens; Ralph Okerlund**

Bill Status: **Enrolled**

Link: <https://le.utah.gov/-2019/bills/static/HB0135.html>

ULCT Position: **Support**

---

### Legislative Purpose of the Bill:

This bill creates an expendable special revenue Wildland Fire Preparedness Grants Fund that is supported by voluntary contributions, legislative appropriations, 10% of recovered annual costs from wildfire suppression, and interest and earnings.

### Municipal Impact/What you need to do:

The bill provides that the state forester will make one or more grants to local or volunteer fire departments to help build capacity for wildfire suppression. The Division of Forestry, Fire, and State Lands will develop criteria for receiving grants.

### ULCT Action/Future Trend:

ULCT monitored the bill.



# GENERAL LEGISLATIVE SESSION

87



## HB 137 | Second Sub, Domestic Violence Enhancement Amendments

Reference: **None**

Sponsor: **Stephanie Pitcher; Karen Mayne**

Bill Status: **Enrolled**

Link: <https://le.utah.gov/-2019/bills/static/HB0137.html>

ULCT Position: **Support**

---

### Legislative Purpose of the Bill:

This bill raises the enhancement penalty for repeat domestic violence offenders to match the cap of other crimes under the Utah Criminal Code. The District Attorney Association supported the bill as a data-driven approach.

### Municipal Impact/What you need to do:

This bill extends the duration between domestic violence offenses for purposes of applying a penalty enhancement from 5 years to 10 years.

### ULCT Action/Future Trend:

ULCT monitored this bill.



*Back to Table  
of Contents*

*Utah League of Cities and Towns*

## GENERAL LEGISLATIVE SESSION

88

**HB 139 | First Substitute, Motor Vehicle Emissions Amendments**Reference: **None**Sponsor: **Angela Romero; Luz Escamilla**Bill Status: **Enrolled**Link: <https://le.utah.gov/~2019/bills/static/HB0139.html>ULCT Position: **Support**

---

**Legislative Purpose of the Bill:**

This bill addresses coal rolling in non-attainment areas. The Utah Manufacturers Association and Air Quality Advisory Board supported the bill.

**Municipal Impact/What you need to do:**

This bill makes it a traffic violation when a driver intentionally spews exhaust at a vulnerable person in a non-attainment area. It also enhances the penalty for people who illegally modify diesel vehicles.

**ULCT Action/Future Trend:**

ULCT monitored the bill.





# GENERAL LEGISLATIVE SESSION



## HB 142 | Building Construction Amendments

Reference: **None**

Sponsor: **Casey Snider; David Hinkins**

Bill Status: **Enrolled**

Link: <https://le.utah.gov/~2019/bills/static/HB0142.html>

ULCT Position: **Support**

### Legislative Purpose of the Bill:

Rep. Snider sponsored this bill to establish a study to consider possible mass timber products—wood glued together—that could be used in building construction. HB 152 requires the Uniform Building Code Commission to submit a report by October 1, 2019 to the Business and Labor Interim Committee recommending building standards for the use of mass timber products in residential and commercial construction. Mass timber products include cross laminated timber, nail laminated timber, glue laminated timber, laminated strand timber, dowel laminated timber, laminated veneer lumber, structural composite lumber, and wood concrete composites.

### Municipal Impact/What you need to do:

No action is required.

### ULCT Action/Future Trend:

ULCT monitored the bill.



# GENERAL LEGISLATIVE SESSION



## HB 143 | Water Conservation Plan Amendments

Reference: **Daily Email Feb. 6; LPC Feb. 4**

Sponsor: **Suzanne Harrison**

Bill Status: **Not Passed**

Link: <https://le.utah.gov/-2019/bills/static/HB0143.html>

ULCT Position: **Amend**

### Legislative Purpose of the Bill:

This bill intended to enhance water conservation and was held in committee to be further addressed over the interim. This bill would have required water conservation plans to include a plan on how to reach 175 gallons a day per capita use, the cost for a water supplier to attain that goal, and the cost to consumers if that level is not reached.

### Municipal Impact/What you need to do:

The bill failed to pass and no action is required.

### ULCT Action/Future Trend:

ULCT supports the conservation efforts in the bill, but had concerns about the one-size-fits-all approach. We spoke with the sponsor and other stakeholders about how we might accomplish the goal without mandating the specific goals. Ultimately it was determined that the Utah Water Task Force would consider this as part of the conversation on water conservation this interim. ULCT will continue to participate in these discussions.



# GENERAL LEGISLATIVE SESSION



## HB 145 | Third Substitute, Citizen Political Process Amendments

Reference: **None**

Sponsor: **Norman Thurston; Curtis Bramble**

Bill Status: **Enrolled**

Link: <https://le.utah.gov/~2019/bills/static/HB0145.html>

ULCT Position: **Neutral**

### Legislative Purpose of the Bill:

Rep. Thurston sponsored this bill to clarify the signature-gathering requirements for initiatives and referendum and to make the process more transparent.

### Municipal Impactn/What you need to do:

This bill modifies signature sheets for initiative and referendum petitions and outlines requirements to remove a signature from a petition. The bill imposes criminal penalties for knowingly placing or verifying a false signature date on a signature packet and for paying or accept payment in exchange for a signature. The bill requires that signature packets be submitted on a rolling basis during the signature-gathering process. County clerks must post the names of petition signers on the county website.

### ULCT Action/Future Trend:

This was one of a handful of bills this session that addressed the statewide referendum process. We will likely see more legislation in subsequent years if we continue to see more statewide referenda. ULCT monitored this bill.



# GENERAL LEGISLATIVE SESSION



## HB 148 | Fourth Substitute, Vehicle Idling Revisions

Reference: **Daily Email Feb. 5, 7, March 4; LPC Mar. 11**

Sponsor: **Patrice Arent; Curtis Bramble**

Bill Status: **Enrolled**

Link: <https://le.utah.gov/-2019/bills/static/HB0148.html>

ULCT Position: **Support**

### Legislative Purpose of the Bill:

The first version of this bill would have repealed the restrictions the Legislature enacted under HB 104 in 2012 that limited the authority of cities to regulate idling vehicles, specifically, the provisions that mandate that city ordinances disclose an educational purpose and that cities give at least three warnings before imposing a fine. In order to get all parties on board, Rep. Arent introduced a substitute that reduced the required warnings from three to one and maintained the educational component.

### Municipal Impact/What you need to do:

HB 148 permits cities with anti-idling ordinances to enforce the ordinance through the imposition of a fine after issuing at least one warning citation; cities may update their ordinance to reflect this change.

### ULCT Action/Future Trend:

ULCT testified in support of this bill multiple times. Based on membership surveys, air quality is becoming more and more important to cities across the state, and our membership wants to support bills that allow them to improve air quality at the local level. We are sure that Rep. Arent and her colleagues in the bi-partisan Clean Air Caucus will continue to bring forth legislation that improves state and local tools to address air quality.



# GENERAL LEGISLATIVE SESSION



## HB 149 | First Substitute, Traffic Code Amendments

Reference: **None**

Sponsor: **Walt Brooks; David Hinkins**

Bill Status: **Enrolled**

Link: <https://le.utah.gov/-2019/bills/static/HB0149.html>

ULCT Position: **Support**

### Legislative Purpose of the Bill:

This bill does not allow motorcycles to split a lane, but rather clarifies that motorcycles may, under limited circumstances, move in between stopped vehicles.

### Municipal Impact/What you need to do:

This bill amends the traffic code (Title 41) to allow motorcycles to “filter” through lanes, passing in between vehicles when they are stopped on a road with a speed limit less than 50 mph. Motorcyclists must drive through lanes at speeds less than 15 mph and the roads must have multiple lanes going the same direction.

### ULCT Action/Future Trend:

ULCT monitored the bill.



# GENERAL LEGISLATIVE SESSION



## HB 150 | Trampoline Park Safety Standards

Reference: **None**

Sponsor: **Norman Thurston; Curtis Bramble**

Bill Status: **Enrolled**

Link: <https://le.utah.gov/~2019/bills/static/HB0150.html>

ULCT Position: **Neutral**

### Legislative Purpose of the Bill:

Rep. Thurston worked on this legislation with a group of stakeholders for a couple of years before finally getting it done this year. The bill establishes standards for trampoline parks.

### Municipal Action/What you need to do:

It requires trampoline parks to maintain a local business license, get annual inspections that certify compliance with national standards, display certain signage, monitor operations, and carry insurance. It specifies that local government may revoke or refuse to renew business licenses if parks fail to comply. If you have trampoline parks in your jurisdiction, you will need to make sure they are compliant with this statute when you renew their business licenses.

### ULCT Action/Future Trend:

ULCT participated in several conversations with Rep. Thurston and others to ensure that local government could continue to enforce current ordinances and additional requirements if necessary. The legislation was originally modeled on Provo City's ordinance and Provo's involvement was key.



# GENERAL LEGISLATIVE SESSION



## HB 151 | Third Substitute, Traffic Flow Amendments

Reference: **Daily Email Feb. 5, 12, Mar. 7**

Sponsor: **Ken Ivory; Jacob Anderegg**

Bill Status: **Not Passed**

Link: <https://le.utah.gov/-2019/bills/static/HB0151.html>

ULCT Position: **Oppose**

### Legislative Purpose of the Bill:

Rep. Ivory sponsored this bill because a constituent had an experience at 4:00 am on his way to the airport where he approached a red light and the light did not change. The constituent eventually went through the red light. A police officer observed this and issued the constituent a ticket. The constituent fought the ticket in court, but the judge said there was no common-sense clause in the law; if you run a red light, you get a ticket. Rep. Ivory sponsored this bill in an attempt to create a common-sense clause.

This bill would have allowed an operator of a vehicle at a red light on a highway with a speed limit of 55 miles per hour or lower during a time of extremely low traffic levels to proceed through the red light if the operator reasonably determines that: no other vehicle is at or near the intersection that might compromise the safety of either vehicle if the operator proceeds through the intersection; no pedestrian is attempting to cross at or near the intersection; and no other safety concern exists. The bill went through numerous iterations to address concerns by ULCT, UDOT and law enforcement, but still failed to pass.





# GENERAL LEGISLATIVE SESSION

**Municipal Impact/What you need to do:**

No action is required.

**ULCT Action/Future Trend:**

ULCT testified against the bill. A similar bill was introduced last year so we may see another attempt next year.





# GENERAL LEGISLATIVE SESSION



## HB 152 | Voluntary Commitment of a Firearm Amendments

Reference: **None**

Sponsor: **Cory Maloy; Ann Millner**

Bill Status: **Enrolled**

Link: <https://le.utah.gov/-2019/bills/static/HB0152.html>

ULCT Position: **Support**

---

### Legislative Purpose of the Bill:

This bill clarifies and expands the definition of a cohabitant who may voluntarily remove a firearm from their home for safekeeping with law enforcement.

### Municipal Impact/What you need to do:

This bill defines “owner cohabitant” as anyone living as if a spouse to the firearm owner, related by blood or marriage, has one or more children in common with the owner cohabitant, or anyone who has an interest in the safety and wellbeing of the owner. This is intended to make it easier for someone living in the home who is concerned about anyone in the home with access to the firearm harming him or herself to surrender it to law enforcement.

### ULCT Action/Future Trend:

ULCT monitored the bill.



# GENERAL LEGISLATIVE SESSION

98



## HB 154 | Mental Health Protections for First Responders

Reference: **LPC Feb. 4, Mar. 11; Podcast Feb. 1**

Sponsor: **Karen Kwan; Karen Maynen**

Bill Status: **Enrolled**

Link: <https://le.utah.gov/-2019/bills/static/HB0154.html>

ULCT Position: **Support**

### Legislative Purpose of the Bill:

This bill defines “first responder” as a law enforcement officer, EMT, advanced EMT, paramedic, firefighter, dispatcher or corrections officer, and establishes a temporary working group to review and make recommendations on barriers to mental health treatment for first responders; requirements for compensation for mental stress claims under the Workers’ Compensation Act; improving accessibility to treatment; and any other relevant issue.

### Municipal Impact/What you need to do:

One representative from the Utah League of Cities and Towns will be appointed to the workgroup. The workgroup will present a report and recommendations to the Business and Labor Interim Committee before Sept. 30, 2020.

### ULCT Action/Future Trend:

ULCT worked with Rep. Kwan on the bill that eventually morphed into the working group concept last session, but it ran out of time. We continued to support the bill this year. ULCT also gets to appoint one representative on the working group.



*Back to Table  
of Contents*

*Utah League of Cities and Towns*

# GENERAL LEGISLATIVE SESSION

99



## HB 155 | Fire Management Provisions

Reference: **None**

Sponsor: **Casey Snider; David Hinkins**

Bill Status: **Enrolled**

Link: <https://le.utah.gov/~2019/bills/static/HB0155.html>

ULCT Position: **Neutral**

---

### **Legislative Purpose of the Bill:**

This bill works to ensure that local governments are put on notice before the federal government initiates a prescribed fire.

### **Municipal Impact/What you need to do:**

Under the Clean Air Act, the Department of Environmental Quality (DEQ) is authorized to grant permits to federal agencies that oversee prescribed fires on public and private land. This bill requires that the federal government consider local resources in their burn plan and notify and consult with local governments on all prescribed fires before the DEQ may issue the permit.

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

ULCT monitored the bill.



*Back to Table  
of Contents*

*Utah League of Cities and Towns*

# GENERAL LEGISLATIVE SESSION



## HB 162 | Damage to Underground Facilities Amendments

Reference: **LPC Feb. 4**

Sponsor: **Stephen Handy**

Bill Status: **Not Passed**

Link: <https://le.utah.gov/-2019/bills/static/HB0162.html>

ULCT Position: **Amend**

### Legislative Purpose of the Bill:

This bill was introduced by Rep. Gage Froerer late last session as HB 455. Rep. Froerer worked over the interim with a stakeholder group to work out the kinks, but since Rep. Froerer left the Legislature, Rep. Handy took on the task of carrying the bill. As introduced, it attempted to clarify liability between an operator and an excavator in damage to underground facilities, require timely written notice of damages and amounts to the alleged party at fault, and required arbitration within certain time constraints. It also proposed to increase membership on the Underground Facilities Damage Dispute Board from five to seven and includes an additional member from an association for mutual receipt of notice and excavation activities, as well as one member from the Associated Builders and Contractors. Despite the background work, not all parties were on board and Rep. Handy ultimately decided to hold the bill.

### Municipal Impact/What you need to do:

No action is required.

### ULCT Action/Future Trend:

ULCT participated in conversations last interim, and will continue to engage on the issue this interim.



# GENERAL LEGISLATIVE SESSION

101



## HB 163 | Second Substitute, Offenses Against the Administration of Government Amendments

Reference: **None**

Sponsor: **Craig Hall; Todd Weiler**

Bill Status: **Enrolled**

Link: <https://le.utah.gov/-/2019/bills/static/HB0163.html>

ULCT Position: **Support**

### Legislative Purpose of the Bill:

This bill is the result of a 2017 state audit that found public property purchased with public money that was used almost exclusively for personal use.

### Municipal Impact/What you need to do:

This bill clarifies that misuse of public property is a similar crime to misuse of public money and defines “authorized personal use” as use of public property for a personal matter if the public servant is authorized to use the property by a public entity’s policy. The statute contemplates a degree of personal, incidental use of public property as authorized by a public entity. Personal use that goes beyond the entity’s policy could be prosecuted as a felony, similar to misuse of public money. If your city does not have a policy on de minimus personal use of public equipment, it should enact one before the bill takes effect on July 1.

### ULCT Action/Future Trend:

ULCT monitored the bill.



*Back to Table of Contents*

*Utah League of Cities and Towns*

# GENERAL LEGISLATIVE SESSION



## HB 164 | Local Boards and Councils Structure Amendments

Reference: **LPC Feb. 4**

Sponsor: **Jeffrey Stenquist**

Bill Status: **Not Passed**

Link: <https://le.utah.gov/-2019/bills/static/HB0164.html>

ULCT Position: **Opposed**

### Legislative Purpose of the Bill:

This bill aimed to increase the number of representatives in local governing bodies (boards, councils, and commissions) by requiring a minimum number at-large seats. Governing bodies of 3-4 members would require 1 member to be elected at-large, bodies of 5-6 members would require 2 at-large seats, bodies of 7-8 members would require 3 at-large seats, bodies of 9-10 members would require 4 at-large seats, and bodies of 11+ members would require 5 at-large seats.

### Municipal Impact/What you need to do:

No action is required.

### ULCT Action/Future Trend:

After speaking with ULCT and several elected officials serving in cities using district seats exclusively, Rep. Stenquist agreed to hold the bill for further study.



# GENERAL LEGISLATIVE SESSION

103



## HB 173 | Emergency Services Volunteer Employment Protection Act

Reference: **None**

Sponsor: **Casey Snider; Evan Vickers**

Bill Status: **Enrolled**

Link: <https://le.utah.gov/-2019/bills/static/HB0173.html>

ULCT Position: **Support**

### Legislative Purpose of the Bill:

This bill adds a third part to Title 34, Labor in General, Chapter 53, to create the Emergency Services Volunteer Employment Protection Act. The bill protects emergency services volunteers from being terminated from their job when they are delayed or absent because they responded to an emergency situation.

### Municipal Impact/What you need to do:

This bill protects volunteer firefighters, emergency medical service providers, and those mobilized as part of a posse comitatus that respond to an emergency situation and are then late to or absent from work from being terminated. An emergency services volunteer may bring a civil action against an employer that violates the bill.

### ULCT Action/Future Trend:

ULCT monitored this bill.



# GENERAL LEGISLATIVE SESSION

104



## HB 180 | Agriculture and Industrial Protection Areas Amendments

Reference: **Daily Email Feb. 20**

Sponsor: **Kim Coleman**

Bill Status: **Not Passed**

Link: <https://le.utah.gov/-2019/bills/static/HB0180.html>

ULCT Position: **Neutral**

### Legislative Purpose of the Bill:

Under state law, Agriculture and Industrial Protection Areas receive special legal protections under vested rights and are exempt from certain nuisance claims and eminent domain. HB 180 would have established a higher standard and a different process for those who are denied an agriculture or industrial protection area to appeal to district court. This bill stemmed out of Rep. Coleman's desire to fix a problem she perceived with how the Bangerter Farms issue was handled in Farmington City.

### Municipal Impact/What you need to do:

No action is required.

### ULCT Action/Future Trend:

ULCT worked with Rep. Coleman to try to find a good path forward on this bill, which we saw as originally confusing land use standards. While we reached a tentative agreement with her, she decided to hold the bill.



Back to Table  
of Contents



# GENERAL LEGISLATIVE SESSION

105



## HB 185 | Tax Increment Funding for Student Housing

Reference: **Daily Email Feb. 4; LPC Feb. 4**

Sponsor: **Derrin Owens; Ralph Okerlund**

Bill Status: **Enrolled**

Link: <https://le.utah.gov/~2019/bills/static/HB0185.html>

ULCT Position: **Neutral**

### Legislative Purpose of the Bill:

This bill allows CRAs to partner with public colleges to use the agency's housing allocation for student housing.

### Municipal Action/What you need to do:

This bill gives public, nonprofit colleges access to the housing allocation under 17C-1-412 to provide income-targeted housing for full-time students. This bill stems from housing challenges faced in Richfield at Snow College. Sevier County is forming a CRA for a solar project, which will require a housing allocation, but there are limited opportunities to use that allocation in the county without adding this option for student housing. This bill adds another optional tool for a community to address specific housing needs.

### ULCT Action/Future Trend:

ULCT worked with the Utah Redevelopment Association on this bill.



Back to Table  
of Contents

*Utah League of Cities and Towns*

# GENERAL LEGISLATIVE SESSION

106



## HB 200 | Third Substitute, Appointment of Constables Amendments

Reference: **None**

Sponsor: **Logan Wilde; Kirk Cullimore**

Bill Status: **Enrolled**

Link: <https://le.utah.gov/-2019/bills/static/HB0200.html>

ULCT Position: **Neutral**

### Legislative Purpose of the Bill:

This bill amends state code provisions to extend the process of appointing constables to counties and cities of all classes.

### Municipal Impact/What you need to do:

Current law outlines the process to appoint constables for counties and cities of the first or second class. This bill extends the process for appointing constables to counties and cities of all classes. The legislative bodies of counties of the third through sixth class may appoint constables at the recommendation of the county sheriff and the county attorney. Governing bodies of cities of the third through sixth class may appoint a constable at the recommendation of the chief of police.

### ULCT Action/Future Trend:

ULCT monitored the bill.



Back to Table  
of Contents

*Utah League of Cities and Towns*

# GENERAL LEGISLATIVE SESSION

107



## HB 202 | Off-premise Beer Retailer Amendments

Reference: **None**

Sponsor: **Timothy Hawkes; Jerry Stevenson**

Bill Status: **Enrolled**

Link: <https://le.utah.gov/-2019/bills/static/HB0202.html>

ULCT Position: **Neutral**

### Legislative Purpose of the Bill:

This is a clean-up bill to clarify changes the legislature made to off-premise beer retailers in 2017.

### Municipal Action/What you need to do:

In 2017 the State passed a law that clarified off-premise beer retailer requirements. This law required training and licensing. HB 202 clarifies who needs training to get an off-premise license. It also creates a runway for completing the training and licensing. The legislation clarifies that fees go up the longer an entity takes to complete the training and licensing. HB 202 does not have a direct impact on a municipality. However, the off-premise beer retailers that fail to complete the training and licensing will lose the ability to sell beer moving forward.

### ULCT Action/Future Trend:

ULCT monitored this bill.



# GENERAL LEGISLATIVE SESSION

108



## HB 203 | Homeless Shelter Funding Revisions

Reference: **Daily Email Feb. 13**

Sponsor: **Scott Chew; Ronald Winterton**

Bill Status: **Enrolled**

Link: <https://le.utah.gov/~2019/bills/static/HB0203.html>

ULCT Position: **Support**

---

### Legislative Purpose of the Bill:

This bill addresses an oversight from last year's SB 235, which created the Homeless Shelter Cities Mitigation Restricted Account.

### Municipal Impact/What you need to do:

The State Tax Commission retains a percentage of county and city local option sales and use tax revenue to fund the Homeless Shelter Cities Mitigation Restricted Account, but under last year's bill, only counties and cities with homeless shelters with 60 beds or more were eligible to receive funding from the account. This 60-bed threshold unintentionally disqualified homeless shelters in rural Utah from funding. HB 203 extends eligibility for funding to homeless shelters in counties of the third, fourth, fifth, and sixth class with 25 beds or more.

### ULCT Action/Future Trend:

ULCT helped craft the bill and testified in support.



*Back to Table  
of Contents*

*Utah League of Cities and Towns*

# GENERAL LEGISLATIVE SESSION

109



## HB 208 | Safe Routes to School Program

Reference: **None**

Sponsor: **Suzanne Harrison; Daniel Hemmert**

Bill Status: **Enrolled**

Link: <https://le.utah.gov/~2019/bills/static/HB0208.html>

ULCT Position: **Support**

---

### Legislative Purpose of the Bill:

Each year in Utah, an average of five children are killed while walking to school. HB 208 codifies the Safe Routes to School Program to improve student safety and to increase the program's transparency, accountability, and funding.

### Municipal Impact/What you need to do:

This bill requires the Department of Transportation to establish a program to promote safe routes for walking and biking to schools and allows UDOT to use funds as prioritized by the Transportation Commission. It also allows UDOT to prioritize schools in low-income neighborhoods. It is intended to support infrastructure projects like sidewalks, crosswalks, and traffic calming devices, and includes an educational component for schools to improve programs about pedestrian safety.

### ULCT Action/Future Trend:

ULCT testified in support of the bill.



GENERAL LEGISLATIVE SESSION



**HB 212 | First Substitute, Expungement Changes**

Reference: **None**

Sponsor: **Stewart Barlow; Jani Iwamoto**

Bill Status: **Enrolled**

Link: <https://le.utah.gov/-2019/bills/static/HB0212.html>

ULCT Position: **Support**

**Legislative Purpose of the Bill:**

This bill amends the labor code to limit a public employer’s inquiry regarding an expunged criminal record.

**Municipal Impact/What you need to do:**

This bill prohibits a public employer’s inquiry into an applicant’s expunged criminal history, except if the applicant is applying for a position with a law enforcement agency, in the criminal or juvenile justice system, as a non-employee volunteer, with children or vulnerable adults, with DABC, with the State Tax Commission, or performing financial or fiduciary functions. It also allows a job applicant to a public or private employer to answer a question related to an expunged criminal record as though it had never occurred, with the same noted exceptions.

**ULCT Action/Future Trend:**

This legislation was part of a trend this session to make expungements easier and ensure that individuals with histories that are eligible for expungement are not disadvantaged long-term. ULCT monitored the bill.



# GENERAL LEGISLATIVE SESSION

111



## HB 215 | Silver Alert Program

Reference: **None**

Sponsor: **Lee Perry; Don Ipson**

Bill Status: **Enrolled**

Link: <https://le.utah.gov/~2019/bills/static/HB0215.html>

ULCT Position: **Support**

---

### Legislative Purpose of the Bill:

This bill establishes a process for public safety to alert the public when an individual with Alzheimer's or dementia is missing.

### Municipal Impact/What you need to do:

This bill defines "endangered adult" as a person 60 years of age or older with dementia, requires the Department of Public Safety to develop an alert system similar to the Amber Alert System for endangered adults, requires that the system utilize highway signage in the geographical area where the person went missing, and allows the department to make rules to set requirements for alerts.

### ULCT Action/Future Trend:

ULCT monitored the bill.



# GENERAL LEGISLATIVE SESSION



## HB 216 | Utah Wholesome Food Act Revisions

Reference: **None**

Sponsor: **Keven Stratton**

Bill Status: **Not Passed**

Link: <https://le.utah.gov/~2019/bills/static/HB0216.html>

ULCT Position: **Amend**

### Legislative Purpose of the Bill:

This bill would have allowed farmers to host farm-to-fork events where farmers provide paying guests with food primarily sourced from the farm. Farms that sponsor such events would have been required to provide their guests with written notice that the farm and food were not inspected by the state or local health department. However, the bill would have allowed the health department to step in and investigate if there was a suspected outbreak or illness after a farm-to-fork event. The bill would have exempted farm-to-fork events from county, city, or town regulation.

### Municipal Action/What you need to do:

The bill failed to pass and no action is required.

### ULCT Action/Future Trend:

ULCT discussed the goals of this bill with the sponsor and other stakeholders and anticipates similar legislation will be brought in future sessions. If so, we will continue to push for the ability of cities to appropriately regulate these events.





GENERAL LEGISLATIVE SESSION



**HB 218 | Second Substitute, Construction Code Modifications**

Reference: **None**

Sponsor: **Mike Schultz; Curtis Bramble**

Bill Status: **Enrolled**

Link: <https://le.utah.gov/-2019/bills/static/HB0218.html>

ULCT Position: **Support**

**Legislative Purpose of the Bill:**

This bill adopts the 2018 International Building, Plumbing, Mechanical, Fuel Gas, and International Existing Building Codes, as well as the commercial provisions of the 2018 International Energy Conservation Code, which require all new commercial buildings constructed after July 1 to meet higher energy efficiency standards. The bill also adopts Appendix Q of the 2018 International Residential Code, which outlines codes for tiny homes.

The bill requires that a building inspector give written notice the same day of the inspection and provide a code reference for violations upon request. Regarding multi-family units and townhomes, the bill lowers the threshold for air changes per hour, which measure air leakage rates, from three to five. Single-family homes must meet 3.5 air changes per hour. The bill requires whole-house mechanical ventilation systems in residential homes to meet certain efficacy standards for energy efficiency.

The bill clarifies codes and required agreements for installations within shared walls between condos and townhomes.





# GENERAL LEGISLATIVE SESSION

**Municipal Impact/What you need to do:**

Check your building code and update it for consistency, and ensure that building inspectors are aware of all relevant changes.

**ULCT Action/Future Trend:**

ULCT monitored the bill.



# GENERAL LEGISLATIVE SESSION

115



## HB 223 | Fifth Sub, Unlawful Installation of a Tracking Device

Reference: **None**

Sponsor: **Marie Poulson; Kirk Cullimore**

Bill Status: **Enrolled**

Link: <https://le.utah.gov/-2019/bills/static/HB0223.html>

ULCT Position: **Support**

### Legislative Purpose of the Bill:

Rep. Poulson sponsored this bill to address privacy and security concerns with the increasing availability of tracking devices.

### Municipal Impact/What you need to do:

This bill makes it a class A misdemeanor for a person or licensed private investigator to unlawfully install a tracking device and describes the circumstances under which a peace officer is not governed under the provisions of this bill. A person can lawfully install a tracking device if the person is a licensed private investigator installing the device for a legitimate business purpose and follows conditions related to individuals under the protection of protection orders. It also provides that a private investigator must, if requested, disclose the purpose of the tracking device to the Bureau of Criminal Identification.

### ULCT Action/Future Trend:

UCLT monitored the bill.



# GENERAL LEGISLATIVE SESSION



## HB 228 | Third Substitute, Towing Revisions

Reference: **Daily Email Feb. 14, 21, 27; LPC Feb. 4, Mar. 11; Podcast Feb. 22**

Sponsor: **Cory Maloy; Curtis Bramble**

Bill Status: **Enrolled**

Link: <https://le.utah.gov/-2019/bills/static/HB0228.html>

ULCT Position: **Neutral**

### Legislative Purpose of the Bill:

HB 228 was first introduced as a far-reaching bill that preempted local zoning, signage, and regulation of tow trucks. The third substitute is more limited and addresses towing rotation issues.

### Municipal Impact/What you need to do:

As of January 2, 2021, cities may not charge towing companies a fee to be included in a towing rotation, tow trucks in rotation must send a truck that is owned by the dispatched company, and cities must provide an appeals process for towing companies that are suspended or removed from a towing rotation.

### ULCT Action/Future Trend:

ULCT has two appointments on the Towing Advisory Board, Provo City Attorney Brian Jones and Ogden City Assistant City Attorney Mark Stratford. They negotiated several points before the session that were not initially reflected in the bill. They, along with ULCT, worked hard to reform this bill to its final form.



# GENERAL LEGISLATIVE SESSION

117



## HB 229 | First Substitute, Land Transfer Amendments

Reference: **None**

Sponsor: **Brady Brammer; Daniel Hemmert**

Bill Status: **Enrolled**

Link: <https://le.utah.gov/~2019/bills/static/HB0229.html>

ULCT Position: **Neutral**

### Legislative Purpose of the Bill:

Under the federal Recreation and Public Purposes Act, the BLM may sell or lease public lands to state and local governments for recreational or public purposes. This bill establishes an advisory committee to coordinate state and local projects that are proposed to the federal government under the Act.

### Municipal Impact/What you need to do:

This bill requires the Public Lands Policy Coordinating Office and public lands policy coordinator to advise and consult with state and local entities when submitting applications for federal land acquisition or when leasing federal land. The bill also establishes an advisory committee, consisting of members from the Commission for the Stewardship of Public Lands, Division of Facilities Construction & Management, the Antiquities Section, the Division of State History, the Division of Parks & Recreation, and representatives from ULCT, UAC, and GOED, to advise the office and coordinator.

### ULCT Action/Future Trend:

ULCT monitored the bill and will appoint a representative to serve on the advisory committee.



Back to Table  
of Contents

*Utah League of Cities and Towns*

# GENERAL LEGISLATIVE SESSION

118



## HB 231 | First Substitute, Tangible Personal Property Revisions

Reference: **None**

Sponsor: **Karianne Lisonbee; Daniel McCay**

Bill Status: **Enrolled**

Link: <https://le.utah.gov/~2019/bills/static/HB0231.html>

ULCT Position: **Neutral**

---

### Legislative Purpose of the Bill:

This bill increases the amount of aggregate personal property that qualifies for a certain personal property tax exemption from \$10,000 to \$15,000, exempts personal property acquired for less than \$150 if they are not critical to the business (e.g. a microwave), and if a taxpayer qualifies for the first exemption for five consecutive years the bill prevents a county assessor from requiring the taxpayer to include the item in their signed tax statement.

### Municipal Impact/What you need to do:

No action is required.

### ULCT Action/Future Trend:

ULCT monitored the bill.



*Back to Table  
of Contents*

*Utah League of Cities and Towns*

# GENERAL LEGISLATIVE SESSION

119



## HB 235 | Second Substitute, Municipal Tax Amendments

Reference: **None**

Sponsor: **John Knotwell; Lincoln Fillmore**

Bill Status: **Enrolled**

Link: <https://le.utah.gov/~2019/bills/static/HB0235.html>

ULCT Position: **Support**

### Legislative Purpose of the Bill:

This bill arose because cities within Salt Lake County are leaving the public safety service district and creating their own. The bill establishes a process for cities to make this change without having to create a special service district.

### Municipal Impact/What you need to do:

The legislation allows a municipality to increase a tax and earmark it for a specific purpose. It does not require the creation of a special service district. However, it puts the funds in a specific account intended to pay for the tax increase. Once the increase and account are created, those funds can only be used for the intended purpose and may not be transferred back to the general fund.

### ULCT Action/Future Trend:

ULCT monitored the bill.



# GENERAL LEGISLATIVE SESSION



## HB 243 | Domestic Violence Modifications

Reference: **None**

Sponsor: **Christine Watkins; David Hinkins**

Bill Status: **Enrolled**

Link: <https://le.utah.gov/~2019/bills/static/HB0243.html>

ULCT Position: **Neutral**

### Legislative Purpose of the Bill:

This legislation provides a 120-day waiver to a victim of domestic or dating violence who is issued a protective order so that the victim may carry a concealed firearm while they go through the process of obtaining a concealed firearm permit.

### Municipal Impact/What you need to do:

This bill provides that certain criminal penalties for carrying a concealed firearm without a permit do not apply to a victim of domestic violence or dating violence, who is not otherwise prohibited from possessing a firearm, for a 120-day period after the day on which the victim is issued a protective order.

### ULCT Action/Future Trend:

ULCT monitored the bill.





# GENERAL LEGISLATIVE SESSION

121



## HB 245 | Third Substitute, Community Reinvestment Agency Revisions

Reference: **Daily Email Feb. 13; LPC Feb. 4, Mar. 11**

Sponsor: **Mike Winder; Wayne Harper**

Bill Status: **Enrolled**

Link: <https://le.utah.gov/~2019/bills/static/HB0245.html>

ULCT Position: **Neutral**

### Legislative Purpose of the Bill:

This bill updates terms and processes in the Community Reinvestment Agency Act.

### Municipal Impact/What you need to do:

This bill substitutes the term “development impediment” for “blight” under 17C and changes corresponding statutes (10-8-2 and general plan). It also requires that, if an agency uses urban renewal area funds or CRA housing funds, before using the housing allocation, the agency must adopt a housing plan that shows how it will use the housing allocation to accomplish (the purposes of this section). An agency is not required to do a separate plan if the agency is implementing the MIH element of the general plan. Finally, it removes the requirement that a TEC must approve a determination of blight (development impediment) before the agency adopts a CRA plan.

### ULCT Action/Future Trend:

ULCT coordinated with the Utah Redevelopment Association on the bill and monitored it.



Back to Table of Contents

*Utah League of Cities and Towns*

# GENERAL LEGISLATIVE SESSION



## HB 247 | County Recorder Fees Amendments

Reference: **None**

Sponsor: **Logan Wilde; Ralph Okerlund**

Bill Status: **Enrolled**

Link: <https://le.utah.gov/~2019/bills/static/HB0247.html>

ULCT Position: **Neutral**

### **Legislative Purpose of the Bill:**

This bill addresses county recorder fees, which have not been updated for 25 years.

### **Municipal Impact/What you need to do:**

This bill increases recording fees from a per page fee to a per transaction fee, and sets most fees at \$40.00 per transaction. Currently, the total fees per transaction equal about \$38.00.

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

ULCT monitored the bill.



# GENERAL LEGISLATIVE SESSION

123



## HB 251 | Drug Diversion Reporting Requirements

Reference: **None**

Sponsor: **Steve Eliason; Curtis Bramble**

Bill Status: **Enrolled**

Link: <https://le.utah.gov/-2019/bills/static/HB0251.html>

ULCT Position: **Neutral**

---

### Legislative Purpose of the Bill:

This bill was requested by the DEA to clarify that those authorized to administer, dispense, distribute, or prescribe drugs and then divert drugs—transfer drugs in a quantity of 500 milligrams or more to another for an unlawful purpose—must be reported to law enforcement.

### Municipal Action/What you need to do:

This bill establishes a class B misdemeanor penalty for knowingly failing to report a practitioner for diverting drugs to law enforcement, unless the reporting would be in violation of HIPAA.

### ULCT Action/Future Trend:

ULCT monitored the bill.



*Back to Table  
of Contents*

*Utah League of Cities and Towns*

# GENERAL LEGISLATIVE SESSION



## HB 252 | Electronic Cigarette and Other Nicotine Product Amendments

Reference: **None**

Sponsor: **Paul Ray; Allen Christensen**

Bill Status: **Not Passed**

Link: <https://le.utah.gov/~2019/bills/static/HB0252.html>

ULCT Position: **Support**

### Legislative Purpose of the Bill:

This legislation would have moved electronic cigarettes, vaping products, and other nicotine products under “Other Tobacco Product” regulations and taxing policy. This would have impacted the taxes collected, labeling requirements, and bonding requirements for a person that sells and distributes these products.

### Municipal Impact/What you need to do:

This legislation would have brought tobacco products, e-cigarettes, and other vaping products under the same State code. It would have also increased the tax rate on e-cigarettes and vaping products. This legislation failed in the Senate.

### ULCT Action/Future Trend:

During the 2019 legislative session several tobacco related bills were introduced, and a number passed. ULCT staff will continue to engage on these issues.



# GENERAL LEGISLATIVE SESSION



## HB 254 | Unlawful Outdoor Advertising Amendments

Reference: **None**

Sponsor: **Calvin Musselman; Curtis Bramble**

Bill Status: **Enrolled**

Link: <https://le.utah.gov/~2019/bills/static/HB0254.html>

ULCT Position: **Support**

### Legislative Purpose of the Bill:

This bill allows UDOT to issue a citation and levy a fine for a person guilty of unlawful outdoor advertising if the person is advertising without a required permit or if the sign is permitted as an on-premise sign but advertises something off-premise.

### Municipal Impact/What you need to do:

No action is required.

### ULCT Action/Future Trend:

ULCT monitored the bill.



# GENERAL LEGISLATIVE SESSION

126



## HB 258 | First Substitute, Sexually Oriented Business License Amendments

Reference: **None**

Sponsor: **Jeffrey Stenquist; Todd Weiler**

Bill Status: **Enrolled**

Link: <https://le.utah.gov/~2019/bills/static/HB0258.html>

ULCT Position: **Support**

---

### Legislative Purpose of the Bill:

This bill increases the penalty for operating a sexually oriented business without a license from a class B misdemeanor to a class A misdemeanor.

### Municipal Impact/What you need to do:

This bill is intended to increase tools for law enforcement officers that investigate prostitution and sex trafficking. The bill provides for an officer to arrest an individual who operates a sexually oriented business without a business license, but an individual charged with operating without a business license may not also be charged with prostitution. Municipalities will need to update their code to clarify that operating a sexually oriented business without a license is a class A misdemeanor.

### ULCT Action/Future Trend:

ULCT worked with the sponsor to clarify that this class A misdemeanor may be prosecuted by city attorneys in justice court. However, after the bill went to conference committee, the committee removed that provision and the sponsors were no longer amenable to it.



*Back to Table  
of Contents*

*Utah League of Cities and Towns*

# GENERAL LEGISLATIVE SESSION

127



## HB 262 | Municipal Boundary Adjustment Amendments



Reference: **LPC Feb. 11**

Sponsor: **Val Potter**

Bill Status: **Not Passed**

Link: <https://le.utah.gov/-2019/bills/static/HB0262.html>

ULCT Position: **Opposed**

---

### Legislative Purpose of the Bill:

This bill was a result of the ongoing negotiations over the Brickyard Plaza property between Salt Lake City and Millcreek and it attempted to establish a process by which property owners of a “substantially isolated peninsula”—a peninsula that is part of a larger incorporated area that extends without interruption, is 500 acres or less, and is surrounded on more than 95% of its boundary by a single municipality—could petition a city to incorporate it into its boundary, without the consent of the city losing the peninsula.

### Municipal Impact/What you need to do:

The bill failed to pass and no action is required.

### ULCT Action/Future Trend:

ULCT worked with the sponsor and the stakeholders to resolve the issue.



*Back to Table  
of Contents*

*Utah League of Cities and Towns*

# GENERAL LEGISLATIVE SESSION

128



## HB 266 | First Substitute, Resort Communities Transient Room Tax Amendments

Reference: **None**

Sponsor: **Bradley Last; Evan Vickers**

Bill Status: **Enrolled**

Link: <https://le.utah.gov/~2019/bills/static/HB0266.html>

ULCT Position: **Support**

### Legislative Purpose of the Bill:

This bill allows counties of all classifications to use a portion of the transient room tax to fund EMS services for certain resort communities near a national park. The bill aims to help the EMS services in communities like Springdale, Utah, with a population under 600 that is located in a county of the second class and has over 4 million annual tourists visiting Zion National Park.

### Municipal Impact/What you need to do:

Under current state statute, counties of the fourth, fifth, and sixth class may use a portion of the transient room tax to fund emergency medical services. This bill extends this option to counties of all classes with “eligible towns,” which are defined as towns within a county that has a national park.

### ULCT Action/Future Trend:

ULCT monitored the bill.





# GENERAL LEGISLATIVE SESSION

129



## HB 269 | Public Safety and Firefighter Retirement Amendments

Reference: **None**

Sponsor: **Lee Perry**

Bill Status: **Not Passed**

Link: <https://le.utah.gov/~2019/bills/static/HB0269.html>

ULCT Position: **Support**

### Legislative Purpose of the Bill:

This bill would have allowed certain retired public safety officers and firefighters to be reemployed by a different employer if they forego certain retirement benefits during reemployment.

### Municipal Impact/What you need to do:

The bill did not pass so no action is required.

### ULCT Action/Future Trend:

ULCT monitored the bill. Rep. Perry indicated that he dropped the bill this year to focus on SB 129, but he has re-filed it for next session.



# GENERAL LEGISLATIVE SESSION



## HB 272 | Second Substitute, Election Law Amendments

Reference: **None**

Sponsor: **Merrill Nelson; Don Ipson**

Bill Status: **Enrolled**

Link: <https://le.utah.gov/-2019/bills/static/HB0272.html>

ULCT Position: **Support**

### Legislative Purpose of the Bill:

This bill was originally intended to address a problem with voters using stickers or labels to cast a ballot for a write-in candidate because it messes up voting machines. However, the bill was substituted by Rep. Nelson at ULCT’s request in order to address a problem that arose in 2017, after changes in statute affected the ability of some of our smaller cities and towns to hold nominating conventions for local offices.

### Municipal Impact/What you need to do:

Towns and cities of the third, fourth, and fifth class that nominate candidates through a municipal party convention or committee must hold the convention or committee on or before May 30 of odd-numbered years and must prepare and submit a certificate of nomination on or before May 31 of the same year.

### ULCT Action/Future Trend:

ULCT worked with Rep. Nelson to address a problem that arose in 2017, after changes in statute affected the ability of some of our smaller cities and towns to hold nominating conventions for local offices. We thank Rep. Nelson for working with us on this.



# GENERAL LEGISLATIVE SESSION

131



## **HB 276 | Rural Economic Development Amendments**

Reference: **None**

Sponsor: **Christine Watkins; David Hinkins**

Bill Status: **Enrolled**

Link: <https://le.utah.gov/~2019/bills/static/HB0276.html>

ULCT Position: **Support**

### **Legislative Purpose of the Bill:**

This bill creates the Rural Rapid Manufacturing Grant Program and defines “rapid manufacturing” as a facility, laboratory, equipment, or process engaged in small-batch, fast-delivery manufacturing. A rural area is any area in any county except for Salt Lake, Davis, Weber, Washington, Cache, Tooele, and Summit. The grant program can provide funding for construction or renovation of a rapid manufacturing facility and training and scholarships for students and employees. The bill appropriates \$1 million, one-time funding. The goal is to create new high-paying employment in rural areas and jobs should pay at least 125% of the average wage in the community.

### **Municipal Impact/What you need to do:**

No action is necessary, but GOED should be getting the program off the ground in FY 2019.

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

ULCT monitored the bill.



GENERAL LEGISLATIVE SESSION



**HB 277 | Third Sub, Amendments to Municipal Alternate Voting Methods Pilot Project**

Reference: **None**

Sponsor: **Marc Roberts; Daniel McCay**

Bill Status: **Enrolled**

Link: <https://le.utah.gov/-2019/bills/static/HB0277.html>

ULCT Position: **Support**

**Legislative Purpose of the Bill:**

HB 277 amends the Municipal Alternate Voting Methods Pilot Project—ranked choice voting—enacted last session.

**Municipal Impact/What you need to do:**

Cities wanting to opt in for the Municipal Alternate Voting Methods Pilot Project during the 2019-2026 duration must notify the lieutenant governor by April 15th of odd-numbered years. Those wishing to file a declaration of candidacy or nomination petition in a city that participates in the pilot project must file no sooner than the second Tuesday in August and no later than the third Tuesday in August of odd-numbered years. The bill provides a procedure for cities to withdraw their participation in the program, and allows a political subdivision to conduct an election on behalf of another political subdivision.

**ULCT Action/Future Trend:**

ULCT supported the bill that created ranked choice voting last session, and supported this modification. As more cities elect to try this system, further tweaks may be necessary.



# GENERAL LEGISLATIVE SESSION



## HB 281 | Second Substitute, Prosecution Review Amendments

Reference: **None**

Sponsor: **Karianne Lisonbee; Kirk Cullimore**

Bill Status: **Enrolled**

Link: <https://le.utah.gov/~2019/bills/static/HB0281.html>

ULCT Position: **Support**

### Legislative Purpose of the Bill:

This bill gives the attorney general the authority to review an investigation and prosecute any first degree felony that the district or county attorney declines or fails to prosecute. The AG can review investigation results de novo if a law enforcement agency submits investigation results to the county or district attorney and that office declines to file charges or fails to screen the case within 6 months. The AG must consult with the district or county attorney.

### Municipal Impact/What you need to do:

No action is required.

### ULCT Action/Future Trend:

ULCT monitored the bill.



# GENERAL LEGISLATIVE SESSION

134



## HB 288 | Second Substitute, Critical Infrastructure Materials

Reference: **Daily Email Feb. 14, 21, 27, Mar. 6; LPC Feb. 11, Feb. 25, Mar. 11; Podcast Feb. 8, 15, 22**

Sponsor: **Logan Wilde; David Hinkins**

Bill Status: **Enrolled**

Link: <https://le.utah.gov/-/2019/bills/static/HB0288.html>

ULCT Position: **Support**

### Legislative Purpose of the Bill:

This bill vests existing critical infrastructure materials operations, gravel pits, with protections under their current legal nonconforming use or permit issued prior to January of this year.

### Municipal Impact/What you need to do:

HB 288 defines “critical infrastructure materials” as sand, gravel, and rock aggregate, and “critical infrastructure materials operations” as the extraction, excavation, processing, or reprocessing of those materials. A “vested operation” is one that was operating pursuant to a legal nonconforming use or permit before January 1, 2019. A vested operation runs with the land and may be changed to another operation so long as it remains within the scope of the permit or legal nonconforming use. A political subdivision may not prohibit, restrict, or limit a vested operation. However, in order for an operation to obtain protected status through a “critical infrastructure materials protection area,” a city or county must initiate the process. This is distinct from an agricultural, industrial, or mining protection area, which can be initiated by the landowner. Finally, the bill requires that a developer of any new subdivision located within 1000 feet of a critical



Back to Table of Contents

## GENERAL LEGISLATIVE SESSION

135

infrastructure materials operation provide specific notice of that fact on any plat filed with the county recorder.

**ULCT Action/Future Trend:**

In its original form, this bill would have permitted vested operations to petition for protected status and prohibit cities and counties from enacting or enforcing any regulations on protected operations. ULCT negotiated with stakeholders to rework the bill to find a short-term solution with the understanding that we will work through a final process with the Land Use Task Force this interim. As it stands, the bill gives some protections to current operators in that they are vested in their current operations but gives cities and counties the sole discretion to offer greater protections.



# GENERAL LEGISLATIVE SESSION

136



## HB 296 | First Substitute, Rural Online Working Hubs Amendments

Reference: **None**

Sponsor: **Carl Albrecht; Ralph Okerlund**

Bill Status: **Enrolled**

Link: <https://le.utah.gov/~2019/bills/static/HB0296.html>

ULCT Position: **Support**

### Legislative Purpose of the Bill:

This legislation creates a grant program for building coworking and innovation space in rural Utah. It creates an advisory committee to guide GOED in distributing appropriated funds. The legislation received a \$500,000 appropriation.

### Municipal Impact/What you need to do:

HB 296 will provide another resource for economic development in rural Utah communities. This legislation is designed to work in conjunction with HB 327 and HB 390 from the 2018 legislative session that encourages and promotes economic growth in rural Utah.

### ULCT Action/Future Trend:

GOED has expressed interest in consolidating the economic development programs for rural Utah. SB 200 was an attempt to consolidate these programs but failed to pass.





# GENERAL LEGISLATIVE SESSION

137



## HB 302 | Traffic Code Modifications



Reference: **None**

Sponsor: **Eric Hutchings; Daniel Thatcher**

Bill Status: **Enrolled**

Link: <https://le.utah.gov/~2019/bills/static/HB0302.html>

ULCT Position: **Support**

### Legislative Purpose of the Bill:

This bill codifies efforts by the Department of Public Safety, Utah Highway Patrol, and UDOT to get those involved in fender benders to move to the side of the road so as not to impede traffic. The bill also outlines additional restraints on speeding and raises the damage threshold for when law enforcement must be contacted after an accident.

### Municipal Impact/What you need to do:

This bill states that a driver involved in an accident that results in damage to property but not injury to person should move out of travel lanes and onto the shoulder so as not to obstruct traffic. The bill also clarifies limits on speed by specifying that drivers should not speed if the speed causes the driver to lose control of the vehicle or to fail to stay within a single travel lane. Lastly, under current code an officer is expected to complete a report that results in damage of \$1,500 or more. This bill raises the threshold to \$2,500.

### ULCT Action/Future Trend:

ULCT monitored this bill.



*Back to Table  
of Contents*

# GENERAL LEGISLATIVE SESSION

138



## HB 305 | Second Substitute, Post Disaster Recovery and Mitigation Restricted Account

Reference: **Daily Email Feb. 20, 29, Mar. 5, 13; LPC Feb. 11**

Sponsor: **Michael McKell; Deidre Henderson**

Bill Status: **Enrolled**

Link: <https://le.utah.gov/-/2019/bills/static/HB0305.html>

ULCT Position: **Support**

---

### Legislative Purpose of the Bill:

Rep. McKell sponsored HB 305 because of the catastrophic fire that happened in Woodland Hills and the Elk Ridge area last year. The legislation creates a restricted account that allows funds to be saved in a rainy-day fund for counties, cities, towns, and special service districts impacted by disaster.

### Municipal Impact/What you need to do:

Communities affected by disaster can apply for grants toward reconstruction costs from these funds when an emergency is declared by the Governor or President. Funding was reduced from \$2,000,000 to \$300,000 ongoing.

### ULCT Action/Future Trend:

ULCT testified in support of the bill.



*Back to Table  
of Contents*

*Utah League of Cities and Towns*

# GENERAL LEGISLATIVE SESSION

139



## HB 307 | Second Substitute, Utility Online Usage Data Amendments

Reference: **None**

Sponsor: **Eric Hutchings; Jerry Stevenson**

Bill Status: **Enrolled**

Link: <https://le.utah.gov/~2019/bills/static/HB0307.html>

ULCT Position: **Neutral**

### Legislative Purpose of the Bill:

This clarifies that a nonresidential customer of an electrical corporation may request the breakdown in the shortest interval available usage data. Any costs associated with providing this data will be passed onto the customer. The purpose is to help nonresidential customers better understand the amount of energy use, the timing of the utilization, and demand charges being charged the customer. This information would allow the customer to adjust energy use to reduce costs.

### Municipal Impact/What you need to do:

Municipalities may use this data to better understand any demand charges associated with buildings or facilities managed by the municipality. If possible, the municipality can make better electrical use decisions based on this data.

### ULCT Action/Future Trend:

ULCT monitored this legislation.



*Back to Table  
of Contents*

# GENERAL LEGISLATIVE SESSION

140



## HB 310 | First Substitute, Solid and Hazardous Waste Amendments

Reference: **None**

Sponsor: **Keven Stratton; Keith Grover**

Bill Status: **Enrolled**

Link: <https://le.utah.gov/~2019/bills/static/HB0310.html>

ULCT Position: **Support**

---

### Legislative Purpose of the Bill:

The EPA sent a letter in July to the Utah DEQ Executive Director stating that Utah's definition for hazardous waste was less stringent than federal law. This bill harmonizes our state statute with the federal definitions for solid and hazardous waste.

### Municipal Impact/What you need to do:

No action is necessary.

### ULCT Action/Future Trend:

ULCT monitored this bill.



*Back to Table  
of Contents*

*Utah League of Cities and Towns*

# GENERAL LEGISLATIVE SESSION



## HB 311 | First Sub, Governmental Immunity Revisions

Reference: **Daily Email Feb. 25; LPC Feb. 25**

Sponsor: **Michael McKell; Curtis Bramble**

Bill Status: **Enrolled**

Link: <https://le.utah.gov/~2019/bills/static/HB0311.html>

ULCT Position: **Neutral**

### Legislative Purpose of the Bill:

Under the current Governmental Immunity Act, a governmental entity retains immunity for an injury resulting from an assault or battery. HB 311 carves out an exception for sexual battery committed against a student by a school employee in a position of special trust. The bill also limits the circumstances under which a governmental entity may challenge the timeliness of a notice of claim and provides that a claimant may deliver a notice of claim by hand or mail to an elected official or executive officer of the governmental entity when the claimant also sends a hard copy or e-copy to the attorney representing the correct governmental entity, or when the governmental entity does not provide notice to the claimant within 60 days that the delivery of the notice of claim was defective, informing the claimant of the steps they need to take to cure the defective delivery.

It amends Utah Code 63G-7-403(2) to extend the period a claimant may commence an action from one year after denial, to two years after the claim arises.

It also allows a court to sua sponte, or pursuant to a motion, order a plaintiff to file an undertaking and codifies that the governmental entity waives the defense if the entity fails to raise the plaintiff's failure to file



# GENERAL LEGISLATIVE SESSION

142

an undertaking as an affirmative defense in the initial responsive pleading.

Finally, the bill raises the aggregate amount of individual awards from a single occurrence from \$2 million to \$3 million and provides for the board of examiners to require a special master proceeding for excess damages claims that exceed the cap. The bill authorizes such approved excess damages to be paid from the General Fund Reserve Account.

**Municipal Impact/What you need to do:**

Be aware of the new caps and timeliness and undertaking requirements.

**ULCT Action/Future Trend:**

ULCT worked with Rep. McKell and other stakeholders including UAC and the state on the substitute bill.



# GENERAL LEGISLATIVE SESSION

143



## HB 313 | First Sub, Hit and Run Amendments

Reference: **None**

Sponsor: **Steve Eliason; Kirk Cullimore**

Bill Status: **Enrolled**

Link: <https://le.utah.gov/~2019/bills/static/HB0313.html>

ULCT Position: **Support**

### Legislative Purpose of the Bill:

This bill addresses an unintended consequence when the legislature amended the Traffic Code in 2015 and diminished hit-and-runs that result solely in property damage from a class B misdemeanor to a class C misdemeanor. This has resulted in less investigation of hit-and-runs.

### Municipal Impact/What you need to do:

HB 313 restores the penalty of a hit-and-run that results in property damage to a class B misdemeanor when an operator of a vehicle has knowledge or reason to believe they may have been involved in an accident that caused property damage, but fails to remain at the scene.

### ULCT Action/Future Trend:

ULCT monitored this bill.



Back to Table  
of Contents

# GENERAL LEGISLATIVE SESSION

144



## HB 315 | Fourth Substitute, Land Use and Development Amendments

Reference: **Daily Email Feb. 19, 20, 25, 26, Mar. 6; LPC Feb. 25, Mar. 11; Podcast Feb. 8**

Sponsor: **Logan Wilde; Kirk Cullimore**

Bill Status: **Enrolled**

Link: <https://le.utah.gov/-/2019/bills/static/HB0315.html>

ULCT Position: **Support**

### Legislative Purpose of the Bill:

This is the Land Use Task Force consensus bill, and clarifies seven areas in the Land Use Development and Management Act.

### Municipal Impact/What you need to do:

The Land Use Task Force—which consists of the Utah Realtors Association, Utah Homebuilders Association, private developers, city planners, lawyers, and managers, and the Office of Property Rights Ombudsman—worked to clarify seven areas in LUDMA: (1) definitions; (2) land use authority; (3) plats; (4) vacation and dedication of streets; (5) judicial review of land use decisions; (6) boundary line agreements; and (7) referendum. The bill also expands the scope of LUDMA’s purpose to include facilitation of orderly growth and inclusion of a variety of housing types.

The definition of “infrastructure improvement” is narrowed to specify that it must be essential for public health and safety or required for occupation. Definitions for “lot” and “parcel” are added to delineate that a lot is part of a subdivision plat and a parcel is not. A “municipal utility easement” is defined as an easement recorded on



Back to Table  
of Contents

*Utah League of Cities and Towns*



# GENERAL LEGISLATIVE SESSION

a plat for public utility services, as distinguished from a protected utility easement. “Public street” is defined broadly to include all types of roads, as well as viaducts, byways, alleys, trails, subways, tunnels, and bridges.

Utah Code 10-9a-104(1) was modified to clarify that a municipality’s land use regulations must not conflict with state statute. HB 315 also requires that legislative bodies designate allowed general uses when amending or creating a zoning district and classify all uses as either permitted or conditional.

Cities may not impose private infrastructure improvements that are not required under building or fire codes, flood or storm water management provisions, street and access requirements, or other essential public safety improvements as adopted by ordinance and cities must establish at least two acceptable forms of completion assurance for subdivision landscaping or infrastructure improvements.

HB 315 provides that a city may withhold a certificate of occupancy (COO) when the city and a land use applicant have entered into a written agreement to withhold the COO under certain conditions, or a land use applicant did not provide financial assurance for required landscaping or infrastructure improvements as required under the city’s ordinances.

The bill clarifies that a legislative body may act as an appeal authority on a land use decision or the legislative body and appellant may agree to a third-party appeal authority. Regarding planning commissions, the bill clarifies that the outlined statutory powers and duties specific to a planning commission may be initiated or proposed at the city level. Also, legislative bodies may pass an ordinance outlining a procedural default that allows the legislative



# GENERAL LEGISLATIVE SESSION

body to consider a planning commission’s failure to make a determination on an application within a certain time period a negative recommendation.

HB 315 prohibits a county recorder from recording a plat unless the city has approved and signed the plat. The bill also permits cities to establish an administrative process to approve subdivisions with 10 lots or less without a plat.

The bill allows for cities, as well as property owners, to petition to vacate a street or municipal utility easement. HB 315 clarifies that dedication of unimproved public streets does not impose liability upon a city unless adequate financial assurance is provided and the city accepts the dedication.

The bill clarifies that a lot line adjustment and a parcel boundary adjustment exclude adjustments that create an additional parcel or constitute a subdivision. Boundary line agreements are required to also include the parcel or lot each grantor owns before the boundary line is changed, a statement citing the file number of a record of a survey map the parties prepare and file, the date of the agreement, and an amended plat. Boundary line agreements are presumed to have no detrimental effect on easements recorded before the agreement is entered into. The code outlining boundary line agreements that operate as quitclaim deeds is simplified to align with boundary line agreements under the real estate code.

The fourth substitute of HB 315 adds a coordinating clause with HB 119, Initiatives, Referenda, and Other Political Activities and the term “affected owner” will be added to the LUDMA definitions chapter. An “affected owner” is a property owner of a single project that is the subject of a referendum.

The fourth substitute allows an affected owner to rescind





# GENERAL LEGISLATIVE SESSION

a land use approval by delivering written notice to the county clerk, city recorder, or town clerk with jurisdiction within seven days of the date the petition for referendum is determined to be sufficient.

**ULCT Action/Future Trend:**

ULCT convenes the Land Use Task Force yearly, and most years, it results in legislation that modifies LUDMA in some way. We thank all of the members of the LUTE, in particular Shawn Guzman, Gary Crane, Lynn Pace, Mark Stratford, and Jami Brackin for their work this past year.



# GENERAL LEGISLATIVE SESSION



## HB 320 | Container Regulation Act

Reference: **Daily Email Feb 21, 27, Mar. 4, 11; LPC Feb. 25, Mar. 11; Podcast Feb. 22**

Sponsor: **Michael McKell**

Bill Status: **Not Passed**

Link: <https://le.utah.gov/-2019/bills/static/HB0320.html>

ULCT Position: **Opposed**

### Legislative Purpose of the Bill:

HB 320, The Container Regulation Act—last year’s defeated SB 218—came back for another round this session. This bill proposed to enact the Uniform Container Regulation Act to prohibit local government from imposing a fee on or regulating, prohibiting, or restricting auxiliary containers, which are defined to include not only plastic bags, but everything from cloth products to post-consumer recycled material. This is model legislation from the group ALEC.

### Municipal Impact/What you need to do:

If your city or town is considering enacting some kind of regulation on disposable containers, consider ensuring that you can justify the action with data on the cost of cleanup, waste stream management, and impact to landfills, for example.”

### ULCT Action/Future Trend:

ULCT worked hard to make sure this bill did not get traction in the House. It’s not about the plastic, it’s about the pre-emption of local authority to regulate the waste stream and respond to the desires of residents. Despite the fact that much of the world, including metropolitan areas across the U.S., is moving away from single-use disposable items, we anticipate that ALEC and their local supporters will continue to bring similar legislation in subsequent sessions.



# GENERAL LEGISLATIVE SESSION

149



## HB 321 | Public Improvements to Provide Sewer Services

Reference: **None**

Sponsor: **Logan Wilde; Jerry Stevenson**

Bill Status: **Enrolled**

Link: <https://le.utah.gov/~2019/bills/static/HB0321.html>

ULCT Position: **Neutral**

---

### Legislative Purpose of the Bill:

This bill adds two terms to the Assessment Area Act definitions: “sewer assessment area” and “adequate protests.”

### Municipal Impact/What you need to do:

A sewer assessment area is defined as an area that finances and funds public improvements to provide sewer service in an area where the local board of health has found evidence of septic failure. This bill raises the threshold for properties proposed to be assessed from 40% to 70% to protest the creation of a sewer assessment area.

### ULCT Action/Future Trend:

ULCT monitored this bill.



*Back to Table  
of Contents*

*Utah League of Cities and Towns*

# GENERAL LEGISLATIVE SESSION

150



## HB 324 | Fourth Substitute, Tobacco Age Amendments

Reference: **Daily Email Feb. 25, 26; LPC Mar. 11**

Sponsor: **Steve Eliason; Curtis Bramble**

Bill Status: **Enrolled**

Link: <https://le.utah.gov/~2019/bills/static/HB0324.html>

ULCT Position: **Support**

### Legislative Purpose of the Bill:

Earlier this year, Lehi and Cedar Hills enacted ordinances to require that individuals must be at least 21 when they purchase tobacco products. This bill enacts the Tobacco 21 law statewide, gradually raising the age for obtaining, possessing, using, providing, or furnishing tobacco products—and under certain circumstances, e-cigarettes—from 19 to 20; then from 20 to 21.

### Municipal Impact/What you need to do:

Beginning on July 1, 2020, an individual must be 20 years old to purchase a tobacco or e-cigarette product. Starting on July 1, 2021, an individual must be 21 to make such purchases.

### ULCT Action/Future Trend:

Rep. Eliason considered substituting the bill to add language that would preempt local jurisdictions from regulating the purchase, distribution, and advertising of cigarettes, e-cigarettes, etc. ULCT worked with Rep. Eliason and other stakeholders to retain local regulation and supported the version of the bill that was adopted.



# GENERAL LEGISLATIVE SESSION

151



## HB 325 | Domestic Violence—Weapons Amendments

Reference: **None**

Sponsor: **Brian King; Deidre Henderson**

Bill Status: **Enrolled**

Link: <https://le.utah.gov/~2019/bills/static/HB0325.html>

ULCT Position: **Support**

### Legislative Purpose of the Bill:

Rep. King sponsored this bill to collect data on firearms and domestic violence. When an individual attempts to purchase a firearm from a federal firearm licensee, they must undergo a background check. If they fail the background check, the federal firearm licensee reports this to BCI and BCI sends the information to local law enforcement agencies. This bill requires local law enforcement agencies to report on an annual basis what they do with the data they receive from the BCI as it relates to domestic violence incidents.

### Municipal Impact/What you need to do:

This bill requires law enforcement agencies to submit an annual report to the Bureau of Criminal Identification that outlines the number of cases involving individuals prohibited from possessing a firearm who are convicted of a domestic violence offense, how many of those cases were investigated, and how many of those investigations resulted in a criminal charge. The Bureau of Criminal Identification must then compile all reports and submit the compilation each year to the Law Enforcement and Criminal Justice Interim Committee.

### ULCT Action/Future Trend:

ULCT monitored this bill.



*Back to Table of Contents*

*Utah League of Cities and Towns*

# GENERAL LEGISLATIVE SESSION



## HB 338 | Changes to Tobacco Retail Permit

Reference: **None**

Sponsor: **Marc Roberts; Jacob Anderegg**

Bill Status: **Enrolled**

Link: <https://le.utah.gov/~2019/bills/static/HB0338.html>

ULCT Position: **Neutral**

### **Legislative Purpose of the Bill:**

This bill makes a minor technical change to clarify last year’s legislation on tobacco retail permits.

### **Municipal Impact/What you need to do:**

HB 338 changes the word “person” to “retail tobacco specialty business” to clarify that under Utah Code 26-62-202, a retail tobacco specialty business permit is tied to the location of the business, and not to the individual the permit is issued to.

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

ULCT monitored this bill.





# GENERAL LEGISLATIVE SESSION



## HB 342 | Homeless Provider Oversight Amendments

Reference: **None**

Sponsor: **Brian King; Jacob Anderegg**

Bill Status: **Enrolled**

Link: <https://le.utah.gov/~2019/bills/static/HB0342.html>

ULCT Position: **Neutral**

### Legislative Purpose of the Bill:

This bill codifies recommendations made by the Legislative Auditor General in a state performance audit of homeless services. The bill works to coordinate homeless services provided by nonprofit and government entities.

HB 342 directs the Homeless Coordinating Committee to prepare and implement a statewide strategic plan that outlines specific goals and measurable benchmarks for progress, identifies gaps in service delivery to the variety of homeless populations, provides recommendations to the Governor and the Legislature on strategies, policies, procedures, and programs to address the needs of the homeless populations in the state, and identifies best practices to improve coordinated services through electronic databases and data sharing.

The Committee will designate local oversight bodies that will be responsible for developing a common agenda and vision for reducing homelessness in their region, developing a spending plan to coordinate funding provided to local stakeholders, monitoring progress toward achieving state and local goals, and aligning local funding with projects that improve outcomes and target specific community needs.





# GENERAL LEGISLATIVE SESSION

The Committee will award contracts funded by the Pamela Atkinson Homeless Account based in part on a contractor's ability to address needs outlined in the plan, to share information to better coordinate local and statewide efforts, and to address specific targets and benchmarks that are aligned with the Committee plan.

**Municipal Impact/What you need to do:**

No action is required.

**ULCT Action/Future Trend:**

ULCT monitored the bill. We anticipate additional legislation in future sessions dealing with funding and management of the homeless resource centers.



# GENERAL LEGISLATIVE SESSION

155



## HB 343 | Second Substitute, Development Advertising Amendments

Reference: **None**

Sponsor: **Brad Daw; Jacob Anderegg**

Bill Status: **Enrolled**

Link: <https://le.utah.gov/~2019/bills/static/HB0343.html>

ULCT Position: **Neutral**

### Legislative Purpose of the Bill:

This bill requires municipalities to meet certain notice requirements for public hearings or meetings when illuminated sign regulations or applications will be considered.

### Municipal Impact/What you need to do:

This bill outlines new notice requirements for municipalities under the Land Use Management and Development Act. Municipalities must provide written notice of any hearing or public meeting to consider a proposed land use regulation or land use application modifying sign regulations for an illuminated sign within a unified commercial development or planned unit development to property owners within a 500 foot radius of the sign site, to each municipality or county within a 500 foot radius of the sign site, and to any outdoor advertising permit holder.

HB 343 also requires that property owners or applicants “commence in good faith” the construction of the commercial or industrial development within one year after the illuminated sign is installed.

### ULCT Action/Future Trend:

ULCT monitored this bill.



Back to Table  
of Contents

# GENERAL LEGISLATIVE SESSION



## HB 348 | Utah Emergency Medical Services System Act Amendments

Reference: **None**

Sponsor: **Kay Christofferson; Curtis Bramble**

Bill Status: **Enrolled**

Link: <https://le.utah.gov/~2019/bills/static/HB0348.html>

ULCT Position: **Neutral**

### Legislative Purpose of the Bill:

This bill removes a requirement that a ground ambulance service licensee can only apply for a higher level of service if the application is limited to 911 ambulance or paramedic services. It clarifies that a revised license may not impact the rights of other licensees.

### Municipal Impact/What you need to do:

No action is necessary.

### ULCT Action/Future Trend:

ULCT monitored the bill.



# GENERAL LEGISLATIVE SESSION

157



## HB 350 | Mobile Carrier Amendments

Reference: **None**

Sponsor: **Stewart Barlow; Karen Mayne**

Bill Status: **Enrolled**

Link: <https://le.utah.gov/~2019/bills/static/HB0350.html>

ULCT Position: **Neutral**

### Legislative Purpose of the Bill:

Sponsor Rep. Barlow described mobile carriers as a kind of wagon with a digital handle. These small robots follow pedestrian operators and can assist with carrying heavy loads.

### Municipal Impact/What you need to do:

HB 350 defines a mobile carrier as an electrically powered device that remains within 25 feet of the person operating the device, weighs less than 150 pounds, has a maximum speed limit of 12.5 mph, and is equipped with technology that monitors the operator. Mobile carriers must be operated in accordance with local ordinances.

### ULCT Action/Future Trend:

ULCT monitored the bill.



Back to Table  
of Contents

GENERAL LEGISLATIVE SESSION



**HB 353 | Reduction of Single Occupancy Vehicle Trips Pilot Program**

Reference: **Daily Email Feb. 27, Mar. 7**

Sponsor: **Joel Briscoe; Curtis Bramble**

Bill Status: **Enrolled**

Link: <https://le.utah.gov/-2019/bills/static/HB0353.html>

ULCT Position: **Support**

**Legislative Purpose of the Bill:**

Data shows significant increase in UTA ridership on red air days. The problem is that increase doesn't occur on orange days to prevent red air days. Envision Utah said the #1 highest incentive to get them to take transit would be if it were free on bad air days. On the last free day, there was a 23% increase in transit use, translating to an additional 29k riders. This bill creates a three-year trip reduction pilot program with a one-time \$500,000 appropriation (reduced from the proposed \$1.2 million) from the general fund to the Division of Environmental Quality to support, in part, free ridership days.

**Municipal Impact/What you need to do:**

Starting on May 14, 2019, the Division of Air Quality may use the funds during a three-year pilot program (terminating June 30, 2022) to create alternative transportation and work days, designating the geographic areas subject to such days, funding the days, and paying the administrative costs.

The Division will contract with an entity to administer the program and will work with public and private entities to promote alternative transportation and work days, to encourage trip reductions through use of public transportation, car pooling, teleworking, and other methods, and to analyze the impact of the pilot program.





# GENERAL LEGISLATIVE SESSION

The Division will report to the Natural Resources, Agriculture, and Environmental Quality Appropriations Subcommittee during the 2020 interim on the results of the program.

**ULCT Action/Future Trend:**

ULCT monitored this bill.



GENERAL LEGISLATIVE SESSION



**HB 354 | Second Substitute, Peer-to-Peer Car Sharing Act**

Reference: **Daily Email Feb. 25, 26; LPC Feb. 25**

Sponsor: **Kim Coleman; Jacob Anderegg**

Bill Status: **Not Passed**

Link: <https://le.utah.gov/~2019/bills/static/HB0354.html>

ULCT Position: **Neutral**

**Legislative Purpose of the Bill:**

This bill was mainly directed at regulation of Turo, a car-sharing service, at the Salt Lake City airport, but also limited regulation of other peer-to-peer services. This bill would have preempted local regulation of peer-to-peer companies, which are defined as companies that use a peer-to-peer platform to connect individuals in order to exchange a product or service. Local government would have been precluded from regulating a peer-to-peer company “in the same or substantially similar manner as a transaction facilitated by a business that offers the same product or service to the public.” The bill was later amended to only address car sharing at the SLC Airport, but it failed in Senate committee.

**Municipal Impact/What you need to do:**

No action is required.

**ULCT Action/Future Trend:**

As we continue to see more disruptive technologies, we will continue to see legislation that pre-empts local regulation of these platforms.





# GENERAL LEGISLATIVE SESSION

161



## HB 355 | Water General Adjudication Amendments

Reference: **None**

Sponsor: **Joel Ferry; Ralph Okerlund**

Bill Status: **Enrolled**

Link: <https://le.utah.gov/~2019/bills/static/HB0355.html>

ULCT Position: **Neutral**

---

### Legislative Purpose of the Bill:

HB 355 is a Utah Water Task Force consensus bill and streamlines the adjudication of water rights.

### Municipal Impact/What you need to do:

This bill provides an expedited process for change use applications. The bill clarifies the right to appeal during a general adjudication of water rights and updates the state engineer's search of records when serving summons on claimants during a general adjudication of water rights.

### ULCT Action/Future Trend:

ULCT monitored the bill.



*Back to Table  
of Contents*

*Utah League of Cities and Towns*

# GENERAL LEGISLATIVE SESSION

162



## HB 357 | First Substitute, Voluntary Wood Burning Conversion Program

Reference: **None**

Sponsor:

Bill Status: **Enrolled**

Link: <https://le.utah.gov/~2019/bills/static/HB0357.html>

ULCT Position: **Support**

### Legislative Purpose of the Bill:

This bill sets up a voluntary conversion program to incentivize people to switch wood stoves to other equipment. It prioritizes funds based on three criteria. Preference will be given to participants who earn less than 250% of federal poverty level, live in a house where wood is the sole source of heating, and live within 6 miles of the great salt lake meridian. That’s the primary area with older homes and wood stoves. The Legislature appropriated \$5 million for this program in FY 2019.

### Municipal Impact/What you need to do:

No action is required, but if your city has people who could benefit from this program, help get the word out.

### ULCT Action/Future Trend:

Converting wood burning stoves is some of the “low-hanging fruit” when it comes to improving air quality. This program will likely return for another appropriation next year.



Back to Table  
of Contents

# GENERAL LEGISLATIVE SESSION

163



## HB 358 | Right of Way Equity Amendments

Reference: **None**

Sponsor: **Francis Gibson; David Buxton**

Bill Status: **Enrolled**

Link: <https://le.utah.gov/~2019/bills/static/HB0358.html>

ULCT Position: **Neutral**

### Legislative Purpose of the Bill:

This bill adds “crude oil” and “petroleum products” to the definition of “utility in the Construction, Maintenance, and Operations Act under the Transportation Code to establish the cost of relocating crude oil or petroleum pipelines for a state highway project. When a crude oil or petroleum pipeline must be relocated for a state highway project, the utility company must pay the lesser of 50% of the relocation cost or 50% of the cost to construct a structure or facility to avoid impinging the pipeline. The DOT must pay the remainder of the cost.

### Municipal Impact/What you need to do:

No action is required.

### ULCT Action/Future Trend:

ULCT monitored this bill.



Back to Table  
of Contents

# GENERAL LEGISLATIVE SESSION



## HB 365 | Animal Shelter Amendments

Reference: **None**

Sponsor: **Eric Hutchings**

Bill Status: **Not Passed**

Link: <https://le.utah.gov/~2019/bills/static/HB0365.html>

ULCT Position: **Neutral**

### **Legislative Purpose of the Bill:**

This legislation would have clarified which methods may be used for euthanasia at an animal shelter and would have required a policy and training for animal shelters that euthanize.

### **Municipal Impact/What you need to do:**

This would have required municipalities that run an animal shelter to update its practices and policies regarding animal euthanasia. This bill failed to pass out of the House Rules Committee.

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

ULCT monitored the bill. We have seen similar bills the past few years and anticipate that trend to continue.



## GENERAL LEGISLATIVE SESSION

165

**HB 367 | Boundary Adjustment Notice Amendments**Reference: **None**Sponsor: **Cory Maloy; Daniel McCay**Bill Status: **Enrolled**Link: <https://le.utah.gov/~2019/bills/static/HB0367.html>ULCT Position: **Neutral****Legislative Purpose of the Bill:**

This bill extends the deadline for a legislative body that enacts an ordinance to annex an area or to adjust a boundary to file the ordinance with the lieutenant governor from 30 days to 60 days.

**Municipal Impact/What you need to do:**

Nothing required; notice the time extension.

**ULCT Action/Future Trend:**

ULCT monitored the bill.



# GENERAL LEGISLATIVE SESSION

166



## HB 381 | First Sub, Amusement Ride Safety



Reference: **None**

Sponsor: **Val Potter; Curtis Bramble**

Bill Status: **Enrolled**

Link: <https://le.utah.gov/~2019/bills/static/HB0381.html>

ULCT Position: **Neutral**

---

### Legislative Purpose of the Bill:

This bill creates the Utah Amusement Ride Safety Act and Committee under the Department of Transportation. It creates a director, establishes a restricted account, grants the committee rulemaking authority to establish safety standards and certify safety inspectors. It also requires annual inspections of amusement rides and establishes minimum insurance requirements.

### Municipal Impact/What you need to do:

Amusement parks and amusement rides are defined under Section 72-16-101. Parks do not include traveling shows, carnivals, or public fairgrounds, so summer festivals and similar events are exempted. However, if you have a park or ride in your city, you might want to ensure they are properly inspected.

### ULCT Action/Future Trend:

ULCT monitored the bill and worked with Rep. Potter on the definitions.



## GENERAL LEGISLATIVE SESSION

167

**HB 382 | Resort Communities Tax Amendments**Reference: **Daily Email Mar. 11; LPC Mar. 11**Sponsor: **Mark Strong; Ronald Winterton**Bill Status: **Enrolled**Link: <https://le.utah.gov/-2019/bills/static/HB0382.html>ULCT Position: **Support**

---

**Legislative Purpose of the Bill:**

This bill increases the number of notices the State Tax Commission must send to a city to alert it that it no longer qualifies to levy the Resort Communities Tax. The Tax Commission must send a notice to a city for three consecutive years rather than two.

**Municipal Impact/What you need to do:**

No action is required.

**ULCT Action/Future Trend:**

ULCT worked with Senate and House sponsors to bring this bill and resolve a problem.



# GENERAL LEGISLATIVE SESSION

168



## HB 386 | Economic Development and Affordable Homes Amendments

Reference: **Daily Email Mar. 4**

Sponsor: **Joel Briscoe; Todd Weiler**

Bill Status: **Not Passed**

Link: <https://le.utah.gov/~2019/bills/static/HB0386.html>

ULCT Position: **Support**

### Legislative Purpose of the Bill:

As first presented, the bill requested a total appropriation of \$20m split between the Olene Walker Loan Fund (\$12m), the Economic Revitalization Investment Fund (\$5m), and the Affordable Housing Preservation Fund (\$3m). The Olene Walker fund targets populations at less than 80% AMI by providing project- and tenant-based housing vouchers. The Economic Revitalization Investment Fund would assist with the development of very low-income housing (<30% AMI) such as SROs, tiny homes, transitional housing, and housing for vulnerable populations. Finally, the Affordable Housing Preservation Fund provides grants to preserve and rehabilitate naturally occurring affordable units (NOAH) units, targeting the (<80% AMI population). The bill later was amended to request only the \$3 million for preservation. Despite support, there was an unwillingness to fund the bill, similar to funding SB 34 and many others.

### Municipal Impact/What you need to do:

The bill did not pass and no action is required.

### ULCT Action/Future Trend:

ULCT supported this bill as part of our overall efforts to fund affordable housing. We expect to see future efforts to provide meaningful funding for affordable housing in subsequent sessions.



*Back to Table of Contents*

*Utah League of Cities and Towns*



# GENERAL LEGISLATIVE SESSION

169



## HB 394 | Pawnshop and Secondhand Merchandise Amendments

Reference: **Daily Email Mar. 6**

Sponsor: **Eric Hutchings; Curtis Bramble**

Bill Status: **Enrolled**

Link: <https://le.utah.gov/-2019/bills/static/HB0394.html>

ULCT Position: **Support**

---

### Legislative Purpose of the Bill:

This bill amends the Pawnshop and Secondhand Merchandise Transaction Information Act (Section 13-32a) in an effort to address items pawned or sold as secondhand merchandise that are believed to be stolen. This was prompted by major raids last summer that resulted in the discovery of tens of thousands of dollars worth of stolen goods in pawnshops. The Act is amended to clarify definitions, to repeal outdated language, and to heighten pawn and secondhand business recordkeeping. It requires pawn and secondhand businesses to maintain a record of a patron's full name, date of birth as shown on an allowed form of identification, residential address, and telephone number. Additionally, as of January of 2020, pawn and secondhand businesses must obtain an electronic legible fingerprinting of a patron's right index finger to keep in a central database, a statewide repository of information established under the Act. Pawn or secondhand businesses must keep a color digital photograph for all jewelry and watches that they obtain. The bill also revamps the Pawnshop and Secondhand Merchandise Advisory Board and reduces the membership from thirteen to seven. The Department of Commerce executive director will appoint members from law enforcement as recommended



Back to Table  
of Contents

*Utah League of Cities and Towns*



## GENERAL LEGISLATIVE SESSION

by the Utah Chiefs of Police Association and the Utah Sheriffs Association, one state, county, or municipal prosecutor recommended by a prosecutors' association or council, a pawnbroker and secondhand merchandise dealer as recommended by industry, one industry leader at large, and a coin dealer recommended by the Utah Coin Dealers Association. Finally, the Division of Consumer Protection must provide annual training sessions for pawn and secondhand business employees, as well as for law enforcement officers that use the central database, to outline compliance requirements under the Act.

**Municipal Impact/What you need to do:**

Be aware of new requirements and participate in annual training on the central database.

**ULCT Action/Future Trend:**

ULCT monitored the bill.



# GENERAL LEGISLATIVE SESSION

171



## HB 401 | Eminent Domain Amendments



Reference: **LPC Feb. 25**

Sponsor: **Paul Ray**

Bill Status: **Not Passed**

Link: <https://le.utah.gov/~2019/bills/static/HB0401.html>

ULCT Position: **Opposed**

---

### **Legislative Purpose of the Bill:**

Current state statute empowers the government to exercise eminent domain to establish a public park for the public benefit. This bill would have removed this provision and would have added language restricting a government entity from exercising eminent domain for economic development.

### **Municipal Impact/What you need to do:**

The bill did not pass.

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

ULCT opposed this bill, but anticipates that it or a similar effort will be proposed next session. This may be a topic for the LUTF this interim.



# GENERAL LEGISLATIVE SESSION



## HB 406 | Investigation Protocols for Peace Officer Use of Force

Reference: **None**

Sponsor: **Marc Robert; Deidre Henderson**

Bill Status: **Enrolled**

Link: <https://le.utah.gov/~2019/bills/static/HB0406.html>

ULCT Position: **Neutral**

### Legislative Purpose of the Bill:

This bill defines “deadly force” and “in custody” in Section 76-2-408 and adds use of a government vehicle and other clarifications to the definition of “officer-involved critical incident.”

### Municipal Impact/What you need to do:

Make sure your code and process for investigating officer-involved critical incidents tracks with code.

### ULCT Action/Future Trend:

ULCT monitored the bill.



## GENERAL LEGISLATIVE SESSION

173

**HB 410 | Drug Paraphernalia Penalty Amendments**Reference: **None**Sponsor: **Stephanie Pitcher; Todd Weiler**Bill Status: **Enrolled**Link: <https://le.utah.gov/~2019/bills/static/HB0410.html>ULCT Position: **Support****Legislative Purpose of the Bill:**

Due to an oversight, under current Utah law a person convicted of possession of drugs and drug paraphernalia can have a penalty enhanced for the paraphernalia, but not for possession of drugs. This bill removes the penalty enhancements for possession of drug paraphernalia to address the error.

**Municipal Impact/What you need to do:**

No action is necessary.

**ULCT Action/Future Trend:**

ULCT monitored the bill.



# GENERAL LEGISLATIVE SESSION

174



## HB 411 | Community Renewable Energy Act

Reference: **Daily Email Mar. 7, 11; LPC Mar. 4, Mar. 11**

Sponsor: **Stephen Handy; Daniel Hemmert**

Bill Status: **Enrolled**

Link: <https://le.utah.gov/~2019/bills/static/HB0411.html>

ULCT Position: **Support**

---

### Legislative Purpose of the Bill:

This bill is the product of three years of study and work by Salt Lake City, Park City, and Rocky Mountain Power. Other cities across the state are interested in transitioning to 100% renewable energy, and this bill sets up the framework to make that happen. It authorizes RMP to make investments in clean energy without shifting costs to other ratepayers. If a local government chooses to participate, individual customers can opt out and maintain standard service and prices.

### Municipal Impact/What you need to do:

Action is optional.

### ULCT Action/Future Trend:

ULCT supported the bill.



*Back to Table  
of Contents*

*Utah League of Cities and Towns*

# GENERAL LEGISLATIVE SESSION

175



## HB 415 | Local Law Enforcement Structure and Governance Amendments

Reference: **Daily Email Mar. 5**

Sponsor: **Paul Ray; Don Ipson**

Bill Status: **Enrolled**

Link: <https://le.utah.gov/-2019/bills/static/HB0415.html>

ULCT Position: **Amend**

---

### Legislative Purpose of the Bill:

This bill clarifies authority of a police chief under Section 10-3-913. A municipality may not establish a board, committee, or other entity that has independent authority to overrule a hiring, veto power over rules or regulations, budget authority, or contract authority. It preserves the ability for a city to institute civilian review boards and civil service commissions, but maintains authority with the city to make critical decisions on personnel and policy.

### Municipal Impact/What you need to do:

If your jurisdiction has established a civilian review board or civil service commission, ensure that their authorities are consistent with the state code.

### ULCT Action/Future Trend:

ULCT vetted amendments to the bill and testified in support.



# GENERAL LEGISLATIVE SESSION

176



## HB 425 | Local Government Officer Bonding Amendments

Reference: **Friday Facts Mar. 22**

Sponsor: **Val Potter; Lyle Hillyard**

Bill Status: **Passed**

Link: <https://le.utah.gov/~2019/bills/static/HB0425.html>

ULCT Position: **Support**

---

### Legislative Purpose of the Bill:

This bill repeals bond provisions under the Municipal Administration Chapter of the Municipal Government Code and enacts Utah Code 10-3-831, which allows municipal officers to obtain either a general fidelity bond or to acquire theft or crime insurance to satisfy the bond requirement. Theft/crime insurances accomplishes the same purpose as bonding and cities and towns already have theft or crime insurance as part of their insurance coverage. The Money Management Council in Rule 4-2 has identified what type of insurance providers can issue theft or crime insurance for treasurer bonds. Theft or crime insurance has broader coverage and higher limits.

### Municipal Impact/What you need to do:

Update your code to reflect these changes and ensure that your municipal officers have the proper coverage.

### ULCT Action/Future Trend:

ULCT worked with Rep. Potter to craft this legislation in order to address the inconsistency in the code about local government bonding requirements.



*Back to Table  
of Contents*



# GENERAL LEGISLATIVE SESSION



## HB 433 | Inland Port Amendments



Reference: **Daily Email Mar. 5, 13; LPC Mar. 4, Mar. 11**

Sponsor: **Francis Gibson; David Buxton**

Bill Status: **Passed**

Link: <https://le.utah.gov/~2019/bills/static/HB0433.html>

ULCT Position: **Support**

### **Legislative Purpose of the Bill:**

HB 433 enables the Inland Port Authority to operate hubs throughout the state, with the consent of the underlying property owner and the local jurisdiction. The purported goal is to spur economic development in more rural areas.

### **Municipal Impact/What you need to do:**

No action is necessary; inclusion is optional.

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

The original version of the bill had several problematic provisions, including a prohibition on a mayor being able to file legal action challenging the creation of or a plan for port lands. That provision was removed and other amendments were made that allowed ULCT to support the bill.



# GENERAL LEGISLATIVE SESSION



## HB 441 | Tax Equalization and Reduction Act

Reference: **Daily Email Mar. 4, 5, 6; LPC Jan. 7, Feb. 4, 11, 25, Mar. 4, 11; Friday Facts Jan. 18, Feb. 15, Mar. 1, 8; Podcast Feb. 1, 8, 15, Mar. 1, 8**

Sponsor: **Tim Quinn**

Bill Status: **Not Passed**

Link: <https://le.utah.gov/-2019/bills/static/HB0441.html>

ULCT Position: **Amend**

### Legislative Purpose of the Bill:

This was the House’s tax reform bill, which proposed to expand the sales tax base to include taxes on services, and lower the sales tax and income tax rates.

### Municipal Impact/What you need to do:

The bill did not pass, but see HB 495 for a description of the Tax Task Force.

### ULCT Action/Future Trend:

Although this bill was not released until February 28th, ULCT discussed the concepts in this bill with legislators and our members for most of the interim and session. We worked closely with legislative leadership and the architects of the bill on potential paths forward for the local rates. Eventually, but not by our request, a substitute bill was released, which removed the 18 local options from the bill. In other words, it would have extended state sales tax rates to currently untaxed services but would not extend the 18 local option sales tax rates to currently untaxed services. Roger Tew and Cameron Diehl met with key legislative leaders who explained that they wanted to phase in the state rate over the next 2-3 years and then re-visit the local rates once the state has collected data about the





# GENERAL LEGISLATIVE SESSION

sourcing of the untaxed services. Legislative leaders told us they were concerned about the disparate impacts on cities and counties from changing local sales tax rates, the potential fiscal impact on the bill of the hold harmless formulas during the transition, and the potential impacts on existing bonds. However, because of lack of consensus on expanding the base, the bill was held in favor of the task force process created in HB 495.



# GENERAL LEGISLATIVE SESSION

180



## HB 444 | At-risk Government Employee Information Protection Amendments

Reference: **None**

Sponsor: **Lee Perry; Karen Mayne**

Bill Status: **Enrolled**

Link: <https://le.utah.gov/~2019/bills/static/HB0444.html>

ULCT Position: **Support**

---

### Legislative Purpose of the Bill:

This bill clarifies the process a law enforcement officer may undergo to protect personal information from being posted online and expands the private classification of personal information for at-risk government employees to include an employee's social security number, insurance coverage, marital status, and payroll deductions. The legislation outlines that at-risk government employees with protected personal information may not receive official notices affecting personal property, such as notices of annexations, incorporations, or zoning modifications.

### Municipal Impact/What you need to do:

Update your practices for these employees if necessary.

### ULCT Action/Future Trend:

ULCT monitored the bill.



# GENERAL LEGISLATIVE SESSION



## HB 446 | Truth in Taxation Revisions

Reference: **None**

Sponsor: **Robert Spendlove; Kirk Cullimore**

Bill Status: **Enrolled**

Link: <https://le.utah.gov/~2019/bills/static/HB0446.html>

ULCT Position: **Neutral**

### Legislative Purpose of the Bill:

The bill extends the date for a city and town to adopt an ordinance or resolution for a property tax increase from August 17 to September 1 in order to allow more time for public input.

### Municipal Impact/What you need to do:

You may modify your practices.

### ULCT Action/Future Trend:

ULCT monitored the bill.



# GENERAL LEGISLATIVE SESSION

182



## HB 448 | Litigation Funding Transparency Act

Reference: **None**

Sponsor: **Ken Ivory**

Bill Status: **Not Passed**

Link: <https://le.utah.gov/-2019/bills/static/HB0448.html>

ULCT Position: **Support**

---

### Legislative Purpose of the Bill:

This bill would have required that individuals who directly or indirectly provide 5% or more of the funding for a lawsuit against the state or its political subdivisions disclose their funding. For state lawsuits, if the Attorney General determined the lawsuit impaired the health, safety, and welfare of the state, the AG's Office would have been authorized to request the disclosure. For political subdivision suits, if the governing body of the political subdivision adopted a resolution determining that the lawsuit impaired the health, safety, and welfare of the citizens, the governing body would have been authorized to request the disclosure by resolution. The bill would have authorized the state and political subdivisions to file a motion with the court to request that plaintiff funding be disclosed and courts would have had discretion to issue an order requiring the plaintiff to disclose the names of contributors if the court determined the lawsuit impaired the ability of the state or a political subdivision of the state to protect the health, safety, and welfare of Utah citizens. The court would have had discretion to stay a lawsuit that sought to delay or stop the state or political subdivision from beginning or continuing a project or enforcing a statute or ordinance if funding for the lawsuit was not disclosed.



Back to Table  
of Contents

*Utah League of Cities and Towns*



# GENERAL LEGISLATIVE SESSION

**Municipal Impact/What you need to do:**

No action is required because the bill did not pass.

**ULCT Action/Future Trend:**

ULCT monitored the bill. Because it was introduced so late in the session, we anticipate it will be refiled for next year.



# GENERAL LEGISLATIVE SESSION



## HB 453 | Alcohol Amendments

Reference: **LPC Mar. 11**

Sponsor: **Timothy Hawkes; Jerry Stevenson**

Bill Status: **Enrolled**

Link: <https://le.utah.gov/~2019/bills/static/HB0453.html>

ULCT Position: **Neutral**

---

### Legislative Purpose of the Bill:

This bill amends the Alcoholic Beverage Control Act and (1) prohibits hotels from offering minibars in guest rooms; (2) allows a government-owned/operated performing arts facility with more than 2,500 seats in a city of the first class to apply for an on-premise banquet license; (3) establishes that the DABC may make rules for a beer tolerance up to .18% above or below when measured by volume, or up to .15% above or below when measured by weight; (4) narrows the scope of required background checks to those individuals that exercise direct decision-making control over day-to-day operations of a licensee; (5) requires that retail managers complete DABC training programs either 30 days after the day on which a manager is hired, or 30 days after the day on which the licensee obtains a license, whichever date is later; (6) clarifies how the DABC evaluates what alcoholic products qualify for the state-imposed markup for alcohol the DABC sells to military installations; (7) allows for interim alcoholic beverage management and inventory transfer agreements for instances when a retailer transfers management or sells to a new owner; (8) requires all employees who sell alcohol to wear an ID badge; (9) permits a liquor storage area to be unlocked during hours when liquor sales are





## GENERAL LEGISLATIVE SESSION

185

not authorized in order to complete inventory, restocking, repairs, and cleaning; (10) allows retail licensees to offer beer flights so long as samples do not exceed 16 ounces in total; (11) provides for employees who are at least 16 years old to—after hours—bus a table that is located in an area the legislature defines as a dispensing area; (12) permits off-premise beer retailers to sell beer through a drive-through window or designated parking stall for online order pickup; (13) authorizes the Alcoholic Beverage Control Commission to issue an off-premise beer retailer state license for brewery manufacturing package agencies; and (14) establishes a liquor transport license that permits a person to transport liquor from a state store or package agency to a licensee.

**Municipal Impact/What you need to do:**

No action is required.

**ULCT Action/Future Trend:**

ULCT monitored the bill, and we can expect legislation modifying and modernizing alcohol code in years to come.



# GENERAL LEGISLATIVE SESSION

186



## HB 466 | Firefighter Retirement Amendments

Reference: **Daily Email Mar. 11; LPC Mar. 11**

Sponsor: **Bradley Last; Jerry Stevenson**

Bill Status: **Enrolled**

Link: <https://le.utah.gov/~2019/bills/static/HB0466.html>

ULCT Position: **Support**

---

### Legislative Purpose of the Bill:

This legislation clarifies the process for properly appropriating funds to the Firefighters Retirement Trust and Agency Fund.

### Municipal Impact/What you need to do:

This legislation does not require municipal action. However, it will correct on-going appropriation shortfall in the Firefighters Retirement Trust and Agency Fund, preventing the fiscal burden from being shifted to local government.

### ULCT Action/Future Trend:

ULCT staff worked with URS and other interested groups to support this legislation and will be monitoring the consequences to ensure that this issue is fixed.



*Back to Table  
of Contents*

*Utah League of Cities and Towns*

# GENERAL LEGISLATIVE SESSION

187



## HB 495 | Tax Restructuring and Equalization Task Force

Reference: **Daily Email Mar. 12, 13**

Sponsor: **Mike Schultz; Daniel Hemmert**

Bill Status: **Enrolled**

Link: <https://le.utah.gov/~2019/bills/static/HB0495.html>

ULCT Position: **Neutral**

### Legislative Purpose of the Bill:

A key component of this year’s budget compromise is embodied in this bill, which was made public on the second-to-last day of the session and voted out of the House immediately and unanimously. Membership comprises five representatives and five senators, with one member from each body being from the minority party. The Speaker of the House and the Senate President also each have the option to appoint two non-voting members who are not legislators. As presented by Rep. Schultz, the task force will study state and local revenue systems to address the structural imbalance in the tax system. It must solicit public feedback and report on progress during interim sessions in June and August.

### Municipal Impact/What you need to do:

Stay engaged throughout interim with ULCT as we follow the task force’s work.

### ULCT Action/Future Trend:

Based on our conversations with legislators, we anticipate that the task force will be exploring property tax, sales tax on food, sales tax base expansion including currently untaxed services and the impact on state and local rates, and the constitutional mandate to dedicate income tax to education. ULCT will be active participants in this process.



*Back to Table of Contents*

*Utah League of Cities and Towns*

# GENERAL LEGISLATIVE SESSION

## Senate Bills



### SB 10 | Identification Request Amendments

Reference: **None**

Sponsor: **Karen Mayne; Lee Perry**

Bill Status: **Enrolled**

Link: <https://le.utah.gov/-2019/bills/static/SB0010.html>

ULCT Position: **Support**

#### Legislative Purpose of the Bill:

When officers stop an individual, under current law they may ask for the individual’s name and address. This information can make it difficult to pinpoint an individual’s identity. This bill expands the information an officer may request.

#### Municipal Impact/What you need to do:

This bill allows a peace officer that stops a suspect to ask for the person’s birth date in addition to their name and address.

#### ULCT Action/Future Trend:

ULCT monitored the bill.



# GENERAL LEGISLATIVE SESSION



## SB 17 | Extraterritorial Jurisdiction Amendments

Reference: **Daily Email Jan. 29, 30, Feb. 21; LPC Feb. 25, Mar. 11; Podcast Feb. 22**

Sponsor: **Ralph Okerlund; Timothy Hawkes**

Bill Status: **Enrolled**

Link: <https://le.utah.gov/-/2019/bills/static/SB0017.html>

ULCT Position: **Support**

### Legislative Purpose of the Bill:

This is one of the bills resulting from the work of interim study groups. The extraterritorial jurisdiction group examined issues raised by Rep. Noel in the 2018 session via HB 135, which reduced jurisdiction of first-class cities over their watershed.

SB 17 refines the jurisdiction of a city of the first class. A first class city would have jurisdiction over the entire watershed within the county of origin. To exercise jurisdiction outside of the county of origin, the municipality would need written agreement with all municipalities and counties that have jurisdiction over the area where the watershed is located. If a municipality wishes to enact an ordinance under this section of code after July 1, 2019, it must hold a public hearing and notify the public, the Division of Drinking Water, and the Division of Water Quality at least 10 days in advance. It must also provide a copy of the ordinance to each affected entity and include it in its drinking water source protection plan.

### Municipal Action/What you need to do:

Ensure that if you exercise jurisdiction over watershed outside of your city or county, you have written agreements with other entities. Be aware of the requirements for enacting new ordinances under this section.





# GENERAL LEGISLATIVE SESSION

**ULCT Action/Future Trend:**

Last session, Rep. Coleman introduced a version of this bill that was detrimental to the numerous cities that need to exercise extraterritorial jurisdiction to protect watershed. We worked with a stakeholder group to send this bill to interim study. ULCT worked over the interim with the stakeholder group on this legislation. Special thanks to Ogden Assistant City Attorney Mark Stratford and Salt Lake City Public Works Director Laura Briefer for their work on this bill and other water-related legislation.



# GENERAL LEGISLATIVE SESSION

191



## **SB 25 | First Substitute, Records Committee**

Reference: **None**

Sponsor: **Wayne Harper; Adam Robertson**

Bill Status: **Enrolled**

Link: <https://le.utah.gov/~2019/bills/static/SB0025.html>

ULCT Position: **Neutral**

---

### **Legislative Purpose of the Bill:**

An increasing number of GRAMA appeals come before the State Records Committee (SRC) each year. To help balance the workload of the SRC, the Government Operations Interim Committee recommends SB 25 to create a seven-member Records Management Committee (RMC) that will take over some of the responsibilities of the SRC.

Members of the RMC will include the Division of State History director or designee, the Division of Archives and Records Services director or designee, and five governor-appointed members, including one member of the Utah Bar with GRAMA experience, a public finance expert, a professional records manager from the private sector, a member recommended by ULCT to represent political subdivisions, and a news media representative. The RMC will take over records retention schedule approvals and will make record management recommendations to government entities.

Membership of the SRC changes, but the ULCT retains its charge to recommend one person representing cities and towns to serve on the SRC. The Division of State History director or designee and the governor's designee are removed from the SRC and the SRC is restructured to include a professional records manager from the private



*Back to Table  
of Contents*

*Utah League of Cities and Towns*



# GENERAL LEGISLATIVE SESSION

sector, a person experienced with electronic records and databases, the Division of Archives and Records Services director or designee, two citizens, and one person from the media.

**Municipal Action/What you need to do:**

No action is required.

**ULCT Action/Future Trend:**

ULCT ensured that we have an appointment on both committees.





# GENERAL LEGISLATIVE SESSION

193



## SB 26 | Second Substitute, Governmental Nonprofit Corporation Act Amendments

Reference: **None**

Sponsor: **Deidre Henderson; Craig Hall**

Bill Status: **Enrolled**

Link: <https://le.utah.gov/~2019/bills/static/SB0026.html>

ULCT Position: **Amend**

---

### Legislative Purpose of the Bill:

SB 26 requires the state auditor to develop training or information to help governmental nonprofits and political subdivisions that wholly control or have a controlling interest in a governmental nonprofit corporation with financial and board governance best practices.

### Municipal Impact/What you need to do:

Existing members on the board of directors of a governmental nonprofit corporation must complete training provided by the state auditor by November 14, 2019. New members must complete the training within six months from the date they are elected or appointed to the board. Board of director members who fail to complete the training will be disqualified if they do not complete the required training within 30 calendar days after receiving notice from the auditor for noncompliance.

### ULCT Action/Future Trend:

ULCT monitored this bill.



## GENERAL LEGISLATIVE SESSION

194

**SB 27 | Governmental Nonprofit Corporation Meetings Amendments**Reference: **None**Sponsor: **Deidre Henderson; Susan Pulsipher**Bill Status: **Enrolled**Link: <https://le.utah.gov/~2019/bills/static/SB0027.html>ULCT Position: **Neutral****Legislative Purpose of the Bill:**

This bill, recommended by the Political Subdivisions Interim Committee, clarifies an OPMA provision for governmental nonprofit corporations.

**Municipal Impact/What you need to do:**

SB 27 allows a governmental nonprofit corporation to close its meetings when discussing a trade secret if disclosure of the trade secret would injure the owner and discussion is necessary for the nonprofit to conduct its business.

**ULCT Action/Future Trend:**

ULCT monitored this bill.



# GENERAL LEGISLATIVE SESSION



## SB 32 | Fourth Substitute, Indigent Defense Act Amendments

Reference: **Daily Email Jan. 30; LPC Feb. 4**

Sponsor: **Todd Weiler; Michael McKell**

Bill Status: **Enrolled**

Link: <https://le.utah.gov/-2019/bills/static/SB0032.html>

ULCT Position: **Neutral**

---

### Legislative Purpose of the Bill:

This bill recodifies the Indigent Defense Act, consolidates and clarifies indigent defense definitions, ensures that those with a court-appointed attorney are provided with the legal resources needed for defense, provides a minor with representation in all juvenile proceedings and allows a minor to waive representation only after consulting with counsel and with special consideration of the court.

### Municipal Impact/What you need to do:

This bill requires legal counsel to be present at all stages of the court process for juveniles and at critical stages for adults. There is a \$725,500 fiscal note on this bill for local governments to provide these legal services; however, the Indigent Defense Commission sought and received an appropriation from the General Fund to the Indigent Defense Resources Restricted Account so that it can provide grants to jurisdictions to help offset the cost of representing indigent defense to minors charged with a misdemeanor.

### ULCT Action/Future Trend:

ULCT lobbied in support of the IDC appropriation to ensure that the fiscal impact of this bill was mitigated.



# GENERAL LEGISLATIVE SESSION

196



## SB 33 | Political Procedures Amendments



Reference: **None**

Sponsor: **Wayne Harper; Travis Seegmiller**

Bill Status: **Enrolled**

Link: <https://le.utah.gov/~2019/bills/static/SB0033.html>

ULCT Position: **Neutral**

---

### Legislative Purpose of the Bill:

This bill, recommended by the Government Operations Interim Committee, standardizes public notification procedures in the election code, the municipal incorporation and dissolution process, the annexation process, and municipal boundary changes. The bill modifies and clarifies Election Code deadlines, procedures for ballot propositions, and requires at least two poll workers to perform certain tasks.

### Municipal Impact/What you need to do:

Review SB 33 and update your code and policies to ensure they align with the new notice procedures and Election Code deadlines.

### ULCT Action/Future Trend:

ULCT monitored this bill.



Back to Table  
of Contents

# GENERAL LEGISLATIVE SESSION

197



## SB 34 | Fourth Substitute, Affordable Housing Modifications

Reference: **LPC Jan. 7, 30, Feb. 4, 11, 25, Mar. 11; Friday Facts Feb. 8, 15; Podcast Feb. 1, 15, Mar. 1, 8**

Sponsor: **Jacob Anderegg; Val Potter**

Bill Status: **Enrolled**

Link: <https://le.utah.gov/~2019/bills/static/SB0034.html>

ULCT Position: **Support**

### Legislative Purpose of the Bill:

Two bills the Legislature passed (and ULCT supported) in the 2018 session provide the foundation for SB 34 – HB 259 (Moderate Income Housing Amendments) and SB 136 (Transportation Governance Amendments).

HB 259 updated the moderate income housing (MIH) plan requirements that have been in place for cities since 1996. SB 136 requires UDOT to create strategic initiatives for state transportation funding that will include local land use and economic development potential. The rulemaking process is just now underway to determine the land use criteria and prioritization process for the Transportation Investment Fund. The objective is to facilitate transportation efficient land use.

SB 34 adds to the foundation of HB 259 and SB 136 in two main ways: (1) adding elements that reinforce transportation-efficient land use into cities’ general plans; and (2) providing specific strategies (“menu items”) cities must consider adopting in their MIH plans.

(1) New transportation element requirements: The bill defines a “major transit investment corridor.” This expands



# GENERAL LEGISLATIVE SESSION

the concept of transportation-oriented development to include a public transit service that uses public transit ROW, dedicated road ROW (like Bus Rapid Transit), or fixed route bus corridors with an interlocal agreement. It gives local government some assurance that it can plan certain land uses (like high-density residential) around transit.

Municipalities with major transit investment corridors must include a plan for residential and commercial development around the corridor to improve connections between housing, employment, education, recreation, and commerce.

Many communities do not have access to transit but are still planning for transportation- efficient land use and population growth along their “Main Streets” and other appropriate locations. The bill accounts for this and ensures that these communities have the same options, flexibility, and access to incentives as those with transit.

(2) New MIH plan requirements: SB 34 requires cities (optional for towns) to include at least three strategies in their general plan, some of which are already codified (rezone for densities, facilitate rehabilitation or expansion of infrastructure to encourage construction of MIH, encourage rehabilitation of uninhabitable stock into MIH, consider subsidies and other sources of revenue to waive construction-related fees, consider state/fed funds and incentives to promote construction of MIH, and consider UHC, DWS, and AOG programs). The additional options include the following:

- Create/allow/reduce regulations for accessory dwelling units (ADUs)
- Allow for higher density or MIH in commercial and mixed-use zones, commercial centers, or employment centers



**GENERAL LEGISLATIVE SESSION**

- Encourage higher density or MIH near major transit investment corridors
- Eliminate or reduce parking requirements in certain areas
- Allow for Single Resident Occupancy (SRO) developments
- Implement zoning incentives for low to moderate income units in new developments
- Utilize strategies that preserve subsidized low to moderate income units on a long-term basis
- Preserve existing MIH
- Reduce impact fees related to low and moderate income housing
- Participate in a community land trust program
- Implement a mortgage assistance program for city employees or a district that provides contracted services to the city
- Apply for or partner with an entity that applies for services provided by a public housing authority to preserve and create MIH
- Consider technical planning assistance programs offered by an MPO or transportation agency
- Utilize a MIH set aside from a CRA, RDA, or community development and renewal agency
- Other programs or strategies that address housing needs of residents who earn less than 80% of the AMI

**Municipal Impact/What you need to do:**

Cities must be up-to-date on the MIH plan and reporting requirements in order to be eligible for Transportation Investment Fund (TIF) and Transit Transportation



*Back to Table of Contents*



## GENERAL LEGISLATIVE SESSION

Investment Fund (TTIF) money. The TIF was \$702 million last year, and 65 out of 81 (80%) of cities that are subject to the MIH requirements either have funds currently programmed or are in phase 1 of the TIF process.

Cities are required to incorporate their MIH plan into their general plan by December 1, 2019. Legislative bodies must now review the MIH plan annually, rather than biennially, and the MIH plan must include a revised estimate of the need for MIH in the municipality over the next five years.

**ULCT Action/Future Trend:**

ULCT worked over the interim on this bill with the Commission on Housing Affordability and was very involved with drafting this bill. We will continue to be proactive on the CHA and other housing-related initiatives. We are also working with DWS on the annual reporting requirements and will be working over the interim to help the 82 cities that must incorporate the menu items into their MIH plan on implementing these new requirements.





# GENERAL LEGISLATIVE SESSION

201



## SB 35 | First Substitute, Municipal Incorporation Amendments

Reference: **None**

Sponsor: **Wayne Harper; Adam Robertson**

Bill Status: **Enrolled**

Link: <https://le.utah.gov/~2019/bills/static/SB0035.html>

ULCT Position: **Neutral**

### Legislative Purpose of the Bill:

SB 35 was requested by the Lieutenant Governor's Office to create a uniform system for the incorporation of cities and towns.

### Municipal Impact/What you need to do:

The bill establishes a Municipal Incorporation Expendable Special Revenue Fund to help the Lieutenant Governor fund the process of incorporation and sets out provisions outlining a payback agreement between the Lieutenant Governor and the newly incorporated municipality. The new municipality must pay back the Lieutenant Governor within five years (unless an extension is agreed to) for the costs of incorporation.

### ULCT Action/Future Trend:

RULCT monitored this bill. We anticipate that the feasibility study and state funding for incorporation will be examined in a subsequent session.



Back to Table  
of Contents

*Utah League of Cities and Towns*

## GENERAL LEGISLATIVE SESSION

202

**SB 42 | First Substitute, Tangible Personal Property Amendments**Reference: **None**Sponsor: **Daniel McCay; Karianne Lisonbee**Bill Status: **Not Passed**Link: <https://le.utah.gov/~2019/bills/static/SB0042.html>ULCT Position: **Oppose****Legislative Purpose of the Bill:**

This legislation would have eliminated the tangible personal property tax for a business if at the time of purchase sales tax was paid on the item.

**Municipal Impact/What you need to do:**

This legislation does not require any action because it failed to pass out of the Senate.

**ULCT Action/Future Trend:**

SB 42 is scaled down version of HB 375 from the 2018 Legislative Session. It is anticipated this legislation will continue to be introduced and discussed at the Legislature.



# GENERAL LEGISLATIVE SESSION

203



## SB 43 | Second Substitute, Criminal Provisions Modifications

Reference: **None**

Sponsor: **Karen Mayne; Paul Ray**

Bill Status: **Enrolled**

Link: <https://le.utah.gov/~2019/bills/static/SB0043.html>

ULCT Position: **Support**

### Legislative Purpose of the Bill:

This bill is a product of the Criminal Code Task Force to update the Utah Criminal Code.

### Municipal Impact/What you need to do:

Under current law, if an individual solemnizing a marriage does not return a marriage license to the county clerk within 30 days, it is a class B misdemeanor. SB 43 reduces the penalty to an infraction.

The bill adds concentrated THC and counterfeit opioids to the list of drugs that fall under the purview of the Clandestine Drug Lab Act (Utah Code 58-37d) and defines the terms. SB 43 adds a pill press machine, a closed loop extraction system, an extraction tube, and a rotary evaporator to the list of equipment for which it is illegal to possess under the Act.

SB 43 expands the circumstances under which a person may be guilty of electronic communication harassment to include intent to harass or to frighten and states that a person that electronically publishes, posts, or discloses personal identifying information of another individual on a public online site or forum with the intent to abuse,





# GENERAL LEGISLATIVE SESSION

threaten, or disrupt the other individual's electronic communication is guilty of electronic communication harassment.

Lastly, the bill repeals Utah Code 76-6-104, fornication.

**ULCT Action/Future Trend:**

ULCT monitored this bill.



# GENERAL LEGISLATIVE SESSION

205



## SB 44 | Street-legal ATV Amendments

Reference: **LPC Feb. 4, 11**

Sponsor: **Lincoln Fillmore; Mark Strong**

Bill Status: **Enrolled**

Link: <https://le.utah.gov/~2019/bills/static/SB0044.html>

ULCT Position: **Neutral**

---

### **Legislative Purpose of the Bill:**

This bill clarifies when ATVs are not street-legal and limits local government prohibitions of ATVs.

### **Municipal Impact/What you need to do:**

Language authorizing the highway authority to close portions of the highway to street-legal ATVs has been repealed. The limitations on ATV operation as street-legal are as follows: an individual may not operate an ATV on an interstate, or on a highway in a county of the first class if the highway is near a grade separated portion of the highway and the highway has a posted speed limit that is higher than 50 mph.

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

ULCT monitored the bill.



# GENERAL LEGISLATIVE SESSION



## SB 45 | Domestic Violence Revisions

Reference: **Daily Email Jan. 29**

Sponsor: **Allen Christensen; Paul Ray**

Bill Status: **Enrolled**

Link: <https://le.utah.gov/~2019/bills/static/SB0045.html>

ULCT Position: **Support**

### **Legislative Purpose of the Bill:**

Law enforcement requested this bill to address a gap under current state code regarding domestic violence offenses.

### **Municipal Impact/What you need to do:**

SB 45 adds aggravated cruelty of an animal (torture, poisoning, or killing) with the intent to harass or threaten a cohabitant to the list of DV offenses.

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

ULCT monitored this bill.



# GENERAL LEGISLATIVE SESSION

207



## SB 46 | Tire Recycling Amendments

Reference: **None**

Sponsor: **Scott Sandall; Carl Albrecht**

Bill Status: **Enrolled**

Link: <https://le.utah.gov/~2019/bills/static/SB0046.html>

ULCT Position: **Neutral**

### Legislative Purpose of the Bill:

The \$1 fee imposed on the purchase of each tire under the Waste Tire Recycling Act that goes into the Waste Tire Recycling Fund has created an excess that makes it possible for more of the expenses paid by political subdivisions to be reimbursed from the fund for cleanup and recycling of tires.

### Municipal Impact/What you need to do:

SB 46 allows the director of the Division of Waste Management and Radiation Control to authorize the reimbursement of 100% of a waste tire transporter or recycler's costs if the municipality applying for reimbursement is located in a county of the third, fourth, fifth, or sixth class, and 60% of the cost for municipalities (and interlocal cooperative agencies, special districts, and waste transfer stations) in a county of the first or second class. To qualify for reimbursement, the municipality, interlocal cooperative agency, special district, or waste transfer station must receive a minimum of two eligible bids for transportation or recycling, unless otherwise exempted.

### ULCT Action/Future Trend:

ULCT monitored the bill.



*Back to Table  
of Contents*

# GENERAL LEGISLATIVE SESSION



## SB 49 | Homeless Shelter Funding Amendments

Reference: **Daily Email Jan 31, Feb 26**

Sponsor: **Gene Davis; Steve Eliason**

Bill Status: **Enrolled**

Link: <https://le.utah.gov/~2019/bills/static/SB0049.html>

ULCT Position: **Support**

### Legislative Purpose of the Bill:

The State Tax Commission requested this bill to clarify language on the distribution of funds under the Homeless Shelter Cities Mitigation Restricted Account.

### Municipal Action/What you need to do:

No action is required.

### ULCT Action/Future Trend:

ULCT monitored this bill.





# GENERAL LEGISLATIVE SESSION

209



## SB 50 | Second Sub, Local Government Office Amendments

Reference: **Daily Email Jan 31, Feb. 26; Podcast Feb. 1**

Sponsor: **Evan Vickers; Brady Brammer**

Bill Status: **Enrolled**

Link: <https://le.utah.gov/-2019/bills/static/SB0050.html>

ULCT Position: **Support**

### Legislative Purpose of the Bill:

This bill originated from an instance when an individual simultaneously held two public offices at the county and municipal level, which was legal. Sen. Vickers reached out to ULCT over the summer, and also discussed the issue with the Office of the Governor, the Lieutenant Governor's Office, the Office of Legislative Research and General Counsel, and UAC. It was determined that such instances could become problematic. Sen. Vickers sponsored this bill to prohibit holding two offices simultaneously in certain instances.

### Municipal Impact/What you need to do:

This bill, effective January 2, 2020, prohibits an individual from concurrently serving on the governing body of a county and a city. Filing officers must give candidates notice of the prohibition at the time the declaration of candidacy or nomination petition is filed.

### ULCT Action/Future Trend:

ULCT worked with Sen. Vickers on the bill and we testified in support of it.



Back to Table  
of Contents

*Utah League of Cities and Towns*

# GENERAL LEGISLATIVE SESSION

210



## SB 52 | Fifth Substitute, Secondary Water Requirements

Reference: **Daily Email Jan. 29, 30, Feb. 13, 14, 25, Mar. 13; LPC Jan. 7, Feb. 4, 11, 25, Mar. 11; Podcast Feb. 22, Mar. 1, 8**

Sponsor: **Jacob Anderegg; Timothy Hawkes**

Bill Status: **Enrolled**

Link: <https://le.utah.gov/~2019/bills/static/SB0052.html>

ULCT Position: **Neutral**

### Legislative Purpose of the Bill:

This bill enacts the metering of new pressurized secondary water service—water used to irrigate landscaping or gardens—in an effort to enhance water conservation efforts.

### Municipal Impact/What you need to do:

All new residential, commercial, and institutional service that a secondary water supplier provides on or after April 1, 2020 must be metered.

SB 52 requires that all secondary water providers complete and file a report with the Division of Water Resources no later than December 31, 2019. The report must include what it would cost for the provider to meter existing and new secondary water, how long it would take to complete full metering with an anticipated start and completion date, and how the supplier will finance metering.

SB 52 also requires secondary water suppliers to report the following to the Division of Water Rights by March 31 of each year: the number of acre feet of pressurized secondary water supplied during the preceding 12-month period, the number of meters within the supplier’s service boundary, a description of the service boundary, the number of



*Back to Table of Contents*

## GENERAL LEGISLATIVE SESSION

211

connections by category, the total volume of water the supplier receives from its sources, and the dates of service during the preceding 12-month period the supplier provided secondary water.

SB 52 charges the Water Task Force to conduct an interim study of secondary water metering, including the cost, timing, need for exemptions, resources to pay the cost of metering, and other issues. The Task Force will present their findings to the Natural Resources, Agriculture, and Environment Interim Committee by the November interim meeting later this year.

Starting on July 1, 2019, the Board of Water Resources may make up to \$10 million in low-interest loans available from the Water Resources Conservation and Development Fund to help finance the cost of secondary water metering.

**ULCT Action/Future Trend:**

ULCT worked with Sen. Anderegg and Rep. Hawkes to ensure that small and rural communities were not unduly impacted by the legislation. ULCT thanks Sen. Anderegg and Rep. Hawkes for their attention and inclusivity in working through the five versions of SB 52 throughout the session to reach consensus and create good policy.



# GENERAL LEGISLATIVE SESSION



## SB 54 | Board of Pardons

Reference: **None**

Sponsor: **Daniel Thatcher; Lowry Snow**

Bill Status: **Enrolled**

Link: <https://le.utah.gov/~2019/bills/static/SB0054.html>

ULCT Position: **Support**

### **Legislative Purpose of the Bill:**

This bill codifies the Board of Pardons and Parole’s authority to rescind an inmate’s prison release date before an inmate is released from custody and to rescind a parolee’s termination date before termination occurs.

### **Municipal Impact/What you need to do:**

No action is required. .

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

ULCT monitored this bill.



# GENERAL LEGISLATIVE SESSION

213



## **SB 56 | Community Reinvestment Agency Report Amendments**

Reference: **LPC Feb. 4, 25, Mar. 11**

Sponsor: **Deidre Henderson; Jefferson Moss**

Bill Status: **Enrolled**

Link: <https://le.utah.gov/-/2019/bills/static/SB0056.html>

ULCT Position: **Support**

### **Legislative Purpose of the Bill:**

This bill requires the Governor’s Office of Economic Development (or a third-party contractor) to create a publicly accessible database by 2021 for community development agencies to upload annual reports. After the database is established, the community development agencies will upload their annual reports to the GOED database in lieu of submitting them to various local and state entities as required under current statute.

### **Municipal Impact/What you need to do:**

CRA’s must continue to submit their annual reports by November 1st to the community where the agency operates, the county auditor, the State Tax Commission, the State Board of Education, each taxing entity from which the agency receives project area funds, and on the community’s website. However, beginning in 2021, CRA annual reports must be submitted to the database on or before December 31st. GOED may impose a fee on cities and agencies that submit annual reports to fund the database.



*Back to Table of Contents*



# GENERAL LEGISLATIVE SESSION

**ULCT Action/Future Trend:**

When this bill was first introduced, it required CRAs to annually upload their reports to a county database. ULCT worked with the Utah Redevelopment Association and met with the sponsor to discuss local concerns about counties collecting and overseeing CRA data and a county's authority to charge a fee for database maintenance. Eventually the bill was amended so that GOED will create and oversee the database.



# GENERAL LEGISLATIVE SESSION



## SB 57 | Second Substitute, Child Abuse Amendments

Reference: **None**

Sponsor: **Todd Weiler; Craig Hall**

Bill Status: **Enrolled**

Link: <https://le.utah.gov/~2019/bills/static/SB0057.html>

ULCT Position: **Support**

### Legislative Purpose of the Bill:

SB 57 amends the definitions of “chronic abuse” and “chronic neglect” under the Child and Family Services code to clarify that an isolated incident of abuse does not fall under the definitions.

### Municipal Impact/What you need to do:

No action is required.

### ULCT Action/Future Trend:

ULCT monitored this bill.



# GENERAL LEGISLATIVE SESSION

216



## SB 60 | First Substitute, Automatic Local District Withdrawal Amendments

Reference: **None**

Sponsor: **Lincoln Fillmore; Robert Spendlove**

Bill Status: **Enrolled**

Link: <https://le.utah.gov/~2019/bills/static/SB0060.html>

ULCT Position: **Support**

### Legislative Purpose of the Bill:

SB 60 outlines a process for automatic withdrawal of an area from a local district in certain annexations.

### Municipal Impact/What you need to do:

Municipalities annexing all or part of an unincorporated island or peninsula that overlaps a municipal services district may petition to withdraw the area from the municipal services district. An annexation petition or separate consent must be signed by at least 60% of the owners of the total private land area stating the signers want the area withdrawn from the district, and the legislative body of the municipality must adopt a resolution stating the intent to withdraw the area from the district.

The board of trustees of the municipal services district has 90 days to consider the petition to withdraw and may hold a public hearing, must consider factual data presented by the municipality and owners of private property that signed the petition, and identify in writing the information the board of trustees relies on when approving or rejecting the withdrawal.

The board of trustees must approve the withdrawal if the board finds that the loss of revenue to the district due



Back to Table of Contents

*Utah League of Cities and Towns*





# GENERAL LEGISLATIVE SESSION

to a withdrawal will be offset by savings associated with no longer providing the service to the area, or the loss of revenue will not be offset by savings and the municipality agrees to terms and conditions to mitigate or eliminate the loss of revenue.

For municipalities annexing an island or part of an island before May 14, 2019, SB 60 establishes a temporary process for withdrawing the area from a municipal services district.

**ULCT Action/Future Trend:**

ULCT monitored the bill.



# GENERAL LEGISLATIVE SESSION



## SB 61 | Poll Hours for Early Voting

Reference: **None**

Sponsor: **Jani Iwamoto; Steve Eliason**

Bill Status: **Enrolled**

Link: <https://le.utah.gov/~2019/bills/static/SB0061.html>

ULCT Position: **Support**

### **Legislative Purpose of the Bill:**

This bill clarifies early voting poll hours.

### **Municipal Impact/What you need to do:**

SB 61 removes the requirement that polls must close at 5:00 PM on the last day of the early voting period to allow clerks some flexibility.

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

ULCT monitored this bill.



# GENERAL LEGISLATIVE SESSION

219



## SB 62 | Second Substitute, Campaign Finance Revisions

Reference: **None**

Sponsor: **Jani Iwamoto; Brad Daw**

Bill Status: **Enrolled**

Link: <https://le.utah.gov/~2019/bills/static/SB0062.html>

ULCT Position: **Neutral**

---

### Legislative Purpose of the Bill:

This legislation is a clean up and clarification for disqualified candidates in a municipal, county, or local school board election. It also updates reporting for interim campaign finance reports and clarifies that candidates must maintain a separate campaign bank account from their personal bank account.

### Municipal Impact/What you need to do:

This does not require any action by a municipality.

### ULCT Action/Future Trend:

ULCT monitored the legislation.



# GENERAL LEGISLATIVE SESSION

220



## SB 68 | First Substitute, Driver License and Implied Consent Modifications

Reference: **None**

Sponsor: **Karen Mayne; Norman Thurston**

Bill Status: **Enrolled**

Link: <https://le.utah.gov/-2019/bills/static/SB0068.html>

ULCT Position: **Support**

### Legislative Purpose of the Bill:

The Administrative Rules Review Committee recommended this legislation to clarify the process of notice and a hearing before the Driver License Division when officers arrest an individual suspected of driving under the influence and the individual refuses to submit to a chemical test.

### Municipal Impact/What you need to do:

When a peace officer arrests an individual for a suspected DUI and the individual refuses to submit to chemical tests, peace officers are no longer required to take the Utah license from the individual when providing notice on behalf of the Driver License Division of the Division's intent to revoke the individual's license. Rather, the individual retains their license until their hearing before the Driver License Division, which must be scheduled within 29 days from the arrest.

### ULCT Action/Future Trend:

ULCT monitored the bill.



Back to Table  
of Contents

*Utah League of Cities and Towns*

# GENERAL LEGISLATIVE SESSION

221



## SB 71 | Third Substitute, Food Truck Amendments

Reference: **Daily Email Feb. 7; LPC Feb. 11**  
 Sponsor: **Deidre Henderson; James Dunnigan**  
 Bill Status: **Enrolled**  
 Link: <https://le.utah.gov/~2019/bills/static/SB0071.html>  
 ULCT Position: **Support**

### Legislative Purpose of the Bill:

The bill amends the Food Truck Licensing and Regulation Act to clarify that food truck regulations apply to the business and not to the operator, and to reinforce limitations on fees and permits.

### Municipal Impact/What you need to do:

SB 71 adds a definition of a “food truck business” to establish that regulations may apply to one person who operates multiple food trucks under the same business and changes the term “food truck operator” to “food truck business” throughout.

The bill limits the fee a political subdivision may charge for an initial or reciprocal business license to the actual cost of processing the license.

SB 71 clarifies that a political subdivision may not require food truck businesses to pay a fee or obtain a permit to operate a food truck at a food truck event on private property, nor can a political subdivision require a reciprocal license for food truck events on private property if the food truck business is licensed through another entity.

Political subdivisions may not require a food truck to move during a temporary mass gathering if other food vendors are permitted to remain in place, so long as the food truck



Back to Table  
of Contents

*Utah League of Cities and Towns*



# GENERAL LEGISLATIVE SESSION

maintains sanitary conditions and operates in compliance with permit requirements and regulations.

**ULCT Action/Future Trend:**

Sen. Henderson worked with ULCT for months to address food truck issues without legislation. ULCT worked with Sen. Henderson on the substitute bill and appreciates Sen. Henderson’s willingness to give municipalities additional time to come into compliance with the Food Truck Licensing and Regulation Act, enacted in 2017. ULCT will be working hard over the next year to ensure that all cities and towns are compliant with the code, including reasonable reciprocal license fees.



# GENERAL LEGISLATIVE SESSION

223



## SB 72 | Third Substitute, Transportation Governance and Funding Revisions

Reference: **Daily Email Feb 6; LPC Feb. 11**

Sponsor: **Wayne Harper; Kay Christofferson**

Bill Status: **Enrolled**

Link: <https://le.utah.gov/-2019/bills/static/SB0072.html>

ULCT Position: **Support**

### Legislative Purpose of the Bill:

In 2018, SB 136 modified governance of UTA, modified and authorized local option sales taxes for transportation, authorized state funding of transit, and enhanced the coordination of transportation, land use, and economic development. It also created a new Task Force, which met throughout the interim and produced SB 72 to make additional necessary clarifications and changes.

### Municipal Impact/What you need to do:

SB 72 clarifies that Transportation Reinvestment Zones (TRZs) are not subject to the Land Use Management and Development Act. Regarding UTA modifications, the bill repeals the requirement that UTA change its name and renames the “UTA local advisory board” to the “UTA local advisory council.” The legislation requires integration of public transit services provided by public and private transit providers, with oversight from UDOT. Also, public transit districts may exclude applications for safety sensitive positions based on background check results.

For the local option transportation sales tax, SB 72 creates a standard, more flexible list of allowable uses for the municipal portion of local option transportation sales



Back to Table  
of Contents

*Utah League of Cities and Towns*

**GENERAL LEGISLATIVE SESSION**

taxes, including all roads, transit, active transportation, debt service, and corridor preservation.

The bill prohibits the “3rd quarter” 0.25% local option from being used for maintenance purposes. Salt Lake County is no longer required to expend 25% of their 3rd quarter on corridor preservation. SB 72 clarifies which projects funded by “3rd quarter” revenues must be part of a Regional Transportation Plan.

SB 72 requires Salt Lake County—and encourages other counties—that have imposed the 4th quarter to establish a committee comprising municipal and other officials to advise it on expenditure of the county share (0.05%), using criteria listed in the statute and removes the 2022 sunset on cities’ ability to directly impose “4th quarter” if their county has not imposed it by July 1, 2020. The bill clarifies that the July 1, 2020 sunset on county imposition of the “4th quarter” applies only to the four counties entirely in the UTA district (Utah, Salt Lake, Davis, and Weber).

The bill annually adjusts the tax rate on CNG/LNG/hydrogen fuel by the CPI, beginning Jan. 1, 2020, consistent with the indexing of motor and diesel fuels, not to exceed 22.5 cents per gallon.

SB 72 modifies UDOT and requires the UDOT executive director to be a registered professional engineer, adjusts the establishment and roles of UDOT’s deputy directors, divisions, and region directors, and establishes requirements for the road usage charge (RUC) program, open to alternative fuel vehicles, to begin on Jan. 1, 2020. 100% of the RUC revenues will go to UDOT.

For state transportation capital project funding, SB 72 authorizes state Transportation Investment Fund (TIF)





GENERAL LEGISLATIVE SESSION

to be used for paved pedestrian or nonmotorized projects that mitigate traffic congestion and are part of an active transportation plan approved by UDOT, and Transit Transportation Investment Fund (TTIF) for such projects that establish a connection to the public transit system, pursuant to project prioritization process established by the Transportation Commission in consultation with UDOT and MPOs. The legislation provides that the 40% minimum non-state match for TTIF can be funding or other contributions to the costs of the project and renames the Transportation Infrastructure Loan Fund to State Infrastructure Bank, a revolving loan fund for road, transit, or active transportation projects that are part of the state, MPO, or local plans. The bill requires the Transportation Commission to establish a prioritization process for loans and assistance with a maximum loan term of 10 years.

The bill is effective on May 14, 2019 and tax provisions are effective July 2, 2019.

**ULCT Action/Future Trend:**

ULCT was closely involved in drafting SB 136 last year and was part of the tax force last interim that negotiated SB 72. We anticipate further refinements and adjustments to local option taxes and transportation spending in subsequent sessions.



# GENERAL LEGISLATIVE SESSION

226



## SB 75 | Domestic Violence Amendments

Reference: **None**

Sponsor: **Allen Christensen; Paul Ray**

Bill Status: **Enrolled**

Link: <https://le.utah.gov/~2019/bills/static/SB0075.html>

ULCT Position: **Support**

---

### Legislative Purpose of the Bill:

This bill fixes a technical issue regarding protective orders under the Cohabitant Abuse Act. Current statute uses past tense to describe that a respondent may have a protective order dismissed if they have complied with the protective order requirements. SB 75 changes this past tense to the present tense to clarify that a respondent must be compliant with the requirements for a protective order to be dismissed.

### Municipal Impact/What you need to do:

No action is required.

### ULCT Action/Future Trend:

ULCT monitored the bill.



# GENERAL LEGISLATIVE SESSION

227



## SB 76 | Workers' Compensation Adjudication Amendments

Reference: **None**

Sponsor: **Karen Mayne; James Dunnigan**

Bill Status: **Enrolled**

Link: <https://le.utah.gov/~2019/bills/static/SB0076.html>

ULCT Position: **Opposed**

---

### Legislative Purpose of the Bill:

A Utah Supreme Court ruling held that the Utah Labor Commission may not award attorney fees in workers' compensation cases because it violates the separation of powers. This bill repeals the attorney fee provision and reenacts a provision authorizing the Utah Labor Commission to award an "add-on fee" to a claimant to be paid by the workers compensation insurance carrier to cover representation expenses in certain circumstances.

### Municipal Impact/What you need to do:

No action is required.

### ULCT Action/Future Trend:

ULCT monitored the bill



## GENERAL LEGISLATIVE SESSION

228

**SB 77 | First Substitute, Tax Increment Amendments**Reference: **LPC Feb. 4**Sponsor: **Curtis Bramble; Stephen Handy**Bill Status: **Enrolled**Link: <https://le.utah.gov/~2019/bills/static/SB0077.html>ULCT Position: **Support**

---

**Legislative Purpose of the Bill:**

This bill addresses a CRA's collection of tax increment revenue and clears up ambiguity on who receives the benefit from a tax increase in a project area.

**Municipal Impact/What you need to do:**

This bill establishes that a county may pay all or a portion of a taxing entity's increased tax revenue to a CRA if at the time of the project area budget approval, the taxing entities and CRA entered into an agreement and each party consents to pay the CRA the increased tax revenue.

**ULCT Action/Future Trend:**

ULCT worked with the Utah Redevelopment Association on this bill.



*Back to Table  
of Contents*

*Utah League of Cities and Towns*

# GENERAL LEGISLATIVE SESSION

229



## SB 79 | Sales and Use Tax Changes

Reference: **None**

Sponsor: **Wayne Harper; Robert Spendlove**

Bill Status: **Enrolled**

Link: <https://le.utah.gov/~2019/bills/static/SB0079.html>

ULCT Position: **Support**

---

### **Legislative Purpose of the Bill:**

This is an annual legislative clarification for the streamlined Sales and Use Tax Agreement.

### **Municipal Impact/What you need to do:**

This legislation does not require any action.

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

ULCT staff monitored the legislation.



# GENERAL LEGISLATIVE SESSION

230



## SB 85 | First Substitute, Secure Transport Designation Amendments

Reference: **None**

Sponsor: **Evan Vickers; Susan Pulsipher**

Bill Status: **Enrolled**

Link: <https://le.utah.gov/~2019/bills/static/SB0085.html>

ULCT Position: **Support**

### Legislative Purpose of the Bill:

This bill defines “nonemergency secured behavioral health transport” and adds a designation category for these providers and vehicles so that they can be regulated under the Bureau of Emergency Medical Services. These nonemergency transport services are entities that provide transportation for an individual that requires behavioral health observation during transport to a licensed acute care hospital, an emergency patient receiving facility, a licensed mental health facility, or the office of a licensed health care provider.

### Municipal Action/What you need to do:

No action is required.

### ULCT Action/Future Trend:

ULCT monitored this bill.



## GENERAL LEGISLATIVE SESSION

231

**SB 88 | Crime Victims Restitution Amendments**Reference: **None**Sponsor: **Jani Iwamoto; Craig Hall**Bill Status: **Enrolled**Link: <https://le.utah.gov/~2019/bills/static/SB0088.html>ULCT Position: **Support****Legislative Purpose of the Bill:**

This bill amends the Crime Victims Restitution Act to expand restitution criteria to include expenses a victim pays to put security measures in place in response to a crime.

**Municipal Action/What you need to do:**

No action is necessary.

**ULCT Action/Future Trend:**

ULCT monitored this legislation.



# GENERAL LEGISLATIVE SESSION

232



## SB 90 | First Substitute, Political Signs Amendments

Reference: **Daily Email Jan. 30, 31, Feb. 27; LPC Feb. 4, Mar. 11; Podcast Feb. 1**

Sponsor: **Todd Weiler; Phil Lyman**

Bill Status: **Not Passed**

Link: <https://le.utah.gov/-/2019/bills/static/SB0090.html>

ULCT Position: **Opposed**

### Legislative Purpose of the Bill:

The bill attempted to preempt local governments from prohibiting or removing political signs from residential parking strips. SB 90 stemmed from Sen. Weiler’s frustration that jurisdictions can prohibit homeowners from having political and other signs in their park strips even though a resident is responsible for maintaining the landscaping and sometimes even technically holds title of property to the middle of the street.

### Municipal Impact/What you need to do:

The bill failed and no action is necessary.

### ULCT Action/Future Trend:

ULCT opposed the bill because cities and counties have easements over parking strips and have a compelling interest in regulating that property for safety and aesthetic reasons. This bill opened the possibility that a city would have to permit all signs in parking strips because we cannot distinguish between political and other content without potentially violating constitutional rights. We discussed the bill with Sen. Weiler multiple times and testified against it. We would not be surprised, however, if the bill was reintroduced in a subsequent session.



*Back to Table of Contents*

*Utah League of Cities and Towns*



# GENERAL LEGISLATIVE SESSION

233



## SB 93 | Third Substitute, Agricultural Nuisance Amendments

Reference: **Daily Email Feb. 4**

Sponsor: **Scott Sandall; Joel Ferry**

Bill Status: **Enrolled**

Link: <https://le.utah.gov/-2019/bills/static/SB0093.html>

ULCT Position: **Neutral**

### Legislative Purpose of the Bill:

SB 93 enacts the Agricultural Operations Nuisances Act under Title 4 of the Utah Code. The bill defines defenses to an agricultural nuisance claim, and also limits local ordinances on agricultural nuisance to impacts that are outside the normal course of agricultural operations.

### Municipal Impact/What you need to do:

An agricultural operation that conforms with local laws and regulations, including zoning ordinances, is presumed to be operating within sound agricultural practices. Ordinances enacted by a political subdivision that make an agricultural operation a nuisance or that provide for abatement of the operation as a nuisance do not apply to an agricultural operation that is conducted in the normal and ordinary course of agricultural operations or sound agricultural practices.

### ULCT Action/Future Trend:

ULCT testified that we would like to tighten up some of the definitions in the bill to ensure we are protecting agricultural interests but also be able to respond to problems. Sen. Sandall was receptive to our concerns and worked with us as the bill moved through the session. We anticipate legislation in subsequent sessions that addresses the tension between agricultural lands and a growing population.



Back to Table  
of Contents

*Utah League of Cities and Towns*

# GENERAL LEGISLATIVE SESSION

234



## SB 98 | Second Substitute, Community Reinvestment Agency Amendments

Reference: **Daily Email Feb. 5; LPC Feb. 4, Mar. 11**

Sponsor: **Wayne Harper; Stephen Handy**

Bill Status: **Enrolled**

Link: <https://le.utah.gov/-2019/bills/static/SB0098.html>

ULCT Position: **Support**

### Legislative Purpose of the Bill:

Certain counties were requesting that CRAs submit additional reports and SB 98 clarifies that CRAs only need to complete reports that are required by law. SB 98 also makes other amendments and updates to the Community Reinvestment Agency Act.

### Municipal Impact/What you need to do:

The bill prohibits a taxing entity from reducing the amount of project area funds under an interlocal agreement by a certain amount. The bill also removes the housing allocation requirement if the CRA and county agree in an interlocal agreement that the community reinvestment project area plan provides solely for nonresidential project area development and provides for 60% of the jobs created within the project area to have an annual gross wage that is at least 125% of the average county wage.

### ULCT Action/Future Trend:

ULCT worked with the Utah Redevelopment Association on this bill.



# GENERAL LEGISLATIVE SESSION



## SB 100 | Second Substitute, Electronic Driver Licenses

Reference: **None**

Sponsor: **Lincoln Fillmore; Lowry Snow**

Bill Status: **Enrolled**

Link: <https://le.utah.gov/~2019/bills/static/SB0100.html>

ULCT Position: **Neutral**

### Legislative Purpose of the Bill:

This bill requires the Driver License Division to establish a process and system for electronic license certificates by January 2021.

### Municipal Action/What you need to do:

No action is required at this time.

### ULCT Action/Future Trend:

ULCT monitored this bill.



# GENERAL LEGISLATIVE SESSION

236



## SB 103 | Fourth Substitute, Victim Targeting Penalty Enhancements

Reference: **Daily Email Mar. 12**

Sponsor: **Daniel Thatcher; Lee Perry**

Bill Status: **Enrolled**

Link: <https://le.utah.gov/-2019/bills/static/SB0103.html>

ULCT Position: **Support**

### Legislative Purpose of the Bill:

Sen. Thatcher and others have spent years working on and refining this bill. SB 103 provides for an enhanced penalty for a criminal offense if it can be proven that the offender targeted the individual because of ancestry, disability, ethnicity, gender, gender identity, national origin, race, religion, sexual orientation, and after an amendment on the house floor, political affiliation. The bill also specifies that it does not impact an individual's constitutional rights of free speech or anything else.

### Municipal Impact/What you need to do:

Ensure law enforcement and prosecutors are aware of these new sentencing enhancements.

### ULCT Action/Future Trend:

This bill was lauded by many, including Gov. Herbert, as one of the most important accomplishments of this session. However, it also received criticism for casting too wide of a net over what classes of victims it protects. There is a chance that this will continue to be tweaked over the next few years depending on how it is employed.



Back to Table  
of Contents

# GENERAL LEGISLATIVE SESSION

237



## SB 105 | Hemp and Cannabinoid Act Amendments

Reference: **None**

Sponsor: **Evan Vickers; Brad Daw**

Bill Status: **Enrolled**

Link: <https://le.utah.gov/-2019/bills/static/SB0105.html>

ULCT Position: **Support**

---

### Legislative Purpose of the Bill:

This bill retitles the “Hemp and Cannabidiol Act” to the “Hemp and Cannabinoid Act” and replaces the term “cannabidiol” with “cannabinoid” throughout to expand its scope. SB 105 brings state law in line with federal law and amends provisions for the licensing and regulation of the cultivation, processing, and marketing of industrial hemp products under the Department of Agriculture and Food.

### Municipal Impact/What you need to do:

No action is required.

### ULCT Action/Future Trend:

ULCT monitored this bill.



*Back to Table  
of Contents*

*Utah League of Cities and Towns*

# GENERAL LEGISLATIVE SESSION



## SB 107 | First Substitute, Nuisance Ordinances for Municipalities

Reference: **Daily Email Feb. 4, 14, 25; LPC Feb. 25, Mar. 11; Podcast Feb. 22**

Sponsor: **Lincoln Fillmore**

Bill Status: **Not Passed**

Link: <https://le.utah.gov/~2019/bills/static/SB0107.html>

ULCT Position: **Opposed**

### Legislative Purpose of the Bill:

In its original version, SB 107 prohibited a city or county from enforcing a code on someone’s personal property unless the city or county received a complaint and the violation caused an impact outside the scope of the personal property. A substitute would have required each municipality to identify in ordinance each negative impact the ordinance intends to abate, and this would include revamping existing ordinances to meet this requirement. The bill also attempted to prohibit enforcement of an ordinance that restricts use of property unless the violation of the ordinance was identified as a negative impact in the ordinance.

### Municipal Impact/What you need to do:

SB 107 did not pass so no action is required.

### ULCT Action/Future Trend:

ULCT met with Sen. Fillmore to discuss the issues with the bill early on. While he was receptive to our initial feedback, we could not get to a place where we saw eye to eye on the bill. Eventually Sen. Fillmore decided not to push the bill, but we may see it next session.



# GENERAL LEGISLATIVE SESSION

239



## SB 108 | First Substitute, Modifications to Government Records Provisions

Reference: **None**

Sponsor: **Wayne Harper; Brad Daw**

Bill Status: **Enrolled**

Link: <https://le.utah.gov/~2019/bills/static/SB0108.html>

ULCT Position: **Support**

---

### Legislative Purpose of the Bill:

This bill addresses abuses of GRAMA requests

### Municipal Impact/What you need to do:

This bill clarifies that a governmental entity (1) need only provide a requested record to an individual once, (2) does not need to provide a requested record if the record is published and available to the public online or in a publication, and (3) does not need to provide a record that is accessible only by computer or other electronic device and contains private, controlled, or protected records that cannot be readily segregated. The bill also states that single record requests may not be submitted to multiple governmental entities.

### ULCT Action/Future Trend:

ULCT monitored the bill.



# GENERAL LEGISLATIVE SESSION



## **SB 109 | First Substitute, Asset Forfeiture Amendments**

Reference: **LPC Mar. 11**

Sponsor: **Todd Weiler; Karianne Lisonbee**

Bill Status: **Not Passed**

Link: <https://le.utah.gov/-2019/bills/static/SB0109.html>

ULCT Position: **Opposed**

### **Legislative Purpose of the Bill:**

The bill proposed to keep forfeited civil assets under state court jurisdiction and require an order from a state court before transferring forfeited property to a federal agency. The bill attempted to diminish state court discretion by requiring the court to void forfeiture if proper notice was not provided. SB 109 proposed to remove a provision that requires law enforcement to forfeit property in order to qualify for a grant under the State Asset Forfeiture Grant Program and sought to implement reporting requirements for law enforcement that received federal funds under equitable share for forfeited property transferred to the feds. It proposed to increase CCJJ’s retention of forfeited funds from 3% to 5% each year.

### **Municipal Impact/What you need to do:**

SB 109 failed to pass so no action is required.

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

ULCT worked with the Chiefs of Police Association and LELC to oppose this bill. There is a national trend to reform asset forfeiture and this or similar legislation will return. This will be a topic of interim discussion for LELC and UCOPA.





# GENERAL LEGISLATIVE SESSION



## SB 117 | Tax Amendments

Reference: **Daily Email Feb. 5**

Sponsor: **Daniel McCay**

Bill Status: **Not Passed**

Link: <https://le.utah.gov/~2019/bills/static/SB0117.html>

ULCT Position: **Opposed**

### Legislative Purpose of the Bill:

The bill would have increased the contribution of each city to the Homeless Shelter Cities Mitigation Restricted Fund from 1.8% on the population component to 1.99% on the point of sale component. The bill also proposed to remove the \$200,000 cap that was negotiated in last year's SB 235.

### Municipal Impact/What you need to do:

The bill did not pass so no action is required.

### ULCT Action/Future Trend:

ULCT met with Sen. McCay to discuss major concerns with SB 117 and he agreed to withdraw it. As new homeless resource centers come online and cities begin applying for reimbursements under the fund, we may see some adjustments in the future to the funding mechanism and formula negotiated in SB 235.



# GENERAL LEGISLATIVE SESSION

242



## SB 123 | Sixth Substitute, Election Process Amendments

Reference: **None**

Sponsor: **Daniel McCay; Merrill Nelson**

Bill Status: **Enrolled; Vetoed**

Link: <https://le.utah.gov/~2019/bills/static/SB0123.html>

ULCT Position: **Neutral**

### Legislative Purpose of the Bill:

SB 123 allowed a registered political party to replace a candidate for congressional office if the candidate resigns to accept a federal office appointment. The bill also modified the deadline for a political party's central committee to certify a replacement name for a ballot when a candidate vacancy occurs to address the issue of drawn-out replacements. The bill made changes to temporary appointments to fill a vacancy for a U.S. Senator, pending a special election to fill the office, and described the requirements and procedures of a special election to fill the vacancy.

### Municipal Impact/What you need to do:

Governor Herbert vetoed the bill. No action is required.

### ULCT Action/Future Trend:

ULCT monitored the bill.



## GENERAL LEGISLATIVE SESSION

243

**SB 124 | Local Government Administration Amendments**Reference: **None**Sponsor: **Karen Mayne; Eric Hutchings**Bill Status: **Enrolled**Link: [hh/https://le.utah.gov/~2019/bills/static/SB0124.html](https://le.utah.gov/~2019/bills/static/SB0124.html)ULCT Position: **Neutral****Legislative Purpose of the Bill:**

This is a bill to clean up of 2015's SB 119, which established metro townships.

**Municipal Impact/What you need to do:**

SB 124 removes the requirement that county treasurers, clerks, surveyors, engineers, and auditors serve on behalf of the county and the metro township. Rather, now it is discretionary and the metro township may enter into an agreement with the county for these services. Also, it removes the provision that the county executive serves as the executive of a municipal services district. The bill includes a metro township in definitions of cities and towns to clarify how the Utah Code applies to metro townships.

**ULCT Action/Future Trend:**

ULCT monitored the bill.



# GENERAL LEGISLATIVE SESSION



## SB 129 | Third Substitute, Public Safety and Firefighter Tier II Retirement Enhancements

Reference: **Daily Email Feb 11, 26, Mar. 5; Friday Facts Mar. 1; LPC Jan. 7, Feb. 4, 11, 25, Mar. 4, 11; Podcast Mar. 1**

Sponsor: **Wayne Harper; Lee Perry**

Bill Status: **Enrolled**

Link: <https://le.utah.gov/~2019/bills/static/SB0129.html>

ULCT Position: **Support**

### Legislative Purpose of the Bill:

In the 2010 General Session, SB 63 passed, creating the New Public Safety and Firefighter Tier II Retirement system that applies to new public safety hires after July 1, 2011. The new system moved from a defined benefit for the retiree to a defined contribution by the employer. This was an effort to create long-term sustainability for the State retirement system and provide more planning certainty for the State and local government.

Employees hired after July 2011 receive a less substantial retirement. Under Tier I, a public safety employee can retire after 20 years of service with 50% payout of the employee's three-year average. An employee under the Tier II hybrid system receives 37.5% of the five-year average of the employee's salary after 25 years.

While the new system is moving the retirement system to long-term sustainability, it has created division between Tier I and Tier II public safety employees. The perception is employees hired after July 2011 are required to do the same amount of work at the same level of risk but the retirement is not equitable. Representatives within the public safety sector attribute this difference in benefit as part of an overall recruitment and retention issue.



# GENERAL LEGISLATIVE SESSION

Sen. Harper introduced SB 129 to correct the perceived retirement disparity between Tier I and Tier II employees. The bill achieves four main things: (1) increases the multiplier rate moving the retirement benefits from 37.5% to 50% of the five-year average of the employee’s salary after 25 years; (2) increases the employer rate from 12% to 14% (this is a contributory system; anything over 14% is covered by employees. URS projects the rate at 15.9% with the benefit increase); (3) requires the Retirement and Independent Entities Interim Committee to review the modifications under SB 129, potential funding allocations, the appropriate share of cost under SB 129, and other relevant issues.

**Municipal Impact/What you need to do:**

The new retirement benefit will not be implemented until July 2020 and there is no fiscal impact on employees or employers this year. The interim study into public safety retirement will continue as planned. ULCT staff would like your input on potential recommendations to present to the Retirement Interim Committee.

**ULCT Action/Future Trend:**

ULCT opposed the bill as first introduced based on the unfunded mandate, as directed by LPC. After continuing negotiations, we testified in support of SB 129 before the House Government Operations Committee and emphasized that examination of the retirement system and compensation will be a priority for ULCT over the interim. The legislature passed the bill after it was amended with compromise language agreed upon with ULCT, UAC, UCOPA, and other representatives from the public safety sector. ULCT staff are preparing to work with URS and the Retirement Interim Committee on recommendations for additional changes or adjustments.



# GENERAL LEGISLATIVE SESSION



## SB 131 | Ignition Interlock Amendments

Reference: **None**

Sponsor: **Wayne Harper; Eric Hutchings**

Bill Status: **Enrolled**

Link: <https://le.utah.gov/~2019/bills/static/SB0131.html>

ULCT Position: **Support**

### Legislative Purpose of the Bill:

This bill establishes a process for individuals who are charged with driving under the influence, but the influence is not alcohol-related, to petition the Driver License Division to request that the requirement to install an ignition interlock be removed.

### Municipal Impact/What you need to do:

No action is required.

### ULCT Action/Future Trend:

ULCT monitored this bill.



# GENERAL LEGISLATIVE SESSION

247



## SB 132 | Second Substitute, Beer Amendments

Reference: **Daily Email Feb. 7, Mar. 6, 13**

Sponsor: **Jerry Stevenson; John Knotwell**

Bill Status: **Enrolled**

Link: <https://le.utah.gov/~2019/bills/static/SB0132.html>

ULCT Position: **Neutral**

---

### **Legislative Purpose of the Bill:**

SB 132 modifies the permissible percentage of alcohol in beer and heavy beer. It increased the allowable from 4% to 5% of alcohol by volume or 3.2% increase to 4% by weight. It also creates the Beer Availability Workgroup within the DABC to study issues related beer availability, alcohol content, and retail practices.

### **Municipal Action/What you need to do:**

This does not require any specific actions of municipalities.

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

ULCT staff monitored the legislation.



# GENERAL LEGISLATIVE SESSION

248



## SB 135 | Prosecution Council Amendments

Reference: **None**

Sponsor: **Jerry Stevenson; Lee Perry**

Bill Status: **Enrolled**

Link: <https://le.utah.gov/~2019/bills/static/SB0135.html>

ULCT Position: **Support**

---

### Legislative Purpose of the Bill:

The Utah Prosecution Council within the AG's Office has remained relatively unchanged since its inception. SB 135 increases Council responsibility to provide training and assistance to law enforcement officers, updates the Council statute, and increases the Council from 10 to 12, adding two city prosecutors.

### Municipal Impact/What you need to do:

No action is necessary.

### ULCT Action/Future Trend:

ULCT monitored the bill.



*Back to Table  
of Contents*

*Utah League of Cities and Towns*



# GENERAL LEGISLATIVE SESSION

249



## SB 137 | Single User Data Correlation Act

Reference: **None**

Sponsor: **Jacob Anderegg; Adam Robertson**

Bill Status: **Enrolled**

Link: <https://le.utah.gov/~2019/bills/static/SB0137.html>

ULCT Position: **Support**

### Legislative Purpose of the Bill:

This bill requires the Department of Technology Services to create a one-stop-shop citizen portal to access state documents, including Medicaid, CHIP, Primary Care Network, Women, Infants, and Children program information, unemployment insurance, workers' compensation, employment with a state agency, a driver license or state identification card renewal, a birth or death certificate, a hunting or fishing license, college transcripts, immunization records, previous tax filings, vehicle registration, employment information, and other services and information.

The Department of Technology Services must report to the Public Utilities, Energy, and Technology Interim Committee before November 30 each year on the progress, goals, and plan the Department has made to develop the single sign-on citizen portal. The bill requires that the portal be fully operational by January 1, 2025.

### Municipal Impact/What you need to do:

No municipal action is required.

### ULCT Action/Future Trend:

ULCT monitored the bill.



Back to Table  
of Contents

*Utah League of Cities and Towns*

# GENERAL LEGISLATIVE SESSION

250



## SB 139 | Second Substitute, Motor Assisted Transportation Amendments

Reference: **None**

Sponsor: **Kirk Cullimore; Adam Robertson**

Bill Status: **Enrolled**

Link: <https://le.utah.gov/~2019/bills/static/SB0139.html>

ULCT Position: **Support**

### Legislative Purpose of the Bill:

This bill updates the Transportation Code for the regulation of e-scooters (defined as “motor assisted scooters”) and ride-sharing companies like Bird and Lime (defined as “scooter-share programs”).

### Municipal Action/What you need to do:

This bill gives cities some flexibility in regulating e-scooters in their community. Local authorities may authorize e-scooters, now included in the list of vulnerable users of a highway, to operate on sidewalks. For safety and right-of-way management, local authorities may designate locations where scooter-share operators may not stage shared scooters, but under certain limits within commercial zones and business districts.

Local authorities may also regulate scooter-share programs and SB 139 sets out the requirements for a scooter-share operator to maintain certain insurance coverage. Local authorities may require that a scooter-share operator indemnifies the authority under certain terms.

Lastly, local authorities may request that the scooter-share operators share anonymized fleet and ride activity data for trips within the jurisdiction.



Back to Table  
of Contents

*Utah League of Cities and Towns*



# GENERAL LEGISLATIVE SESSION

**ULCT Action/Future Trend:**

ULCT spoke with Sen. Cullimore about his intentions for e-scooter regulation and supported amendments to the bill that foster more flexibility for cities to regulate scooters based on their unique circumstances.



# GENERAL LEGISLATIVE SESSION

252



## SB 144 | First Substitute, Environmental Quality Monitoring Amendments

Reference: **LPC Mar. 11**

Sponsor: **Luz Escamilla; Francis Gibson**

Bill Status: **Enrolled**

Link: <https://le.utah.gov/~2019/bills/static/SB0144.html>

ULCT Position: **Support**

### Legislative Purpose of the Bill:

SB 144 requires the Department of Environmental Quality (DEQ) to monitor the environmental impacts of the inland port. The DEQ will establish an environmental baseline for air and water quality in the inland port area and will measure levels of particulate matter, ozone, and oxides of nitrogen in the air, as well as sediment, metals, organics, and nutrients from storm water found in groundwater samples. (The DEQ must also monitor air quality at the Salt Lake International Airport.) The DEQ will publish the monitoring data on their website and will submit an annual report to the Utah Inland Port Authority board and the Legislative Management Committee each November.

### Municipal Impact/What you need to do:

No action is necessary.

### ULCT Action/Future Trend:

ULCT monitored this bill.



# GENERAL LEGISLATIVE SESSION

253



## SB 145 | Legal Notice Revisions

Reference: **None**

Sponsor: **Daniel McCay; Logan Wilde**

Bill Status: **Enrolled**

Link: <https://le.utah.gov/~2019/bills/static/SB0145.html>

ULCT Position: **Support**

---

### Legislative Purpose of the Bill:

This bill amends legal notice provisions, amends restrictions on newspapers regarding legal notices, and amends the definition of an “average advertisement rate.”

### Municipal Impact/What you need to do:

When notice does not replace newspaper publication that distributes in a county of the third through sixth class, a statute clearly identifies all parties required to be notified, the person serving the notice can prove that they have identified all parties required to be notified, and the person keeps a record of service for at least two years, legal notice may be served by certified mail or in person directly on all parties required to be notified.

If legal notice is delivered by certified mail or in person and the notice is not published in a newspaper, the newspaper is limited on what it can charge, cannot require that it be published in the newspaper, and must describe the legal notice and provide the web address where the full notice can be found at the request of the person publishing on the legal notice website.

SB 145 splits the definition of an “average advertisement rate” for publication in a newspaper into two parts and



*Back to Table  
of Contents*

*Utah League of Cities and Towns*



# GENERAL LEGISLATIVE SESSION

outlines a process to determine the rate for a newspaper in a county of the third through sixth class, and another process to determine the rate for a newspaper in a county of the first or second class.

**ULCT Action/Future Trend:**

ULCT monitored the bill. We also supported a nearly identical bill sponsored by Rep. Coleman that did not pass.



# GENERAL LEGISLATIVE SESSION

255



## SB 151 | Third Substitute, Initiative Procedure Amendments

Reference: **None**

Sponsor: **Deidre Henderson; Cory Maloy**

Bill Status: **Enrolled**

Link: <https://le.utah.gov/-2019/bills/static/SB0151.html>

ULCT Position: **Amend**

### Legislative Purpose of the Bill:

SB 151 amends the statewide initiative procedures. Statewide initiative petitions must include a description of all proposed sources of funding for costs associated with the proposed law. The lieutenant governor will submit initiative petitions to the Office of the Legislative Fiscal Analyst (LFA) rather than the Governor's Office of Management and Budget and LFA prepares the estimate of the fiscal impact of the proposed law. SB 151 also modifies the public hearing requirements for statewide initiatives.

### Municipal Impact/What you need to do:

No action required.

### ULCT Action/Future Trend:

ULCT monitored the bill.



## GENERAL LEGISLATIVE SESSION

256

**SB 152 | Second Substitute, Mineral Lease Funds Amendments**Reference: **None**Sponsor: **Ronald Winterton; Scott Chew**Bill Status: **Not Passed**Link: <https://le.utah.gov/~2019/bills/static/SB0152.html>ULCT Position: **Amend****Legislative Purpose of the Bill:**

This bill proposed to authorize the Legislature to annually appropriate 1% of deposits made to the Mineral Lease Account to the Seven County Infrastructure Coalition to alleviate social, economic, and public finance impacts from natural resource development throughout the state.

**Municipal Impact/What you need to do:**

The bill failed to pass and no action is required.

**ULCT Action/Future Trend:**

ULCT monitored the bill.



*Back to Table  
of Contents*

*Utah League of Cities and Towns*



# GENERAL LEGISLATIVE SESSION

257



## SB 154 | Fourth Substitute, Utah Communications Authority Amendments

Reference: **LPC Mar. 11**

Sponsor: **Wayne Harper; Bradley Last**

Bill Status: **Enrolled**

Link: <https://le.utah.gov/~2019/bills/static/SB0154.html>

ULCT Position: **Neutral**

### Legislative Purpose of the Bill:

This bill clarifies the purpose of the Utah Communications Authority (UCA) to include maintaining a statewide public safety communications network for state agencies, public safety agencies, and public safety answering points (PSAP). The bill also clarifies the PSAP definition, amends provisions on UCA's ability to sell network capacity, and amends the UCA Board and Radio Network Division duties. The bill requires the UCA Board to consider the Radio Network Division reports that identify the benefits, costs, and economic feasibility of using existing public or private facilities prior to issuing or approving a request for proposal.

SB 154 prohibits a public entity from allowing a 911 or emergency call box communication to be redirected anywhere other than a 911 emergency service network. The bill outlines how the UCA may expend certain funds and clarifies audit reporting requirements for certain counties. SB 154 extends to July 1, 2025 the sunset of the emergency services telecommunication charge to fund the unified statewide 911 emergency service and raises the service charge for each access line and changes the percentage rates distributed from the prepaid wireless 911 service charge revenue to a PSAP, Unified Statewide 911 Emergency Service Account, and the Utah Statewide Radio



Back to Table  
of Contents

# GENERAL LEGISLATIVE SESSION

System Restricted Account. The bill also repeals certain committees, creates new committees, and adds members to the UCA Board as described below.

The Operations Advisory Committee is replaced with a 15-member Public Safety Advisory Committee. The UCA Board will appoint members representing the fire chiefs, police chiefs, sheriffs, EMS, law enforcement and fire departments from counties of the different classes, and one individual from the public safety communications industry. The commissioner of public safety, the DOT executive director, the chair of the PSAP Advisory Committee, and an individual nominated to represent tribal governments, or their designees, will also serve on the Committee. The Public Safety Advisory Committee is charged with making recommendations on UCA operations and policies, the Radio Network Division and interoperability division strategic plans, the operation, maintenance and capital development of the public safety communications network, and the authority's administrative rules for the Radio Network Division and interoperability division.

The Regional Advisory Committee is replaced with a nine-member PSAP Advisory Committee with representatives from a PSAP managed by a city, county, special service district, Department of Public Safety, counties of different classes, and one member from the telecommunications industry. The PSAP Advisory Committee will make recommendations to UCA on UCA operations and policies, the 911 division and interoperability division strategic plans, the operation, maintenance, and capital development of the public safety communications network, the authority's administrative rules on the 911 division and interoperability division, and the development of minimum standards and best practices.



## GENERAL LEGISLATIVE SESSION

259

The nine-member UCA Board is increased to include two non-voting members, including the chairs of the Public Safety Advisory Committee and the PSAP Advisory Committee.

**Municipal Impact/What you need to do:**

Be aware of new requirements for PSAPs in your jurisdiction. Law enforcement groups are currently soliciting potential members for the advisory committees.

**ULCT Action/Future Trend:**

ULCT worked closely with stakeholders to negotiate the final version of this bill. We will be following the work of the advisory committees and ULCT also has two appointments on the UCA Board. At this time, contract issues over new equipment are still being litigated.



# GENERAL LEGISLATIVE SESSION

260



## SB 155 | Animal Shelter Transparency Amendments

Reference: **None**

Sponsor: **Karen Mayne**

Bill Status: **Not Passed**

Link: <https://le.utah.gov/-2019/bills/static/SB0155.html>

ULCT Position: **Opposed**

---

### Legislative Purpose of the Bill:

SB 155 would have required animal shelters to post specific information publicly on a monthly basis regarding animals at the shelter. This information is already publicly available, but creates a burden for smaller jurisdictions that do not have adequate staff to dedicate to website updates.

### Municipal Impact/What you need to do:

The bill failed to pass and no action is necessary.

### ULCT Action/Future Trend:

ULCT monitored the bill. An identical bill was proposed last year and also failed, and we anticipate this bill will return again next year.



*Back to Table  
of Contents*

*Utah League of Cities and Towns*

# GENERAL LEGISLATIVE SESSION

261



## SB 160 | Body Camera Disclosure Amendments

Reference: **Daily Email Feb. 19**

Sponsor: **Daniel McCay**

Bill Status: **Not Passed**

Link: <https://le.utah.gov/~2019/bills/static/SB0160.html>

ULCT Position: **Oppose**

### Legislative Purpose of the Bill:

The bill originally prohibited a police officer from turning off a body-worn camera while talking to supervisor. It was amended to allow a camera to be turned off unless the officer used force immediately prior to the consultation with a supervisor. Even as amended, the bill upset the 2016 compromise on body-worn cameras.

### Municipal Action/What you need to do:

SB 160 did not pass and no action is required.

### ULCT Action/Future Trend:

ULCT discussed the bill with Sen. McCay and worked to oppose it, in conjunction with Chief Ross and UCOPA. This was priority legislation for some groups and we anticipate future legislation that erodes the 2016 compromise.



Back to Table  
of Contents

# GENERAL LEGISLATIVE SESSION

262



## SB 161 | Medical Cannabis Act Amendments

Reference: **None**

Sponsor: **Luz Escamilla; Brad Daw**

Bill Status: **Enrolled**

Link: <https://le.utah.gov/~2019/bills/static/SB0161.html>

ULCT Position: **Neutral**

---

### Legislative Purpose of the Bill:

This bill makes extensive changes and clarifications to the Medical Cannabis Act, enacted by HB 3001 during a special session in 2018. The bill clarifies the transportation of cannabis, provides for additional testing of cannabis, delays a provision during the decriminalization period on barcode labeling, amends the decriminalization provision to include protections for parents and legal guardians of certain minor patients, and clarifies the quantity limits for possession during the decriminalization period.

SB 161 also amends the RFP requirements for a third-party electronic verification system to ensure the provider does not have an ownership interest in a cannabis establishment or pharmacy. The bill requires that the compassionate use board appointees be confirmed by the Senate. SB 161 provides an exception to allow certain medical professionals to recommend medical cannabis before qualified medical provider registration is available.

The bill prohibits a court from considering a parent's lawful use or possession of medical cannabis any differently than the lawful possession or use of an opioid or opiate. Also, a court may not discriminate against a parent based on the parent's status in the state's medical cannabis programs.



Back to Table  
of Contents

*Utah League of Cities and Towns*

# GENERAL LEGISLATIVE SESSION

SB 161 addresses workers' compensation insurance coverage for a cannabis production establishment and medical cannabis pharmacy employer.

**Municipal Impact/What you need to do:**

The Department of Human Resource Management will create and publish a form that a political subdivision employer must give to employees and prospective employees to inform them that the job duties under the state's medical cannabis program may require the employee to engage in conduct that may violate federal law and that in accepting or undertaking a duty, the employee may not refuse to carry out an assignment or duty that may violate federal law. An employer may not take retaliatory action against a current employee who refuses to sign the form.

SB 161 provides that a public employee who signs the notice form may not subsequently rely on state whistleblower protections to refuse to carry out an assignment or duty that may violate federal law. An employee who signs the notice form may not in good faith claim that their actions violate federal law or refuse to carry out a directive with respect to the manufacture, sale, or distribution of cannabis.

SB 161 clarifies an exception to an employment protection regarding a public employee's lawful use of medical cannabis for certain positions with federal requirements. Under the nondiscrimination for government employment section, a political subdivision is required to treat an employee's use of medical cannabis the same way the political subdivision treats an employee's use of opioids and opiates. However, this does not apply where federal funding is jeopardized, a federal security clearance, or any other federal background determination is required for the employee's position. SB 161 outlines the required notice a political subdivision employer must provide to such employees and outlines restrictions on such employees.





# GENERAL LEGISLATIVE SESSION

**ULCT Action/Future Trend:**

ULCT monitored this bill. We have spoken with the State on how to ensure that political subdivisions are providing the required notice in a consistent manner and will work on implementing that protocol over the interim.





# GENERAL LEGISLATIVE SESSION

265



## SB 165 | Quorum Requirements

Reference: **None**

Sponsor: **Jacob Anderegg; Michael McKell**

Bill Status: **Enrolled**

Link: <https://le.utah.gov/~2019/bills/static/SB0165.html>

ULCT Position: **Neutral**

### Legislative Purpose of the Bill:

This bill removes one line from the “quorum” definition in the Open and Public Meetings Act (OPMA) to clarify ambiguity.

### Municipal Impact/What you need to do:

A quorum is defined as a simple majority of the membership of a public body (unless otherwise defined by law). Under existing law, a quorum “does not include a meeting of two elected officials by themselves when no action, either formal or informal, is taken on a subject over which these elected officials have advisory power.” This removes the language “on a subject over which these elected officials have advisory power” to clarify that two officials may meet without violating OPMA so long as they do not take any final action.

### ULCT Action/Future Trend:

ULCT monitored the bill.



Back to Table  
of Contents

# GENERAL LEGISLATIVE SESSION

266



## SB 167 | Public Safety and Firefighter Planned Retirement Programs

Reference: **None**

Sponsor: **Karen Mayne**

Bill Status: **Not Passed**

Link: <https://le.utah.gov/~2019/bills/static/SB0167.html>

ULCT Position: **Support**

---

### Legislative Purpose of the Bill:

Allows for employers to create policies to create and establish a planned retirement program for public safety and firefighter employees. This would allow for employers to better plan and reduce the impacts of retiring public safety and firefighter employees.

### Municipal Impact/What you need to do:

This legislation was held in the Senate Retirement and Independent Entities Committee.

### ULCT Action/Future Trend:

ULCT staff monitored the legislation. During the interim, we will be working on public safety retirement issues and this may be a topic that is discussed as part of that work.



*Back to Table  
of Contents*

*Utah League of Cities and Towns*

# GENERAL LEGISLATIVE SESSION

267



## SB 172 | Fourth Substitute, Economic Development Amendments

Reference:

Sponsor: **Ann Millner; Val Peterson**

Bill Status: **Enrolled**

Link: <https://le.utah.gov/~2019/bills/static/SB0172.html>

ULCT Position: **Neutral**

### Legislative Purpose of the Bill:

This legislation reorganizes specific programs within GOED. It transfers the STEM Action Center from GOED to the Department of Heritage and Arts and moves STEM education endorsements from GOED to the State Board of Education. It also requires GOED to develop a written strategic plan that contains a coordinated economic development strategy for the State.

### Municipal Impact/What you need to do:

SB 172 requires GOED to create a strategic plan for economic development across the State and requires GOED to make specific recommendations to decrease competition and increase communication and cooperation among economic development entities, including local governments. Municipalities will want to engage with GOED on this plan.

### ULCT Action/Future Trend:

ULCT staff monitored this legislation and will continue to engage on economic development legislation and initiatives as one of our priorities this interim.



Back to Table  
of Contents

*Utah League of Cities and Towns*

# GENERAL LEGISLATIVE SESSION



## SB 179 | Third Substitute, Truth in Taxation Amendments

Reference: **None**

Sponsor: **Lincoln Fillmore; Robert Spendlove**

Bill Status: **Enrolled**

Link: <https://le.utah.gov/~2019/bills/static/SB0179.html>

ULCT Position: **Neutral**

### Legislative Purpose of the Bill:

This legislation restricts a municipality from having non-budget or tax increase items on the agenda of a truth in taxation meeting. It also requires municipalities to not unreasonably restrict the number of individuals allowed to make public comment. It does provide an exception for municipalities with boundaries that require travel over 50 miles.

### Municipal Impact/What you need to do:

SB 179 clarifies and restricts what agenda items can be included on a truth in taxation meeting. Agenda items need to pertain to the tax increase and any budgetary reasons for the tax increase.

### ULCT Action/Future Trend:

ULCT staff worked to modify the original version of the bill that only allowed a truth in taxation meeting to include the tax increase on the agenda and required unlimited public comment.



# GENERAL LEGISLATIVE SESSION

269



## SB 183 | Uniform Criminal Records Accuracy Act

Reference: **None**

Sponsor: **Lyle Hillyard**

Bill Status: **Not Passed**

Link: <https://le.utah.gov/-2019/bills/static/SB0183.html>

ULCT Position: **Neutral**

### Legislative Purpose of the Bill:

This bill proposed to enact a Uniform Criminal Records Accuracy Act to require a central repository for statewide criminal information and a dissemination log to show when and to whom criminal history information is provided. The bill also proposed to establish a process to correct information in the repository. Lastly, the bill attempted to set requirements for the collection and submission of biometric information.

### Municipal Impact/What you need to do:

No action is required. Sen. Hillyard sent the bill back to rules to work on the bill over the interim and it may come up again next year.

### ULCT Action/Future Trend:

ULCT monitored the bill.



# GENERAL LEGISLATIVE SESSION

270



## SB 184 | First Substitute, Code Enforcement Amendments

Reference: **LPC Feb. 25; Podcast Feb. 22**

Sponsor: **Daniel Thatcher; Paul Ray**

Bill Status: **Enrolled**

Link: <https://le.utah.gov/~2019/bills/static/SB0184.htm>

ULCT Position: **Neutral**

---

### Legislative Purpose of the Bill:

This bill requires code enforcement officials to provide written notice for land use or nuisance violations and a reasonable time to cure before collecting a fine.

### Municipal Impact/What you need to do:

Municipalities must now provide written notice for a nonjudicial penalty for a land use or nuisance violation and must identify the regulation or ordinance at issue, specify the violation, and provide a reasonable time to cure, taking into account the cost of curing the violation.

Municipalities may not collect penalties for land use or nuisance violations that are outstanding or pending on or after May 14, 2019, unless the municipality imposed the penalty with the required written notice outlined above.

### ULCT Action/Future Trend:

ULCT worked with Salt Lake County to modify the bill from its original version to this version, which simply reinforces current best practices.



# GENERAL LEGISLATIVE SESSION

271



## SB 187 | County Planning and Services Amendments

Reference: **None**

Sponsor: **Curtis Bramble; Mike Schultz**

Bill Status: **Enrolled**

Link: <https://le.utah.gov/~2019/bills/static/SB0187.html>

ULCT Position: **Support**

### Legislative Purpose of the Bill:

This bill extends the sunset date from June 1, 2020 to June 1, 2021 for the Mountainous Planning District that was established by the Legislature in 2015.

This legislation makes changes to account for the incorporation of Brighton within the District and expands potential membership of the District planning commission to include a resident of a municipality located within District. The bill allows a county legislative body to determine that fire, paramedic, and police protection services within a municipality located in an area designated as a recreational area may be funded with county general funds if the county finds that a disproportionate share of public safety service needs within the municipality are generated by residents of the county who live both inside and outside the limits of cities and towns.

### Municipal Impact/What you need to do:

These changes impact those communities within the Mountainous Planning District.

### ULCT Action/Future Trend:

ULCT monitored the bill.



Back to Table  
of Contents

*Utah League of Cities and Towns*

# GENERAL LEGISLATIVE SESSION

272



## SB 200 | First Substitute, Rural Economic Development Modifications

Reference: **Daily Email Feb. 27; LPC Mar. 11**

Sponsor: **Scott Sandall; Carl Albrecht**

Bill Status: **Not Passed**

Link: <https://le.utah.gov/~2019/bills/static/SB0200.html>

ULCT Position: **Neutral**

---

### Legislative Purpose of the Bill:

SB 200 proposed to consolidate five rural county economic development programs to create the Rural County Economic Development Grant Program administered by GOED. The Grant Program would have allowed counties to plan for economic development from the ground up. The bill attempted to modify the enterprise zone and economic development tax increment financing provisions and would have made a one-time appropriation from the General Fund to the Rural County Economic Development Grant Program of \$2,000,000 and an ongoing appropriation of \$10,000,000 as of 2021.

### Municipal Impact/What you need to do:

The bill failed to pass and no action is required.

### ULCT Action/Future Trend:

ULCT monitored this bill. Economic development is an interim priority for us and we will be looking at rural and urban programs.



Back to Table  
of Contents

*Utah League of Cities and Towns*



## GENERAL LEGISLATIVE SESSION

273

**SB 206 | Underground Conversion of Utilities Amendments**Reference: **None**Sponsor: **David Buxton; Calvin Musselman**Bill Status: **Enrolled**Link: <https://le.utah.gov/~2019/bills/static/SB0206.html>ULCT Position: **Support****Legislative Purpose of the Bill:**

SB 206 amends the definition of “electric facilities” under the Utah Underground Conversion of Utilities Law.

**Municipal Impact/What you need to do:**

Current statute allows the undergrounding of facilities that transmit electric energy at 35,000 volts. SB 206 allows a city or county of the first class to underground facilities of electrical energy at 138,000 volts, which are encased underground in concrete.

**ULCT Action/Future Trend:**

ULCT monitored the bill.



*Back to Table  
of Contents*

*Utah League of Cities and Towns*

## GENERAL LEGISLATIVE SESSION

274

**SB 214 | First Substitute, Property Tax Relief Modifications**Reference: **None**Sponsor: **Lincoln Fillmore; Adam Robertson**Bill Status: **Enrolled**Link: <https://le.utah.gov/~2019/bills/static/SB0214.html>ULCT Position: **Neutral****Legislative Purpose of the Bill:**

This legislation requires a water district to submit a report to Revenue and Taxation Interim Committee on revenues from property taxes, water rates, and all other sources for FY 2018.

**Municipal Impact/What you need to do:**

A municipality that meets the requirements of this legislation will need to complete and submit a report before September 30, 2019 to the Revenue and Taxation Interim Committee.

**ULCT Action/Future Trend:**

ULCT staff monitored this legislation.



# GENERAL LEGISLATIVE SESSION

275



## SB 225 | Homeless Service Provider Amendments

Reference: **Daily Email Mar. 4**

Sponsor: **Luz Escamilla; Paul Ray**

Bill Status: **Enrolled**

Link: <https://le.utah.gov/-2019/bills/static/SB0225.html>

ULCT Position: **Neutral**

---

### Legislative Purpose of the Bill:

The Health and Human Services Interim Committee worked this bill for several years to address the issue of individuals who are homeless and have special medical needs or are at the end of their lives and need somewhere to stay when a shelter does not have the capacity to provide care for the individual. SB 225 authorizes the Homeless Coordinating Committee to use money from the Homeless to Housing Reform Restricted Account in order to provide medical respite care for these individuals. The bill also expands the definition of a homeless shelter to include an emergency shelter and a medical respite facility.

### Municipal Impact/What you need to do:

No action is required.

### ULCT Action/Future Trend:

ULCT monitored the bill.



*Back to Table  
of Contents*

*Utah League of Cities and Towns*

# GENERAL LEGISLATIVE SESSION

276



## SB 228 | Second Substitute, Public Infrastructure District Act

Reference: **None**

Sponsor: **Daniel McCay; James Dunnigan**

Bill Status: **Enrolled**

Link: <https://le.utah.gov/-2019/bills/static/SB0228.html>

ULCT Position: **Support**

### Legislative Purpose of the Bill:

This bill enacts the Public Infrastructure District Act to provide financing for public infrastructure. The Act outlines a procedure for property owners to establish a public infrastructure district upon approval of a county or city. The threshold to petition a county or city to create a public infrastructure district is 100% of registered voters if there are registered voters within the proposed district and 100% of surface property owners within the proposed district.

If the city approves the public infrastructure district, the district is governed by board members that represent sub-districts within the district. The district has the power to issue negotiable bonds for projects ranging from acquiring or improving facilities to housing to public transportation. Public infrastructure districts are empowered with authority to enter into interlocal agreements and may acquire completed or partially completed improvements for fair market value. Public infrastructure districts may charge fees and other charges for administrative services and may levy a tax of .0015 per dollar of taxable value of taxable property in the district.





# GENERAL LEGISLATIVE SESSION

**Municipal Impact/What you need to do:**

Action is at the discretion of the city.

**ULCT Action/Future Trend:**

ULCT negotiated the bill with stakeholders and supported its final version.



# GENERAL LEGISLATIVE SESSION

278



## SB 250 | First Substitute, Graffiti Amendments

Reference: **None**

Sponsor: **Wayne Harper; James Dunnigan**

Bill Status: **Enrolled**

Link: <https://le.utah.gov/~2019/bills/static/SB0250.html>

ULCT Position: **Neutral**

### Legislative Purpose of the Bill:

This bill establishes a procedure for cities to follow when addressing the cleanup of graffiti on private property.

### Municipal Impact/What you need to do:

This bill requires cities to give a “victim of graffiti”—a person whose property is defaced by graffiti and bears the cost to remove it—written notice that allows the property owner one week to remove the graffiti. The written notice must also provide a list of resources that can assist the property owner in the graffiti removal. If a property owner can demonstrate a significant hardship to remove the graffiti, the city, or a third party hired by the city, may remove the graffiti and seek reimbursement from the person who damaged the property.

### ULCT Action/Future Trend:

ULCT monitored this bill.



Back to Table  
of Contents

*Utah League of Cities and Towns*

# GENERAL LEGISLATIVE SESSION

279



## SB 252 | First Substitute, Fines and Fees Amendments

Reference: **LPC Mar. 4**

Sponsor: **Daniel McCay; Marc Roberts**

Bill Status: **Enrolled**

Link: <https://le.utah.gov/~2019/bills/static/SB0252.html>

ULCT Position: **Neutral**

### Legislative Purpose of the Bill:

The initial version of SB 252 prohibited the issuance of an arrest warrant in relation to a fine that is less than \$1,000 for failure to pay the fine, an order to show cause, contempt of court, failure to appear, or any other reason and was proposed to take effect on May 14, 2019. The substitute bill removed this provision and instead clarifies when a fine for an individual may apply. The bill takes effect July 1, 2019.

### Municipal Impact/What you need to do:

No action is required.

### ULCT Action/Future Trend:

ULCT worked with the Administrative Office of the Courts to remove the egregious portion of this bill. However, we anticipate the warrants minimum will return in subsequent legislation.



# GENERAL LEGISLATIVE SESSION

280



## SB 253 | Construction Code for Historic Preservation

Reference: **None**

Sponsor: **Gene Davis; Mike Schultz**

Bill Status: **Enrolled**

Link: <https://le.utah.gov/~2019/bills/static/SB0253.html>

ULCT Position: **Neutral**

### Legislative Purpose of the Bill:

This bill addresses the challenges of restoring historic properties with plaster detailing, walls, and ceilings. The bill adopts the U.S. Department of the Interior Secretary's Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings for restorations that involve plaster and are either funded by public money or are owned by a government entity.

### Municipal Impact/What you need to do:

Check your historic building code and update it for consistency.

### ULCT Action/Future Trend:

ULCT monitored this bill.



Back to Table  
of Contents

*Utah League of Cities and Towns*



## GENERAL LEGISLATIVE SESSION

281

**SB 256 | Truth in Taxation Requirements Revisions**Reference: **LPC Mar. 4**Sponsor: **Jacob Anderegg**Bill Status: **Not Passed**Link: <https://le.utah.gov/~2019/bills/static/SB0256.html>ULCT Position: **Support**

---

**Legislative Purpose of the Bill:**

This bill proposed to allow a taxing entity to increase taxes to allow for inflation without holding a truth in taxation hearing.

**Municipal Impact/What you need to do:**

The bill did not pass and no action is required.

**ULCT Action/Future Trend:**

ULCT monitored the bill.



# GENERAL LEGISLATIVE SESSION

282



## SB 259 | Second Substitute, Railroad Right-of-way Amendments

Reference: **None**

Sponsor: **Daniel Hemmert; Carl Albrecht**

Bill Status: **Enrolled**

Link: <https://le.utah.gov/~2019/bills/static/SB0259.html>

ULCT Position: **Neutral**

### Legislative Purpose of the Bill:

SB 259 enacts a new chapter in the Public Utilities Code, “Crossing Railroad Rights-of-Way by Fiber Optic Carriers.” The chapter defines a “crossing” as a telecommunications facility constructed under or across a railroad right-of-way at a certain angle and depth, but excludes railroad rights-of-way in counties of the first class from the scope of the definition. SB 259 establishes a uniform application process, standards, and fees for fiber optic carrier applications for railroad right-of-way crossings and provides that the Public Service Commission has jurisdiction to resolve certain disputes between a railroad and fiber optic carrier.

### Municipal Impact/What you need to do:

No action is required.

### ULCT Action/Future Trend:

ULCT monitored this bill.



Back to Table of Contents

# GENERAL LEGISLATIVE SESSION

283



## SB 269 | First Sub, Military Development Authority

Reference: **None**

Sponsor: **Jerry Stevenson; Val Peterson**

Bill Status: **Enrolled**

Link: <https://le.utah.gov/~2019/bills/static/SB0269.html>

ULCT Position: **Neutral**

### Legislative Purpose of the Bill:

This bill makes changes to the Military Installation Development Authority Act to address two major Military Installation Development Authority projects (MIDA): the Hill Air Force Base Falcon Hill aerospace research park, and a Military Recreation Facility in Wasatch County. The bill outlines the process for MIDA to petition a municipality for annexation, clarifies that MIDA is a local authority for DABC-licensed premises, includes a hotel condominium in the definition of a hotel for tax exempt status, and establishes a process for Hill Air Force Base to grant property to MIDA to exchange with UDOT to construct a new I-15 interchange at 1800 North.

### Municipal Impact/What you need to do:

No action is necessary.

### ULCT Action/Future Trend:

ULCT monitored this bill.



Back to Table  
of Contents

# GENERAL LEGISLATIVE SESSION

284

## Agendas

---

### LPC Agenda—January 7, 2019

Utah League of Cities and Towns

Legislative Policy Committee Agenda – January 7, 2019, 12:00 p.m.

Utah Local Government Trust, 55 S Highway 89, North Salt Lake  
(and Zoom webcast)

1. Welcome, introductions, logistics, and adoption of December 10, 2018 minutes (ULCT 1st Vice Pres. Mike Mendenhall) (12-12:10)
2. LPC 2019 – structural changes and outreach (Rachel Otto and Mike Mendenhall) (12:10-12:20)
3. Results of LPC priorities survey (Cameron Diehl) (12:15-12:25)
4. Legislative items
  - a. **ACTION** – secondary water  
(Wayne Bradshaw and John Hiskey) (12:25-12:45)
    - send data to Wayne (wbradshaw@ulct.org)
  - b. **UPDATE** – firefighter retirement and Tier 2 (John Hiskey) (12:45-12:55)
  - c. **ACTION** – other issues (Rachel Otto) (12:55-1:10)
    - Ratify positions as listed in bill tracker at Feb. 4th LPC
    - Follow-up survey on topic lists and fiscal notes
5. Wrap-up (Cameron Diehl and Mike Mendenhall) (1:10-1:30)
6. Adjourn

**Local Officials Day (with legislative briefing) is on Wednesday, January 30, 2019 at the Capitol and the Salt Palace**

**Next LPC meeting – February 4, 2019 at the Capitol**

#### Zoom info:

Meeting link: <https://zoom.us/j/993385270>

Phone number: +1 669 900 6833

Meeting ID: 993 385 270 (without spaces)



*Back to Table  
of Contents*

*Utah League of Cities and Towns*



# GENERAL LEGISLATIVE SESSION

## LPC Agenda—February 4, 2019

### Utah League of Cities and Towns

Legislative Policy Committee Agenda – February 4, 2019, 12:00 p.m.

Utah State Capitol, Senate Building Room 210

(and Zoom webcast)

1. Welcome, introductions, logistics, and adoption of January 7, 2019 minutes (ULCT 1st Vice President Mike Mendenhall) (12-12:10)
2. ULCT communications efforts – Susan Wood (12:10-12:15)
3. Legislative items:
  - a. Week 1 recap – Rachel Otto (12:15-12:20)
  - b. UPDATE: Retirement – firefighter shortfall and Tier 2 (John Hiskey and Wayne Bradshaw) (12:20-12:30)
  - c. ACTION: Community Reinvestment Agency bills (Rachel Otto and Matt Dahl) (12:30-12:50)
    - i. **HB 70** (Rep. Coleman)
    - ii. **SB 56** (Sen. Henderson)
    - iii. **SB 98** (Sen. Harper)
    - iv. **SB 77** (Sen. Bramble)
    - v. **HB 245** (Rep. Winder)
    - vi. **HB 185** (Rep. Owens)
  - d. UPDATE: Other legislative issues by staff and membership (12:50-1:25)
    - i. Tax Reform
    - ii. Towing (**HB 228**)
  - e. ACTION: Ratify staff positions (1:25-1:30)
4. Adjourn

To join the Zoom webcast:

<https://zoom.us/j/5595487556>





# GENERAL LEGISLATIVE SESSION

## LPC Agenda—February 11, 2019

### Utah League of Cities and Towns

Legislative Policy Committee Agenda – February 11, 2019, 12:00 p.m.

Utah State Capitol, Senate Building Room 210

(and Zoom webcast)

1. Welcome, introductions, logistics, and adoption of February 4, 2019 minutes (ULCT 1st Vice President Mike Mendenhall) (12-12:10)
2. ULCT communications efforts – Susan Wood (12:10-12:15)
3. Legislative items:
  - a. **UPDATE:** Tier 2 retirement—SB 129: Public Safety and Firefighter Tier II Retirement Enhancements (John Hiskey and Wayne Bradshaw) (12:15-12:25)
  - b. **UPDATE:** SB 34: Affordable Housing Modifications (Rachel Otto and Sen. Anderegg (tent.)) (12:25-12:40)
  - c. **UPDATE:** SB 52: Secondary Water Metering Requirements (Wayne Bradshaw) (12:40-12:45)
  - d. **UPDATE:** Sales Tax (Roger Tew) (12:45-12:55)
  - e. **UPDATE:** Week 2 recap – Rachel Otto (12:55-1:15)
    - i. **SB 71:** Food Truck Amendments (Sen. Henderson)
    - ii. **CRA bills**
  - f. **UPDATE:** Other legislative issues by staff and membership (1:15-1:25)
  - g. **ACTION:** Ratify staff positions (1:25-1:30)
4. Adjourn

To join the Zoom webcast:

<https://zoon.us/j/5595487556>





# GENERAL LEGISLATIVE SESSION

## LPC Agenda – February 25, 2019

### Utah League of Cities and Towns

Legislative Policy Committee Agenda – February 25, 2019, 12:00 p.m.

Utah State Capitol, Senate Building Room 210

(and Zoom webcast)

1. Welcome, introductions, logistics, and adoption of February 11, 2019 minutes (ULCT 1st Vice President Mike Mendenhall) (12-12:10)
2. ULCT communications efforts – Cameron Diehl (12:10-12:15)
3. Legislative items:
  - a. **UPDATE:** Tax reform and sales tax (Rep. Tim Quinn and Roger Tew) (12:15-12:35).
  - b. **UPDATE:** SB 52: Secondary Water Metering Requirements (Wayne Bradshaw and John Hiskey) (12:35-12:45)
  - c. **UPDATE:** Tier 2 retirement—SB 129: Public Safety and Firefighter Tier II Retirement Enhancements (Wayne Bradshaw) (12:45-12:50)
  - d. **UPDATE:** Week 4 update and Week 5 preview (Rachel Otto) (12:50-1:05)
  - e. **UPDATE:** Other legislative issues by staff and membership (1:05-1:15)
  - f. **ACTION:** Ratify staff positions (1:25-1:30)
4. Adjourn by 1:30

To join the Zoom webcast:

<https://zoon.us/j/5595487556>





# GENERAL LEGISLATIVE SESSION

## LPC Agenda—March 4, 2019

Utah League of Cities and Towns

Legislative Policy Committee Agenda – March 4, 2019, 12:00 p.m.

Utah State Capitol, Senate Building Room 210

(and Zoom webcast)

1. Welcome, introductions, logistics, and adoption of February 25, 2019 minutes (ULCT 1st Vice President Mike Mendenhall) (12-12:10)
2. ULCT communications efforts – Susan Wood (12:10-12:15)
3. Legislative items:
  - a. **ACTION:** Tier 2 retirement changes – **SB 129: Public Safety and Firefighter Tier II Retirement Enhancements** (John Hiskey) (12:15-12:30)
  - b. **ACTION:** **HB 441 – Tax Equalization and Reduction Act** (Roger Tew and Cameron Diehl) (12:30-1:00)
  - c. **ACTION:** **HB 119 – Initiatives, Referenda, and Other Political Activities** (Cameron Diehl) (1:00-1:10)
  - d. **ACTION:** **HB 433 – Inland Port Amendments** (Rachel Otto) (1:10-1:15)
  - e. **UPDATE:** Week 5 update and Week 6 preview (Rachel Otto) (1:15-1:25)
  - f. **UPDATE:** Other legislative issues by staff and membership (1:25-1:35)
  - g. **ACTION:** Ratify staff positions (1:35-1:40)

4. Adjourn by 1:40

To join the Zoom webcast:

<https://zoon.us/j/5595487556>







# GENERAL LEGISLATIVE SESSION

## LPC Agenda—March 11, 2019

Utah League of Cities and Towns

Legislative Policy Committee Agenda – March 11, 2019, 12:00 p.m.

Utah State Capitol, Senate Building Room 210

(and Zoom webcast)

***Don't forget to join us at our Midyear Conference in St. George April 24-26!***

1. Welcome, introductions, logistics, and adoption of March 4, 2019 minutes (ULCT 2nd Vice President Mike Caldwell)
2. ULCT communications efforts – Susan Wood
3. Legislative items:
  - a. **UPDATE: HB 441 – Tax Equalization and Reduction Act** (Roger Tew)
  - b. **UPDATE: SB 52 – Secondary Water Metering** (Wayne Bradshaw)
  - c. **UPDATE:** Week 6, what's left in Week 7, and Interim plans (ULCT staff)
    - i. Public safety retirement
    - ii. Housing
    - iii. Taxes
    - iv. Gravel pit regulation
    - v. Water conservation
    - vi. Economic development
    - vii. Beer?
  - d. **UPDATE:** Other legislative issues by staff and membership
  - e. **ACTION:** Ratify staff positions
4. Adjourn

**To join the Zoom webcast:**

<https://zoon.us/j/5595487556>



# GENERAL LEGISLATIVE SESSION

290

## LPC Minutes

---

### LPC Minutes – January 7, 2019

Utah League of Cities and Towns

Legislative Policy Committee Minutes – January 7, 2019, 12:00 p.m.

Utah Local Governments Trust  
(and Zoom webcast)

1. Welcome, introductions, logistics, and adoption of December 10, 2018 minutes
  - a. ULCT 1st Vice President Mike Mendenhall welcomed the committee. The committee honored fallen Provo Police Officer Joseph Shinners with a moment of silence. The committee adopted the minutes from the December 10, 2018 meeting.
2. LPC 2019 – structural changes and outreach
  - a. Upcoming meeting and event – ULCT Director of Government Relations, Rachel Otto, noted that the next LPC meeting will be held at the Capitol on February 4, 2019, 12:00 p.m. Rachel informed the committee that registration is open for Local Officials Day, which will be held on January 30, 2019 at the Capitol and the Salt Palace Convention Center.
  - b. Updates to the Legislative Policy Committee process – Rachel discussed LPC format changes. ULCT will be more direct and succinct in presentations and will provide detailed handouts to supplement each topic. This change is an effort to make LPC meetings more productive and to foster two-way communication. Rachel outlined three ways committee members can communicate with ULCT: participate in LPC meetings, comment on the ULCT Bill Tracker, and reach out to individual ULCT staff. Rachel went over LPC rules for a committee quorum, membership, and consensus procedures.
  - c. Engaging with councils, communities, and legislators – ULCT 1st Vice President and Spanish Fork councilmember, Mike Mendenhall, discussed two ways committee members can share LPC materials with their councils, communities, and legislators: through council meetings and legislator care packages. Mike shared a video of a Spanish Fork council meeting where he discussed the ULCT Map to close the Gap

# GENERAL LEGISLATIVE SESSION

291

brochure. Mike also discussed pre-session care packages—which include ULCT materials—that the Spanish Fork council puts together for each of their legislators.

- d. Communication and Social Media – ULCT Executive Director, Cameron Diehl, discussed ULCT efforts to focus the League’s communication platform and messaging this session. ULCT Director of Communication, Susan Wood, encouraged committee members to follow #CitiesWork and their legislators on social media. Susan discussed a series of op-eds the ULCT will begin running weekly with Utah Policy and encouraged members to comment on them and to share them with their communities. The ULCT wants to help cities tell their story as they prepare for growth and address affordable housing. Susan would like to collect sound bites from city and town leaders to share on social media. Susan presented a ULCT video featuring Cedar Hills Mayor Jenney Rees discussing her city’s Accessory Dwelling Unit ordinance. Susan passed around a sign-up sheet and encouraged cities and towns to volunteer to share their story with ULCT.

### 3. Results of LPC priorities survey

- a. ULCT Executive Director, Cameron Diehl, reviewed the 2019 Tools for Building Better Policy and the five-step prism through which the ULCT evaluates bills. Cameron recapped the LPC priorities survey results, which will help the ULCT prioritize efforts in the 2019 legislative session. Top priorities include land use, tax policy, transportation, public safety, and finance. The specific issues that were of most significance include class B & C road funds, local land use authority, 50/50 sales tax formula, flexibility in using revenues from the transportation local option, and city fee authority. Over the summer, the high profile issues the ULCT worked on include preservation of local authority over watersheds, UDOT prioritization, referenda, air quality, truth in taxation, Tier 2 retirement, local tax incentives, and secondary water meters. Cameron informed committee members that the survey is still active. Cameron discussed a recommendation from a Southern Utah legislator that wants to create a revolving disaster mitigation fund. This legislator reached out the ULCT for feedback and the ULCT is now reaching out to communities for



# GENERAL LEGISLATIVE SESSION

feedback. The disaster mitigation fund will be an additional topic added to the survey.

#### 4. Legislative items

- a. ACTION – secondary water – ULCT Director of Policy, Wayne Bradshaw, requested that committee members share their position on metering secondary water, data on metering and water conservation, and information on actual or projected costs to meter secondary water (wbradshaw@ulct.org). ULCT senior policy advisor, John Hiskey, discussed the background on the secondary water bill.
- b. UPDATE – firefighter retirement and Tier 2 –John Hiskey discussed the Tier 1 and Tier 2 retirement brackets and the impact Tier 2 is having on public safety officers. John also discussed the insurance premium tax that funds a portion of firefighter retirement. The funds have not been getting to the appropriate accounts and there is a shortfall. Ashley Spatafore, who is representing many of the fire chiefs and cities that are members of the Unified Fire Authority (UFA), gave an update on the research that has been completed. UFA hired Steve Young from Holland and Hart to collect data and identify the problem. Since 1971, a portion of the insurance premium tax has gone into the account. In about 2014, the Tax Commission changed their software and while the proper taxes were paid, the funds in the account were not separated. The two-fold solution to the issue includes clarifying the statutory language and making sure firefighter retirement is properly funded. A bill proposing this solution will go through committee again, will be filed, and will come before LPC for review.
- c. UPDATE – other issues – Cameron Diehl discussed the League’s support of the Tier 2 retirement reforms about a decade ago. Cameron informed the committee that Wayne Bradshaw is researching other states to see how they are managing public safety officer recruitment and retention. The LPC has been on record supporting Tier 2 reforms. Rather than taking a piecemeal approach as was attempted by legislators in 2015 and 2017, the ULCT is gathering information and vetting the information through the retirement subgroup. The topic will then be brought before the LPC. Cameron opened the meeting for questions:



# GENERAL LEGISLATIVE SESSION

- i. Jamie Davidson, appointed by the ULCT Board of Directors to serve on the ULCT Utah Retirement System Membership Board, stated that when this conversation was addressed in 2011, it was a \$5 billion problem and the URS was struggling financially. The concern is that in 2018 when we have a billion-dollar surplus, maybe it is time to tackle retirement reform. However, if we make changes at the bottom of the market, he suggests we are cautious about making changes at the top of the market because the financial ramifications are in the billions.
    - ii. Jewell Allen, Grantsville council member, asked who the League is reaching out to in cities regarding secondary water metering. Cameron stated that the League has heard organically from cities, but the League is now working to reach out to cities with secondary water. Wayne reiterated the information he is seeking from cities on secondary water metering.
  - d. OVERVIEW OF UPCOMING LEGISLATION – Rachel gave an update on the commission on housing affordability bill, which the LPC voted to support last month, which is still in progress. The Land Use Task Force has reached consensus on changes to the Ombudsman statute. The Task Force is working toward consensus on proposed changes to the Land Use Management and Development Act. Other potential bills of interest include food trucks, gravel pits, idling ordinances, pit bulls, governmental immunity, instream flows for trout, victim rights, fire code amendments, pawn shops, towing, gambling machines, homeless shelter funding, damage to underground facilities, the disaster and recovery mitigation fund, and hundreds of others. Rachel encouraged LPC members to be up to date on ULCT positions by the next LPC meeting. Rachel went over a survey that will be sent out to committee members regarding topic lists and fiscal notes so members can confirm their areas of interest.
5. Wrap-up
- a. Cameron reiterated that state and local referenda will be an important topic this session. The LPC endorsed 2018 HB 225, 4th substitute. The topic will be brought before the LPC as it develops.
  - b. Mike encouraged committee members to engage with the League throughout the session.
6. The LPC adjourned

# GENERAL LEGISLATIVE SESSION

## LPC Minutes – February 4, 2019

### Utah League of Cities and Towns

#### Legislative Policy Committee Minutes – February 4, 2019, 12:00 p.m.

#### Utah State Capitol, Senate Building Room 210 (and Zoom webcast)

1. Welcome, introductions, logistics, and adoption of January 7, 2019 minutes, ULCT 1st Vice President Mike Mendenhall.
2. ULCT communications efforts
  - a. City videos on growth and housing affordability– ULCT Director of Communications and Training Susan Wood reported that 29 cities have worked with the League to create videos on what their community is doing to address growth and housing affordability. Susan encouraged more cities to share their stories—the League will be posting one video each day of the legislative session. Susan recapped the video *Utah Communities Prepare for Growth* that the League showed at Local Official’s Day. The video, a virtual tour of many Utah cities, features ULCT’s Past President Beth Holbrook, Herriman City Council Member Nicole Martin, and Heber City Mayor Kelleen Potter and gives an overview of what an estimated 140 Utah cities are doing to update their general plans to prepare for growth. The video reached 1,117 people on Facebook. St. George’s video on growth and housing affordability reached 1,552 people on Facebook with 260 engagements. ULCT Executive Director Cameron Diehl commented on St. George’s success and attributed it to local leaders sharing the video with their legislators and communities. Cameron stated that these efforts are important so that cities can inform legislators on their efforts to plan and prepare for growth.
  - b. Cities Work Podcast: Susan informed members of the new Cities Work Podcast that will be recorded on Fridays and shared on Facebook and with the Friday Facts email.
  - c. Op-Eds: Susan updated members on ULCT Utah Policy and Salt Lake Tribune op-eds. These op-eds have been reaching thousands of people.
3. Legislative items:
  - a. Week 1 recap– ULCT Director of Government Relations Rachel Otto





## GENERAL LEGISLATIVE SESSION

295

updated members on current bill tracking. ULCT is tracking 211 bills and supports 73, seeks to amend 13, is neutral on 54, and is opposed to 12. Rachel reiterated the five questions the League asks when evaluating bills: (1) What is the problem the bill is trying to solve? (2) Is the problem best addressed at the local level or the state level? (3) Is the bill a one-size-fits-all approach? (4) Does the bill restrict mayors and councils from letting cities and counties work? (5) Does the bill create an unfunded mandate or harm city or county budgets? Rachel listed some of the bills the League was tracking throughout the week, which include HB 59 Government enterprise; HB 64 Lobbyist expenditures; HB 228 Towing; HB 119 Referenda; HB 60 DFCM amendments; HB 69 Legal notice; HB 96 Nighttime construction; HB 143 Water conservation; HB 154 Mental health for first responders; HB 162 Underground facilities; HB 164 Local boards and councils; HB 179 Road closures; SB 25 Records committees; SB 26 Government nonprofits; SB 35 Affordable housing; SB 44 Street legal ATVs; SB 52 Secondary metering; and SB 90 Political signs.

- b. UPDATE: SB 34, Affordable Housing Modifications – Rachel discussed SB 34, Affordable Housing Modifications, which the ULCT membership voted to support in December of 2018. This bill emphasizes the transportation and land use nexus strengthened through last year’s HB 259 and SB 136. At this point, the bill outlines 22 different menu options that cities can choose from when developing the moderate-income housing element of their general plan. Cities will be required to report their moderate-income housing plan to DWS annually and DWS will verify compliance to UDOT in order for cities to qualify for TIF funds. Wasatch Front Regional Council Executive Director Andrew Gruber commented on SB 34 to clarify that the bill does not require cities to build affordable housing, but rather requires cities to think about and plan for housing in their community through a menu of options that allow cities to be flexible in meeting their community’s needs. Rachel stated that the bill may be amended to tie class B & C road funds to moderate-income housing plans instead of TIF funding. Rachel informed members that this issue will likely continue to arise as the bill moves forward and will require member engagement to ensure that this bill is used as a housing tool for proactive city planning, tying funds to TIF and not to class B & C road funds.
- c. UPDATE: HB 164, Local Boards and Councils Structure Amendments –

# GENERAL LEGISLATIVE SESSION

ULCT Policy Advisor John Hinskey provided an update on HB 164, Local Boards and Councils Structure Amendments. HB 164 will impact 10 cities and Representative Stenquist would like to hear from them. ULCT will send a poll to set up conversations. (Impacted cities: Cottonwood Heights, Herriman, Holladay, Midvale, Millcreek, Murray, Riverton, Salt Lake City, South Jordan, and Taylorsville.)

- d. UPDATE: Retirement – firefighter shortfall– John discussed firefighter retirement funding through the Insurance Premium Tax of 2.25% that is paid on insurance with health insurance exempted. Statute allocates money from the Insurance Premium Tax for firefighter retirement, firefighter training, and volunteer firefighter life insurance. The funds have not been getting to the retirement funds for firefighters. United Fire Authority Chief Dan Petersen and his lobbyists, David and Ashley Spatafore, have been working with people from the insurance industry to research this issue. HB 5, Retirement and Independent Entities Base Budget, proposes a one-time appropriation of \$17 million to address the firefighter retirement shortfall and provides ongoing appropriations of \$12 million. Representative Brad Last is going to sponsor a bill that will adjust the statute to clarify where these funds are to go so we do not experience firefighter retirement shortfall again.
- e. UPDATE: SB 129, Public Safety and Firefighter Tier II Retirement – John discussed the disparity between police officers hired before 2011 that are Tier I employees and police officers hired after 2011 that are Tier II employees. Tier I employees can retire after 20 years with 50% of their salary. Tier II employees can retire after 25 years with 37.5% of their salary. This disparity has been an ongoing issue. Three legislators Senator Harper, Representative Perry, and Representative Dunnigan, brought together eight entities representing law enforcement to discuss the issue. The bill proposes a one-time appropriation of \$5.3 million to cover both the state and local costs needed to increase Tier II employee retirement benefits. However, ongoing funding from the state would only be \$3 million per year and local entities would have to make up the difference. The League will be following this topic throughout the session.
- f. ACTION: Community Reinvestment Agency bills – Rachel Otto and Utah Redevelopment Association President Matt Dahl presented an overview of Community Reinvestment Agency (CRA) bills.



# GENERAL LEGISLATIVE SESSION

Matt outlined the four categories CRA bills fall into: (1) relationships with the taxing entity committees; (2) the relationship between housing and economic development; (3) the myth of the \$200 million in housing funds that are out there—it was indicated that CRAs are holding on to housing funds, but the vast majority of funds are earmarked for housing projects; and (4) miscellaneous items.

i. HB 70 (Rep. Coleman)

1. Allows creation of an Economic Development Area (EDA); EDA can receive increment through an interlocal agreement; requires the creation of 50 jobs at 150% of county AMI; does not require housing allocation
2. URA opposes this bill because it requires a new housing plan that is separate from what is already required in the general plan. Rural communities are happy to get 20 jobs and the 50 jobs requirement would not be functional for those communities.
3. ULCT recommended position is opposing this bill.

ii. SB 56 (Sen. Henderson)

1. This bill requires each to county create a database for the CRAs within that county to file their annual report.
2. URA is concerned that counties will operate their databases in a different way and numbers may be incongruent throughout the state. Additionally, this will be an expensive mandate. URA proposed a central location for one database with Governor’s Office of Economic Development.
3. ULCT recommended position is amending this bill.

iii. SB 98 (Sen. Harper)

1. This bill limits administrative fee collection to the community that creates a project area, limits reporting requirements, and does not require housing allocation for certain projects in nonresidential areas.
2. URA has not taken a position on this bill.
3. ULCT voted to oppose Representative Coleman’s CRA bill last year





# GENERAL LEGISLATIVE SESSION

communication between elected officials and citizens. Cameron is working with stakeholders on language and concepts and encouraged members to provide feedback.

- iii. Appropriations—while the League generally does not get involved in appropriations, Cameron encouraged members to follow and ratify three important appropriations this session:
    - 1. Retirement: for firefighters
    - 2. Transportation Land Use Connection: this provides funds from UDOT’s budget for cities to better plan and integrate land use and transportation.
    - 3. Indigent Defense Commission: this increases the amount of state funding available to local indigent defense
  - iv. Towing (HB 228)—
    - 1. This bill is about preemption of local government. This bill allows for a tow or impound lot to be a permitted use in any zone but a residential zone. The bill requires that every private property lot in the state of Utah would have to have mandatory and uniform signage at every entrance to the parking lot, preempting local sign and land use ordinances. This bill codifies rotations and shifts rotation authority from cities to UDOT. The League supported a bill that created a Towing Advisory Board a few years ago. The League has two representatives on the Board, Mark Stratford from Ogden City and Brian Jones from Provo City. The Board came to consensus on concepts but this bill ignores one concept and expands another with preemptions. Mark commented that this bill puts a burden on local police forces.
  - h. ACTION: Ratify staff positions – Members ratified staff positions with one motion to amend: members voted to change staff position on HB 185 from “support” to “amend.” Staff positions are ratified as follows:
    - i. HB 70, oppose
    - ii. HB 56, amend





# GENERAL LEGISLATIVE SESSION

- iii. SB 98, amend
  - iv. SB 77, amend
  - v. HB 245, no position
  - vi. HB 185, amend
  - vii. HB 228, oppose
  - viii. Retirement appropriations for firefighters, support
  - ix. Transportation Land Use Connection appropriations, support
  - x. Indigent Defense Commission, support
4. Adjourn





# GENERAL LEGISLATIVE SESSION

## LPC Minutes – February 11, 2019

### Utah League of Cities and Towns

### Legislative Policy Committee Minutes – February 11, 2019, 12:00 p.m.

### Utah State Capitol, Senate Building Room 210

### (and Zoom webcast)

1. Welcome, introductions, logistics, and adoption of February 4, 2019 minutes, ULCT 1st Vice President Mike Mendenhall.
2. Legislative items:
  - a. UPDATE: Tier 2 retirement – SB 129: Public Safety and Firefighter Tier II Retirement Enhancements – ULCT Executive Director Cameron Diehl announced SB 129 would be considered in the Retirement Committee at 12:30 and outlined three potential positions the members could take: (1) support when amended; (2) no position until amended; and (3) oppose until amended. Cameron stated that members should consider the issue the bill is trying to solve and that ULCT does not generally support bills that create unfunded mandates on local governments. ULCT Director of Policy Wayne Bradshaw stated that Senator Harper is proposing SB 129 as a way to address recruitment issues for first responders and firefighters. Wayne stated that the disparity between Tier I and Tier II recipients is causing a problem in recruitment. The bill provides that after July of 2019, Tier II retirement benefits will increase from 1.5% to 2%. The bill provides \$5.3 million in one-time funding that will cover state and municipality expenses for the first year. After that, it only has up to \$3 million in state funding and most of that would cover the state’s obligation, with municipalities paying for the remaining costs. Wayne discussed the appropriation hearing held on February 7, 2019. Former Senator Dan Liljenquist spoke in favor of the legislation at the hearing because it addresses the disparity of Tier I and Tier II first responders and is more in line with what first responders in neighboring states receive. Liljenquist encouraged the committee to consider fully funding the increased benefit. Wayne reported that ULCT had a meeting with city managers earlier in the day where city managers discussed their concerns about



# GENERAL LEGISLATIVE SESSION

302

funding increased benefits over time. Wayne opened the floor to questions. Jewel Allen, Grantsville, asked about smaller cities and what they could do to stay competitive in recruitment when they are competing with cities with bigger budgets. Mark Christensen, Saratoga Springs, says the city has taken steps to support their law enforcement, but he does not support the bill because it triggers discussions with employees in other city departments that are impacted by Tier I and Tier II disparities. Also, the Saratoga Springs city council does not support such changes. Don Shelton, South Jordan, wonders if there is empirical data showing that increasing retirement will address recruitment in a 3% unemployment market and believes that increased wages may be more effective than retirement benefits. City human resources has this data and we should compile and study it before moving forward. Roger Baker, Tooele, wants to know if the Chiefs of Police Association feels this is the right policy approach. Cameron stated that earlier in the day the law enforcement legislative committee met and voted to support the concept of SB 129 with the caveat that many cities and counties still had concerns about the funding mechanism within the bill. Chief Ross indicated that police chiefs at the city level have to consider city budgets that elected sheriffs do not. UAC does not have an official position yet because counties are concerned about funding and their elected sheriffs are not. Brian Braithwaite, Highland, stated that cities must increase wages because it is difficult to sustain pensions for the long-term. Braithwaite supports SB 129 if it is funded by the state, but thinks that in the future the thinking needs to shift from pensions to a 401k that can be managed by individuals without the cost to the organization. Mayor Ron Bigelow, West Valley City, states that there are no guarantees that the state will fund the true cost of the benefit over the years. Cities should increase salaries for recruitment rather than depend on the state to increase retirement benefits. Andrew Johnson, Salt Lake City, says that cities need to help out firefighters and police officers because of the long-term impacts on their health and he supports the concept if the financial piece is in order. Rob Dotson, Enoch, asked if there is data from URS on the numbers. Cameron stated that URS has been involved in the past, but there is no recent information. ULCT is working to gather current information. Mark Johnson, Ogden,



## GENERAL LEGISLATIVE SESSION

303

proposed that LPC oppose the bill with the pledge that we work with the sponsor if we can find funding. Gary accepted the substitute motion. JJ Allen seconded it. LPC majority voted aye, with three nays.

### 3. ULCT communications efforts

a. ULCT Director of Communications and Training Susan Wood challenged members to be the first to retweet the ULCT video post on Richfield. She gave an update about ULCT posts on social media and showed the ULCT YouTube channel highlights. She encouraged members to post and share the URL address of the videos through social media. Cameron stated that these videos matter because they put a face to city efforts to address growth and housing. The governor and legislators are viewing these videos. Cameron encouraged members to share these videos with their legislators so that the discussions on growth and housing are informed.

### 4. Legislative items continued:

a. Outreach: SB 34 & Tax Policy. ULCT handed out sign-up sheets and encouraged members to volunteer to reach out to their legislators, especially those who serve on critical committees, to discuss SB 34 and tax policy. Cameron stated that the League would follow-up with volunteers so that the League can better understand how to best advocate for cities on these issues this session.

b. UPDATE: SB 34, Affordable Housing Modifications – ULCT Director of Government Relations Rachel Otto, stated that Anderegg has been a champion for cities in sponsoring this bill. ULCT supports SB 34 because it is the next step to the process started last session through SB 136, Transportation Governance Amendments, and HB 259, Moderate Income Housing Amendments. Cities committed to be proactive with the keys cities hold through zoning, planning, and regulation to address housing. Over the interim, ULCT worked to implement SB 136 and HB 259. SB 34 only addresses things that cities control and it does not solve the housing crisis. The commission on housing affordability has a five-year horizon and we have two ULCT spots on that commission—we will continue to push other stakeholders to help solve the housing issue. The menu items in SB 34 originated through the LPC body and are based on planning tools that



# GENERAL LEGISLATIVE SESSION

some cities are using to address housing. SB 34 connects housing planning to transportation funding. ULCT supports this connection because it makes sense from a policy perspective: smart state investment for smart local planning. The bill is changing. We started out with eight planning tools on the menu and we are up to 22 items. This gives cities the flexibility to pick items that work for them. The intention is to help cities show how they are planning for the future. ULCT expects this bill to change in the house. The development committee and others are pushing for this to become a penalty bill that will tie compliance for moderate income housing reports with class B & C road funds. ULCT will not support a class B & C road fund penalty.

- c. UPDATE: SB 52: Secondary Water Metering Requirements– ULCT Senior Policy Adviser John Hiskey reported that ULCT Director of Policy Wayne Bradshaw is collecting data from cities relative to the secondary water metering requirement amendments. Senator Anderegg has been very responsive in discussing concerns regarding rural Utah and specific Utah committees that will be impacted by this bill. The committee was cancelled and we expect an amended bill in the near future. Cities that have not yet done so should send data to Wayne on how secondary water metering will impact them.
- d. UPDATE: SB 71: Food Truck Amendments – Rachel welcomed Senator Henderson and thanked her for her advocacy for cities as she has worked through food truck amendments this session. Senator Henderson thanked cities for their efforts in revamping ordinances and processes to be compliant with state law and to be friendly toward food trucks. Senator Henderson explained that SB 71 addresses instances where cities are finding loopholes. The bill does five major things: (1) it clarifies that land use has to comply with food truck law; (2) it clarifies that cities cannot charge any fee or require a permit for food trucks operating on private property; (3) cities cannot require the date, time, or length in advance from a food truck; (4) reciprocal license fees can only cover the actual cost of processing; and (5) counties may not require food trucks to go home every night.
- e. UPDATE: Sales Tax– ULCT Senior Policy Adviser Roger Tew described the sales tax situation as the beginning of a horror movie where the





# GENERAL LEGISLATIVE SESSION

305

basic plot is outlined and there are four or five potential victims, but you don't know what is going to happen, who it is going to happen to, or when it is going to happen. Cities are in the same situation they were in several weeks ago. There is no bill. The legislature is about two weeks behind because of Medicare. We know there is concern about the budget dynamics of the state. The governor wants to expand the sales tax, but did not put out a proposal. We don't know who is on the list when they expand the tax base and this will be the first great unveiling. The chairs of the Rev & Tax committee, plus leadership and a few people, have been tasked to come up with a list, but to date they have not held any meetings, just informal discussions. We are waiting for the threshold question to find out who is on the tax expansion list, and we want to plant seeds that there are 18+ other taxes and these will be impacted if tax rates are lowered. The 50-50 distribution formula does not have to be tied to this. We are not going to negotiate changes to 50-50 until we see that there is a sizeable amount of money to protect people who may lose. Roger encouraged LPC members to follow-up with their legislators, especially those on the House Rev & Tax committee. Don Shelton, South Jordan, had a discussion with Senator Fillmore who said he is in support of expanding the base to everything and he does not like the 50-50 formula. Ryan Loose, South Jordan, reported that Representative Pulsipher said it would be bad for schools if they zone for more residential and less commercial, so there could be allies and partners in this. Mayor Rees asked what reasons legislators are being given to change the 50-50 allocation. Roger responded that legislators are hearing that cities are chasing sales tax and that communities have zoned portions of their city for commercial and have not approved housing in a time when housing is critical.

- f. UPDATE: Week 2 Recap—Cameron touched on HB 119, Initiatives, Referenda, and Other Political Activities, and is working on it with stakeholders. Cameron asked for feedback about the referendum process. Cameron referenced HB 262, Municipal Boundary Adjustment Amendments, about the Brickyard issue. ULCT expects the bill to be held, but the underlying policy would be a major change. ULCT is opposed to the bill. Cameron opened the floor for LPC to bring up bills.



# GENERAL LEGISLATIVE SESSION

Question: what is the status with the gravel pit bill? Rachel gave an update on HB 288, Critical Infrastructure Materials, and stated that ULCT has been in discussions with Representative Wilde for the past few months. ULCT is opposed to the bill. ULCT has meetings with industry representatives later in the day. ULCT is trying to get all parties to agree to a one-year moratorium on gravel pit expansion and city ordinances that impact gravel pit operations in order to work out a resolution through the land use task force. Online Question: What is the latest update on SB 44, the ATV amendments bill? Rachel stated that this is Lincoln Fillmore’s bill and ULCT is trying to get an amendment in order to give cities some flexibility for cities to designate routes that commercial ATV tours can take. Fillmore is not running the amendment, so Rachel is reaching out to other senators to get the amendment through. Online Question: What is the latest update on SB 72, Transportation Governance and Funding Revisions? Cameron stated the bill is a consensus bill and it looks at the UTA and transit districts, and local options for sales tax. At one point the bill was going to remove the secondary imposition for cities, but ULCT fought to keep it in so that if a county has not imposed the fourth quarter, cities can step in and do it. The bill moved out of Senate Transportation Committee last week. Kari Malcovich, Woodland Hills, stated her city is in support of HB 305, Post Disaster Recovery and Mitigation Restricted Account and she encouraged ULCT to support the bill. Cameron said this is on the ULCT radar, and the League supports this bill, which creates a statewide mitigation fund for small communities dealing with natural disasters.

- g. NEXT WEEK: No LPC next week because of Presidents’ Day. We will have another method of communicating with LPC, most likely Tuesday.
- h. ACTION: Ratify staff positions – Motion made to ratify positions, seconded. No opposition. Positions ratified.

## 5. Adjourn



# GENERAL LEGISLATIVE SESSION

307

## LPC Minutes—February 25, 2019

### Utah League of Cities and Towns

Legislative Policy Committee Minutes – February 25, 2019, 12:00 p.m.

Utah State Capitol, Senate Building Room 210  
(and Zoom webcast)

1. Welcome, introductions, logistics, and adoption of February 11, 2019 minutes, ULCT 1st Vice President Mike Mendenhall.
2. Legislative items:
  - a. **UPDATE: Tax reform and sales tax**—ULCT Senior Policy Advisor Roger Tew announced that Representative Tim Quinn will be attending the meeting and provided background on sales tax reform. Roger expressed gratitude for member discussions with legislators after Local Officials Day on sales tax concerns. Roger outlined the four steps involved in sales tax reform: Step A: the state will decide on base expansion to tax new items. Roger emphasized that cities share the same tax base as the state. Base expansion is still an unknown. Step B: the state offset will be ‘revenue neutral,’ but this will not be revenue neutral for cities. Step C: determine the local impact of the new tax base; Step D: local offset; rates, formula, and impact. Roger introduced Representative Tim Quinn, the point-person in the House on base broadening. Representative Quinn stated that the legislature has been working on this for about a year with the Tax Commission, the Legislative Fiscal Analyst, and policy analysts to address the disparity between income and sales tax revenue. Representative Quinn assured cities that there would be a hold harmless clause so that cities will not be harmed by changes. The legislature is building in a buffer to make sure estimates are accurate or off on the positive side and funds will be held in a restricted account with the ability to adjust state and local rates as data is available. The legislature plans to ease in new rates based on incoming data. Representative Quinn opened the floor to questions. Roger asked if the 50/50 is part of the discussion and if so, why? Representative Quinn said that it is not part of his bill but there may be another bill that impacts 50/50 distribution model. Roger asked about the year-long process and said that cities have not been a part of the process. Roger asked if Representative Quinn feels tax reform being pushed through too fast. Representative Quinn said



Back to Table  
of Contents

*Utah League of Cities and Towns*

# GENERAL LEGISLATIVE SESSION

308

that many in the business community feel they were left out of the process, but stated that they purposefully excluded industry from the tax discussions because they would all lobby to be excluded from sales tax on services. Roger asked how they will define hold harmless. Representative Quinn said it will include a growth mechanism. Salt Lake City Mayor's Office Senior Advisor for Intergovernmental Affairs Lynn Pace asked if all local rates will be lowered. Representative Quinn stated that they do not know the formula yet and transportation funds and levies cities have put in will be held harmless. Lynn asked if it is a goal to be revenue neutral at both the state and local level. Representative Quinn stated that the goal is to provide a tax cut on the income tax side for the state. Lynn asked if excess funds will be held in a lockbox or through a diverted effective date. Representative Quinn responded that funds will be held in a lockbox and the sales tax portion will impact people immediately. Layton City Attorney Gary Crane said that cities feel left out of the process and expressed caution on things that happen at the end of the session on important issues. Gary discussed how this might impact municipal bond ratings and may have other unintended consequences. Gary asked when cities will be brought in to the discussion. Representative Quinn said that if there was a change to the 50/50 component, it might be on the excess. ULCT Executive Director Cameron Diehl asked if the calculation on the growth component will be individualized to recognize that all cities grow in different ways and reform will impact cities in different ways. Cameron shared the ULCT resolution on tax policy with the Representative and highlighted the importance of long-term sustainability and asked if cities will have time to look at tax in context rather than just sales tax in a vacuum. Cameron asked if there will be time to consider sustainability for cities. Representative Quinn said that sales tax might be implemented July 1, 2020 and have a waterfall effect so it is not fully implemented until July 1, 2021 to give time for policy discussions. Highland City Mayor Rod Mann asked if there is room for local growth if tax reform is revenue neutral and gave the example of the gas tax that had unintended consequences. Representative Quinn said that legislators have to remember that counties and cities are political subdivisions of the state, but he does not want to centralize government. Representative Quinn says that cities should have a say in the process and if the state benefits from growth, cities should benefit from growth. An LPC member voiced concern that the state excluded cities and towns in the tax discussions



## GENERAL LEGISLATIVE SESSION

that have been held over the past year. He asked what cities and towns can do to collaborate on tax discussions moving forward. Representative Quinn stated he is willing to meet with any LPC member. Roger thanked Representative Quinn. Wasatch Front Regional Council Executive Director Andrew Gruber asked if Roger interprets that increase in state sales tax will be put into a lockbox or that locally imposed sales tax could be put into a state lockbox. Roger stated he interpreted it to mean that all the rates will be subject to the lockbox. Cameron said the lockbox concept has caused concern if the natural growth becomes part of the lockbox. Cameron discussed the short-term, medium-term, and long-term League considerations. The short-term focus is on what is taxed, what is the offset, what is the framework, and what is defined as new money: untaxed services or untaxed services + growth. The medium-term focus is the timing of implementation. The long-term focus is on fairness and sustainability regarding revenue-neutral and impact-neutral reforms, local taxes, and the distribution formula and rates.

- b. UPDATE: SB 52: Secondary Water Metering Requirements – ULCT Director of Policy Wayne Bradshaw gave an update on recent amendments to the bill. It increases the grant amount to 50%, allows 25% of costs to be a low-interest loan with 25% being paid through the system. It requires the Department of Water Resources to have an appeal process for systems that are unable to meter and it increases the window to meter to 2039. Wayne said they anticipate a third substitute that will exclude counties of the third through sixth class and will include an appeal process for built-out systems where conservation at higher elevations could have a negative impact on lower elevation systems. Wayne asked members to read the third substitute to see if LPC can be neutral or supportive with the compromises Senator Anderegg has made. There will be a provision that if there is conservation, the city will maintain that water right.
- c. UPDATE: Tier II Retirement – SB 129: Public Safety and Firefighter Tier II Retirement Enhancements – Wayne provided an update on SB 129 and said that as it currently stands, it provides a one-time funding of \$5.3 million with \$3 million in ongoing funding. It passed out of committee with Senator Fillmore voting no. Senator Fillmore proposes to amend the bill to take out the ongoing funding of \$3 million and simply leave the





## GENERAL LEGISLATIVE SESSION

310

\$5.3 one-time funding. Wayne stated that he has spoken with Senator Stevenson about full funding from the state, but the Senator did not anticipate that there would be available funds. Wayne stated the LPC position is still oppose until fully funded. President of the Utah Chiefs of Police Association Chief Ross spoke in support of enhancing Tier II retirement.

- d. UPDATE: Week 4 update and Week 5 preview– ULCT Director of Government Relations Rachel Otto said there are 1,401 total bill requests and ULCT is tracking 316. Rachel highlighted that the House Economic Development Committee unanimously recommended SB 34, Affordable Housing Modifications. The three water bills ULCT worked on with stakeholders and experts over the interim passed the House Natural Resources Committee (SB 17; HB 31; HJR 1) without proposed hostile amendments. HB 288: Critical Infrastructure Materials will create a mutual moratorium where there will be no new pits and no new regulations until stakeholders work through the issues over the interim. HB 228 Towing Revisions was held in committee. SB 184: Code Enforcement bill was substituted and is now a bill ULCT can support. It requires that the subject property is given notice of the violation with time to cure. SB 154: UCA Amendments is now at a place where it is acceptable. SB 56: CRA Report Amendments is Senator Henderson’s bill that creates county databases for cities to upload CRA information. ULCT is in discussions to move the database to a statewide GOED database. Up this week: HB 320: Container Regulation Act; HB 311: GIA; SB 107: Nuisance; and HB 315: LUDMA. Other bills to note: HB 354: Business Regulation Amendments, a problematic bill targeted at Turo, the car-sharing app, will have far-ranging impacts on regulating peer-to-peer services; HB 376: Driver License Suspension Amendments; HB 401: Eminent Domain Amendments will be held this year.
- e. UPDATE: Other legislative issues by staff and membership – ULCT Executive Director Cameron Diehl asked members to keep staff updated on concerns with new bills. Cameron discussed an anticipated substitute on HB 119, the referendum bill: it will include a 20-day pause, the required fiscal/legal analysis on proposed referendum a city must prepare will be part of the proactive materials a city distributes about the referendum; for a divided council, preference will be given to a council

# GENERAL LEGISLATIVE SESSION

member on the prevailing side; geographic diversity will require every city above 10,000 in population to create geographic diversity requirements for signature gathering; rolling signature submissions will require a signature packet to be delivered within 7 days of obtaining the signature; and cities can answer specific questions from the public during the process. Continued concerns: (1) When does the Political Activities of Public Entities Act apply; and (2) Is the definition of influence that may prevent dissemination of information prior to an act by a council problematic?

- f. ULCT Communication: Cameron presented an update on social media outreach and said that there were 16,670 Facebook post reaches last week with 118 engagements and a 227% increase in Facebook page likes with 10,100 Twitter impressions. Cameron encouraged members to continue to share ULCT videos on growth and housing with their communities and legislators.
  
- g. MEMBERSHIP COMMENTS, SB 129: St. George City Attorney Shawn Guzman asked where LPC is on SB 129. Cameron stated the approved LPC position is to oppose unless funded. Shawn asked if there is a middle ground LPC is willing to consider. Murray City Councilman Dale Cox proposed changing the position to support and to work with the legislature to get as much funding possible to support first responder retirement. Saratoga Springs City Manager Mark Christensen said that Saratoga Springs has already altered their pay plan to add benefits for first responders and that each council must make that decision, but the state should not impose it. Mark wants the motion to stay. An LPC member stated that Utah has a fully funded system and not a contributory system, so comparisons with other states is not accurate. An LPC member asked if \$3 million ongoing funds the state contribution or whether it is split 70% to 30% between the state and municipalities. Wayne said that this needs to be clarified. In testimony Representative Harper said after year 10 there would be no funding left for municipalities. Ogden Chief Administrative Officer Mark Johnson made a counterproposal that LPC remain neutral to send a message to first responders that cities are not





# GENERAL LEGISLATIVE SESSION

opposed to a fair retirement system. The countermotion was seconded. An LPC member voiced concern with supporting an unfunded mandate. An LPC member made a substitute motion that LPC maintain its position to oppose unless funded. The substitute motion was seconded. The substitute motion passed and LPC maintains its position to oppose SB 129 unless funded.

- h. **ACTION: Ratify staff positions** – Washington Terrace Mayor Mark Allen motioned LPC ratify staff positions. The motion was seconded. Staff positions are ratified.

### 3. Adjourn







# GENERAL LEGISLATIVE SESSION

## LPC Minutes–March 4, 2019

### Utah League of Cities and Towns

### Legislative Policy Committee Minutes – March 4, 2019, 12:00 p.m.

### Utah State Capitol, Senate Building Room 210 (and Zoom webcast)

1. Welcome, introductions, logistics, and adoption of February 25, 2019 minutes, ULCT 1st Vice President Mike Mendenhall. Mike welcomed former Provo Mayor and ULCT President, current U.S. Congressman John Curtis.
2. ULCT communications efforts
  - a. City videos on growth and housing affordability– ULCT Director of Communications and Training Susan Wood highlighted the Commentary published in The Salt Lake Tribune, “A critical need for improved transportation and planning in southwest Salt Lake County” by Bluffdale Mayor Derk Timothy, Copperton Mayor Sean Clayton, Herriman Mayor Pro Tempore Jared Henderson, Riverton Mayor Trent Staggs, South Jordan Mayor Dawn Ramsey, and West Jordan Mayor Jim Riding. Susan stated that the League has now created 65 videos to post during the session thanks to the help from ULCT members. These videos have reached over 40,000 people on Facebook and engagement and likes of posts are increasing significantly.
3. Legislative items:
  - a. ACTION: Tier 2 retirement changes– SB 129: Public Safety and Firefighter Tier II Retirement Enhancements – ULCT Executive Director Cameron Diehl stated that over the interim, the League will continue to work on public safety, collecting data on how cities are investing in public safety. ULCT Senior Policy Advisor John Hiskey gave an overview of SB 129. The original bill provided \$5.3 million the first year to fund enhanced public safety retirement benefits for state and local public safety officers with up to \$3 million from the Insurance Premium Tax growth and the alcohol beverage tax growth to cover state funding of public safety retirement. On February 25, 2019, LPC reaffirmed its position to oppose SB 129 unless fully funded. On February 26, 2019, ULCT and Utah Association of Counties (UAC) sent a letter to the Senate explaining the position on SB 129. Later that day, the Senate voted by voice vote to remove all ongoing funding. On February 27, ULCT and UAC staff met with Senator Harper,



# GENERAL LEGISLATIVE SESSION

Representative Perry, and law enforcement representatives. On February 28, UAC’s policy committee voted to support SB 129. The current SB 129 proposal reduces the employer contribution from 16% to 14%, requires an interim study of the retirement system and funding, and requires a position of support from UAC and ULCT. Bountiful City Manager Gary Hill clarified that the proposed version of SB 129 puts the responsibility of half the increase on employees and the other half on cities. Over the course of the year, a study would be conducted to look at public safety retirement. Without support of the proposed compromise, Representative Perry stated they had the votes to pass it out in its current form. John asked if LPC can support SB 129 with an amendment capping contributions at 14%. ULCT Director of Policy Wayne Bradshaw stated that Gary sent out a survey to all City Managers for information on public safety retirement. Twenty-three cities responded and cities are spending over \$173 million on public safety each year, on average, 22% of a city’s general fund. ULCT President and St. George Mayor Jon Pike stated that the League will not get the optimal solution and the League should now support the bill as it will be amended to 14% in order to reframe and recommunicate city support of first responders. Mayor Pike moved that LPC support SB 129. The motion was seconded. West Jordan City Attorney Rob Wall stated that ULCT should consider who will conduct the interim study. An LPC member asked if the interim study will be specific to public safety or if it will be broadened to all public employees. An LPC member asked if we’re limiting our negotiating team. Wayne responded that the legislators are interested in having support from ULCT and the bill will be amended to 14%. Kate Bradshaw asked if UAC is at 16% and ULCT passes a motion to 14%, does ULCT need to be on the same page as UAC? Wayne clarified that the 14% and interim study is the deal that will be accepted if we support it. LPC voted to support SB 129 with the understanding that 16% is moving to 14% and there will be an interim study with ULCT at the table. The motion passed unanimously.

- b. **ACTION: HB 441 – Tax Equalization and Reduction Act** – Cameron provided an update on tax legislation. HB 441 divides the local options into two categories: 1- the state rate and the local 1% with a hold harmless formula; 2- the 16 other local options. The state rate of 4.7% is cut to 3.9% in October of 2019, and to 3.1% in July of 2020. Excess money





## GENERAL LEGISLATIVE SESSION

315

in FY20 and FY21 goes into an excess account with four possible uses: offset hold harmless losses; adjust the distribution formula; reduce state or local rates; and provide tax relief. The local option 1% is untouched in the current bill. Cities would receive what they received last year + a population component + a 2.2% CPI (minus food and energy). Additional revenue would go into the excess account. David Spatafore asked why there is a discrepancy between the population growth and the POS percentage? The bill currently categorizes all other rates without a hold harmless formula or excess account. All other local rates would drop at the same rate drop as the state to 83% in October 2019 and 66% as of July of 2020. Questions to consider include whether the 1% rate cut short-term hold harmless is the right course; what should the hold harmless formula be, and what should be investigated regarding the formula over the interim. An LPC member asked if this will pass out this session because of the huge unanswered questions. Cameron said that ULCT is operating under the premise that the bill will pass. ULCT doesn't want a bill to get momentum the last week of the session so the League is being proactive to address issues that impact cities and towns. West Bountiful City Administrator Duane Huffman asked what the League thinks about dropping the 1% rate while maintaining the hold harmless clause? Cameron responded that that is a possibility. Washington Terrace City Manager Tom Hanson asked if ULCT has a formula the League is bringing back to the legislators? Cameron said yes, ULCT staff and officers have been brainstorming half a dozen options. Any hold harmless formula or change in rates brings risks with it and we cannot calculate what the formulas mean and we cannot leave cities in the same spot. Lehi City Administrator Jason Walker asked when we talk about short, medium and long-term, is this referring to the first, second, and third year? Cameron said the short-term is the next week and a half, the medium-term is the interim, FY20, and FY21, and the long-term is the sales tax base and rates into the next generation. Jason stated with more time we could find a better formula because Lehi will see double-digit losses. It feels like the excess fund is hedging too greatly in the fear of holding others harmless. Roger responded that these are the questions staff has been considering. There's no question that this is being rushed. An LPC member asked if October 2019 is a significant date. Cameron responded that it is an attempt to phase in new taxes. The LPC member stated that cities receive reports about data months later. Cameron said the tax commission needs

# GENERAL LEGISLATIVE SESSION

time to implement the bill. Orem City Manager Jamie Davidson said that most of the conversation has been focused on the lockbox and this suggests that this may be about the lockbox and protecting interests by way of the lockbox rather than trying to find a solution that works for everyone. He asked if there is discussion about walking away from the lockbox to find an alternative to true up to where cities are in the future. Cameron responded that there is discussion on a better model.

Representative Quinn wants language by tomorrow. Cameron asked for ideas to be shared with staff. An LPC member suggested ULCT support the tax bill in order to stay at the table and made a motion that LPC support the tax bill. Mayor Pike seconded the motion. Gary Hill asked if this is to support the concept of base expansion. Mayor Pike responded that this is to support the concept of base expansion. The majority voted to adopt the motion. Nays included: Murray Mayor Blair Camp; Grantsville City Councilwoman Jewel Allen; one additional vote from Grantsville; one vote from Bluffdale; two votes from Cottonwood Heights; two votes from Lehi; and two votes from Riverdale. Cameron thanked the League officers for meeting with the League staff and the Governor's Office and for their time investment on the issue over the coming week.

- c. ACTION: HB 119 – Initiatives, Referenda, and Other Political Activities – Cameron stated that the bill is still unfinished and the bill that passed out of Government Ops passed out with assurance from the bill sponsor that it is a work in progress and changes will be made. The bill creates a 20-day pause in a local initiative or referendum so a city can do a fiscal and legal analysis of the proposal. Geographic diversity is still in the bill. There is a rolling signature submission on an ongoing basis through the process, but signatures can be submitted electronically. Cities and elected officials and staff can use city email to answer specific inquiries. The concept is that a city employee can gather and prepare information that elected officials and the city can share in some form. The adjudicator role is transferred from the county clerk to the lieutenant governor's office, with an appeal to a district court. This bill reflects principles the League board developed. The LPC has ratified the position to support HB 119. Cameron welcomes all feedback on the communication piece so the League can get it right and can avoid allegations of violations of the Act.



## GENERAL LEGISLATIVE SESSION

317

- d. ACTION: HB 433 – Inland Port Amendments– ULCT Director of Government Relations Rachel Otto provided an overview of HB 433 and explained that it creates a hub and spoke concept where the port authority can extend to jurisdictions outside Salt Lake City. Extension requires both the consent of local government and the landowner. The port authority receives 100% of the tax differential for 25 years and may be paid 100% for an additional 15 years with the time period running from the certificate of occupancy. The authority receives POS sales tax for out-of-state construction material delivered to the project area and this is a significant amount of money. A 10% housing allocation could be spent outside of Salt Lake City. Most problematic is the bill's prohibition on political subdivisions from suing the port authority. The League does not have a position at this point other than *amend*. We are supporting Salt Lake City in their negotiations on this bill. The bill may exacerbate the law that was passed last session. Last year, the League sent a letter to the Governor asking him to veto the bill. Over the special session, some of the League's concerns were resolved. Grantsville City Councilwoman Jewel Allen asked what advantages the bill could provide for jurisdictions out of the inland port territory. Rachel responded that a spoke in the hub could bring economic development to regions outside the Wasatch Front. An LPC member said that there doesn't seem to be any benefit for any city under the bill because cities must surrender all control with nothing in return. Another LPC member said someone can come in and "spoke" cities and compete with city development efforts. Rachel responded that they cannot do this without city consent. Lynn Pace of Salt Lake City said there will be a substitute bill either today or tomorrow. An LPC member asked if this is the first time the legislature has tried to prevent entities from suing a state agency? Rachel responded that she is not aware of any and this could possibly trigger constitutional issues. A mosquito abatement board member said that they are concerned about the public health impacts an inland port will impose on the state with incoming international shipments. An LPC member said that the bill violates every League principle and moved to oppose the bill. The motion was seconded. An LPC member asked if Salt Lake City wants some flexibility for their negotiations because a position to oppose might box in Salt Lake City. LPC voted to oppose HB 433.



# GENERAL LEGISLATIVE SESSION

318

- e. UPDATE: HB 411: Community Renewable Energy Act– Park City Mayor Andy Beerman, Rocky Mountain Power Vice President of Government Affairs Jon Cox, Park City Environmental Sustainability Manager Luke Cartin, and Salt Lake City Sustainability Program Manager Tyler Poulson gave an overview of HB 411 that allows communities to seek renewable energy. The legislation allows interested cities to pass a resolution to participate in a renewable energy program. The resolution allows utility companies to know there will be large investment for renewable resources. Consumers may opt out from renewable power. This will bring renewables in rural Utah. Tyler said that this partnership with Rocky Mountain Power helps communities seek renewable energy without shifting costs to other customers. An LPC member asked who opts out: customers or communities. Andy responded it is customers that can opt out. ULCT supports this bill.
  - f. UPDATE: Other Legislative Issues by Staff and Membership – An LPC member asked the League’s position on SB 181, Pari-mutuel Horse Racing. The member made a motion to oppose SB 181. The motion was seconded. The Bill Tracking will be changed to show a staff position of oppose.
  - g. ACTION: Ratify Staff Positions – LPC ratified Bill Tracking staff positions.
4. Adjourn



# GENERAL LEGISLATIVE SESSION

319

## LPC Draft Minutes – March 11, 2019

### Utah League of Cities and Towns

Legislative Policy Committee Agenda – March 11, 2019, 12:00 p.m.

Utah State Capitol, Senate Building Room 210  
(and Zoom webcast)

1. Welcome, introductions, logistics, and adoption of March 4, 2019 minutes, ULCT 2nd Vice President Mike Caldwell
2. ULCT communications efforts
  - a. ULCT Podcast – ULCT Director of Communications and Training Susan Wood informed members how to access the weekly ULCT podcast on Podiant through a link sent in the Friday Facts email. Susan thanked LPC members for their efforts to help the League produce and share the housing affordability and growth videos.
  - b. Midyear Conference – Susan informed members that registration is open for the Midyear Conference, which will be held in St. George from April 24th through the 25th. The Midyear Conference will include sessions on how to improve community outreach on Facebook, emergency management, budgeting, land use, implementing legislation enacted this session, and a session for women in local government featuring Holly Richardson from The Salt Lake Tribune. Attendees will have an opportunity to meet for caucus discussions and to deliberate the anticipated issues of the 2020 legislative session. Susan hinted that the League is scheduling an incredible keynote speaker, but negotiations are ongoing and the speaker will be announced at a later date.
3. Legislative items
  - a. UPDATE: HB 441 – Tax Equalization and Reduction Act – ULCT Senior Policy Advisor Roger Tew walked LPC members through the timeline of HB 441 and recapped the LPC discussion from the previous week wherein the League was working to come up with options to mitigate impacts of the proposed tax reform. After the previous LPC, Roger and ULCT Executive Director Cameron Diehl met with Representative Tim Quinn and Rep. Quinn informed Roger and Cameron that all local governments would be taken out of the bill because of the complexity of the issue and the time constraints. Roger and Cameron had mixed feelings because the League





## GENERAL LEGISLATIVE SESSION

320

supports expanding the tax base and wants to ensure that cities participate in the tax discussions. The exclusion of local governments from the base expansion could become problematic. Rep. Quinn assured Roger and Cameron that removing local governments from the bill was not based on anything cities had done, but rather to protect outstanding UTA and Park City bonds. Roger questioned whether or not removing local governments from an expanded sales tax base would comply with the streamline sales tax requirements. The League anticipated an updated bill for several days but was informed there was a hastily called press conference and HB 441 was dead this session. Roger does not think there will be a surprise bill brought in during the last three days of the session, but it is a possibility. Some budgetary decisions throughout the session were based on anticipated increased revenue from an expanded tax base and this will diminish the budget. Now the question is whether or not a special session will be called. The governor and legislative leadership say that there will be, but there are unanswered questions. The League is not involved in the fight over what is included in the base. The League is looking at the rates and how to protect the financial status of cities. There is a fiscal split between the house and the senate and the next few days will be spent in caucus working through this. Roger feels that LPC did well in sending the message to the legislature that cities will be impacted and this needs to be considered in the reform process. The 50-50 issue started to recede as the legislature considered other issues, but this will come up again. Spanish Fork City Manager Seth Perrins commented that if a special session is called, this is essentially pushing the pause button. Seth asked if the League's proposal that was going to be presented to Rep. Quinn is something that LPC members should be aware of and working on within their cities to prepare for the special session. Roger stated that the options the League devised during the session will be valid. The local rates will eventually have to come down. The questions will be how to come up with a hold harmless formula, which can be problematic because it means taking money out and lockboxing it. The boutique tax rates that impact certain cities will need to be addressed separately. The structure of what the League put together is a good structure and needs refinement. Cities will not be dollar-for-dollar where they are from year-to-year, but that is true under the current system. The Census in two years will change things. The question is have we directionally covered everyone? Duchesne City Attorney Craig Smith asked if there will be less



## GENERAL LEGISLATIVE SESSION

321

money because he has a funding request for two cities and is being told there will not be as much money to pass around. Roger responded that the issue of this year's budget and the broader issue of tax reform need to be separated. Because the legislature held this bill and built up certain expectations around it the legislature has less revenue. Washington Terrace City Manager Tom Hanson asked what we can do to encourage a deeper dive on the analysis of tax reform that teaches all involved about the impacts across the board so decisions are not made half blind. Roger responded that one of the issues about expanding the sales tax base is that we cannot know the impacts until the bill is run. The dynamics and their relation to communities is tied to sourcing, where the point of sale is for services. Utah is a destination sourcing state where the rate that is attached is where the product ends up. For online sales and services this could be where the client is located. This could be spread out across the state more than anticipated, but it is hard to get a feel for this before the bill is implemented. Salt Lake City Senior Advisor for Intergovernmental Affairs Lynn Pace thanked Roger and the ULCT staff for representing cities on this issue.

- b. **UPDATE: SB 52 – Secondary Water Metering** – ULCT Director of Policy Wayne Bradshaw stated that SB 52 was amended on the senate floor creating an interim study bill with caveats. The topic will go to the Water Task Force over the interim to look at how things should be paid for and who should pay for them, what exemptions should be allowed, and other technicalities that should be included in metering mandate legislation. The bill requires everyone with secondary water systems to report to the Division of Water Resources a timeline by which they could add meters and the cost to install the meters, requiring cities to go through the steps of evaluating the implementation of meters. The reports are due at the end of 2019. These reports give cities an opportunity to make an argument for certain exclusions for this public good. The bill increases annual reporting requirements and cities will need to report by March 31, 2020 the connection types, how many months the system is in service, and the volume of water that goes through the system. This does not appropriate any new funds, but makes \$10 million available in loans for secondary system metering. Wayne will continue discussions with the bill sponsor because the task force report is due in November and city reports are due in December. It is unclear if the city reports are intended



# GENERAL LEGISLATIVE SESSION

to provide information to the task force as they develop their report, or if cities should wait until the task force publishes their report before cities complete and submit their report. Lindon City Administrator Adam Cowie asked if the grant option is completely out. Wayne responded that there is no grant money but there is also no mandate to meter existing systems. Adam asked if the legislature expects cities to report when cities will be implementing citywide metering. Wayne responded that yes, on paper, cities must do this.

- c. UPDATE: Week 6, what’s left in Week 7, and Interim plans – ULCT Director of Government Relations Rachel Otto presented an overview on bills that the League is working to get across the finish line.
  - i. Water: The status of the three bills the League worked on with the Executive Water Task Force last year is: SB 17, Extraterritorial Jurisdiction, enrolled; HJR 1 & HB 31, senate 2nd reading calendar; SB 52, introduced in the house, but there will not be any committee hearings.
  - ii. Housing: SB 34, the Affordable Housing Modifications bill that was the product of the Commission on Housing Affordability over the past interim went through a senate committee, the senate, passed a house committee, and is now in house rules because of the \$20 million one-time appropriation in the bill that goes to the Olene Walker Low-Income Housing Fund and a \$4 million ongoing appropriation. Getting the bill funded at this point with the tax reform and budget restraints, it seems less likely that there will be money attached. This bill focuses on what cities can do through planning, zoning, and regulation to support housing affordability and affordable housing and the concern is that without money attached to the bill, it becomes a bill about what cities can do without the funds available for developers to build units at a low cost. The League continues to support the bill to be proactive on what cities control in the housing realm and the League may need to come back next year to ask for money. Rachel thanked LPC members for talking to their legislators to make sure this bill gets through without penalties attached. Washington Terrace City Manager Tom Hanson stated that it is obvious that if we’re taxing services and we’re discussing housing affordability, there is a link between





## GENERAL LEGISLATIVE SESSION

increased taxes on construction and supplies and the cost of housing. Rachel discussed HB 386, Economic Development and Affordable Homes, which started out as a \$20 million ongoing appropriation but was pared down to \$3 million a year for preservation of affordable units. Cities lose about 1,000 units every year and this money will be geared toward preserving some of those units. Wasatch Front Regional Council Executive Director Andrew Gruber stated that HB 386 failed to pass five minutes earlier. HB 371, Homeless youth services, and HB 465, Homeless youth fee waiver, do not have huge fiscal notes attached to them and will probably pass.

- iii. Taxes: HB 382, Resort Communities Tax Notices, passed out of senate committee earlier in the day. Roger said there are 17 resort communities in Utah. To qualify for the resort communities tax cities have to have hotel rooms in numbers that represent 66% of the population. When there is a population spike, the city may not have the requisite rooms to keep their resort community tax. This bill gives resort communities extra time to bring new projects online. SB 256, Truth in Taxation, allows for a property tax inflation, which is a good idea but has never been done. This becomes a leverage point for looking at overall tax reform and is being stalled. Saratoga Springs City Manager Mark Christensen asked if there are concerns with new growth being pulled out of the calculation with how you determine your base. Roger responded that changing the computation of property tax merits an investigation. New growth is the free money portion, the portion you get with new properties added. It is a misnomer to call it new growth because the computation takes in other factors. This should be re-examined in the broader tax reform process.
- iv. Land Use: Rachel said that the League will discuss the specifics of HB 315, the Land Use Task Force bill, at the Midyear Conference. HB 315 is on the senate 2nd reading calendar and there should be no issues with getting it passed. HB 288, the critical infrastructure bill, the gravel pit regulation bill, is up in senate committee this afternoon and started out as a damaging bill for local government because it preempted local governments from regulating gravel pits. The bill is pared back significantly thanks in part to help from Layton City



# GENERAL LEGISLATIVE SESSION

Attorney Gary Crane and the League supports the bill. The League will work on this throughout the interim. HB 122 amends attorney fee provisions in the Property Rights Ombudsman statute. The Community Reinvestment Agency bills have been amended based on feedback from LPC and the Utah RDA Association and, except for HB 70, which is dead, are on track to pass: HB 245, senate 2nd reading; SB 77 is in the house; SB 56 and SB 98 enrolled; and HB 70 is dead. Lynn Pace said there is an amendment in SB 77 that will need to be adopted on the floor of the house and the amendment has been agreed upon.

- v. Public Safety: SB 129, Tier 2 retirement, is now back in house rules because of the \$5.3 million appropriation. Dave Spatafore stated that it all depends on what is decided with the budget. SB 154, the UCA amendments, is in house rules because of its appropriation. Dave Spatafore said that the key provision in SB 154 is the increase from 9 to 25 cents per month per line for operations and maintenance for the services and new phone system. The other part that is not listed in SB 154 is a one-time funding request that was made for \$5 million to do the initial purchase of the necessary equipment. That may or may not be funded. Rachel stated that ULCT Legislative Research Analyst Karson Eilers worked with Representative Kwan on HB 154, mental health for first responders, which creates a working group to examine workers compensation claims for mental health for first responders. HB 53 is a bill that was started last session and morphed into a task force that worked on privilege and communications between victims and victim advocates and prosecutors. The task force produced this bill and since it was released the bill has been adjusted a few times, but some victim advocates and prosecutors are unhappy with the status of this bill. Rachel spent time with Representative Snow and the South Jordan City Prosecutor and Representative Snow expressed an interest in continuing to work on this effort over the coming year and in next session. HB 466 just came out last week and clarifies the statute on the premium insurance tax to make sure the firefighters retirement is appropriately funded. The League will continue to make sure HB 466 makes it through. HB 13, distracted driver amendments, and HB 153, run a red light on certain occasions, both failed. SB 109, asset forfeiture, is being held for interim.



# GENERAL LEGISLATIVE SESSION

325

- vi. General Bills: HB 119, referenda, passed through a senate committee 5-1 today. HB 228, towing, passed senate committee today. HB 324, the tobacco bill that raises the age for tobacco purchase and sales to 21 statewide, passed unscathed, but Wayne said there will be an amendment in the senate that will clarify that the age is 21 statewide. HB 433, the inland port bill, passed through senate committee earlier in the day. The League has received mixed comments on the bills with rural communities in support of the bill. The League is working to amend a provision in the bill that prohibits an executive from suing the port authority without council approval. HB 320, the container bill, is circled in the house and Rachel anticipates that it will stay there, but will come back next year. SB 90, political signs, was crushed in committee by Gary Crane's testimony. SB 107, the nuisance bill, is held. Representative Roberts released a new substitute for HB 59, government enterprise, and is committed to working on the issue over the interim. The League has committed to have conversations on it and the bill will not go anywhere this session.
- vii Air Quality: When the League sent out a survey at the beginning of the session to ask what priorities are, air quality measured very high. HB 148, vehicle idling, is supported by the League. It reduces the required warnings from 3 to 1 before a city can issue an idling citation. HB 411, renewable energy, passed out of committee last week and Rachel hopes that this bill will get through this session. Lynn Pace stated that he will be working the bill this afternoon because he expects a move to amend the bill to require opt-in rather than opt-out and he stated LPC members should support the second version of the bill. SB 144, inland port monitoring, requires DEQ to do additional monitoring at the inland port. HCR 11 and HCR 13 encourage tier 3 fuel and these resolutions are enrolled.
- d. UPDATE: Other legislative issues by staff and membership – Brigham City Economic Development Director Paul Larsen asked about SB 200 and stated concern that it allows tax incentives to bypass municipal economic development agencies in third through sixth class counties. This could be applied to first and second class counties in the future. Rachel responded that one of the topics the League will be discussing over the interim is economic development, the overall structure, and where funds are going.



## GENERAL LEGISLATIVE SESSION

326

There has been a push to shift economic development to counties and that is a trend the League will be getting a handle on. ULCT Senior Policy Advisor John Hiskey discussed the major issue this session of addressing firefighter retirement and the \$17 million backfill and \$12 million ongoing required. In the first few weeks, a bill was passed creating a restricted fund and has been signed by the governor. Steve Young, retained by the UFA out of Salt Lake County, to investigate the issue reported that the software failed in terms of sending money to the right allocations. HB 466 will correct this and was worded by URS. John thanked the Spatafores for their work on the bill.

- e. **INTERIM EFFORTS:** Rachel outlined the League's focus moving into interim and tax reform tops the list. Part of the compromise on SB 129 is that public safety retirement will be investigated and discussed over the interim and the League will be asking for data regarding public safety retirement from cities. Gravel pit regulation will be discussed in the land use task force and Rachel encouraged cities who are concerned about gravel pits to participate in the conversations. There will discussions on water conservation on Representative Harrison's bill and SB 52 and the League will participate in these discussions. The Commission on Housing Affordability will reconvene its five-year effort and it is in year two. The League has ideas on specific issues like funding mechanisms to look at this interim so we will have quality legislation next year. Regarding beer, Bountiful City Councilmember Kate Bradshaw stated that we may be drinking 4.something beer by the end of the session. The League has an appointment on the state flag commission and will be involved in interim discussions. Lynn Pace asked about HB 459, political activities, and asked for the League's position. Rachel responded that the League is opposed to the bill and will be opposing it in committee later in the afternoon. It contradicts the progress made with Representative Daw on HB 119. Moab Mayor Emily Niehaus asked what the League's position is on HB 453 that allows 18 year olds to serve alcohol. Rachel responded that this was wrapped into Rep. Hawkes bill, HB 453, and is moving forward. Dave Spatafore stated that McCay substituted the fines and fees bill, SB 252, and the ULCT tracking shows the League is opposed, but with the amendments the tracking should be updated to show that the League supports the bill. Rachel responded that the tracker will be updated.



# GENERAL LEGISLATIVE SESSION

327

Andrew Gruber stated that there will be a skinny budget where not all available money will be appropriated and the house leadership proposal for the skinny budget is available on the executive appropriations committee website. Most discretionary appropriations requests are not funded on the list.

- f. **THANK YOU:** Rachel expressed gratitude to those who participated this session and attended LPC meetings. Rachel also expressed thanks to those who invested significant time this session to support city interests, including: Brian Allen, Nicole Cottle, Gary Crane, Mark Christensen, LaNiece Davenport, Jamie Davidson, Evelyn Everton, Andrew Gruber, Shawn Guzman, Jodi Hart, Brandon Hill, Gary Hill, Kory Holdaway, Mark Johnson, Rob Jolley, Joel Linares, Ryan Loose, Lynn Pace, Wayne Parker, Isaac Paxman, Ryan Peterson, David Peterson, Tom Ross, Heather Schriever, Melinda Seager, Ashley Spatafore, Dave Spatafore, Shelley Teuscher, and Rob Wall.
- g. **ACTION:** Staff positions were ratified. Mayor Caldwell stated there is near consensus that this session has been a significant attack on local government and he applauded ULCT staff commitment.

Adjourn



# GENERAL LEGISLATIVE SESSION

## Emails

---

### Legislative Daily Recap – January 28, 2019

#### Legislative Advocacy

Welcome to the 2019 Session! One day down, a mere 44 to go. Our nightly recap emails will update you on the day’s events and give you a heads up on tomorrow.

Speaker of the House Brad Wilson and Senate President Stuart Adams delivered opening day comments that referenced tax reform, population growth, education, and a new parking structure on Capitol Hill. Yes, you read that right. But in all seriousness, both houses seem poised to tackle the state’s toughest issues this session. To that end, we anticipate another record-setting year for number of bills filed, with well over 1000 requests so far. While legislators will spend most of their time considering appropriations over the next couple of weeks, committees will begin meeting to consider other bills tomorrow afternoon. For the complete schedule of what’s up on the ULCT tracking list, [click here](#). And if you’d like our daily committee schedule emails earlier in the day, contact Karson Eilers and he’ll get you on his list.

Of course, it wouldn’t be the first week of the session without Local Officials Day! Join us this Wednesday, January 30th to mingle with your legislators, youth councils, and local officials and staff from around the state. We have a great new format this year with fun breakout sessions and insights on messaging, polling, and lobbying from some of the best in the business. We’ll also discuss upcoming major issues during a legislative briefing at 10:45. See you there!

### Legislative Daily Recap–January 29, 2019

#### Legislative Advocacy

**First things first – tomorrow is our annual Local Officials Day!** This year, we are proud to partner with Silicon Slopes for this great event. The day kicks off bright and early in the Hall of Governors for youth councils and local officials, and we will hold our traditional lunch with legislators at the Salt Palace at 12:30. [Click here](#) for the complete **agenda**.



*Back to Table  
of Contents*

*Utah League of Cities and Towns*



# GENERAL LEGISLATIVE SESSION

329

**As usual, we are providing shuttles for legislators between the Capitol and the Salt Palace. Meet us at the bus roundabout on the east side of the Capitol between 11:45 and 12:25. We will shuttle you back to the Capitol after lunch in time for 2:00 committees.**

In other legislative news, several bills affecting local government were heard in committees today. Below we'll update you on HB 52, HB 61, HB 64, HB 110, and SB 45.

- HB 52: Remote Notarization Standards** (Rep. Hall) establishes a process and requirements for the Lt. Governor's office to certify remote notaries. Rep. Hall worked on the bill all year in order to resolve concerns regarding process and security, and the Lt. Governor's office supports it. Note that the bill was substituted to correct an accidental revision of the statute that made notary misconduct a Class A misdemeanor. It should remain a Class B. Note also that this bill has a delayed implementation date of November 1, 2019, at the request of the Lt. Governor's office, to give them a chance to work with notaries who want to employ this system. It passed favorably out of House Government Operations.
- HB 61: State Databases Amendments** (Rep. Ray) will require recorders to submit information to AGRC for inclusion in the statewide 911 database. There was quite a bit of confusion on the concept of an approved plat versus a recorded plat and what would be required for submission, but Rep. Ray stated that he wanted to make it as easy as possible for recorders to supply the information and said he would work on technical fixes with local government. The bill passed favorably out of House Political Subdivisions.
- HB 64: Lobbyist Expenditures Amendments** (Rep. McKell) restricts lobbyists and "government officers" from making expenditures on local officials beyond what is permitted for state legislators and requires reporting on those expenditures. An identical bill got through committee last session but ran out of time in the Senate. It exempts certain organizations that only represent local government or education, but there are remaining concerns that the bill expands requirements to individuals who are not paid lobbyists.
- HB 110: Rural Economic Development Incentives** (Rep. Albrecht) is intended to adjust last year's HB 390. It increases the cap a company can receive in post-performance incentives from 25k to 250k for moving a job to rural Utah. It also clarifies that a company can take advantage of multiple



*Back to Table  
of Contents*

*Utah League of Cities and Towns*

# GENERAL LEGISLATIVE SESSION

330

incentives when producing a job in rural Utah. Rep. Hawkes expressed concern that providing incentives might not be the right thing to do if we are rewarding companies for what they would have done anyway. GOED stated that some of the programs within GOED aren't working and consolidation and review might be appropriate. Rep. Winder mentioned that the committee would be reviewing economic incentives as a whole this session.

- **SB 45: Domestic Violence Revisions (Sen. Christensen)** adds aggravated cruelty of an animal (torture, poisoning, or killing) to the list of DV offenses. It passed out of committee unanimously.

Tomorrow afternoon's committee schedule includes two important water bills: **SB 17: Extraterritorial Jurisdiction Amendments**, which was one of the interim study bills ULCT worked on, and **SB 52: Secondary Water Metering Amendments**. ULCT supports SB 17 and appreciates the Department of Natural Resources's inclusive process this interim. We again thank our members from St. George to Santaquin for active involvement on the study groups. We do not have an official position on SB 52, although we opposed last year's similar SB 204 because of the major fiscal impact. We have been communicating with Sen. Anderegg and Rep. Hawkes on this bill and will continue to work on it to try to achieve the important goal of water conservation while taking into consideration the financial burdens on water suppliers and consumers.

## Legislative Daily Recap—January 30, 2019

### Legislative Advocacy

**Another Local Officials Day is in the books!** This year we were excited to partner with Silicon Slopes, and the result was a high-energy, fun event. Thanks to everyone who made it happen, including our local officials, youth council members, and legislators, and thanks especially to Governor Herbert for making the time to offer some inspiring remarks before tonight's State of the State address.

**Meanwhile, Day 3 committee hearings continued apace. Today we'll highlight SB 17, SJR 1, SB 52, and SB 32.**

- **SB 17: Extraterritorial Jurisdiction Amendments** (Sen. Okerland) is a water study group interim bill that ULCT supports. It refines the jurisdiction of a city of the first class over its watershed. A first class city would have jurisdiction over the entire watershed within the county of origin. To exercise

# GENERAL LEGISLATIVE SESSION

331

jurisdiction outside of the county of origin, the municipality would need written agreement with all municipalities and counties that have jurisdiction over the area where the watershed is located. If a municipality wishes to enact an ordinance under this section of code after July 1, 2019, it must hold a public hearing and notify the public, the Division of Drinking Water, and the Division of Water Quality at least 10 days in advance. It must also provide a copy of the ordinance to each affected entity and include it in its drinking water source protection plan. Following a brief explanation of the bill by Senator Okerlund and a statement by Marie Owens, Director of the Division of Drinking Water and chair of the interim study group, Senate Natural Resources voted 7-0-2 to support the bill.

- SJR 1: Joint Resolution Supporting the Study of Water Banking in Utah** (Sen. Iwamoto) is the result of two years' work by a volunteer study group. It will likely take a year before a formal bill will be presented to the Legislature on the strategy of water banking, but the committee passed out SJR 1 favorably 6-0-3 and by the same vote approved it being placed on the consent calendar.
- SB 52: Secondary Water Metering Requirements** (Sen. Anderegg) was pulled from the Senate Natural Resources agenda. Sen. Anderegg indicated that he is evaluating the information provided to him from small/rural cities and will be making amendments before bringing the bill back to the committee. We thank Sen. Anderegg for his attention and inclusivity as we continue to work on this bill.
- SB 32: Indigent Defense Act Amendments** (Sen. Weiler) requires legal counsel to be present at all stages of the court process for juveniles and at critical stages for adults. There is a \$725,500 fiscal note on this bill; however, the Indigent Defense Commission is seeking an appropriation so that it can provide grants to jurisdictions to offset the cost. The bill passed unanimously out of the Senate Judiciary committee.

**On tap at 2:00 tomorrow are some significant bills, including:**



Back to Table  
of Contents

*Utah League of Cities and Towns*



# GENERAL LEGISLATIVE SESSION

332

- **SB 34:** Affordable Housing Modifications
- **SB 90:** Political Signs Amendments
- **HB 154:** Mental Health Protections for First Responders

## Legislative Daily Recap—January 31, 2019

### Legislative Advocacy

Welcome to the longest month of the legislative session but the shortest month of the year!

ULCT and our city partners were busy in meetings on transportation, taxes, redevelopment, and more, in addition to testifying in multiple committees. Here are the highlights on SB 34, SB 50, SB 90, and HB 96.

- **SB 34 Sub 1: Affordable Housing Modifications** (Sen. Anderegg) is the bill recommended by the Commission on Housing Affordability, and unless this is the first ULCT email you've ever read, you've probably heard about it. For a more thorough summary, see here, but in brief, the bill adds certain options that cities will have to choose from when developing their moderate income housing plans, and links compliance with MIH plans and reports to eligibility to the Transportation Investment Fund. Sen. Anderegg presented the bill to the Senate Economic Development and Workforce Services Committee today, and many stakeholders testified in support of the bill, including ULCT, WFRC, RCAC, the Salt Lake Chamber of Commerce, and the Utah Association of Realtors. The Committee had many detailed questions about and suggestions for the bill, but passed it out unanimously. We will continue to work on this bill as it moves through the legislative process, and thank Sen. Anderegg, Sen. Potter, Rep. Briscoe, for their hard work and continued leadership on this important issue.
- **SB 50: Local Government Office Amendments** (Sen. Vickers) prevents an individual from concurrently serving on the governing body of a county and a city. Cameron Diehl testified in support of the bill and it passed out of Senate Government Operations unanimously.
- **SB 90: Political Sign Amendments** (Sen. Weiler) stems from Sen. Weiler's frustration that jurisdictions can prevent homeowners from having political signs in their parking strips even though a resident is responsible for

# GENERAL LEGISLATIVE SESSION

333

maintaining the landscaping and sometimes even own the property to the middle of the street. We met with Sen. Weiler earlier today, and based on that conversation, he made a one-word amendment to specify that the bill applies only to exclusively residential zones. He also agreed to prepare an amendment to specify that signs could not be larger than a standard size. Cameron Diehl testified against the bill as drafted for four reasons: (1) it opens up the possibility that a city would have to permit all signs in parking strips because we cannot distinguish between political and other content; (2) it could open up parking strips in front of public property to political signs; (3) residents could potentially place large signs advertising home occupations in their parking strips; and (4) an employee who removes a sign could be subject to a class B misdemeanor, which is currently existing law. The Senate Government Operations Committee held the bill.

- **HB 69: Legal Notice Amendments** (Rep. Coleman) passed favorably out of the House Judiciary Committee today, and Layton City Attorney Gary Crane testified in support of the bill on behalf of ULCT. Last year this same bill passed the House but didn't get through the Senate. It addresses the cost of notices as well as the requirement to publish certain notices in a newspaper. This bill does not affect how a government entity must perfect service under the rules of civil or criminal procedure; it just clarifies circumstances under which an entity would not also have to publish a general legal notice in a newspaper.
- **HB 96: Nighttime Highway Construction Noise Amendments** (Rep. Christofferson) passed favorably out of the House Transportation Committee. ULCT has worked with Rep. Christofferson over the past two sessions on this bill and testified as neutral. The bill specifies "permitted activities" between 7 p.m. and 7 a.m. at a construction site or gravel pit, and also gives cities the discretion to evaluate and require reasonable mitigation of nuisances caused by nighttime operations.



## GENERAL LEGISLATIVE SESSION

334

**Legislative Daily Recap—February 4, 2019****Legislative Advocacy**

**Week 2 started off at full speed with meetings on land use, gravel pit regulation, food trucks, towing, retirement benefits, and, of course, LPC.**

If you missed LPC today, the discussion centered around public safety retirement benefits, Community Reinvestment Act bills, referendum, and towing. [Click here](#) for the agenda and check back in the next day or so for the presentation and supplemental materials. ***Also, if you joined online, we sincerely apologize for the technological difficulties and we will get those corrected for next Monday.***

**Tomorrow's committee schedule is deep! But first, here are today's highlights on SB 93 and HB 185.**

- **SB 93: Agricultural Nuisance Amendments** (Sen. Sandall) passed favorably out of Senate Natural Resources. The substitute bill enacts the Agricultural Operations Nuisances Act under Title 4. As substituted, the bill defines defenses to an agricultural nuisance claim, and also limits local ordinances on agricultural nuisance to impacts that are outside the normal course of agricultural operations. ULCT testified that we would like to tighten up some of the definitions in the bill to ensure that we are protecting agricultural interests but also able to respond to problems. Sen. Sandall was receptive to our concerns and said he would work with us going forward.
- **HB 185: Tax Increment Funding for Student Housing** (Rep. Owens) aims to give public, nonprofit colleges access to the housing allocation under 17C-1-412 to provide income-targeted housing for full-time students. This bill stems from housing challenges faced in Richfield at Snow College. Sevier County is forming a CRA for a solar project, which will require a housing allocation, but there are limited opportunities to use that allocation in the county without adding this option for student housing. After testimony by the Utah Redevelopment Association (in support), the Utah Taxpayers Association (in opposition), and others, the committee had a number of questions and determined to hold the bill to let the sponsor work out some details with various stakeholders.





# GENERAL LEGISLATIVE SESSION

As mentioned above, tomorrow is a busy committee day. In addition to **SB 107 (Nuisance Ordinances for Municipalities)**, **SB 56 (CRA Report Amendments** — look for an amendment tomorrow), and **SB 98 (CRA Amendments** — see the substitute and note the new jobs component), Sen. McCay’s **SB 117 (Tax Amendments)** will be heard at 2:00 in Senate Revenue and Taxation. SB 117 modifies provisions related to the Homeless Shelter Cities Mitigation Restricted Account that we implemented last year in **SB 235**. Stay tuned and thanks for your participation as bills start flying this week!

## Legislative Daily Recap—February 5, 2019

### Legislative Advocacy

**Not sure if you all have heard, but planning for population growth is a pretty major topic of conversation on the Hill and among the ULCT.** If you haven’t been checking out our **daily videos on Facebook** (and liking and sharing them) — do it! Today’s video features **Grantsville**, and be sure to **click here** to see what’s happening in St. George, Washington City, Park City, West Jordan, Salt Lake City, Cedar Hills, Millcreek, and Farmington too, and then re-post and share widely on all your social media channels!

**In other news, highlights from today include HB 148, HB 151, SB 98, and SB 117.**

- **HB 148: Vehicle Idling Revisions** (Rep. Arent) would allow cities to enforce idling provisions without the current statutory requirement of issuing three warnings first. Rep. Arent repeatedly said she trusted cities and law enforcement officers to make good decisions on enforcement. ULCT testified in support of the bill, but it faced criticism from committee members on the premise that it would create a patchwork of regulations without fair warnings to drivers. The committee vote was 5-5, so the committee did not recommend that it move forward.
- **HB 151: Traffic Flow Amendments** (Rep. Ivory) would allow drivers to stop and proceed through a traffic light under certain conditions if it’s solidly red and there’s no one around. Rep. Ivory likened it to a “four way stop on steroids.” One of his constituents shared a story where he encountered a broken traffic light at 4 a.m. in a construction zone. After waiting for a minute, he proceeded through the light and was issued a citation by a police



# GENERAL LEGISLATIVE SESSION

officer. The committee expressed both support and concern for the bill and there was a healthy amount of discussion. UDOT, UHP, the Chiefs Association, and ULCT all testified against the bill, and the committee voted unanimously to hold it.

- **SB 98: CRA Modifications** (Sen. Harper) was considered today in Senate Government Operations. The bill prohibits an agency from using project area funds to pay an administrative fee to another taxing entity unless an interlocal agreement provides for payment of a fee to a county out of the county’s project area funds. It also allows the housing allocation to be waived if a project area plan provides (1) solely for non-residential development and (2) provides for 60% of jobs created within the project area to have an annual gross wage (not including benefits) that is at least 125% of the average wage of the county in which the project is located. Sen. Harper introduced an **amendment** that would allow the allocation to be waived upon agreement by the county and the agency. The Utah Redevelopment Association and UAC, and ULCT testified that the bill contains some good elements but still needs some discussion. ULCT also testified to raise the issue that the Legislature seems to be sending mixed messages: housing is critical, but we don’t need the housing allocation. The committee passed the bill out unanimously and Sen. Harper agreed to continue working on it.
- **SB 117: Tax Amendments** (Sen. McCay) was not heard today in committee after Sen. McCay agreed to drop the bill. The bill would have increased the contribution of each city to the Homeless Shelter Cities Mitigation Restricted Fund from 1.8% on the population component to 1.99% on the point of sale component and remove the \$200,000 cap that was negotiated in last year’s SB 235. We appreciate Sen. McCay hearing our concerns on this bill and graciously agreeing to withdraw it.

**You know what else is a big topic on the Hill? Transportation! Tomorrow is Transit Day on the Hill.** Join us on the south steps of the Capitol from 8-2 to meet with transit agencies from all over Utah, and come during lunch to enjoy food truck fare. See you there.





# GENERAL LEGISLATIVE SESSION

337

## Legislative Daily Recap—February 6, 2019

### Legislative Advocacy

**Did anyone else get a little excited this morning about the prospect of the Legislature calling off for a snow day? Ah well. The show must go on!**

**Today's highlights include HB 78, HB 143, and SB 72.** Before you read on, check out [how Park City is preparing for growth](#) and read Ogden Mayor Mike Caldwell's excellent piece in [Utah Policy.com](#) about how Ogden is preserving its Mountain to Metro quality of life. Of course, you can find both posts on our [Facebook page](#).

- HB 78: Federal Designations** (Rep. Albrecht) was introduced in House Natural Resources today. The original bill invoked last session's failed HB 136, which (as amended) required a political subdivision to report to the Legislature if it wanted to advocate for lands to receive a federal designation. Today, Rep. Albrecht introduced a substitute that made this bill substantially more problematic for local government. The bill now amends [Utah Code 63J-8-106](#) by expanding the Legislature's discretion to review, approve, or disapprove a political subdivision's support for a congressional land use designation. To request approval, a political subdivision must draft a detailed report and a concurrent resolution to be submitted to and considered by a legislative committee. If the resolution is adopted by the committee and signed by the Governor, a political subdivision may "officially" support a congressional land use designation. Rep. Albrecht requested that the bill be held in committee to give people time to digest this substantial change, and we anticipate the committee will consider it on Friday. We oppose this bill not only as state government overreach, but for potentially restricting the free speech rights of government entities and their employees.
- HB 143: Water Conservation Plan Amendments** (Rep. Harrison) was also introduced in House Natural Resources today. This bill would require water conservation plans to include a plan on how to reach 175 gallons a day per capita use, the cost for a water supplier to attain that goal, and the cost to consumers if that level is not reached. Rep. Harrison requested that the committee hold the bill because she has a substitute bill that was not yet ready. ULCT supports the conservation efforts in the bill, but has concerns about the one-size-fits-all approach, and we will continue working with the sponsor to address these concerns.



# GENERAL LEGISLATIVE SESSION

- **SB 72: Transportation Governance and Funding Revisions** (Sen. Harper) was considered in the Senate Transportation Committee today. The bill builds off last year’s major transportation bill, SB 136. As a reminder, SB 136 changed the governance of UTA, modified the local sales taxes for transportation, and modernized UDOT’s prioritization criteria (among many other things). The Transportation Task Force, in which ULCT’s Cameron Diehl actively participates, worked on SB 72. Cameron testified in support of SB 72 and the committee unanimously endorsed it. In addition to SB 72, SB 34 (Affordable Housing Modifications) also builds off last year’s work on transportation. More to come on both bills.

Tomorrow’s committee agendas include an updated version of **HB 148 (Vehicle Idling Revisions)**, as well as **SB 71 (Food Truck License Amendments)**. We have been working hard with Sen. Henderson on the latter, and expect to see a substitute version of the bill before committee tomorrow.

## Legislative Daily Recap—February 7, 2019

### Legislative Advocacy

**Week 2 draws to a close tomorrow and I can’t think of anyone sorry to see it go! A total of 914 bill files have been opened, and ULCT is tracking 242 bills and resolutions. Phew.** Thanks for your participation so far and keep it coming over the next 4 weeks!

**Highlights from today include three important topics — food (SB 71), air (HB 148) and beer (SB 132).**

- **SB 71: Food Truck Amendments** (Sen. Henderson) was substituted and sailed through Senate Economic Development today. Sen. Henderson has been working with us for months to try to address issues without legislation, and the bill as substituted reflects her willingness to give municipalities additional time to come into compliance with the Food Truck Act, enacted in 2017. The one substantive change in the bill is a provision allowing food trucks to remain parked for multi-day events as long as they comply with health department regulations. We will be working hard over this next year to ensure that all cities and towns are compliant with the code, including reasonable reciprocal license fees.
- **HB 148: Vehicle Idling Revisions** (Rep. Arent) also breezed through committee today after Rep. Arent introduced a substitute. The substitute

# GENERAL LEGISLATIVE SESSION

339

requires a jurisdiction to issue one warning (instead of three previously required) before issuing a fine for an idling violation, and fines must be structured similar to parking violations. ULCT was there to support the increased flexibility this bill gives to cities that want to enforce idling ordinances.

- **SB 132: Beer Amendments** (Sen. J. Stevenson) allows the alcohol content of beer sold for off-premise consumption to increase from 3.2 to 4.8 percent by weight. The committee room was jam-packed with people on both sides of this issue, with testimony ranging from concern that teenagers can't handle high-point beer (just Utah beer?) to support for consumer choice. Senate Economic Development passed the bill unanimously, and TV cameras were everywhere!

**The committee schedule tomorrow is light, but we wanted to let you know that HB 78 will be heard again in House Natural Resources.**

**HB 78: Federal Designations** (Rep. Albrecht) amends **Utah Code 63J-8-106** by expanding the Legislature's discretion to review, approve, or disapprove a political subdivision's support for a congressional land use designation. To request approval, a political subdivision must draft a detailed report and a concurrent resolution to be submitted to and considered by a legislative committee. If the resolution is adopted by the committee and signed by the Governor, a political subdivision may "officially" support a congressional land use designation. **ULCT has concerns with the bill as drafted** — "land use designation" is defined very broadly and we believe this could impact many interactions cities and towns have with the federal government regarding water infrastructure, fire suppression, roads, and more. Furthermore, this bill limits the free speech rights of government entities and employees, and is state government overreach. Contact the committee and your legislators about this one:

Keven Stratton, Chair  
 Logan Wilde, Vice Chair  
 Carl Albrecht  
 Joel Briscoe  
 Scott Chew  
 Susan Duckworth  
 Joel Ferry



*Back to Table  
 of Contents*

*Utah League of Cities and Towns*



## GENERAL LEGISLATIVE SESSION

340

Tim Hawkes  
Phil Lyman  
Derrin Owens  
Doug Sagers  
Christine Watkins  
Mike McKell

Don't forget to check our [Facebook page](#) tomorrow afternoon for our new [CitiesWork podcast](#) recapping the big legislative topics of the week. That's right — we're getting pretty technologically savvy around here. Plus it means we don't have to type as much. Give it a listen!

## Legislative Daily Recap—February 11, 2019

### Legislative Advocacy

**The “post-Medicaid session” began today after the Senate passed and the Governor signed SB 96. Now on to everything else we need to accomplish in the next 31 days ...**

**Highlights from today include a recap of LPC and updates on SB 129, SB 34, and HB 78.**

First, LPC met today as usual, and if you missed it, click here for the [agenda](#) and [presentation](#). We discussed Tier 2 retirement, affordable housing, referendum, gravel pits, and more.

**Because next Monday is President's Day, we will NOT hold regular LPC. In lieu of LPC, we invite anyone who is interested to join us at 10:00 a.m. via [Zoom](#) to hear updates and ask questions or discuss any bill.**

The LPC had a thorough discussion on [SB 129: Public Safety and Firefighter Tier II Retirement Amendments](#) (Sen. Harper). As currently drafted, this bill:

- Increases the employer's contribution from 12% to 16% of compensation;
- Changes the multiplier for years accrued after July 2019;
- Provides \$5.3 million in one-time funding; and
- Provides up to \$3 million in on-going funding, which is anticipated to cover the state's obligation, but cities and towns will be obligated to cover much of the contribution increase.



*Back to Table  
of Contents*

*Utah League of Cities and Towns*

# GENERAL LEGISLATIVE SESSION

341

The LPC voted to oppose this bill as currently drafted because of the unfunded mandate, but to continue to work to find a long-term funding stream. The bill was heard in the Senate Retirement and Independent Entities Committee today, and Sen. Harper expressed his desire to offer cities a financial bridge for the first year while they figure out how to fund this additional liability next year. Dave Spatafore testified on behalf of UFA, UPD, the Utah Chiefs of Police Association, and the Utah Fire Chiefs Association. He stated that while the bill is a step in the right direction, it must be fully funded, perhaps via the insurance premium or liquor premium tax. ULCT's Wayne Bradshaw also testified to communicate our concerns regarding equity across professions. The committee recommended the bill 4-1, and we will continue to work on this critical issue.

LPC also discussed [SB 34: Affordable Housing Modifications](#) (Sen. Anderegg) today, and the bill was later presented on 2nd reading in the Senate. Sen. Anderegg did an excellent job of presenting the bill and fielded many questions from his colleagues on the mechanics of the bill. The Senate voted **18-10** to send the bill to 3rd reading. As a reminder, LPC voted to support this bill in December and outreach on this is critical. Here is a [summary](#) of the bill, and [click here](#) for more on why we support this bill as the integration of smart state transportation investment with smart local planning

Speaking of affordable housing, have you seen what Richfield, Utah is doing? [Check out this great video](#) and spread the word! Watch for our daily video every day of the session about how cities are planning for growth and addressing housing affordability and affordable housing.

**Finally, HB 78 will be heard for the third time tomorrow in House Natural Resources. HB 78: Federal Designations** (Rep. Albrecht) amends [Utah Code 63J-8-106](#) by expanding the Legislature's discretion to review, approve, or disapprove a political subdivision's support for a congressional land use designation. To request approval, a political subdivision must draft a detailed report and a concurrent resolution to be submitted to and considered by a legislative committee. If the resolution is adopted by the committee and signed by the Governor, a political subdivision may "officially" support a congressional land use designation. **ULCT has concerns with the bill as drafted** — "land use designation" is defined very broadly and we believe this could impact many interactions cities and towns have with the federal government regarding water infrastructure, fire suppression, roads, and more. Furthermore, this bill limits



*Back to Table  
of Contents*

*Utah League of Cities and Towns*

# GENERAL LEGISLATIVE SESSION

342

the free speech rights of government entities and employees, and is state government overreach. Contact the committee and your legislators:

Keven Stratton, Chair  
 Logan Wilde, Vice Chair  
 Carl Albrecht  
 Joel Briscoe  
 Scott Chew  
 Susan Duckworth  
 Joel Ferry  
 Tim Hawkes  
 Phil Lyman  
 Derrin Owens  
 Doug Sagers  
 Christine Watkins  
 Mike McKell

## Legislative Daily Recap—February 12, 2019

### Legislative Advocacy

You know that our small ULCT staff works nearly around the clock on Capitol Hill, but did you know that we also have an amazing extended family that works tirelessly to safeguard local government interests? Here's a well-deserved shout out to **Layton City Attorney Gary Crane, Salt Lake City Senior Advisor Lynn Pace, Ogden Assistant City Attorney Mark Stratford, and St. George City Attorney Shawn Guzman** (just to name a few!) for their amazing efforts all year-round, but especially during these 45 days. Thank you!

**Highlights from today include SB 34, HB 78, HB 151, SB 160, HB 311, HB 315, and HB 320.**

- SB 34: Affordable Housing Modifications** (Sen. Anderegg) was a major focus of ULCT's efforts today. Cameron Diehl and your correspondent visited the Senate Republican and Democratic caucuses with Sen. Anderegg and the other stakeholders to answer questions about the bill. We also worked with Sen. Anderegg, Rep. Potter, and Sen. Kitchen on a **3rd Sub**. As we discussed in LPC on Monday, the menu of planning tools cities may consider in their moderate income housing plans has increased from 8 to 22 but the required



*Back to Table  
 of Contents*

*Utah League of Cities and Towns*

# GENERAL LEGISLATIVE SESSION

343

number of selections had not changed from two options. In the substitute, in order to be eligible for the state Transportation Investment Fund, cities that have access to fixed rail stops or bus rapid transit stations will choose four options, while cities without such transit stations will incorporate three options. (The bill applies to cities that currently have to comply with MIH requirements — [see here](#).) The substitute also tightens up some of the menu option language. We anticipate that the substitute bill will pass out of the Senate, and your support when the bill reaches the House is critical. Here is a [summary](#) of the bill, and [click here](#) for more on why we support this bill as the integration of smart state transportation investment with smart local planning.

- **HB 78: Federal Designations** (Rep. Albrecht) was recommended out of House Natural Resources 7-6 after a rather lively debate. This is the third time this bill has been presented in committee. Rep. Hawkes spoke against the bill, stating that he likes the idea of collaboration but does not like the top-down approach of the substitute bill. Rep. Ferry also spoke against the bill and suggested that something less onerous on cities and counties would be acceptable. Other nays were Reps. Briscoe, Chew, Duckworth, and McKell. Big thanks to the six of them for supporting local government. The bill will move on to be considered by the House and we will continue to oppose it.
- **HB 151: Traffic Flow Amendments** (Rep. Ivory) was reintroduced in House Transportation today. Rep. Ivory explained that the 3rd sub creates an affirmative defense for proceeding through a red light after waiting for 90 seconds at a stoplight if nobody is around. He argued the bill decriminalizes people. The Sheriff's Association testified against the bill (also speaking on behalf of Chiefs of Police and LELC). ULCT's Karson Eilers and UDOT also spoke against the bill. The committee adopted the 3rd Sub, and then debated whether 95 seconds was safer than 90 seconds. The bill passed out of committee 7-4.

**Hey, now is a great time to check out our daily video and share it on your legislators' Facebook page! Today you can see what's going on down in Santa Clara (aside from much nicer weather).**

A few other items to put on your radar. You'll be hearing more about these in the coming weeks:



*Back to Table  
of Contents*

*Utah League of Cities and Towns*

# GENERAL LEGISLATIVE SESSION

344

- **SB 160: Body Cam Amendments** (Sen. McCay) prohibits an officer from deactivating a body cam while talking to a supervisor.
- **HB 311: Governmental Immunity Amendments** (Rep. McKell) makes numerous changes, including when immunity is waived, aggregate caps, and notices of claim.
- **HB 315: Land Use Development Amendments** (Rep. Wilde) is the long-awaited Land Use Task Force bill.
- **HB 320: Container Regulation Act** (Rep. McKell) prohibits cities from regulating disposable plastic.

So, nothing major. Just another calm Tuesday up here on Capitol Hill! Stay tuned as bills keep churning out this week.

## Legislative Daily Recap—February 13, 2019

### Legislative Advocacy

**Here's your Valentine's Day reminder in the event you forgot your loved one (or the one you wish was your loved one) amidst all the excitement on the Hill.** According to [Google Trends](#), the ever-romantic bicycle is a popular Valentine's Day gift in Utah, while in Virginia, they're more into bacon rose bouquets, whatever that is. I think I'd opt for the bike.

**Today's highlights include SB 34, HB 203, HB 245, and SB 52.**

- **SB 34: Affordable Housing Modifications** (Sen. Anderegg) was substituted by Sen. Kitchen and passed out of the Senate this morning on a vote of 20-9. As we informed you yesterday, the substitute bill increases the number of items a city will choose from when planning for moderate income housing, and tightens up some of the language in the bill. The bill is now awaiting a committee assignment in the House.
- **HB 203: Homeless Shelter Funding Revisions** (Rep. Chew) was heard in the House Economic Development Committee. The bill addresses a shortcoming from last year's homeless services funding bill, SB 235. Vernal City and Uintah County house a 27-bed homeless shelter. Last year's law only contemplated shelters of more than 60 beds for purposes of state funding and the Homeless Shelter Cities Mitigation Restricted Account for public safety. Vernal notified us about their shelter and we worked with the city



# GENERAL LEGISLATIVE SESSION

345

and other stakeholders to modify the definition of a qualifying shelter to have 25 beds or more in counties of the third through sixth class. Your correspondent and UAC representatives testified in support of the bill. Vernal City Manager Quinn Bennion beat the snow in order to attend the hearing and testify. Thanks to Rep. Chew and the committee for their support.

- **HB 245: Community Reinvestment Agency Revisions** (Rep. Winder) was substituted and favorably recommended today by the House Economic Development and Workforce Services Committee. The bill replaces the term “blight” with “development impediment.” If an agency uses urban renewal area funds or CRA housing funds the agency must adopt a housing plan that shows how it will use the housing allocation. An agency is not required to develop a separate plan if the agency is using the funds to implement the moderate income housing element of the general plan. The substitute bill removed the language that defined a “limited purpose taxing entity” (a school district or special service district) and required it to participate in an interlocal under certain circumstances.
- **SB 52: Secondary Water Metering Requirements** (Sen. Anderegg) will be heard in Senate Natural Resources tomorrow. Many of you have been involved with this bill for months, and we thank Sen. Anderegg and Rep. Hawkes for being very responsive to the concerns we’ve raised regarding the fiscal impact of this laudable policy. A substitute bill has been released, which you can [view here](#). The sub makes three notable changes: it only requires metering in counties of the 1st and 2nd class; it extends the timeline to add meters from 2030 to 2039; and it increases the funding levels (from \$10 million to \$20 million a year in grants and loans). LPC opposed the original version of the bill because of the unfunded mandate.

**That’s a wrap for today, but before you hit delete, check out this video from a city that is near and dear to my heart — West Jordan.** This segment in our daily series on cities preparing for population growth features Mayor Riding laying out the vision for new high density mixed-use zones in the city. Good stuff.



Back to Table  
of Contents

*Utah League of Cities and Towns*

# GENERAL LEGISLATIVE SESSION

346

## Legislative Daily Recap—February 14, 2019

### Legislative Advocacy

**Happy Valentine's Day! The Capitol was awash in yellow flowers today to memorialize and celebrate the women's suffrage movement.** Seraph Young was the first woman in the U.S. to cast a vote, and it happened right here in Utah 149 years ago. Compounding the love today was the **gathering of the 25 current female legislators** to announce that sculptor Ben Hammond was selected to carve the statue of Dr. Martha Hughes Cannon, **which will represent Utah in Statuary Hall.**

Speaking of amazing women, did you know that Utah currently has 33 female mayors? Not bad. Check out this **fantastic article on UtahPolicy.com** co-authored by Cedar Hills Mayor Jenney Rees and Salt Lake City Council Member Erin Mendenhall. It's all about how Utah cities are preparing for population growth and focusing on housing affordability. Show us some love and post it on your (and your legislator's) social media.

**Today's highlights include SB 52, HB 96, HB 288, HB 228, SB 107, and a special outreach request!**

- **SB 52: Secondary Water Metering Requirements** (Sen. Anderegg) was heard in Senate Natural Resources today. We wrote you last night about positive changes in the substitute bill. Right before committee today, Sen. Anderegg introduced a second substitute, which:
  - increases the funding component to 50% grant eligible, 25% loan eligible, and 25% paid by the system;
  - requires the Department of Water Resources to implement an appeals process for systems that are unable to meter; and
  - extends the timeline to fully meter certain users to 2039.
- While the second sub did not include the same exemptions as the first for counties of the 3rd - 6th class, Sen. Anderegg committed during the hearing that he would reinstate that element. The committee asked thoughtful questions and Sens. Vickers and Okerlund advocated strongly for rural communities. Lindon City Manager Adam Cowie and Bountiful City Council Member Kate Bradshaw both spoke to specific concerns on the effects of this legislation in their communities, and ULCT's Wayne Bradshaw also testified that while we support water conservation efforts, a one-size-fits-all

# GENERAL LEGISLATIVE SESSION

approach may not achieve the desired outcome. Sen. Anderegg continued to be incredibly receptive to the feedback, and stated that the bill is still a working document. The committee favorably recommended it with only one dissenting vote. We look forward to continuing to work with Sen. Anderegg and Rep. Hawkes on this important legislation.

- HB 96: Nighttime Highway Construction Noise Amendments** (Rep. Christofferson) was heard in Senate Transportation today, and passed favorably after a brief detour. As you may recall, we had worked with Rep. Christofferson on this bill beginning last session, and were comfortable with the second substitute, which passed out of the House last week. A third substitute of the bill was then proposed, which would have fundamentally changed a jurisdiction’s ability to work with an operator to mitigate noise and other impacts. After bringing this to Rep. Christofferson’s attention, he bypassed the 3rd sub and introduced a 4th, which basically reverted to the 2nd sub we were all on board with. Thanks again to Rep. Christofferson for his responsiveness on this issue, and to Ogden Assistant City Attorney Mark Stratford for his work on it.

**Heads up on a few bills in committee tomorrow:**

- HB 288: Critical Infrastructure Materials** (Rep. Wilde) has gotten quite a bit of media attention — see [this KSL story](#), for example. This bill defines “critical infrastructure materials” as sand, gravel, or rock aggregate and adds critical infrastructure materials protection areas to Utah Code 17-41, along with agriculture and mining protection areas. The protections commensurate with these areas restrict local jurisdictions from exercising their land use authority. We have been in discussions with Rep. Wilde and other stakeholders on this bill, which we oppose, and hope to see a substitute bill tomorrow.
- HB 228: Towing Revisions (Rep. Maloy)** is another high-priority oppose bill that’s in committee tomorrow afternoon. This bill preempts local zoning, signage, and other ordinances. There could possibly be a substitute bill tomorrow but we are uncertain that it will resolve our concerns.
- SB 107: Nuisance Ordinances for Municipalities** (Sen. Fillmore) is — yes — yet another high-priority oppose bill in committee tomorrow afternoon. I know, not a lot of love for it being Valentine’s Day. Anyway, although Sen. Fillmore has been incredibly patient in talking through our problems with

# GENERAL LEGISLATIVE SESSION

348

this bill, the substitute version is still problematic. It would require municipalities to identify in ordinance each negative impact a nuisance is required to abate. The nature of nuisance makes this a nightmare.

**And finally, as we approach the long weekend and you all head to Saturday morning events with your legislators**, here's a friendly reminder that tax reform and **SB 34 (Affordable Housing Modifications)** should be on the tip of your tongue. To refresh — we support base expansion, but are wary of modifications to the local option 1% sales tax distribution. Ask your legislators what they think about base expansion and how it might affect local government. And remind them that we support SB 34 Sub 3 as it moves into the House next week. [Here's why.](#)

Phew! We can't wait to update you on all of these happenings on our [Cities Work podcast](#), which we record every Friday afternoon. Check our [Facebook](#) page for the link and give it a listen on your drive home tomorrow.

## Legislative Daily Recap—February 19, 2019

### Legislative Advocacy

**Welcome back from the long weekend!** Everyone seemed to be feeling at least briefly refreshed this morning until frigid temps and triple-stacked committee schedules snapped us out of our holiday reverie. The good news is that we are at the midpoint of the session. The bad news is that we are at the midpoint of the session.

We were pumped up for the **SB 34 (Affordable Housing Modifications)** committee hearing today, though we had an inkling the bill might be reassigned to a different committee. Sure enough, around noon we got final confirmation of that fact. The bill will now be heard tomorrow in [House Economic Development and Workforce Services](#). Here's a [link to SB 34 information](#) and a [one-pager](#) that briefly explains why ULCT and numerous other organizations involved in the Commission process support SB 34 (3rd Sub). Reach out to committee members and your legislators to let them know!

**Speaking of housing, before you read on, check out [this video](#)** on how Farmington City is addressing housing needs. It's the latest installment in our video series on preparing for population growth.



*Back to Table  
of Contents*

*Utah League of Cities and Towns*

# GENERAL LEGISLATIVE SESSION

349

**In other news, we want to update you on HB 235, SB 160, HB 272, and HB 315.**

**HB 235: Municipal Tax Amendments (Rep. Knotwell)** arose because cities within Salt Lake County are leaving the public safety service district and creating their own. The legislation allows a municipality to increase a tax and earmark it for a specific purpose. It does not require the creation of a special service district. However, it puts the funds in a specific account intended to pay for the tax increase. Once the increase and account are created, those funds can only be used for the intended purpose and may not be transferred back to the general fund. House Political Subdivisions favorably passed the bill.

**SB 160: Body Camera Disclosure Amendments (Sen. McCay)** originally prohibited a police officer from turning off a body-worn camera while talking to supervisor. Today it was amended to allow a camera to be turned off unless the officer used force immediately prior to the consultation with a supervisor. Even as amended, the bill upsets the 2016 compromise on body-worn cameras. Bountiful Police Chief and Utah Chiefs of Police President Tom Ross testified in opposition to the bill, eloquently pointing out that this bill moves away from judging the actions of an officer and toward judging the officer's conversations. The committee voted 5-2 to pass the bill. ULCT will continue to oppose this bill as it moves on to be considered by the full Senate.

**HB 272: Election Law Amendments (Rep. Nelson)** was favorably recommended by House Government Operations today. This bill was originally intended to address a problem with voters using stickers or labels to cast a ballot for a write-in candidate because it messes up voting machines. However, the bill was substituted by Rep. Nelson at ULCT's request in order to address a problem that arose in 2017, after changes in statute affected the ability of some of our smaller cities and towns to hold nominating conventions for local offices. The bill passed out of committee without a nay vote, and we thank Rep. Nelson for working with us on this.

**Several important bills are up in committee tomorrow. In addition to SB 34, we'll also see HB 315: Land Use and Development Amendments** (Rep. Wilde) is this year's Land Use Task Force bill. Among numerous technical changes, the bill incorporates Sen. Christensen's Boundary Line Agreements bill from last session. One substitute version has been released and more adjustments will need to be made to the bill going forward. Thanks for the feedback thus far.



*Back to Table  
of Contents*

*Utah League of Cities and Towns*



## GENERAL LEGISLATIVE SESSION

350

For the full schedule on bills we are tracking, click the button below. We'll have a lot to update you on tomorrow night! **Also, feel free to join us on Zoom tomorrow at 10:00 if you have other bills and issues you'd like to discuss.**

## Legislative Daily Recap—February 20, 2019

### Legislative Advocacy

**It's probably not news to you that the southwest part of Salt Lake County is seeing some of the fastest growth in the state.** But do you know about regional coordination efforts that are going on between our mayors in that area, and what they are doing to plan for population growth? Check out these videos from [Riverton Mayor Trent Staggs](#) and [Herriman Council Member Clint Smith](#). These cities are on it!

**Today's update includes SB 34, HB 305, HB 315, and HB 180.**

**SB 34 (3rd Sub): Affordable Housing Modifications** (Sen. Anderegg) was heard in front of a packed House Economic Development and Workforce Services committee. **Once again, bill sponsors Sen. Anderegg and Rep. Potter went to bat for cities during their presentation.** The committee challenged them with some tough questions about whether this bill goes far enough to address housing affordability and affordable housing, and the sponsors reiterated that this bill addresses the keys that cities hold, but cities do not build housing. They emphasized that through sharing and adopting some of the strategies in this bill, cities can help pave the way for the private sector to do their part. ULCT's Cameron Diehl assisted in the presentation of the bill, and Lehi Council Member Chris Condie testified in support. Herriman City Council Member Sherrie Ohrn spoke to how critical it is for the state to help ensure that there is appropriate infrastructure in place for growth, and current residents are not NIMBYs — they are justifiably concerned about maintaining their quality of life. Stakeholders including the Wasatch Front Regional Council, UTA, Utah Realtors Association, Salt Lake Chamber, Sutherland Institute, and Ivory Homes all spoke in favor of the bill, and it passed out of committee unanimously. **We thank Representatives Winder, Owens, Gibson, Harrison, Hutchings, Kwan, Lisonbee, Maloy, Musselman, and Spackman Moss for their support on this bill.** It will now move on to the House floor. For a nice recap of today's hearing, see this [Deseret News article](#), and for a wonkier, national perspective, take a look at this [CityLab article](#).



## GENERAL LEGISLATIVE SESSION

351

**HB 305: Post Disaster Recovery and Mitigation Restricted Account**

(Rep. McKell) originated from a catastrophic fire that happened in Woodland Hills and Elk Ridge area (Rep. McKell's district) last year. This legislation creates a restricted account that allows funds to be saved in a rainy-day fund for counties, cities, towns, and special service districts. Communities could access these funds if an emergency is declared by the Governor or President. The bill includes an appropriation request of \$2 million one-time and \$2 million ongoing until the fund reaches \$10 million. The 2nd Sub was adopted, amended, and passed out of committee favorably. We thank Rep. McKell for sponsoring this important bill.

**HB 315: Land Use and Development Amendments** (Rep. Wilde) was held by the sponsor today to give everyone more time to review the substitute bill and collate feedback and technical revisions that need to be made. A new substitute will be drafted and should be ready for consideration next week.

**HB 180: Agriculture and Industrial Protection Areas** (Rep. Coleman) was also held at the sponsor's request to give stakeholders additional time to discuss the intended outcomes of the bill.

That's it for today. Committee schedules are light tomorrow but Friday will be intense. **HB 288 (Critical Infrastructure Materials) and all three of the interim study water bills (HB 31, SB 17, and HJR 1) are up in House Natural Resources at 8:00 a.m.**, so make sure to tune in to the [CitiesWork podcast](#) on Friday afternoon for the latest.

**Legislative Daily Recap—February 21, 2019****Legislative Advocacy**

**In terms of municipal business, today was a quiet day in committees but a supercharged day on the floor and in strategy sessions to prepare for tomorrow.**

**Today's update includes SB 17, HB 31, HB 228, HB 288, and HB 320.**

**We use action alerts sparingly around here, but we sent one out today to alert you to four items on tomorrow's House Natural Resources agenda.** As you know, ULCT staff and members spent an immense amount of time participating in water study groups over the interim, and the result was three consensus water bills. We had been hearing that committee chair Rep. Stratton might

# GENERAL LEGISLATIVE SESSION

352

propose amendments to the bills, which was worrisome at this point in the process. Amendments on **SB 17 (Extraterritorial Jurisdiction Amendments)** and **HB 31 (Water Supply and Surplus Water)** are now public, and both would require municipalities to report back to state legislative interim committees. In the case of SB 17, municipalities would report back if they enact an ordinance or regulation to exercise watershed jurisdiction outside of their boundaries. Similarly, if HB 31 is amended, municipalities would be required to report back to the legislature if they change their designated water service area or enter into any contract to supply water outside of municipal boundaries. After months of process and unanimous stakeholder agreement on these issues, it is frustrating to see these amendments pop up now. ULCT and Mark Stratford, Ogden assistant city attorney and water expert, will be there to testify.

**Also up on the Natural Resources agenda tomorrow is a reincarnation of a bill we beat down last year — the famous “Ban the Ban” bill.** This year’s version is **HB 320 (Container Regulation Act)** and Rep. McKell is the sponsor. We look forward to standing up for local control and will be vigorously opposing this bill in committee and beyond. It’s not about the plastic, it’s about the preemption! Check out Cameron Diehl **talking about the bill** on Fox 13.

**And if you thought House Natural Resources couldn’t get any busier, you would be wrong.** **HB 288 (Critical Infrastructure Materials)** is first on the agenda. The **2nd Sub** is a major improvement, and we think it is a win. The intention of the substitute is to essentially enact a mutual standoff so that the Land Use Task Force can work over the next year to work on consensus regulations for critical infrastructure material operations. To that end, the bill states that:

1. Current operators can expand only onto land that they own or lease as of Feb. 1, and that is contiguous, appropriately zoned, and permitted for the operation.
2. Local governments can only enforce current regulations and ordinances.
3. A “critical materials protection area” can only be proposed by a city or county – not an operator.

We believe that this is good temporary compromise and look forward to working over the interim on this.

**Last but far from least, HB 228 (Towing Revisions)** will also be heard tomorrow morning. ULCT staff and members have worked with Rep. Maloy to find



# GENERAL LEGISLATIVE SESSION

353

compromise, but we haven't yet gotten there. The proposed **2nd substitute** still creates problems with uniform signage, interferes with local government's selection of towing companies, and may expose residents to predatory towing practices.

That's not all that's going on tomorrow, but that's all I have time for before my midnight deadline! Tune in to the **Cities Work podcast** tomorrow afternoon to hear the latest.

## Legislative Daily Recap—February 25, 2019

### Legislative Advocacy

**Remember last week when we had Monday off? That was awesome. No such luck this week, but we are down to just 13 business days left in the 2019 session.**

**Today's update includes your LPC recap, SB 129, HB 320, SB 52, HB 339, HB 311, SB 107, HB 324, HB 315, and HB 354.**

**We had a packed house and full airwaves for LPC today.** If you missed it, [click here](#) for the agenda and materials. Rep. Tim Quinn, the House sponsor of the sales tax reform bill, graciously took over 30 minutes to explain the bill and answer numerous questions to more than 150 attendees in person and online. Rep. Quinn explained that the 240 page sales tax bill will be released this week and that he recognized the complicated nature of the local option sales taxes such as the 1%, RAP, resort communities, and transportation. He said that he was committed to ensuring that cities were not negatively impacted in the short term and that the goal of sales tax base expansion was to be revenue neutral for cities. He also referenced the possibility of delaying the full implementation of the reform so as to provide time to analyze potential changes to local sales tax rates and to facilitate a discussion about local government financial sustainability. You can read more about tax reform here in the [Desert News](#).

**SB 129: Public Safety and Firefighter Tier 2 Retirement Amendments** (Sen. Harper) passed on to 3rd reading in the Senate today on a vote of 25-3. The three nays were Sens. Fillmore, Grover, and McCay. Sen. Fillmore has a proposed substitute bill that would strip all of the continuing funding from the bill, leaving only the one-time state appropriation. We anticipate that the bill will get its third reading in the Senate tomorrow. Today, after a great deal of



## GENERAL LEGISLATIVE SESSION

354

discussion, the LPC voted to maintain our current position of opposing the bill if it is unfunded.

**HB 320: Container Regulation Act** (Rep. McKell) was presented again this evening in House Natural Resources. Rep. Watkins proposed an amendment to the bill that would carve out the two municipalities that have enacted ordinances on plastic bags. While we very much appreciate Rep. Watkins' efforts to protect her constituents, the amendment was not proposed at their request and they are standing firm with ULCT against this state overreach. The committee declined to adopt the amendment, and after hearing the bulk of public comment against the bill, voted 6-4 to pass the bill out of committee. This fight will move to the House floor and you can bet we'll be continuing to adamantly oppose it. **We thank Rep. Wilde, Rep. Briscoe, Rep. Watkins, and Rep. Albrecht for standing up for local government and voting NO on HB 320.**

**SB 52: Secondary Water Requirements** (Sen. Anderegg) was amended today on the Senate floor to the 3rd Substitute. The substitute makes the following changes:

- New pressurized secondary systems must start metering by April 2020 (increased from July 2019)
- Counties of the 1st and 2nd class must add meters to existing systems by 2039 (originally all counties by 2030)
- 50% of the cost can be covered by a State grant (up from 16.5%)
- 25% of the cost can be covered by a low interest loan
- \$10 million a year will be available for loans
- Provides an appeal process for systems unable to purchase meters under warranty
- Provides an appeal process for systems that can demonstrate the system provides for recharge

Sen. Anderegg and Rep. Hawkes have worked diligently to address local concerns, as reflected in this draft. Please get us your feedback asap if you have additional concerns.



# GENERAL LEGISLATIVE SESSION

355

**HB 339: Legacy Parkway Truck Ban Modifications** (Rep. Ballard) was heard in House Transportation today. Senator Weiler and Representative Ballard co-presented this bill. They highlighted the fact that since the original 10-year ban was agreed to, the area has had much more residential growth. They also mentioned that there was supposed to be a legislative study addressing the question of allowing trucks and no such study had been initiated. Several city officials from the area were in committee to support the bill, including Lisa Baskin from North Salt Lake, Mayor Lewis of Bountiful, and the Woods Cross City Council. Despite other testimony in support from residents, legislators expressed concerns that the bill would undermine the negotiations that took place ten years ago and they didn't feel comfortable breaching the deal. The motion to pass the bill out failed 5-6.

**HB 311: Governmental Immunity Revisions** (Rep. McKell) was substituted and passed out of House Judiciary today. We thank Rep. McKell for working with ULCT and other stakeholders including UAC and the state on the substitute bill.

**SB 107: Nuisance Amendments** (Sen. Fillmore) was presented in Senate Government Operations today but the committee voted to move the agenda without considering the bill.

**Tomorrow is another full day. A heads-up on a fewcouple of items:**

**HB 324: Tobacco Age Amendments** (Rep. Eliason) will be heard in House Business and Labor at 4:00. This is a solid bill that deserves support as drafted. **Unfortunately, Rep. Eliason is considering substituting the bill to add language that would preempt local jurisdictions from regulating the purchase, distribution, and advertising of cigarettes, e-cigarettes, etc.** If this happens, we will have to oppose this otherwise great effort to increase the legal smoking age to 21.

**HB 315: Land Use and Development Amendments** (Rep. Wilde) will be heard in House Political Subdivisions tomorrow morning. We are anticipating a 2nd Substitute any moment!

**HB 354: Business Regulation Amendments** (Rep. Coleman) is on the House Business and Labor agenda at 4:00. This bill is mainly directed at regulation of Turo, a car-sharing service, at the Salt Lake City airport, but also limits regulation of other peer-to-peer services.





# GENERAL LEGISLATIVE SESSION

**Before you go, check out our latest video on preparing for growth.** Millcreek City is following the Wasatch 2050 vision to plan for more housing near transit. That’s it for tonight!

## Legislative Daily Recap–February 26, 2019

### Legislative Advocacy

**You’ve all been riding Trax during this month’s Clear the Air Challenge,** so you’ve surely noticed all of the great residential development Murray City is doing around their transit stops. But just in case you haven’t, check out **this great video** of Mayor Camp describing his city’s efforts, and then hop on the train and check it out yourself!

**Today’s update includes SB 50, SB 129, HB 139, HB 324, HB 315, HB 354, HB 228, and HB 119.**

The House Government Operations Committee considered **SB 50: Local Government Officer Amendments** (Sen. Vickers) today. The bill would, effective January 1, 2020, preclude an individual from being elected to a municipal office and a county office at the same time. Sen. Vickers reached out to us during the summer in his research and we have proactively worked with him on the bill. Cameron Diehl testified in support. The committee suggested that the Senator consider in the future other elected positions and they endorsed the bill 8-1.

**SB 129: Public Safety and Firefighter Tier 2 Retirement Amendments** (Sen. Harper) passed on to the House today after adopting Sen. Fillmore’s substitute stripping all of the continuing funding from the bill and leaving only the one-time state appropriation. After the LPC voted on Monday to oppose Sen. Fillmore’s substitute and stand by the position of oppose on the underlying bill unless it is fully funded with a sustainable ongoing funding source, ULCT and UAC sent a joint letter to the Senate explaining our position. Unfortunately, several senators openly castigated the ULCT for our position on the bill and accused cities of pocketing savings from the 2010 changes to the retirement system instead of investing in our public safety officers. As the bill moves on, it is key that you explain your city’s efforts to increase public safety wages and benefits and explain the fiscal impact of this unfunded mandate on your city.

**HB 139: Motor Vehicle Emissions Amendments** (Rep. Romero) makes it a traffic violation when a driver intentionally spews exhaust at a vulnerable person in a

# GENERAL LEGISLATIVE SESSION

357

non-attainment area. It also enhances the penalty for people who illegally modify diesel vehicles. The Utah Manufacturers Assoc. and Air Quality Advisory Board supported the bill and the Senate Transportation Committee unanimously approved it.

**HB 315: Land Use and Development Amendments** (Rep. Wilde) passed out of committee unanimously this morning, probably due to Layton City Attorney Gary Crane’s thorough explanation of the bill. Thanks to the entire Land Use Task Force group, but especially to Gary and St. George City Attorney Shawn Guzman for all of their tremendous work on this bill.

**HB 354: Business Regulation Amendments** (Rep. Coleman) was heard in House Business and Labor this evening and generated a great deal of testimony on both sides. This bill is mainly directed at regulation of Turo, a car-sharing service, at the Salt Lake City airport, but could impact regulation of other peer-to-peer services. The committee recommended the bill 11-2.

Two among several notable bills in committee tomorrow:

- **HB 228 (Towing Revisions)** is up again at 8:00 with a 3rd Substitute.
- **HB 119 (Initiatives, Referenda, and Other Political Activities)** is up at 4:00. This bill is the product of nearly two years of work among Rep. Daw, ULCT, and other stakeholders.

## Legislative Daily Recap—February 27, 2019

### Legislative Advocacy

Tomorrow is the final day of February and the first day of the real race to see what kind of tax reform the Legislature can accomplish in the next 11 business days. Should be no big deal, right?

Today’s update includes HB 119, SB 200, HB 353, HB 90, HB 228, HB 288, and HB 320.

Rep. Brad Daw presented **HB 119 1st Sub (Initiatives, Referenda, and Other Political Activities)** to the House Government Operations Committee tonight. Cameron Diehl co-presented the bill with him and the committee deliberated well into the evening about changes to process, communication, signature



# GENERAL LEGISLATIVE SESSION

358

thresholds, and more. Rep. Daw focused on the concept of equal access and modernization, Cameron spoke about the ULCT Board of Directors principles including empowering elected officials to explain why they voted the way they voted, and bill supporters from the Utah Association of Counties and Property Rights Coalition spoke about the improved process. Several referendum organizers or participants attended to voice concerns about some proposed changes and support for other proposed changes. The substitute appeared online midday so the committee agreed to hold the bill until the next meeting on Monday morning to give themselves more time to digest it. To give you an idea about the length of tonight's meeting, the committee even voted to saunter for five minutes after the bill ended! League staff sauntered too, answered questions about the bill, and started furiously reading the 7,953 line **tax reform bill**. More on that tomorrow night ....

**SB 200: Rural Economic Development Incentives** (Sen. Sandall) consolidates five rural county economic development programs and creates the Rural County Economic Development Grant Program administered by GOED. The Grant Program is an effort to allow counties to plan for economic development from the ground up. The bill modifies the enterprise zone and economic development tax increment financing provisions and makes a one-time appropriation from the General Fund to the Rural County Economic Development Grant Program of \$2,000,000 and an ongoing appropriation of \$10,000,000 as of 2021. The bill passed unanimously out of committee.

**HB 353: Reduction of Single Occupancy Vehicle Trips Pilot Program** (Rep. Briscoe) was heard in House Natural Resources. Data shows significant increase in UTA ridership on red air days. The problem is that increase doesn't occur on orange days to prevent red air days. Envision Utah said the #1 highest incentive to get them to take transit would be if it were free on bad air days. On the last free day, there was a 23% increase in transit use, translating to an additional 29k riders. DAQ will select alternative transportation and work days for pilot program during winter inversion days. They will provide three days of notice, and \$1.2 million will fund 17 free-fare days over the next three years. The bill passed unanimously with the support of UTA, the Governor's Office, and the Air Quality Board.

**SB 90: Political Signs Amendments** (Sen. Weiler) was substituted and passed out of Senate Government Operations this morning. This bill will permit residents who own title to their parking strips to place political signs in them.

# GENERAL LEGISLATIVE SESSION

359

ULCT testified against the bill for several reasons, the most important of which is that the bill raises constitutional concerns. We can't regulate signs based on content. Aside from Sen. Ipson, the committee apparently did not have this same concern.

**HB 228: Towing Revisions** (Rep. Maloy) was heard this morning in House Transportation, and after adopting the third substitute, the committee voted to hold the bill yet again.

**Tomorrow is light on committees and heavy on floor time. A couple of items to note:**

**HB 288: Critical Infrastructure Materials** (Rep. Wilde) will likely be presented early tomorrow. **We support this bill as substituted.** It provides that:

- current operators can expand only onto land that they own or lease as of Feb. 1, and that is contiguous, appropriately zoned, and permitted for the operation.
- local governments can only enforce current regulations and ordinances on gravel pits.
- A "critical materials protection area" can only be proposed by a city or county – not an operator.

The intention is to essentially enact a mutual standoff, and we have agreed to work on regulations for gravel pits over the interim. This is not intended to be a long-term solution and we'll need to bring all the stakeholders together to get good regulations in place.

**HB 320: Container Regulation Act** (Rep. McKell) is swiftly working its way up the 3rd Reading Calendar in the House. **Please reach out to your representatives and remind them to VOTE NO on this bill.** As a reminder, this bill is identical to last year's SB 218, which was soundly rejected by the House. It is model legislation by ALEC that national special interest groups are spending millions of dollars to implement across the nation. We firmly believe that cities are in the best position to work with their residents and retailers on any potential regulation of the waste stream and urge you to speak up against this total preemption of a traditional local government function. Do it right now! And then check out **today's great video** from North Salt Lake on how they are planning for more moderate income housing. Get both of those things done (hopefully first thing tomorrow morning, at this point) and you are already #winning.

# GENERAL LEGISLATIVE SESSION

360

## Legislative Daily Recap—February 28, 2019

### Legislative Advocacy

**February is the only month that is entirely consumed by the general session, but luckily it is the shortest month of the year. And now it's over!** While there are a mere 10 business days left in the session, much work remains on referendum, housing, retirement, law enforcement, water, and of course, tax reform.

**Today's update includes HB 441, SB 160, HB 288, and HB 320.**

Before we recap what happened today, let's talk taxes. **HB 441 (Tax Equalization and Reduction Act) will be heard in House Revenue and Taxation at 12:00 tomorrow in Senate 210.** To briefly summarize where we're at:

- Rep. Tim Quinn graciously joined us at LPC on Monday to discuss the concepts of HB 441 and how the bill would affect local government.
- The bill significantly expands the sales tax base for all the state and local tax rates, perhaps by 33%. Those same rates (with one exception) are also reduced to avoid a tax revenue windfall.
- The 1% local option rate imposed by all municipalities is maintained at its current level. However, the revenue generated above a certain level is placed in a restricted account to allow the legislature to adjust that rate in the future with the goal of maintaining revenue neutrality and holding cities harmless.
- The restricted account approach causes us real concern. We have long expressed the challenges associated with developing a new sales tax base, adjusting rates, and keeping all local governments in the same financial position they were in before. For example, we have suggested delaying implementation of the local tax rates in order to gather sufficient data about the impact of the new base and then adjusting rates or formulas accordingly. Representative Quinn has been very understanding of the challenges associated with this proposed change. However, we are concerned that there may be significant unintended consequences associated with the proposed approach.
- At tomorrow's hearing ULCT staff will convey concerns about the particular approach outlined in this bill while supporting the general



# GENERAL LEGISLATIVE SESSION

361

direction of base expansion. We intend to be at the table for the next two weeks and during interim about the next steps.

- This is a historic opportunity for the state of Utah and local governments. This bill is one of the most anticipated of the session and the direction has been supported by the Governor and legislative leadership. There is intense lobbying against the bill by various interests who will now be subject to sales tax for the first time.

### In other news:

**SB 160: Body Camera Amendments** (Sen. McCay) failed to make it to 3rd reading in the Senate by a 13-12 vote.

**HB 288: Critical Infrastructure Materials** (Rep. Wilde) was passed by the House and will now move on to be considered in the Senate.

**HB 208: Safe Routes to School Programs** (Rep. Harrison) passed unanimously out of Senate Transportation this morning. This bill codifies the Safe Routes to School Program, and appropriates \$500,000 to UDOT for the construction of things like crosswalks to ensure that kids have a safe way to bike and walk to school.

**HB 320: Container Regulation Act** (Rep. McKell) is still working its way up the 3rd Reading Calendar in the House. **If you have not already, please reach out to your representatives and remind them to VOTE NO on this preemption bill.**

## Legislative Daily Recap—March 4, 2019

### Legislative Advocacy

**If you weren't at LPC today, you missed Professors Tew and Diehl dropping some serious knowledge on HB 441, the tax reform bill.** The LPC generated excellent questions and discussions on this complex and quickly-moving bill and we thank all of you for your participation in the dialogue. We also discussed SB 129 (Tier 2 retirement), HB 433 (Inland Port), and HB 411 (Community Renewable Energy Act). Check out the [materials online](#) and the link to the [Prezi here](#). We are also trying to get the video of the discussion online sooner than later, so check back if you missed out today.



Back to Table  
of Contents

*Utah League of Cities and Towns*

# GENERAL LEGISLATIVE SESSION

362

Today's update includes **HB 441, HB 119, HB 386, SB 225, HB 148, HCR 5, HB 99, and HB 320.**

**HB 441: Tax Equalization and Reduction Act** (Rep. Quinn) was the focus of LPC today. We discussed the short-term, medium-term, and long-term ramifications of the bill on local government. We discussed the 1% local option and the other local options (i.e. resort communities, transportation, etc.) and how HB 441 intends to implement base expansion and rate reduction for each of those sales tax rates. Check out the [materials online](#), including the flow chart explaining the current version. The bill is being negotiated even as I type and Team ULCT is deep in discussions about the specific impacts on all of our cities and towns. Please contact Roger or Cameron with any questions and we welcome your engagement with your legislators and with us as we work to improve the bill.

**HB 119: Initiatives, Referenda, and Other Political Activities** (Rep. Daw) was heard again today in House Government Operations. The Committee held a lengthy discussion last Wednesday where Cameron participated in the presentation. Today, the committee adopted a second substitute and then considered amendments to improve due process under the Political Activities of Public Entities Act (PAPEA), remove the voter participation areas from the bill, and change the timing of PAPEA. The committee approved the due process amendment but rejected the other two amendments. We are still working with Rep. Daw and Legislative Research and General Counsel to finalize the language in PAPEA about city communication. The committee voted to endorse the bill.

Rep. Briscoe presented **HB 386: Economic Development and Affordable Homes Amendments** in House Economic Development today. The bill requests a total appropriation of \$20 million ongoing funding, split between the Olene Walker Loan Fund (\$12m), the Economic Revitalization Investment Fund (\$5m), and The Affordable Housing Preservation Fund (\$3m). The Olene Walker fund targets populations at less than 80% AMI by providing project- and tenant-based housing vouchers. The Economic Revitalization Investment Fund would assist with the development of very low-income housing (<30% AMI) such as SROs, tiny homes, transitional housing, and housing for vulnerable populations. Finally, the Affordable Housing Preservation Fund provides grants to preserve and rehabilitate naturally occurring affordable housing (NOAH) units, targeting the (<80% AMI population). The committee primarily asked questions about the general efficacy of housing assistance programs. Rep. Hutchings asked which of



*Back to Table  
of Contents*

*Utah League of Cities and Towns*

# GENERAL LEGISLATIVE SESSION

363

the housing bills should take priority. Rep. Briscoe responded that SB 34 will have the largest impact on housing affordability in general. Rep. Gibson implied that the full \$20 million wouldn't be funded. The bill passed 7-4.

Sen. Escamilla presented **SB 225: Homeless Services Provider Amendments** to Senate Health and Human Services today. This bill provides that the Homeless Coordinating Committee may award money from the Homeless to Housing Reform Restricted Account for the purpose of providing medical respite care for homeless individuals and modifies the definition of the term "homeless shelter" by adding the medical respite and emergency shelter language and deleting the 50-bed requirement. The bill passed unanimously.

Rep. Arent successfully shepherded **HB 148: Vehicle Idling Revisions** out of Senate Business and Labor this afternoon. This bill reduces the number of warnings a local highway authority must give to an offender of an idling ordinance from three to one. As always, Rep. Arent is working diligently to equip local government with additional tools to help improve air quality and we thank her for that!

The Senate Natural Resources Committee heard two wildfire-related bills today. First, Rep. Ward presented **HCR 5: Concurrent Resolution Urging Policies That Reduce Damages from Wildfires**. This resolution urges the federal government to pursue policies that allow for easier reduction of excess forest fuel loads, including using prescribed burns and revising the Regional Haze State Implementation Plan to allow for easier permitting of prescribed burns during times of the year with low fire risk. It passed with a favorable recommendation

Second, Rep. Ivory presented **HB 99: Catastrophic Wildfire and Other Public Nuisance Revisions**. This bill provides that, under certain circumstances, the state shall indemnify, defend, and hold a chief executive officer or county sheriff harmless from any claims or damages, including court costs and attorney fees that are assessed as a result of the chief executive officer's or county sheriff's action in abating a catastrophic public nuisance subject to a cap. The committee also passed this bill favorably.

Tomorrow is another full committee day — see below for the schedule of bills we are tracking. And, of course, **HB 320: Container Regulation Act** (Rep. McKell) is still circled on the 3rd Reading Calendar in the House. **If you have not already, please reach out to your representatives and remind them to VOTE**



Back to Table  
of Contents

*Utah League of Cities and Towns*

# GENERAL LEGISLATIVE SESSION

364

**NO on this perfect case study in state government overreach.**

**Finally, two housing-related items for you:**

The Utah Housing Coalition is hosting **Housing Day on the Hill** this Friday, March 8th, from 7:15 to 10:30 a.m. Come mingle with your legislators and talk about housing needs across the state, as well as specific housing bills.

[Register HERE.](#)

And ... it wouldn't be a daily recap without me pushing today's video on how cities are preparing for growth! Check out Mayor Nielson talking about what [Washington City](#) is doing in the midst of southern Utah's population explosion.

## Legislative Daily Recap—March 5, 2019

### Legislative Advocacy

**Maybe you've heard, but the southwest part of Salt Lake County is growing like gangbusters.** Before you get to the recap, check out this [video from Herriman](#) — Council Member Clint Smith explains how the city is acting locally and cooperating regionally to handle the infrastructure challenges that come along with this fast-paced growth.

**Today's update includes HB 119, SB 129, HB 433, HB 305, HB 415, and HB 441.**

**HB 119: Initiatives, Referenda, and Other Political Activities** (Rep. Daw) was substituted on the House floor this evening to reflect the consensus framework on how government entities may communicate with residents regarding the decision that is up for referendum. The House then passed the bill by a vote of 64-7.

**SB 129: Public Safety and Firefighter Tier II Retirement Enhancements** (Sen. Harper) was heard this morning in House Government Operations. The second substitute increases the multiplier rate moving retirement benefits from 37.5% to 50% of salary after 25 years of service. It also increases the employer rate from 12% to 14%, and provides one-time funding of \$5.3 million the first year. The substitute further requires the Retirement and Independent Entities Interim Committee to review:



*Back to Table  
of Contents*

*Utah League of Cities and Towns*

# GENERAL LEGISLATIVE SESSION

365

- modifications under SB 129
- potential funding allocations
- the appropriate share of cost under SB 129
- other relevant issues

Cameron Diehl testified in support of the bill as amended, and emphasized that examining the retirement system and compensation will be a priority for ULCT over the interim. We thank Sen. Harper, Rep. Perry, and the Utah Chiefs of Police Association for working with us on this difficult issue and we look forward to taking a deep-dive into it this summer.

**HB 433: Inland Port Amendments** (Rep. Gibson) was presented to a packed House Economic Development committee this afternoon. The bill was substituted in response to negotiations with the Salt Lake City Council, and Council Chair Charlie Luke testified in support of the bill. On Monday, the LPC took a position to oppose the original version of the bill and we are still working to clarify a few items in the substitute.

Rep. McKell's **HB 305: Post Disaster Recovery and Mitigation Restricted Account** will create a restricted account that cities, special districts, and local districts can access post-disaster. The bill comes along with a \$2,000,000 ongoing appropriation. Senate Government Ops passed the bill favorably.

**HB 415: Local Law Enforcement Structure and Governance Amendments** (Rep. Ray) traveled through committee and out of the House today. This bill, as amended, clarifies the roles of police chiefs and civil service commissions.

**HB 441: Tax Equalization and Reduction Act** (Rep. Quinn) continues to be the subject of lots of discussion and negotiation. We anticipate seeing another substitute bill in the next day or two. Stay tuned!

## Legislative Daily Recap—March 6, 2019

### Legislative Advocacy

This Friday is International Women's Day, and the Utah House of Representatives got a bit of a head start by approving **SJR 7**, which, if voters approve, will update our state constitution by modifying gender-specific terms. The resolution, sponsored by Sen. Diedre Henderson and Rep. John Knotwell, has gotten unanimous support from the Senate and now the House. Take a look at [this article](#) in the Salt Lake Tribune for more on that story.

*Utah League of Cities and Towns*

# GENERAL LEGISLATIVE SESSION

366

Today's update includes **HB 441, HJR 1, HB 31, HB 53, HB 394, HB 315, HB 288, and SB 132.**

We expect to see a new substitute of **HB 441: Tax Equalization and Reduction Act** (Rep. Quinn) that will remove the 18 local options from the bill. In other words, HB 441 would extend state sales tax rates to currently untaxed services but would not extend the 18 local option sales tax rates to currently untaxed services. Roger Tew and Cameron Diehl met with key legislative leaders who explained that they wanted to phase in the state rate over the next 2-3 years and then re-visit the local rates once the state has collected data about the sourcing of the untaxed services. Legislative leaders told us they were concerned about the disparate impacts on cities and counties from changing local sales tax rates, the potential fiscal impact on the bill of the hold harmless formulas during the transition, and the potential impacts on existing bonds. Roger and Cameron had worked with the Utah Association of Counties, Utah Transit Authority, Wasatch Front Regional Council, Mountainland Association of Governments, bond counsel, and others to find consensus on a hold harmless formula during the transition. As a reminder, the LPC voted to support base expansion and work on specific details about rates, formulas, and timing. The discussion over HB 441 is still ongoing and we have not yet seen a new substitute. We expect the House to vote on HB 441 this week and then the Senate will begin their deliberation. In the short term, local rates would continue at the current levels on the current sales tax base. For more, **see this article** in the Deseret News.

We are happy to report that two of the consensus water bills developed this past interim favorably recommended out of Senate Natural Resources this morning. **HJR 1, Proposal to Amend the Constitution (Municipal Water Resources)** (Rep. Stratton), would repeal and reenact Article XI, Section 6 of the Utah Constitution and clarify how a municipality can commit to serve water to customers outside of its jurisdiction. **HB 31, Water Supply and Surplus Water Amendments** (Rep. Coleman) is companion legislation that describes that process and enacts certain reporting requirements. HB 31 will take effect on January 1, 2021 if HJR 1 is passed by the Legislature and approved by a majority of the voters in the next general election. Both bills will now be considered by the full Senate.



Back to Table  
of Contents

*Utah League of Cities and Towns*

# GENERAL LEGISLATIVE SESSION

367

**HB 53: Victim Communications Amendments** (Rep. Snow) passed out of Senate Judiciary today. The bill enacts the Privileged Communications with Victim Advocates Act under Utah Code 77-38-401 and is the product of a task force that met last interim. It distinguishes between a criminal justice system victim advocate employed by a government agency and a non-governmental organization victim advocate. Criminal justice system victim advocates must disclose certain communications to a prosecutor to determine whether the communications are exculpatory or go to the credibility of a witness, or to the extent allowed pursuant to the Utah Rules of Evidence. If the prosecutor determines that the information is exculpatory or goes to the credibility of a witness, the prosecutor must give notice to the victim and the defense attorney and present the communication to the court for in camera review. Criminal justice system victim advocates must—as soon as possible—notify victims in writing that communications with the advocate may be disclosed to a prosecutor and that a statement relating to the incident that forms the basis for criminal charges or goes to the credibility of a witness may be disclosed to the defense attorney.

**HB 394: Pawnshop and Secondhand Merchandise Amendments**

(Rep Hutchings) was heard yesterday in committee. Rep. Hutchings explained that over the past 18 months there were reports from local retail stores that they were experiencing an excessively high volume of theft. The AG’s office and law enforcement embarked on a collaborative effort to review the database of reports filed by pawnshops and secondhand dealers. The review showed a correlation between parties receiving tickets on a regular basis for more than 10 items and arrests that had been made for theft of items from retailers. Dave Davis, Utah Retail Merchants Association, testified that it was estimated there had been tens of thousands if not hundreds of thousands of dollars of items stolen from local retailers. As the law enforcement task force reviewed the stolen items they found items that had not been taken out of the box and some of which still had the security tags on them. A law enforcement strike force was assembled and through the summer of 2018 found between \$1.5 million and \$2 million of stolen merchandise almost exclusively from the parties making frequent transactions at pawnshops and secondhand merchandise stores. HB 394 represents the implementation of actions to curb the theft through enhanced reporting, not accepting items where a serial number has been removed, and not accepting new merchandise. Based on the data, the bill also proposes a 30 day limit of no more than 4 tickets per month and no more than



## GENERAL LEGISLATIVE SESSION

368

10 items per month per customer. This was the only issue that was objected to by the pawnshops as they said it was an impediment to their businesses. The committee voted 9 to 1 to favorably recommend the bill to the House.

Yesterday afternoon, HB 394 was heard on the House floor and Rep. Hutchings made an amendment to remove the restriction on 4 tickets and 10 items per month as law enforcement believes the other enhancements in the bill will allow them to carry out their duties. HB 394 as amended passed 73 to 0.

In land use news, **HB 315: Land Use and Development Amendments** (Rep. Wilde) was passed favorably out of Senate Government Operations after one of the more humorous presentations in the history of land use. This is the Land Use Task Force consensus bill, and should see easy passage through the Senate. **HB 288: Critical Infrastructure Materials (Rep. Wilde)** was pulled off of today's agenda but will likely be considered at the next committee meeting. No major changes in that bill are anticipated.

**SB 132: Beer Amendments** (Sen. Stevenson) was heard today in House Health and Human Services. Utah is one of only two states that allows only 3.2% alcohol by weight beer to be sold in grocery stores. This bill proposes to change the percentage of alcohol by weight to 4.8% because the national brewers are no longer producing or will not produce the lower level for Utah moving forward. Rep. Daw introduced a substitute bill that removes the increase to 4.8% and creates a Beer Task Force to review various policy questions over this interim. The substitute bill passed out favorably and will now be considered on the House floor. If anyone can guess what happens to the bill if it's passed by the House and returned to the Senate in its current form, I'll buy him or her a drink.

## Legislative Daily Recap—March 7, 2019

### Legislative Advocacy

In last night's recap, we told you that we anticipated a substitute tax bill that would remove any adjustment to the local options. Today, we learned that the Legislature was pulling the plug on the whole project, for now. You can read more about it [here](#) and [here](#), but it appears that HB 441 did not have the necessary support to successfully pass in the next 5 business days. Instead, the



Back to Table  
of Contents

*Utah League of Cities and Towns*



# GENERAL LEGISLATIVE SESSION

369

Governor and lawmakers said that they would work to bring stakeholders together over the interim with the goal of passing a holistic tax modernization bill during a special session this summer. ULCT will be at the table as a willing partner and we applaud the efforts of the legislators and other stakeholders for their tireless work on this very complex issue this session.

**In other news (there was some!) today's update includes HB 78, HB 411, HB 353, and HB 151.**

**HB 78: Federal Designations** (Rep. Albrecht) was amended and passed out of Senate Natural Resources today. As amended, the bill requires a government entity to notify the natural resources interim committee before advocating for a federal lands designation within the state. It does not, however, give the committee the authority to prohibit the government entity from advocating or otherwise require it to report back. It also doesn't apply if a political subdivision is advocating for a designation that is less than 5,000 acres. This is a major improvement over the original form of this bill.

**HB 411: Community Renewable Energy Act** (Rep. Handy) favorably passed out of House Public Utilities this afternoon. This bill is the product of three years of study and work by Salt Lake City, Park City, and Rocky Mountain Power. Other cities across the state are interested in transitioning to 100% renewable energy, and this bill sets up the framework to make that happen. It authorizes RMP to make investments in clean energy without shifting costs to other ratepayers. If a local government chooses to participate, individual customers can opt out and maintain standard service and prices. The committee approved the bill 7-4.

**HB 353: Reduction of Single Occupancy Vehicle Trips Pilot Program** (Rep. Briscoe) creates a temporary (three year) pilot program for fare-free days on UTA transit. UTA spoke in support of the bill as did the Air Quality Board. The bill passed 3-1.

**HB 151: Traffic Flow Amendments** (Rep. Ivory) would create an affirmative defense for an individual who proceeds through a red light if no one is around and the individual has waited 90 seconds. UDOT's Linda Hull spoke against bill, using engineering studies to demonstrate that line of sight was insufficient in many cases for drivers to make an informed decision. Val Shupe spoke in opposition on behalf of the Chiefs of Police and LELC. He added that drivers cannot prove how long they waited and it will be a mess for law enforcement. Ogden Assistant City Attorney Mark Stratford testified against the bill on behalf

# GENERAL LEGISLATIVE SESSION

370

of ULCT. He stated that this bill takes away judicial discretion because they're bound to the affirmative defense. The bill failed in committee.

Tomorrow is pretty packed — it will be the last day most committees meet this session — so don't forget to tune into our [CitiesWork podcast](#) on your way home tomorrow night. **Do you have specific questions about bills, trends, or issues? Send them to us (Rachel or Cameron) by noon tomorrow and our legislative team will do our best to answer them on the podcast.** Ask us anything! Within reason!

Finally, before you finish up your late-night social media binge session, check out this great video from [Vineyard Mayor Julie Fullmer](#) on how one of the fastest-growing cities in the state is preparing for growth and streamlining permitting processes. Then go to bed.

## Legislative Daily Recap—March 11, 2019

### Legislative Advocacy

**Welcome to the last week of the 2019 General Session!** In the wake of last week's breakdown of the tax reform process, the House and Senate are apparently trying to get on the same ledger sheet and pass a budget. Today the [House unveiled a "skinny" budget proposal](#) in the form of HB 3 (passed by the House tonight) which [leaves about \\$400 million unspent](#) that could later be appropriated during a special session. Meanwhile, the Senate's plan leaves all but \$75 million unspent. Work is ongoing to try to [avoid an impasse](#) and the next few days should be interesting.

Today was the last day for committee hearings and both bodies cleared the board of all bills they hope to be considered by the other house. **Tonight's update includes HB 320, HB 466, HB 119, HB 411, HB 382, and HB 295.**

Rep. McKell made a motion to uncircle [HB 320: Container Regulation Act](#) tonight, which was met with loud boos and laughs from the most of the House. After being shut down on a voice vote, Rep. McKell made a second pitch and a roll call vote was taken with the same result — the bill remained circled on a 43-32 vote. Thanks to all of you for your efforts on this bill and thank you to all the members of the House who stood up for local control and voted to keep this bill in the bag! Let's hope it doesn't end up in the recycling. (Sorry, couldn't resist.)



# GENERAL LEGISLATIVE SESSION

371

**HB 466: Firefighter Retirement Amendments** (Rep. Last) passed unanimously out of the House tonight. This bill makes the technical changes necessary to ensure that the state appropriates the necessary amount to fund the firefighters' retirement system.

**HB 119 (4th Sub): Initiatives, Referenda, and Other Political Activities**

(Rep. Daw) passed favorably out of Senate Government Operations today on a 5-1 vote. This bill is the culmination of 2 years of work by Rep. Daw, ULCT, and many other stakeholders and we will be working to ensure it crosses the finish line this year.

**HB 411: Community Renewable Energy Act** (Rep. Handy) favorably passed out of the House this evening on a vote of 48-24 and will now move to the Senate. This bill sets up the framework to allow Rocky Mountain Power to provide 100% renewable energy to cities and authorizes RMP to make investments in clean energy without shifting costs to other ratepayers. If a local government chooses to participate, individual customers can opt out and maintain standard service and prices.

**HB 382: Resort Communities Tax Amendments** (Rep. Strong) was shepherded through Senate Revenue & Taxation today thanks in large part to Roger Tew. This bill increases the number of notices the State Tax Commission must send to a city to alert it that it no longer qualifies to levy the Resort Communities Tax.

**HB 295: Vehicle Emissions Reduction Program** (Rep. Stenquist) is based on a pilot program in Cache Valley to replace older polluting cars with newer vehicles. Tier 1 vehicles only make up about 19% of the cars on the road but account for 60% of vehicle emissions. This bill includes a sliding incentive based on income, and according to the sponsor, can be scaled based on the appropriation. It passed out of Senate Transportation with a favorable recommendation.

Finally, if you missed our last LPC of the session today, you can check out the [materials here](#) and the [Prezi here](#). As we head down the home stretch, please make sure you reach out with any questions or concerns. Three more days!





# GENERAL LEGISLATIVE SESSION

372

## Legislative Daily Recap—March 12, 2019

### Legislative Advocacy

**After a tense few days, the House and Senate finally reached a deal** on the budget. The Legislature has now agreed to fully fund the state budget this year, with the catch that \$234 million in ongoing funding will be designated as one-time funding instead. This approach is intended to bring the Legislature, other stakeholders, and the general public to the table over the interim to negotiate on tax modernization and reform, with the goal of holding a special session in the fall. For more on today's events, see the [Salt Lake Tribune](#) and the [Deseret News](#).

A key component of the budget compromise is embodied in **HB 495: Tax Restructuring and Equalization Task Force** (Rep. Schultz), which was made public at 5:10 p.m. today and voted out of the House unanimously about 25 minutes later. Membership comprises five representatives and five senators, with one member from each body being from the minority party. The Speaker of the House and the Senate President also each have the option to appoint a non-voting member who is not a legislator. As presented by Rep. Schultz, the task force will study state and local revenue systems to address the structural imbalance in the tax system. It must solicit public feedback and report on progress during interim sessions in June and August. Based on our conversations with legislators, we anticipate that the task force will be exploring property tax, sales tax on food, sales tax base expansion including currently untaxed services and the impact on state and local rates, and the constitutional mandate to dedicate income tax to education. ULCT will be active participants in this process. You can see our long-standing tax principles [here](#).

In other news, the House overwhelmingly voted to pass **SB 103: Victim Targeting Penalty Enhancements** (Sen. Thatcher). Sen. Thatcher and others have spent years working on and refining this bill, and tonight's hour-long debate was emotional at times. The bill provides for an enhanced penalty for a criminal offense if it can be proven that the offender targeted the individual because of ancestry, disability, ethnicity, gender, gender identity, national origin, race, religion, sexual orientation, and after an amendment on the house floor, political affiliation. The bill also specifies that it does not impact an individual's constitutional rights of free speech or anything else. It will go back to the Senate for concurrence and Governor Herbert has indicated that [he looks forward to signing it](#).

# GENERAL LEGISLATIVE SESSION

373

Finally, while many bills were flying through the House and Senate today, with two full days left, we still have priority bills we will be working to get over the finish line. At this point, **SB 129 (Tier 2 retirement for public safety)** and **SB 34 (Affordable Housing Modifications)** are both awaiting potential appropriations.

**Keep an eye out for action alerts from us on these and other key bills over the next 48.5 hours!**

## Legislative Daily Recap—March 13, 2019

### Legislative Advocacy

The 44th day of the 2019 Session began with weather that felt more like the fourth day of the session, but there are sunny skies ahead as we approach day 45!

**Today's update includes HB 495, HB 433, HB 305, SB 52, SB 132, SB 34, and SB 129.**

**HB 495: Tax Restructuring and Equalization Task Force** (Rep. Schultz) was amended in the Senate today to add the ability for both the House and the Senate to add up to two non-voting, non-legislator members. Both must take into consideration the recommendations of the governor and the level of tax expertise of the appointee. It passed out of the Senate on partisan lines and will head back to the House for concurrence.

**HB 433: Inland Port Amendments** (Rep. Gibson) was also amended by Sen. Buxton today to remove the language that prohibited a political subdivision from bringing a legal challenge against the port authority without approval from the legislative or governing body. We support the amendment and the House concurred.

**HB 305: Post Disaster Recovery and Mitigation Account** (Rep. McKell) passed the Senate today after the funding was reduced from \$2,00,000 to \$300,000 ongoing. It otherwise maintains the ability for a community affected by a disaster to apply for grants toward reconstruction costs. It now goes back to the House for concurrence.

**SB 52 5th Sub: Secondary Water Requirements** (Sen. Anderegg) was vigorously debated on the House floor tonight, despite being very watered down, in the words of floor sponsor Rep. Hawkes. The bill now requires metering only for new construction of residential, commercial, industrial, or institutional

# GENERAL LEGISLATIVE SESSION

374

pressurized secondary water starting in April 2020. Pressurized secondary water suppliers will also need to develop a plan to submit to the Division of Water Resources by December 31, 2019 that describes the cost to fully meter and how long it would take to implement, and annually report on the number of connections and total volume of water served. The bill also makes \$10 million in low-interest loans available each year to finance metering, and requires the Department of Natural Resources to study cost, timing, and need for exemptions for secondary metering by November 2019. The bill passed the House 52-20. We greatly appreciate the amount of time Sen. Anderegg and Rep. Hawkes have spent listening to our concerns on this bill and working toward good policy.

**SB 132: Beer Amendments** (Sen. Stevenson) was substituted and passed out of the House this evening and will return to the Senate for concurrence. The substitute reflects compromise language and maintains the mandate for a task force to study, by October 31, 2019, the impacts of increasing the alcohol content of beer, while also increasing the allowable alcohol by weight of beer to 4% beginning November 1, 2019. Legislators and spectators alike were hopped up for the debate, but in the end, the bill passed without stout resistance, 61-14.

Finally, with one day left, we still have priority bills to pass! **SB 129 (Tier 2 retirement for public safety)** and **SB 34 (Affordable Housing Modifications)** are both awaiting potential appropriations. Check out our priority bill list below for a complete list of our last priorities and where they are on the board.

## Legislative Daily Recap– March 14, 2019

### Legislative Advocacy

**The legislative session is kind of like parenthood — the days can be long but the weeks seem to fly by. Just like that, it’s suddenly the end of Day 45 (or 46, if you’re really counting).**

Even though the Senate and the House both gaveled out early, today saw a lot of action and we are pleased to report that all of our priority bills were passed. Here’s a quick summary of some highlights:

One of our top-priority bills, **SB 34 (Affordable Housing Modifications)**, passed the House tonight on a 58-14 vote. Unfortunately, all of the funding to the Olene Walker Housing Loan Fund was stripped in the process. We look forward



## GENERAL LEGISLATIVE SESSION

375

to continuing our work on the Commission on Housing Affordability this interim and hope that the focus will be on meaningful funding for this state priority.

**SB 129 (Public Safety and Firefighter Tier 2 Retirement Enhancements)** was amended and passed today as well. Because of the budget situation, legislative leadership agreed to delay the implementation of the new retirement benefit until July 2020. There is no fiscal impact on employees or employers this year, but the interim study into public safety retirement will continue as planned.

Other key bills passed today:

**HB 425 (Local Government Officer Bonding Amendments)**

**HB 119 (Initiatives, Referenda, and Other Political Activities Act)**

**HB 382 (Resort Communities Tax Amendments)**

**HB 288 (Critical Infrastructure Materials)**

**HB 411 (Community Renewable Energy Act)**

We are already at work on our annual legislative wrap up book in which we summarize every bill that you need to know about. And of course, we'll deep-dive into many of the bills and issues at Midyear, as well as take some land use and moderate-income housing training on the road.

**Finally and most importantly, we want to send a huge thank you to the entire ULCT family and extended family. We had a successful session thanks to all of your hard work!**

Thank you and goodnight!





# GENERAL LEGISLATIVE SESSION

376

## Friday Facts

---

### Friday Facts—January 11, 2019

Greetings,

Last week we celebrated Utah's birthday as a state in 1896. Later that year, Utah residents elected Martha Hughes Cannon to the Utah State Senate—picking her over her husband, by the way—where she became the first female state senator in US history. She took office 122 years ago today and, thanks to SCR 1 in last year's legislative session, you'll be able to visit her statue in the US Capitol in 2020!

In other news, today's email will recap LPC and our legislative outreach including the Transportation Task Force, outline upcoming LPC meetings, Local Officials Day, and the 2019 training calendar, and spotlight Officer Joseph Shinnners and newly minted Mayor Brent Chugg.

### Legislative Advocacy

LPC 2019 kicked off on Monday with our commitment to make these meetings more productive and interactive so that we can ensure we are representing your interests at the Capitol to the best of our abilities. We also talked specifically about proposed secondary water metering legislation (that bill has since been numbered as SB 52) and public safety retirement. If you missed it, see the presentation here and the agenda and materials here. LPC will begin weekly Monday meetings at noon on February 4th in Senate Room 210. Check out the bill tracker and join us on Week 2 of the session!

Team ULCT had a busy week of outreach preparing for the session. 1st Vice President and Spanish Fork Council Member Mike Mendenhall led a ULCT delegation to meet with Senate President Stuart Adams to chat about league priorities. Your correspondent and Rachel Otto spent a day in sunny St. George meeting with mayors, city managers, and the legislative Sunshine Caucus. For the record, a winter day in St. George was a beautiful nearly 60 degree day!!! We wanted to stay indefinitely.

### Transportation Task Force

The likely final 2018 interim committee met today—sadly, no summer vacation for us—to discuss potential legislation to build on last year's SB 136. We provided feedback to address concerns about counties with transit entities



*Back to Table  
of Contents*

*Utah League of Cities and Towns*





# GENERAL LEGISLATIVE SESSION

377

outside of UTA. Between Monday and today, we successfully resolved our concerns and the committee favorably recommended the bill. Let the 2019 session begin!

## Spotlight

This week's spotlight shines on two outstanding individuals truly committed to the service of their respective communities.

### Mayor Brent Chugg, North Ogden

We congratulate Brent Chugg who was elected by the North Ogden City Council this week to permanently fill the term of mayor. Mayor Chugg was appointed temporary mayor during the military deployment of Mayor Brent Taylor, who was killed in action in Afghanistan in November. Mayor Chugg was raised on a small family farm operation in Cache Valley. His professional career has been in the food production business for Del Monte Corporation and the LDS Church Welfare Program. He served for 5 years on the Utah State Governor's Agriculture Advisory Board. He was the project manager for the North Ogden public works complex. He and his wife Myrl have 5 sons and 16 grandchildren. They've lived in North Ogden for more than 40 years.

### Officer Joseph Shinnners, Provo

With great sadness, we honor Provo Police Officer Joseph Shinnners who lost his life on duty Saturday. He was pursuing a wanted fugitive when he was shot but the suspect. Officer Shinnners had worked with Provo Police for 3 years, and loved his job. Colleagues say he had a soft spot for people and his first priority was his family. He leaves behind a wife and 1-year-old son. We extend our deepest condolences to our Provo friends and Officer Shinnners' family. We are so fortunate to have dedicated law officers working for our communities like Officer Shinnners to protect and defend our freedom and safety.

## Friday Facts—January 18, 2019

Greetings!

Happy Martin Luther King, Jr. Day weekend! Courtesy of the voters who changed the Utah Constitution in 2008, your correspondent and your legislative team can actually enjoy the holiday weekend. We can't enjoy it too much though—lawmakers have already **opened** more than 1,100 bill files! Yep, we are disheartened too. Today's email will update you on the 2019 Economic Outlook,



*Back to Table  
of Contents*

*Utah League of Cities and Towns*

# GENERAL LEGISLATIVE SESSION

378

discussions about the sales tax base, link to this week's ULCT column in Utah Policy, remind you about Local Officials Day, and spotlight Tooele Mayor Debbie Winn.

Hot off the online presses: did you **read** the ULCT column about how residents trust you as local leaders to plan for growth? Your correspondent and ULCT President and St. George Mayor Jon Pike co-authored it. Read it, like it, share it, tweet it. We need you to tell the story to your legislators and residents. More to come at Local Officials Day on January 30 so **register now!**

## **Legislative Advocacy** **2019 Economic Outlook**

Governor Gary Herbert presented at today's 2019 Economic Outlook and Public Policy Summit. ULCT staff attended the event. You can see the full report **HERE** and the highlights **HERE**. Economists from the Governor's office, the private sector, and the Kem C. Gardner Policy Institute projected steady but softening growth in 2019 and discussed potential impacts on Utah of federal policy (i.e. trade, shutdown) and financial conditions. The Summit also addressed housing affordability, transportation, air quality, and other critical policy issues.

## **Sales Tax Base**

The Governor then outlined his proposal to expand the state sales tax base to include currently untaxed services. He explained that the state tax structure is unsustainable long-term because of how untaxed services have replaced goods in the economy. For example, it was not that long ago that your correspondent bought a CD in order to listen to music and I (or my parents) would have paid sales tax on that CD. Now, we download that same music and don't pay sales tax on it. He recommended that legislators take advantage of strong economic conditions—"make hay while the sun shines"—and expand the sales tax base and lower the rate.

Keep in mind that local government shares the same sales tax base (with a notable exception about food) as the state for our 1% and for other local rates such as county options for transportation. As such, any state sales tax base expansion would impact local government revenues. Later, during a panel discussion on legislative priorities, Rep. Mike Schultz indicated his desire to change the longstanding 50-50 formula (50% point of sale, 50% population) for our 1%.



*Back to Table  
of Contents*

*Utah League of Cities and Towns*



# GENERAL LEGISLATIVE SESSION

379

For a quick but interesting read about the sales tax base expansion discussions, check out this article.

## Spotlight

In this week's spotlight, meet the mayor of Tooele, **Debbie Winn**. She defines her objective as mayor in one word: service. Mayor Winn feels strongly about the role women can play in serving Utah communities with strength and compassion. Hear her thoughts about the difference she hopes to make as Tooele city's leader in our special ULCT video series "*Meet the Mayors*."

## Friday Facts—January 25, 2019

Greetings! Who is the best college basketball team in the state, you ask? How about the University of Utah Lady Utes! They are ranked for the first time since 2008 with battles looming with three top ten opponents in the next fortnight. Go Utes!

Speaking of looming battles, the legislature starts Monday which will be Roger Tew's 41st session. Who's counting? We are excited to host you on Wednesday for Local Officials Day at the Capitol (details here) and urge you to engage meaningfully with us through midnight on March 14. Today's email will outline how to engage, update you on the Commission on Housing Affordability, spotlight Local Officials Day, and highlight upcoming trainings and grant opportunities.

First, on engagement, we appreciate Spanish Fork's efforts to engage through a Utah Policy Op-Ed earlier this week. Council Member Mike Mendenhall explained how his city is looking toward future growth keeping the historic values of the city front and center. Please take a moment to read his commentary, like it, share it, and retweet it. We want to tell stories from all Utah cities and towns about how cities work to prepare for growth. We want our residents and our state lawmakers to learn about our efforts. If you are interested in similarly telling your story, we invite you to reach out to us

## Legislative Advocacy

**The Commission on Housing Affordability met today** to discuss SB 34 (Affordable Housing Modifications) and the substitute version that will soon be public. As a reminder, SB 34 further defines the "menu of options" cities can incorporate into the Moderate Income Housing plans, streamlines the reporting

## GENERAL LEGISLATIVE SESSION

380

requirement, and ties MIH compliance to eligibility for Transportation Investment Fund and Transit Transportation Fund (TIF and TTIF) dollars. LPC endorsed SB 34 in December because it promotes smart growth and emphasizes the transportation-land use connection. ULCT has been working with the Commission chairs, Sen. Anderegg, Rep. Potter, and Rep. Briscoe, as well as other stakeholders, to ensure that the bill captures the maximum amount of flexibility for the strategies cities can use, while also ensuring that we are taking meaningful action toward improving housing affordability. The development community and the Salt Lake Chamber made an effort to remove the TIF eligibility nexus in the bill, claiming that it does not go far enough in making cities comply with the MIH requirements. They argued that the state should instead penalize cities by withholding Class C road funds. Fortunately, the Commission voted to maintain TIF eligibility and rejected that proposal. The bill will now move on to be considered by the Legislature.

**2019 Session Logistics:**

- Join us at LPC every Monday starting February 4th. We'll meet at noon in Senate Room 210 and we'll webcast via Zoom as usual.
- Local Officials Day is January 30th, and we'll hold a legislative briefing at the Salt Palace at 10:45.
- Check out our [bill tracker](#) and provide feedback.
- Look for our daily recap emails giving you each day's blow by blow!

No doubt it will be an exciting session and a lot will happen in the next 48 days! Thank you for your continued participation in ULCT — our strength is our membership.

**Friday Facts—February 1, 2019**

Greetings,

First things first: Rudy Gobert should be an All-Star. Watch out NBA—hell hath no fury like Gobert scorned! Second things second: thanks for joining us for a successful Local Officials Day this week and check out the #LOD2019 spotlight below. Today's email will also introduce our new *Cities Work* podcast with a legislative update, preview next Monday's LPC, and link to our daily videos about how cities are preparing for growth.



*Back to Table  
of Contents*

*Utah League of Cities and Towns*

# GENERAL LEGISLATIVE SESSION

381

## Legislative Advocacy

### ULCT *Cities Work* Podcast

Check out the first ever episode of the ULCT *Cities Work* Podcast! The podcast will cover important legislative updates from the week and preview what staff expects to happen the following week.

[LISTEN NOW](#)

### LPC MONDAY

Monday marks the first LPC of the 2019 general session. LPC will meet at noon in Room 210 of the Senate Building. If you can't make it up to The Capitol, you can participate via Zoom:

- <https://zoom.us/j/5595487556>
- Or
- Dial (929) 205-6099 and enter meeting ID: 559 205 6099 (without spaces)

You can view the [LPC AGENDA HERE](#)

### Cities Planning for Growth

Local governments across Utah are working hard to plan for growth in their communities. Several local officials have shared what they're doing in their respective cities. Check out their excellent videos below.

- ["Utah Cities Working to Prepare for Growth"](#)
- ["St. George Works to Plan for Growth"](#)
- ["Salt Lake City Works to Address Housing Affordability"](#)

### Spotlight

It was great to see so many of you at Local Officials Day this year and we hope you enjoyed the new format for the event. More than 800 people attended the event which included breakfast, break-out sessions, the Capitol Quest challenge, the traditional mock committee hearings, a legislative briefing, lunch with Governor Herbert, Executive Director Clint Betts of Silicon Slopes, ULCT President Jon Pike and your correspondent, AND free tickets to the Tech Summit at the Salt Palace. Whew! We hope it was also a chance to build valuable connections between youth council members, Utah's municipal leaders, and our state legislators. For our spotlight today, we share a photo album on our Facebook page highlighting the event. Thanks for joining us and we look forward to another successful event next year!



*Back to Table  
of Contents*

*Utah League of Cities and Towns*

# GENERAL LEGISLATIVE SESSION

382

## Friday Facts—February 8, 2019

While Boston cheers yet another Patriots title (yawn), **Ogden knows how to honor a football team**. They take #weareweber seriously in O Town!

Meanwhile, Team ULCT had a busy week at the Capitol and the heavy lifting on sales tax, housing, and more is still to come. Join us at LPC on Monday to learn more and engage. You are needed now more than ever! Today's email will also link to this week's podcast, Ogden Mayor Mike Caldwell's column in Utah Policy about how they are planning for the future, our daily videos about how cities are addressing housing affordability and population growth, and a spotlight of mayors and council members addressing growth and housing affordability in their communities.

### Legislative Advocacy

#### ULCT Cities Work Podcast:

##### *"A Tale of Two Sessions"*

Check out this week's episode of the ULCT Cities Work Podcast! The podcast will cover important legislative updates from the week and preview what staff expects to happen the following week.

### LISTEN NOW!

#### LPC MONDAY

Join us for LPC on Monday at noon in Senate 210. If you are joining online, we are making every effort to ensure that we have a better mic system this week. To join via Zoom:

- <https://zoom.us/j/5595487556>
- Or
- Dial (929) 205-6099 and enter meeting ID: 5592056099 (without spaces)

You can view the **LPC AGENDA HERE**, and review last week's **minutes here**.

### Cities Planning for Growth

Local governments across Utah are working hard to plan for growth in their communities. Several local officials have shared what they're doing in their respective cities. Check out their excellent videos below.

- **"Utah Communities Prepare for Growth"**
- **"St. George Works to Plan for Growth"**
- **"Salt Lake City Works to Address Housing Affordability"**



# GENERAL LEGISLATIVE SESSION

383

## Spotlight

Today we shine the spotlight on our wonderful mayors and council members who are strategically working to address growth and housing affordability in their communities. We have begun our video series giving city leaders across the state an opportunity to share some of the many efforts they are making to prepare for growth. We invite you to listen to these short videos and hear ideas for smart growth. If you'd like to share your own story, we invite you to speak to us on Monday at LPC or contact Susan Wood to set up an appointment. And please, share these videos on your city's website, Facebook, and Twitter pages so all may see that **Cities Work!**

## Friday Facts—March 15, 2019

Greetings,

Happy Washington and Lincoln Day weekend! Your correspondent looks forward to reading bills on his couch instead of at the Capitol. Remember: no LPC on Monday! While you are skiing or doing something fun this weekend, remember to attend your local legislative town halls and talk to your legislators.

At town halls, here are our two requests of you. First, ask your legislators about sales tax reform and how local government fits into the reform effort. Expanding the sales tax base to include currently untaxed services is good policy. We as cities and counties share the same base as the state and we impose 19 local options. We are asking how our local rates and formulas (i.e. the 50% population and 50% point of sale for the 1% local option that all cities and towns impose and rely on) will be impacted.

Second, tell legislators that ULCT supports SB 34 as is (3rd sub). The bill will integrate state transportation investment with local planning, including planning for a variety of housing. The bill will be in the House next week and we expect attempts to amend it to punish cities. Cities don't build housing but we plan for housing and transportation and SB 34 3rd Sub will incentivize better planning.

## Legislative Advocacy

**ULCT Cities Work Podcast:**



*Back to Table  
of Contents*

*Utah League of Cities and Towns*

# GENERAL LEGISLATIVE SESSION

384

## “Behind the Scenes on Week 3”

Check out this week’s episode of the ULCT Cities Work Podcast! The podcast will cover the behind the scenes discussions on SB 34 (housing), HB 288 (gravel pits), and tax reform. **[LISTEN NOW!](#)**

### **THERE WILL BE NO LPC MONDAY, FEBRUARY 18th**

Instead, join ULCT for a Zoom call on **Wednesday (2/20) at 10:00 AM** for updates on key issues and to have your questions answered by staff. The Zoom link and call number for this meeting will be the same as LPC.

- To join by computer - <https://zoom.us/j/5595487556>
- To join by phone - Dial **(929) 205-6099** and enter meeting ID: **559 548 7556** (without spaces)

Finally, please read and share the Utah Policy op-ed written by Salt Lake Council Member Erin Mendenhall and Cedar Hills Mayor Jenney Rees about how their unique cities are taking steps to prepare for future housing and infrastructure needs. “Cedar Hills to Salt Lake City” demonstrates there is no one-size-fits-all solution to growth issues.

### **Spotlight**

Once again this week, we shine the spotlight on the leaders of our cities and towns who work with determination to prepare for growth! Listen to the mayors and council members from Richfield, West Jordan, and Santa Clara explain the efforts their cities are making to address housing and other growth-associated issues. Then, share these videos with your legislators and your residents so that they can be made aware of the amazing efforts by local leaders in Utah. You can also view all of the growth videos **[HERE](#)**

### **Friday Facts– February 22, 2019**

Greetings,

There are now just two Fridays left in the 2019 legislative session! Your correspondent and your legislative team are excited to see you on Monday at LPC where we will host Rep. Tim Quinn, who is one of the architects of the sales tax reform effort. Join us at noon in Senate 210. The LPC agenda is **[here](#)**.

Check out today’s **[Salt Lake Tribune editorial](#)** about bills that impact local government and listen to our podcast about some of those very bills. Likewise,



*Back to Table  
of Contents*

*Utah League of Cities and Towns*





# GENERAL LEGISLATIVE SESSION

385

check out the spotlight on three of our cities and how they are preparing for growth. You can see the full video series on our Facebook page — don't be shy about liking and sharing!

## Legislative Advocacy

### ULCT *Cities Work* Podcast:

**Week 4: *The Politics of Preemption*** Check out this week's episode of the ULCT *Cities Work* Podcast! Cam and Rachel chat about bills that could preempt local government and how we've pushed back. **LISTEN NOW!**

## LPC on Monday, February 25th

Join us on Monday at noon in Senate 210 for a discussion on tax reform with Rep. Quinn, updates on secondary water and Tier 2 retirement, and so much more! Or join via Zoom:

- To join by computer - <https://zoom.us/j/5595487556>
- To join by phone - Dial **(929) 205-6099** and enter meeting ID: **559 548 7556** (without spaces)

## Spotlight

Today's spotlight features three city leaders who are participating in our campaign to highlight how cities work to prepare for growth. More than 40 mayors and council members have participated in this effort, which will spread the word about the high priority in our communities to plan for growth and address housing affordability. We encourage you to check out more of these short videos on our website and share with your legislators and residents to demonstrate our willingness, work, and dedication to use the keys we hold to prepare for growth.

## Friday Facts—March 1, 2019

We have only one Friday left in the 2019 legislative session! Last Friday, your correspondent was part of the clue of Utah Policy's weekly trivia contest. Doesn't everyone know that your correspondent is a proud Murray kid!?

On Wednesday evening, the long-awaited sales tax expansion bill arrived and



*Back to Table  
of Contents*

*Utah League of Cities and Towns*

# GENERAL LEGISLATIVE SESSION

386

the House Revenue and Taxation Committee endorsed it today. We will have more details on Monday at LPC (agenda and info below). Today's email will update you on other legislative happenings and spotlight several cities who are preparing for growth.

## Legislative Advocacy

### ULCT Cities Work Podcast: Week 5

Check out this week's episode of the ULCT *Cities Work* Podcast! We discuss where policy ideas meet financial realities.

Wednesday night brought fireworks at the Capitol as the legislature unveiled the sales tax expansion bill (**HB 441**) and your correspondent co-presented on the local referendum and initiative bill (**HB 119**). Join us on Monday for LPC for an update on both bills. For more information on the tax bill and what it could mean for local government, check out Roger Tew's write up in last night's **daily recap**. You can also see the handouts from last week's LPC on tax policy (pre-dated the bill) and the long-standing ULCT resolution on tax policy. Speaking of LPC, we need to revisit the Tier 2 retirement for public safety bill (**SB 129**) and check in on other key issues in the final fortnight. You can see last week's minutes and Monday's agenda **HERE**.

Meanwhile, the **ULCT Cities Work podcast** hit week 5 and today we discussed the intersection of when policy ideas meet financial realities. We discussed sales tax, housing, secondary water, and Tier 2 retirement benefits for public safety.

## LPC on Monday, March 4th

Join us on Monday at noon in Senate 210 for a continued discussion on Tier 2 retirement, and other key issues. Or join via Zoom:

- To join by computer - <https://zoom.us/j/5595487556>
- To join by phone - Dial **(929) 205-6099** and enter meeting ID: **559 548 7556** (without spaces)

## Spotlight

Today we are spotlighting mayors and city managers from Clearfield, Washington Terrace, Layton, and North Salt Lake discuss the efforts their cities are making to address housing and other growth-associated issues. Growth and

*Utah League of Cities and Towns*

# GENERAL LEGISLATIVE SESSION

387

housing affordability is a high priority and more than 40 mayors and council members across the state are helping us spread our campaign. Check out our Youtube channel to hear how other officials are preparing. Then, share the videos with your legislators and residents so they can become aware of the hard work of their peers.

## Friday Facts—March 8, 2019

Happy final Friday of the session! With the postponement of the tax bill until the interim, your correspondent and Roger Tew are aimlessly wandering the halls of the capitol trying to figure out what to talk about. College basketball, anyone? In the meantime, the rest of Team ULCT is diligently tracking the remaining more than 300 bills and resolutions and you can register now for the Midyear Conference in sunny St. George.

### Legislative Advocacy

#### [ULCT Cities Work Podcast:](#) [Week 6](#)

Check out this week's episode of the *ULCT Cities Work Podcast*!

This week has been a roller coaster on Capitol Hill. On Monday, Professors Tew and Diehl explained the sales tax reform bill (HB 441) and the LPC deliberated about it for more than an hour. The LPC endorsed the expansion of the sales tax base and urged staff to keep working to address short term questions and create a framework for a productive interim discussion about sales tax. On Tuesday, we learned that HB 441 would only levy the state sales tax rate on the expanded sales tax base and would re-visit the 18 local option rates on the expanded sales tax base in the future. On Thursday, Governor Gary Herbert and legislative leadership announced that they would hold HB 441 for future deliberation during the interim. Please plan on engaging with ULCT this interim about sales tax policy, starting this spring at the Midyear Conference.

Meanwhile, the ULCT [Cities Work podcast](#) hit week 6 and we answered some hard-hitting questions about the legislature from our faithful readers.





# GENERAL LEGISLATIVE SESSION

## LPC on Monday, March 11th

Join us on Monday at noon in Senate 210 for a continued discussion on key issues. Or join via Zoom:

- To join by computer - <https://zoom.us/j/5595487556>
- To join by phone - Dial **(929) 205-6099** and enter meeting ID: **559 548 7556** (without spaces)

## Spotlight

We're excited to open registration for our Midyear Conference! The 2019 conference will be at the Dixie Center in St. George April 24-26 and you can register by clicking [here](#). We're adding top notch speakers to our line-up to provide a fantastic agenda which we'll reveal soon. We'll feature caucus discussions so you can weigh in with similar cities and towns on the unique issues that you face in your own communities. We're also hosting a Women in Local Government event with guest speaker Holly Richardson, columnist for the Salt Lake Tribune.

You can sign up for several mobile tours including:

- a chance to ride a bike or e-scooter with Mayor Jon Pike,
- tour the largest Emergency Operations Center in Washington County and learn about emergency management issues,
- visit the city's new **nationally-renowned mountain bike park**- an economic tool for the city,
- or see some fantastic examples of xeriscaping to conserve water.

Thursday night's dinner and entertainment will feature the popular **Bar J Wranglers**.

And the entire event will kick off Wednesday evening with a chance to greet your colleagues and friends at a barbecue in the park complete with great food, music, and maybe a dunk tank!





# GENERAL LEGISLATIVE SESSION

389

## Friday Facts—March 15, 2019

### And that's the way it is.

The legislative March Madness has ended and the basketball March Madness is about to begin! First things first: since the Cougars and your correspondent's Utes honored their annual tradition of flaming out early in Vegas, Team ULCT is all in with Roger Tew's Aggies!

Second things second: Team ULCT had a successful session with our record number of 358 bills and resolutions tracked and several appropriation requests. Your correspondent is grateful for and proud of our tremendous legislative team—Rachel Otto, Roger Tew, John Hiskey, Wayne Bradshaw, Karson Eilers, and Rebecca Ward—for their tireless efforts. Thanks to all of you who advocated to legislators, provided us with insight about bills, and engaged in the legislative process. Likewise, thanks to our extended family of managers, attorneys, and partners who joined us regularly on the Hill for your time, insight, and support. The strength of the League is our membership! We also thank the Utah State Legislature, Governor Gary Herbert, and their teams for their responsiveness to and collaboration with ULCT.

Today's email will briefly hit the highlights from this week, outline upcoming legislative trainings and resources, and spotlight the NLC Congressional City Conference that your correspondent and many Utah city leaders attended this week in Washington, DC.

### Legislative Advocacy

#### ULCT Cities Work Podcast: Memories of the Session

Check out this week's episode of the ULCT *Cities Work* Podcast!

Team ULCT was working right down to the gavel last night and Rachel Otto's daily email referenced the many bills we got across the finish line on Day 45. Did you miss one of Rachel's punny daily emails? Don't fret, because in the upcoming weeks Team ULCT will prepare our wrap up of all bills that impact local government which will include all of the daily emails and LPC minutes. Additionally, we will prepare our annual cheat sheet of bills that require urgent municipal action and hit the road to provide trainings and legislative updates at conferences, COG meetings, and more. We have scheduled workshops on



*Back to Table  
of Contents*

*Utah League of Cities and Towns*



# GENERAL LEGISLATIVE SESSION

390

Saturday, March 30 and Tuesday, May 14 about land use, housing, and referendum and we will schedule more videos or other presentations. Let us know if you want a specific training or update.

On a fun note, check out this week's edition of the [Cities Work podcast](#) where Team ULCT and the ULCT extended family share some favorite memories from the 2019 legislative madness.

The centerpiece of our 2019 legislative recap will be the [Midyear Conference](#) in sunny St. George on April 24-26. Midyear will also be the official jump off into the 2020 legislative season! Last year, we dedicated time at Midyear to plan our interim engagement on water law and housing policy. Those efforts which began at Midyear manifested themselves in a trio of water bills (HB 31, SB 17, HCR 1) and a housing and planning bill (SB 34). Our work last interim resulted in important consensus legislation. Plan on a legislative priorities survey coming soon to an emailbox near you to prepare you for Midyear, the 2019 interim, and the 2020 session (we realize that the 2019 session ended a few hours ago, but we already miss it!).

## Action Alert – February 19, 2019

### SB 34 CHANGE OF COMMITTEE NOTICE

**SB 34: Affordable Housing Modifications** (Sen. Anderegg) will **NOT** be heard in the House Business and Labor Committee today. **It will be heard TOMORROW at 2:00 in House Economic Development and Workforce Services.**

As a reminder, this is the consensus bill supported by the Commission on Housing Affordability. ULCT supports this bill as currently drafted (Third Sub) as a bill that aligns with our comprehensive [Resolution 2018-04: Preparing for the Future](#). This bill also provides critical funds for low-income housing to the Olene Walker Housing Fund.

We urge you to contact members of the committee to express your city or town's support. [Committee members are:](#)

Mike Winder, Chair

Derrin Owens, Vice Chair

Francis Gibson

Suzanne Harrison



# GENERAL LEGISLATIVE SESSION

391

- Tim Hawkes
- Eric Hutchings
- Karen Kwan
- Karianne Lisonbee
- Cory Maloy
- Calvin Musselman
- Carol Spackman Moss

For more on the bill click [here](#), and for more on why ULCT supports it, [click here](#).

**There are some who are calling to remove incentives from the bill and penalize cities by withholding Class B&C road funds.**

We at ULCT adamantly oppose the withholding of gas tax revenues, which would only compound our existing problems of maintaining our local roads. Gas tax revenues are intended to maintain current infrastructure whereas the TIF is about planning for growth. Local land use and the gas tax for maintenance are unrelated; state transportation money and local land use are connected.

**SUPPORT SB 34 (3rd Sub) AS DRAFTED!**

## Action Alert – February 21, 2019

Attention League Members and Friends—

**Two major issues are up for discussion at 8:00 tomorrow morning in the [House Natural Resources Committee](#) and we need you to reach out to the committee and your legislators now.**

### WATER

First, all three of the water bills that were negotiated through major stakeholder engagement over the interim — [SB 17](#) (Extraterritorial Jurisdiction), [HB 31](#) (Surplus Water Rights), and [HJR 1](#) (Constitutional Amendment on Municipal Water Resources) — will be heard and **we have information that some or all of these bills will be negatively amended.**

From May to September of 2018, ULCT staff and members from St. George, Santaquin, Provo, Sandy, Salt Lake City, Layton, and Ogden spent hundreds of hours attending dozens of meetings to achieve consensus on these issues. In

# GENERAL LEGISLATIVE SESSION

392

addition to the League members, water law experts and dozens of individuals and representatives from rural and urban water providers throughout the State participated in this process. **These bills received unanimous approval by the Utah Water Task Force and the Natural Resources interim committee.** ULCT passed **Resolution 2018-02** at our Annual Convention supporting the constitutional amendment and companion legislation and **we oppose any attacks on municipal authority to provide and protect water.**

## PLASTIC

**HB 320: Container Regulation Act** (Rep. McKell) will also be heard tomorrow in this committee. This effort is identical to the bill we defeated last year (SB 218), and prohibits cities from regulating any disposable “auxiliary container” — bags, straws, containers, etc. made of plastic, paper, glass, aluminum, polystyrene, etc. **We oppose this total pre-emption of local authority to regulate the waste stream and respond to the needs and desires of their residents.** Two cities in Utah (Park City and Moab) prohibit some use of plastic bags, and those communities worked with their landfills and local retailers to address the unique problems created by the influx of tourists in their communities.

**WE URGE YOU TO STAND UP AGAINST STATE OVERREACH INTO YOUR ABILITY TO GOVERN YOUR COMMUNITY!**

### Contact the committee now:

- Chair Rep. Keven Stratton — [kstratton@le.utah.gov](mailto:kstratton@le.utah.gov)
- Vice Chair Rep. Logan Wilde — [loganwilde@le.utah.gov](mailto:loganwilde@le.utah.gov)
- Rep. Carl Albrecht — [carlalbrecht@le.utah.gov](mailto:carlalbrecht@le.utah.gov)
- Rep. Joel Briscoe — [jbriscoe@le.utah.gov](mailto:jbriscoe@le.utah.gov)
- Rep. Scott Chew — [scottchew@le.utah.gov](mailto:scottchew@le.utah.gov)
- Rep. Susan Duckworth — [sduckworth@le.utah.gov](mailto:sduckworth@le.utah.gov)
- Rep. Joel Ferry — [jferry@le.utah.gov](mailto:jferry@le.utah.gov)
- Rep. Timothy Hawkes — [thawkes@le.utah.gov](mailto:thawkes@le.utah.gov)
- Rep. Phil Lyman — [plyman@le.utah.gov](mailto:plyman@le.utah.gov)
- Rep. Michael McKell — [mmckell@le.utah.gov](mailto:mmckell@le.utah.gov)
- Rep. Derrin Owens — [derrinowens@le.utah.gov](mailto:derrinowens@le.utah.gov)
- Rep. Douglas Sagers — [dougsagers@le.utah.gov](mailto:dougsagers@le.utah.gov)
- Rep. Christine Watkins — [christinewatkins@le.utah.gov](mailto:christinewatkins@le.utah.gov)

*Utah League of Cities and Towns*