



UTAH ASSOCIATION OF COUNTIES

# 2018 GENERAL LEGISLATIVE SESSION RECAP



**UTAH**  
ASSOCIATION OF  
**COUNTIES**

*The Unifying Voice for County Government*

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## CEO's Message on the 2018 Legislative Session

The 2018 Utah Legislative Session proved to be another excellent year for counties. As anticipated, the Legislature set priorities early, emphasizing several key county issues.

The Governor, Speaker of the House, and President of the Senate intentionally worked to strengthen Utah's economic position with significant investments in education and infrastructure. This effort was aided substantially by an unprecedented budget surplus. Additionally, leadership made good on commitments to prioritize spending on substance abuse treatment, mental health, and resource development for the homeless.



Adam Trupp  
Chief Executive Officer

While we often assume these statements of priority occur organically. Truthfully, much of the targeted emphasis is a result of the tireless work of our members and our lobbying team. Together, we ensured these items were a priority and effectively communicated that to our legislators.

But our work didn't end there. We spent countless hours collaborating with appropriations and standing committees pressing our issues. And the work paid off with overwhelming funding for counties and cities in areas of roads and transit, maintenance funding of the Medicaid Match, increases in jail funding, and significant funding for county-based election equipment. Our team continued to show an unmatched ability to promote financial partnerships between the counties and the State of Utah.

It's also important to note that the 2018 Legislature introduced a record-setting 1300 bills, of which UAC tracked and reported daily on more than 200 (a record number for us as well). This publication is a snapshot of the work completed. If you have questions on any bill, please call me, or any member of our staff.

Legislation is the guidepost — now the real work begins. However, at UAC, we stand poised to be equally as helpful in the implementation as we were in the policy formulation.

As always, I hope you find your membership valuable as we look ahead to another great year in 2019.

Adam Trupp, CEO  
Utah Association of Counties

## Icon References

Each bill within this booklet is listed by bill number but categorized on each page with an icon representing the topic of the legislation to help you more quickly identify the issue/bill we tracked.

 <b>Criminal Justice</b>	 <b>Public Lands</b>
 <b>Elections</b>	 <b>Retirement/ Benefits</b>
 <b>General Government</b>	 <b>Revenue &amp; Taxation</b>
 <b>Human Services</b>	 <b>Transportation</b>
 <b>Land Use</b>	 <b>Transparency</b>

## 2018 Appropriations

Working with leadership of both houses, engaged legislators, county officials, and other interested parties, counties saw important legislative appropriations this year. They focus on a number of different areas, but will provide financial support to all 29 counties. Below are some of the major items receiving funding.

<b>Funding Item</b>	<b>Ongoing</b>	<b>One-Time</b>
<b>Elections &amp; Voting</b>		
<i>Elections Systems Funding</i>	\$500,000	\$4,500,000
<b>Criminal Justice Issues</b>		
<i>Forensic Competency Unit at State Hospital</i>	\$4,500,000	
<i>Indigent Defense Commission</i>	\$419,000	\$2,500
<i>Jail Contracting Treatment Rate Increase</i>	\$283,300	
<b>Economic Development</b>		
<i>Rural Economic Development Incentives</i>	\$728,000	
<i>Rural Online Initiative</i>		\$2,272,000
<b>Human Services</b>		
<i>Homeless Services Amendments</i>	\$6,600,000	
<i>Mental Health Crisis Line Amendments</i>	\$2,380,000	\$477,700
<b>TOTALS</b>	<b>\$15,410,300</b>	<b>\$7,252,200</b>

## HB-7: Social Services Base Budget



Sponsor: **P. Ray**

Bill Status: **Enrolled**

Link: <https://le.utah.gov/~2018/bills/static/HB0007.html>

UAC Position: **Monitor**

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

The bill provides appropriations for the Department of Health, Department of Human Services, and Department of Workforce Services as well as appropriations for other programs as included

### **Local Government Impact:**

Appropriations for behavioral health funding, funding of the State Hospital forensic competency unit, and justice reinvestment initiative were of particular concern this year.

### **UAC Action/Future Trend:**

UAC and its Utah Behavioral Healthcare Committee were able to protect existing funding from past years for these areas, as well as secure funding for an additional 24 beds at the State Hospital for forensic competency restoration with an initial 12 beds to be funded. However, local behavioral providers, law enforcement, and prosecutors will need to work together to prove the need for all 24-beds and protect the civil commitment beds that are at risk.

## HB-12: Family Planning Services Amendments



Sponsor: **R. Ward**

Bill Status: **Enrolled**

Link: <https://le.utah.gov/~2018/bills/static/HB0012.html>

UAC Position: **Monitor**

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

HB12 requires the Medicaid program to reimburse providers for long-acting contraception immediately after childbirth and requires for a Medicaid waiver or state plan amendment to provide family planning services to low-income individuals.

### **Local Government Impact:**

As part of the Medicaid program, this change could affect local health department programs as well as low-income programs/inter-generational poverty programs.

### **UAC Action/Future Trend:**

We expect that there will continue to be a focus on Medicaid programs over the interim and in the coming Legislative Session, especially with the full Medicaid Expansion on the ballot. These changes highlight the decision of the Legislature to focus on low-income, inter-generational poverty, etc.

## HB-14: Substance Abuse Treatment Facility Patient Brokering



Sponsor: **E. Hutchings**

Bill Status: **Enrolled**

Link: <https://le.utah.gov/~2018/bills/static/HB0014.html>

UAC Position: **Support**

### Legislative Purpose of the Bill:

Remuneration for the referral of an individual for substance use disorder treatment a class A misdemeanor if the individual knowingly and willfully offers, pays, promises to pay, solicits, or receives any remuneration for any item or service for the treatment of a substance use disorder.

### Local Government Impact:

In protecting those being served in local behavioral health systems, this bill is important to ensuring that the vulnerable population are being treated in the most appropriate environment. With Medicaid Extension, it is important for county jails and behavioral health providers to coordinate to ensure proper enrollment at the proper time.

### UAC Action/Future Trend:

UAC and UBHC supported this bill as the problem to address has been reported with many of our behavioral health providers. With many other things, this Legislature committed the 2018 Legislative Session to addressing issues related to the Justice Reinvestment Initiative and Operation Rio Grande.

## HB-15: Community Reinvestment Agency Amendments



Sponsor: **S. Handy**

Bill Status: **Enrolled**

Link: <https://le.utah.gov/~2018/bills/static/HB0015.html>

UAC Position: **Support**

### Legislative Purpose of the Bill:

HB15 requires a city and county to report use of a housing allocation, authorizes a public entity to donate the public entity's property to an agency, modifies the public benefit analysis required for a community reinvestment project area plan, removes the requirement that a taxing entity committee meet at least annually.

### Local Government Impact:

HB15 addresses Title 17C and allows for the transfer of land as a gift. This bill also allows a public entity to donate public entity's property to an agency 15 days after a public entity notice on the Public Notice Website.

### UAC Action/Future Trend:

UAC discussed with the CivLAC at the beginning of the Session to understand the impacts of this bill and HB 15. This interim may see a broader undertaking to revise Title 17C.

## HB-16: Candidate Replacement Amendments



Sponsor: **Arent, Patrice**

Bill Status: **Enrolled**

Link: <https://le.utah.gov/~2018/bills/static/HB0016.html>

UAC Position: **Support**

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

This bill is intended to establish the process for when a candidate must drop out of a race after the primary election but before the general election.

### **Local Government Impact:**

Applies to vacancies in political subdivisions if (1) a nonpartisan primary election is held for the office; (2) The vacancy occurs after the date of the primary but 65 days before the day of the general election; and (3) The number of remaining candidates is less than or equal to the number of open positions for the office. An election officer shall fill a vacancy by certifying the next available candidate who received the highest number of votes in the primary.

### **UAC Action/Future Trend:**

UAC worked with county officials before the start of the legislative session to better understand the impacts of this bill. This interim may see a broader undertaking to revise Title 17C.

## HB-17: Community Reinvestment Agencies Revisions



Sponsor: **D. Sagers**

Bill Status: **Enrolled**

Link: <https://le.utah.gov/~2018/bills/static/HB0017.html>

UAC Position: **Support**

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

Run as a companion bill to HB15, the bill allows a community to enter into an interlocal agreement with an agency to exercise agency powers within the community an authorizes an entity to sell or lease property for less than fair market value.

### **Local Government Impact:**

HB 17 was one of a few bills this session amending Title 17C. The bill allows communities to enter into an interlocal agreement with an agency located in the same or an abutting county that authorizes that agency to exercise all powers under 17C, regardless of whether the community has created its own agency. It also allows a public entity to purchase, lease, sell, grant, convey, or donate property from an agency for less than fair market value or for no consideration, and permits a public entity to provide project development assistance no sooner than 15 days after posting notice of the assistance. Finally, because HB 15 also passed, Title 17C-1-207 is amended to state that project area development assistance provided under this section is not subject to Section 10-8-2.

### **UAC Action/Future Trend:**

UAC discussed with the CivLAC at the beginning of the Session to understand the impacts of this bill and HB 15. This interim may see a broader undertaking to revise Title 17C.

## HB-21: Changes to Property Tax



Sponsor: **McCay, Daniel**

Bill Status: **Enrolled**

Link: <https://le.utah.gov/~2018/bills/static/HB0021.html>

UAC Position: **Support**

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

This bill: modifies the calculation of the certified property tax rate by adjusting eligible new growth to account for collection rates over the previous five years; amends the time period in which a taxpayer or a county may apply to the State Tax Commission to appeal the valuation of property assessed by the commission; requires the commission to disclose, upon request, certain information regarding appeals to a nonprofit organization that represents counties; prohibits the nonprofit organization from sharing the appeal information with exceptions; and makes technical and conforming changes.

### **Local Government Impact:**

This bill was pursued by UAC in an effort to provide more time for counties to review centrally assessed appeals filed by a tax payer. The law will now give counties 60 days from the filing of an appeal to evaluate whether they wish to join the appeal (cross appeal) the tax payers appealed value. Additionally the bill allows UAC to collect appeal information on behalf of counties, allowing us the opportunity provide enhanced guidance to counties on centrally assessed matters.

### **UAC Action/Future Trend:**

UAC will be reconvening the Centrally Assessed Appeals Committee and will be collecting and providing detailed appeal information to our member counties. Please contact UAC staff if you have interest in serving on the CA Appeals Committee.

## HB-22: Enterprise Zone Sunset Amendments



Sponsor: **Sandall, Scott**

Bill Status: **Enrolled**

Link: <https://le.utah.gov/~2018/bills/static/HB0022.html>

UAC Position: **Support**

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

This bill amends provisions of the Legislative Oversight and Sunset Act and extends the repeal date of the Enterprise Zone Act.

### **Local Government Impact:**

This bill extends the sunset date for the enterprise zone legislation from 2018 until 2028. This allows for the benefits of the enterprise zone to continue for 10 additional years.

### **UAC Action/Future Trend:**

No Action Needed.

## HB-35: Municipal Alternate Voting Methods Pilot Project



Sponsor: **Roberts, Marc**

Bill Status: **Enrolled**

Link: <https://le.utah.gov/~2018/bills/static/HB0035.html>

UAC Position: **Needs Amendments**

### Legislative Purpose of the Bill:

This bill creates an optional / voluntary pilot project for municipalities to conduct nonpartisan municipal elections using instant runoff voting and will begin January 1, 2019 and end January 1, 2026; establishes a process for a municipality to opt in to the pilot project; establishes requirements and procedures for conducting an election under the pilot program, including the completion of ballots, the counting of votes, recount provisions, resolving a tie, and canvassing; provides a sunset date for the pilot project

### Local Government Impact:

As far as counties are concerned, this legislation applies only to municipalities so if a municipality opts to conduct a local election, the counties can choose whether to be involved in the process or not. Overall county impact for this bill is very minimal to none.

### UAC Action/Future Trend:

UAC was intricately involved with this bill and all elections bills presented this session. Working together with the Clerks/Auditors Legislative Committee, the general perception was that we would not take an aggressive stance of opposition to this bill knowing that there were no requirements for counties to participate. Looking forward: because nearly all municipalities will not have the equipment nor experience necessary to conduct such an election, some counties may be approached to administer or help. Instant runoff voting has many complexities and clerks may want to consider the pros and cons of overseeing the process.

## HB-41: Mental Health Crisis Line Amendments



Sponsor: **S. Eliason**

Bill Status: **Enrolled**

Link: <https://le.utah.gov/~2018/bills/static/HB0041.html>

UAC Position: **Support**

### Legislative Purpose of the Bill:

As part of an important mental health crisis initiative by Representative Eliason and Senator Thatcher, this bill creates a statewide mental health crisis line that will work in conjunction with local lines. The bill highlights some of the important items that will best address the problems Utah faces with youth suicide: answer by a qualified mental health therapists or crisis workers 24 hours per day, 365 days per year, warm-hand off to local behavioral health authorities to ensure local treatment; established training and minimum standards for the qualification or certification of crisis workers.

### Local Government Impact:

In conjunction with HB42 and SB31, these mental health crisis bills are beginning to work together to address issues of variation across the state. It is important to have local mental health authorities work with the Division of Substance Abuse and Mental Health as they finalize standards and the ability to transfer calls from local mental health authorities to the statewide crisis line and vice versa.

### UAC Action/Future Trend:

Staff and the UBHC group worked closely with the sponsor over the course of the last couple of years to discuss the importance of coordination between any statewide system and the local mental health authority to ensure that the individual gets the appropriate opportunity for treatment in conjunction with any call to the crisis line. Sponsors have committed to continuing to address this issue over the coming years. We expect additional bills as lessons are learned and need for additional services is demonstrated.

## HB-42: Medicaid Waiver for Mental Health Crisis Services



Sponsor: **S. Eliason**

Bill Status: **Enrolled**

Link: <https://le.utah.gov/~2018/bills/static/HB0042.html>

UAC Position: **Support**

### Legislative Purpose of the Bill:

A continuation of the mental health crisis initiative by Representative Eliason and Senator Thatcher, this bill requires the Department of Health to seek a Medicaid waiver for mental health crisis conditions. These conditions include a serious danger to the individual's health or well-being or a danger to others, or a mental health condition that requires direct professional observation or the intervention of a mental health therapist. The Department of Health will submit a Medicaid waiver to include direct mental health services and interventions that a mobile crisis outreach team provides, prolonged mental health services for up to 90 days, safety and care plans, and crisis line services by January 1, 2019.

### Local Government Impact:

In conjunction with HB41 and SB31, these mental health crisis bills are beginning to work together to address issues of variation of payment options. It is important to have local mental health authorities understand these changes to billing Medicaid if the waiver is approved.

### UAC Action/Future Trend:

Staff and the UBHC group worked closely with the sponsor over the course of the last couple of years to discuss the importance of coordination between any statewide system and the local mental health authority to ensure that the individual gets the appropriate opportunity for treatment in conjunction with any call to the crisis line. Sponsors have committed to continuing to address this issue over the coming years. We expect additional bills as lessons are learned and need for additional services is demonstrated.

## HB-57: Utah Intergenerational Poverty Work and Self-Sufficiency Tax Credit



Sponsor: **J. Westwood**

Bill Status: **Failed**

Link: <https://le.utah.gov/~2018/bills/static/HB0057.html>

UAC Position: **Monitor**

### Legislative Purpose of the Bill:

HB57 would have enacted a refundable state earned income tax credit for individuals experiencing intergenerational poverty. The Department of Workforce Services would notify qualifying individuals to and provide the name and SS# to the State Tax Commission. Individuals would qualify based upon receipt of public assistance during the previous calendar year. A qualifying claimant may claim a refundable earned income tax credit equal to 10% of the amount of the federal earned income tax credit.

### Local Government Impact:

No impact or action required because this bill do not pass.

### UAC Action/Future Trend:

Staff expects other bills focusing on other tools for addressing intergenerational poverty in the next Session.

## HB-61: County Recorder Amendments



Sponsor: **Acton, Cheryl**

Bill Status: **Enrolled**

Link: <https://le.utah.gov/~2018/bills/static/HB0061.html>

UAC Position: **Support**

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

This bill: removes a restriction on the county recorder and allows counties to accept electronic online payments for access to online records where before you had to set up an account in the recorder's office and pay a fee of \$150 in advance that was nonrefundable.

### **Local Government Impact:**

The impact is simple. County recorders no longer are required to setup an account or collect a fee for public records. County clerks can accept online payments from individuals that want online access to records.

### **UAC Action/Future Trend:**

UAC supported the bill by attending committee meetings. The bill was not met with much opposition because it was a smaller cleanup bill.

## HB-62: Property Rights Amendments



Sponsor: **Quinn, Tim**

Bill Status: **Enrolled**

Link: <https://le.utah.gov/~2018/bills/static/HB0062.html>

UAC Position: **Neutral**

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

This bill: provides that a court, jury, or referee determining just compensation may consider certain evidence; prohibits consideration of the assessed value on a property tax assessment except in certain circumstances; and makes technical and conforming changes.

### **Local Government Impact:**

This bill clarifies what can be considered in a "takings" case where condemnation has been used for a partial parcel condemnation. The bill allows a court or referee to consider all factors that a willing buyer would consider when determining fair market value. The bill also stipulates that the assessed value of the partial parcel cannot be used unless the court determines that is is an admission by the party opponent.

### **UAC Action/Future Trend:**

This bill should have limited impact. It is presumed that in any condemnation case we are currently paying fair market value, and this bill would just further clarify how to "arrive" at a fair market value determination.

## HB-72: Communications of Governmental Entity Employees and Officers



Sponsor: **J. Fawson**

Bill Status: **Enrolled**

Link: <https://le.utah.gov/~2018/bills/static/HB0072.html>

UAC Position: **Monitor**

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

This bill provides that personal communications (specifically, emails) be included in the definition of record as defined in GRAMA 63G-2-103(22)(b) (i) if it is prepared by an employee or officer of a governmental entity in its organizational capacity.

### **Local Government Impact:**

As always, staff encourages local government officials to be diligent in understanding which records are subject to GRAMA and updating policies.

### **UAC Action/Future Trend:**

Staff and CivLAC worked with the sponsor of the bill to substantially narrow and address some of the concerns surrounding personal communications and achieve the true intent of the sponsor.

## HB-77: Criminal Code Amendments



Sponsor: **M. McKell**

Bill Status: **Enrolled**

Link: <https://le.utah.gov/~2018/bills/static/HB0077.html>

UAC Position: **Monitor**

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

This bill modifies sexual offenses and defines “takes indecent liberties,” previously not defined. This will now allow for the prosecution of sexual offenses that had not been clear in statute before.

### **Local Government Impact:**

Prosecutors now have a definition to address those situations that may not have been as clear before.

### **UAC Action/Future Trend:**

UAC staff monitored this bill and the different versions that were released.

## HB-79: Private Attorney General Doctrine



Sponsor: **B. Greene**

Bill Status: **Failed**

Link: <https://le.utah.gov/~2018/bills/static/HB0079.html>

UAC Position: **Oppose**

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

As in past years, the bill would have repealed a provision that disavows the private attorney general doctrine. The private attorney general doctrine would allow private litigants who sue governmental entities to recover attorney fees provided the plaintiff successfully asserts that the goal of the lawsuit was to protect an interest transcending the plaintiff's own and that its intention was to vindicate a strong public policy.

### **Local Government Impact:**

No impact or action required because this bill do not pass.

### **UAC Action/Future Trend:**

Staff and CivLAC, the Sherrifs Association, and SWAP all stongly opposes a private attorney general and worked to ensure that it failed in the Senate committee. We expect that the sponsor will run the bill again and have been working on putting together an arsenal of individuals to continue educating on why this is a bad idea.

## HB-83: Forcible Entry and Warrants Amendments



Sponsor: **M. Roberts**

Bill Status: **Failed**

Link: <https://le.utah.gov/~2018/bills/static/HB0083.html>

UAC Position: **None**

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

Requires supervisory officials (any commend level officer within a law enforcement agency) to conduct a risk assessment of forcible entry and warrants. The bill would also have required additional information in affidavits requesting specific warrants including potential harm to innocent third parties.

### **Local Government Impact:**

No impact or action required because this bill do not pass.

### **UAC Action/Future Trend:**

UAC did not take a position on the bill but was concerned with the limitation on law enforcement to perform necessary duties, causing another level of administrative oversight to perform necessary functions.

## HB-84: Felony Fleeing Amendments



Sponsor: **P. Ray**

Bill Status: **Failed**

Link: <https://le.utah.gov/~2018/bills/static/HB0084.html>

UAC Position: **None**

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

HB84 amends the offense of murder to include, after failing to stop at an officer's signal, operating the vehicle in a dangerous manner or attempting to flee from the officer.

### **Local Government Impact:**

No impact or action required because this bill do not pass.

### **UAC Action/Future Trend:**

There were some lingering concerns expressed by the Utah Sentencing Commission and the Commission on Criminal and Juvenile Justice about the extent of the bill. Staff expects that the sponsor will work on the bill and return next year with adjustments.

## HB-93: Agriculture Commodity Zone Amendments



Sponsor: **Stratton, Keven**

Bill Status: **Enrolled**

Link: <https://le.utah.gov/~2018/bills/static/HB0093.html>

UAC Position: **Support**

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

This bill: establishes and modifies Utah Grazing Agricultural Commodity Zones in Garfield County; and makes technical changes.

### **Local Government Impact:**

This bill was pursued by UAC to ensure that the statutory commodity zones aligned accurately with the recently created Resource Management Plans. This bill was a technical change to the boudaries of the zone

### **UAC Action/Future Trend:**

No Action Needed.

## HB-94: Uniform Real Property Transfer on Death Act



Sponsor: **Snow, Lowry**

Bill Status: **Enrolled**

Link: <https://le.utah.gov/~2018/bills/static/HB0094.html>

UAC Position: **Neutral**

### Legislative Purpose of the Bill:

This bill: creates a new part in the Utah Uniform Probate Code entitled the Uniform Real Property Transfer on Death Act; defines terms; specifically applies only to deeds created by a person who dies on or after May 8, 2018; provides that the act is nonexclusive and does not affect any other method of transferring real property allowed under Utah law; makes clear that the transfer of property only occurs upon the transferor's death; provides that a transfer on death deed is revocable and nontestamentary; and requires that the transferor have the same capacity as that required to make a will at the time the deed is made.

### Local Government Impact:

The county recorder will need to create a KOI (kind of instrument) to track property ownership when a transfer on death deed is filed. While there is a transfer of interest in the property, that interest is not perfected until the death occurs and notice to the recorder is provided. This bill applies to all transfer on death deeds that occur after May 8, 2018

### UAC Action/Future Trend:

No UAC action is needed, but the County Recorders will need to modify the tracking process for these deeds going forward.

## HB-99: Substance Abuse and Mental Health Act Amendments



Sponsor: **E. Redd**

Bill Status: **Enrolled**

Link: <https://le.utah.gov/~2018/bills/static/HB0099.html>

UAC Position: **Support**

### Legislative Purpose of the Bill:

A combination of two bills from Representative Redd that did not have time last year to finish, this bill pushes back the deadline for area plan submission by local mental health and substance abuse authorities, clarifies the civil commitment process, expands the responsibilities surrounding peer support services for individuals with mental health disorders, removes the exemption of security officers from the public safety retirement system, makes changes to procedures and criteria for civil commitment, and gives officers authority to not take a mentally ill individual into custody in order to avoid escalating a dangerous situation.

### Local Government Impact:

Local behavioral health providers and law enforcement should review the bill to understand the implications for the civil commitment process and the transportation of those individuals. Another area for reexamination are those situations in which a mentally ill individual could be escalated into a dangerous situation and the policies surrounding those situations.

### UAC Action/Future Trend:

Staff, UBHC, and the Sheriffs Association provided input with other partners (the Utah Hospital Association and DSAMH) into the bill last year to clarify and agree to the changes to the civil commitment process, dangerous situations, and transportation of civilly committed individuals. Other the interim period, UBHC continued to work on others areas contained in the bill: peer support, area plan submission date, etc. This was a priority bill of UBHC.

## HB-101: Air Quality Emissions Testing Amendments



Sponsor: **Arent, Patrice**

Bill Status: **Enrolled**

Link: <https://le.utah.gov/~2018/bills/static/HB0101.html>

UAC Position: **Monitor**

### Legislative Purpose of the Bill:

This bill: amends exemptions to emissions testing; creates a pilot program requiring certain counties to require emissions inspections for certain diesel-powered motor vehicles; requires a county participating in the program to present a report; requires the Division of Air Quality to provide an estimate of pollution emitted based on the failure rate of diesel-powered motor vehicles in the pilot program

### Local Government Impact:

This will obligate any county in a PM 2.5 non-attainment area that currently tests for gasoline but not diesel emissions to participate in a 3-year diesel emissions testing pilot program. It requires reporting by the counties to the Natural Resources, Agriculture, and Environment Interim Committee starting January 1, 2020. Reports include mainly a total number of diesel powered vehicles inspected and an estimate on tons of pollution emitted. It includes exceptions for the current first five model years and applies to light and medium duty vehicles under 14,000 lbs.

### UAC Action/Future Trend:

UAC monitored this bill for the most part and attending committee meetings. With air quality issues growing in concern within the legislature and their constituency, you should probably expect to see more bills like this in the future that call for stricter attainment regulations

## HB-102: Use of Force Amendments



Sponsor: **B. Greene**

Bill Status: **Enrolled**

Link: <https://le.utah.gov/~2018/bills/static/HB0102.html>

UAC Position: **Monitor**

### Legislative Purpose of the Bill:

This bill addresses that a person is NOT justified in using force when unrelated to the commission, attempted commission, or fleeing after the commission of that felony.

### Local Government Impact:

Law enforcement could review their practices and training surrounding the use of force.

### UAC Action/Future Trend:

UAC monitored the bill but took no official position on it.

## HB-111: Community Reinvestment Agency Modifications



Sponsor: **Coleman, Kim**

Bill Status: **Failed**

Link: <https://le.utah.gov/~2018/bills/static/HB0111.html>

UAC Position: **Neutral with the Subsitute**

### Legislative Purpose of the Bill:

This bill: removes provisions that prevented the creation of an economic development project area after 2016; addresses measurement of the project area funds collection period; addresses which agencies are authorized to receive tax increment; requires a community that creates an agency having a housing allocation from tax increment to create an affordable housing plan; allows an agency to use the housing allocation to achieve the affordable housing plan; requires a description of how an agency used the housing allocation in the agency's annual budget report; and makes technical changes.

### Local Government Impact:

This bill did not pass, no local government impact

### UAC Action/Future Trend:

This bill will be back in 2019. As the issue of affordable housing becomes more pronounced, the tools to fund affordable housing are being heavily examined. There is some concern that using the CRA statute to fund affordable housing is not appropriate, but until another mechanism is found, people are hesitant to reomvoe the affordable housing "set aside" provisions in the CRA statute.

## HB-114: Street-Legal ATV Amendments



Sponsor: **Noel, Michael**

Bill Status: **Failed**

Link: <https://le.utah.gov/~2018/bills/static/HB0114.html>

UAC Position: **Neutral**

### Legislative Purpose of the Bill:

This bill: addresses the circumstances under which an all-terrain type I vehicle, utility type vehicle, or full-sized all-terrain vehicle may operate as a street-legal ATV on a highway in a county of the first class

### Local Government Impact:

No impact or action required because this bill did not pass.

### UAC Action/Future Trend:

Overall interaction for this bill was minimal considering we took a neutral position. This was a cleanup bill from last year's HB 82 and attempted to make statewide a 50 mile an hour speed limit for OHVs. UDOT supported the bill Salt Lake County did as well. Salt Lake County was the last county not street legal and Utah County had a few land locked areas that needed to be opened up so people were not unintentionally breaking the law. Plan on seeing a similar bill next year even though Representative Noel will not be running it.

## HB-127: Controlled Substance Database Act Amendments



Sponsor: **J. Fawson**

Bill Status: **Enrolled**

Link: <https://le.utah.gov/~2018/bills/static/HB0127.html>

UAC Position: **Monitor**

### Legislative Purpose of the Bill:

HB127 changes the requirements for prescribers to check the controlled substance database for prescriptions of a Schedule II opioid or a Schedule III opioid is for 3 days fewer on the daily dosage instructions, the prescriber has prior knowledge of the patient's prescription history, or a post-surgical prescription and total duration of opioid written has been for 30 days or fewer. The bill also limits compliance of prescribers if the electronic health record system is connected through an approved connection and displays the information in a prominent manner. Prescribers are also not at fault if there is an emergency, suspension of disruption of the database, or failure in Internet. The Division of Occupational and Professional Licensing shall also review the database to identify over-prescribers of opioids and now has the authority to provide education and training to certain prescribers and has enforcement authority.

### Local Government Impact:

Since last year's legislation, there have been many instances of difficulty by DOPL and prescribers in enacting the different tenants. The sponsor sought to address those issues by narrowing the scope. Local governments should not see any changes to their functions.

### UAC Action/Future Trend:

UBHC reviewed the bill and staff monitored it through the process. We may see this issue refined over the coming years.

## HB-132: Juvenile Justice Modifications



Sponsor: **L. Snow**

Bill Status: **Enrolled**

Link: <https://le.utah.gov/~2018/bills/static/HB0132.html>

UAC Position: **Monitor**

### Legislative Purpose of the Bill:

HB132 is a follow up for the Juvenile Justice bill from last year. The bill expands the uses of appropriations for the Enhancement for At-Risk Students Programs to include truancy, defines that evidence-based interventions, and defines the responsibilities of a school resource officer, and describes the responsibilities of a law enforcement officer who has cause to believe a minor has committed an offense on school property. The bill also addresses the inquiry a prosecutor shall conduct before filing a petition. Finally, a school district or school may refer a minor to court for a class C misdemeanor committed on school property or for being a habitual truant.

### Local Government Impact:

Counties should work with law enforcement, school resource officers, and behavioral health professionals to ensure that evidence-based interventions are in place.

### UAC Action/Future Trend:

Staff has been discussing with law enforcement and behavioral health professionals about the changes because of Juvenile Justice changes and vetted these changes as helpful to maintaining the appropriate balance.

## HB-133: Employment Amendments



Sponsor: **Hall, Craig**

Bill Status: **Enrolled**

Link: <https://le.utah.gov/~2018/bills/static/HB0133.html>

UAC Position: **Neutral**

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

This bill: defines terms; expands nepotism provisions of Title 52, Chapter 3, Prohibiting Employment of Relatives, to include a household member

### **Local Government Impact:**

Counties should consider updating policies, expanding the scope to prohibit employment of relatives and include household members. Look at conducting training on prohibition of employment of relatives and household members.

### **UAC Action/Future Trend:**

This bill originally wanted to use the term “dating partner” but UAC testified that the term was too broad and wide ranging and trying to define that term would be problematic. After the term “household member” was used, UAC became neutral on the bill.

## HB-135: Extraterritorial Jurisdiction Amendments



Sponsor: **Noel, Michael**

Bill Status: **Failed**

Link: <https://le.utah.gov/~2018/bills/static/HB0135.html>

UAC Position: **Neutral**

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

This bill: modifies provisions regarding the extraterritorial jurisdiction of a city of the first class

### **Local Government Impact:**

No impact or action is required because this bill did not pass.

### **UAC Action/Future Trend:**

This bill attempted to strip Salt Lake City of its extraterritorial jurisdiction authority over its watershed. The original bill transmitted this authority over to the Division of Environmental Quality and the Salt Lake County Health Department. As the bill progressed, these provisions were taken out and the bill that passed the House (42-26-7) allowed Salt Lake City and Sandy to only have limited watershed authority. It failed in the Senate Natural Resources Committee (1-5-1). The issue will be studied by the Executive Water Task Force over the Interim.

## HB-136: Federal Designations



Sponsor: **Noel, Michael**

Bill Status: **Failed**

Link: <https://le.utah.gov/~2018/bills/static/HB0136.html>

UAC Position: **Needs Amendments**

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

This bill: defines terms; requires a governmental entity that is advocating for a federal designation within the state to bring the proposal to the Natural Resources, Agriculture, and Environment interim committee for feedback

### **Local Government Impact:**

No impact or action is required because this bill did not pass.

### **UAC Action/Future Trend:**

The original version of this bill prohibited a governmental entity or any of its employees or officers from advocating or lobbying for a federal designation within the state unless the Legislature passed a concurrent resolution in favor of the proposed federal designation. The substitute watered down the original provisions. It required a governmental entity that wishes to advocate for a federal designation to bring the proposal to the Natural Resources, Agriculture, and Environment Interim Committee for feedback. It passed the House (59-11-5) and survived the Senate Natural Resources Committee (3-2-2), but was not considered on the Senate Floor. With Noel not returning to the House next year, we most likely will not see this bill return.

## HB-143: Off Highway Vehicle Amendments



Sponsor: **Noel, Michael**

Bill Status: **Enrolled**

Link: <https://le.utah.gov/~2018/bills/static/HB0143.html>

UAC Position: **Monitor**

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

This bill: modifies the registration fee and uniform statewide fee for all-terrain vehicles, certain motorcycles, snowmobiles, and street-legal all-terrain vehicles. The intent of the bill is to redistribute where the OHV registration fees are dispersed to help maintain and develop trails in areas that have the most OHV usage.

### **Local Government Impact:**

This bill may have a large county impact considering that instead of money remaining in the county in which the machine was registered, it will now go to an Off-Highway Vehicle Fund administered by Utah State Parks and Recreation to be distributed to counties according to the ATV trails those counties must maintain. By reducing the uniform statewide fee in lieu of property taxes on ATV's, local governments may see a decrease in revenue of \$2.3 million in FY 2019 and \$4.4 million in FY 2020.

### **UAC Action/Future Trend:**

UAC attended committee meetings and took a position of monitor for this bill. This was a tricky situation considering that some counties are going to now see a decrease in revenue, while others are going to receive funding for OHV trails that they desperately needed. Many counties attended committee meetings and testified in support of the bill. Looking forward: This bill may increase revenue to the Off-Highway Vehicle Restricted Account by \$2,823,000 one-time in FY 2019 and \$5,382,000 ongoing beginning in FY2020.

## HB-147: Retirement Forfeiture For Employment Related Offenses



Sponsor: **Hall, Craig**

Bill Status: **Enrolled**

Link: <https://le.utah.gov/~2018/bills/static/HB0147.html>

UAC Position: **Monitor**

### Legislative Purpose of the Bill:

This bill authorizes a district attorney, a county attorney, the attorney general's office, or the state auditor to notify the Utah State Retirement Office and the employee's participating employer if an employee is charged with an offense that is or may be an employment related offense. The bill requires the participating employer who received the notification to make certain reports to the entity that provided the notification.

### Local Government Impact:

This bill grants authority to district attorneys, county attorneys, the attorney general's office, or the state auditor to notify a participating employer of the Utah Retirement Systems if an employee of that employer is charged with an employment related offense. It then becomes a responsibility of the employer to conduct an investigation and report back to the notifying entity if the employee is acquitted of the offense, if the employee is convicted of the offense and if convicted, determine if it was for an employment related offense. If so, the employer shall notify the URS Office .

### UAC Action/Future Trend:

The potential impact to retirement related benefits for an employee convicted of an employment related offense was already in statute. This bill authorizes certain offices to make the employer aware of charges brought before an employee and then requires the employer to take certain action. Staff monitored the bill but did not take an official position.

## HB-152: Good Samaritan Law Amendments



Sponsor: **T. Quinn**

Bill Status: **Enrolled**

Link: <https://le.utah.gov/~2018/bills/static/HB0152.html>

UAC Position: **Monitor**

### Legislative Purpose of the Bill:

HB152 addresses civil immunity for a person who uses reasonable force to enter a locked and unattended vehicle to remove a confined child, as long as the individual has a good faith belief that the child is in imminent danger of physical injury or death and doesn't use more force than necessary under the circumstances.

### Local Government Impact:

Prosecutors should be aware of these changes to the Good Samaritan Laws.

### UAC Action/Future Trend:

Staff monitored the bill but did not take an official position.

## HB-157: Justice Reinvestment Amendments



Sponsor: **V. Potter**

Bill Status: **Enrolled**

Link: <https://le.utah.gov/~2018/bills/static/HB0157.html>

UAC Position: **Support**

### Legislative Purpose of the Bill:

With the Juvenile Reinvestment Initiative well underway, local governments are still seeing the impacts. HB157 amends the definition of “treatment program” to include alternative treatment programs related to vocational training or cognitive behavioral therapy and sets the daily compensation rate to paid to a county for treatment beds dedicated to state inmates receiving alternative treatment in a county facility at 81% of the final state daily incarceration rate for beds.

### Local Government Impact:

County jails should be aware that those vocational training or cognitive behavioral therapy programs already in the place now qualify for 81% of the daily incarceration rate. Counties without such programs may also want to consider the implementation of such programs.

### UAC Action/Future Trend:

After discussion with the sponsor, staff appreciates his efforts to include those justice reinvestment practices that have been demonstrated as successful for county jails and ensure that they receive compensation and that other counties have the same opportunity.

## HB-168: Political Subdivision Lien Authority



Sponsor: **Webb, Curt**

Bill Status: **Enrolled**

Link: <https://le.utah.gov/~2018/bills/static/HB0168.html>

UAC Position: **Monitor**

### Legislative Purpose of the Bill:

This bill: defines terms; clarifies certain existing grants of political subdivision lien authority to ensure that each grant provides an identifiable effective date, notice mechanism, and enforcement mechanism; imposes limits on political subdivision liens; provides that certain political subdivision liens are invalid against a subsequent bona fide purchaser if the lien is not recorded or if certain notice is not provided before the purchase; prohibits a county treasurer from including an item on the property tax notice unless the item's inclusion is expressly authorized in statute; amends the items that a county treasurer is required to include on a property tax notice; addresses the priority status of a political subdivision lien listed on the property tax notice; allows a tax sale for delinquencies of any item that is statutorily authorized to be included on the property tax notice; amends Title 59, Chapter 2, Part 13, Collection of Taxes, to address items listed on the property tax notice; and makes technical and conforming changes.

### Local Government Impact:

This bill was run to create a standardized understanding of what priority local government liens held. The bill clarified the mechanism, enforcement and adjudication process for local government liens and also clarified that a lien must be recorded in order to remain valid when the property is sold/transferred. Lastly, the bill clarifies what items can be included on the property tax notice, a mechanism often used to collect fees charged by a political subdivision. County treasurers will need to review their current property tax bill to ensure charges that are currently being collected through the tax notice are authorized under the law. If they are not expressly authorized, they will now be considered prohibited.

### UAC Action/Future Trend:

This should be the final step in addressing the lien issue for charges found on the property tax notice. Due to several changes in the last few years, this section of code had become quite confusing. The intent was to not change the current understand, but just provide clarity to what can and can not be done with local governments charges on the property tax notice, liens, and lien priority.

## HB-175: Legislative Oversight Amendments



Sponsor: **Stratton, Keven**

Bill Status: **Failed**

Link: <https://le.utah.gov/~2018/bills/static/HB0175.html>

UAC Position: **Neutral with the Substitute**

### Legislative Purpose of the Bill:

This bill: defines terms; creates the Joint Committee on Governmental Oversight and establishes the committee's membership, duties, authority, and requirements; provides for certain direction or approval to initiate a committee study, investigation, or audit; grants the committee existing legislative investigatory powers; requires the committee to create certain reports; allows the governor, upon recommendation from the committee, to direct an agency to repeal an administrative rule that the agency made; allows for certain referral of a proposed administrative rule to the Legislature for approval before the rule takes effect; establishes sunset dates; and makes conforming changes.

### Local Government Impact:

While the original bill included local government, the substitute legislation exempted us from the "legislative oversight committee" pervue. While still a concerning trend to create an oversight committee that had jurisdiction to second guess local government action, we were successful in getting exempted. The bill did not pass. No action required

### UAC Action/Future Trend:

This is a dangerous trend of the Utah Legislature, and seems more pronounced in the recent years. Concerns with local government action continue to find their way to the legislature, and the legislature has seemed more willing to preempt local government when they disagree. Something we will need to watch going forward

## HB-176: Temporary Replacement for County Elected Officials



Sponsor: **Potter, Val**

Bill Status: **Enrolled**

Link: <https://le.utah.gov/~2018/bills/static/HB0176.html>

UAC Position: **Support**

### Legislative Purpose of the Bill:

This bill: provides for a temporary manager to fulfill the duties of a vacant county office until the county legislative body appoints an interim replacement; and imposes limitations on the temporary manager's authority.

### Local Government Impact:

This bill gives statutory authority to the county legislative body to remove a temporary chief deputy by a unanimous vote if the deputy is unfit for the role. It also stipulates as to whom is to be appointed to fill the vacancy. First is the chief deputy but if there are more than one it falls under who has seniority. It also provides guidelines if you have management level employees and gives an order of succession. Look at your county's policies and procedures regarding temporary replacement of a county elected official and update your policy.

### UAC Action/Future Trend:

UAC took a position of support on this bill. It was favorably received by the legislature so there was not a lot of action by staff to ensure its passing. Looking forward: This should help counties be more organized if a temporary replacement is needed for a county elected official.

## HB-179: State Training and Certification Requirements



Sponsor: **Ivory, Ken**

Bill Status: **Enrolled**

Link: <https://le.utah.gov/~2018/bills/static/HB0179.html>

UAC Position: **Support**

### Legislative Purpose of the Bill:

This bill: requires that certain training and certification required of public officials, employees, and volunteers be presented or available in an online web-based format, unless certain exceptions apply

### Local Government Impact:

Any state agency or political subdivision requiring training where the employee would need to travel more than 50 miles from home or office will need to be made available on-line or web-based. Review your county's training procedures and begin finding online, web based solutions for employee training.

### UAC Action/Future Trend:

UAC supported this bill. Online opportunities for training will likely continue to grow and be a trend going forward for state agencies and political subdivisions.

## HB-182: Local Option Sand and Gravel Tax



Sponsor: **Nelson, Merrill**

Bill Status: **Failed**

Link: <https://le.utah.gov/~2018/bills/static/HB0182.html>

UAC Position: **Support**

### Legislative Purpose of the Bill:

This bill: defines terms; authorizes a county or municipality to impose a tax on certain sand and gravel that is extracted and then sold or transported; establishes a tax rate cap and administrative procedures for the tax; creates nonrefundable tax credits; addresses record keeping and penalties for failure to comply with the tax

### Local Government Impact:

No impact or action is required because this bill did not pass.

### UAC Action/Future Trend:

UAC took a position of support on this bill. Knowing the history of the bill and the uphill battle it likely faced, our staff did not put a lot of effort in trying to get it passed. It was held in committee very early in the legislative process and never appeared to have potential of passing. This bill has been proposed many times, going back to the 2014 legislative session. It will likely be proposed again next year.

## HB-187: Sheriff Amendments



Sponsor: **P. Ray**

Bill Status: **Failed**

Link: <https://le.utah.gov/~2018/bills/static/HB0187.html>

UAC Position: **Oppose**

### Legislative Purpose of the Bill:

A change in the way that the sheriff's officer operates with the county, HB 187 would separate the sheriff budget, clarify which professional duties with which a county legislative body and county executive may not directly interfere (i.e. may not execute a contract with a private entity to provide the services without the advice and consent of the sheriff) and removes the ability of a county legislative body to prescribe to a sheriff the manner in which the sheriff cares for prisoners. The bill would also allow a sheriff to contract to provide the sheriff's services and requires a county legislative body to appropriate revenue from the contract to the sheriff's budget and allows to the sheriff to take action without approval from the budget officer or county legislative body.

### Local Government Impact:

No impact or action required because this bill do not pass.

### UAC Action/Future Trend:

In consultation with the Sheriffs Association, UAC opposed the bill because of the limitation on county government functions and control over the budget items. The majority of sheriff offices did not support the changes and both associations take a vote to oppose the bill.

## HB-195: Medical Cannabis Policy



Sponsor: **B. Daw**

Bill Status: **Enrolled**

Link: <https://le.utah.gov/~2018/bills/static/HB0195.html>

UAC Position: **Monitor**

### Legislative Purpose of the Bill:

The bill describes the procedure for a terminally ill patient to receive a recommendation for a cannabis-based treatment from the patient's physician, also known as the "right to try" process. This bill was run in conjunction with other medical cannabis bills.

### Local Government Impact:

Although this bill doesn't affect county functions, it is important as a consideration of the larger medical cannabinoid discussion.

### UAC Action/Future Trend:

Legislators have discussed at length the inevitability of medical cannabis use in Utah and this is a continuation of the bills from Legislative Session 2017 and HB25, HB197, HB302, and SB130 this session. With expanded medical cannabis use on the ballot, we expect additional legislation over the coming years to continue addressing cultivation, processing, and possession.

## HB-199: Division of Substance Abuse and Mental Health Amendments



Sponsor: **K. Miles**

Bill Status: **Failed**

Link: <https://le.utah.gov/~2018/bills/static/HB0199.html>

UAC Position: **Oppose**

### Legislative Purpose of the Bill:

The bill would require expenditure of state funds on substance use disorder or mental health treatment or programming be limited to evidence-based treatment or programming. Local authorities would be required to identify in their state plans which programs and treatment qualify under a narrow definition. The Division of Substance Abuse and Mental Health would have been required to work with the local substance abuse and mental health authorities to incrementally increase the percentage of evidence-based treatment programming, and specifies the allocation of certain future appropriations through fiscal year 2025. Finally, the bill would have created the Outcome Improvement Advisory Board, an eight-member voting board that would certify the treatment program, review the implementation practice and sustainability plan, and advise the division on strategies, practices, or treatment programs that may improve client outcomes.

### Local Government Impact:

No impact or action required because this bill do not pass.

### UAC Action/Future Trend:

UAC and UBHC met many times with the sponsor and other concerned parties on many occasions to discuss concerns with changing the entire funding structure for behavioral health based on outcomes because of the capitated system of behavioral health. This would create a lot of inconsistency and would risk existing county funding. Legislators were concerned with successful programs that would not qualify under the definition provided in the bill and other successful practices whose funding was in jeopardy. Staff worked on a substitute bill that would require local substance abuse and mental health authorities to identify in their state plans which programs and treatments are evidence-based, create the Behavioral Health Care Outcome Improvement Task Force reporting to the Health and Human Services Interim Committee on suggested policy recommendations. However, the substitute bill was not adopted and the bill was instead referred to the Health Reform Task Force to review the issue.

## HB-203: Nighttime Highway Construction Noise Amendments



Sponsor: **Christofferson, Kay**

Bill Status: **Failed**

Link: <https://le.utah.gov/~2018/bills/static/HB0203.html>

UAC Position: **Oppose**

### Legislative Purpose of the Bill:

This bill: modifies definitions related to nighttime highway construction; requires a local jurisdiction to permit certain activities related to nighttime highway construction; allows a local jurisdiction to request mitigation for unreasonable noise disturbances caused by nighttime highway construction

### Local Government Impact:

No impact or action is required because this bill did not pass.

### UAC Action/Future Trend:

UAC worked closely with representative Christofferson throughout the legislative process. Our team proposed amendments to address city and county concerns as well as held meetings with the ULCT, the AGC of Utah, and UDOT about how the proposed bill was concerning to local jurisdictions. The first draft of the bill permitted certain nighttime construction nuisances and activities but Rep. Christofferson adopted our amendments on the house floor, allowing for local jurisdictions to permit the activity and to request mitigation for unreasonable disturbances. Looking forward: This legislation stems from a bill passed in the 2016 legislative session that permitted certain state highway construction projects to have noise exemptions from local jurisdictions because the legislature believed it was more efficient to work on highways at nighttime. In 2017 another bill similar to this was attempted and failed so expect a comparable bill to be proposed again at next year's session.

## HB-218: Modifications to Election Law



Sponsor: **Chavez-Houck, Rebecca**

Bill Status: **Enrolled**

Link: <https://le.utah.gov/~2018/bills/static/HB0218.html>

UAC Position: **Support**

### Legislative Purpose of the Bill:

This bill allows county clerks and election officials to be more efficient in conducting elections; ensures that voter rolls are more up to date; expands voters' access to registration opportunities and the ability to receive a ballot by mail. It also helps protect sensitive voter data.

### Local Government Impact:

This bill incorporates the DMV by placing questions on the DL renewal form that must be answered. Authorizing whether or not you would like to be registered to vote, receive a ballot by mail, privatize your voting record, affirm citizenship, confirm voting eligibility, residency, and political party affiliation. The DMV will now transmit electronically address changes and voter registration information to the Lieutenant Governor's Office. It allows provisional balloting. Prohibits mailing a ballot to an inactive voter. Requires an election day voting center for every 5,000 active voters and shortens the number of days early voting must be available to four days.

### UAC Action/Future Trend:

UAC was heavily involved in the passage of this bill. Working together with the clerks/auditors legislative committee, house and senate leadership, multiple bill sponsors, the Lieutenant Governor's office, and many interested stakeholders. Members from all groups participated in numerous meetings that all desired to see a bill that represented sound voting policy and improved the opportunity for all in Utah to fulfill their constitutional duty to vote. Looking forward: UAC was able to obtain \$4.5 million in one-time funding and another \$500,000 ongoing for new election equipment. Additionally, the federal government is offering Help America Vote Act funding, so counties need to be aware of this and seek grant opportunities.

## HB-221: Animal Welfare Act Amendments



Sponsor: **King, Brian**

Bill Status: **Failed**

Link: <https://le.utah.gov/~2018/bills/static/HB0221.html>

UAC Position: **Monitor**

### Legislative Purpose of the Bill:

This bill: amends definitions; and requires an animal shelter to: publish certain information regarding the animals in the shelter's custody, including the disposition of the animals; and maintain the published information for a period of years.

### Local Government Impact:

No impact or action is required because this bill did not pass.

### UAC Action/Future Trend:

UAC took a position of monitor for this bill. There was some concern of burden on municipalities and political subdivisions. Enactment of this legislation may have increased costs for publicly-run animal shelters that were not currently collecting and publishing the required information. The impact was expected to be minimal. UAC met with Representative King and the Utah League of Cities and Towns about the issue and agreed that its passage was not a big concern. This bill was attempted last year and will most likely be proposed again.

## HB-224: County Government Change Election Amendments



Sponsor: **Froerer, Gage**

Bill Status: **Enrolled**

Link: <https://le.utah.gov/~2018/bills/static/HB0224.html>

UAC Position: **Neutral**

### Legislative Purpose of the Bill:

This bill: reorganizes and recodifies Title 17, Chapter 52, Changing Forms of County Government. It prohibits a person from initiating a process to change a county's form of government when a process to change the county's form of government is pending. requires that registered voters who wish to initiate the process to change a county's form of government file a notice of intent to gather signatures. provides that an optional plan is adopted if approved by a majority of voters that vote on the optional plan; provides for the appointment of a chair of a study committee; requires a study committee to submit a report to the county clerk; provides that if a study committee recommends that the form of a county's government not change, the process to change the county's form of government is concluded. establishes a deadline after which an optional plan may not be repealed without initiating a new process to change the county's form of government; provides a grandfather provision for counties that have initiated the process to change the county's form of government as of the effective date of this bill; requires a county that operates under a form of government that is not authorized by statute to change the county's form of government

### Local Government Impact:

HB 224, the change of county government bill, was perhaps the most disruptive issue among UAC membership this year. UAC staff worked to address this legislation throughout the Session – even to the last day when new provisions were proposed, modified, amended and then finally adopted.

The bill, sponsored by Representative Gage Froerer, attempted to simplify the process for changing a county's form of government. This goal was not achieved. What did result from the effort is legislation which serves many interests and creates a multi-faceted process for considering whether to change the form of county government. The final version imposes limitations on change of government proposals for almost all counties, but provides a simplified process for changing the form for others.

The summary below identifies the various provisions of the bill and the processes that apply to a county based on its population. If you want only to do a quick review, just look for the provisions that apply to a county of your population size. The remainder of the bill may, in fact, be irrelevant to you.

- The bill provides a “grandfather” provision for counties that have already began the process to change.
- Before July 1, 2018, a resolution from the current governing body (commission initiated) or a petition from county residents (petition initiated) can trigger a special election on November 6, 2018, asking whether a study group should be formed to consider and recommend a change in the county's form of government.
- Currently, citizens are capable of petitioning for a change of county form of government, but the current governing body may interfere with the petition process by initiating its own study. This bill does away with that authority by prohibiting a person from initiating the process to change if another process to change is pending.
- An appointment of a study committee chair and study committee must perform the study then submit their findings in a report to the county clerk.
- A study committee shall consist of seven members. The committee creates a report and if the report recommends a change in the form of county government, the county clerk shall send the report to the county attorney or district attorney. The attorney then reviews the report for any statutory or constitutional violations then returns the report to the clerk.
- If the study committee's report does not recommend a change in the form of county government, the report is final, the study committee is dissolved, and the process to change is concluded.
- In a county with a population of **225,000** or more, or in a county in which voters approved the appointment of a study committee by a vote of at least 60%, the county legislative body shall hold an election on the optional plan.
- In a county that is not currently operating in an authorized form of government, the county legislative body must initiate a change in their form of county government before July 1, 2018. At the conclusion of the process, the county must adopt one of the authorized forms.
- Allows for a streamlined process for counties with a population above **500,000**. It requires the change in county's form of

government question be submitted to registered voters of the county at the next election on November 6, 2018.

**UAC Action/Future Trend:**

UAC will be undertaking an effort to rewrite this section of code, now that it has been made substantially more confusing with the 2018 language. We have already begun work with the interim committee to start this process. If you would like to be engaged, please let us know and we can include you in the working group.

**HB-224: Citation Authority Amendments**



Sponsor: **Christofferson, Kay**

Bill Status: **Enrolled**

Link: <https://le.utah.gov/~2018/bills/static/HB0226.html>

UAC Position: **Support**

**Legislative Purpose of the Bill:**

This bill: amends a provision that prohibits certain municipal officers and officials from enforcing a local ordinance through issuing a citation to except violations regarding animals; clarifies that county and municipal animal control officers may issue a citation; and makes technical and conforming changes.

**Local Government Impact:**

The bill reauthorizes animal control officers to issue citations. This was removed during the 2017 session, and caused great concern to counties and cities. We worked to have it successfully reinstated this session

**UAC Action/Future Trend:**

This bill requires no additional action.

## HB-225: Initiatives, Referenda, and Other Political Activities



Sponsor: **Daw, Brad**

Bill Status: **Failed**

Link: <https://le.utah.gov/~2018/bills/static/HB0225.html>

UAC Position: **Support**

### Legislative Purpose of the Bill:

This bill: defines terms; provides for the publication of a proposition information pamphlet to inform voters of arguments for and against proposed and pending local initiatives and referenda; amends provisions relating to a local voter information pamphlet; enacts provisions for holding a public hearing to discuss and present arguments relating to a proposed or pending local initiative or referendum; requires the Lieutenant Governor to create instructional materials regarding local initiatives and referenda; modifies requirements relating to local initiatives and referenda, including: petition, circulation, and signature requirements; timelines; appeals and other challenges; enacts provisions relating to determining whether a proposed initiative or referendum is legally referable to voters; amends provisions regarding the use of email, and the expenditure of public funds, for political purposes relating to proposed and pending initiatives and referenda; regulates the dissemination of information regarding a proposed or pending initiative or referendum by a county or municipality

### Local Government Impact:

No impact or action is required because this bill did not pass.

### UAC Action/Future Trend:

UAC took a position of support on this bill. Working with the clerks/auditors legislative committee, we would like this bill to be proposed again next year after some amendments are made and implementation and administration changes are developed.

## HB-242: Local Animal Control Regulation Amendments



Sponsor: **Roberts, Marc**

Bill Status: **Failed**

Link: <https://le.utah.gov/~2018/bills/static/HB0242.html>

UAC Position: **Oppose**

### Legislative Purpose of the Bill:

This bill: allows an individual to keep one or more animals on the individual's property unless the presence of the animal or animals violates certain standards established by the municipality or county; and establishes requirements for a municipal or county ordinance that regulates the number of animals an individual may have on the individual's property.

### Local Government Impact:

No impact or action is required because this bill did not pass.

### UAC Action/Future Trend:

UAC opposed this bill with the Utah League of Cities and Towns and met with many legislators about the bill. Representative Roberts attempted to create a template that municipalities could follow. He believed this template was not arbitrary like current statute. The proposed template had been duplicated from a Farmington City ordinance. Ultimately this bill was held early in the process because the legislature believed that cities and towns were better off governing local animal control. This bill may be proposed again but would face a heavy lift in getting passed.

## HB-249: Statewide Resource Management Plan Adoption



Sponsor: **Stratton, Keven**

Bill Status: **Enrolled**

Link: <https://le.utah.gov/~2018/bills/static/HB0249.html>

UAC Position: **Support**

### Legislative Purpose of the Bill:

This bill: defines terms; adopts the statewide resource management plan, on file with the Public Lands Policy Coordinating Office; requires the Public Lands Policy Coordinating Office, as funding allows, to monitor the implementation of the statewide resource management plan at the state and local levels; creates a reporting requirement for the Public Lands Policy Coordinating Office to the Commission for the Stewardship of Public Lands; and makes technical changes.

### Local Government Impact:

This bill was worked heavily by the counties and cities. While the intent was broadly supported, to encourage the creation of a statewide resource management plan, some of the specific language would have required that any local change in plan, first receive approval by the state. Local government expressed concerns with this provision and was successful in getting language in the bill that encourages consistency in the local and state plan, creates a process to notify the state of any major inconsistency that may arise, but also expressly affirms local governments ability to modify their local plan under the land use act of Title 10 (City) and Title 17 (County). With those changes, we supported the bill

### UAC Action/Future Trend:

This bill will require that notice be provided if there is a substantial change in a local resource management plan. Counties should create a process to ensure that any change in plan triggers a notice to the state, as required by law.

## HB-253: Trust Lands Amendments



Sponsor: **Snow, Lowry**

Bill Status: **Enrolled**

Link: <https://le.utah.gov/~2018/bills/static/HB0253.html>

UAC Position: **Monitor**

### Legislative Purpose of the Bill:

This bill: provides that the School and Institutional Trust Lands Administration is exempt from a portion of Title 63G, Chapter 3, Utah Administrative Rulemaking Act; states that the director of the School and Institutional Trust Lands Administration may make determinations regarding the management, protection, and conservation of plant species proposed for designation as endangered or threatened under the Endangered Species Act of 1973; modifies the procedure for the sale of trust lands

### Local Government Impact:

This bill exempts SITLA from the normal rule making requirement. Under current law they have been exempt but that was changing so they have continued the exemption in this bill. It enlarges the right of SITLA. Lastly a buyer of SITLA property is issued a certificate of title, once they have paid full purchase price for the property, they are issued a patent or deed. You are required to give up the original certificate but in the digital age often these are lost so they are no longer requiring the individual to produce this patent or deed. Your county should review this bill and your county policy regarding SITLA and make changes accordingly.

### UAC Action/Future Trend:

UAC monitored this bill and was fine with its passing considering it was mostly a cleanup bill.

## HB-259: Moderate Income Housing Amendments



Sponsor: **L. Wilde**

Bill Status: **Enrolled**

Link: <https://le.utah.gov/~2018/bills/static/HB0259.html>

UAC Position: **Amend**

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

HB259 requires that the general plan of a county or municipality, other than a town, allow and plan for moderate income housing growth. It also repeals provisions requiring a county to conduct a biennial review of the moderate income housing element of a general plan and modifies the biennial review and reporting requirements of a municipality in relation to the moderate income housing element of a general plan.

### **Local Government Impact:**

The bill amends 17-27a-401 et. seq. to require local government moderate housing plans to meet existing needs. There exists different requirements for cities and towns different than counties that need to be considered. Finally, it specifies that violations are injunctive/equitable remedies only.

### **UAC Action/Future Trend:**

CivLAC and UAC staff worked with the sponsor to address some of the language issues within the bill and addressed some of the differences between municipal and counties. Staff also worked with the sponsor to determine the most useful consequence for violations.

## HB-271: Government Enterprise Amendments



Sponsor: **Fawson, Justin**

Bill Status: **Failed**

Link: <https://le.utah.gov/~2018/bills/static/HB0271.html>

UAC Position: **Needs Amendments**

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

This bill: requires a city or a county, before authorizing a competitive activity involving recreation or entertainment, to: conduct a market study; notify private entities that the competitive activity impacts; and present the results of the study at a public hearing

### **Local Government Impact:**

No impact or action is required because this bill did not pass.

### **UAC Action/Future Trend:**

UAC monitored this bill closely and met with Representative Fawson several times. Although the representative's intent was understandable, the bill needed major amendments to be something worth passing. Looking forward: this could be a bill that is revived next year looking to prevent a city or county from building a rec center or entertainment area when the private industry could do so without using tax dollars.

## HB-281: Voter Eligibility Amendments



Sponsor: **Briscoe, Joel**

Bill Status: **Enrolled**

Link: <https://le.utah.gov/~2018/bills/static/HB0281.html>

UAC Position: **Support**

### Legislative Purpose of the Bill:

This bill: provides that an individual who is 17 years of age may register for and vote in a primary election if the individual will be 18 years of age on or before the date of the general election; makes changes to the process of preregistering to vote to conform with the provisions of this bill

### Local Government Impact:

This bill allows 17-year-olds to vote in the primary election if they turn 18 before the general election. This will impact your county elections officers by simply requiring the adjustment to allow the new age requirement.

### UAC Action/Future Trend:

UAC took a position of support on this bill and worked closely with the county clerks/auditors legislative committee. This was lower on the priority list for elections bills and some of the clerks felt that age limits were put in place for a reason. Looking forward: Clerks will now implement the process for upcoming elections and future legislation may follow in the process.

## HB-295: Driving Under the Influence Modifications



Sponsor: **S. Eliason**

Bill Status: **Enrolled**

Link: <https://le.utah.gov/~2018/bills/static/HB0295.html>

UAC Position: **Amend**

### Legislative Purpose of the Bill:

HB295 elevates the penalty for driving under the influence to a Class A misdemeanor if an individual drives the wrong direction of a freeway or highway while intoxicated.

### Local Government Impact:

Law enforcement should be aware of the those changes to penalties for a class A misdemeanor.

### UAC Action/Future Trend:

UAC monitored the bill but did not take a position. The bill was to address a specific issue the sponsor observed and should be the final word for now.

## HB-304: High Cost Infrastructure Amendments



Sponsor: **Owens, Darrin**

Bill Status: **Failed**

Link: <https://le.utah.gov/~2018/bills/static/HB0304.html>

UAC Position: **Support**

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

This bill: provides that if an infrastructure cost-burdened entity qualifies for a high cost infrastructure tax credit and one or more refundable state tax credits, the infrastructure cost-burdened entity may claim either the high cost infrastructure tax credit or one or more refundable tax credits; provides that if an infrastructure cost-burdened entity has a high cost infrastructure project located in certain counties and qualifies for a high cost infrastructure tax credit and one or more refundable state tax credits, the infrastructure cost-burdened entity may claim both the high cost infrastructure tax credit or one or more refundable state tax credits; requires the office to certify certain information on a high cost infrastructure tax credit certificate; and makes technical changes

### **Local Government Impact:**

The goal of this bill was to provide greater resources to counties that are in need of tax credit assistance to encourage the development of high cost infrastructure that will be needed to promote general economic development. The bill clarifies that in counties of the 4th-6th class, a high cost infrastructure entity can claim BOTH a high cost infrastructure tax credit AND a refundable tax credit, whereas in other counties they are required to choose between the two tax credit options. This should provide a more robust tool in our smaller counties by providing both options.

### **UAC Action/Future Trend:**

No future action is needed.

## HB-307: Property Tax Changes



Sponsor: **Hawkes, Timothy**

Bill Status: **Failed**

Link: <https://le.utah.gov/~2018/bills/static/HB0307.html>

UAC Position: **Neutral**

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

This bill: defines terms; modifies the burden of proof for appeals involving certain real property for which there was a reduction in value as a result of a taxpayer appeal during the previous taxable year; creates an automatic county review process for certain real property valuations or equalizations that exceed a threshold; and makes technical and conforming changes.

### **Local Government Impact:**

This bill did not pass, no local government impact.

### **UAC Action/Future Trend:**

It is anticipated that this bill will be refiled in 2019. UAC has already spoken with the sponsor about refiling the legislation. As drafted, we were comfortable with the legislation.

## HB-314: Class B and C Road Funds Amendments



Sponsor: **Noel, Michael**

Bill Status: **Failed**

Link: <https://le.utah.gov/~2018/bills/static/HB0314.html>

UAC Position: **Support**

### Legislative Purpose of the Bill:

This bill: amends provisions related to the calculation of amounts allocated to political subdivisions for class B and class C roads; amends provisions related to class B and class C road funds to allow a portion of those funds for: maintenance and development of class D roads to be added to the class B and C road inventory; and administering, managing, and planning the class B, class C, and class D road networks and adjacent lands; and makes technical changes.

### Local Government Impact:

This bill did not pass, no local government impact.

### UAC Action/Future Trend:

UAC is working with Kane County to seek a special session to reconsider this legislation. The goal of the bill was to reinstate Kane County in "hold-harmless" status for the purposes of its road funding allocation. This bill is agreed to and will likely be considered if a special session is called in 2018.

## HB-322: Non-Emergency Patient Transportation Safety Amendments



Sponsor: **E. Redd**

Bill Status: **Enrolled**

Link: <https://le.utah.gov/~2018/bills/static/HB0322.html>

UAC Position: **None**

### Legislative Purpose of the Bill:

The bill creates a new category for designation as an emergency medical service provider, something that had not previously defined in statute. Finally, if there is a non-emergency medical transport between facilities in the middle of the night (between 12:00 a.m.-6:00 a.m.), the request is for a route that would require more than 55 miles of driving, the staffing levels or availability is below normal levels, or there are hazardous weather conditions and the request does not create an unreasonable burden on the originating site, the emergency medical service provider may refuse or delay a request until conditions improve.

### Local Government Impact:

Impacts upon counties should be minimal, but coordination between hospitals and other facilities should be noted.

### UAC Action/Future Trend:

Staff followed the bill for its implications on civil commitment, forensic competency, and other situations. Because of the definition of emergency medical service provider and other qualifications of undesirable circumstances leading to the refusal or delay in transportation, there is a possibility of seeing another bill next year to adjust these definitions.

## HB-327: Rural Online Initiative



Sponsor: **Noel, Michael**

Bill Status: **Enrolled**

Link: <https://le.utah.gov/~2018/bills/static/HB0327.html>

UAC Position: **Support**

### Legislative Purpose of the Bill:

This bill: Requires Utah State University to: administer a pilot program, through a county extension office, to help individuals living in rural areas take advantage of freelance, job, and business opportunities available online; include certain components in the pilot program; initially administer the pilot program in a geographic area based on certain criteria and expand the pilot program to other geographic areas if resources allow; and report to the Economic Development and Workforce Services Interim Committee; and provides a sunset date.

### Local Government Impact:

This bill appropriates \$120,000 one-time from the General Fund and \$2,152,000 also one-time from the Education Fund in FY 2019 for the purposes of the Rural Initiative Program as authorized in the legislation. It directs Utah State University Extension to work with select rural areas of the state over a three-year period and assist them with online job training at the high school and college level. They will pick regions that are particularly in need of rural jobs but have access to high speed internet. The jobs will be focused on freelance and remote work online. If you fall within one of these counties, you should reach out to your local USU extension.

### UAC Action/Future Trend:

UAC was very supportive of this legislation and attended all committee meetings as well as endorsed it to the majority of the legislature. As was the case with HB 179, more and more online opportunities for training and education should be expected in the future.

## HB-337: Uniform Fee in Lieu of Ad Valorem Tax



Sponsor: **Thurston, Norman**

Bill Status: **Failed**

Link: <https://le.utah.gov/~2018/bills/static/HB0337.html>

UAC Position: **Oppose**

### Legislative Purpose of the Bill:

This bill: prohibits collection of the uniform fee in lieu of ad valorem tax on a vehicle more than once per calendar year; and provides instructions to limit the collection of the uniform fee in lieu of ad valorem tax on a vehicle registered for six months.

### Local Government Impact:

This bill did not pass, no local government impact

### UAC Action/Future Trend:

It is likely that this bill will be back in 2019. The sponsor believes that the Fee in Lieu of the Tax is truly just a "tax by another name" and should not be charged more than once a year. Currently the fee is charged any time there is a change in title. This has been a significant issue for counties, as the uniform fee that was established when the shifted from an Ad Valorem tax to the fee was determined based on the assumption that the fee would be charged anytime the title is transferred. If that policy changes it would be a significant loss in revenue to the entities.

## HB-346: Local Government Plan Review Amendments



Sponsor: **Schultz, Mike**

Bill Status: **Enrolled**

Link: <https://le.utah.gov/~2018/bills/static/HB0346.html>

UAC Position: **Neutral**

### Legislative Purpose of the Bill:

This bill: Removes repeal dates related to construction project plan reviews; clarifies the scope of a plan review; allows an applicant to waive a plan review time requirement; under certain circumstances, prohibits a local government from requiring an applicant to redraft a plan

### Local Government Impact:

Cities and counties can sometimes take a long-time review and approve plans. This bill legislates that on a single-family residence the plan review process is allowed 14 business days for approval or denial. Multifamily projects are allowed 21 business days. This says the local jurisdiction cannot make you redraft the plans but can however give you a list of changes to be made to the plans. The plans also have to be stamped with approval that says the project will comply with local ordinances. The bill adds some technical changes so counties should review their plan review processes and make changes accordingly.

### UAC Action/Future Trend:

UAC took a neutral position on this bill.

## HB-367: Transient Room Tax Amendments



Sponsor: **Noel, Michael**

Bill Status: **Enrolled**

Link: <https://le.utah.gov/~2018/bills/static/HB0367.html>

UAC Position: **Support**

### Legislative Purpose of the Bill:

This bill: adds road repair and upgrade to the list of purposes for which counties of the fourth, fifth, or sixth class may spend revenue from the transient room tax.

### Local Government Impact:

This bill will provide greater flexibility to counties on how TRT tax can be spent in our 4-6th class counties. The bill originally changed the split between marketing and infrastructure. That, however, was removed in the senate. This should provide more flexibility to counties, per their request.

### UAC Action/Future Trend:

This topic will likely see greater consideration as counties struggle to keep up with tourism generated impacts. Our larger counties would like to see flexibility in how funds can be used (this bill was limited to the smaller counties) and all counties would like to discuss a possible change in the revenue sharing between counties and the marketing fund.

## HB-372: Point of the Mountain State Land Authority



Sponsor: **Snow, Lowry**

Bill Status: **Enrolled**

Link: <https://le.utah.gov/~2018/bills/static/HB0372.html>

UAC Position: **Monitor**

### Legislative Purpose of the Bill:

This bill: creates the Point of the Mountain State Land Authority and provides for its purposes, authority, duties, and governance; requires the authority to plan, manage, and implement the development of point of the mountain state land; provides for the membership, authority, and responsibilities of a board to conduct the business and affairs of the authority; requires the authority to adopt a budget and imposes reporting and audit requirements; and provides for authority dissolution.

### Local Government Impact:

This bill came about from the decision the legislature made four years ago to retire the current prison and relocate it. The prison property will be now handled by the point of the mountain authority that will have an 11-member board comprised of four legislators, two from each house, four from the governor's office, one from the GOED, one from DFCM, the mayor of Draper City, the mayor of Salt Lake County and one from higher education. Planning and development of this property will be focused on technology-based companies and will not subject by law to local authority.

### UAC Action/Future Trend:

UAC was not heavily involved with this bill. We took a position of monitor knowing that it would most likely fly through the legislature and it did. Looking forward: Plan on seeing much tech-based development focused on economic development. Another addition to the Silicon Slopes.

## HB-373: Waste Management Amendments



Sponsor: **Perry, Lee**

Bill Status: **Enrolled**

Link: <https://le.utah.gov/~2018/bills/static/HB0373.html>

UAC Position: **Support**

### Legislative Purpose of the Bill:

This bill: creates the Division of Waste Management and Radiation Control Expendable Special Revenue Fund and describes the uses of the fund; requires the Division of Waste Management and Radiation Control to upgrade technology; states that the annual fee schedule set by the Division of Waste Management and Radiation Control shall be equitable and fair, though not necessarily equal or uniform; provides criteria in setting the annual fee schedule; authorizes a landfill to conduct a self-inspection with reporting to the Division of Waste Management and Radiation Control; provides a repeal date; and makes technical changes.

### Local Government Impact:

This bill was the result of a great amount of work by cities and counties to recalculate the regulatory fees that are being charged by the Division of Solid Waste for the purposes of regulating local landfills. The bill also requires that the Division track, more accurately, the time they spend regulating each land fill.

### UAC Action/Future Trend:

We will continue to watch this issue, as the division reevaluates the fee structure for local land fills. Our goal is to ensure that local government fees aren't being increased over and above the cost of regulation. Something to keep our eye on.

## HB-375: Personal Property Tax Revisions



Sponsor: **McCay, Daniel**

Bill Status: **Failed**

Link: <https://le.utah.gov/~2018/bills/static/HB0375.html>

UAC Position: **Oppose**

### Legislative Purpose of the Bill:

This bill: amends definitions; exempts from taxation certain items of taxable tangible personal property; amends requirements for a taxpayer to provide a signed statement for certain tangible personal property in certain circumstances; and makes technical changes.

### Local Government Impact:

This bill did not pass, no local government impact.

### UAC Action/Future Trend:

This bill will be reintroduced in 2019. UAC is creating a working group to evaluate the personal property tax filing requirements and exemptions. Additionally the working group will be working with stakeholders and the Commission to determine if an increase in the diminimus personal property tax exemption is warranted. If you have interest in serving on this committee, please contact UAC and we will be sure to include you.

## HB-379: Death Penalty Amendments



Sponsor: **Froerer, Gage**

Bill Status: **Failed**

Link: <https://le.utah.gov/~2018/bills/static/HB0379.html>

UAC Position: **No Position**

### Legislative Purpose of the Bill:

This bill: prohibits the state from seeking the death penalty for aggravated murder committed before May 8, 2018, unless the state filed the notice of intent to seek the death penalty before May 8, 2018; and prohibits the state from seeking the death penalty for aggravated murder committed after May 7, 2018.

### Local Government Impact:

This bill did not pass, no local government impact.

### UAC Action/Future Trend:

No future action is needed.

## HB-386: Economic Development Modifications



Sponsor: **Sagers, Douglas**

Bill Status: **Failed**

Link: <https://le.utah.gov/~2018/bills/static/HB0386.html>

UAC Position: **Monitor**

### Legislative Purpose of the Bill:

This bill: provides definitions; creates the Utah Strategic Growth Revolving Loan Fund; specifies revenue sources for the Utah Strategic Growth Revolving Loan Fund; provides that certain sales and use tax revenues shall be deposited in the Utah Strategic Growth Revolving Loan Fund; specifies how revenue in the Utah Strategic Growth Revolving Loan Fund shall be used; specifies eligibility, qualifications, application procedures, and loan requirements for loans provided from the Utah Strategic Growth Revolving Loan Fund

### Local Government Impact:

No impact or action is required because this bill did not pass.

### UAC Action/Future Trend:

UAC took a position of monitor for this bill. It attempted to grow rural economic development by creating a revolving loan fund but lacked the legislative support to pass and was held in the House Economic Development and Workforce Services Committee for being too broad and needing additional modifications. It may be reviewed by the interim committee moving forward.

## HB-390: Rural Economic Development Incentives



Sponsor: **Albrecht, Carl**

Bill Status: **Enrolled**

Link: <https://le.utah.gov/~2018/bills/static/HB0390.html>

UAC Position: **Support**

### Legislative Purpose of the Bill:

This bill: authorizes a rural employment expansion grant for the creation of new jobs in counties of the fourth, fifth, or sixth class; requires the Governor's Office of Economic Development to administer the grant; describes the qualifications and process to receive a rural employment expansion grant; defines terms; and provides a sunset date.

### Local Government Impact:

This bill appropriates \$728,000 ongoing from the General Fund beginning in FY 2019 to the Governor's Office of Economic Development for a Rural Employment Expansion Program. Funding would be used for grants and administration of the program. It incentivizes companies within the Wasatch Front to hire individuals from rural areas in cooperation with the ROI Initiative bill HB 327 and the governor's rural jobs growth initiative. If you are a business entity seeking to receive a rural employment expansion grant, apply with GOED.

### UAC Action/Future Trend:

UAC supported this bill and its cooperation with the Rural Online Initiative. Looking forward: This is another bill focused at helping our rural areas and keeping families local. Technology enables support for rural Utah so plan on seeing a similar bill like this in the future.

## HB-392: Search and Seizure Amendments



Sponsor: **B. Greene**

Bill Status: **Failed**

Link: <https://le.utah.gov/~2018/bills/static/HB0392.html>

UAC Position: **None**

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

HB392 deems that any property seized by a peace officer is inadmissible as evidence in any proceeding if the peace officer conducts an unlawful stop and defines that situations.

### **Local Government Impact:**

No impact or action required because this bill do not pass.

### **UAC Action/Future Trend:**

Typical of bills from the sponsor, the definition and situations will be refined and we expect that the bill will return next year.

## HB-394: Health Information Exchange Amendments



Sponsor: **B. Daw**

Bill Status: **Failed**

Link: <https://le.utah.gov/~2018/bills/static/HB0394.html>

UAC Position: **None**

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

HB394 would allow the department, local health departments, health care providers, or third party payer to access the electronic health exchange if the access or review is for treatment, payment, or health care operations.

### **Local Government Impact:**

No impact or action required because this bill do not pass.

### **UAC Action/Future Trend:**

This bill was supported by most of the health care organizations and we would expect to see it next year in some form.

## HB-399: Opioid Abuse Prevention and Treatment Amendments



Sponsor: **S. Eliason**

Bill Status: **Enrolled**

Link: <https://le.utah.gov/~2018/bills/static/HB0399.html>

UAC Position: **None**

### Legislative Purpose of the Bill:

As part of the efforts of the Legislature to respond to the opioid epidemic, HB399 requires the Department of Health to develop a pamphlet with information about opiates: risk of dependency and addiction, methods for proper storage and disposal, alternative options, benefits of and ways to obtain naloxone, and other resources. However, pamphlets will be developed as funding is available, so we are unsure of the timeline. Also, a pharmacist that sells or dispenses a Schedule II or Schedule III opiate must affix a warning to the container or lid cautioning the risk of overdose and addiction.

### Local Government Impact:

As community efforts increase to address opioids, the development of such information may be good to have as a resource for community partners and within the local health departments.

### UAC Action/Future Trend:

Because of UAC's support of the county efforts through behavioral health and law enforcement to address opioid deaths, staff followed and discussed the bill with the sponsor. As mentioned in other bills, we expect to see a continuing focus on opiate deaths in the next Legislative Session.

## HB-400: Controlled Substance Abuse Amendments'



Sponsor: **S. Eliason**

Bill Status: **Failed**

Link: <https://le.utah.gov/~2018/bills/static/HB0400.html>

UAC Position: **None**

### Legislative Purpose of the Bill:

As a companion bill to HB399, this bill would require a prescriber to discuss the risks of using an opiate with a patient or a patient's guardian before issuing an initial opiate prescription.

### Local Government Impact:

No impact or action required because this bill do not pass.

### UAC Action/Future Trend:

The bill was well supported but ran out of time on the last few days of the Session. We expect the bill to return next year as the sponsor has promised to focus on this subject in the coming Legislative Session.

## HB-410: Alcohol and Substance Use Withdrawal in County Jails



Sponsor: **C. Spackman Moss**

Bill Status: **Failed**

Link: <https://le.utah.gov/~2018/bills/static/HB0410.html>

UAC Position: **None**

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

In dealing with alcohol and substance use withdrawal in county jails, HB410 would require the Utah Substance Use and Mental Health Advisory Council to convene a working group and report to the Law Enforcement and Criminal Justice Interim Committee. UAC was represented on the workgroup with other partners from the Dept of Health, Sheriff's Association, SWAP, etc.

### **Local Government Impact:**

No impact or action required because this bill do not pass.

### **UAC Action/Future Trend:**

Partners around the issue were all supportive of the concept and unfortunately the bill just ran out of time. We expect to see a similar bill in the next Legislative Session.

## HB-418: Child and Family Services Amendments



Sponsor: **R. Edwards**

Bill Status: **Failed**

Link: <https://le.utah.gov/~2018/bills/static/HB0418.html>

UAC Position: **None**

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

HB418 would require the Division of Child and Family Services to offer in-home services to pregnant mothers who has used illegal drugs or abused a prescribed medication. DCFS workers are also required to report the mother to the Division if they have reason to believe that a pregnant mother while pregnant has used an illegal drug or abused a prescribed medication.

### **Local Government Impact:**

No impact or action required because this bill do not pass.

### **UAC Action/Future Trend:**

Another effort to protect individuals from substance use and opiate addiction, however staff expressed concerns to the sponsor of what the unintended consequences may be for mothers and what repercussions would result (arrest, etc.). The sponsor expressed a desire to continue working on the issue over the interim.

## HB-421: Medicaid Waiver for Mental Health Patients



Sponsor: **E. Redd**

Bill Status: **Failed**

Link: <https://le.utah.gov/~2018/bills/static/HB0421.html>

UAC Position: **None**

### Legislative Purpose of the Bill:

Another Medicaid waiver bill, HB421 would require the Division of Health Care Financing to apply for a Medicaid waiver or state plan amendment to provide 6 months of Medicaid coverage for those under commitment to the custody of a local mental health authority and has an income below 95% of the federal poverty level (FPL) and does not have access to other health care coverage.

### Local Government Impact:

No impact or action required because this bill do not pass.

### UAC Action/Future Trend:

In the breadth of other Medicaid waiver and Medicaid bills, this bill was redundant but still important to counties because these individuals are being covered by county services. If the Medicaid waiver bill to provide coverage for those below 95% of the federal FPL is approved, there will be no need to address this issue next year.

## HB-458: Jail Bed Amendments



Sponsor: **M. Noel**

Bill Status: **Enrolled**

Link: <https://le.utah.gov/~2018/bills/static/HB0458.html>

UAC Position: **Support**

### Legislative Purpose of the Bill:

Ever the champion for county jails, the sponsor introduced HB458 that increases the daily rate from 89% to 91.75% for treatment beds for state inmates in county facilities.

### Local Government Impact:

This is important to county jails as they are expected to house more difficult inmates with more complicated issues like mental illness and substance use disorders. The bill allows county jails to collect an additional \$283,300 in FY2019.

### UAC Action/Future Trend:

UAC firmly supported this bill and testified to the importance of this funding to ensure that state inmates receive proper services within the county jail.

## HB-462: Homeless Services Amendments



Sponsor: **S. Eliason**

Bill Status: **Enrolled**

Link: <https://le.utah.gov/~2018/bills/static/HB0462.html>

UAC Position: **Support**

### Legislative Purpose of the Bill:

With the Legislature's efforts on homelessness, HB462 was a major effort to fund the operation and maintenance of the homelessness resource centers. The bill uses formula that considers the number of affordable housing units and how many low-income housing units are available in each county and municipality and the percentage as compared to the statewide average. There is then a calculation using this information that is levied to each county and municipality. The Legislature also appropriated in \$6.6M, roughly half of the total cost.

### Local Government Impact:

The unincorporated sections of the county will be part of the calculation for affordable housing and the county will be responsible for those payments.

### UAC Action/Future Trend:

Because of the status of last year's bill, staff worked with the sponsor over the interim to ensure that this bill would consider all the responsibilities and funding that counties are already contributing to the homelessness effort, including behavioral health services, law enforcement, etc.

## HB-480: County Revolving Loan Fund



Sponsor: **Noel, Michael**

Bill Status: **Failed**

Link: <https://le.utah.gov/~2018/bills/static/HB0480.html>

UAC Position: **Support**

### Legislative Purpose of the Bill:

This bill: defines terms; authorizes a refundable tax credit for revolving loan funds administered by a local government entity used to finance small businesses; allows the Governor's Office of Economic Development to authorize certain local government entities to claim the refundable tax credit; establishes requirements for qualifying for the refundable tax credit; establishes the process for applying for and receiving the refundable tax credit; describes reporting requirements associated with the refundable tax credit; and provides a sunset date.

### Local Government Impact:

This bill did not pass, no local government impact

### UAC Action/Future Trend:

UAC will be reintroducing this bill in 2019. The goal of the legislation is to allow counties to access the ED-TIF (Post Performance State Tax Increment Financing) for the purposes of local economic development. Traditionally EDTIF requires a minimum of 50 jobs to qualify. In rural Utah, that may be difficult to recruit. This tool would allow the county to create a program to aggregate jobs in order to qualify on several companies' behalf and access the EDTIF. Under this option, the EDTIF could be used to create a revolving county-based loan fund for small business growth in thier county. This is ground breaking tool that UAC will be pushing for in the coming year.

## HB-482: Towing Revisions



Sponsor: **Maloy, Cory**

Bill Status: **Failed**

Link: <https://le.utah.gov/~2018/bills/static/HB0482.html>

UAC Position: **Oppose**

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

This bill: requires a county or municipality to allow a tow truck motor carrier who meets certain criteria to be eligible to perform a tow truck service requested by a peace officer or local highway authority

### **Local Government Impact:**

No impact or action is required because this bill did not pass.

### **UAC Action/Future Trend:**

Not a lot of UAC legislative action was needed on this bill. It was introduced late in the session and was immediately killed in its first reading when the strike enacting clause was used in the House Rules Committee. This may be proposed at next years session but does not have a lot of legislative support.

## SB-16: Public Safety Fee Revisions



Sponsor: **D. Thatcher**

Bill Status: **Enrolled**

Link: <https://le.utah.gov/~2018/bills/static/SB0016.html>

UAC Position: **Monitor**

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

The bill changes the fee amounts of Department of Public Safety: class D licenses, class A, B, or C, taxicab, motorcycles, CDL, etc. These changes will result in about a \$7.8M increase revenue to the Transportation Fund Restricted – Public Safety Account and could also decrease ongoing dedicated credit revenue by about \$1.025M over the same period. The bill also removes Department of Public Safety fees (bail or bond recover, etc.) from statute to regulatory fees.

### **Local Government Impact:**

These changes will result funding changes to the Education Fund, Dedicated Credits, Statewide Warrant Ops, and Concealed Weapons Account. Depending on the service, license, endorsement etc., counties and municipalities will pay a portion of the \$6,746,500 total in fee changes.

### **UAC Action/Future Trend:**

UAC took a position to monitor the bill.

## SB-17: Election Law Modifications



Sponsor: **Harper, Wayne**

Bill Status: **Enrolled**

Link: <https://le.utah.gov/~2018/bills/static/SB0017.html>

UAC Position: **Monitor**

### Legislative Purpose of the Bill:

This bill: modifies the provisions of a notice of election to conform with existing law; modifies a deadline relating to the voter information pamphlet; requires a registered political party to notify the lieutenant governor of the dates of the party's political conventions and changes in those dates; modifies the director of elections' rulemaking authority; modifies the declaration of candidacy for a write-in candidate

### Local Government Impact:

This bill modifies election notice requirements; modifies a deadline relating to the voter information pamphlet; requires political parties to notify the Lieutenant Governor's Office of convention dates and changes.

### UAC Action/Future Trend:

UAC and the clerks/auditors legislative committee supported this bill and worked with the sponsor and the Lieutenant Governor's Office to get it passed.

## SB-19: Competency to Stand Trial Amendments



Sponsor: **L. Fillmore**

Bill Status: **Enrolled**

Link: <https://le.utah.gov/~2018/bills/static/SB0019.html>

UAC Position: **None**

### Legislative Purpose of the Bill:

SB19 establishes procedures for determining the competency of a defendant charged with a misdemeanor and adds and modifies time frames for evaluations, reports, and court hearings relating to stand trial determinations and clarifies standards for restoration treatment and competency review.

### Local Government Impact:

Important to the competency to stand trial process, this bill updates the definitions for those charged with a misdemeanor. With the changes resulting from Justice Reinvestment Initiative, there are a substantial number of crimes previously charged as felonies that are now misdemeanors.

### UAC Action/Future Trend:

As part of the continuing adjustment of statute after JRI, staff followed this bill. This also remains an important issue to counties because of the number of those inmates waiting for competency restoration within county jails.

## SB-21: Public Safety and Firefighter Retirement Death Benefit Amendments



Sponsor: **K. Mayne**

Bill Status: **Enrolled**

Link: <https://le.utah.gov/~2018/bills/static/SB0021.html>

UAC Position: **Monitor**

### Legislative Purpose of the Bill:

SB21 amends the death benefits payable to a member of Division A or Division B in the Public Safety Contributory Retirement Act to include those members who have accrued 20 or more years of public safety service credit.

### Local Government Impact:

Staff worked with other interested parties to discuss retirement death benefits and other retirement issues for law enforcement and other governmental employees over the interim and met several times during the Session.

### UAC Action/Future Trend:

In a difficult hiring environment for public safety officers, we expect there to be other bills that concentrate on the benefits and other recruitment tools.

## SB-24: Local Government Indigent Defense Requirement



Sponsor: **D. Thatcher**

Bill Status: **Enrolled**

Link: <https://le.utah.gov/~2018/bills/static/SB0024.html>

UAC Position: **Support**

### Legislative Purpose of the Bill:

SB24 requires local governments to include information regarding indigent legal defense in the ordinance and the municipality or county's requirement to provide such defense.

### Local Government Impact:

UAC testified that this bill as a good practice in providing indigent defense and codifies to an extent the ruling of the Supreme Court. On any ordinance for a penalty that includes the possibility of imprisonment, a county must include a statement about indigent legal defense. If not already included, counties may need to include this additional information.

### UAC Action/Future Trend:

As one of two states in which indigent defense is the responsibility of local governments and not the state, this will continue to be an area in which UAC focuses its attention to ensure that this is not an unfunded mandate by the State.

## SB-28: Local Government and Limited Purpose Entity Registry



Sponsor: **Henderson, Deidre**

Bill Status: **Enrolled**

Link: <https://le.utah.gov/~2018/bills/static/SB0028.html>

UAC Position: **Neutral**

### Legislative Purpose of the Bill:

This bill: requires local government entities and limited purpose entities to register with the lieutenant governor; requires the lieutenant governor to: create a registry of local government entities and limited purpose entities; establish registration and renewal fees to create, administer, and maintain the registry; and send certain notices regarding compliance with registry requirements; allows the state auditor to: withhold certain state funds and property tax disbursements if an entity does not comply with registry requirements; and prohibit access to certain money if an entity does not comply with registry requirements; increases the state auditor's enforcement authority; and makes technical and conforming changes.

### Local Government Impact:

By July 1, 2019 Each county shall register with the lieutenant governors office shall include the following information in the entity's registration submission: the resolution or other legal or formal document creating the entity or, if the resolution or other legal or formal document creating the entity cannot be located, conclusive proof of the entity's lawful creation; a map or plat establishing the geographic boundaries of the entity, or if it is impossible or unreasonably expensive to create a map or plat, a metes and bounds description, or another legal description that identifies the boundaries of the entity, conclusive proof of the entity's geographic boundaries; the entity's name; the entity's type of local government entity or limited purpose entity; the entity's governmental function; the entity's physical address and phone number, including the name and contact information of an individual whom the entity designates as the primary contact for the entity; names of the members of the entity's governing board or commission, managing officers, or other similar managers and the method by which the members or officers are appointed, elected, or otherwise designated; the entity's sources of revenue; and if the entity has created an assessment area.

### UAC Action/Future Trend:

This bill was intended to get a full list of all local governments in the state, that includes their creation documents and a legal description. While its clear that we all know we have 29 counties, there is some uncertainty about how many local districts exist, and what their legal description is. So this bill was intended to capture everyone. UAC will be working with the State Auditor to ensure compliance.

## SB-29: County Listing of Local Government and Limited Purpose Entities



Sponsor: **Henderson, Deidre**

Bill Status: **Enrolled**

Link: <https://le.utah.gov/~2018/bills/static/SB0029.html>

UAC Position: **Neutral**

### Legislative Purpose of the Bill:

This bill: defines terms; and requires each county to publish certain information on the county's website regarding each local government entity and limited purpose entity within the county.

### Local Government Impact:

This bill will require greater coordination between the county and the lieutenant governor. Beginning on July 1, 2019, each county shall list on the county's website any of the following information that the lieutenant governor publishes in a registry of local government entities and limited purpose entities regarding each limited purpose entity and local government entity that operates, either in whole or in part, within the county or has geographic boundaries that overlap or are contained within the boundaries of the county: the entity's name; the entity's type of local government entity or limited purpose entity; the entity's governmental function; the entity's physical address and phone number, including the name and contact of an individual whom the entity designates as the primary contact for the entity; names of the members of the entity's governing board or commission, managing or other similar managers; the entity's sources of revenue; and if the entity has created an assessment area.

### UAC Action/Future Trend:

No additional UAC action is needed. The trend, however, is that the State Auditor and Legislature want to see greater transparency of local districts that operate within a county. This trend of transparency is not going away

## SB-31: Utah Mobile Crisis Outreach Team Act



Sponsor: **D. Thatcher**

Bill Status: **Enrolled**

Link: <https://le.utah.gov/~2018/bills/static/SB0031.html>

UAC Position: **Support**

### Legislative Purpose of the Bill:

Both sponsors of this bill have worked diligently on mental health issues over the last year and the Mobile Crisis Outreach Team Act will require the Mental Health Crisis Line Commission to serve as the mobile crisis outreach team (MCOT) advisory committee, sets standards for certification and requires the Division of Substance Abuse and Mental Health (DSAMH) to outline responsibilities of MCOTs and the civil commitment process.

### Local Government Impact:

As these efforts continue to progress, counties that are interested in having MCOT teams or adding additional teams should work with their behavioral health providers and DSAMH to best train, coordinate, and utilize MCOT teams.

### UAC Action/Future Trend:

UAC and UBHC supported this legislation and testified in its behalf in front of the committees. It is important to include local mental health authorities in such issues to ensure that State efforts are being coordinated with local efforts. With a concentration of both the Legislature and the Governor on suicide prevention and other mental health issues, we expect additional legislation to come forward over the Interim, possibly from these sponsors.

## SB-32: Mental Health Crisis Line Commission Sunset Amendments



Sponsor: **D. Thatcher**

Bill Status: **Enrolled**

Link: <https://le.utah.gov/~2018/bills/static/SB0032.html>

UAC Position: **Monitor**

### Legislative Purpose of the Bill:

A companion bill to SB31, the sponsor wanted to extend the Mental Health Crisis Line Commission Sunset another five years from July 1, 2018 to July 1, 2023.

### Local Government Impact:

Those participating on the Mental Health Crisis Line Commission will be asked to continue their service for another 5 years.

### UAC Action/Future Trend:

Depending if there additional major changes or need for the commission, we may see another extension of the sunset but won't need to worry about it for several years.

## SB-36: Local Option Sales and Use Tax Distribution Formula Amendments



Sponsor: **Stephenson, Howard**

Bill Status: **Enrolled**

Link: <https://le.utah.gov/~2018/bills/static/SB0036.html>

UAC Position: **Monitor**

### Legislative Purpose of the Bill:

This bill: amends definitions; repeals and amends provisions relating to the distribution of sales and use tax revenue for certain fiscal years; and makes technical and conforming changes.

### Local Government Impact:

This bill is a clean up bill that ironed out legal code that was obsolete. There is no fiscal impact from this bill and does not effect distribution of sales or use tax.

### UAC Action/Future Trend:

No future action is needed.

## SB-38: Local Elected Officer Amendments



Sponsor: **D. Thatcher**

Bill Status: **Enrolled**

Link: <https://le.utah.gov/~2018/bills/static/SB0038.html>

UAC Position: **Support**

### Legislative Purpose of the Bill:

In concern over specific situation that may necessitate that a county elected officer be removed from their position for mental capacity, SB38 establishes such a process and provides provisions that this apply to counties with at least five members on the county legislative body and opts into these provisions. The bill also requires a county to determine whether the county elected officer has the mental capacity to fulfill the essential functions of the office with or without reasonable accommodations through a voluntary mental capacity evaluation or a court ordered evaluation by a qualified medical professional. The vote of any decisions shall be held in a closed meeting on whether the subject officer can fulfill the essential functions and if the county legislative body reaches a unanimous preliminary conclusion, they have a process in which to remove that officer from his/her position. If the vote is not unanimous, the county body shall announce that the vote failed without disclosing the number of votes for or against or any individual vote and provide necessary reasonable accommodations.

### Local Government Impact:

Prior to the Legislative Session, there was a lot of discussion and possibility of other approaches and after evaluation and vetting of the bill, this seemed the most correct legislation.

### UAC Action/Future Trend:

Obviously directed at counties, UAC supported this legislation as a reasonable and appropriate response to a rare situation after discussion over the past year. We expect that this will be the end of the subject for the time being.

## SB-54: Marriage and Premarital Counseling and Education Amendments



Sponsor: **Christensen, Allen**

Bill Status: **Enrolled**

Link: <https://le.utah.gov/~2018/bills/static/SB0054.html>

UAC Position: **Oppose**

### Legislative Purpose of the Bill:

This bill: authorizes the county clerk to increase the marriage license fee and requires deposit of the increase amount into the General Fund as a nonlapsing dedicated credit unless certain conditions are met; addresses premarital counseling or education, including: certifying completion of premarital counseling or education; reducing the marriage license fee if requirements for premarital counseling or education are met; providing what activities are included in premarital counseling and education; and removing a specific penalty; outlines duties of the Utah Marriage Commission; provides for a five year sunset review

### Local Government Impact:

About 25,000 couples apply for marriage licenses annually and pay variable fees as set by counties. Under this legislation, individuals could pay an additional \$20 per marriage license, unless they complete qualifying premarital education; it is estimated that about 30 percent of couples will complete this education and have the fee waived. Clerks need to review their county's policy and make updates if necessary. Remember that this only applies to counties that currently have or move to online applications.

### UAC Action/Future Trend:

The county clerks/auditors legislative committee chose to not oppose this bill because it applies only to counties that have online applications for marriage licenses. Currently that is only Utah county. Looking forward: The clerks are seeing potential issues with this bill as counties move to online applications and are contemplating amendments or repeal of the bill at next year's legislative session.

## SB-71: Road Tolls Provisions



Sponsor: **Niederhauser, Wayne**

Bill Status: **Enrolled**

Link: <https://le.utah.gov/~2018/bills/static/SB0071.html>

UAC Position: **Support**

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

This bill: allows use of modern high-tech electronic tolling methods. That could include systems with cameras that read license plates, deduct toll amounts from online accounts set up by drivers, or send bills to car owners' homes. Current statute only allows for new roads to allow tolling, this bill allows tolling on all roads.

### **Local Government Impact:**

This bill is a user fee bill that will take effect in 2019 and looks to initially be implemented in Little Cottonwood Canyon to help with canyon congestion. The toll fees will be deposited into the Tollway Special Revenue Fund and must be used for tollway facilities. Future policy decisions will need to be made if the funds are to go elsewhere other than this fund. Counties should consider future possibilities concerning where these fee dollars will be spent and encourage local spending within their county.

### **UAC Action/Future Trend:**

UAC took a position of support on this bill. Enactment of this bill could generate approximately \$720,000 ongoing beginning in FY 2019 to the Tollway Special Revenue Fund from individuals who would pay tolls and penalties for unauthorized use of tollways. Tolling is not expected to be implemented for several years but plan on seeing more legislation that seeks a way to tax or toll road users and as an alternative to the gas tax.

## SB-74: Voter Privacy Amendments



Sponsor: **Mayne, Karen**

Bill Status: **Enrolled**

Link: <https://le.utah.gov/~2018/bills/static/SB0074.html>

UAC Position: **Monitor**

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

This bill: specifies that a qualified person may only obtain a voter's month and year of birth from the list of registered voters instead of a voter's entire date of birth; amends the voter registration form; allows any individual to request that the individual's voter registration record be classified as a private record; amends provisions relating to the process by which a voter may request that the voter's voter registration record be classified as a private record; specifies that a governmental entity may share a protected voter registration record with another governmental entity for a purpose related to voter registration or the administration of an election

### **Local Government Impact:**

This bill will affect your county clerk or elections officer. Counties should review current voter registration record and privacy policy to make changes accordingly. This changes "date" of birth to "month or year" as what must be protected. It also allows an individual to check a box at the DMV when renewing a license that opts that person in to classifying their voter record as private. This bill was eventually tied into HB 218.

### **UAC Action/Future Trend:**

UAC was heavily involved in this bill. The clerks/auditors legislative committee supported this bill but wanted it to go further to protect. They would like to see the entire date of birth private. Library records are more secure than voter records. Looking forward: UAC and clerks will look to continue efforts to protect voters private information.

## SB-76: Commercial Property Tax Amendments



Sponsor: **Hemmert, Daniel**

Bill Status: **Enrolled**

Link: <https://le.utah.gov/~2018/bills/static/SB0076.html>

UAC Position: **Monitor**

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

This bill: defines terms; and provides for a property tax exemption for real property that is leased entirely to the state or a local government entity for the taxable year.

### **Local Government Impact:**

This bill attempts to solve the problem of paying taxes with taxes. The state or any other exempt organization that would have been exempt if it owned the property, when it leases 100% of the property, not partial leases and has a triple net lease meaning the leasee would be writing the check to pay the property taxes they will now have a mechanism to apply for an exemption annually to allow them to not pay those property taxes.

### **UAC Action/Future Trend:**

UAC testified on this bill in committee. Overall, UAC liked the bill and requested an amendment be made to have the leasee be the one to apply for the exemption not the owner as the bill initially had. Looking forward: organizations should take advantage of this tax exemption if currently in a triple net lease situation.

## SB-82: Utah Transparency Advisory Board Amendments



Sponsor: **Henderson, Deidre**

Bill Status: **Enrolled**

Link: <https://le.utah.gov/~2018/bills/static/SB0082.html>

UAC Position: **Monitor**

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

This bill: modifies the appointment term for a member of the Utah Transparency Advisory Board; modifies the frequency for electing a chair and a vice chair of the Utah Transparency Advisory Board

### **Local Government Impact:**

This is a simple bill where the Utah Transparency Advisory Board term limits were amended. It is a 14-member board that has in the past had shorter term limits but now increased that limit to four years with the bill passage. It also changes the chairmanship from a one-year limit to a two-year limit. This change was needed because of the high turnover of members.

### **UAC Action/Future Trend:**

UAC was not too involved in this bill and took a position of monitor. The bill was simple enough and saw little opposition if any throughout the session.

## SB-94: Voting Amendments



Sponsor: **Dayton, Margaret**

Bill Status: **Enrolled**

Link: <https://le.utah.gov/~2018/bills/static/SB0094.html>

UAC Position: **Support**

### Legislative Purpose of the Bill:

This bill: consolidates definitions associated with poll watchers and defines other terms; creates a process for an individual to register as a watcher; designates activities in which a watcher may engage; prohibits a watcher from taking certain actions; permits an election officer to take certain actions with regard to a watcher; establishes criminal penalties; modifies deadlines related to the challenge of an individual's eligibility to vote; removes obsolete ballot perforation and ballot stub provisions; modifies requirements for using a voting center ballot; modifies provisions relating to curing an invalid absentee ballot; and makes technical and conforming changes.

### Local Government Impact:

This bill defines certain activities that poll watchers can and cannot do. It also permits elections officers to take certain actions if a poll watcher disobeys laws. Have your county elections officer review poll watcher provisions and make changes accordingly. Additionally, this bill took care of some outdated voting system requirements by removing the requirement for the 1-inch removable ballot stub, removing the requirement for voting center ballots, and changed the deadline for voter cure letters to 5 PM the day before canvass.

### UAC Action/Future Trend:

UAC was very interested in this bill's passing due to the fact that if we were to get funding for new voting equipment, the systems would not work properly with the old one-inch tabs that were required. Many meetings took place between the sponsor and other legislators to make sure this bill passed.

## SB-101: Tax Amendments



Sponsor: **Fillmore, Lincoln**

Bill Status: **Enrolled**

Link: <https://le.utah.gov/~2018/bills/static/SB0101.html>

UAC Position: **Support**

### Legislative Purpose of the Bill:

This bill: defines "significant adjustment"; requires the county board of equalization to list separately a significant adjustment on an agenda for a public hearing and provide certain property information; and makes technical and conforming changes.

### Local Government Impact:

This bill seeks to provide transparency and public accountability by defining what a significant valuation change is and requires that a significant valuation change be listed separately on the county board of equalizations agenda. Valuation that differs from the original assessed value by at least 20% and \$1,000,000 is considered, significant.

### UAC Action/Future Trend:

No action needed.

## SB-106: Court Records Amendments



Sponsor: **D. Thatcher**

Bill Status: **Enrolled**

Link: <https://le.utah.gov/~2018/bills/static/SB0106.html>

UAC Position: **Support**

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

SB106 provides for delinking personal identifying information from court records when a criminal case is dismissed and no charge in the case was a domestic violence offense, but does not affect a prosecuting, arresting, or other agency's records and the case history, unless expunged, remains public and accessible.

### **Local Government Impact:**

Prosecutors and law enforcement should be aware of this legislation and make any adjustments in removing the name from any searchable database. However, this does not affect prosecution, arresting, or other agency's records and case history.

### **UAC Action/Future Trend:**

UAC took a position to monitor the bill.

## SB-111: Community Reinvestment Agency Changes



Sponsor: **Harper, Wayne**

Bill Status: **Enrolled**

Link: <https://le.utah.gov/~2018/bills/static/SB0111.html>

UAC Position: **Support**

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

This bill: allows a community reinvestment agency board to make a finding of blight if a survey area includes a site used for the disposal of solid or hazardous waste; and makes technical and conforming changes.

### **Local Government Impact:**

This bill remedies an issue within redevelopment agencies project areas. It plainly adds another definition to the statute to include a site used for the disposal of solid waste or hazardous waste and allows a community reinvestment agency board to make a finding of blight for this type of survey area.

### **UAC Action/Future Trend:**

No future action is needed.

## SB-114: Disposal of County Property Amendments



Sponsor: **Harper, Wayne**

Bill Status: **Enrolled**

Link: <https://le.utah.gov/~2018/bills/static/SB0114.html>

UAC Position: **Support**

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

This bill: defines terms; addresses the amount for which a county may dispose of a significant parcel of real property; states that a county may require a potential purchaser or lessee to provide certain information; addresses a county's treatment of an unsolicited offer to purchase or lease a significant parcel of real property; and makes technical and conforming changes.

### **Local Government Impact:**

This bill examines the sale, lease, and disposal of county owned property that the county no longer finds in its best interest to possess. This determines that fair market value of real estate can be below fair market value as long as the county can justify it. The bill provides mechanisms to clarify why the county believes it is in the best interest to sell, lease or dispose of the property.

### **UAC Action/Future Trend:**

UAC supported this bill and worked with Senator Harper to see its passage.

## SB-120: Local Government Fees and Taxes Amendments



Sponsor: **Henderson, Deidre**

Bill Status: **Enrolled**

Link: <https://le.utah.gov/~2018/bills/static/SB0120.html>

UAC Position: **Support**

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

This bill: defines terms; limits any authority a municipality has to impose a transportation utility fee by prohibiting a municipality from imposing a transportation utility fee on a legal subdivision; and makes technical changes.

### **Local Government Impact:**

This bill targets the transportation utility fee that several cities had been levying. Many municipalities began adopting the fee and levying it on most individuals with utilities. This addresses the counties concerns of a problematic double taxation by limiting municipal authority and exempting counties and other legal subdivisions.

### **UAC Action/Future Trend:**

UAC spoke in support of this bill and expressed our concern of paying taxes with taxes. The legislature has been moving away from this kind of taxation so expect to see future legislation that addresses taxation issues like these. UAC also expressed that transportation funding is significant, but the transportation utility fee is not the solution.

## SB-122: Bond Elections Amendments



Sponsor: **Stephenson, Howard**

Bill Status: **Enrolled**

Link: <https://le.utah.gov/~2018/bills/static/SB0122.html>

UAC Position: **Neutral**

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

This bill: provides that a local political subdivision may not receive, from the issuance of certain bonds approved by the voters at an election, an aggregate amount that exceeds by a certain percentage the maximum principal amount stated in the bond proposition.

### **Local Government Impact:**

Often local governments do a bond authorization that will be sought over several years. Because of rate changes, the actual amount bonded can fluctuate, this just sets a ceiling for the amount that can be sought over the principal amount state in the bond authorization. That amount is set at 2%. This provision takes effect for any bond election held after January 2019

### **UAC Action/Future Trend:**

No additional UAC action needed.

## SB-124: Budget Deadline Amendments



Sponsor: **Fillmore, Lincoln**

Bill Status: **Enrolled**

Link: <https://le.utah.gov/~2018/bills/static/SB0124.html>

UAC Position: **Monitor**

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

This bill: amends the deadline by which a taxing entity is required to adopt certain budgets; and makes technical changes.

### **Local Government Impact:**

This bill simply changes the date of when political subdivisions need to adopt their fiscal year budgets from a fairly arbitrary date of June 22 to the last day of the fiscal year, June 30. The reason being that certified tax rates do not become available to these entities until June 18 or June 22. This bill gives them more time to comply.

### **UAC Action/Future Trend:**

No additional UAC action needed.

## SB-128: Transportation Revisions



Sponsor: **Buxton, David**

Bill Status: **Enrolled**

Link: <https://le.utah.gov/~2018/bills/static/SB0128.html>

UAC Position: **Monitor**

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

This bill: amends the distribution of the local option highway construction and transportation corridor preservation fee in a county of the first class; requires a highway authority to get permission from the Department of Transportation before any construction, encroachment, or access on a state highway right-of-way; provides construction standards for certain repairs; amends the distribution of revenue and repayment requirements in the County of the First Class Highway Projects Fund; and makes technical changes.

### **Local Government Impact:**

This bill allows additional money to be spent for the purposes of highway construction. It also made some technical changes in regard to coordination with UDOT on areas where a local street and infrastructure interfaces with a highway under UDOT's jurisdiction. The bill requires that a municipality seek written confirmation of UDOT before an excavation permit or installation of utilities is allowed within the UDOT right of way. The Department has seven days to respond to the municipality's notice to issue a permit. If no response is given then the permit can be issued.

### **UAC Action/Future Trend:**

No additional UAC action needed

## SB-133: Design and Build Amendments



Sponsor: **Mayne, Karen**

Bill Status: **Enrolled**

Link: <https://le.utah.gov/~2018/bills/static/SB0133.html>

UAC Position: **Monitor**

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

This bill: amends the definition of a design-build project

### **Local Government Impact:**

This bill simply does away with the cost requirement that mandated cost must be over a \$250,000 minimum for any design build projects. Design build RFP's are more cost effective and this piece of legislation helps groups like Habitat for Humanity and is a tool for everyone to use to build affordable homes and commercial buildings in local communities.

### **UAC Action/Future Trend:**

UAC did not need to put much time and effort into this bill. It was put on the consent calendar early in the process and had really strong support.

## SB-136: Transportation Governance Amendments



Sponsor: **Harper, Wayne**

Bill Status: **Enrolled**

Link: <https://le.utah.gov/~2018/bills/static/SB0136.html>

UAC Position: **Needs Amendments**

### Legislative Purpose of the Bill:

This bill: amends and enacts provisions to allow local jurisdictions to share property tax revenue for transportation capital development projects. Vests in the Legislature the authority to name a large public transit district; modifies the makeup of the board of trustees of a large public transit district by: reducing membership from 16 to three. Requires a large public transit district to have legal counsel from the Utah attorney general. Creates the Transportation and Tax Review Task Force. Creates the "Transit Transportation Investment Fund" within the Transportation Investment Fund of 2005. Imposes a deadline for certain local governments to impose certain local option sales and use taxes; authorizes a new local option sales and use tax for certain counties with public transit services; allows a county, city, or town to impose certain local option sales and use taxes without submitting the question to the county's, city's, or town's registered voters; allows a city to impose certain local option sales and use taxes not imposed by the county; amends provisions related to the expenditure of certain local option sales and use taxes. Modifies governance of the Department of Transportation, including: requiring a second deputy director; describing the qualifications for each deputy; and describing the responsibilities of each deputy director; creates the Planning and Investment Division within the Department of Transportation; modifies requirements for the Department of Transportation to develop statewide strategic initiatives for coordinating and planning multimodal transportation; requires the Department of Transportation to study a road user charge and implement a demonstration program; requires the Transportation Commission to consider public transit projects in the prioritization process to allocate funds modifies criteria for the Transportation Commission to consider while prioritizing transportation and public transit projects; allows corridor preservation funds to be used for public transit district corridors.

### Local Government Impact:

Senate Bill 136 is a significant, positive step forward for the future of our state. Utah is growing and changing, and with that comes the need to efficiently use resources to provide transportation choices for our communities. SB136

authorizes funding for transit and local needs, and enhances the coordination of transportation, land use, and economic development.

- UTA governance: renames UTA to "Transit District of Utah" and changes UTA Board from 16 part-time members to three full-time members (nominated by counties, appointed by Governor, confirmed by Senate), and creates a nine-member local advisory board.
- Creates a new state Transit Transportation Investment Fund ("TTIF") for transit capital projects statewide, subject to legislative appropriation and a 40% local match requirement. Beginning July 1, 2019, the state will transfer funding into TTIF, approx. \$5M in FY19, growing over time.
- Includes land use and economic development considerations in (i) the TIF/TTIF prioritization criteria, as determined by the State Transportation Commission, and (ii) UDOT's statewide "strategic initiatives." The Commission and UDOT will develop the criteria and strategic initiatives in consultation with MPOs, local governments, transit districts, and other transportation stakeholders.
- Local option sales taxes:
  - Local options can be imposed through referendum or by action of a county's legislative body.
  - If a county imposes the 4<sup>th</sup> quarter between now and June 30, 2019, they keep all those funds for that period, but can only use them to pay off debt or for regionally significant transportation facilities. Beginning July 1, 2019, the regular distribution of 4<sup>th</sup> quarter revenue takes effect: 0.10% to cities, 0.10% to transit district, and 0.05% to the county.
  - If a county has not imposed the 4<sup>th</sup> quarter by June 30, 2020, then cities with transit service will have the option to impose it, with 0.125% going to the city, and 0.125% to the transit district.
  - Beginning July 1, 2019, counties may impose a *new* local option sales tax of 0.20% for transit capital expenses and service delivery. In the UTA district, counties can only impose the new 0.20% if they have already imposed the other four quarters.
  - Local option sales taxes not imposed by June 30, 2022 expire ("use it or lose it"). This applies only to the 3<sup>rd</sup> and 4<sup>th</sup> quarters in counties fully in the UTA district (i.e., Weber, Davis, Salt Lake, Utah Counties), and to the city imposition option for the 4<sup>th</sup> quarter. The new 0.20% county option for transit expires June 30, 2023.
  - Establishes an updated process for the County of the First Class Highway Projects Fund.

- Increases alternative fuel vehicle registration fees, phased in over a three-year period; e.g., electric vehicles fees are \$60 in 2019, \$90 in 2020, \$120 in 2021; lower for hybrids.
- Provides that state and local corridor preservation funding can be used for transit corridors – in addition to roads.
- Authorizes the creation of “Transportation Reinvestment Zones” defined as “an area created by two or more public agencies [one of which must be a land use authority] by interlocal agreement to capture increased property tax revenue generated by a transportation infrastructure project.”
- Creates a Transportation and Tax Review Task Force to evaluate and make recommendations to the Legislature on transportation revenues and governance, and on simplifying and modernizing the state’s tax system. The Task Force will have thirteen members from the Senate, House, and Governor’s Office. Recommendations to the Legislature before December 1, 2018.

#### **DETAILED SUMMARY**

#### **Modified requirements for UDOT, strategic initiative developed with local stakeholders: (5026-5277)**

- Requires UDOT to have two (rather than one) Deputy Directors: a deputy director of engineering and operations, and a deputy director of planning and investment (whose responsibilities will include coordinating with MPOs and local governments, corridor and area planning, asset management, programming and prioritizing projects).
- Creates a Planning and Investment Division within UDOT with responsibility for:
  - Creating and managing an intermodal terminal facility.
  - Promoting development of an intermodal inland port.
  - Overseeing public-private partnerships.
- UDOT is responsible for oversight and supervision of any transportation project where state funds are used. UDOT may “assume responsibility for any public transit project that traverses any portions of the state highway systems.” That determination is made jointly by UDOT and the transit agency “proposing the development.”
- Modifies requirement for UDOT to develop strategic initiatives:
  - Statewide across all modes of transportation, updated at least every four years, with at least a twenty-year horizon. Requires consultation with MPOs, local governments, and transit districts, and consideration of regional and local transportation plans.
  - Requires consideration of “projected major centers of economic

activity, population growth, and job centers”; mobility and access, congestion reduction, economic development and job creation, asset management, sustainability, return on investment, and air quality, in addition to existing required consideration of maintenance, operations, and safety.

- Assess capacity needs and establish goals for corridors with the following characteristics: high volume of travel, connect major centers of economic activity or population growth, have major freight, and accommodate multiple modes of travel.
- Report on strategic initiatives to the Transportation Interim Committee by Dec. 1 annually.
- Requires UDOT to implement a road usage charge mileage-based revenue system demonstration program, including full implementation of such a program for alternative fuel vehicles by Jan. 1, 2020. Owners of AV vehicles who participate in the program will be exempted from increased vehicle registration fees. (5212-5277)
- Expands authority of UDOT to handle NEPA reviews to include railroad, transit, or multimodal projects in addition to highways (4143-4174).

#### **Requires modified road and transit project prioritization criteria to consider land use and economic development: (5331-5467)**

- Requires Transportation Commission to determine priorities and funding levels of projects in the state transportation systems and capital development of new public transit facilities.
- Directs Transportation Commission to update prioritization criteria for state-funded road and transit projects– in consultation with MPOs and with public input – to consider:
  - regional and statewide economic development, including improved local access to employment, recreation, commerce, and residential areas;
  - “The extent to which local land use plans relevant to the project support and accomplish” UDOT’s strategic initiatives;
  - Matching funds from the local government or transit agency in excess of the 40% requirement.
  - The rules adopting the updated prioritization criteria must be submitted to a committee or task force designated by the Legislative Management Committee.
- Local governments can nominate projects to the Transportation Commission for prioritization. The local government must demonstrate that the project will advance UDOT’s strategic initiatives and, for transit projects, that the local government has ongoing funding sources for operations and maintenance of the proposed development.

**State and local corridor preservation funding can be used for transit corridors** – in addition to roads: (5469-5672)

**Revenues**

**Vehicle registration fees:** (1828-1938)

- In addition to the regular registration fees, phases in additional fees for alternative-fuel vehicles: for electric vehicles, \$60 in calendar 2019, \$90 in 2020, \$120 in 2021; for plug-in hybrids, \$26, \$39, \$52; for hybrid electrics, \$10, \$15, \$20.
- Vehicle registration fees are split 70% to UDOT and 30% to city and county B&C roads.
- The additional funding going to UDOT from the increased registration fees on alternative fuel vehicles – estimated at \$200,000 in FY19 – will be used to partner with other entities to expand the availability of infrastructure for emerging vehicle technology.
- Once the Road Usage Charge program is implemented – no later than Jan. 1, 2020 – owners of alternative fuel vehicles shall be offered the option to participate in the program rather than paying the increased fees. (5271-5277)
- Beginning Jan. 1, 2020, increases the annual vehicle registration fees by the Consumer Price Index. The indexing of the additional fees on alternative fuel vehicles begins after they are fully phased-in.

**Local option sales taxes for transportation:** (4137-4863)

- Makes referendum requirement for county imposition optional (for 3rd and 4th quarters and the new 0.20%).
- Modifications to the “4<sup>th</sup> quarter” local option:
  - If a county imposes the 4th quarter after May 8, 2018 (the effective date of the bill), that county keeps 100% of the revenues collected through June 30, 2019, to pay debt service or fund regionally significant transportation or transit projects. After June 30, 2019, the regular 4th quarter distribution would apply (0.10% cities, 0.10% transit district, 0.05% county).
  - Beginning July 1, 2020, if a county has not imposed the fourth quarter, the cities within 1<sup>st</sup>, 2<sup>nd</sup> and 3<sup>rd</sup> class counties that are within a transit district or have or are intending to have transit service, or cities annexed into a large transit district, have the option to impose the full quarter, with 0.125% going to the city and 0.125% going to the transit district for transit within the county. (This effectively would apply to all cities in Utah and Salt Lake Counties, to cities within the UTA district in Box Elder

County, to cities in Washington County that either are within Sun Tran or intend to have transit service, or to cities in 3<sup>rd</sup> class counties with or intending to have transit service.)

- If a city imposes the 4th quarter, and the county subsequently imposes the 4th quarter, the city-imposed distribution (0.125%/0.125%) still applies in the imposing city, and in the remainder of the county the regular distribution (0.10%/0.10%/0.05%) applies.
- Newly authorized 0.20% local option for transit. (4812-4863)
  - Beginning July 1, 2019, counties may impose a local option sales tax of up to 0.20% for transit capital expenses and service delivery. This authorization applies to counties that have transit service or are intending to have transit service.
  - In the UTA district, counties can only impose the new 0.20% if they have already imposed the other four quarters. *Note:* current local option sales tax rates in UTA-district counties: Box Elder: .55; Davis: .80; SL: .80; Tooele: .55; Utah: .80; Weber: 1.05.
  - The county can use those funds for the expenses of a public transit district or another entity providing transit service or facilities.
- Local option sales taxes not imposed by June 30, 2022 expire (“use it or lose it”). This applies only to the 3rd and 4th quarters in counties fully in the UTA district (i.e., Weber, Davis, SL, Utah Counties), and to the city imposition option for the 4th quarter. The new 0.20% county option for transit expires June 30, 2023.
- Establishes a new process for the Salt Lake County of the First Class Highway Projects Fund, which has funding from a portion of the Salt Lake County 2<sup>nd</sup> and 3<sup>rd</sup> “quarter” local options. The county will create a “county transportation advisory committee” of 13 members, nominated by the county mayor and confirmed by the county council, including but not limited to city mayors and managers. The county will establish by ordinance criteria for prioritization and ranking of projects, which may include consideration of regional and countywide economic development impacts, including improved local access to employment, recreation, commerce, and residential areas. (5764-5817)
- Removes the requirement for counties that impose the “3<sup>rd</sup> quarter” local option sales tax under 59-12-2217 to use 25% of the funds for corridor preservation (corridor preservation is still an eligible use of the funds).

**Effective date: May 8, 2018** (except for certain provisions with delayed effective dates as noted).

**UAC Action/Future Trend:**

This legislation included provisions to reestablish a Transportation Funding/Governance Taskforce. We will be working closely with the Taskforce on future efforts to promote infrastructure funding. It is clear that the Legislature continues to express interest in funding infrastructure to handle anticipated growth. Issues such as development density, mobility, and governance will continue to be significant in the coming years. Infrastructure development is a major topic for UAC and we will be watching it closely.

**SB-137: Amendments Relating to Government Records**

Sponsor: **Bramble, Curtis**

Bill Status: **Enrolled**

Link: <https://le.utah.gov/~2018/bills/static/SB0137.html>

UAC Position: **Monitor**

**Legislative Purpose of the Bill:**

This bill closes a loophole in GRAMA laws and creates a mechanism for individuals to request records from closed meetings. When a meeting is improperly closed under the open public meetings act, if the meeting is ruled improperly closed then all the records are made available to the public. If the meeting is properly closed but later an individual wants access to records, the request is referred to GRAMA but GRAMA then refers back to the meeting section that says they can only release the records if the meeting was improperly closed. This eliminates the inconsistency by establishing a high bar saying that the right of the public to know outweighs confidentiality and provides the mechanism if someone can present a very clear reason to open the records to the public.

**Local Government Impact:**

Counties should review both the Open and Public Meetings Act and the Government Records Access Management Act and make amendments to your policies accordingly.

**UAC Action/Future Trend:**

UAC took a position of monitor on this bill and did not spend a lot of legislative effort in its passing. It was well received and had a lot of legislative support.

## SB-139: Public-Private Partnership Amendments



Sponsor: **Harper, Wayne**

Bill Status: **Enrolled**

Link: <https://le.utah.gov/~2018/bills/static/SB0139.html>

UAC Position: **Monitor**

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

This bill: provides a process for a person to submit to a procurement unit an unsolicited proposal for a public-private partnership, including: requirements for an unsolicited proposal; a process for considering and evaluating unsolicited proposals; and limitations on a procurement unit's awarding a contract pursuant to an unsolicited proposal

### **Local Government Impact:**

This bill deals with public-private partnerships and should be a good tool for your county's toolbox when considering public-private infrastructure improvements to your local counties, cities, and towns.

### **UAC Action/Future Trend:**

UAC took a position of monitor on this bill.

## SB-154: Prohibition of Law Enforcement Quotas



Sponsor: **H. Stephenson**

Bill Status: **Enrolled**

Link: <https://le.utah.gov/~2018/bills/static/SB0154.html>

UAC Position: **Monitor**

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

The bill prohibits a political subdivision or law enforcement agency from requiring or directing a peace officer to meet an arrest or citation quota.

### **Local Government Impact:**

Law enforcement and county governments should be aware of the change and ensure that no direction is taking place from counties or law enforcement agencies.

### **UAC Action/Future Trend:**

UAC staff and CivLAC discussed the bill and followed the lead of SWAP, who remained neutral on the bill. This is a follow up to legislation from last year.

## SB-186: Indigent Defense Amendments



Sponsor: **T. Weiler**

Bill Status: **Enrolled**

Link: <https://le.utah.gov/~2018/bills/static/SB0186.html>

UAC Position: **Support**

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

SB186 rewrites portions of the Utah Indigent Defense Commission, addresses membership and qualifications, terms, and quorum requirements, addresses duties of the director of the commission, powers and duties of the commission, provisions of an indigent defense services grant program, and provisions requiring cooperation and participation with commission.

### **Local Government Impact:**

After discussion with CivLAC and other partners, this bill should expand to address specific needs within the system.

### **UAC Action/Future Trend:**

UAC supported this bill during the Session and worked membership to discuss the importance of supporting the responsibilities and granting authority of Indigent Defense Commission. This is a clean-up bill and we will see if additional changes need to be made in the next year.

## SB-191: State Regulation of Oil and Gas



Sponsor: **Van Tassell, Kevin**

Bill Status: **Enrolled**

Link: <https://le.utah.gov/~2018/bills/static/SB0191.html>

UAC Position: **Neutral**

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

This bill: defines the term "oil and gas activity"; states that, subject to federal law, state regulation of oil and gas activity occupies the whole regulatory field; provides that a municipality or county may regulate surface activity that is incident to an oil and gas activity in certain circumstances

### **Local Government Impact:**

This bill was intended to clarify where the state had exclusive jurisdiction to regulate oil and gas operations (under Title 40). And also clarify where the state and local governments had shared jurisdiction under Title 17 (County) and Title 10 (City). The goal being to ensure that local government had the ability to maintain jurisdiction and regulatory authority for surface land use issues around mining operations, while also clarifying that the state had some exclusive jurisdiction in areas pertaining to the "down-hole" aspects of the mining operation.

### **UAC Action/Future Trend:**

Unfortunately, as happens with legislation from time-to-time, we missed a provision where shared jurisdiction exists, but was inadvertently excluded by this legislation from local perview, and that is the issue of underground pipes/transportation of oil and gas. UAC is working with stakeholders to seek a tweak to clarify that we still share jurisdiction in this area. We anticipate that it will be addressed in a special session if an agreement can be reached.

## SB-192: Retail Bag Impact Reduction Program



Sponsor: **J. Iwamoto**

Bill Status: **Failed**

Link: <https://le.utah.gov/~2018/bills/static/SB0192.html>

UAC Position: **None**

### Legislative Purpose of the Bill:

SB192 would have created the Retail Bag Impact Reduction Program which would impose a 10 cent fee on a single-use retail bag (paper or plastic) designed for one use before disposal to the retail business at the time of purchase. These funds would be divided between the retail business and the Retail Bag Impact Reduction Fund that would provide education efforts promoting recycling and proper waste management, litter mitigation, etc.

### Local Government Impact:

No impact or action required because this bill do not pass.

### UAC Action/Future Trend:

The sponsor has run the bill over the last couple of years and seemed willing to broach the subject in the coming Legislative Session.

## SB-205: Incarceration Reports



Sponsor: **T. Weiler**

Bill Status: **Enrolled**

Link: <https://le.utah.gov/~2018/bills/static/SB0205.html>

UAC Position: **Monitor**

### Legislative Purpose of the Bill:

A combination of two bills, SB205 requires the Department of Corrections and county jails to report to the Commission on Criminal and Juvenile Justice (CCJJ) regarding in-custody inmate deaths, treatment policies for inmates with substance or alcohol addiction, and medications dispensed to an inmate during incarceration and requires the Utah Substance Use and Mental Health Advisory Council to convene a workgroup to study withdrawal in county jails. CCJJ will then report to Law Enforcement and Criminal Justice Interim Committee.

### Local Government Impact:

County jails will be required to make a report of these data points.

### UAC Action/Future Trend:

CivLAC and staff worked with the sponsor to address some language concerns and how best to accomplish the intent of the sponsors. Many county jails expressed concern that there would not be resources available to validate and verify physical issues and medications. We expect further legislation from the findings of the report.

## SB-221: Property Tax Abatement for Indigents



Sponsor: **D. Henderson**

Bill Status: **Enrolled**

Link: <https://le.utah.gov/~2018/bills/static/SB0221.html>

UAC Position: **Monitor**

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

SB221 provides an appeal process for a property owner dissatisfied with a county's decision on the property owner's application for an abatement or deferral of property tax for an indigent person.

### **Local Government Impact:**

This bill allows for appeal rights for indigents at any level of decision.

### **UAC Action/Future Trend:**

UAC staff worked with the sponsor and treasurers as well as other interested parties to determine the intent of the bill and any unintended consequences.

## SB-234: Utah Inland Port Authority



Sponsor: **Stevenson, Jerry**

Bill Status: **Enrolled**

Link: <https://le.utah.gov/~2018/bills/static/SB0234.html>

UAC Position: **Support**

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

This bill: creates the Utah Inland Port Authority; establishes the duties, responsibilities, and powers of the Utah Inland Port Authority; establishes a board to govern the port authority and provides for the board membership, terms, and responsibilities, and provides limits on board members; requires the port authority board to hire an executive director, and provides limits on the executive director; defines land that is under the jurisdiction of the port authority; authorizes the port authority to work to establish an inland port and a foreign trade zone; authorizes the port authority to adopt a project area plan and budget and to issue bonds; authorizes the port authority to receive tax differential funds; requires the port authority to prepare and adopt a budget and provides a process for preparing, adopting, and amending a budget; and requires the port authority to comply with certain audit and reporting requirements.

### **Local Government Impact:**

This bill creates a state inland port authority and allows the port authority to use Tax Increment Financing to assist in the development of an inland port and other compatible uses. The bill includes land located in Salt Lake City, West Valley City and unincorporated Salt Lake County. Salt Lake County has two seats on the committee, as an affected political subdivision. The authority will be created by July 2018.

### **UAC Action/Future Trend:**

This bill has been heavily debated. It is anticipated that the legislation may be revised in a special session. UAC will be watching this closely to ensure that the county interests are protected if any changes are offered.

## SB-235: Homeless Shelter Funding Amendments



Sponsor: **G. Davis**

Bill Status: **Enrolled**

Link: <https://le.utah.gov/~2018/bills/static/SB0235.html>

UAC Position: **Monitor**

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

This bill will shift \$2.6M in FY2019 and \$5.4M in FY2020 for local entities' General Fund to the Homeless Shelter Cities Mitigation Restricted Account.

### **Local Government Impact:**

This bill will shift \$2.6M in FY2019 and \$5.4M in FY2020 for local entities' General Fund to the Homeless Shelter Cities Mitigation Restricted Account.

### **UAC Action/Future Trend:**

As described with HB462, UAC worked over the interim and through the 45 days of Legislative Session to ensure that current county efforts and responsibilities with law enforcement and treatment are being considered with the true costs of homelessness.

## SCR-8: Concurrent Resolution in Support of the Creation of a New National Park



Sponsor: **Okerlund, Ralph**

Bill Status: **Enrolled**

Link: <https://le.utah.gov/~2018/bills/static/SCR008.html>

UAC Position: **Support**

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

This resolution: supports United States House of Representatives bill H.R. 4558, the "Grand Staircase Escalante Enhancement Act," introduced by United States Representative Chris Stewart to establish the Escalante Canyons National Park and Preserve, Grand Staircase National Monument, Kaiparowits National Monument, and Escalante Canyons National Monument.

### **Local Government Impact:**

This is an attempt to give more local authority to local governments and the state by creating a National Monument. This bill shall protect, conserve, and enhance: the unique and nationally important historic, scenic, and natural resources; recreation, including hunting; and grazing; authorizes public access for hunting, fishing, trapping, and grazing within Escalante Canyons National Park and Preserve; and provides for local control of the proposed park and monuments by establishing the presidentially appointed Management Council as the administrative authority, composed of: one individual from the Department of the Interior, appointed by the President; five individuals, appointed by the President in consultation with the congressional delegation from the state of Utah and the Governor of Utah, who shall represent Garfield and Kane counties; and one at-large representative appointed by the President.

### **UAC Action/Future Trend:**

UAC took a position of support on this resolution. Local control of public lands is an important issue and looking forward, expect to see more efforts by the legislature to gain additional public lands access.

## SCR-9: Concurrent Resolution on Utah's Olympic Exploratory Committee and its Efforts to Explore Hosting of a Future Olympic and Paralympic Winter Games



Sponsor: **Niederhauser, Wayne**

Bill Status: **Enrolled**

Link: <https://le.utah.gov/~2018/bills/static/SCR009.html>

UAC Position: **Monitor**

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

This resolution: supports and encourages Utah's Olympic Exploratory Committee in its efforts to ascertain if Utah and Salt Lake City are "ready, willing, and able" to host a future Olympic and Paralympic Winter Games and supports hosting a future Olympic and Paralympic Winter Games.

### **Local Government Impact:**

This resolution may affect local governments as the state actively pursues another Olympic Games in Utah. The state will continue to make major investments in sports infrastructure and other infrastructure assets including athletic training venues, transportation improvements, sustainability and green initiatives, and other key related strategic activities that could improve their bid for the Olympic Games.

### **UAC Action/Future Trend:**

UAC took a position of monitor on this resolution.

## SJR-2: Proposal to Amend Utah Constitution Property Tax Exemptions



Sponsor: **Hemmert, Daniel**

Bill Status: **Enrolled**

Link: <https://le.utah.gov/~2018/bills/static/SJR002.html>

UAC Position: **Monitor**

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

This resolution proposes to amend the Utah Constitution to: allow real property that the state or a local government entity leases from a private owner to be exempt from property tax, as provided by statute.

### **Local Government Impact:**

This bill directs the lieutenant governor to submit this proposed amendment to the voters of the state at the next general election and if it is approved by a majority vote, it shall take effect January 1, 2019. Real property that the state or a local government entity leases from a private owner will be exempt from property taxes.

### **UAC Action/Future Trend:**

UAC took a position of Monitor on this bill and communicated often with Senator Hemmert our county interests.



