

# Legislative Policy Committee

March 3, 2025





**ULCT Bill Tracker**



**LPC Sign-in**

## AGENDA:

1. Economic Development
2. Elections
3. Housing
4. Rev and Taxes
5. Judiciary
6. Transportation
7. Homelessness
8. Public Safety
9. GRAMA & Privacy
10. Ratify Bill Tracker
11. Adjourn

## REMINDERS:

**Housing Plan survey: Mar 19**

## UPCOMING MEETINGS:

- **Session Wrap Up - Mar 13**
- **Spring Training - Mar 19**
- **Spring Training - Mar 26**

**RE**  
**SPECT**

**OUT**  
**COMES**

**COOL**  
**LAB**  
**ORATION**

568 House Bills

342 Senate Bills

910 *Total*

52 resolutions



# SPRING TRAINING

**MAR  
13**

**Legislative  
Recap**

12:00 PM  
Zoom Webinar

**MAR  
19**

**Spring  
Training**

12:00 PM  
Zoom Webinar

**MAR  
26**

**Land Use with  
APA**

12:00 PM  
Trust & Zoom

**APR  
9**

**Spring  
Training \***

12:00 PM  
Zoom Webinar

# SPRING TRAINING

*What happened in 2025? What should we consider for 2026?*

*Policies that have emerged from past spring trainings & interim discussions*

- GRAMA: SRC to ALJ (SB 277), Garrity (2023)
- immunity for attorneys (HB 364)
- code enforcement enhancement (HB 320)
- closed mtg for city owned land (HB 368)
- noticing changes (HB 368)
- appeals and public input (HB 368)
- State \$ for parks, UORG grant rule change
- 5th 5th (2023)
- transit innovation grants (2024)
- MIHP safe harbor, priority (HB 37)
- STR (HB 256)
- legacy city \$ for ownership (HB 360)
- Research on entitled units
- TUF (HB 454)
- alcohol proximity (SB 328)

*ULCT key messages:*

# **1. Partnership, not preemption**

*Housing: affordable home ownership,  
sustainable infrastructure, quality of life*

# **2. The state doesn't have a surplus and neither do cities**

**Economic Development**

1. Cities and towns within the State of Utah commit that they are **willing and ready to collaborate and partner with the State**, the business community, and other stakeholders to pursue a broad range of future economic development opportunities, including those located in proximity to State transportation infrastructure.

**2. Cities and towns cannot support development proposals, task forces, commissions, districts, development authorities or other legislation that would deprive local municipalities of their traditional local land use authority on private property, or deprive them of control of tax increment generated within their jurisdiction without their consent.**

**Existing ULCT Policy:** *ULCT Resolution 2017-001*

3. The ULCT fundamentally **opposes mandates that unnecessarily create unelected boards, commissions, authorities, or any type of entity that preempts local governments by giving authority to unelected boards/commissions by removing that authority from local elected officials.**

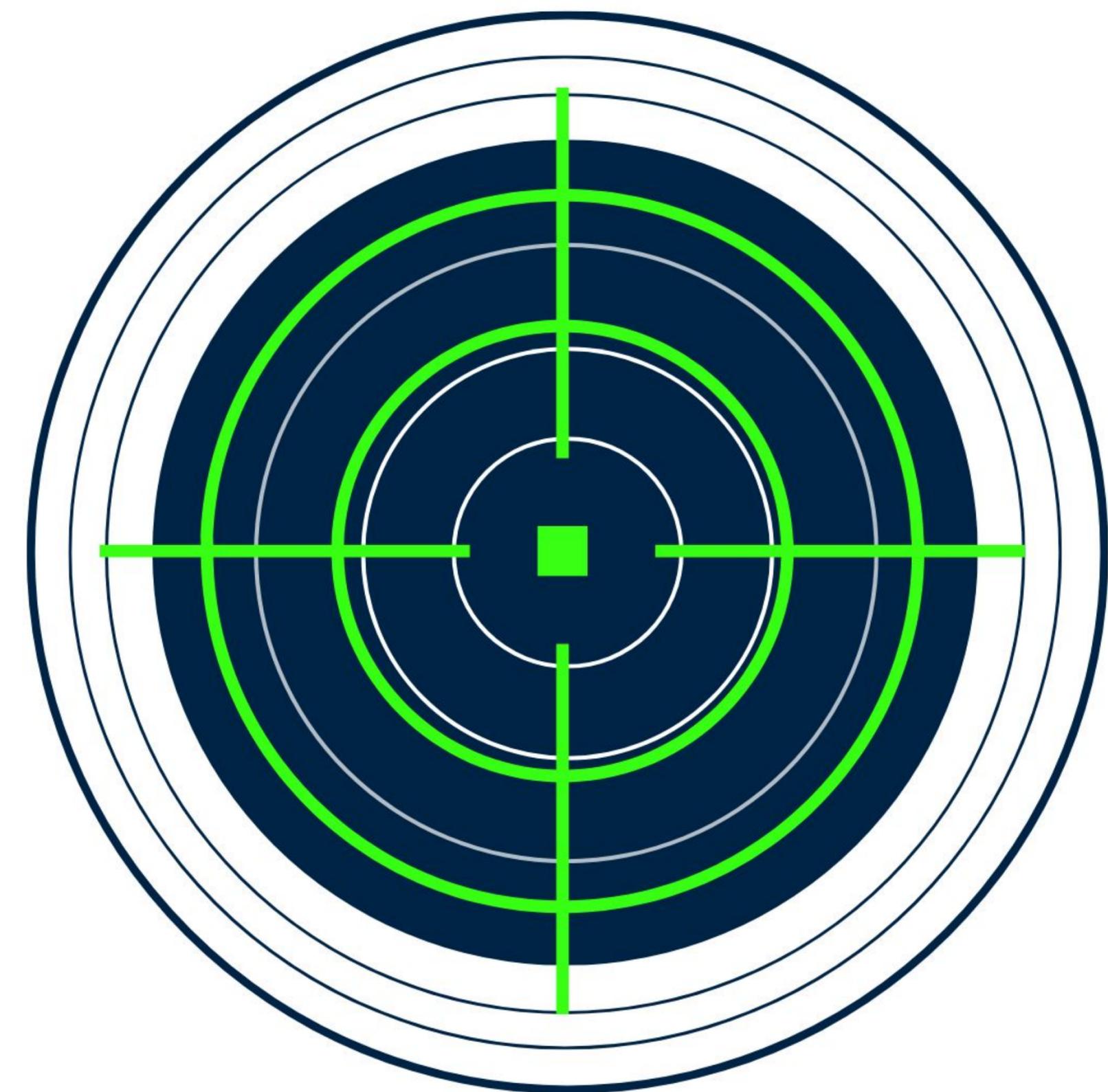
4. The ULCT fundamentally **opposes mandates that remove revenue from local governments or transfer that revenue to a board, commission, or authority that is not comprised of local elected officials.**

5. The ULCT fundamentally **opposes mandates that eliminate land use and zoning authority from municipalities.**

**Existing ULCT Policy:** *ULCT Resolution 2023-002*

*Summary of key ULCT principles:*

- 1) local consent**
- 2) no preemption of land use**
- 3) no preemption of revenue**
- 4) local leader participation**



# Setting our sights

*How should we allocate  
the political capital we  
have on the principles &  
bills that matter most...*

**S.B. 316** *Military Installation Development Authority and Other Development Zone Amendments*

**S.B. 241** *Limited Purpose Local Government Amendments*

**S.B. 333** *Major Sporting Event Venue Financing Amendments*

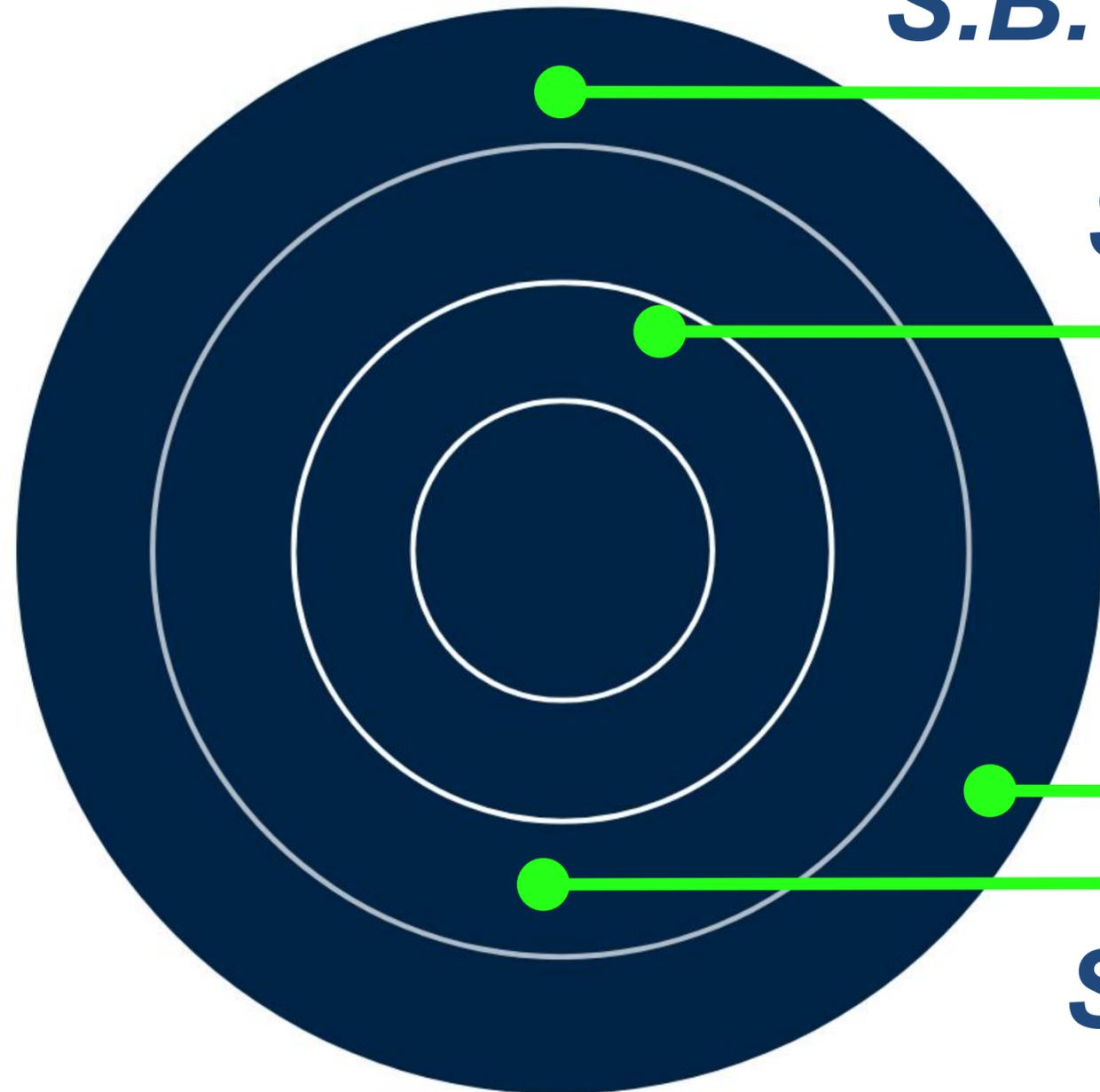
**S.B. 337** *Land Use Development Amendments*

? - - - - -

**H.B. 249** *Nuclear Power Amendments*

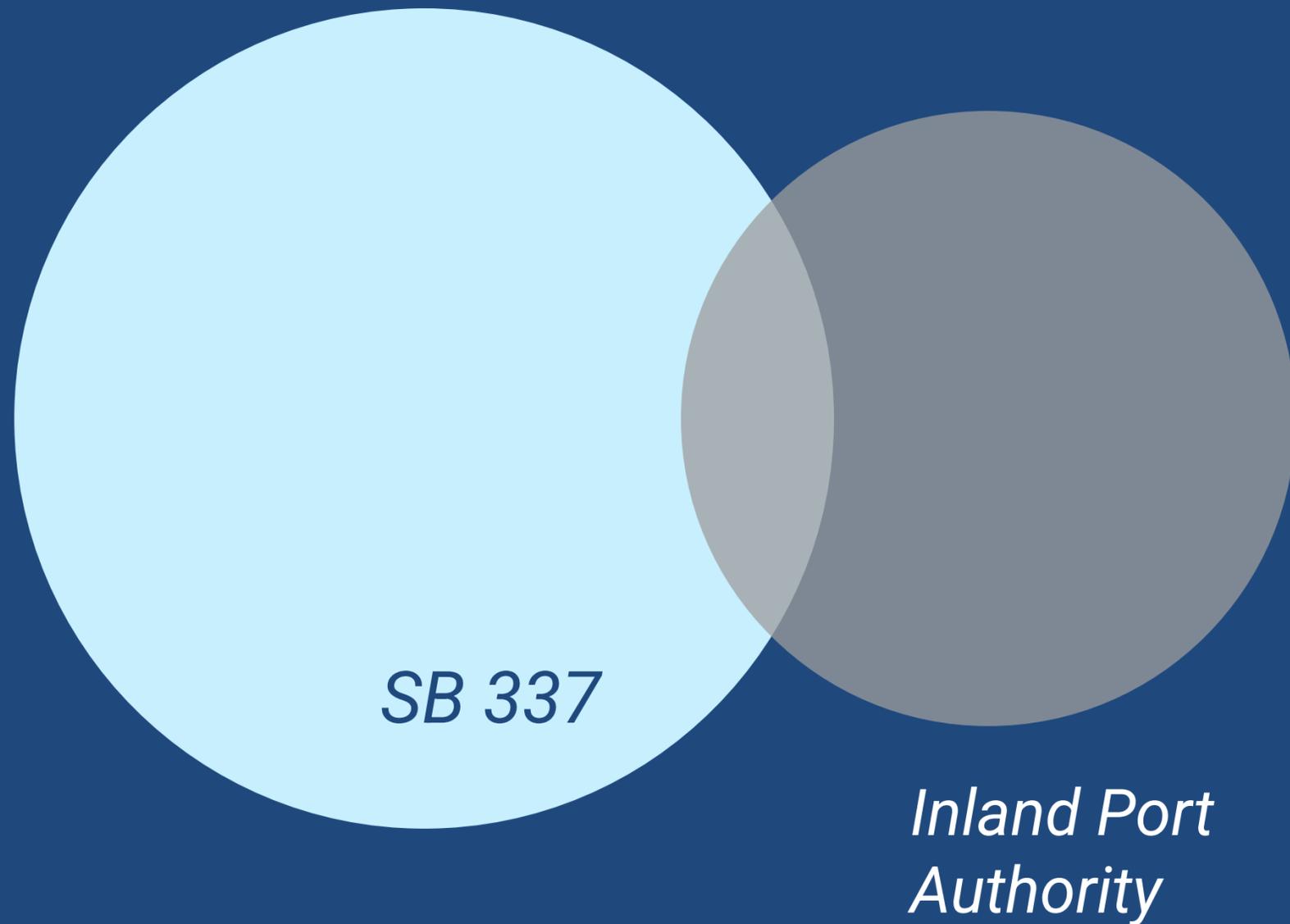
**S.B. 26** *Housing and Transit Reinvestment Zone Amendments*

**S.B. 336** *Utah Fairpark Area Investment and Restoration District Modifications*

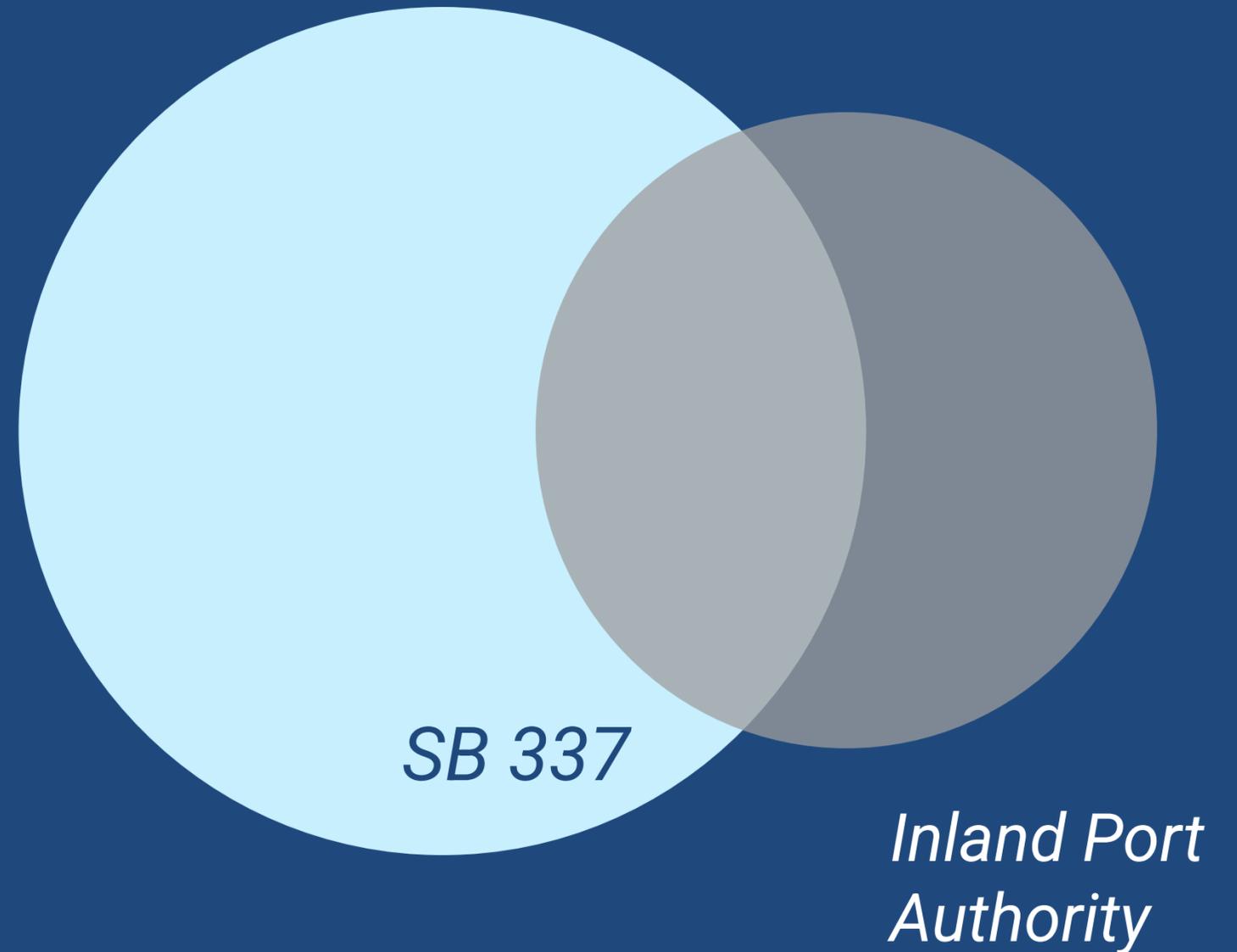


# How has SB 377 changed?

*SB 337 and Inland Port Authority 2.0*



*SB 337 S1 and Inland Port Authority 2.0*



	<b>Beehive Development Agency Board</b>	<b>Economic Opportunity Coordinating Council</b>
Number of Members	<b>5</b>	<b>12</b>
Where the members come from	<i>Appointed by:</i> Governor - 3 Speaker - 1 Senate President - 1	Governor, Senate President, & Speaker (or designees), each state authority, SITLA, GOEO, ULCT, and UAC
Powers and Duties	SCIP ... policies, criteria, selection, finances	<ol style="list-style-type: none"> <li>1. strategic direction</li> <li>2. recommend to GOEO, Leg</li> <li>3. coordinate econ dev w/regional impact</li> <li>4. target industries (5 yr review)</li> <li>5. gather input</li> </ol>

# DRAFT LEGISLATION

SB 337 Land Use and  
Development Amendments  
(K. Cullimore)



Staff Recommendation:

## State overarching objectives:

- 1) Define state economic development strategy
- 2) How to make GOEO “lean and mean”
  - Focus GOEO efforts, programs
    - Shift housing programs from DWS to GOEO
- 3) Coordinate existing state authorities with state leaders (new committee)
  - Fairpark/Power, Inland Port, MIDA, The Point
- 4) Create an aggressive & nimble tool--Beehive Development Agency--to facilitate a “significant community impact project” (SCIP)
  - Goals: expediency, certainty, generational

# DRAFT LEGISLATION

SB 337 Land Use and  
Development Amendments  
(K. Cullimore)



Staff Recommendation:  
**oppose original as  
drafted**

## Significant Community Impact Project (SCIP)

- 1) SCIP based on state objectives
  - non-contiguous, undefined size/scope for now
- 2) max of 3 projects per calendar year
- 3) No local gov't consent req'd

## Process

- 1) GOEO CEO identifies potential sites for SCIP
  - no local consent req'd from affected local gov't
  - shall consult with affected local gov't
- 2) GOEO CEO describes to Beehive the statewide concern and how potential SCIP meets state objectives
- 3) Beehive Board approves SCIP
  - no local consent req'd from affected local gov't

*Unclear of local gov't role on infrastructure, land use process, or services; bill requires local gov't to "cooperate to fullest extent"*

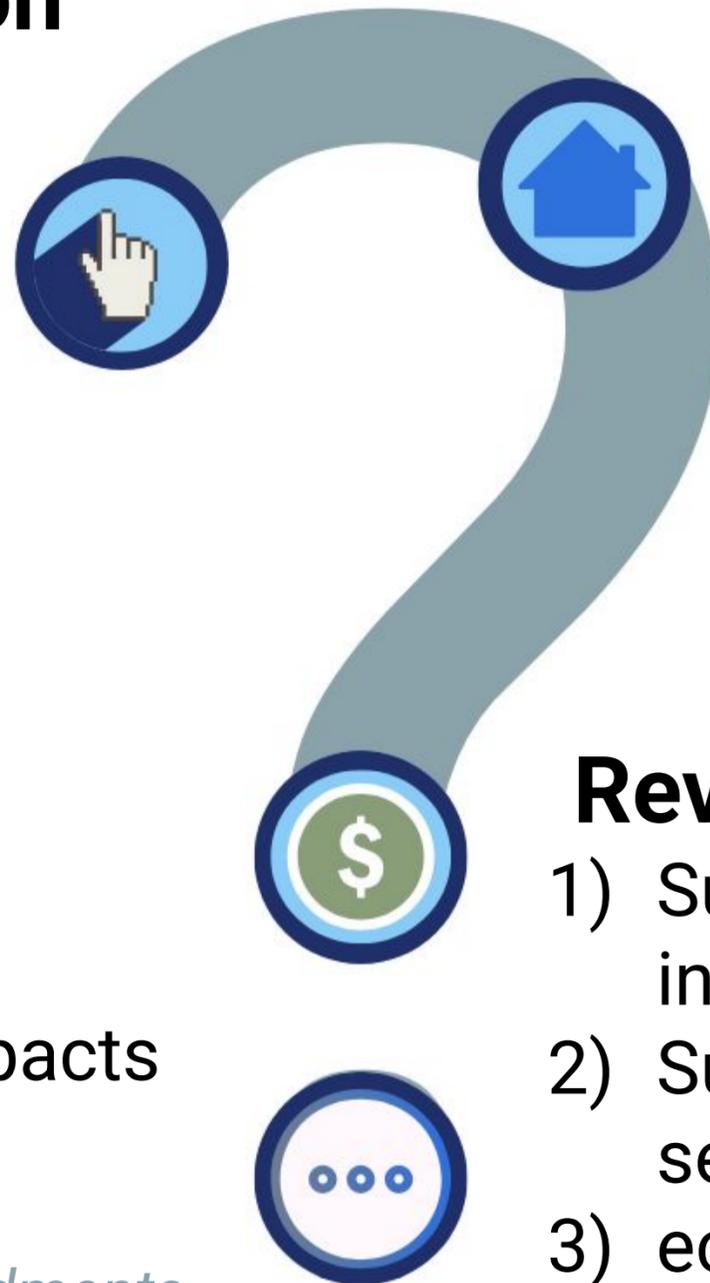
# What is *meaningful local consent*?

## Partnership in SCIP selection process

- 1) Site selection w/GOEEO CEO
- 2) Beehive Board approval
- 3) Sufficient time to negotiate an agreement/no mandate
- 4) Feasibility study
- 5) Site-selection **competition**

## Other

- 1) Public engagement
- 2) collaboration on adverse impacts (e.g. noise, odors)



## Local land use/planning

- 1) Integration into city planning
- 2) Infrastructure design/integration into city system
- 3) Plan review/inspections for SCIP infra that city owns
- 4) Entitlement timing

## Revenues

- 1) Sufficient funds to pay for ongoing infrastructure for SCIP
- 2) Sufficient funds to pay for ongoing services for SCIP
- 3) economic benefit to city and residents, not just SCIP

## Slido feedback from Thursday, Feb. 27 special LPC:

How do you feel about SB 337 as drafted?

- **95%** of respondents were “**very concerned**” or “**somewhat concerned**” about SB 337
- 3% combined “very comfortable,” “somewhat comfortable”

If the Beehive Agency was opt-in with meaningful local consent, how would you feel?

- 29% of respondents were “very concerned” or “somewhat concerned”
- **45%** combined “**very comfortable**” or “**somewhat comfortable**”
- 27% “uncertain”

Open-ended question takeaways:

- 1) Local gov't representation
- 2) Land use authority must stay with local gov't
- 3) Tax revenue
- 4) Infrastructure

# DRAFT LEGISLATION

SB 337 Sub 1 Land Use and  
Development Amendments  
(K. Cullimore)



Staff Recommendation:

## KEY CHANGES:

- **Local consent required for a SCIP to proceed with one exception**
  - local consultation for a SCIP on *state-owned land*
    - *note: state-owned land is not subject to local zoning*
  - GOEO presents SCIP draft plan to local gov't governing body
  - Governing body has 45 days to consent or not to consent
  - Board cannot approve a SCIP without written consent
  - consent is irrevocable
- Economic Opportunity Coordinating Council will include representatives from ULCT and UAC

# DRAFT LEGISLATION

SB 337 Sub 1 Land Use and  
Development Amendments  
(K. Cullimore)



Staff Recommendation:

## Concepts under consideration for **SUB 2**

- 1) **Beehive Agency**
  - a) Remove language about not being subject to LUDMA/CLUDMA
  - b) SCIP project caps, criteria
  - c) SCIPs on state land: infrastructure standards, ownership, & system connectivity
  - d) Local consent process
    - i) time frame
    - ii) notice
    - iii) “revocability”
  - e) Board duties/members

# Housing and Land Use

# DRAFT LEGISLATION

SB 328 Alcohol (J.  
Stevenson)



*Staff Recommendation:  
Support 1st sub.*

## **1st substitute**

Allows a local government to waive the minimum alcohol licensing proximity requirement for public playgrounds and public parks.

If a local government waives the minimum proximity requirements for one establishment, they must apply the same proximity reduction to other establishments.

**Revenue & Taxes**

# City imposed tax vs. fee:

Do you know the difference? Do your legislators know the difference?

	<i>Tax</i>	<i>Fee</i>
<i>Who authorizes it?</i>	State	City
<i>Who administers it?</i>	State Tax Commission	City
<i>What is it for?</i>	Revenue for <b>general government</b>	<b>service fee:</b> specific charge in return for specific benefit <b>regulatory fee:</b> specific charge which defrays the gov't cost of regulation
<i>Who pays?</i>	<b>Some property owners, but not all</b> (e.g. property tax & exempt property, sales tax & various bases)	<b>All users pay for service</b> <i>“to be a legit fee for service, amount charged must bear a reasonable relationship to the services provided, benefits received, or need created”</i>

# DRAFT LEGISLATION

HB 454 Local Gov't Fees  
Modifications (K. Peterson)



Staff Recommendation:  
**Support**

## Key differences between HB 454 & HB 367 (2024)

### 1) Transportation Utility Fee (TUF)

- a) cannot impose it solely based on property ownership
- b) in study methodology, shall at least have categories of:
  - i) residential
  - ii) commercial
  - iii) houses of worship

### 2) Public safety fee

- a) if you are a city of 3rd, 4th, 5th class or town & contract w/a political sub and you have one by Jan. 1, 2025, then repealed as of July 1, 2026 & have to re-authorize it every 3 years
  - i) does not apply to volunteer public safety fees

# DRAFT LEGISLATION

SB 310 Transportation Utility  
Fee Amend (B. Brammer)



Staff Recommendation:  
**Oppose as drafted due  
to lines 113-114**

## Key differences between HB 454 & SB 310

### 1) Transportation Utility Fee (TUF)

- a) lines 107-108: may not charge a religious organization
  - i) religious org = group, mission, order, convention, church w/nonprofit status
- b) SB 310 is unclear about the study req'ts
- c) narrower definition of transportation uses

### 2) SB 310 is silent on public safety & broadband fees

**Note:** definition of reasonableness and the processes for notice, hearing, & renewal are the same in both bills

# DRAFT LEGISLATION

SB 67 - Local Option Sales Tax  
Amendments (D. Owens)



Staff Recommendation:  
Support

- SB 67 1st Sub. allows certain municipal governments to impose the emergency services sales tax.
  - Applies only to small cities in a second class county with one natl. park and two state parks who provide these services outside of the service area.
  - up to .33% can be imposed by vote of the legislative body
  - up to 1% can be imposed with ballot approval.
- Tax cannot be imposed in a SSD area that currently imposes the tax.

**Judiciary**

# DRAFT LEGISLATION

SB 154 S1 - Legislative Audit  
Amendments

SJR 4 - Amending Court  
Rules on Attorney  
Confidentiality  
(B. Brammer)



Staff recommendation:  
**Oppose as Drafted**

## **\*Legislative Audit Amendments\*:**

- Provides process for challenging gov. entity's claim of attorney client privilege, attorney-work product privilege
- **Key Points Against:**
  - OLAG selects the arbitrator
  - Arbitrator must favor access for OLAG
  - Municipalities must reimburse OLAG if the city lose on any claim
  - No prohibition of OLAG disclosing the privileged information

**[SJR 4 overrides SB154 and removes privilege!]**

# DRAFT LEGISLATION

SB 154 S1 - Legislative Audit  
Amendments

SJR 4 - Amending Court  
Rules on Attorney  
Confidentiality  
(B. Brammer)



Staff recommendation:  
**Oppose as Drafted**

## House Gov Ops Committee Today at 4:00

- Rep. Jefferson Burton
- Rep. Michael J. Petersen
- Rep. Paul A. Cutler
- Rep. Doug Fiefia
- Rep. Sahara Hayes
- Rep. Anthony Loubet
- Rep. Matt MacPherson
- Rep. A. Cory Maloy
- Rep. Candice Pierucci
- Rep. Angela Romero
- Rep. Andrew Stoddard
- Rep. Jason Thompson
- Rep. Douglas Welton

# DRAFT LEGISLATION

HB77 - Flag Display  
Amendments (T. Lee)

## Permitted Flags:

- U.S. flag
- Utah state flag
- current or official flag of another country, state, or political subdivision
- City, county, or political subdivision flag
- U.S. military flag
- POW/MIA flag
- Indian tribe flag
- College or university flags (only the colors, logo, and marks consistent with the university)
- Historic version of U.S. or State flag
- Official public school flag
- Olympic-related flags
- Organization flag authorized to be used in public school facility

Staff recommendation:  
Opposed

# DRAFT LEGISLATION

HB77 - Flag Display  
Amendments (T. Lee)

- Important Cases on “Government Speech”:
  - Shurtleff v. Boston
  - Pleasant Grove City v. Summum
  - Walker v. Texas Division
- Penalty:
  - Auditor gives notice and 30 days to cure (maybe - language unclear)
  - \$500 per violation per day
  - May appeal to court and court must determine whether the fine is “clearly erroneous”

Staff recommendation:  
Opposed

**Transportation**

# DRAFT LEGISLATION

SB 195 Sub. **5** Transportation  
Amendments (W. Harper)



Staff Recommendation:  
**neutral**

1) ~~moratorium on~~ SLC doing a “highway reduction strategy” which includes:

- *permanent* lane reduction
- *permanent* lane narrowing
- ~~traffic control measures~~
- ~~decreasing speed limits~~
- ~~utilizing speed bumps~~
- ~~or other strategy~~
- strategy that may increase congestion on arterial/collector

*New:*

*SLC shall do a mobility study plan & submit to UDOT  
UDOT shall review it within 2 months*

2) Requires UDOT, *with SLC*, to conduct a “mobility and environmental impact analysis” study on highway reduction strategies in SLC, going back to 2015 and through 2035

*New:*

*Study goes before Transportation Interim Comm. by Oct 2025  
Req'ts repealed in July, 2028*

**Homelessness**

# DRAFT LEGISLATION

HB 329 Homeless Services  
Amendments (T. Clancy)

*1 of 5 slides*



Staff Recommendation:  
**Support**

## General Provisions

- Creates Shelter Counties Advisory Board
- Prioritizes innovative strategies and best practices systemwide
- UHSB removes 1 county seat and replaces with someone with lived experience
- Creates reunification program within Homeless to Housing Account

*provisions ULCT negotiated into the the bill*

# DRAFT LEGISLATION

HB 329 Homeless Services  
Amendments (T. Clancy)

*2 of 5 slides*



Staff Recommendation:  
**Support**

## Mitigation Changes

- Tier 3 definition reverted back to original definition from past version
- Removes allowance from past versions to allow UHSB to award mitigation in full or in part
- UHSB shall coordinate with DPS to determine municipal compliance (currently may)
- Removes funding prioritization language from past versions
- Removes requirement that shelter cities have a definition of camping that aligns with state code from past versions

# DRAFT LEGISLATION

HB 329 Homeless Services  
Amendments (T. Clancy)

*3 of 5 slides*



Staff Recommendation:  
**Support**

## Winter Response

- Task force advise and provide recommendations to USHB for need during winter response period including recommendations for site selection
- Taskforce changes
  - County rep doesn't have to be chief executive
  - Voting members appoint 2 people with lived experience, 2 people from the LHC, and 1 public safety rep

# DRAFT LEGISLATION

HB 329 Homeless Services  
Amendments (T. Clancy)

*4 of 5 slides*



Staff Recommendation:  
**Support**

## Operations

- Allows Know By Name
- Allows ARPA grant funding for residential, vocational, and life skills programs
- Requires shelters to have a zero tolerance policy for drugs
- Requires services providers to partner with law enforcement to access premises with reasonable suspicion.
- Requires clients to sign policy and procedures expectations at shelters with state/federal funding
- Fiscal penalty for non-compliant shelters that receive state/federal funding

# DRAFT LEGISLATION

HB 329 Homeless Services  
Amendments (T. Clancy)

*5 of 5 slides*



Staff Recommendation:  
**Support**

## ~~Public Safety~~

- ~~• 1st degree felony to produce, manufacture, dispense, or possess with the intent to produce, manufacture or dispense a controlled substance in or within 300 feet of a...~~
  - ~~— Year Round Shelter~~
  - ~~— Winter Response Shelter~~
  - ~~— Code Blue Shelter~~
  - ~~— Permanent supportive housing that is licensed by the state~~

# DRAFT LEGISLATION

HB 505 Homeless Services  
Revisions (S. Eliason)

*1 of 4 slides*



Staff Recommendation:  
**Support**

This bill includes provisions that came at the request of different municipalities (shelter cities and otherwise) over the past year.

## **Shelter Mitigation Fund Changes:**

- Streamlines reporting: Annual report included in spring request for funding
  - Presenting to the USHB 1 time a year rather than 2 times a year
- Removes consideration of alternative funding sources
- Remove language around “demonstrated improvement” for camping and pedestrian safety (panhandling)

# DRAFT LEGISLATION

HB 505 Homeless Services  
Revisions (S. Eliason)

*2 of 4 slides*



Staff Recommendation:  
**Support**

## County Winter Response Plans

- Requires counties to use objective data and blind reviews to evaluate sites
- Requires OHS to notify task force only about non-compliance
- Removes dedicated ULCT staff seat from taskforce (can still participate)

# DRAFT LEGISLATION

HB 505 Homeless Services  
Revisions (S. Eliason)

*3 of 4 slides*



Staff Recommendation:  
**Support**

## Code Blue Adjustments

- Changes that stakeholders MAY coordinate street outreach (as opposed to shall)

# DRAFT LEGISLATION

HB 505 Homeless Services  
Revisions (S. Eliason)

*4 of 4 slides*



Staff Recommendation:  
**Support**

## Statewide Camping Standards

- Creates a definition for camping
  - erecting or occupying structures, including tents, temporary structures, recreational vehicles, travel trailers, or motor vehicles, for camping or other living accommodation activities, including sleeping, for any period of time;
  - using camping-related items, including cots, beds, sleeping bags, or hammocks, for sleeping or other living accommodation activities; or
  - cooking using a camp fire, propane stove, or other heat-producing portable cooking equipment.
- Cannot camp on state land (including SITLA) unless expressly authorized
- Unsanctioned camping on state land = class C misdemeanor

# DRAFT LEGISLATION

SB 182 Homeless  
Services Amendments  
(Weiler)



Staff Recommendation:  
**Neutral with anticipated  
changes**

- Applies to Counties of the 1st thru 4th class
- Triggered at Moderate level heat risk
  - Anticipating this moving up to Major
- Expands shelter capacity
  - To fire/building code for municipally owned shelters
- Allows property owner to provide shelter as long as it doesn't conflict with fire code
- Requires coordinated street outreach
  - May be changing to a may
- Can enforce a no camping ordinance but cannot confiscate personal property used to survive in extreme heat.

Anticipated changes in the forthcoming  
substitute

**Public Safety**

# DRAFT LEGISLATION

HB 465 Law Enforcement  
Agency Amend. (C. Snider)

**SUB 2**



Staff Recommendation:  
**Oppose**

New substitute adds concerning language regarding internal public safety investigations that impacts all municipalities.

# GRAMA & Privacy

# DRAFT LEGISLATION

SB 277 Sub 1 Government  
Records Management  
Amendments  
(M. McKell)



Staff Recommendation:  
**Support**

## (Only Update: Moved to House Committee)

- Replaces SRC with Director (ALJ)
  - Governor selects Director to 4 year term
    - In consultation with the executive director; and
    - With the advice and consent of the Senate
  - Utah attorney knowledgeable in records laws
- **Key Points:**
  - Quicker timeline; no backlog; no gaming system
  - Accurate, legally based opinions
  - Ethical obligations
  - Who appoints doesn't change - Governor
  - Due process and organized, fair appeals
  - Nothing else changes, other than who decides the case; transparency or access do not change

# DRAFT LEGISLATION

SB 277 Sub 1 Government  
Records Management  
Amendments  
(M. McKell)



Staff Recommendation:  
**Support**

## House Gov Ops Committee Today at 4:00

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Rep. Sahara Hayes

Rep. Anthony E. Loubet

Rep. Matt MacPherson

Rep. A. Cory Maloy

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Rep. Angela Romero

Rep. Andrew Stoddard

Rep. Jason E. Thompson

Rep. Douglas R. Welton



**ULCT Bill Tracker**

