

NOV 3 2004

ROSS C. ANDERSON
MAYOR
EDWIN P. RUTAN, II
CITY ATTORNEY

MEMORANDUM

TO: Salt Lake City Council

FROM: Mayor Ross C. Anderson
Rocky Fluhart *[Signature]*
Lynn H. Pace

DATE: November 3, 2004

SUBJECT: List of Legislative Issues for the 2005 State Legislative Session

The City Council has scheduled a briefing on legislative issues for Tuesday, November 9, 2004. In order to facilitate a discussion of legislative issues, we have prepared the following inventory of legislative issues that we anticipate may arise during the 2005 State legislative session. This list includes items that the City intends to affirmatively pursue, as well as items that the City merely intends to monitor. For convenience, we have divided the list into three categories, identified as follows:

- Legislative issues identified by the Mayor.
- Legislative issues identified by administrative departments.
- Legislative issues identified by the Utah League of Cities and Towns.

A. LEGISLATIVE ISSUES IDENTIFIED BY THE MAYOR.

1. Photo Cop. Remove state prohibition on a municipality's use of "photo cop" technology for enforcement of red light violations and speeding.
2. Living Wage. Seek repeal of state prohibition on a municipality requiring those with whom it contracts to pay a "living wage."
3. Clean Air. Seek legislation banning indoor smoking in all public places and at mass gatherings of over 50 people.
4. Access to Health Care. Call for creation of a task force with the objective of studying and making recommendations for creating universal health care within the State of Utah.
5. Sex Education. Revise current statutes and limitations on sex education in public schools to allow for acceptance of Federal aids education funding.
6. Bicycle and Pedestrian Safety. Pursue legislation that would require vehicles passing pedestrians or bicyclists to allow a minimum clearance of three feet.
7. Adoption. Repeal the existing prohibition on adoption by unmarried couples.
8. Firearms.
 - a. Increase the criminal classification for crimes committed with a firearm.
 - b. Seek legislation to require firearms to be safely stored (either with trigger locks or in locked cabinets).
 - c. Require health care providers to keep records as to any one injured with a firearm, and to require police and prosecutors to keep records of arrests for firearms violation.
 - d. Seek ban on assault weapons (similar to Federal ban that just expired).
 - e. Seek legislation allowing for local adoption of firearm regulations.
 - f. Seek legislative prohibition of firearms in churches and schools.
9. Hate Crimes Legislation. Support efforts to enact hate crimes legislation.

B. LEGISLATIVE ISSUES IDENTIFIED BY ADMINISTRATIVE DEPARTMENTS.

We have contacted each of the administrative departments to obtain information regarding the issues they anticipate during the upcoming legislative session. For convenience, we have divided this list of issues into two categories. First, issues which the City intends to affirmatively pursue, and second, issues which the City merely intends to monitor.

1. Legislative Items the City Intends to Affirmatively Pursue.

- a. Support and pursue legislation authorizing the 20-year retirement option for Airport police officers.
- b. Support the proposed revisions to the State Land Use, Development, and Management Act (LUDMA).
- c. Support proposed changes to the Utah Governmental Records Access and Management Act (GRAMA). There are various proposals for amending GRAMA. The City would support changes to GRAMA that would protect against the disclosure of information in ongoing criminal investigations. The City would also support revisions to the Act to protect the names of police officers and firemen (proposed by Sandy City). Finally, the City would also support proposed revisions that would clarify that the requestor must pay all costs associated with the request, provide protection for the privacy of individuals, and provide protection against "file dump" requests and abuses of the system involving requests for huge volumes of documents.
- d. The Police Department recommends support of legislation to enact a new hate crimes act, similar to the act that has been proposed and defeated in previous years.
- e. The City intends to support proposed legislation increasing the tax for tire recycling to facilitate the relocation of the existing tire recycling plant.
- f. The City should pursue legislation providing financing mechanisms for the expansion of the Salt Palace.

2. Legislative Issues Which the City Intends to Monitor During the Upcoming Legislative Session.

- a. The Airport intends to monitor any legislation affecting construction, municipal finance, procurement, contracting or bonding. Legislation addressing living wage issues or other issues affecting the City's recent adoption of procurement preferences, any bills affecting aviation or tourism,

tax issues that may affect Airport tenants, issues affecting homeland security or other security matters potentially affecting the Airport, gun legislation, changes to GRAMA or other records issues, and any legislation affecting condemnation.

- b. Monitor any proposed changes to the State Governmental Immunity Act and any changes to the State structure for funding local government, including any modifications to sales tax of traditional sales or sales tax of internet sales.
- c. Performance-based funding bill for tourism. Utah Tourism Industry Coalition and Ski Utah are taking the lead.
- d. Proposed redistribution of sales tax. Sales tax legislation that, among other things, could change point of purchase sales tax collection.
- e. Monitor legislation regarding transportation funding, legislation regarding financing City services, legislation proposing amendments to State Redevelopment Act, and legislation proposing funding alternatives for the possible renovation of the Utah Theater.
- f. Liquor Tax Allocation. The City in the past has shown an interest in requesting a review of how liquor funds are allocated based on associated enforcement costs of municipalities.
- g. Public Utilities intends to monitor the following issues:
 - (1) Water Task Force. Support and participate in legislative task force. Will recommend giving the state engineer more authority to enforce water rights.
 - (2) Water Re-Use. Monitor any proposed legislation on water re-use. Current law preserves water ownership from initial use through waste water treatment. The City would oppose any proposal to change the ownership rights as to waste water.
 - (3) Waste Water Services. Monitor any proposals to impose a requirement to provide waste water services outside municipal boundaries.
 - (4) Legislation regarding contamination of drinking water wells.
 - (5) Legislation regarding extra-territorial jurisdiction and enforcement.
- h. Monitor transit-oriented district legislation introduced by Sandy City; monitor any legislation affecting redevelopment issues.

C. **LEGISLATIVE ISSUES IDENTIFIED BY THE UTAH LEAGUE OF CITIES AND TOWNS.**

(Information provided by Lincoln Schurtz)

1. **Timeliness of Property Tax Information.** We have been working with the State Tax Commission to examine options for providing municipalities with more timely information regarding the certified tax rate. Two options are being explored: (1) Use the previous years assessed valuation and projected growth figures in calculating the certified tax rate for the current year with a "truing up" period at the end of the calendar year. (2) To change the municipal budget year from a July 1 – June 30 to January 1 – December 31. Both options have significant positive and negative ramifications that are being explored at this time.

2. **Adding an Inflation Component to the Property Tax Truth-In-Taxation Notice Trigger.** This would allow municipalities to raise property tax by the CPI inflation factor without going through a truth-in-taxation hearing. We have also discussed changing the newspaper ad requirements to be more specific on the actual cost to the homeowner. Currently the ad requires the use of the percentage increase instead of the monetary increase to illustrate the impact. Since the municipal property tax is only a portion of the total property tax bill this figure is often misleading.

3. **Protecting Sales Tax Headroom.** It has been a long-standing position of the ULCT policy committee to protect the available sales-tax headroom for future municipal general fund needs, and that position was reaffirmed during our September legislative policy committee meeting.

4. **Transportation Funding Increase.** While the specifics of a revenue increase for transportation are still being debated, the ULCT has been working with the legislature to ensure that any increase in transportation funding is split between the state and local governments for our respective road and transit projects. We have also been working with the legislature to maintain the current 1/16th of a cent state sales tax dedication for municipal road project construction.

5. **Land Use Development and Management Act Rewrite.** A comprehensive rewrite of LUDMA with many significant procedural and policy changes.

6. **Government Records Access Management Act changes.** We have been working with the Utah Municipal Clerks and Recorders Association with changes to the Government Records Access Management Act. This is still in the preliminary stage, but likely changes will include: (1) Recompose the State Records Committee to include two municipal officials, (2) Define a "voluminous request" (3) Strengthen the definition of a "Person." The first change will give municipalities representation during GRAMA request appeals. The second will allow municipalities more time to analyze and fill large requests. The third change will help with the issue of overlapping requests by a person or company.

7. Extraterritorial Use of Eminent Domain Authority. In response to the Provo City v. Ivie case, the ULCT will be working with the legislature to allow non-chartered municipalities to have the same authority as a charter city in the use of eminent domain. It will allow all municipalities to use eminent domain authority extraterritorially where necessary to establish a connection between public road rights-of-way located within the municipality.

8. Municipal Use of Design-Build Procurement. The ULCT has been working with the legislature to reestablish the ability to use Design-Build procurement on municipal capital and public works projects. The ability of municipalities to use Design-Build was removed by the legislature two years ago because of concerns over the potential of an unfair bidding process for municipal projects. We already have a bill sponsor (Rep. Mike Morley) to reverse this statutory change, and will have a draft bill soon.

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