



**Utah Association of Counties**  
**2016 General Legislative Session Recap**





# Table of Contents

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## Essays

Outcome of 2016 Legislative Priorities	1
2016 Legislative Scorecard	3
2016 Legislative Session: Something for Everyone	4
County Appropriations	5
Looking Forward: What Does 2017 Have in Store	6

<b>2016 Tracking Sheet</b>	<b>7</b>
----------------------------	----------

## Legislation by Subject

<b>Economic Development</b>	<b>12</b>
HB 031 – Enterprise Zone Amendments	12
HB 052 – Office of Outdoor Recreation Amendments	13
SB 151 – Community Development and Renewal Agencies Act Revisions	13
<b>Elections and Clerk Issues</b>	<b>14</b>
HB 010 – Initiative and Referendum Amendments	14
HB 021 – Election Revisions	15
HB 198 – Ballot Proposition Amendments	15
HB 275 – Submission of Nonbinding Opinion Questions to Voters	16
HB 332 – Marriage License and Counseling Amendments	16
HB 334 – Voting Revisions	17
HB 417 – Vote by Mail Revisions	17
SB 025 – Ballot Amendments	18
SB 026 – Election Notice Amendments	18
SB 027 – Absentee Ballot Amendments	19
<b>General Government</b>	<b>20</b>
HB 017 – Assessment Area Foreclosure Amendments	20
HB 077 – Special District Amendments	21
HB 078 – Abandoned Road Amendments	21
HB 126 – Unmanned Aircraft Revisions	21
HB 144 – Food Freedom Act	22
HB 154 – County Personnel Requirements	22
HB 178 – Legal Notice Amendments	22
HB 187 – Animal Shelter Amendments	23
HB 199 – Uniform Real Property Transfer on Death Act	23
HB 212 – Tourism Tax Advisory Board Amendments	24
HB 396 – Money Management Act Amendments	24
HB 432 – Governmental Nonprofit Entity Compliance Amendments	25
HJR 02 – Proposal to Amend Utah Constitution -- Right to Food	25
SB 041 – Appointment of County Assessors	26
SB 063 – Survey Monument Replacement	26
SB 115 – Sustainable Transportation and Energy Plan Act	27
SB 150 – Metro Township Amendments	27
SB 185 – Labor Remedy Amendments	27
SB 192 – Study on Claims Exceeding Statutory Limit	28
SB 194 – Rental Vehicle Proof of Registration and Insurance	28
SB 196 – Retail Bag Impact Reduction Program	28
SB 203 – Immunity Amendments	29
SB 214 – Workplace Abusive Conduct Amendments	29
SB 226 – Civil Actions Involving Law Enforcement Officers or Emergency Vehicle Operators	29
SB 233 – Governmental Immunity Act Amendments	30

<b>Human Services</b>	<b>31</b>
HB 018 – Medicaid Preferred Drug List Amendments	31
HB 030 – Good Landlord Program Amendments	32
HB 149 – Reporting Death Involving Controlled Substance Amendments	32
HB 221 – Immunization of Students Amendments	33
HB 245 – Local Health Department Amendments	33
HB 274 – Involuntary Civil Commitment Modifications	34
HB 436 – Housing and Homeless Reform Initiative	34
HB 437 – Health Care Revisions	35
HB 446 – Statewide Homeless Services and Affordable Housing Amendments	35
HCR 03 – Concurrent Resolution Supporting Cannabis Research	36
SB 058 – Nurse Practitioner Amendments	36
SB 073 – Medical Cannabis Act	37
SB 089 – Medical Cannabidiol Amendments	37
<b>Public Lands</b>	<b>38</b>
HB 219 – Resource Management Planning	38
HB 276 – Utah Public Land Management Act	38
HB 363 – Grazing Zone Amendments	39
HCR 01 – Concurrent Resolution on Waters of the United States	39
SB 072 – School and Institutional Trust Lands Management Act Amendments	39
SB 122 – Wildland Fire Policy Updates	40
SB 212 – Wildland Fire Suppression Fund	40
<b>Public Safety and Courts</b>	<b>41</b>
HB 012 – Disaster Recovery for Local Governments	41
HB 019 – Expungement Amendments	42
HB 022 – Civil Asset Forfeiture - Procedural Reforms	42
HB 068 – Post-Exposure Blood Testing Amendments	43
HB 085 – Attorney Fee Revisions	43
HB 123 – Office of Attorney General – Conflict of Interest	43
HB 137 – Restitution for Incarceration Costs Amendments	44
HB 160 – Justice Court Judge Qualifications Amendments	44
HB 300 – Body-worn Cameras for Law Enforcement Officers	45
HB 380 – Utah Communications Authority Amendments	45
HB 389 – Sanctuary City Liability Amendments	46
HB 391 – Law Enforcement Revisions	46
HB 434 – Law Enforcement Officer Investigation Amendments	47
HB 472 – Gun Owners Privacy Protection Act	47
HB 479 – Jail Contracting Rate Amendments	48
HJR 01 – Proposal to Amend Utah Constitution - Judges of Courts Not of Record	48
SB 071 – Children's Justice Center Amendments	49
SB 094 – Law Enforcement Use of Body Cameras	49
SB 100 – Traffic Fines Amendments	50
SB 155 – Indigent Defense	50
SB 157 – Pawnshop Amendments	51
SB 189 – Death Penalty Amendments	51
SB 193 – Utah Communications Authority Act Amendments	52
SB 202 – Pre-trial Release Amendments	52
SB 236 – Utah Communications Authority Governance Amendments	53
SB 243 – Indigent Counsel in Private Parental Termination Cases	53

<b>Retirement</b>	<b>54</b>
HB 047 – Postretirement Employment Rural and Title I School Exceptions	54
HB 050 – Postretirement Reemployment Amendments	55
HB 086 – Postretirement Employment Restrictions	55
HB 117 – Modifications to Postretirement Reemployment Restrictions	56
HB 159 – Line-of-duty Death Benefits Amendments	56
HB 205 – Tier II Retirement Amendments	56
SB 019 – Phased Retirement	57
SB 020 – Retirement Systems Audit Recommendations Amendments	57
SB 029 – Retirement Systems Amendments	58
<b>Revenue and Taxation</b>	<b>59</b>
HB 023 – Privilege Tax Amendments	59
HB 025 – Property Tax Changes	60
HB 032 – Subdivision Base Parcel Tax Amendments	60
HB 104 – Property Taxation Amendments	61
HB 122 – Sales Tax Exemption for Public Buildings Contractors	61
HB 153 – Certified Tax Rate Amendments	61
HB 180 – Sales and Use Tax Exemption Amendments	62
HB 235 – Remote Transactions Parity Act	62
HB 356 – Taxation of Solar Energy Devices	62
HB 368 – Short-term Rental Tax Amendments	63
HB 376 – Property Tax and Fair Market Value	63
HB 459 – Golf Course Property Tax Amendments	64
SB 068 – Property Tax Amendments	64
SB 085 – Sales and Use Tax Compliance Amendments	64
SB 102 – High Cost Infrastructure Tax Credit Amendments	65
SB 112 – Property Tax Assessment Amount Amendments	65
SB 120 – Property Tax Notice Amendments	65
SB 145 – Property Taxes on Former Prison Property	66
SB 164 – Local Government Modifications	66
SB 168 – Property Tax Revisions	66
SB 228 – Multicounty Assessing and Collecting Levy Amendments	67
SJR 03 – Proposal to Amend Utah Constitution- Property Tax Exemptions	67
<b>Transportation and Infrastructure</b>	<b>68</b>
HB 060 – Class B and Class C Road Fund Amendments	68
HB 183 – County Option Sales and Use Tax for Highways and Public Transit Amendments	69
HB 215 – Local Option Sales and Use Tax Amendments	69
HB 319 – Safety Inspection Amendments	70
SB 080 – Infrastructure Funding Amendments	70
<b>Zoning and Planning</b>	<b>71</b>
HB 115 – Beekeeping Modifications	71
HB 121 – Building Code Amendments	71
HB 224 – Impact Fees Revisions	72
HB 232 – Scenic Byway Amendments	72
HB 318 – Point of the Mountain Development Authority Act	73
HB 348 – Mountainous Planning District Amendments	73
HB 360 – Land Use Amendments	74
HB 409 – Short-term Rental Amendments	74
HB 413 – Falconry Amendments	75
HB 414 – Zoning Amendments	75
SB 044 – Construction Code Amendments	75
SB 092 – Water Conservation Amendments	76



## **Outcome of 2016 Legislative Priorities**

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At our November Annual Convention, UAC membership adopted a list of nine major legislative priorities for the 2016 Legislative Session. Comparing those priorities with the outcome of the 2016 legislative session proves very useful in highlighting county success.

Here, then, are the nine priorities we identified leading up to the session and the ultimate outcome of each of them.

### **Body-worn Cameras: UAC WIN**

HB 300 is a consensus bill two years in the making. UAC worked closely with Representative McCay, Senator Thatcher, the League of Cities and Towns, law enforcement, the ACLU of Utah, and the media to draft legislation that sets minimum standards for the use of police body-worn cameras as well as the availability of the recordings of such cameras to the public. There were a lot of twists and turns with this legislation, and we've probably written too much about it already, but the legislation that came out of all the meetings and compromises should help clarify the use and availability of an exciting, new law enforcement tool.

### **Indigent Defense Services: UAC WIN (CONTINUE TO WORK ON FUNDING)**

SB 155 finally makes the state a partner in Utah's indigent defense system. Given that prior to its passage, Utah was one of only two states in the country not contributing to indigent defense, it was long overdue. The bill creates an advisory Indigent Defense Commission as well as provides \$1.5 million in grant funding to assist counties' efforts to provide defense to the poor. As the commission meets and makes further recommendations, you can be sure that we will continue to see indigent defense reform in the years to come.

### **RDA Rewrite: UAC WIN**

With input from UAC, the sponsors of SB 151 pulled back from some of their more ambitious changes to the redevelopment agency code and we ended up with a helpful bill that cleans up the code regarding tax increment financing and the processes used to approve it.

### **Newspaper Notice of Elections: UAC WIN**

SB 26 removes a costly and ineffective method to notice the public of elections and polling places through newspaper notices. The law now allows for the county clerk's office to choose between a mailed notice and a newspaper notice (where previously they were paying the newspapers tens of thousands of dollars to do both).

### **Property Tax New Growth: UAC WIN (CONTINUE TO MONITOR IMPACT)**

HB 25 addresses a growing issue of concern to a number of vocal legislators regarding the formula previously used to calculate property tax new growth. With the passage of HB 25, taxing entities are substituting large new growth values based on fluctuating centrally assessed and personal property values for guaranteed gains every year from real property new growth. Additionally, HB 25 should insulate taxing entities from legislative assaults upon the new growth formula in the future.

**Justice Reinvestment Initiative: UAC WIN (STILL NEED MUCH MORE FUNDING)**

In 2015, the legislature passed sweeping changes to the criminal justice system. These changes moved much of the responsibility of the statewide justice system from the state to the counties. At the time, UAC committed to work with the legislature in its efforts to reduce recidivism and improve treatment of drug offenders. 2016 saw much needed funds to assist counties in their new responsibilities. UAC maintained the original \$3 million on-going, successfully lobbied for a \$1.5 million appropriation on the treatment side, and was successful in getting an additional \$2 million appropriation to better coordinate data and departments in these efforts. This is another issue that will need attention for many more years.

**Behavioral Health Treatment and Funding: UAC WIN (ALWAYS MORE TO DO)**

2016 finally saw the passage of Medicaid expansion. HB 437 will result in roughly \$100 million in new federal and state moneys for behavioral health. We've said it before, but it bears repeating: we owe a great debt of gratitude to the legislature, and particularly Representative Dunnigan, for vision and courage to fund HB 437. With no requirement for a county match for the expanded population and an emphasis on treating individuals dealing with homelessness, criminality, and substance abuse and mental health issues, this effort targets "our population" directly. While behavioral health did not get an additional \$5 million in Medicaid match, we did maintain the \$6.4 million. With that and the expansion of Medicaid with an emphasis on county programs and issues, it should be a significant benefit to county efforts.

Additionally, the legislature appropriated nearly \$10 million in homelessness funds to aid in the development and construction of multiple shelters in the metropolitan area. Recognizing that homelessness is becoming a significant problem in Utah, the legislature has committed \$27 million of 3 years for this effort. Yet, another big win for counties on this front.

**Wildfire Suppression: UAC WIN**

After effort for a number of years, SB 122 brings the state, counties, *and* cities to the table when discussing and dealing with wildland fire suppression. Additionally, SB 212 also appropriates \$2 million towards suppression. Big thanks to Senator Vickers for his leadership on this issue.

**County Resource Management Plans: UAC WIN**

HB 219 continues efforts began in 2015 to assist counties with county resource management plans. HB 219 further refines procedures to enhance resource management and planning at the local level.

Reviewing our priorities, county officials should be proud that we were able to successfully address each and every one of them. What's more, we saw concrete improvements for each issue. This is another sign that the counties really had a successful 2016 Legislative Session.

## 2016 Legislative Scorecard

In 1911, Ty Cobbs batted .420. In 1941, Ted Williams batted .406. And in 2016, the Utah Association of Counties batted .955! While UAC tracked over 125 bills during the 2016 legislative session, it wasn't actively involved in lobbying every one of those bills. Below is a list of bills that UAC lobbied through testimony in committee hearings and one-on-one meetings with legislators as well as the outcomes of those bills.

UAC Supported Legislation			
Legislation		Outcome	
Bill Number	Bill Name	Enrolled	Failed
HB 023	Privilege Tax Amendments	X	
HB 025	Property Tax Changes	X	
HB 060	Class B and Class C Road Fund Amendments	X	
HB 104	Property Taxation Amendments	X	
HB 183	County Option Sales and Use Tax for Highways and Public Transit Amendments	X	
HB 219	Resource Management Planning	X	
HB 300	Body-worn Cameras for Law Enforcement Officers	X	
HB 436	Housing and Homeless Reform Initiative	X	
HB 437	Health Care Revisions	X	
SB 026	Election Notice Amendments	X	
SB 041	Appointment of County Assessors	X	
SB 063	Survey Monument Replacement	X	
SB 122	Wildland Fire Policy Updates	X	
SB 164	Local Government Modifications	X	
SB 233	Governmental Immunity Act Amendments		X

UAC Opposed Legislation			
Legislation		Outcome	
Bill Number	Bill Name	Enrolled	Failed
HB 022	Civil Asset Forfeiture - Procedural Reforms		X
HB 085	Attorney Fee Revisions		X
HB 360	Land Use Amendments		X
HB 376	Property Tax and Fair Market Value		X
HB 409	Short-term Rental Amendments		X
SB 168	Property Tax Revisions		X
SB 226	Civil Actions Involving Law Enforcement Officers or Emergency Vehicle Operators		X

## 2016 Legislative Session: Something for Everyone

During the months leading up to the 2016 Legislative Session, UAC staff met with county affiliate groups to identify their major legislative priorities. UAC staff then worked with affiliate leadership to identify potential sponsors and arranged meetings with key legislators. The result of these efforts was a session where nearly every county office saw identifiable objectives met—often weeks before the legislative session ended. Below are a few of the bills that UAC staff worked on with our county officials to shepherd through the process, amend, or kill. Full write-ups of each bill are available in the Individual Legislation Recap section of this packet.

<p style="text-align: center;"><b>Assessors</b></p> <ul style="list-style-type: none"> <li>• HB 376 – Property Tax and Fair Market Value (<b>sent to interim</b>)</li> <li>• HB 459 – Golf Course Property Tax Amendments (<b>sent to interim</b>)</li> <li>• SB 41 – Appointment of County Assessors (<b>enrolled</b>)</li> </ul>	<p style="text-align: center;"><b>Attorneys</b></p> <ul style="list-style-type: none"> <li>• SB 155 – Indigent Defense (<b>enrolled</b>)</li> </ul>	<p style="text-align: center;"><b>Auditors</b></p> <ul style="list-style-type: none"> <li>• HB 104 – Property Taxation Amendments (<b>enrolled</b>)</li> </ul>
<p style="text-align: center;"><b>Clerks</b></p> <ul style="list-style-type: none"> <li>• HB 198 – Ballot Proposition Amendments (<b>enrolled</b>)</li> <li>• SB 25 – Ballot Amendments (<b>enrolled</b>)</li> <li>• SB 26 – Election Notice Amendments (<b>enrolled</b>)</li> <li>• SB 27 – Absentee Ballot Amendments (<b>enrolled</b>)</li> </ul>	<p style="text-align: center;"><b>Commissioners</b></p> <ul style="list-style-type: none"> <li>• HB 60 – Class B and Class C Road Fund Amendments (<b>enrolled</b>)</li> <li>• HB 183 – County Option Sales and Use Tax for Highways and Public Transit Amendments (<b>enrolled</b>)</li> <li>• HB 219 – Resource Management Planning (<b>enrolled</b>)</li> </ul>	<p style="text-align: center;"><b>Recorders</b></p> <p>HB 199 – Uniform Real Property Transfer on Death Act (<b>sent to interim</b>)</p>
<p style="text-align: center;"><b>Sheriffs</b></p> <ul style="list-style-type: none"> <li>• HB 300 – Body-worn Cameras for Law Enforcement Officers (<b>enrolled</b>)</li> </ul>	<p style="text-align: center;"><b>Surveyors</b></p> <ul style="list-style-type: none"> <li>• SB 63 – Survey Monument Replacement (<b>enrolled</b>)</li> </ul>	<p style="text-align: center;"><b>Treasurers</b></p> <ul style="list-style-type: none"> <li>• SB 164 – Local Government Modifications (<b>enrolled</b>)</li> </ul>

# County Appropriations

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Thanks to the tireless efforts of county officials, UAC staff, and some very helpful legislators; county government did very well in state appropriations during the 2016 legislative session. Below is a review of what exactly we received.

## **BEHAVIORAL HEALTH APPROPRIATIONS**

- \$6.4M Medicaid Match = One-time
- \$1.5M JRI funds for behavioral health treatment = Ongoing
- \$31M Medicaid Expansion = \$17.5M Ongoing (Another \$13.5M covered by the hospitals)

Behavioral health funding has been insufficient for almost a decade and staff has taken significant pains to educate legislators on the partnership between the State and Counties to provide public behavioral health services through the State Medicaid program. Additional funds are requested and one-time funds need to be made ongoing, so staff and county officials have work to do for future sessions. Medicaid Expansion will make a significant impact in providing services for those that fall into the county safety net and interact with counties at a number of touch points (at arrest, in the jails, in community behavioral health services, finding employment, etc.) All above funds will draw down an additional 70% from federal funds.

## **JUSTICE RELATED APPROPRIATIONS**

- \$2M JRI Data Coordination = One-time
- \$1M Jail Reimbursement = Ongoing
- \$1M Jail Reimbursement = One-time
- \$1.32 +\$250K Jail Contracting = Ongoing
- \$500K Indigent Defense Commission = Ongoing
- \$1.5M Indigent Defense Commission = One-time

The above appropriations are a combination of direct JRI changes and also indirect changes because of JRI Legislation. The jail contracting, reimbursement and programming changes are a continual discussion with legislators and staff appreciates the continued support of committee chairs and members as we work on balancing this partnership. Because of JRI legislation, counties are experiencing changes in the justice system and will need continued support. And one of the needs identified in this year of implementation was the significant need for additional coordination between state agencies, county agencies, and concerned parties.

## **INFRASTRUCTURE APPROPRIATIONS**

- \$150K Statewide Personal Property Reporting System = One-time
- \$2M Wildfire Suppression Fund = One-time

Other appropriations requests were not ignored and we appreciate our champions for working for additional needed funds, especially the Wildfire Suppression Fund which is a result of many many years of work.

## Looking Forward: What Does 2017 Have in Store

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While the successes of 2016 are significant there is still plenty of work needed on county related issues. We continue to grapple with infrastructure funding as our state in-migration continues to test the limits of existing infrastructure, particularly in the areas of water and transportation. Chronic homelessness in many of our urban counties, and statewide substance abuse issues also continue to be significant hurdles in front of our local elected officials.

Couple that with a softening economy, particularly in the extractive industries and, and we definitely have our work cut out. Fortunately, our partnership with the State of Utah continues to develop, and in 2016 there was a clear recognition of the role each of us must play in the partnership. Significant legislative commitments were made in jail contracting and reimbursement. Continued efforts were made on the issue of Justice Reinvestment. Counties received additional transportation dollars, and many still have additional local-option funding options that were granted by the legislature. Additionally a major step forward on Medicaid Expansion was made that will directly impact county safety net services for our most vulnerable populations.

So, in our effort to use the momentum gained in 2016, here are a few items we anticipate for 2017:

- Governmental immunity and tort cap limit review
- Online/remote sales tax collections
- Possible expansion of Medicaid to cover additional members
- JRI coordination, funding and next steps
- Medicaid expansion discussions
- Medicaid match and possible reorganization
- Jail contracting/reimbursement/programming and relationship to JRI
- Indigent defense
- 
- Sentencing reform related issues
- Public sector retirement
- Role and taxing authority of special districts
- Transfer on Death recording issues
- Election recodification effort
- Water development Funding
- Homelessness services funding
- Air quality issues
- PLI/public lands/National Monument issues
- Greenbelt issues
- Civil asset forfeiture

These are just a few of the many things we plan to tackle and address in the lead up to 2017. If you have interest in these categories, please let us know so that we can make sure you are looped in to the effort.

Number	Short Title	Sponsor	Position	Contact
HB 010	Initiative and Referendum Amendments <i>Loosens the deadlines associated with the initiative and referendum signature gathering process.</i>	Brian Greene	Neutral	Lincoln
HB 012	Disaster Recovery for Local Governments <i>Establishes a loan program to local government entities for the purpose of providing emergency disaster services.</i>	Kurt Oda	Support	Lincoln
HB 017	Assessment Area Foreclosure Amendments <i>Modifies the methods by which a local entity may enforce an assessment lien.</i>	Curt Webb	Neutral	Lincoln
HB 018	Medicaid Preferred Drug List Amendments <i>Authorizes the inclusion of additional drugs to the Medicaid program's preferred drug list.</i>	Raymond Ward	Monitor	Elizabeth
HB 019	Expungement Amendments <i>Redefines "expungement" and requires agencies to remove all expunged records from public databases.</i>	Brian Greene	Monitor	Adam
HB 021	Election Revisions <i>Provides that election results will be published on the day they are counted between Election Day and final canvass.</i>	Steve Eliason	Neutral	Arie
HB 022	Civil Asset Forfeiture - Procedural Reforms <i>Limits civil asset forfeiture.</i>	Brian Greene	Oppose	Lincoln
HB 023	Privilege Tax Amendments <i>Defines "exclusive possession" as it relates to a privilege tax.</i>	Jon Stanard	Support	Lincoln
HB 025	Property Tax Changes <i>Adjusts the formula for property tax new growth by, among other things, removing locally assessed personal property from the calculation.</i>	Dan McCay	Support	Lincoln
HB 030	Good Landlord Program Amendments <i>Sets additional regulations on the good landlord program.</i>	Gage Froerer	Support	Elizabeth
HB 031	Enterprise Zone Amendments <i>Raises the population limits from 50,000 to 70,000 for a county to qualify for designation as an enterprise zone.</i>	Scott Sandall	Support	Lincoln
HB 032	Subdivision Base Parcel Tax Amendments <i>Creates a procedure by which an owner of a portion of a base parcel whose property tax is delinquent may redeem the owner's portion.</i>	Curt Webb	Support	Lincoln
HB 047	Postretirement Employment Rural and Title I School Exceptions <i>Provides the ability of a retiree to return to work in another agency provided certain terms are met.</i>	Rich Cunningham	Monitor	Lincoln
HB 048	Election Law Amendments <i>Disqualifies candidates who fail to file certain financial reports.</i>	Dan McCay	Monitor	Arie
HB 050	Postretirement Reemployment Amendments <i>Makes the county responsible for overpayment if they fail to report reemployment.</i>	Rich Cunningham	Monitor	Lincoln
HB 052	Office of Outdoor Recreation Amendments <i>Establishes a grant program to local government entities for the purpose of providing outdoor recreation infrastructure.</i>	Patrice Arent	Support	Elizabeth
HB 060	Class B and Class C Road Fund Amendments <i>Amends the apportionment formula for funds available for use on class B and C roads.</i>	Johnny Anderson	Support	Lincoln
HB 068	Post-Exposure Blood Testing Amendments <i>Provides that an emergency service provider can request a blood sample if significantly exposed to bodily fluids.</i>	Edward Redd	Support	Adam
HB 077	Special District Amendments <i>Makes exception for a county official sitting on a district board from residing in the district.</i>	Stephen Handy	Support	Lincoln
HB 078	Abandoned Road Amendments <i>States that a street that has been abandoned does not need signed, dedicated, and acknowledged.</i>	Stephen Handy	Monitor	Lincoln
HB 085	Attorney Fee Revisions <i>Repeals the provision that disavows the private attorney general doctrine.</i>	Brian Greene	Oppose	Adam
HB 086	Postretirement Employment Restrictions <i>Allows for reemployment with a new agency, restricts receipt of credits in reemployment, obligates employer to pay contribution.</i>	Rich Cunningham	Support	Lincoln
HB 104	Property Taxation Amendments <i>Permits the county auditor to provide certain notices by electronic mail if certain conditions are met.</i>	Jeremy Peterson	Support	Lincoln
HB 115	Beekeeping Modifications <i>Prohibits local government from regulating beekeeping.</i>	Marc Roberts	Oppose	Arie
HB 117	Modifications to Postretirement Reemployment Restrictions <i>Provides the ability of a retiree to return to work in another agency provided certain terms are met.</i>	Rich Cunningham	Monitor	Lincoln
HB 121	Building Code Amendments <i>Adopts the 2015 International Building Codes.</i>	Becky Edwards	Monitor	Lincoln
HB 122	Sales Tax Exemption for Public Buildings Contractors <i>Amends the sales and use tax exemption for construction materials purchased by political subdivisions.</i>	Kraig Powell	Support	Arie

Number	Short Title	Sponsor	Position	Contact
HB 123	Office of Attorney General – Conflict of Interest <i>Requires Attorney General to recuse an attorney employed by his office from a matter where a conflict of interest exist.</i>	Mike Noel	Monitor	Adam
HB 126	Unmanned Aircraft Revisions <i>Prohibits flying an unmanned aircraft within a specified distance of a wildland fire.</i>	Kraig Powell	Monitor	Lincoln
HB 137	Restitution for Incarceration Costs Amendments <i>Requires sheriff to notify of costs of incarceration, allows costs to be reduced or waived, requires victim restitution cost to be primary.</i>	Paul Ray	Monitor	Adam
HB 144	Food Freedom Act <i>Removes food inspection from certain food produced in the state and sold within the state.</i>	Marc Roberts	Oppose	Lincoln
HB 149	Reporting Death Involving Controlled Substance Amendments <i>Requires the medical examiner to report to DOPL when death resulted from an overdose from a prescribed controlled substance.</i>	Brad Daw	Monitor	Elizabeth
HB 153	Certified Tax Rate Amendments <i>Modifies the calculation of the certified tax rate by including an adjustment for inflation.</i>	Raymond Ward	Support	Arie
HB 154	County Personnel Requirements <i>Provides that under certain circumstances a career service council shall refer an appeal to an administrative law judge for a final decision.</i>	Brad Dee	Support	Lincoln
HB 159	Line-of-duty Death Benefits Amendments <i>Allows a former spouse to still receive death benefits from a peace officer or firefighter killed in the line of duty even after a remarriage.</i>	Mike McKell	Monitor	Lincoln
HB 160	Justice Court Judge Qualifications Amendments <i>Requires justice court judges to be law trained in 1<sup>st</sup> and 2<sup>nd</sup> class counties.</i>	Craig Hall	Oppose	Lincoln
HB 178	Legal Notice Amendments <i>Modifies the criteria for a publication to be considered a newspaper of general circulation for the purpose of legal notice.</i>	Scott Chew	Monitor	Lincoln
HB 180	Sales and Use Tax Exemption Amendments <i>Amends the sales and use tax exemption to include certain materials.</i>	Brad Wilson	Oppose	Lincoln
HB 183	County Option Sales and Use Tax for Highways and Public Transit Amendments <i>Permits counties that aren't in UTA to shift transportation funds from a transit district allowed by legislation last year and redistribute them.</i>	Jack Draxler	Support	Lincoln
HB 187	Animal Shelter Amendments <i>Prohibits an animal shelter from using certain methods to euthanize an animal.</i>	Johnny Anderson	Monitor	Adam
HB 198	Ballot Proposition Amendments <i>Clarifies ballot proposition procedures.</i>	Justin Fawson	Support	Arie
HB 199	Uniform Real Property Transfer on Death Act <i>Creates additional responsibility to county recorders at a transfer of deed at death.</i>	Lowry Snow	Oppose	Lincoln
HB 205	Tier II Retirement Amendments <i>Authorizes an increase to the defined benefit provided to a Tier II Hybrid Retirement System employee.</i>	Rich Cunningham	Monitor	Lincoln
HB 212	Tourism Tax Advisory Board Amendments <i>Changes the membership requirements for certain county tourism tax advisory boards.</i>	Doug Sagers	Oppose	Lincoln
HB 215	Local Option Sales and Use Tax Amendments <i>Allows a county to impose a local option sales tax for transportation for cities and counties.</i>	Brian Greene	Monitor	Lincoln
HB 219	Resource Management Planning <i>Modifies provisions relating to resource management plans.</i>	Keven Stratton	Support	Mark
HB 221	Immunization of Students Amendments <i>Provides an immunization exemption form at no cost to families that request it.</i>	Carol Spackman Moss	Monitor	Elizabeth
HB 224	Impact Fees Revisions <i>Limits when a local political subdivision may require payment of an impact fee imposed on a residential project.</i>	Paul Rey	Monitor	Lincoln
HB 232	Scenic Byway Amendments <i>Segments Nation Scenic Byways to allow for the posting of specific billboards.</i>	Mike Noel	Monitor	Lincoln
HB 235	Remote Transactions Parity Act <i>Addresses sales and use taxes for remote transactions.</i>	Mike McKell	Amend	Lincoln
HB 245	Local Health Department Amendments <i>Provides a county the option of combining the local health department with the local substance abuse authority.</i>	Brad Dee	Monitor	Lincoln
HB 274	Involuntary Civil Commitment Modifications <i>Amends the maximum number of hours from 24 to 72 that a person may be held in involuntary commitment by a local mental health authority.</i>	Edward Redd	Monitor	Elizabeth
HB 275	Submission of Nonbinding Opinion Questions to Voters <i>Prescribes a process for the legislature to submit a nonbinding opinion question to Utah voters.</i>	Patrice Arent	Monitor	Arie
HB 276	Utah Public Land Management Act <i>Enacts the Utah Public Land Management Act in the case that the federal government cedes land to the State of Utah.</i>	Mike Noel	Monitor	Mark

Number	Short Title	Sponsor	Position	Contact
HB 300	Body-worn Cameras for Law Enforcement Officers <i>Addresses GRAMA, minimum standards, and the retention of recordings from body-worn cameras.</i>	Dan McCay	Support	Arie
HB 318	Point of the Mountain Development Authority Act <i>Creates the Point of the Mountain Development Authority to find the best use for the Draper prison site.</i>	Brad Wilson	Monitor	Lincoln
HB 319	Safety Inspection Amendments <i>Repeals the requirement that certain vehicles obtain a safety inspection certificate.</i>	Norman Thurston	Oppose	Lincoln
HB 332	Marriage License and Counseling Amendments <i>Provides a \$20 reduction in marriage license fees should a couple receive marriage counseling prior to obtaining their marriage license.</i>	Edward Redd	Oppose	Arie
HB 334	Voting Revisions <i>Appropriates \$2.5 million to be used for the purchase of next generation voting machines.</i>	Brad Daw	Monitor	Arie
HB 348	Mountainous Planning District Amendments <i>Removes a repeal date for provisions relating to mountainous planning districts.</i>	Brad Dee	Support	Lincoln
HB 356	Taxation of Solar Energy Devices <i>Creates a sales and use tax exemption for solar energy machinery, equipment, parts, and materials under certain circumstances.</i>	John Knotwell	Monitor	Lincoln
HB 360	Land Use Amendments <i>Requires counties and cities to notice any land use ordinance that is stricter than state code.</i>	Mel Brown	Oppose	Lincoln
HB 363	Grazing Zone Amendments <i>Establishes a grazing zone in Beaver County.</i>	Mike Noel	Support	Mark
HB 368	Short-term Rental Tax Amendments <i>Addresses a hosting platform's authority to voluntarily collect and remit certain taxes.</i>	Dixon Pitcher	Monitor	Lincoln
HB 376	Property Tax and Fair Market Value <i>Modifies the method of valuing property for purposes of the Property Tax Act.</i>	Brian Greene	Oppose	Lincoln
HB 380	Utah Communications Authority Amendments <i>Requires the Utah Communications Authority Board to create a comprehensive strategic plan.</i>	Brad Dee	Support	Lincoln
HB 389	Sanctuary City Liability Amendments <i>Waives governmental immunity for a governmental entity that releases an undocumented individual without checking with ICE first.</i>	Steve Eliason	Oppose	Adam
HB 391	Law Enforcement Revisions <i>Enacts provisions relating to law enforcement on public land and on land to which the federal government has obtained right or title.</i>	Mike Noel	Monitor	Mark
HB 396	Money Management Act Amendments <i>Authorizes county treasurers to provide crime or theft insurance.</i>	Eric Hutchings	Support	Lincoln
HB 409	Short-term Rental Amendments <i>Prohibits a municipality or county may not enact, amend, or enforce a land use ordinance governing short-term rentals.</i>	John Knotwell	Oppose	Lincoln
HB 413	Falconry Amendments <i>Prohibits local government ordinances that limits registered falconers from keeping falcons at their homes.</i>	Jeremy Peterson	Oppose	Lincoln
HB 414	Zoning Amendments <i>Requires a land use authority to make written findings when taking action on a land use application from certain residential facilities.</i>	LaVar Christensen	Oppose	Lincoln
HB 417	Vote by Mail Revisions <i>Adds additional standards for absentee ballots.</i>	Brad Daw	Support	Arie
HB 432	Governmental Nonprofit Entity Compliance Amendments <i>Expands the Open and Public Meeting Act to apply to governmental nonprofit organizations.</i>	Kim Coleman	Oppose	Lincoln
HB 434	Law Enforcement Officer Investigation Amendments <i>Provides policies and procedures for the investigation and interrogation of any law enforcement officer.</i>	Paul Ray	Monitor	Lincoln
HB 436	Housing and Homeless Reform Initiative <i>Appropriates funds for an account to provide grants for local homelessness initiatives.</i>	Francis Gibson	Support	Lincoln
HB 437	Health Care Revisions <i>Implements a health coverage improvement program through Medicaid waiver authority expanding Medicaid service.</i>	James Dunnigan	Support	Elizabeth
HB 446	Statewide Homeless Services and Affordable Housing Amendments <i>Modifies the required housing allocation for an urban renewal project area and an economic development project area for homeless services.</i>	Steve Eliason	Support	Lincoln
HB 459	Golf Course Property Tax Amendments <i>Changes provisions related to the assessment of golf courses for property tax.</i>	Paul Ray	Oppose	Arie
HB 472	Gun Owners Privacy Protection Act <i>Requires law enforcement agencies to delete notification relating to the transfer of firearms within 30 days.</i>	Curt Oda	Monitor	Adam
HB 479	Jail Contracting Rate Amendments <i>Increases the rate for county jail contracted beds with treatment services from 84 percent to 86 percent of the daily incarceration rate.</i>	Mike Noel	Support	Lincoln

Number	Short Title	Sponsor	Position	Contact
HCR 01	Concurrent Resolution on Waters of the United States <i>Expresses support for the Utah State Attorney General to seek to vacate the federal ruling defining "Waters of the United States."</i>	Mike Noel	Support	Mark
HCR 03	Concurrent Resolution Supporting Cannabis Research <i>Encourages Congress to study the potential positive effects of cannabinoid molecules found in the marijuana plant.</i>	Brad Daw	Monitor	Elizabeth
HJR 01	Proposal to Amend Utah Constitution - Judges of Courts Not of Record <i>Places on the ballot a constitutional amendment that allows a requirement that district court judges be admitted to practice law.</i>	Craig Hall	Monitor	Lincoln
HJR 02	Proposal to Amend Utah Constitution -- Right to Food <i>Places on the ballot a constitutional amendment that sets the growing and selling of food a right protected by the constitution.</i>	Marc Roberts	Monitor	Lincoln
SB 019	Phased Retirement <i>Allows a participating employer to participate in phased retirement for a retiree under certain circumstances.</i>	Todd Weiler	Monitor	Lincoln
SB 020	Retirement Systems Audit Recommendations Amendments <i>Requires the Utah State Retirement Systems (URS) to provide employee compensation information on its website.</i>	Todd Weiler	Monitor	Lincoln
SB 025	Ballot Amendments <i>Amends provisions relating to ballot format and content.</i>	Margaret Dayton	Support	Arie
SB 026	Election Notice Amendments <i>Provides an option for providing the election notice by newspaper or by mail.</i>	Margaret Dayton	Support	Arie
SB 027	Absentee Ballot Amendments <i>Changes the date by which an election officer is required to mail absentee ballots from 28 days to 21 days prior to Election Day.</i>	Margaret Dayton	Support	Arie
SB 029	Retirement Systems Amendments <i>Modifies the Utah State Retirement and Insurance Benefit Act by amending certain retirement provisions.</i>	Todd Weiler	Monitor	Lincoln
SB 041	Appointment of County Assessors <i>Allows a county to appoint a certified appraiser from outside the county to serve as county assessor should no one files for the office.</i>	Ann Millner	Support	Arie
SB 044	Construction Code Amendments <i>Expands exemption from permit requirements for structures used for certain agricultural purposes.</i>	Margaret Dayton	Monitor	Lincoln
SB 058	Nurse Practitioner Amendments <i>Allows an advanced practice registered nurse to prescribe a schedule II or III controlled substance without supervision from a physician.</i>	David Hinkins	Monitor	Elizabeth
SB 063	Survey Monument Replacement <i>Addresses the timing for certain notices to the county surveyor.</i>	Ralph Okerlund	Support	Lincoln
SB 068	Property Tax Amendments <i>Provides for a personal property tax exemption for property that is leased to certain government entities.</i>	Wayne Harper	Monitor	Lincoln
SB 071	Children's Justice Center Amendments <i>Modifies membership of the Advisory Board on Children's Justice.</i>	Ralph Okerlund	Support	Adam
SB 072	School and Institutional Trust Lands Management Act Amendments <i>Changes the procedure for SITLA with regards to the withdrawal of lands, mineral lease applications, and reporting.</i>	Margaret Dayton	Monitor	Mark
SB 073	Medical Cannabis Act <i>Allows individuals to register with the Department of Health to produce, dispense, and possess and use medical cannabis.</i>	Mark Madsen	Neutral	Elizabeth
SB 080	Infrastructure Funding Amendments <i>Moves sales tax funds from transportation to the Water Infrastructure Restricted Account.</i>	Stuart Adams	Monitor	Lincoln
SB 085	Sales and Use Tax Compliance Amendments <i>Deals with remote online sales and the sales tax associated with those sales.</i>	Wayne Harper	Support	Lincoln
SB 089	Medical Cannabidiol Amendments <i>Allows an individual to register with the state to possess and use medical cannabis under certain circumstances.</i>	Evan Vickers	Neutral	Lincoln
SB 092	Water Conservation Amendments <i>Addresses a municipality's or a county's authority to require certain types of landscaping in certain zoning districts.</i>	Scott Jenkins	Neutral	Lincoln
SB 094	Law Enforcement Use of Body Cameras <i>Addresses body-worn cameras for peace officers by requiring law enforcement agencies to have a policy in place as set by POST.</i>	Dan Thatcher	Support	Arie
SB 100	Traffic Fines Amendments <i>Limits amounts received by local governments from traffic fines to 25% of the local government's revenues.</i>	Lyle Hillyard	Oppose	Arie
SB 102	High Cost Infrastructure Tax Credit Amendments <i>Modifies the amount of high cost infrastructure tax credit the Office of Energy Development may issue.</i>	Ralph Okerlund	Support	Lincoln
SB 112	Property Tax Assessment Amount Amendments <i>Moves the burden of proof to the assessor in a property value dispute if the assessor's value is above fair market value.</i>	Howard Stephenson	Neutral	Lincoln
SB 115	Sustainable Transportation and Energy Plan Act <i>Amends provisions related to a public utility providing electrical service and encourages sustainable energy.</i>	Stuart Adams	Monitor	Adam

Number	Short Title	Sponsor	Position	Contact
SB 120	Property Tax Notice Amendments <i>Defines last year's property tax budgeted revenue for purposes of the advertisement used to provide notice of a proposed property tax increase.</i>	Howard Stephenson	Monitor	Lincoln
SB 122	Wildland Fire Policy Updates <i>Requires a municipality to abate uncontrolled wildfire on private or municipality-owned land within its boundaries.</i>	Evan Vickers	Support	Mark
SB 145	Property Taxes on Former Prison Property <i>Transfers property taxes collected at the Draper prison location to the state to be used to redevelop the area for 20 years.</i>	Lincoln Fillmore	Oppose	Lincoln
SB 150	Metro Township Amendments <i>Modifies the definition of a municipality in various sections to include a metro township.</i>	Karen Mayne	Support	Lincoln
SB 151	Community Development and Renewal Agencies Act Revisions <i>Rewrites the community development act by moving three sections of the code into one.</i>	Wayne Harper	Support	Lincoln
SB 155	Indigent Defense <i>Creates the Utah Indigent Defense Commission with its scope and funds to run it.</i>	Todd Weiler	Monitor	Adam
SB 157	Pawnshop Amendments <i>Addresses pawned evidence and when that evidence may be returned to the rightful owner.</i>	Dan Thatcher	Support	Lincoln
SB 164	Local Government Modifications <i>Provides taxpayers the ability to direct how the county treasurer allocates partial payments.</i>	Deidre Henderson	Support	Lincoln
SB 168	Property Tax Revisions <i>Provides a process for real estate developers to seek deferral of property taxes.</i>	Curt Bramble	Oppose	Lincoln
SB 185	Labor Remedy Amendments <i>Provides that a person who is subject to discrimination in matters of compensation may receive a remedy in equal amount to back pay due.</i>	Jani Iwamoto	Monitor	Lincoln
SB 189	Death Penalty Amendments <i>Repeals the death penalty in the state of Utah for cases tried after May 10, 2016.</i>	Steve Urquhart	Neutral	Adam
SB 192	Study on Claims Exceeding Statutory Limit <i>Encourages the creation of a working group to study tort reform.</i>	Jani Iwamoto	Monitor	Lincoln
SB 193	Utah Communications Authority Act Amendments <i>Requires the Utah Communications Authority Board to create a comprehensive strategic plan.</i>	Wayne Harper	Monitor	Lincoln
SB 194	Rental Vehicle Proof of Registration and Insurance <i>Requires a rental vehicle's rental agreement on the person operating a rental vehicle.</i>	Curt Bramble	Monitor	Lincoln
SB 196	Retail Bag Impact Reduction Program <i>Creates a fee for using single use grocery bags and a recycling program to those fees will fund.</i>	Jani Iwamoto	Support	Lincoln
SB 202	Pre-trial Release Amendments <i>Requires a peace officer to issue citations rather than arresting individuals for certain offenses.</i>	Lyle Hillyard	Monitor	Lincoln
SB 203	Immunity Amendments <i>Clarifies governmental immunity in emergencies or public health conditions.</i>	Stuart Adams	Support	Lincoln
SB 212	Wildland Fire Suppression Fund <i>Appropriates \$2 million towards the Wildland Fire Suppression Fund.</i>	Evan Vickers	Support	Mark
SB 214	Workplace Abusive Conduct Amendments <i>Prohibits an employer from taking adverse action against an employee if the employee reports abusive conduct.</i>	Al Jackson	Monitor	Adam
SB 226	Civil Actions Involving Law Enforcement Officers or Emergency Vehicle Operators <i>Revokes immunity for law enforcement if a suspect is injured while fleeing.</i>	Mark Madsen	Oppose	Lincoln
SB 228	Multicounty Assessing and Collecting Levy Amendments <i>Allows assessing and collecting levy revenues be used to create a statewide business personal property electronic filing system.</i>	Howard Stephenson	Support	Arie
SB 233	Governmental Immunity Act Amendments <i>Provides that immunity is retained under specified circumstances notwithstanding a waiver of immunity.</i>	Curt Bramble	Support	Adam
SB 236	Utah Communications Authority Governance Amendments <i>Amends the process for selecting a chair of the Utah Communications Authority Board.</i>	Kevin Van Tassell	Oppose	Lincoln
SB 243	Indigent Counsel in Private Parental Termination Cases <i>Allows juvenile courts to appoint counsel for an indigent private party in parental termination cases.</i>	Todd Weiler	Monitor	Adam
SJR 03	Proposal to Amend Utah Constitution- Property Tax Exemptions <i>Proposes an amendment to the constitution that would allow personal property leased for government to become tax-exempt.</i>	Wayne Harper	Monitor	Lincoln

## Economic Development

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Utah Association of Counties continues to look for opportunities to work on economic development issues. Governor Herbert spoke on the importance of economic development in some of our more rural areas and developing opportunities for rural counties to diversify their interests and tap into existing programs and resources.

The 2016 Legislative Session had only a few county-related economic development bills but staff appreciates the sponsors as they were interested in county impacts.

Below, is a list of each of the economic development issues UAC tracked during the session.

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### **HB31 Enterprise Zone Amendments, Sandall**

**UAC Position: SUPPORT**

**Status: ENROLLED**

**Outline of bill** – HB 31 raises the population limits from 50,000 to 70,000 for a county to qualify for designation as an enterprise zone. This allows for two counties in particular to now apply for such a qualification, Tooele and Box Elder. This bill was almost overwhelmingly supported to allow for counties to see additional growth.

**Our efforts on the legislation** – Staff worked with Representative Sandall including holding meetings with affected parties as well as having the Representative speak at our UAC Day on the Hill. Staff supported the passage and helped educate other legislators on the matter.

**What to expect next on the bill** – Affected counties can now make application for enterprise zones.

**Bill link** – <http://le.utah.gov/~2016/bills/hbillenr/HB0031.pdf>

**HB52 Office of Outdoor Recreation Amendments, Arent**  
**UAC Position: SUPPORT**  
**Status: ENROLLED**

**Outline of bill** – HB 52 will establish a grant program to assist local government entities to provide outdoor recreation infrastructure. This is similar to existing grant programs that counties have been educated on, but will allow for additional resources and helps establish some of the requirements and purposes of the program. This grant program seeks to build, maintain, and promote recreational infrastructure and encourage residents and nonresidents of the state to take advantage of Utah’s outdoors and encourage individuals and businesses to relocate to Utah. HB52 is associated with a one-time appropriation of \$1,000,000 for accepted applicants and will require matching contributions from the government entity (with possibility of in-kind donations). The Outdoor Recreation office may prioritize underserved or underprivileged areas.

**Our efforts on the legislation** – UAC both testified to the bill and spoke to legislators individually concerning the bill. Staff also consulted with the Office of Outdoor Recreation on how this program would differ from existing programs.

**What to expect next on the bill** – UAC staff is working with the Office of Outdoor Recreation to educate our county elected officials on the opportunities created by this grant program.

**Bill link** – <http://le.utah.gov/~2016/bills/hbillenr/HB0052.pdf>

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**SB151 Community Development and Renewal Agencies Act Revisions, Harper**  
**UAC Position: SUPPORT**  
**Status: ENROLLED**

**Outline of bill** – SB 151 rewrites the community development act by combining three sections of code into one which will provide a process for a community to create a reinvestment agency and allows an agency to create a project area.

**Our efforts on the legislation** – UAC supported the bill and monitored the language to ensure that it had continued to support the county’s interest in community development.

**What to expect next on the bill** – SB151 allows for the community development act to be in one single section of code which will provide clarity for counties and cleans up code.

**Bill link** – <http://le.utah.gov/~2016/bills/sbillenr/SB0151.pdf>

## Elections and Clerk Issues

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Election law continues to be an issue of legislative interest. During the 2016 Legislative Session, over two dozen election law bills were introduced. Fortunately, county clerks and their staff; the Lt. Governor's Office; and UAC staff were able to manage those bills to ensure that the legislation that passed reflected good policy that can be administered.

County clerks brought four election bills to the legislature in 2016. HB 198 addressed the timeline for ballot propositions and corrected a number of issues associated with placing propositions on the ballot, SB 25 cleaned up ballot language, SB 26 provided an option for noticing elections, and SB 27 moved the date to mail absentee ballots from 28 days prior to an election to 21 days prior to an election. Each bill was drafted well before the start of the legislative session and enrolled with plenty of time to spare.

County officials were also successful in meeting and working with legislators as they introduced ideas. These meetings served a valuable function in identifying the legislators' goals and identifying ways to achieve those goals that made the most sense administratively. Overall, 2016 was a very successful session for election law.

Below, is a list of each of the election and clerk issues UAC tracked during the session.

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### **HB10 Initiative and Referendum Amendments, Greene**

**UAC Position: NEUTRAL**

**Status: ENROLLED**

**Outline of bill** – HB 10 removes an unenforceable criminal penalty relating to the statement on an initiative or referendum petition that a person signing the petition has read and understands the law to which the initiative or referendum relate. It also modifies the deadline for the completion of the referendum process to begin 45 days after the referendum sponsor receives the petition forms and signature sheets and not at the passage of the local ordinance.

**Our efforts on the legislation** – The original version of HB 10 would have allowed for the referendum process to take place for any number of actions taken by local government. UAC worked to limit the scope of the bill to address some common sense fixes to the law.

**What to expect next on the bill** – County clerks will need to be aware of the new deadline for local referendums.

**Bill link** – <http://le.utah.gov/~2016/bills/static/HB0010.html>

**HB21 Election Revisions, Eliason****UAC Position: NEUTRAL****Status: ENROLLED**

**Outline of bill** – HB 21 provides that any day after the election and prior to the canvass date that any number of absentee or provisional ballots are counted, the clerk’s office must share the results of those ballots with the public. Exceptions are made should the counting of those ballots threaten the rights of the voters’ to a secret ballot.

**Our efforts on the legislation** – UAC worked with county clerks and the sponsor to provide the counties with discretion as to how often the clerk’s office would tally ballots between the election and the date of the canvass. County efforts also guaranteed provisions relating to the protection of voters’ secret ballots.

**What to expect next on the bill** – County clerks may want to consider statewide coordination as to what days during the time between an election and the canvass they tally ballots to provide the public uniformity.

**Bill link** – <http://le.utah.gov/~2016/bills/static/HB0021.html>

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**HB198 Ballot Proposition Amendments, Fawson****UAC Position: SUPPORT****Status: ENROLLED**

**Outline of bill** – HB 198 addresses requirements relating to preparing and publishing arguments for or against a ballot proposition. It also describes the duties of an election officer in relation to a ballot proposition and arguments for or against a ballot proposition and modifies deadlines relating to ballot propositions, arguments, and public meeting requirements.

**Our efforts on the legislation** – HB 198 grew out of concerns raised with the circumstances relating to the inclusion of proposition 1 on the ballot of a number of counties in 2015. County clerks discovered that many of the requirements associated with such a proposition on a ballot did not logistically work. HB 198 is the counties’ effort to clean up that portion of the election code.

**What to expect next on the bill** – County officials will find it much easier to administer all the requirements associated with a county proposition in the future thanks to HB 198.

**Bill link** – <http://le.utah.gov/~2016/bills/static/HB0198.html>

**HB275 Submission of Nonbinding Opinion Questions to Voters, Arent**

**UAC Position: MONITOR**

**Status: FAILED**

**Outline of bill** – HB 275 would have created a mechanism for the legislature to place on a ballot a nonbinding opinion question.

**Our efforts on the legislation** – HB 275 is problematic for county clerks in the sense that it has the potential to clutter the ballot with opinion questions. These questions represent a real cost to county election offices. HB 275 was generally perceived to be tied to an effort to place the question regarding Medicaid expansion to the voters. Since this effort was a nonstarter within the legislature, UAC did nothing more than monitor HB 275. The bill failed to receive so much as a hearing.

**What to expect next on the bill** – Given the right issue, there is always a chance that another version of HB 275 could be introduced in the future. We'll be vigilant in watching out for such bills.

**Bill link** – <http://le.utah.gov/~2016/bills/static/HB0275.html>

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**HB332 Marriage License and Counseling Amendments, Redd**

**UAC Position: OPPOSE**

**Status: FAILED**

**Outline of bill** – HB 332 would have created an account for marriage license fees collected when a couple does not undergo prescribed premarital counseling. The fee for such a couple would have been \$20. That fee would have been waived had the couple presented the county clerk with documentation that the prescribed counseling had taken place. The bill allowed for counties to raise the cost of a marriage license \$20 to hold the counties harmless. The final version of the bill made it optional for counties to participate in the program.

**Our efforts on the legislation** – HB 332 was amended from a statewide program to an opt-in program over concerns expressed by the counties. Once that change was made there was little in the way of UAC opposition to the bill. Despite that fact, the bill failed to receive a final vote in the Senate.

**What to expect next on the bill** – We have seen a number of these types of bills in past years and will likely see more in the future. We'll continue to watch them to make sure they are not unduly burdensome to the counties.

**Bill link** – <http://le.utah.gov/~2016/bills/static/HB0332.html>

**HB334 Voting Revisions, Daw**

**UAC Position: MONITOR**

**Status: FAILED**

**Outline of bill** – HB 334 would have appropriated \$2.5 million towards the next generation of voting machines. It also included requirements that newly purchased voting machines would have to meet in order to qualify for the appropriated funds.

**Our efforts on the legislation** – County clerks and UAC staff met with the sponsor of HB 334 to address some concerns with the strings tied to the appropriations included in the bill. The original version of the bill was specific enough in the requirements one must meet to qualify for the appropriations as to appear to favor a single vendor. The sponsor quickly recognized the merit to our concerns and worked with us to substitute the bill.

**What to expect next on the bill** – The legislature was not interested in a \$2.5 million appropriation towards an issue a couple of years away from being critical. This issue will grow in importance as our current voting machines continue to age.

**Bill link** – <http://le.utah.gov/~2016/bills/static/HB0334.html>

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**HB417 Vote by Mail Revisions, Daw**

**UAC Position: SUPPORT**

**Status: FAILED**

**Outline of bill** – HB 417 would have codified a number of current county practices that are used to verify the validity of absentee ballots.

**Our efforts on the legislation** – HB 417 started out something much different than what it ended up as. The original version of the bill required counties to pay return postage for all absentee ballots and included a cumbersome process for dealing with absentee ballots where the voter's identity is in question. UAC staff and county clerks worked with the sponsor to amend the bill into something we were comfortable supporting. Ultimately, the bill was introduced too late in the session to pass.

**What to expect next on the bill** – While UAC would welcome the return of HB 417 in its final version, we will continue to follow the procedures we've already laid out in dealing with questionable absentee ballots.

**Bill link** – <http://le.utah.gov/~2016/bills/static/HB0417.html>

**SB25 Ballot Amendments, Dayton**

**UAC Position: SUPPORT**

**Status: ENROLLED**

**Outline of bill** – SB 25 cleans up language regarding ballots and clarifies the certain order of items on the ballot to ensure uniformity throughout the state.

**Our efforts on the legislation** – UAC staff and county clerks brought this issue to the sponsor several months before the legislative session and were able to work with the sponsor to get it on an interim committee agenda and adopted as an interim bill to expedite the passage of the bill.

**What to expect next on the bill** – County clerks will need to review the language of SB 25 when preparing the next election ballot.

**Bill link** – <http://le.utah.gov/~2016/bills/static/SB0025.html>

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**SB26 Election Notice Amendments, Dayton**

**UAC Position: SUPPORT**

**Status: ENROLLED**

**Outline of bill** – SB 26 allows counties the option of noticing an election through the newspaper or via individual mailings. Currently, a number of counties are doing both. By giving counties the option to forego the newspaper to focus on mailings, SB 26 will save counties upwards of \$80,000 along the Wasatch Front alone!

**Our efforts on the legislation** – UAC staff and county clerks brought this issue to the sponsor several months before the legislative session and were able to work with the sponsor to get it on an interim committee agenda and adopted as an interim bill to expedite the passage of the bill. UAC also met and worked with the media to receive their buyoff on the bill.

**What to expect next on the bill** – County clerks can now decide whether to notice an election through the newspaper, via individual mailings, or through both.

**Bill link** – <http://le.utah.gov/~2016/bills/static/SB0026.html>

**SB27 Absentee Ballot Amendments, Dayton**

**UAC Position: SUPPORT**

**Status: ENROLLED**

**Outline of bill** – SB 27 moves the date by which an election office is required to mail absentee ballots from 28 days prior to an election to 21 days prior to an election. This is more in line with what other states require that conduct vote by mail.

**Our efforts on the legislation** – UAC staff and county clerks brought this issue to the sponsor several months before the legislative session and were able to work with the sponsor to get it on an interim committee agenda and adopted as an interim bill to expedite the passage of the bill.

**What to expect next on the bill** – County clerks will now need to be sure to mail absentee ballots 21 days prior to an election.

**Bill link** – <http://le.utah.gov/~2016/bills/static/SB0027.html>

## General Government

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Every year, county officials can count on a number of pieces of legislation that deal with general governance. Some of these bills come from the counties (like SB 41 which sets out a process for appointing a county assessor where no candidate files for the office or SB 63 which requires better notice to county surveyors should a survey monument be in danger of being moved or damaged) and others come from the legislature. But no matter where the bills come from, our goal remains the same: to encourage good public policy.

During the 2016 legislative session, the Utah Association of Counties was successful in helping a number of good bills pass, amending a number of problematic bills, and pushing other troubling legislation to the interim for further discussion.

You can see the results of our work below.

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### **HB17 Assessment Area Foreclosure Amendments, Webb**

**UAC Position: NEUTRAL WITH AMENDMENTS**

**Status: ENROLLED**

**Outline of bill** – HB 17 prohibits non-judicial foreclosure on property subject to an assessment area lien. Instead the bill only allows for foreclosure through a tax sale. The bill grandfathers any foreclosure already initiated prior to the passage of the bill.

**Our efforts on the legislation** – UAC worked with the sponsor on HB 17 throughout the interim. It was clear that there was the political will within the legislature to address this issue early on. We were able to get a provision in the bill protecting those non-judicial foreclosures already in place.

**What to expect next on the bill** – Counties forced to foreclose due to a failure to pay an assessment will need to plan on recouping those fees through the lengthier tax sale process.

**Bill link** – <http://le.utah.gov/~2016/bills/static/HB0017.html>

**HB77 Special District Amendments, Handy**  
**UAC Position: SUPPORT**  
**Status: ENROLLED**

**Outline of bill** – HB 77 allows for an at-large elected county official to serve on the board of the local district serving a portion of that county even if the elected official is not a resident within the boundaries of the local district.

**Our efforts on the legislation** – UAC supported both the sponsor and Salt Lake County where the genesis for HB 77 arose.

**What to expect next on the bill** – Counties with local districts that do not cover the entirety of the county will now have more options as to which county officials serve on the local districts' boards.

**Bill link** – <http://le.utah.gov/~2016/bills/static/HB0077.html>

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**HB78 Abandoned Road Amendments, Handy**  
**UAC Position: MONITOR**  
**Status: FAILED**

**Outline of bill** – HB 78 would have amended municipal and county land use provisions to clarify that any portion of a street that had already been dedicated and abandoned to the use of the public need not go through the process again when it is included as part of a subdivision plan.

**Our efforts on the legislation** – UAC monitored HB 78 but saw no need to act as the bill seemed to do very little. Based on the fact that the bill failed to receive so much as a committee hearing, the sponsor apparently agreed.

**What to expect next on the bill** – It is unclear if another version of HB 78 will be reintroduced in a future legislative session.

**Bill link** – <http://le.utah.gov/~2016/bills/static/HB0078.html>

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**HB126 Unmanned Aircraft Revisions, Powell**  
**UAC Position: MONITOR**  
**Status: ENROLLED**

**Outline of bill** – HB 126 prohibits the use of unmanned drone aircraft in an area where the FAA has ordered a temporary flight restriction due to wildland fire. Violation of this law will result in either a class A or B misdemeanor to the operator of the drone.

**Our efforts on the legislation** – UAC monitored the bill, but didn't see any problems with it in terms of language or issues moving through the legislative process.

**What to expect next on the bill** – County sheriff offices can now better control unmanned drones within wildland fire areas.

**Bill link** – <http://le.utah.gov/~2016/bills/static/HB0126.html>

**HB144 Food Freedom Act, Roberts**

**UAC Position: OPPOSE**

**Status: FAILED**

**Outline of bill** – HB 144 would have exempted a number of food products produced and sold within the state from state, county, and city regulations regarding food preparation.

**Our efforts on the legislation** – UAC took a position to oppose HB 144 over public health concerns. The bill received very little support in the legislature and thus UAC wasn't forced to become heavily involved in the process.

**What to expect next on the bill** – HB 144 received very little support from the legislature although it did end up on the interim study list. UAC will continue to monitor the issue.

**Bill link** – <http://le.utah.gov/~2016/bills/static/HB0144.html>

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**HB154 County Personnel Requirements, Dee**

**UAC Position: SUPPORT**

**Status: ENROLLED**

**Outline of bill** – HB 154 permits the county personnel officer or the employee involved in a personnel dispute to choose a dispute to be appealed through an administrative law judge instead of the county career service council.

**Our efforts on the legislation** – UAC worked with the sponsor in crafting the bill and offered support as it worked its way through the legislative process.

**What to expect next on the bill** – Look for counties and county employees to choose to forego the career service council and instead opt for a hearing with an administrative law judge in a number of personnel disputes.

**Bill link** – <http://le.utah.gov/~2016/bills/static/HB0154.html>

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**HB178 Legal Notice Amendments, Chew**

**UAC Position: MONITOR**

**Status: FAILED**

**Outline of bill** – HB 178 would have clarified the criteria relating to the definition of a newspaper of general circulation for purposes of publishing legal notices.

**Our efforts on the legislation** – UAC monitored the bill to ensure that it wasn't amended or substituted to expand its scope.

**What to expect next on the bill** – HB 178 seemingly did very little. Should it return, UAC would monitor it but likely take no action on HB 178.

**Bill link** – <http://le.utah.gov/~2016/bills/static/HB0178.html>

**HB187 Animal Shelter Amendments, Anderson**  
**UAC Position: MONITOR WITH AMENDMENTS**  
**Status: FAILED**

**Outline of bill** – HB 187 would have created a section in the code dealing with the procedures of euthanizing sheltered animals. The bill spelled out which methods of euthanasia are and are not appropriate and required a training program for those who conduct or assist with euthanasia.

**Our efforts on the legislation** – Recognizing the strong feelings on both sides of this issue within our membership, UAC merely monitored HB 187

**What to expect next on the bill** – Efforts to regulate stray animal euthanasia have been introduced during a number of recent legislative session. You can expect to see this issue return to the legislature.

**Bill link** – <http://le.utah.gov/~2016/bills/static/HB0187.html>

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**HB199 Uniform Real Property Transfer on Death Act, Snow**  
**UAC Position: OPPOSE**  
**Status: FAILED**

**Outline of bill** – HB 199 would have created a process to transfer deed at the time of death. The bill also made clear that a transfer on death deed is revocable and nontestamentary and required that the transferor have the same capacity as that required to make a will at the time the deed was made.

**Our efforts on the legislation** – Working with representatives from the title industry and county recorders, UAC convinced the sponsor to send his bill to interim over concerns those groups had with the administration of the bill.

**What to expect next on the bill** – We have committed to the sponsor to make a good-faith effort to find a solution that works for this bill. Look for continued dialog throughout the interim and possible legislation in 2017.

**Bill link** – <http://le.utah.gov/~2016/bills/static/HB0199.html>

**HB212 Tourism Tax Advisory Board Amendments, Sagers**

**UAC Position: OPPOSE**

**Status: FAILED**

**Outline of bill** – HB 212 would have expanded the tourism tax advisory board in counties of the third through fifth class from five members to seven with the two additional members nominated from the two largest cities within the county and appointed by the county.

**Our efforts on the legislation** – There was concern from a number of counties regarding HB 212. Many counties were troubled with the concept of appointing city nominated board members to help decide on the expenditure of a county imposed tax. The sponsor of the bill recognized those concerns and graciously withdrew his legislation.

**What to expect next on the bill** – It is unclear whether another version of HB 212 will return to the legislature.

**Bill link** – <http://le.utah.gov/~2016/bills/static/HB0212.html>

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**HB396 Money Management Act Amendments, Hutchings**

**UAC Position: SUPPORT**

**Status: FAILED**

**Outline of bill** – HB 396 would have permitted treasurers at the state, county, and city level to procure crime of theft insurance.

**Our efforts on the legislation** – UAC took a position to support HB 396, but the bill was introduced too late in the session for it to work through the legislative process.

**What to expect next on the bill** – Expect to see another version of HB 396 in a future legislative session—hopefully introduced sooner in the process than HB 396.

**Bill link** – <http://le.utah.gov/~2016/bills/static/HB0396.html>

**HB432 Governmental Nonprofit Entity Compliance Amendments, Coleman**

**UAC Position: OPPOSE**

**Status: FAILED**

**Outline of bill** – HB 432 would have applied GRAMA, the Open and Public Meetings Act, and state audits to nonprofit entities that are controlled by elected government officials—including the Utah Association of Counties.

**Our efforts on the legislation** – HB 432 grew out of concerns from the State Auditor’s Office over a general lack of oversight concerning certain governmental nonprofits. The Utah Association of Counties worked with the State Auditor’s Office towards an amendment of the bill that would have exempted UAC and other similar trade associations from the requirements of the bill. Ultimately, concerns from a host of other nonprofits forced the proponents of the bill to hold it for further work during the interim session.

**What to expect next on the bill** – UAC will work closely with the State Auditor’s Office over the interim on this issue to effectively draw a proper balance of oversight for governmental nonprofits.

**Bill link** – <http://le.utah.gov/~2016/bills/static/HB0432.html>

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**HJR2 Proposal to Amend Utah Constitution -- Right to Food, Roberts**

**UAC Position: OPPOSE**

**Status: FAILED**

**Outline of bill** – HJR 2 was a companion resolution to HB 144 that would have placed on the ballot a State of Utah constitutional amendment defining the growing and selling of food as an individual right.

**Our efforts on the legislation** – UAC took a position to oppose HJR 2, but did little to lobby against it since it was clear early on that it had very little legislative support.

**What to expect next on the bill** – It is unclear if another effort towards a constitutional amendment regarding food freedom will be introduced again.

**Bill link** – <http://le.utah.gov/~2016/bills/static/HJR002.html>

**SB41 Appointment of County Assessors, Millner**

**UAC Position: SUPPORT**

**Status: ENROLLED**

**Outline of bill** – SB 41 outlines a process by which a county may appoint a qualified county assessor should no qualified candidate run for the office within the county. The appointed assessor would be appointed from within the county or, if none is available within the county, could be appointed from outside of the county.

**Our efforts on the legislation** – SB 41 was worked on by county assessors and UAC staff during the months leading up to the legislative session. As a result, the bill was numbered prior to the start of the legislative session and passed early in the session.

**What to expect next on the bill** – Should the need arise, counties can rest easy knowing there is a process in place to appoint a qualified assessor should a qualified candidate fail to file.

**Bill link** – <http://le.utah.gov/~2016/bills/static/SB0041.html>

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**SB63 Survey Monument Replacement, Okerlund**

**UAC Position: SUPPORT**

**Status: ENROLLED**

**Outline of bill** – SB 63 does two things: 1) it clarifies that a person who finds it necessary to disturb a survey monument shall notify the county surveyor at least five business days before the day on which the person disturbs the survey monument and 2) it extends the period of time to distribute funds appropriated to the Monument Replacement and Restoration Committee for counties to the end of 2017.

**Our efforts on the legislation** – UAC staff worked with the sponsor and county surveyors to draft and shepherd SB 63 through the legislative process.

**What to expect next on the bill** – SB 63 will hopefully provide county surveyors greater notice for survey monument disturbances and provide more opportunity to receive funds appropriated for survey monument repair and restoration.

**Bill link** – <http://le.utah.gov/~2016/bills/static/SB0063.html>

**SB115 Sustainable Transportation and Energy Plan Act, Adams**

**UAC Position: MONITOR**

**Status: ENROLLED**

**Outline of bill** – SB 115 establishes a five-year pilot program in which Rocky Mountain Power can make substantial financial investments in programs like clean coal technology, electric vehicle infrastructure and “innovative” utility programs such as battery storage. The bill also removes some oversight over Rocky Mountain Power from the Public Service Commission.

**Our efforts on the legislation** – SB 115 was one of the most controversial pieces of legislation during the session. The bill, which was perceived as an attack on solar energy, failed on the House floor the final day of the session, resurrected, and later passed. UAC’s position to monitor the bill meant that we did not get directly involved in the fight.

**What to expect next on the bill** – SB 115 does not directly impact county government. It does have the potential to impact a number of energy industries within the counties for both good and ill.

**Bill link** – <http://le.utah.gov/~2016/bills/static/SB0115.html>

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**SB150 Metro Township Amendments, Mayne**

**UAC Position: SUPPORT**

**Status: ENROLLED**

**Outline of bill** – SB 150 cleans up a number of sections of the code to address the 2015 creation of metro townships within Salt Lake County.

**Our efforts on the legislation** – UAC took a position to support SB 150, which was a priority for Salt Lake County. UAC staff assisted in assuring its passage.

**What to expect next on the bill** – SB 150 will make the transition to metro townships in Salt Lake County much smoother.

**Bill link** – <http://le.utah.gov/~2016/bills/static/SB0150.html>

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**SB185 Labor Remedy Amendments, Iwamoto**

**UAC Position: MONITOR**

**Status: ENROLLED**

**Outline of bill** – SB 185 provides that a person who is subject to discrimination in matters of compensation may receive a remedy in an additional amount equal to the back pay amount already available.

**Our efforts on the legislation** – UAC monitored SB 185, but ultimately took no position on the bill and, therefore, didn’t lobby the bill.

**What to expect next on the bill** – SB 185 may impact counties in certain personnel disputes.

**Bill link** – <http://le.utah.gov/~2016/bills/static/SB0185.html>

**SB192 Study on Claims Exceeding Statutory Limit, Iwamoto**

**UAC Position: MONITOR WITH AMENDMENTS**

**Status: ENROLLED**

**Outline of bill** – SB 192 encourages the creation of an informal working group to study the issue of tort reform and statutory limits on individual and aggregate claims for damages for personal injury. The bill is unique in that it is not binding and not included in code, but recommends the findings of the working group be presented to the legislature by the 2017 legislative session.

**Our efforts on the legislation** – UAC worked with the sponsor prior to the 2016 session on the issue of tort reform. Our work helped convince the sponsor to take the approach she ultimately settled upon in place of legislation to remove statutory limits on claims against a government.

**What to expect next on the bill** – UAC will remain heavily involved in the creation and participation of any working group that arises from SB 192. Look for more legislation in the 2017 general session.

**Bill link** – <http://le.utah.gov/~2016/bills/static/SB0192.html>

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**SB194 Rental Vehicle Proof of Registration and Insurance, Bramble**

**UAC Position: SUPPORT WITH AMENDMENTS**

**Status: ENROLLED**

**Outline of bill** – Among other things, SB 194 allows a governmental entity to use a school district school bus without maintaining owner's or operator's security in effect for their motor vehicles.

**Our efforts on the legislation** – UAC staff worked with the sponsor to include language in the bill addressing concerns over sharing school buses with governmental entities.

**What to expect next on the bill** – SB 194 should facilitate better cooperation with school districts over shared school buses.

**Bill link** – <http://le.utah.gov/~2016/bills/static/SB0194.html>

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**SB196 Retail Bag Impact Reduction Program, Iwamoto**

**UAC Position: SUPPORT**

**Status: FAILED**

**Outline of bill** – SB 196 would have created a program to encourage the reduced use of single-use retail bags. The program would have been funded through a 10 cent surcharge for every single-use retail bag used at a retail store with 4 cents remitted to the retailer, 2 cents to the city, 2 cents to the county (in unincorporated county, 4 cents would go to the county), and 2 cents to the state. The money for government would be earmarked to promote the use of reusable retail bags.

**Our efforts on the legislation** – UAC took a position to support SB 196, but did little for the bill.

**What to expect next on the bill** – There may be more approaches to this issue that will be explored in future legislative sessions.

**Bill link** – <http://le.utah.gov/~2016/bills/static/SB0196.html>

**SB203 Immunity Amendments, Adams**

**UAC Position: SUPPORT**

**Status: ENROLLED**

**Outline of bill** – SB 203 provides immunity for a government when using someone else’s facility in the case of an emergency. The bill also provides the same immunity for the owner of the facility being used by a government during an emergency.

**Our efforts on the legislation** – UAC worked with the sponsor to draft SB 203 and ensure its passage.

**What to expect next on the bill** – SB 203 provides protection for county government should the need arise during an emergency to use a facility for such things as a shelter, housing, staging, or medical facility.

**Bill link** – <http://le.utah.gov/~2016/bills/static/SB0203.html>

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**SB214 Workplace Abusive Conduct Amendments, Jackson**

**UAC Position: MONITOR**

**Status: FAILED**

**Outline of bill** – SB 214 would have expanded a provision introduced last year to state agencies to include local government. The provision prohibits an employer from taking adverse action against an employee if the employee reports abusive conduct.

**Our efforts on the legislation** – UAC monitored the bill, but took no formal position on it. The bill was introduced very late in the session and failed to receive a committee hearing.

**What to expect next on the bill** – There is a chance that the legislature will look to reintroduce SB 214 next session, it will have to come from a new sponsor, though, as the bill’s sponsor is not looking for reelection this fall.

**Bill link** – <http://le.utah.gov/~2016/bills/static/SB0214.html>

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**SB226 Civil Actions Involving Law Enforcement Officers or Emergency Vehicle Operators, Madsen**

**UAC Position: OPPOSE**

**Status: FAILED**

**Outline of bill** – SB 226 would have undone immunity protection codified a couple of years ago for public safety officers in the event that a suspect is injured during a chase.

**Our efforts on the legislation** – UAC worked hard to pass legislation to provide governmental immunity for public safety officers in a chase for several years. We were prepared to fight vigorously to maintain that immunity, but ultimately the sponsor abandoned SB 226 to focus his attention on his much more controversial medical marijuana bill instead.

**What to expect next on the bill** – The sponsor of SB 226 is not seeking reelection in November. Hopefully, no other legislator will champion this cause.

**Bill link** – <http://le.utah.gov/~2016/bills/static/SB0226.html>

**SB233 Governmental Immunity Act Amendments, Bramble**

**UAC Position: SUPPORT**

**Status: FAILED**

**Outline of bill** – SB 233 would have provided additional immunity for government when using school buildings and grounds as civic centers.

**Our efforts on the legislation** – UAC worked with the sponsor on the bill, but ultimately the sponsor abandoned the bill to allow another legislator to substitute a different bill addressing a different issue.

**What to expect next on the bill** – The issues raised in SB 233 are still important. You can expect that we'll return in the 2017 session with another bill.

**Bill link** – <http://le.utah.gov/~2016/bills/static/SB0233.html>

## Human Services

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Human service committees examined, discussed, and debated some of the biggest topics of the 2016 Legislative Session, with the majority of such big topics having significant impact upon counties and their functions.

The Utah Behavioral Healthcare Committee monitored five times the number of bills listed below that would affect their systems and interested subjects but concentrated on one main topic: funding for public behavioral health services and existing county safety net services to serve those that are most vulnerable in our counties. Behavioral health providers worked on HB 437 to shape the impacts on the counties, HB 18 to ensure that counties do their part to be fiscally responsible, HB 30 to clean up language, HB 436 to support effective practices when dealing with the homeless population statewide, and SB 73 and SB 89 and the impacts on counties related to medical cannabis.

Staff would like to recognize and appreciate the champions in Representative Dunnigan on Medicaid Expansion; Representative Hutchings for his commitment to further improving and building upon JRI in maintaining existing JRI funding and adding an additional \$2M for data coordination between agencies and partners; Representative Ray and Senator Christensen in their efforts to ensure Medicaid Match funds for the counties; and Representative Sanpei and Senator Shiozawa's efforts to further examine the deficit in funding for behavioral health and how to address current and future needs.

Below, is a list of each of the human service issues UAC tracked during the session.

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### **HB18 Medicaid Preferred Drug List Amendments, Ward**

**UAC Position: MONITOR**

**Status: FAILED**

**Outline of bill** – HB 18 authorizes the Department of Health to consider all psychotropic drugs for drugs for inclusion on the Medicaid program's preferred drug list; requires accountable care organizations that contract with Medicaid to pre-authorize psychotropic drugs not on the preferred drug list under certain circumstances; amends the length of the prior authorization to two years; requires the department to report on savings resulting from the preferred drug list; creates the Medicaid Preferred Drug List Restricted Account; requires 40% of the savings attributable to this bill to be deposited into the account and limits use of the account to appropriations to the Department of Human Services. In the end, this bill was included in HB 437 to help fund Medicaid Expansion for the vulnerable populations.

**Our efforts on the legislation** – UBHC worked closely with the sponsor throughout the interim and followed the subject closely through interim committee meetings. The sponsor was supportive and responsive to requests for meetings as a group and individually and addressed all the concerns involved. Together with staff, the sponsor introduced a bill that would function within the current system and allowed counties to be fiscally responsible.

**What to expect next on the bill** – Because of protections within the bill, behavioral health providers should not see a significant impact but the state should see savings that will be applied to Medicaid Expansion.

**Bill link** – <http://le.utah.gov/~2016/bills/hbillamd/HB0018S02.pdf>

**HB30 Good Landlord Program Amendments, Froerer**

**UAC Position: SUPPORT**

**Status: ENROLLED**

**Outline of bill** – HB 30 sets additional regulations on the good landlord program, including prohibiting a municipality from requiring a residential landlord to deny tenancy to certain individuals, prohibits a municipality from requiring a residential landlord to provide certain information on a tenant or on a contract with a tenant, permits a municipality to require a copy of an agreement between the owner of record of real property and a third-party provider who manages the property, and if a residential landlord owns multiple properties, requires a municipality to charge a disproportionate rental fee reduction for each property in compliance.

**Our efforts on the legislation** – UAC staff continues to support the Salt Lake County and interested and affected counties as they work towards best practices in the Good Landlord Program.

**What to expect next on the bill** – We expect an improved program that should address some of the issues that have arisen over the last couple of years. Staff also has commitment from the sponsor to address other problems as they arise.

**Bill link** – <http://le.utah.gov/~2016/bills/hbillenr/HB0030.pdf>

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**HB149 Reporting Death Involving Controlled Substance Amendments, Daw**

**UAC Position: MONITOR**

**Status: ENROLLED**

**Outline of bill** – HB 149 requires the medical examiner to report to DOPL when death resulted from an overdose from a prescribed controlled substance. Because of the growing concern with opioid abuse and the epidemic in Utah, this is a small step in helping to address a much bigger issue.

**Our efforts on the legislation** – UAC staff worked with the sponsor and he included UAC interested parties on the realities that would be actionable and adjusted the bill to reflect said realities. The substitute was supported by all involved parties and will work with other opioid-related legislation and future legislation.

**What to expect next on the bill** – Staff expects that this bill will be only a small part of a much bigger conversation about opioid abuse next year.

**Bill link** – <http://le.utah.gov/~2016/bills/hbillenr/HB0149.pdf>

**HB221 Immunization of Student Amendments, Moss**

**UAC Position: MONITOR**

**Status: FAILED**

**Outline of bill** – HB 221 would have provided an immunization exemption form at no cost to families that request it through local health departments and online. The bill also requires an individual who intends to receive an immunization exemption form online to complete an education module and enacts renewal requirements and requires a school to maintain a list of students who have not received required immunizations.

**Our efforts on the legislation** – After expressed concerns from local health departments, UAC staff monitored the bill closely and the 10 substitutes that resulted from lengthy discussions both in committee and on the floor.

**What to expect next on the bill** – This topic is heavily debated both in the legislature and in the public and staff expects that this will be brought up in future legislative sessions and during the interim.

**Bill link** – <http://le.utah.gov/~2016/bills/hbillamd/HB0221S10.pdf>

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**HB245 Local Health Department Amendments, Dee**

**UAC Position: MONITOR**

**Status: ENROLLED**

**Outline of bill** – HB 245 provides a county the option of combining the local health department with the local substance abuse authority.

**Our efforts on the legislation** – UAC staff worked with the health department association, UBHC, and other interested parties and the group came to the consensus that this bill codifies practices that are currently happening. The language doesn't threaten the structures of either local health departments or local substance abuse authority but codifies an opportunity for counties that choose it.

**What to expect next on the bill** – As stated above, this bill only codifies current practice.

**Bill link** – <http://le.utah.gov/~2016/bills/hbillenr/HB0245.pdf>

**HB274 Involuntary Civil Commitment Modifications, Redd**

**UAC Position: MONITOR**

**Status: FAILED**

**Outline of bill** – HB 274 would have amended the maximum number of hours that a person may be held in involuntary commitment by a local mental health authority from 24 to 72 hours.

**Our efforts on the legislation** – UAC staff worked with the sponsor to determine both the benefits and limitations to the bill. Staff worked to clear up language that would instead of requiring 72 hours would allow local authorities up to 72 hours, making a significant difference in costs.

**What to expect next on the bill** – Staff expects because of the personal interest in the bill, the sponsor will introduce something similar in the future. And because of this bill simply ran out of time and was not generally discouraged, there should be no problem.

**Bill link** – <http://le.utah.gov/~2016/bills/hbillint/HB0274S01.pdf>

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**HB436 Housing and Homeless Reform Initiative, Gibson**

**UAC Position: SUPPORT**

**Status: ENROLLED**

**Outline of bill** – HB 436 appropriates funds for an account to provide grants for local homelessness initiatives. The bill creates the Homeless to Housing Reform Account with state finance—combined with private sector dollars—to build or renovate facilities and create grants for service providers around the state. Future grant recipients would need to demonstrate progress toward measurable. The overall effort of the bill is to pursue “collective impact” and approach homeless from a statewide perspective.

**Our efforts on the legislation** – The UAC Legislative Committee voted to support the bill and staff worked to support both Salt Lake County, Salt Lake City, and other Wasatch Front counties that will be the focus of immediate legislation.

**What to expect next on the bill** – Staff has been assured that this will be a multi-year process with additional expected funds and we will continue to work with the sponsor as it relates to other significant bills like HB 437.

**Bill link** – <http://le.utah.gov/~2016/bills/hbillenr/HB0436.pdf>

**HB437 Health Care Revisions, Dunnigan**

**UAC Position: SUPPORT**

**Status: ENROLLED**

**Outline of bill** – HB 437 is the House sponsored Medicaid Expansion bill that includes state funding, and funding with private parties to address the needs of the most vulnerable populations namely the chronically homeless or those in assisted housing, those that are justice involved with behavioral health problems, and those with mental health issues or substance use disorders. The bill will provide a full Medicaid benefit to around 16,300 people in those named parties. Hospitals will be greatly benefited and agreed to pay 45% of the State match. Counties will also be able to provide 12-months of uninterrupted coverage to those that fall into the county safety net and are not required to provide county match dollars. Counties will be involved in defining and providing metrics of success for the homeless, JRI-involved with behavioral health issues, and those with serious behavioral health issues

**Our efforts on the legislation** – UAC staff met with Representative Dunnigan and included concerned parties on a daily basis to discuss county impacts and also address funding concerns, including taking existing dollars for possible dollars and identifying the proper funding sources and educating and discussing possible impacts with each and every legislator.

**What to expect next on the bill** – After the implementation year, UAC staff will work with counties in to define and set success measures. We will need to diligently collect data to describe the impacts and the need for existing dollars as well as any unmet need for JRI and behavioral health.

**Bill link** – <http://le.utah.gov/~2016/bills/hbillenr/HB0437.pdf>

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**HB446 Statewide Homeless Services & Affordable Housing Amendments, Eliason**

**UAC Position: SUPPORT**

**Status: FAILED**

**Outline of bill** – HB 446 would have modified the required housing allocation for an urban renewal project area and an economic development project area for homeless services. The bill provides that an agency may pay all or a portion of the agency's housing allocation to certain county housing authorities. Because of a very limited number of dollars and other priority bills for homeless issues using existing dollars, the bill will part of an interim study and a continued discussion.

**Our efforts on the legislation** – The UAC Legislative Committee voted to support the bill and staff supported both Salt Lake County and other interested counties. Staff was present for discussions and ensured that county interests were protected.

**What to expect next on the bill** – UAC staff will continue to support the homeless discussion throughout the interim and work closely with the sponsor as he moves the bill forward for next session.

**Bill link** – <http://le.utah.gov/~2016/bills/hbillenr/HB0437.pdf>

**HCR3 Concurrent Resolution Supporting Cannabis Research, Daw**

**UAC Position: MONITOR**

**Status: FAILED**

**Outline of bill** – HCR 3 would have encouraged Congress to study the potential positive effects of cannabinoid molecules found in the marijuana plant. This was part of a continuing discussion of how we can legally study the effects of a Class 1 drug and find appropriate uses for the cannabis plant, or parts thereof.

**Our efforts on the legislation** – Staff and concerned parties met with the sponsor to help draft the bill over the interim and worked diligently to educate legislators on such a complicated topic.

**What to expect next on the bill** – Because of the intensity of the topic and the national landscape, staff expects that something happens on a Federal level or will be addressed in the next Legislative Session.

**Bill link** – <http://le.utah.gov/~2016/bills/hbillint/HCR003.pdf>

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**SB58 Nurse Practitioner Amendments, Hinkins**

**UAC Position: MONITOR**

**Status: ENROLLED**

**Outline of bill** – SB 58 allows an advanced practice registered nurse to prescribe a schedule II or schedule III controlled substance without supervision from a physician. Prescribing nurses would need to meet certain experience requirements and consult the Controlled Substance Database, and when treating an injured worker, follow prescribing for chronic pain guidelines developed by the Workers' Compensations System.

**Our efforts on the legislation** – UAC staff monitored the bill through numerous amendments and substitutions and did not see language that would harm the current system or would put additional burden upon counties.

**What to expect next on the bill** – Behavioral Health providers may expect additional opportunities with appropriately qualified nurses.

**Bill link** – <http://le.utah.gov/~2016/bills/sbillenr/SB0058.pdf>

### **SB73 Medical Cannabis Act, Madsen**

**UAC Position: NEUTRAL**

**Status: FAILED**

**Outline of bill** – SB 73 would have allowed individuals to register with the Department of Health to produce, dispense, and possess and use medical cannabis. This bill allows for use of the entire plant and for a variety of qualified illnesses including acquired immune deficiency syndrome or an autoimmune disorder, Alzheimer’s disease, amyotrophic lateral sclerosis, cancer, cachexia, or a similar condition with symptoms that include physical wasting, nausea, or malnutrition associated with chronic disease, Crohn’s disease or a similar gastrointestinal disorder, epilepsy or a similar condition that causes debilitating seizures, multiple sclerosis, post-traumatic disorder, or chronic pain. This bill would also designate areas for the growth and harvesting of cannabis and the distribution of the plant.

**Our efforts on the legislation** – The sponsor addressed the UAC Legislative Committee to discuss the bill and UAC staff worked closely with the sponsor to discuss concerns with limits on local governments and its impact on functions as related to behavioral health. The bill was substituted to reflect those concerns.

**What to expect next on the bill** – As discussed at length, this a particularly hot topic in both the Legislature and in the public. We will see other related bills in the future and will continually work to see that county-related issues will be addressed.

**Bill link** – <http://le.utah.gov/~2016/bills/sbillint/SB0073S03.pdf>

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### **SB89 Cannabis-Based Medicine Amendments, Vickers**

**UAC Position: NEUTRAL**

**Status: FAILED**

**Outline of bill** – SB 89 was drafted with UBHC contributors over the interim and would have allowed only the limited use of the cannabis plant to CBD, or cannabidiol. Distribution of the medicine would be the Division of Occupational and Professional Licensing which would be equipped to set appropriate business standards and regulate how this would be distributed to a medical facility. The bill also permits a political subdivision to restrict the location of and operations of a CBM dispensary or medical cannabis-based medicine establishment through local zoning ordinances and business licenses. It also imposes a tax on the retail sale of medical cannabis-based medicine and creates a Medical Cannabis Restricted Account. Qualifying illnesses are defined as epilepsy, Crohn’s disease or a similar gastrointestinal disorder, HIV, multiple sclerosis or similar condition, nausea and vomiting during chemotherapy, muscle spasticity or a movement disorder, pain conditions that include complex regional pain syndrome, peripheral neuropathy caused by diabetes, post herpetic neuralgia, pain occurring after and related to a stroke, phantom limb, and post-traumatic stress disorder.

**Our efforts on the legislation** – As stated before, UBHC was part of the group that helped the sponsor draft the bill and identify the risks and benefits. The sponsors spoke to the UAC Legislative Committee and worked with UAC staff to address county-related issues.

**What to expect next on the bill** – Again, a blazing hot topic that staff expects to see additional legislation in future sessions and over the interim.

**Bill link** – <http://le.utah.gov/~2016/bills/sbillamd/SB0089S05.pdf>

## Public Lands

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The 2016 Legislative Session saw the passage of a major wildland fire suppression initiative UAC has been supporting and working toward for half a decade. Other public lands issues addressed in 2016 include amendments to county resource management plans, a State of Utah public land management act, and an addition to Utah's grazing zones.

Below, you'll find more details on these bills as well as others.

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### **HB219 Resource Management Planning, Stratton**

**UAC Position: SUPPORT**

**Status: ENROLLED**

**Outline of bill** – HB 219 pushes the date that county resource management plans should be completed from January 1, 2017 to August 1, 2017. The bill also requires that those plans are shared with the Commission for the Stewardship of Public Lands.

**Our efforts on the legislation** – UAC helped draft language for legislation in 2015 that provided funding for the creation of county resource management plans. UAC staff also helped draft HB 219 to provide more time for the completion of those plans.

**What to expect next on the bill** – Counties will now have an additional seven months to complete work on their resource management plans.

**Bill link** – <http://le.utah.gov/~2016/bills/static/HB0219.html>

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### **HB276 Utah Public Land Management Act, Noel**

**UAC Position: Monitor**

**Status: ENROLLED**

**Outline of bill** – HB 276 creates the Utah Public Land Management Act, the purpose of which is to have a plan in place should the federal government cede federally controlled land within the State of Utah to the State of Utah.

**Our efforts on the legislation** – Utah's legal efforts to wrest public lands from the federal government might be a long shot, but it is good policy to have a plan in place should those efforts yield results. While UAC took no official position on HB 276, we appreciate the wisdom behind the bill.

**What to expect next on the bill** – HB 276 will likely have little impact on day to day county business.

**Bill link** – <http://le.utah.gov/~2016/bills/static/HB0276.html>

**HB363 Grazing Zone Amendments, Noel**

**UAC Position: SUPPORT**

**Status: ENROLLED**

**Outline of bill** – HB 363 establishes an additional grazing zone in Beaver County. Previous legislation has created grazing zones in other areas of the state. These grazing zones serve to protect and preserve the agricultural livestock industry from challenges toward the use of those lands.

**Our efforts on the legislation** – UAC took a position to support HB 363 and worked with the sponsor and Beaver County to ensure the bill's passage.

**What to expect next on the bill** – HB 363 addresses an area exclusive to Beaver County.

**Bill link** – <http://le.utah.gov/~2016/bills/static/HB0363.html>

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**HCR1 Concurrent Resolution on Waters of the United States, Noel**

**UAC Position: SUPPORT**

**Status: ENROLLED**

**Outline of bill** – HCR 1 is a concurrent resolution of the Legislature and the Governor that expresses support to Attorney General Sean Reyes in seeking to vacate a federal rule defining "waters of the United States."

**Our efforts on the legislation** – UAC took a position to support HCR 1 recognizing the problems associated with the "waters of the United States" ruling.

**What to expect next on the bill** – The nature of a resolution like HCR 1 is little more than a thank you letter to the Attorney General for his work on vacating the "waters of the United States" ruling..

**Bill link** – <http://le.utah.gov/~2016/bills/static/HCR001.html>

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**SB72 School and Institutional Trust Lands Management Act Amendments, Dayton**

**UAC Position: MONITOR**

**Status: ENROLLED**

**Outline of bill** – SB 72 amends the circumstances in which the director of SITLA may withdraw land, clarifies that mineral lease applications may be submitted and processed online, and states that the SITLA and the School and Institutional Trust Fund Office shall enter into a memorandum of understanding regarding the sources of money received.

**Our efforts on the legislation** – UAC took no position on SB 72 after determining it had little to no impact on county government.

**What to expect next on the bill** – SB 72 does not impact county government.

**Bill link** – <http://le.utah.gov/~2016/bills/static/SB0072.html>

**SB122 Wildland Fire Policy Updates, Vickers**

**UAC Position: SUPPORT**

**Status: ENROLLED**

**Outline of bill** – SB 122 authorizes counties, cities, and special districts to enter into a cooperative agreement with the Division of Forestry, Fire, and State Lands to be eligible for state coverage of the cost of catastrophic wildland fire suppression.

**Our efforts on the legislation** – UAC has worked with the sponsor, the state forester, and the cities for several years on this issue. SB 122 is the culmination of these efforts.

**What to expect next on the bill** – SB 122 finally brings the cities and special districts to the table when it comes to wildland fire suppression.

**Bill link** – <http://le.utah.gov/~2016/bills/static/SB0122.html>

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**SB212 Wildland Fire Suppression Fund, Vickers**

**UAC Position: SUPPORT**

**Status: ENROLLED**

**Outline of bill** – SB 212 is a companion bill to SB 122 in that it creates a source of funding for the Wildland Fire Suppression Fund with an appropriation of \$2 million.

**Our efforts on the legislation** – Again, UAC has worked many years towards the wildland fire suppression system that now exists thanks to SB 122 and is funded through SB 212.

**What to expect next on the bill** – Counties who enter into a cooperative agreement with the Division of Forestry, Fire, and State Lands will be eligible to pull from the funding created in SB 212 for the cost of wildland fire suppression.

**Bill link** – <http://le.utah.gov/~2016/bills/static/SB0212.html>

## Public Safety and Courts

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Public safety remains one of the big issues in the public's eye and that concern was reflected in the Legislative Session. There were many related bills that included language that impacted county functions and staff worked with many different legislators to help improve upon those bills. We appreciate certain champions included Representative Dan McCay and Senator Dan Thatcher for their work on body cameras worn by law enforcement officers as well as Representative Mike Noel for his continued attention to county jail contracting, reimbursement, and programming rates. We also need to recognize Senator Weiler for convening interested and affected parties on the subject of indigent defense and helping to draft a process through which the state and county can work in partnership to accomplish improvements in the indigent defense system.

County affiliated groups including sheriffs and jail commanders, as well as county commissioners were particularly concerned with impacts made by 2015's Justice Reinvestment Initiative (JRI) upon many of the different county government functions. This year, a UAC priority included increasing the jail contracting rate to \$52 per day that will help counties with additional pressures resulting from JRI.

Below, is a list of each of the public safety and court issues UAC tracked during the session.

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### **HB12 Disaster Recovery for Local Governments, Oda**

**UAC Position: SUPPORT**

**Status: ENROLLED**

**Outline of bill** – HB 12 establishes a loan program to local government entities for the purpose of providing emergency disaster services. This fund will provide short-term, low-interest loans and will require matching funds to secure federal funds. The Division of Emergency Management will administer the program and allows for funds from the State Disaster Recovery Restricted Account to be appropriated to the loan fund.

**Our efforts on the legislation** – HB 12 will allow for local government officials to access funds from the State Disaster Recovery Restricted Account along with matching funds and UAC staff worked with the sponsor as well as supporting interested local elected officials.

**What to expect next on the bill** – Elected officials should be aware of additional resource funds and review their county emergency disaster plans to see how this loan program can be included and utilized.

**Bill link** – <http://le.utah.gov/~2016/bills/hbillenr/HB0012.pdf>

**HB19 Expungement Amendments, Greene****UAC Position: MONITOR****Status: FAILED**

**Outline of bill** – HB 19 would have redefined the term “expungement” and required agencies to remove all expunged records from public databases. This is connected to the idea that individuals committing a criminal act who have paid their debt to society should, under certain circumstances, be able to move forward without being hindered by the past. The intent is to break the cycle of criminal recidivism and increase public safety as well as assist the population of offenders to reenter their community. The definition of expunge would completely remove from the agency’s record rather than just sealing or restricting access.

**Our efforts on the legislation** – Law enforcement agencies and the public courts have concerns with the possible effects of such a bill and this could have a possible large impact on arresting, sentencing, etc. Staff made the sponsor aware and he recognized that there would need to be additional conversations to make something that would work.

**What to expect next on the bill** – Because of additional changes associated with JRI, the subject is surely to be addressed, although staff is not sure if it will be the same bill or in another form. UAC will continue to be involved in conversations.

**Bill link** – <http://le.utah.gov/~2016/bills/hbillint/HB0019.pdf>

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**HB22 Civil Asset Forfeiture – Procedural Reforms, Greene****UAC Position: OPPOSE****Status: FAILED**

**Outline of bill** – HB 22 would have limited civil asset forfeiture. The bill would modify the elements of qualifying as an innocent owner regarding property subject to forfeiture – defining an “innocent owner” to include one that did not give permission for the conduct or participate, did not directly commit the offense, or did not solicit, request, command, encourage, or intentionally aid another person. This would affect many of the cases local enforcement is involved in. Additionally, different departments in the county receive revenue from civil asset forfeiture including law enforcement and behavioral health treatment.

**Our efforts on the legislation** – Through education on the impact upon county budgets and through conversations on risks to law enforcement capacity and special services, UAC was able to extend the conversation and the bill ultimately did not move forward.

**What to expect next on the bill** – Although the conversation is complicated with the number of fiscal impacts and law enforcement changes that could be possible, staff is confident there will be future bills similar to this and will stay apprised of any such discussions during the interim.

**Bill link** – <http://le.utah.gov/~2016/bills/hbillint/HB0022S01.pdf>

**HB68 Post-Exposure Blood Testing Amendments, Redd**

**UAC Position: SUPPORT**

**Status: ENROLLED**

**Outline of bill** – HB 68 provides that an emergency service provider can request a blood sample if significantly exposed to bodily fluids. A law enforcement agency may submit on behalf of the petitioner and the court shall issue a warrant ordering the respondent to provide a specimen of blood within 24 hours.

**Our efforts on the legislation** – UAC supported the legislation that would provide additional safeties to law enforcement, emergency service providers, or even the public answering a call for help.

**What to expect next on the bill** – Local law enforcement agencies should prepare for such petitions and make local government agencies and emergency providers aware of such a protection.

**Bill link** – <http://le.utah.gov/~2016/bills/hbillenr/HB0068.pdf>

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**HB85 Attorney Fee Revisions, Greene**

**UAC Position: OPPOSE**

**Status: FAILED**

**Outline of bill** – HB 85 would have repealed the provision that disavows the private attorney general doctrine.

**Our efforts on the legislation** – UAC took a position to oppose this bill and UAC staff monitored the bill to make sure that there were no additions or changes.

**What to expect next on the bill** – As part of an ongoing discussion, we expect that there may be similar suggestions to other legislation and will continue to monitor.

**Bill link** – <http://le.utah.gov/~2016/bills/hbillint/HB0085S02.pdf>

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**HB123 Office of Attorney General – Conflict of Interest, Noel**

**UAC Position: MONITOR**

**Status: FAILED**

**Outline of bill** – HB 123 would have required the Attorney General to recuse an attorney employed by his office from a matter where a conflict of interest exists or the attorney’s impartiality might be reasonably be questioned. Language of “reasonably questioned” and the extent of conflict of interest was of particular concern.

**Our efforts on the legislation** – UAC staff monitored this bill but it was not heard within a committee and there seemed general lack of interest in pursuing the bill as it stood.

**What to expect next on the bill** – It is unclear if HB 123 will be introduced in a future legislative session.

**Bill link** – <http://le.utah.gov/~2016/bills/hbillint/HB0123.pdf>

**HB137 Restitution for Incarceration Costs Amendments, Ray**

**UAC Position: MONITOR**

**Status: FAILED**

**Outline of bill** – HB 137 would have required the sheriff to provide written notice of the costs of incarceration and allows costs to be reduced or waived if the defendant requests an impecuniosity hearing under current statutory standards. The bill also requires that incarceration costs are to be paid after victim restitution costs.

**Our efforts on the legislation** – UAC staff monitored the bill because of additional requirements put upon sheriffs as well as possible monetary impacts as well. Impacts and concerns were communicated to the sponsor and changes were suggested.

**What to expect next on the bill** – HB 137 was heard in committee but was returned to Rules and was not heard at length. It is unclear if another version will appear in future legislative sessions.

**Bill link** – <http://le.utah.gov/~2016/bills/static/SB0027.html>

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**HB160 Justice Court Judge Qualifications Amendments, Hall**

**UAC Position: OPPOSE**

**Status: ENROLLED**

**Outline of bill** – HB 160 would require justice court judges to be law trained in 1<sup>st</sup> and 2<sup>nd</sup> class counties and have graduated from law school. This bill also allows current justice court judges to remain in office until they leave. Finally, the bill permits certain political subdivisions in counties of the first and second class that have more than one justice court judge and with a certain caseload per judge to initiate a reduction in force and may only add new positions after considering the caseload of the court.

**Our efforts on the legislation** – UAC staff worked a great deal with the sponsor to make changes the bill including: limiting to first and second class counties with a larger pool and opportunity to recruit law school graduates. Another change that staff worked on with the sponsor was the grandfathering clause that allows for current judges to remain in their position.

**What to expect next on the bill** – Counties of the first and second class will have to adjust job descriptions as they recruit future judges but will not be affected until those jobs are vacated.

**Bill link** – <http://le.utah.gov/~2016/bills/hbillenr/HB0160.pdf>

**HB300 Body-worn Cameras for Law Enforcement Officers, McCay**

**UAC Position: SUPPORT**

**Status: ENROLLED**

**Outline of bill** – HB 300 addresses GRAMA requirements, minimum standards, and retention of recording from body-worn cameras. There was significant discussions on the importance access to footage through GRAMA and the responsibilities of law enforcement officers in creating minimum standards that will agencies must adhere to while improving upon current practices.

**Our efforts on the legislation** – UAC staff and other concerned parties including law enforcement agencies worked closely with the sponsor to produce a bill that will protect and support law enforcement in their efforts with current practice as well as proposed improvements. The sheriffs association was included in all conversations and felt comfortable with the final result.

**What to expect next on the bill** – Law enforcement agencies will need to examine current written policy and ensure that it adheres to minimum standards as well as retention policies.

**Bill link** – <http://le.utah.gov/~2016/bills/hbillenr/HB0300.pdf>

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**HB380 Utah Communications Authority Amendments, Dee**

**UAC Position: SUPPORT**

**Status: ENROLLED**

**Outline of bill** – HB 380 requires the Utah Communications Authority Board to create a comprehensive strategic plan. The bill amends the method of appointing the chair to appointment by the governor with consultation with the board and with consent by the Senate and requires that the appointment rotate every two years between a local government representative and a state representative. The bill also establishes requirements for the comprehensive strategic plan.

**Our efforts on the legislation** – UAC voted to support the bill and are appreciative of local government support as it allows for additional influence by placing a local government representative as chair.

**What to expect next on the bill** – UAC will continue discussions with the Utah Communications Authority Board as these changes are implemented and discuss with the governor's staff about appropriate future appointees.

**Bill link** – <http://le.utah.gov/~2016/bills/hbillenr/HB0380.pdf>

**HB389 Sanctuary Civil Liability Amendments, Eliason**

**UAC Position: OPPOSE**

**Status: FAILED**

**Outline of bill** – HB 389 would have waived governmental immunity for a governmental entity that releases an undocumented individual without first checking with ICE. The bill would require a great deal of work for law enforcement and additional burden which would have been problematic.

**Our efforts on the legislation** – UAC voted to oppose the bill and staff worked to inform legislators that while counties believe in thorough investigation and protecting rights, additional conversation would need to occur about limitations of ability in every situation.

**What to expect next on the bill** – The bill was held in committee and returned to rules and while there is discussion, staff doesn't expect that there will be future bills but will continue to monitor.

**Bill link** – <http://le.utah.gov/~2016/bills/hbillint/HB0389.pdf>

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**HB391 Law Enforcement Revisions, Noel**

**UAC Position: MONITOR**

**Status: ENROLLED**

**Outline of bill** – HB 391 enacts provisions relating to law enforcement on public land and on land to which the federal government has obtained right or title. This bill provides for the CEO of a political subdivision or a county sheriff to determine whether the Bureau of Land Management is complying with provisions relating to agreements.

**Our efforts on the legislation** – UAC staff monitored the bill and how it would affect county government and associated powers.

**What to expect next on the bill** – County commissioners should read over the bill and work with their sheriffs to address possible policy changes.

**Bill link** – <http://le.utah.gov/~2016/bills/hbillenr/HB0391.pdf>

**HB434 Law Enforcement Officer Investigation Amendments, Ray**

**UAC Position: MONITOR**

**Status: FAILED**

**Outline of bill** – HB 434 would have provided policies and procedure for the investigation and interrogation of any law enforcement officer. The bill also provides that the specified personal information of an officer being investigated may not be released to anyone who is not part of the investigation without written consent of the officer being investigated, and provides that an officer cannot be penalized or threatened with a penalty for exercising the officer’s specified rights.

**Our efforts on the legislation** – UAC staff examined the bill and did not see anything harmful to county government parties and allowing the bill to proceed through the legislative process.

**What to expect next on the bill** – With increasing scrutiny being placed upon law enforcement by the public, staff expects that related conversations will take place in future legislative sessions.

**Bill link** – <http://le.utah.gov/~2016/bills/hbillint/HB0434.pdf>

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**HB472 Gun Owners Privacy Protection Act, Oda**

**UAC Position: MONITOR**

**Status: ENROLLED**

**Outline of bill** – HB 472 requires law enforcement agencies to delete notification relating to the transfer of firearms within 30 days. The bill also classifies as a private record the notification and information described in such a transfer.

**Our efforts on the legislation** – UAC staff monitored the bill and discussed with affected parties about additional responsibilities and requirements.

**What to expect next on the bill** – Law enforcement agencies should review policy on how transfer notifications are handled and ensure that such are deleted within 30 days.

**Bill link** – <http://le.utah.gov/~2016/bills/hbillint/HB0472S01.pdf>

**HB479 Jail Contracting Rate Amendments, Noel**

**UAC Position: SUPPORT**

**Status: ENROLLED**

**Outline of bill** – HB 479 increases the rate for county jail contracted beds with treatment services from 84 percent to 86 percent of the daily incarceration rate.

**Our efforts on the legislation** – UAC staff and elected officials met with the sponsor, committee members, and leadership on the importance of this increase so that counties can continue to manage their contracts appropriately and respond to changes made by JRI. Staff has also worked closely with committee chairs to ensure that future changes will be addressed and work on the county and state partnership for mutual success.

**What to expect next on the bill** – Contract county jails should see increases in the daily rate that will provide balance from additional burden.

**Bill link** – <http://le.utah.gov/~2016/bills/hbillenr/HB0479.pdf>

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**HJR1 Proposal to Amend Utah Constitution - Judges, Hail**

**UAC Position: MONITOR**

**Status: FAILED**

**Outline of bill** – HJR 1 would have placed on the ballot a constitutional amendment that eliminates a restriction against requiring judges of courts not of record to be admitted to practice law. The resolution was a companion piece to an earlier version of HB 160 but became unnecessary once the sponsor found a work around the constitutional amendment piece of his bill.

**Our efforts on the legislation** – UAC staff monitored the bill to ensure that the language did not go beyond the current scope or have direct consequence to counties.

**What to expect next on the bill** – HJR 1 was abandoned by its sponsor. It should not return.

**Bill link** – <http://le.utah.gov/~2016/bills/hbillint/HJR001.pdf>

**SB71 Children’s Justice Center Amendments, Okerlund**

**UAC Position: SUPPORT**

**Status: ENROLLED**

**Outline of bill** – SB 71 modifies the membership of the Advisory Board on Children’s Justice. The bill also requires that the attorney general contract with counties and other entities for the provision of services and provide training, technical assistance, and evaluation to centers. The bill also establishes centers or multidisciplinary in Box Elder County, San Juan, and Summit in addition to exists groups.

**Our efforts on the legislation** – UAC Legislative Committee voted to support the efforts of the sponsor to provide additional resources to other counties and staff monitored the bill to make sure that it was not altered beyond its initial scope.

**What to expect next on the bill** – Additional resources will be made for Children Justice Centers or satellite offices in Box Elder County, San Juan County, and Summit County.

**Bill link** – <http://le.utah.gov/~2016/bills/sbillenr/SB0071.pdf>

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**SB94 Law Enforcement Use of Body Cameras, Thatcher**

**UAC Position: SUPPORT**

**Status: FAILED**

**Outline of bill** – SB 94 would have addressed body-worn cameras for peace officers by requiring law enforcement agencies to have a policy in place as set by POST. This is related to Representative McCay’s bill and after a great deal of discussion and urging by affected parties and with encouragement by UAC, the two sponsors collaborated on the bill and combined the two.

**Our efforts on the legislation** – UAC staff worked at great length with the sponsor to continue the changes that best suited local government needs and with each additional amendment and substitute approached the existing bill.

**What to expect next on the bill** – Staff appreciates the sponsor’s work and do not expect additional bills in the future.

**Bill link** – <http://le.utah.gov/~2016/bills/sbillint/SB0094.pdf>

**SB100 Traffic Fines Amendments, Hillyard**

**UAC Position: OPPOSE**

**Status: FAILED**

**Outline of bill** – SB 100 would have limited the amount received by local governments from traffic fines to 25 percent of the local government’s revenues and allows the state auditor to monitor compliance.

**Our efforts on the legislation** – UAC Legislative Committee voted to oppose this bill that would limit local discretion of county funds. Staff worked to educate and express concern to the Transportation committees in both the House and Senate as well as discuss possible fallout.

**What to expect next on the bill** – It is unclear whether the sponsor will again raise the issue in future years. He has introduced similar bills in the past and so staff will be aware and continue watching.

**Bill link** – <http://le.utah.gov/~2016/bills/sbillint/SB0100.pdf>

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**SB155 Indigent Defense, Weiler**

**UAC Position: MONITOR**

**Status: ENROLLED**

**Outline of bill** – SB 155 creates the Utah Indigent Defense Commission with its scope and funds to run it. The Commission on Criminal and Juvenile Justice – Utah Indigent Defense Commission has received a one-time appropriation of \$1,500,000 + \$500,000 for staff. The appropriations tied to the bill will provide counties grant funds to support improved indigent defense services. The created commission will serve as an advisory board making recommendations to the legislature and counties regarding Utah’s indigent defense system.

**Our efforts on the legislation** – UAC staff worked at length through the interim with sponsors and interest parties about current county responsibility and the different and similar challenges faced by different counties. During the session, County staff remained vigilant about the providing appropriate language to accomplish the purposes established during the interim and raise awareness and ensure appropriate funding for next steps.

**What to expect next on the bill** – The Utah Indigent Defense Commission will begin functioning and establishing standards and resources (data, groups, etc.) that will help address needs of counties.

**Bill link** – <http://le.utah.gov/~2016/bills/sbillenr/SB0155.pdf>

**SB157 Pawnshop Amendments, Thatcher**

**UAC Position: SUPPORT**

**Status: ENROLLED**

**Outline of bill** – SB 157 addresses pawned evidence and when that evidence may be returned to the rightful owner. The bill also modifies the procedure for the disposition of an item no longer needed for investigation or prosecution.

**Our efforts on the legislation** – UAC Legislative Committee voted to support the bill and staff worked to educate on the positives as well as monitor the bill to ensure that its scope of influence did not change.

**What to expect next on the bill** – Affected parties should review the bill and match it with existing policies.

**Bill link** – <http://le.utah.gov/~2016/bills/sbillenr/SB0157.pdf>

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**SB189 Death Penalty Amendments, Urquhart**

**UAC Position: NEUTRAL**

**Status: FAILED**

**Outline of bill** – SB 189 would have repealed the death penalty in the state of Utah for cases tried after May 10, 2016. The bill would have been prospective and would not affect anyone currently on death row but for future cases the maximum punishment would be life imprisonment.

**Our efforts on the legislation** – UAC Legislative Committee voted to remain neutral and allow individual parties to act in their own interests. UAC staff monitored the bill to ensure that changes would not infringe upon county powers.

**What to expect next on the bill** – Because of changes happening nationally, staff expects that related bills may be introduced in future legislative sessions.

**Bill link** – <http://le.utah.gov/~2016/bills/sbillint/SB0189.pdf>

**SB193 Utah Communications Authority Act Amendments, Harper**

**UAC Position: MONITOR**

**Status: ENROLLED**

**Outline of bill** – SB 193 requires the Utah Communications Authority Board to create a comprehensive strategic plan that includes a plan for the authority’s activities and duties in each of the authority’s divisions. The bill also extends a restriction on the allocation of funds from the Unified Statewide 911 Emergency Service Account, and requires a county, city, or town that levies and receives money from a monthly 911 charge to remit the money directly to a public safety answering point.

**Our efforts on the legislation** – UAC staff monitored the bill and in working with the sponsor believed that the language allowed for necessary county functions while answering concerns.

**What to expect next on the bill** – County officials will need to work with the departments working with 911 calls to ensure that money is being remitted to a public safety answering point.

**Bill link** – <http://le.utah.gov/~2016/bills/sbillenr/SB0193.pdf>

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**SB202 Pre-Trial Release Amendments, Hillyard**

**UAC Position: MONITOR**

**Status: FAILED**

**Outline of bill** – SB 202 would have required a peace officer to issue citations rather than arresting individuals for certain offenses. Exceptions that would allow for arrest included driving under the influence and reckless driving, domestic violence offenses, any offense involving obstruction of justice, or any other class B or C misdemeanor or infraction that would prevent an immediate breach of the peace, or if there are any other warrants or legal reasons that may exist.

**Our efforts on the legislation** – After hearing general concern from county groups about limitations that could be placed upon law enforcement, staff worked with the sponsors and parties including the Courts, ULCT, law enforcement agencies, the Sheriffs Association, and others to ensure that proper language was placed in the bill to ensure that law enforcement officers had the necessary powers to ensure safety and protect. Ultimately, the bill failed but involved parties felt comfortable enough with the changes to allow the bill to proceed.

**What to expect next on the bill** – Staff will continue to monitor possible future bills that would have similar impacts on law enforcement.

**Bill link** – <http://le.utah.gov/~2016/bills/sbillint/SB0202.pdf>

**SB236 Utah Communications Authority Governance, Van Tassell**

**UAC Position: OPPOSE**

**Status: FAILED**

**Outline of bill** – SB 236 would have amended the process for selecting a chair of the Utah Communications Authority Board. The changes would include a governor appointee that would make the initial selection of a chair and alternate between a local member and a state member. The chair shall serve at the pleasure of the governor for a two year term.

**Our efforts on the legislation** – UAC Legislative Committee voted to oppose this bill and staff monitored the bill through the process and spoke of concerns with legislators. The bill was circled on the House 3<sup>rd</sup> reading calendar.

**What to expect next on the bill** – With scrutiny on the Utah Communications Authority Board, staff will continue to work to address concerns as well as monitor possible bills in future legislative sessions.

**Bill link** – <http://le.utah.gov/~2016/bills/sbillamd/SB0236S01.pdf>

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**SB243 Indigent Counsel in Private Parental Termination Cases, Weiler**

**UAC Position: MONITOR**

**Status: FAILED**

**Outline of bill** – SB 243 would have allowed juvenile courts to appoint counsel for an indigent private party in parental termination cases when failure to appoint counsel would result in a deprivation of due process.

**Our efforts on the legislation** – As part of the other interim conversations about indigent defense, UAC staff was heavily involved and monitored the bill to ensure that it was in accordance to conversations.

**What to expect next on the bill** – Although not considered in the House committee, the bill passed the Senate and we expect future bills to be brought up as the subject of indigent defense is further discussed.

**Bill link** – <http://le.utah.gov/~2016/bills/sbillint/SB0243.pdf>

## Retirement Issues

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In the interim meetings leading up to the 2016 session the Retirement and Independent Entities committee met numerous times to discuss public sector employment benefits, compensation and retirement. With the leadership of Rep. Rich Cunningham and Sen. Todd Weiler, the group spent a considerable amount of time discussing post-employment benefits for public safety and educators. The result of those meetings included several pieces of legislation that would have provided enhanced post employment benefits with an emphasis on reemployment opportunities and equity adjustments between the Tier I and Tier II system.

Unfortunately with addressing any of these issues, small tweaks often result in major costs to public entities, making the “policy” consideration difficult due to the financial ramifications of disruption in the system. The net result in retirement, due to the financial constraints of any proposed change, was that very little took place. This will require additional attention from UAC in years to come as we continue to grapple with recruitment and retention problems for public entity employment.

A compounding factor is wage disparity between the private and public sector. Coupling wage disparity with weakening public entity benefits structure of the Tier II system has proven challenging for policy makers at all levels. While little passed in 2016, the effort is still on-going. Emphasis in 2016-17 will be given to a determination of how best to pay for benefits enhancements. Instead of relying on general fund, it has become clear that we will need a creative “pay for” if we are going to be successful in this area.

With that in mind, here is a quick recap of the many bills that were discussed regarding public sector retirement.

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### **HB47 Postretirement Employment Rural and Title I School Exceptions, Cunningham**

**UAC Position: MONITOR**

**Status: FAILED**

**Outline of bill** – HB 47 would have allowed a retiree to be reemployed by a different agency within a rural county (population under 45,000), a rural city (population under 10,000), or a Title I school 60 days after the retiree’s retirement date.

**Our efforts on the legislation** – UAC took no position on HB 47. The bill failed to receive so much as a committee vote.

**What to expect next on the bill** – Recruitment continues to be a struggle for rural Utah and in education. Look for future legislation to address the issues HB 47 attempted to tackle.

**Bill link** – <http://le.utah.gov/~2016/bills/hbillenr/HB0047.pdf>

**HB50 Postretirement Reemployment Amendments, Cunningham**

**UAC Position: MONITOR**

**Status: FAILED**

**Outline of bill** – HB 50 would have amended the earnings limitation for reemployed retirees who return to work for a participating employer from the lesser of \$15,000 a year to one-half the retiree’s final average salary to the lesser of \$20,000 a year to one-half the retiree’s final average salary.

**Our efforts on the legislation** – UAC took no position on HB 50. The bill failed to receive so much as a committee vote.

**What to expect next on the bill** – The legislature is not done with retirement issues. Look for future legislation to address the issues of HB 50.

**Bill link** – <http://le.utah.gov/~2016/bills/hbillenr/HB0050.pdf>

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**HB86 Postretirement Employment Restrictions, Cunningham**

**UAC Position: SUPPORT**

**Status: FAILED**

**Outline of bill** – HB 86 would have allowed for a retiree to be employed by a different agency 60 days after the retiree’s retirement, provided that the retiree does not receive any employer paid retirement service credit or retirement related contributions from the participating employer. The employer would have had to pay the full normal cost rate portion and 80 percent of the amortization rate portion of the certified contribution rate to the office for a reemployed retiree.

**Our efforts on the legislation** – UAC took a position to support HB 86 due to the flexibility it would have provided counties in their recruitment efforts—particularly within law enforcement. HB 86 passed the House but was held up in the Senate.

**What to expect next on the bill** – The legislature is not done with retirement issues. Issues with recruitment and retention will continue to drive retirement legislation in the coming years.

**Bill link** – <http://le.utah.gov/~2016/bills/hbillenr/HB0086.pdf>

**HB117 Modifications to Postretirement Reemployment Restrictions, Cunningham**

**UAC Position: MONITOR**

**Status: FAILED**

**Outline of bill** – HB 117 would have allowed for a retiree to be employed by a different agency 60 days after the retiree’s retirement, provided that the retiree does not receive any employer paid retirement service credit or retirement related contributions from the participating employer *and* is employed by a Title I school. The employer would have had to pay the full normal cost rate portion and 80 percent of the amortization rate portion of the certified contribution rate to the office for a reemployed retiree.

**Our efforts on the legislation** – UAC monitored HB 117, but choose not to take a position on the bill as it did not directly impact county government.

**What to expect next on the bill** – The legislature is not done with retirement issues. Issues with recruitment and retention will continue to drive retirement legislation in the coming years.

**Bill link** – <http://le.utah.gov/~2016/bills/hbillenr/HB0117.pdf>

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**HB159 Line-of-duty Death Benefits Amendments, McKell**

**UAC Position: MONITOR**

**Status: ENROLLED**

**Outline of bill** – HB 159 repeals a provision that discontinues employer paid health coverage for a surviving spouse of a peace officer or firefighter who dies in the line-of-duty when the surviving spouse remarries. Instead the employer paid health coverage continues until the surviving spouse becomes eligible for Medicare.

**Our efforts on the legislation** – UAC monitored HB 159 but choose not to take a position on the legislation.

**What to expect next on the bill** – It is unlikely that HB 159 will have a huge impact on county government, but will impact those counties where circumstances fit those prescribed in the legislation.

**Bill link** – <http://le.utah.gov/~2016/bills/hbillenr/HB0159.pdf>

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**HB205 Tier II Retirement Amendments, Cunningham**

**UAC Position: MONITOR**

**Status: FAILED**

**Outline of bill** – HB 205 would have increased the maximum contribution a participating employer pays toward retirement benefits for a Tier II public employee, public safety service employee, and firefighter.

**Our efforts on the legislation** – UAC monitored HB 205 but did not take a position on the bill.

**What to expect next on the bill** – Look for more legislation regarding retirement in sessions to come.

**Bill link** – <http://le.utah.gov/~2016/bills/hbillenr/HB0205.pdf>

**SB19 Phased Retirement, Weiler**  
**UAC Position: MONITOR**  
**Status: ENROLLED**

**Outline of bill** – SB 19 allows a participating employer to participate in phased retirement for a retiree who has not completed the one-year employment separation requirement. The bill allows for half-time employment with the same participating employer immediately after the retiree's retirement date while the retiree receives a reduced retirement allowance.

**Our efforts on the legislation** – UAC took no position on SB 19.

**What to expect next on the bill** – Counties should consult the code if interested in utilizing phased retirement to move long-time employees from full-time to part-time.

**Bill link** – <http://le.utah.gov/~2016/bills/hbillenr/SB0019.pdf>

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**SB20 Retirement Systems Audit Recommendations Amendments, Weiler**  
**UAC Position: MONITOR**  
**Status: ENROLLED**

**Outline of bill** – SB 20 requires the Utah State Retirement Systems (URS) to provide of details on its website regarding employee compensation information and advance public notice of administrative board meetings. The bill also requires URS to establish policies for time limits to respond to information requests.

**Our efforts on the legislation** – UAC took no position on SB 20.

**What to expect next on the bill** – SB 20 should provide more transparency from URS.

**Bill link** – <http://le.utah.gov/~2016/bills/hbillenr/SB0020.pdf>

**SB29 Retirement Systems Amendments, Weiler**

**UAC Position: MONITOR**

**Status: ENROLLED**

**Outline of bill** – SB 29 modifies the Utah State Retirement and Insurance Benefit Act by amending number of retirement provisions. Among these are included: allowance for URS to make payments to a deceased member's beneficiaries 30 days instead of three months after the date of death, clarification that a public safety employee who is transferred or promoted to an administration position within the same department primarily to manage or supervise public safety service employees will continue to earn public safety service credit, and provides that for an elected official under Tier II retirement, the total amount contributed by the participating employer and the total amount contributed by the elected official vests immediately.

**Our efforts on the legislation** – UAC monitored SB 29 but ultimately took no position on the bill.

**What to expect next on the bill** – Of all the retirement bills that passed, SB 29 easily will have the most impact. County HR departments will want to familiarize themselves with the provisions of the bill.

**Bill link** – <http://le.utah.gov/~2016/bills/hbillenr/SB0029.pdf>

## Revenue and Taxation

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The property tax continues to be the primary source of county revenue and a major area of interest for legislators during the 2016 Legislative Session. The Utah Association of Counties dealt with a number of bills that would have amended Utah's property tax system and the way that property is valued. Fortunately, UAC staff and county officials were able to fend off a number of efforts to shift property taxes from special interests (see HB 376, HB 459, and SB 168 for example) and shepherd the passage of a number of bills that strengthened the system (see HB 23 and HB 25 for example).

Of course, property taxes weren't the only source of revenue UAC had to protect for county government in 2016. Below, are all the revenue and taxation bills that UAC charted in 2016.

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### **HB23 Privilege Tax Amendments, Stanard**

**UAC Position: SUPPORT**

**Status: ENROLLED**

**Outline of bill** – HB 23 clarifies taxing entities rights to collect a privilege tax on a lessee of a government owned premise that is otherwise tax exempt when the lessee is using the premise for a for profit business. The privilege tax is collected at the same time as property taxes but the property is not subject to tax liens.

**Our efforts on the legislation** – A recent court ruling threatening the concept of privilege taxes made HB 23 a necessity. UAC worked with the sponsor to shepherd HB 23 through the process.

**What to expect next on the bill** – Counties can continue to collect privilege taxes from lessees using government premises for for profit businesses.

**Bill link** – <http://le.utah.gov/~2016/bills/static/HB0023.html>

**HB25 Property Tax Changes, McCay**

**UAC Position: SUPPORT**

**Status: ENROLLED**

**Outline of bill** – HB 25 changes the property tax new growth formula by 1) removing personal property from the equation, 2) limiting centrally assessed new growth to only that value exceeding previously reached high water benchmarks, and 3) insulating real property new growth from negative centrally assessed new growth.

**Our efforts on the legislation** – After a 2014 state audit, the legislature expressed grave concerns over perceived windfalls of revenues to property taxing entities that collected new growth on personal property and centrally assessed values as they fluctuated from year to year. Of course, those fluctuations often resulted in the loss of real property when personal property and centrally assessed values dipped. UAC staff and membership worked the better part of two years to craft a solution that addressed both the legislature’s and the taxing entities’ issues. HB 25 is the result of those efforts and should insulate taxing entities from further attacks on property tax new growth.

**What to expect next on the bill** – While not quite revenue neutral, HB 25 will guarantee property tax new growth to meet the needs of new development virtually every year.

**Bill link** – <http://le.utah.gov/~2016/bills/static/HB0025.html>

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**HB32 Subdivision Base Parcel Tax Amendments, Webb**

**UAC Position: SUPPORT**

**Status: ENROLLED**

**Outline of bill** – HB 32 allows for an owner of a portion of a base parcel whose property tax is delinquent to pay his or her portion of the property tax and be insulated from tax liens.

**Our efforts on the legislation** – UAC staff worked with the sponsor to draft HB 32 and address an issue of concern to both property owners and counties.

**What to expect next on the bill** – Many counties were already practicing the process spelled out in HB 32 prior to its passage. The bill, then, codifies existing practice.

**Bill link** – <http://le.utah.gov/~2016/bills/static/HB0032.html>

**HB104 Property Taxation Amendments, Peterson**

**UAC Position: SUPPORT**

**Status: ENROLLED**

**Outline of bill** – HB 104 allows taxpayers to opt into receiving certain tax notices from the county auditor electronically.

**Our efforts on the legislation** – County auditors and UAC staff worked with the sponsor to draft and guide HB 104 through the legislative process. Work was done throughout the interim to ensure that the bill was drafted well before the legislative session began to expedite its passage.

**What to expect next on the bill** – HB 104 will benefit both county auditors and the portion of the population who is interested in receiving tax notices via electronic mail.

**Bill link** – <http://le.utah.gov/~2016/bills/static/HB0104.html>

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**HB122 Sales Tax Exemption for Public Buildings Contractors, Powell**

**UAC Position: SUPPORT**

**Status: FAILED**

**Outline of bill** – HB 122 would have exempted sales and use tax for materials purchased for construction by or on behalf of the state, its institutions, or its political subdivisions. Assuming contractors passed those savings onto the government; HB 122 could have been a net savings to county government whose 0.25 percent county option sales tax makes up only 4 percent of the combined state and local option sales tax.

**Our efforts on the legislation** – UAC took a position to support HB 122, but found little appetite in the legislature to pass the bill.

**What to expect next on the bill** – It seems there is little appetite to pass HB 122.

**Bill link** – <http://le.utah.gov/~2016/bills/static/HB0122.html>

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**HB153 Certified Tax Rate Amendments, Ward**

**UAC Position: SUPPORT**

**Status: FAILED**

**Outline of bill** – HB 153 would have added an adjustment for inflation to the property tax rate for all taxing entities. The bill would have used the Bureau of Labor Statistics Consumer Price Index to calculate the rate of increase to the property tax base year to year.

**Our efforts on the legislation** – Recognizing the politically climate regarding legislation like HB 153; UAC took a position to support the bill but did nothing else.

**What to expect next on the bill** – HB 153 failed to receive so much as a committee hearing. There would have to be a large political shift in the Utah State Legislature before such a bill would have any shot of passing.

**Bill link** – <http://le.utah.gov/~2016/bills/static/HB0153.html>

**HB180 Sales and Use Tax Exemption Amendments, Wilson**

**UAC Position: OPPOSE**

**Status: FAILED**

**Outline of bill** – HB 180 would have exempted from sales and use tax a whole lot of machinery equipment. The fiscal impact to local government would have been a loss of \$25 million in sales tax per year.

**Our efforts on the legislation** – UAC took an active position to oppose HB 180. Fortunately, the fiscal impact to the state was even greater at \$58 million in lost sales tax revenues. This fact, more than our efforts, prevented the bill from passing.

**What to expect next on the bill** – The concept behind HB 180 has been around for a number of years, look for something similar to return again.

**Bill link** – <http://le.utah.gov/~2016/bills/static/HB0180.html>

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**HB235 Remote Transactions Parity Act, McKell**

**UAC Position: AMEND**

**Status: FAILED**

**Outline of bill** – HB 235 would have required the collection and remittance of sales and use tax from remote sellers to the State of Utah. It also would have reduced sales tax rates within the state to make the bill revenue neutral.

**Our efforts on the legislation** – UAC made efforts to amend the bill to remove the revenue neutral portion of the bill. Ultimately, those efforts didn't matter as the bill failed to pass on its own merit.

**What to expect next on the bill** – The loss of sales tax revenues to internet sales continues to be a big problem for state and local governments. There will certainly be more pieces of legislation addressing this issue in the future.

**Bill link** – <http://le.utah.gov/~2016/bills/static/HB0235.html>

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**HB356 Taxation of Solar Energy Devices, Knotwell**

**UAC Position: MONITOR**

**Status: FAILED**

**Outline of bill** – HB 356 would have provided a sales and use tax exemption for machinery, equipment, parts, or material that are purchased for residential use for the purpose of generating solar energy.

**Our efforts on the legislation** – UAC monitored HB 356, but its projected impact of \$360,000 in reduced sales tax to local government highlighted its small impact to county government.

**What to expect next on the bill** – HB 356 didn't make it very far in the process. It appears that there is quite a bit of work still ahead for its proponents if they want to see it passed in a future legislative session.

**Bill link** – <http://le.utah.gov/~2016/bills/static/HB0356.html>

**HB368 Short-term Rental Tax Amendments, Pitcher**

**UAC Position: MONITOR**

**Status: FAILED**

**Outline of bill** – HB 368 would have given short-term rental platforms authority to voluntarily collect and remit transient room taxes.

**Our efforts on the legislation** – UAC monitored the progress of HB 368, which didn't so much as receive a committee hearing.

**What to expect next on the bill** – HB 368 was one of two bills dealing with the growing short-term rental business. There will very likely be legislation dealing with this issue in 2017.

**Bill link** – <http://le.utah.gov/~2016/bills/static/HB0368.html>

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**HB376 Property Tax and Fair Market Value, Greene**

**UAC Position: OPPOSE**

**Status: FAILED**

**Outline of bill** – HB 376 would have created a new classification of property called “static real property” for the purposes of assessing property value. The bill would have created a new process for calculating property value for those properties that fit into the static real property classification by not seeing any improvement over the previous year, is still zoned the same way from the previous year, and has not been sold or leased over the previous year.

**Our efforts on the legislation** – UAC staff and county assessors met with the sponsor to discuss his concerns with the current property value assessment system and what he hoped to accomplish with the bill. We also expressed our concerns with the bill that struck us as constitutionally questionable and a move towards a California-like valuation system. The sponsor agreed to push the issue to interim study.

**What to expect next on the bill** – HB 376 is on the master study list and will be looked at over the interim. UAC will be sure to participate in any discussions on the issues presented by HB 376.

**Bill link** – <http://le.utah.gov/~2016/bills/static/HB0376.html>

**HB459 Golf Course Property Tax Amendments, Ray**

**UAC Position: OPPOSE**

**Status: FAILED**

**Outline of bill** – HB 459 would have permitted the cost approach, the income approach, or the sales comparison approach to calculate the property value of a privately owned golf course. The bill specified that when doing so, the county assessor shall give the income approach the highest weight.

**Our efforts on the legislation** – UAC took a position to oppose HB 459 as it was clear that the intent of the bill was to minimize the property taxes for privately owned golf courses and shift those taxes onto other taxpayers in the community. The bill was introduced late in the session and didn't receive so much as a committee hearing.

**What to expect next on the bill** – UAC will continue to be vigilant in tracking legislation like HB 459 and any other legislation that aims to shift property taxes from one industry to other taxpayers.

**Bill link** – <http://le.utah.gov/~2016/bills/static/HB0459.html>

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**SB68 Property Tax Amendments, Harper**

**UAC Position: MONITOR**

**Status: ENROLLED**

**Outline of bill** – SB 68 provides for a property tax exemption for personal property that is leased to a governmental entity.

**Our efforts on the legislation** – SB 68 addresses an issue of limited scope. UAC chose to monitor the bill and its companion resolution (SJR 3), but did not take a position on the bill.

**What to expect next on the bill** – Counties that lease personal property will not have to worry about dealing with a mark up to cover sales tax.

**Bill link** – <http://le.utah.gov/~2016/bills/static/SB0068.html>

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**SB85 Sales and Use Tax Compliance Amendments, Harper**

**UAC Position: SUPPORT**

**Status: FAILED**

**Outline of bill** – SB 85 would have required remote sellers to collect and remit sales and use tax to the State of Utah.

**Our efforts on the legislation** – UAC took a position to support SB 85, but the bill was quickly abandoned in favor of HB 235.

**What to expect next on the bill** – The loss of sales tax revenues to internet sales continues to be a big problem for state and local governments. There will certainly be more pieces of legislation addressing this issue in the future.

**Bill link** – <http://le.utah.gov/~2016/bills/static/SB0085.html>

**SB102 High Cost Infrastructure Tax Credit Amendments, Okerlund**

**UAC Position: SUPPORT**

**Status: ENROLLED**

**Outline of bill** – SB 102 modifies the structure of the Utah Energy Infrastructure Authority Board to include a member currently serving as a county commissioner in a county of the 3<sup>rd</sup> through 6<sup>th</sup> class.

**Our efforts on the legislation** – UAC took a position to support SB 102 and worked to ensure its passage.

**What to expect next on the bill** – A county commissioner will need to be appointed to serve on the Utah Energy Infrastructure Authority to help consider rules for the high cost infrastructure tax program.

**Bill link** – <http://le.utah.gov/~2016/bills/static/SB0102.html>

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**SB112 Property Tax Assessment Amount Amendments, Stephenson**

**UAC Position: NEUTRAL**

**Status: ENROLLED**

**Outline of bill** – SB 112 changes the burden of proof from the taxpayer to the county assessor in cases where the assessing authority presents evidence or otherwise asserts that the fair market value of the assessed property is greater than the value originally assessed by the assessing authority for that calendar year.

**Our efforts on the legislation** – After consulting with county assessors, UAC took a neutral position on SB 112, reasoning that in cases where the assessor argues that the value is greater than the original assessed value, the assessor should be able to present his or her case.

**What to expect next on the bill** – This likely will have little impact on current practice as the cases SB 112 addresses are likely few and far between.

**Bill link** – <http://le.utah.gov/~2016/bills/static/SB0112.html>

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**SB120 Property Tax Notice Amendments, Stephenson**

**UAC Position: MONITOR**

**Status: ENROLLED**

**Outline of bill** – SB 120 removes revenue received by a taxing entity from a debt service levy voted on by the public when calculating the previous year's property tax budgeted revenue for purposes of the advertisement used to provide notice of a proposed property tax increase.

**Our efforts on the legislation** – UAC took no position on SB 120, recognizing that the bill addressed an unintended issue in the tax assessment process.

**What to expect next on the bill** – Counties will want to continue to work with the Tax Commission when looking to provide notice of a proposed property tax increase to ensure they follow the law.

**Bill link** – <http://le.utah.gov/~2016/bills/static/SB0120.html>

**SB145 Property Taxes on Former Prison Property, Fillmore**

**UAC Position: OPPOSE**

**Status: FAILED**

**Outline of bill** – SB 145 would have dedicated all property taxes collected on the property where the state prison in Draper is located for twenty years after the sale of that property to private property owners to the state to be deposited in the state general fund.

**Our efforts on the legislation** – Unsurprising, UAC took a position to oppose SB 145. Fortunately, the bill received little to no support in the legislature and failed to receive so much as a committee hearing.

**What to expect next on the bill** – It seems doubtful that we'll see another bill attempting to do what SB 145 set out to do.

**Bill link** – <http://le.utah.gov/~2016/bills/static/SB0145.html>

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**SB164 Local Government Modifications, Henderson**

**UAC Position: SUPPORT**

**Status: ENROLLED**

**Outline of bill** – Among other things, SB 164 provides that a taxpayer who pays less than the full amount of the items listed on the taxpayer's property tax notice may direct how the county treasurer allocates the partial payment between the amounts due.

**Our efforts on the legislation** – County treasurers and UAC staff worked with the sponsor over the interim on SB 164 to provide a process for taxpayers to direct their partial payments towards property taxes and not disputed assessment levies. Late in the session, the bill was amended to include other issues that were included in other bills.

**What to expect next on the bill** – Should a taxpayer so wish, he or she can now direct partial payments towards specific amounts due.

**Bill link** – <http://le.utah.gov/~2016/bills/static/SB0164.html>

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**SB168 Property Tax Revisions, Bramble**

**UAC Position: OPPOSE**

**Status: FAILED**

**Outline of bill** – SB 168 would have allowed real estate developers to defer property tax payment for up to five years on property that has not been sold.

**Our efforts on the legislation** – UAC took a strong position to oppose SB 168 and met with the sponsor and proponents of the bill to share that position. Due in part to our work, the sponsor abandoned the bill to interim.

**What to expect next on the bill** – SB 168 is on the master study list meaning it will likely be discussed over the interim. County officials and UAC will be ready to continue the dialog.

**Bill link** – <http://le.utah.gov/~2016/bills/static/SB0168.html>

**SB228 Multicounty Assessing and Collecting Levy Amendments, Stephenson**

**UAC Position: SUPPORT**

**Status: ENROLLED**

**Outline of bill** – SB 228 allows assessing and collecting levy revenues be used to create a statewide business personal property electronic filing system. Elsewhere, the legislature moved \$150,000 towards from CAMA to develop that system.

**Our efforts on the legislation** – Over the interim, UAC worked with the small business lobby in an effort to address concerns with the filing of business personal property. For years, the small business lobby has maintained that filing business personal property is far too cumbersome. Their solution in the past has been to raise the business personal property tax exemption. This year we agreed that the creation of an easy to use, statewide electronic portal for filing business personal property would address a number of their issues.

**What to expect next on the bill** – County assessors will now need to look at the development of a statewide electronic portal for filing business personal property reports. Should we need to request additional money to build and maintain the system, we'll be back in 2017.

**Bill link** – <http://le.utah.gov/~2016/bills/static/SB0228.html>

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**SJR3 Proposal to Amend Utah Constitution- Property Tax Exemptions, Harper**

**UAC Position: MONITOR**

**Status: ENROLLED**

**Outline of bill** – SJR 3 is a companion resolution to SB 68 which takes a resolution to Utah's voters over a constitutional amendment that would allow for a tax exemption on tangible personal property leased by the State or by a political subdivision of the State.

**Our efforts on the legislation** – UAC elected to simply monitor SJR 3 and its companion legislation, SB 68.

**What to expect next on the bill** – A measure asking for voter approval for a constitutional amendment allowing a tax exemption on tangible personal property leased by state or local government will appear on November's ballot.

**Bill link** – <http://le.utah.gov/~2016/bills/static/SJR003.html>

## Transportation and Infrastructure

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As you may recall, the 2015 legislative session was a monumental session for transportation investment. With a 5 cent gas tax increase (which went in to effect on January 1, 2016) and the statutory authorization for a local option 0.25 percent transportation sales tax, the legislature provided one of the single largest commitments to local transportation in recent history.

With that effort behind us, the legislature still had some work to do on transportation in 2016. Primarily cleaning up and tweaking some of the aspects from the 2015 legislation, but in large part, they pivoted to water infrastructure and water development needs. Keep in mind, however, that there was still considerable effort being made to address the issue of “infrastructure earmarks” and concerns being raised about the impact those earmarks were having on other general fund obligations.

This session, proved to be monumental in this area as legislation was passed to address concerns over earmarks, while also investing considerably in the future of water development. As with most of these topics, there is still much to be done, but many of the critical initial steps have now been taken, which will chart the course for a infrastructure development over the next 20-30 years.

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### **HB60 Class B&C Road Fund Amendments, Anderson**

**UAC Position: SUPPORT**

**Status: ENROLLED**

**Outline of bill** – HB 60 modifies the Transportation Code by amending provisions relating to funding for class B and class C roads. This bill amends the apportionment formula for funds available for use on class B and class C roads and updates the “hold-harmless” formula that was implemented in 1996.

**Our efforts on the legislation** – Staff worked with Representative Anderson during the interim on this bill, which is a technical clean up to last year’s omnibus transportation bill. The bill was critical to many counties, as the language from last year’s bill did not appropriately reflect the intended changes to the hold harmless formula. This bill cleaned up that language and was a high priority for many counties.

**What to expect next on the bill** – With the adoption and implementation of the new gas tax and with many counties adopting the local sales tax, there should be significant new money in the local road system for improvements and maintenance.

**Bill link** – <http://le.utah.gov/~2016/bills/static/HB0060.html>

**HB183 County Option Sales and Use Tax for Highway and Public Transit Amendments, Draxler**

**UAC Position: SUPPORT**

**Status: ENROLLED**

**Outline of bill** – HB 183 modifies the Sales and Use Tax Act by amending provisions relating to the county option sales and use tax for highways and public transit. This bill amends the distribution of revenue collected from the local option sales and use tax for highways and public transit

**Our efforts on the legislation** – UAC supported the bill in our effort to help some counties, not located in the UTA transit district get some flexibility in how funds should be split between roads and transit. The concern expressed was that the original omnibus bill from 2015 was too restrictive on how funds had to be spent, and required more funding that was necessary for transit in some areas. This bill provides some additional flexibility to the county in determining how to direct those funds if the local options sales tax were to pass in those counties. We worked closely with the sponsor and affected counties to promote this legislation.

**What to expect next on the bill** – We anticipate that this legislation will make the local option sales tax a viable funding option for more counties in Utah, infusing necessary flexibility in funding, where appropriate.

**Bill link** – <http://le.utah.gov/~2016/bills/static/HB0183.html>

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**HB215 Local Option Sales and Use Tax Amendments, Greene**

**UAC Position: OPPOSED**

**Status: FAILED**

**Outline of bill** – HB 215 would have authorized a county to impose a local option sales and use tax for highways and transit; addresses the use of revenue collected from the local option sales and use tax for highways and public transit; a political subdivision that receives certain sales and use tax revenue to submit certain information in audits, reviews, compilations, or fiscal reports

**Our efforts on the legislation** – In the spirit of the negotiations held during the 2015 transportation funding discussion, UAC opposed this legislation due to the change in the funding formula for the UTA district, which was one of the stakeholders in last year’s negotiations. The revenue distribution split of 2015 was carefully crafted with all stakeholder input and we felt it inappropriate to pull back on the deal made in 2015. This bill did not pass

**What to expect next on the bill** – We anticipate that similar efforts may be attempted in future years as pressure on infrastructure funding continues to mount.

**Bill link** – <http://le.utah.gov/~2016/bills/static/HB0215.html>

**HB319 Safety Inspection Amendments, Thurston**

**UAC Position: OPPOSED**

**Status: FAILED**

**Outline of bill** – HB 319 would have repealed the requirement that certain vehicles obtain a safety inspection certificate in order to be registered and to operate on a highway.

**Our efforts on the legislation** – Expressing concern regarding the safety elements of our transportation system, UAC opposed this legislation and worked with stakeholders to defeat the bill.

**What to expect next on the bill** – This is not the first time we have seen this bill. We anticipate this or similar legislation will be introduced in future years.

**Bill link** – <http://le.utah.gov/~2016/bills/static/HB0319.html>

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**SB80 Infrastructure Funding Amendments, Adams**

**UAC Position: MONITOR**

**Status: FAILED**

**Outline of bill** – SB 80 modifies state sales and use tax earmarks; requires the Division of Finance to annually transfer a certain amount of revenue from the Transportation Fund to the Transportation Investment Fund of 2005.

**Our efforts on the legislation** – UAC monitored this legislation to ensure that the “roll back” of transportation related earmarks did not harm an existing, programmed, projects. As crafted, the legislation will roll back the earmarks over a 5-year period to ensure no projects were affected. This bill will obviously effect future funding for transportation, but has no impact on the existing transportation plan.

**What to expect next on the bill** – We anticipate this is the end of the earmark conversation for transportation. We will see if our prophecy holds true.

**Bill link** – <http://le.utah.gov/~2016/bills/static/SB0080.html>

## Planning and Zoning

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As with every legislative session, the Utah legislature takes a particular interest in bills dealing with local land use authority. This has been a trend in the legislature for years, and the 2016 legislative session was no different.

While the trend has been long-standing, it should be noted that there seems to be a more libertarian bent to the legislation we are seeing these days. Promoting legislation to remove business licenses, restrict local government zoning authority and limit restrictions on use of property have all had a very anti-government feel to them. As representatives of local government we are in the precarious position of balancing property rights of the individual seeking a permit and that person's neighbors' rights. Often cast in negative light as being anti-property rights, we must do a better job showing legislators how we are really in a balancing role and not just saying no for the sake of it.

With all that being said, the legislature again demonstrated its collective tempered approach to nearly all planning and zoning bills. Here is a quick recap of how things shook out.

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### **HB115 Beekeeping Modifications, Roberts**

**UAC Position: OPPOSE**

**Status: FAILED**

**Outline of bill** – HB 115 would have restricted local governments' ability to regulate bees and beekeeping.

**Our efforts on the legislation** – UAC actively opposed this legislation for several reasons, namely concerns about nuisances and the potential for bee disease to spread if not regulated. This bill failed.

**What to expect next on the bill** – This issue seems to keep coming back, we expect to see this or some version of this bill in future years.

**Bill link** – <http://le.utah.gov/~2016/bills/static/HB0115.html>

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### **HB121 Building Code Amendments, Edwards**

**UAC Position: MONITOR**

**Status: FAILED**

**Outline of bill** – HB 121 is a bill that is required in order to adopt the building code. This bill adopted the 2015 international building code.

**Our efforts on the legislation** – This bill was never formally introduced by the sponsor.

**What to expect next on the bill** – There will continue to be bills introduced to adopt various portions of the building code. It is a constant give-take between building officials and contractors to determine which elements are important and necessary to adopt. We will see plenty of these in the future.

**Bill link** – <http://le.utah.gov/~2016/bills/static/HB0121.html>

**HB224 Impact Fee Revision, Rey**  
**UAC Position: MONITOR**  
**Status: FAILED**

**Outline of bill** – HB 224 would have limited when a local political subdivision may require payment of an impact fee on a residential project.

**Our efforts on the legislation** – The bill restricted the timing of requiring an impact fee on a residential project. In coordination with the ULCT, the Association opposed the bill and requested that it be sent to the Land Use Taskforce for additional consideration during the interim. The bill failed and will be studied this interim.

**What to expect next on the bill** – The Land Use Taskforce will take up this issue during the interim to determine if it is necessary in the construction and development of residential housing.

**Bill link** – <http://le.utah.gov/~2016/bills/static/HB0224.html>

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**HB232 Scenic Byway Amendments, Noel**  
**UAC Position: MONITOR**  
**Status: ENROLLED**

**Outline of bill** – HB 232 requires the legislative body of a county, city, or town to segment a state scenic byway, National Scenic Byway, or All-American Road upon request unless the Utah State Scenic Byway Committee demonstrates to an administrative law judge selected by agreement of the owner of real property and the committee where the non-scenic area is located, that the property to be segmented is not a non-scenic area.

**Our efforts on the legislation** – UAC monitored HB 232 but took no formal position on the bill.

**What to expect next on the bill** – HB 232 makes it a requirement to segment a byway upon request unless the Utah State Scenic Byway Committee can prove that the segment is, in fact, scenic. This will like increase the amount of segmented byways.

**Bill link** – <http://le.utah.gov/~2016/bills/static/HB0232.html>

**HB318 Point of the Mountain Development Authority Act, Wilson**

**UAC Position: MONITOR**

**Status: ENROLLED**

**Outline of bill** – HB 318 creates the Point of the Mountain Development Commission charged with finding the best use for the Draper prison site. The membership of the commission includes an appointee of the Utah County Commission and the Mayor of Salt Lake County or the mayor’s designee.

**Our efforts on the legislation** – UAC monitored HB 318 closely and appreciated the sponsor’s efforts to include county officials in the critical decision ahead as to how to best develop the Draper prison site after the prison moves.

**What to expect next on the bill** – Salt Lake and Utah Counties will select membership for the commission and work closely with the commission in the months and years ahead.

**Bill link** – <http://le.utah.gov/~2016/bills/static/HB0318.html>

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**HB348 Mountainous Planning District Amendments, Dee**

**UAC Position: SUPPORT**

**Status: ENROLLED**

**Outline of bill** – HB 348 modifies the procedure for selecting members of a mountainous planning district, addresses the circumstances under which an area may withdraw from a mountainous planning district, and moves the repeal date for mountainous planning districts from June 1, 2016 to June 1, 2017.

**Our efforts on the legislation** – Mountainous planning districts were created during the 2015 Legislative Session for the benefit of Salt Lake County. HB 438 addresses some issues that have arisen over the past year with the concept as well as extends the repeal date to allow for the work of the district to be completed. UAC supported Salt Lake County in its efforts.

**What to expect next on the bill** – Salt Lake County will continue to work on its concept of a mountainous planning district to better manage its wilderness interface.

**Bill link** – <http://le.utah.gov/~2016/bills/static/HB0348.html>

### **HB360 Land Use Amendments, Brown**

**UAC Position: OPPOSE**

**Status: FAILED**

**Outline of bill** – HB 360 would have required counties and cities to notice any land use ordinance that is stricter than state code. Since state code is mostly silent on land use, the requirements of HB 360 would likely have applied to all changes to land use ordinances.

**Our efforts on the legislation** – UAC took a position to oppose HB 360 and worked with the cities to prevent HB 360 from passing.

**What to expect next on the bill** – The sponsor of the bill seems passionate about the issue, expect to see the concept return in 2017.

**Bill link** – <http://le.utah.gov/~2016/bills/static/HB0360.html>

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### **HB409 Short-term Rental Amendments, Knotwell**

**UAC Position: OPPOSE**

**Status: FAILED**

**Outline of bill** – HB 409 would have placed a one-year moratorium on land use ordinances governing short-term rentals. This moratorium would have also included any existing ordinances. The bill would have also allowed a short-term rental hosting platform to voluntarily collect and remit transient room tax and other taxes.

**Our efforts on the legislation** – The expressed goal of HB 409 and its proponents was to get local government to the table to discuss the governance of the growing short-term rental business. Fortunately, an agreement was reached to hold those discussions without such problematic legislation, and the bill was pulled.

**What to expect next on the bill** – There will likely be legislation dealing with short-term rentals in 2017 as well as discussion on the issue over the interim. UAC will continue to be heavily involved in both.

**Bill link** – <http://le.utah.gov/~2016/bills/static/HB0409.html>

**HB413 Falconry Amendments, Peterson**

**UAC Position: OPPOSE**

**Status: FAILED**

**Outline of bill** – HB 413 would have prohibited local government ordinances that limits registered falconers from keeping birds of prey at their homes.

**Our efforts on the legislation** – UAC took a position to oppose HB 413 over concerns that the bill would have limited local government authority. The bill was introduced quite late in the session and failed to advance out of committee.

**What to expect next on the bill** – This seems like an issue sure to return to the legislature at a future date.

**Bill link** – <http://le.utah.gov/~2016/bills/static/HB0413.html>

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**HB414 Zoning Amendments, Christensen**

**UAC Position: OPPOSE**

**Status: FAILED**

**Outline of bill** – In its original version, HB 414 would have required land use authority to make written findings when taking action on a land use application from residential facilities (group homes). The bill was substituted late in the session to only require group homes to comply with land use ordinances.

**Our efforts on the legislation** – UAC took a position to oppose HB 414 over concerns that the original version of the bill would have been costly to make findings and likely resulted in court action.

**What to expect next on the bill** – Based on the substitute language, the sponsor recognized the problems with his original language. If HB 414 returns in future legislative sessions, look for the less problematic language of the first substitute.

**Bill link** – <http://le.utah.gov/~2016/bills/static/HB0414.html>

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**SB44 Construction Code Amendments, Dayton**

**UAC Position: MONITOR**

**Status: ENROLLED**

**Outline of bill** – SB 44 expands an exemption from permit requirements for structures that are used as fruit stands from 1,000 square feet to 1,500 square feet.

**Our efforts on the legislation** – UAC monitored SB 144 but took no action on the bill.

**What to expect next on the bill** – More fruit stands will be exempt from permit requirements. Hopefully, this does not result in the risk of injury.

**Bill link** – <http://le.utah.gov/~2016/bills/static/SB0044.html>

**SB92 Water Conservation Amendments,  
UAC Position: NEUTRAL W/ AMENDMENTS  
Status: FAILED**

**Outline of bill** – SB 92 would have addresses a municipality's or a county's authority to require certain types of landscaping in certain zoning districts.

**Our efforts on the legislation** – The bill as originally drafted would have restricted local governments from adopting a landscaping ordinance in commercial and industrial areas that required grass and other types of vegetation. Citing our concerns with the restriction on what was clearly a local planning matter, we were successful in amending the bill to give more latitude to local governments. Ultimately the bill failed due to concerns from other local governments as well.

**What to expect next on the bill** – We don't anticipate seeing this bill again anytime soon.

**Bill link** – <http://le.utah.gov/~2016/bills/static/SB0092.html>