



2017 Utah Legislative Session By the Numbers

- 1,272 Bill Requests
- 815 Bills/Resolutions Considered
- 535 Bills Passed (66% Passage Rate)
- 283 Bill Tracked by ULCT (35% of all bills)
- Of those tracked, 187 passed (66%)

Bill Categories of Interest

- Alcohol: HB 442, SB 279, .05 bill
- Clerks: SB 69, SB 81, SB 97, SB 242, HB 39, HB 117, HB 163, HB 186, HB 324, HB 431 (HB 164)
- Finance/taxes: HB 164, SB 110, SB 264
- Governance: SB 94, SB 250, HB 195, HB 229
- Homelessness: HB 441, HB 452
- Judiciary/Justice Reinvestment Initiative: HB 399, SB 98, SB 134, SB 251, funding
- Land use: HB 232, HB 253, HB 279, HB 355, SB 241
- Public safety: HB 381, HB 425, SB 37, SB 156, SB 198
- Transportation: HB 152, SB 174, SB 181, SB 276, SB 277
- Waste: HB 115

- Infrastructure
- Tax Reform
- Transparency & Accountability
- Efficiency, Uniformity and Performance
- Tension Between State and Local Government
- Justice Reinvestment Initiative Impact
- Recurring Issues
- Perpetual Funding Needs

Themes

Lobbying Engagement

- ULCT Action Group
- Contract Lobbyists
- City Staff/Associations
- Fiscal Notes
- Committees
- Amendments
- Focus on City-Specific Needs

Legislature In A Nutshell

LEGISLATIVE PROCESS



OFFENSIVE

ONGOING

- List of legislative themes, needs or concerns
- Pre-emptive policy measures
- Proactive educational outreach
- Issues monitoring
- Data collection
- Bill impact report

Active engagement during interim

Develop upcoming legislative session priorities

Legislative relationship building

Meet with legislators pre-session

- Distribute bill impact report and voting record

Lobbyist launch

PRE-SESSION

DEFENSIVE

MANAGEMENT OF LOBBYING RESOURCES:

- Utah League of Cities and Towns
 - Baci
 - Legislative Policy Committee meetings
 - Daily briefings
- Lobbyist Assignments
- Department Cheat Sheets

IDENTIFY POSITIONS ON PRIORITY BILLS:

Legislative Position Key:

Support - We recommend lobbying and using our legislative resources to support the bill. It may include amending as needed.

Oppose - We recommend lobbying and using our legislative resources to oppose the bill as currently drafted. Amendments may change position.

Neutral - We recommend not lobbying this bill as there currently is little or no impact/benefit or other interest to the City. Individual Council Members are free to do as they choose.

No Position - There are not three votes in support or opposition on this bill, and we will not lobby or become involved on this bill. Individual Council Members are free to do as they choose.

TRACK SANDY PRIORITY BILLS

- Position taken
- Ongoing status
- Fiscal impact
- Policy and procedural impacts
- Legislator votes
- Amendments needed
- Interim work needed

ADMINISTRATIVE & COUNCIL UPDATES

- Meeting Updates
- Weekly email updates
- Online shared tracking document

PUBLIC EDUCATION ON ISSUES

- Newsletter
- Social media posts
- Videos (Interviews with legislators, Weekly talk show)
- Infographics
- Legislative webpage
- Voting tracker
- Citizen impact

GUIDELINES

- One city voice on positions
- Judiciously use political capital
- Ongoing communications is vital
- One clearinghouse to avoid "dropping balls"

SESSION

FINAL PRIORITY BILL TRACKER

- Status
- Sandy position
- League/Organization positions
- Fiscal impact
- Policy and procedural impacts
- Department updates

PUBLIC OUTREACH WRAP-UP

- Newsletter
- News articles
- Legislative Report Card
- Thank you to legislators

COMPLIANCE REPORT

- Distribute to departments

POST-SESSION



2017 Bills of Interest

SB 69 NOTIFICATION REQUIREMENTS FOR BALLOT PROPOSALS

Noticing

- City must post on Utah Public Notice Website
- City notices residents by website, email, newsletter or utility bill (if applicable)

SB 81 LOCAL GOVERNMENT LICENSING

Licensing

- All businesses MAY license for purpose of regulation
- City MAY NOT require license for business operated by a minor
- City MAY NOT charge a fee unless home-based business impact exceeds residential impact
- City DETERMINES impact; be able to articulate, if challenged
- Potential fiscal impact (Of our 5,600 business licenses, 2,200 are home-based)

SB 97 PUBLIC MEETING MINUTES

Records

- Meeting requirement is satisfied by maintaining a publicly available online version of minutes with a link to the meeting recording

SB 139/142 TAX INCREMENT AND REDEVELOPMENT AGENCY REVISIONS AND AMENDMENTS

Economic Development

- Both targeted the school tax increment and their use in community reinvestment agencies. One reducing participation to 50% and the other eliminating it entirely which would be catastrophic for CDAs. Neither passed due to aggressive lobbying

SB 174S PUBLIC TRANSIT AND TRANSPORTATION GOVERNANCE AMENDMENTS

Transportation

- Creates a 16-member Transportation Governance and Funding Task Force, with appointments from the Legislature, Governor, local governments and MPO

- Encourages collaborative planning with Utah's multimodal transportation system
- Task force will evaluate best practices regarding multimodal transportation to support mobility, safety, economic growth and quality of life and will make recommendations on funding needs, prioritization, impacts on economic development and the interrelationship of growth, land use, capital development and transportation

SB 198 **UTAH COMMUNICATIONS AUTHORITY AMENDMENTS**

Public Safety

- Creates new board composition (9 appointed members): Governor (3), Speaker of the House (1), Senate President (1), ULCT (2), UAC (2)
- Operations Advisory Committee created
 - o Reports to the board, comprised of users of the system and vendors
- Emergency Service Fund Fees \$1.18
 - o Local PSAP \$.71 (up from \$.61)
 - Increase of \$3.5 million in money distributed to PSAPs throughout the state
 - Distribution changed to be based on call volume
 - 2 year hold harmless
 - o Statewide 911 Fund \$.09 (remains the same)
 - o UCA O&M \$.18 (new)
 - Current radio user fees will be repealed July 1, 2017
 - Savings of \$4 million for local government and \$3 million for state users
 - o 800 MHz System Upgrade \$.20 (new)
 - Money will be used for debt service on a bond to upgrade the current 800 MHz system

SB 204 **PUBLIC-PRIVATE PARTNERSHIPS FOR PROCUREMENT**

Transportation

- Creates a legal mechanism for the state and local transportation agencies to participate in public/private partnerships for the development of transportation projects.

SB 241 **PLAN REVIEW AMENDMENTS**

Planning

- City shall complete an initial plan review on a 1-2 family dwelling or townhome within 14 days
- City shall complete an IPR for a residential structure built under the IBC no later than 21 days
- City may not enforce a requirement for IPR if does not complete within time period and the plan is stamped by a licensed architect or structural engineer
- Initial plan review = all reviews/approvals required to obtain a building permit, but does not mean:
 - o A re-submitted review for additional modifications
 - o Part of a deferred submittal
 - o Reviewed by a third party
- The bill sunsets on July 1, 2018, with the intent for cities to comply for one year and evaluate our processes during interim

SB 242 **GRAMA AMENDMENTS**

Records

- Old rule: Appeals board comprised of 3 people (1 political subdivision employee, 2 public)
- New rule: Appeals board comprised of 3 people (1 political subdivision employee, 2 public *who are not employed by or officials of a governmental entity*)

SB 250 FOOD TRUCK LICENSING AND REGULATION

Licensing

- Prevents a city from requiring multiple business licenses for multiple locations
- Reduces regulatory burden on food trucks that operate in multiple jurisdictions by requiring reciprocity of inspections
- Maintains local land use authority
- **Fun fact: The Soho Food Truck Park in the Holladay Village development attracts 1,000 people every Friday and Saturday during their season. Of the 165 licensed food trucks in SLCo, they have invited only 38 to participate in their 6-bay park.**

SB 251 LOCAL GOVERNMENT CRIMINAL PENALTY AMENDMENTS

Code Enforcement

- A criminal citation for a violation punishable as a misdemeanor can ONLY be issued by a municipal officer
- Effective date May 1, 2018. We will fix during interim

SB 264S OUTDOOR RECREATION INFRASTRUCTURE GRANTS

Transportation

- Pilot grant program pf \$1 million last year
- Imposes a transient room tax of .32% to use to create the Outdoor Recreation Infrastructure Account
- Tax expected to generate \$4.9 million annually
- The Outdoor Recreation Infrastructure Grant Program will be overseen by a grant advisory committee as created in the bill

SB 276 TRANSPORTATION FUNDING MODIFICATIONS

Transportation

- PROBLEM:
 - o HB 362 intent was to convert the gas tax to include indexing.
 - o 29.4 cents became a 12% tax (floor of \$2.45, ceiling of \$3.33)
 - o 2017 wholesale fuel price is \$1.78. \$2.45 not likely reached for a decade. In short, the inflationary increase programmed to HB362 would not start until 2026, which was not the intent of the legislation
- SOLUTION:
 - o Modifies the motor fuel tax formula so that revenues keep pace with inflation starting in 2019
 - o Increase to a tax of 16% (floor of \$1.78, ceiling of \$2.43)
 - o The fiscal note estimates the increase in B&C fund revenues in fiscal year 2020 to be \$4.4 million
 - o Reduce amount of state sales tax going into the Transportation Investment Fund by an amount equal to 35% of the gas tax increase
 - o UDOT 's fuel tax revenues will also grow with inflation. An amount equivalent to half of UDOT's increase will be reduced from the state sales tax that would otherwise go to UDOT for their TIF program
 - o No formula change on B&C

SB 277S01 HIGHWAY GENERAL OBLIGATION BONDS AUTHORIZATION

Transportation

- Authorizes \$1 billion in UDOT bonding with the bonds paid with revenues from UDOT's Transportation Investment Fund and will be used to accelerate already funded projects and advance currently unfunded state priorities identified in the STIP (State Transportation Improvement Program)
- Bonds will be issued over a 4-year period. The new issuances would coincide with the payoff of existing state debt, so the state's level of debt would not exceed 50% of the constitutional limit

- \$100 million of the bonds must be used for “projects with a regional significance or that support economic development within the state”

HB 115 SOLID WASTE REVISIONS

Public Works

- Amended to remove the set fee
- Local government will participate in determining an equal fee for the Division of Waste Management and Radiation Control
- The ULCT took a neutral position after amendments

HB 117 LEGAL NOTICE AMENDMENTS

Noticing

- Previously legislation required public notification to be in the Salt Lake Tribune or Deseret News with small community newspapers being restricted
- New legislation allows for public notice in any “newspaper of general circulation”
 - o 200+ subscribers, published for 18 months, eligible to mail, published 12+ times annually with at least 25% content of local/general interest
- Increases public notice options
 - o Time restraint
 - o Cost
 - o Reach
 - o Transparency
- Approximately 20% of Sandy takes the Tribune or Deseret News

HB 161 PEDESTRIAN SAFETY AMENDMENTS

Public Safety

- Prohibits the transfer of money or property between a pedestrian and an occupant of a motor vehicle while the motor vehicle is within certain roadways, including an interstate system, freeway, state highway, state route
- A city may adopt a resolution, ordinance or regulation prohibiting such conduct within any of the roadways under its jurisdiction
- **Fun fact: My favorite panhandling sign that I’ve seen was, “Ninjas kidnapped by wife and dog. Need money for Kung Fu lessons. I really need that dog back” ☺**

HB 164 ENTERPRISE FUNDS

Noticing

- Does NOT limit the transfer of funds from a municipal enterprise fund to the municipal general fund
- To transfer, city must hold an independent enterprise fund hearing
- Must notice the hearing to rate payers on Public Notice website, city website, mail, email, and social media
- Notice must include specific information about the enterprise fund

HB 253S SHORT TERM RENTAL

Land Use

- Legislative body MAY NOT enact or enforce an ordinance prohibiting an individual from listing a short-term rental on a rental website. May not publish for the sole act of listing or offering a rental

HB 324 LOCAL BUDGET HEARING NOTICE REQUIREMENTS (2018 BILL)

Noticing

- Publish the notice/link to notice on website home page at least 7 days before hearing

HB 408 STATE PROPERTY & SCHOOL AND INSTITUTIONAL TRUST LAND AMENDMENTS

Land use

- “Property owned by the state” includes property owned as school and institutional trust land, including state owned land occupied or used by a person under a permit or lease
- City or county does not have jurisdiction over state owned property which would include school or institutional trust land
- This bill would have exempted private developments on SITLA land from local land use regulation for the first time in state history

HB 441 HOUSING AND HOMELESS REFORM

Land Use

- City may not prohibit a shelter from being built if the site is approved by the Homeless Coordinating Committee and receives money from the Homeless Coordinating Committee
- A major state investment into solving homelessness means this is a major state priority
- Two years for \$27 million
- \$3 million ongoing for ANY shelter in the state
- **Fun fact: They just announced a new possible homeless shelter in Draper today. This fact is not as “fun” if you serve on the Draper City Council 😊**

HB 442 ALCOHOL AMENDMENTS

Licensing

- Reduces the permissible proximity of a restaurant licensee to a community location to a 200 feet straight line and 300 feet pedestrian
- Removes the commission’s authority to grant a variance to the proximity location
- Beginning July 1, 2017, a non-grandfathered bar structure must designate a dispensing area that is 10 feet from the bar structure or 60 inches if they have a permanent structure at least 42 inches high defining the area
- The ULCT will continue dialogue about the proximity and some type of variance in the future
- Does away with Dining Club
- **Fun fact: This bill is 4,733 lines long. One of, if not, the longest bill most have ever seen. Digest that 😊**

HB 232 LAND USE TASK FORCE CONSENSUS LEGISLATION

Started in 2006, the LUTF brings all land use stakeholders together to resolve difficult land use issues together. Since that time, they have drafted, lobbied and shepherded more than 50 consensus-based land use bills into law.

In November 2015, legislative leadership challenged the ULCT to address a legislative perception that local jurisdictions are not consistent with LUDMA (Land Use Development and Management Act).

The Land Use Task Bill Concepts:

- Affirms broad authority to enact land use regulations
- Mutual commitment to oppose stray land use bills
- Clarifies limits of administrative discretion
 - o While cities have broad discretion to enact the land use laws and rules that are important to them, in contrast, they have comparatively little discretion when they apply those laws.

Fun fact: There were 23 drafts of proposed language for this bill over the summer 😊

NO BILL**EXTRATERRITORIAL JURISDICTION:**

The issue dominated the pre-session discussion which directly impacted Cities of the 1st Class from preemptive management of their watershed including Sandy. The Quality Growth Commission took a proactive position in favor of eliminating the ability of cities to manage the lands impacting a community's upstream watershed. This had the potential of impacting the quality and costs associated with providing safe drinking water to the resident's. Although no legislation was introduced our proactive efforts played well in preventing the advancement of legislation. The issue will be discussed during the interim especially in the Sovereign Lands Commission chaired by Rep. Stratton