During the 2020 general session of the Utah State Legislature, staff, along with Councilmember Kim Carson, will provide the County Council weekly updates on the issues and activities the County is monitoring at the State Capitol.

**Requested Council Action**
None.

**Background**
On Monday, January 27, 2020, the general session of Utah’s 64th legislature began and will run until Thursday, March 12, 2020. During these 45 days, Summit County’s internal legislative working group will track activity at the State Capitol and provide updates to the County Council.

The County’s legislative working group is comprised of the County Assessor, Auditor, Clerk, (2) Councilmembers, Recorder, Treasurer, Health Department Director, Chief Financial Officer, Community Development Director, Economic Development Director, Transportation Planning Director, County Manager, Deputy County Manager, and representatives from the County Attorney’s Office and Sheriff’s Office.

This group meets weekly to monitor bills, share information, decide county positions on legislation, participate in Utah Association of County’s (UAC) weekly policy coordinating meetings, work closely with the county’s House and Senate members and the county’s lobbyist on issues, attend committee meetings, and potentially testify before committees, if appropriate.

Each week at the County Council meeting, Councilmember Kim Carson, Deputy County Attorney, Jami Brackin, and Deputy County Manager, Janna Young will report to the Council on these activities, and request input on issues and support for proposed county positions on bills.
2020 Legislative Session

Expectations
While it is difficult to predict the tone and tenor of the legislative session at this point in time, we can expect tax reform and the budget to be defining characteristics.

Tax Reform
In 2019, the Legislature met in special session to pass tax reform legislation (SB 2001) in an attempt to address a structural challenge in state revenues that has seen tremendous growth in income tax (near a billion dollar surplus) but decreases in sales and gas taxes, negatively impacting the state’s general fund, which pays for myriad of things, such as roads, law enforcement, fire departments, corrections/prisons, social services, and many other critical services. (Note: the state constitution earmarks 100% of income taxes for k-12 education and higher education spending).

The new law quickly met with public indignation, primarily around restoration of the full sales tax on food and other measures that seemed targeted at low income Utahns. A petition campaign ensued to collect signatures to put on the November ballot the question of whether to retain or overturn the new law. On January 28, 2020, the Lt Governor’s Office confirmed enough signatures had been certified for the ballot.

Due to the uncertainty of whether or not voters would overturn the legislation and the complexity of putting together the state budget in only 45 days, the Governor and legislative leadership decided to repeal the tax reform law (HB 185), which they officially did with only 6 dissenting votes on January 28, 2020. The Governor signed the repeal bill on January 29th.

The Governor has indicated he is not interested in pursuing tax reform this legislative session. He feels we are about 2 years away from when the general fund shortfall will be a serious problem.

While tax reform as an omnibus package is not expected this session, we do anticipate seeing individual bills to pass portions of SB 2001, such as Rep. Tim Quinn’s bill to restore the child/dependent exemption that was eliminated by federal tax reform, causing many families in the State of Utah to see an over 200% tax increase.

Budget
As a consequence of repealing the tax reform bill, the state budget will be $45 million underwater, making appropriations requests much more difficult to fulfill this year. The Legislature has about $100 million of discretionary spending in the
general fund to allocate to projects and programs in the next fiscal year. One request involving Medicaid that we know of is around $45 million, illustrating how competitive it will be for counties to get anything funded this year.

Summit County supports UAC’s appropriations requests to continue to fund grants for indigent defense, and for additional staffing at the State Tax Commission for audits, collections and compliance. We know there are deficiencies at the Tax Commission due to a lack of resources, and it is very likely, municipalities, counties and the state are not receiving all the taxes that should be remitted to them.

**Summit County’s Proactive Initiatives**  
Due to a successful 2019 session, Summit County is not expecting to run any bills this session at this time.

**Notable Dates**
- January 27 - Legislative Session Begins  
- January 30 - County Officials Day on the Hill  
- February 19 – GOED’s Rural Day on the Hill  
- March 10 – Final action must be taken on each appropriations bill  
- March 12 - Last Day of the Session  
- May 12 – Effective date for bills  
- Every Thursday During Session – UAC Legislative Committee Meetings (10am, Olmstead Room in Senate Building)

**Engagement, Access and Transparency**  
Interested citizens can watch Utah’s 2020 legislative session in real time or access archived materials through the Legislature’s online tool. To access this tool, go to [https://le.utah.gov/](https://le.utah.gov/) and click on the “calendar” button. Click on the desired meeting and the committee webpage will have links to materials and the audio/video recording.

Additionally, the Legislature’s website allows citizens to sign up to follow individual bills and receive email alerts whenever action is taken on the measure. To sign up for alerts, go to [https://le.utah.gov/](https://le.utah.gov/); click on the “Bills” tab at the top of the page. Then either perform a bill request or keyword search. Once locating the desired bill, click on either the “Track this” or “Email notification” button underneath the photograph of the bill sponsor.

The website for each individual bill also provides the bill text, status information, audio/video of any committee hearings or floor debate, and details on the bill sponsor.
**Issues the County is Monitoring**

**Economic Development:**
Similar to past legislative sessions, we expect to see a number of bills to modify the redevelopment agency act.

Secondly, we anticipate a second attempt, after failing last session, by the Governor’s Office of Economic Development (GOED) to consolidate all the rural economic development programs into one grant fund with the justification that it better streamlines the programs and makes more counties and cities eligible for them.

**EMS Funding:**
A large priority for counties, particularly those rural counties of the 4-6 classes, including some 3rd class counties, such as Summit County, is emergency medical services (EMS) funding. EMS is currently a county function and many rural EMS systems are volunteer based and as such, these counties have difficulty maintaining a consistent workforce, putting strain on the provision of EMS services within the county creating health, safety and welfare consequences.

There are four bills that aim to address this problem. One bill (HB 174), allows 4th class counties to access revenues from the rural county health care facilities tax for EMS. Fifth and 6th class counties already have this ability. Summit County would like to see third class counties added as we are currently restricted to using this fund on rural health care facilities.

HB 280, Rep. Albrecht’s bill to amend the Transient Room Tax (TRT), allows 4-6th class counties to use TRT revenues on EMS and other things, such as law enforcement, solid waste and infrastructure impacted by tourism, by reducing the floor required to spend on tourism promotion and opening the remaining percentage of the revenues to be spent on these impacts of tourism.

Other bills address contracts counties must make in order to provide emergency medical services within county boundaries (HB 190) and make EMS an “essential” service, which allows counties to charge municipalities for EMS. UAC and Summit County are following these bills closely and working with the bill sponsors to get them amended to benefit counties.

**Housing:**
We anticipate seeing several bills to amend the comprehensive housing bill from the prior legislative session, particularly related to restoring funding to the program. Commitments made in the past to fund the program at $10 million are waning in light of the tax reform repeal and consequently, reduction in anticipated revenues to the general fund this year.
Land Use:
Summit County staff, through the Land Use Task Force, worked all during interim
session with the Homebuilders Association, lawmakers, and other stakeholders on
major revisions to the subdivision rules, attempting to simplify the subdivision and
amendment processes, which we expect Rep. Logan Wilde to sponsor this session.

Public Health:
We are expecting to see multiple bills addressing vaping and e-cigarettes this
session, including a bill from Senator Alan Christensen who represents Summit
County. The County’s Health Department supports efforts to restrict access to
vaping and e-cigarettes by youth.

Transportation:
This week, Senator Harper unveiled a large, overhauling transportation and transit
bill, SB 150, Transportation Governance and Funding Amendments. It appears the
purpose of this bill is to limit UTA’s land use decision making and power around
Transit-Oriented Development (TOD) and give the state more decision-making
power over use of transit taxes and transportation reinvestment zones. Much of
the bill applies only to “large transit districts,” or those smaller counties that have
annexed into a large transit district, which does not apply to Summit County.

Additionally, as with previous legislation, if a transit district wants to participate in
a TOD project, a moderate income housing plan must be included in the County’s
general plan. Inclusion and approval of a moderate income housing plan is
referenced throughout the bill. Also, the bill increases fairly substantially annual
registration fees for electric vehicles.

Finally, the bill also appears to change the calculations for Class B and Class C
road funds, which we are looking into to learn more.

Bills the County is Monitoring
Attached is a list of the bills the County is currently following/monitoring (see
attached bill tracker/spreadsheet).
HB 10  Boards and Commissions Amendments  Assigned to House Government Operations Committee  Roberts/Thatcher  This bill would eliminate or place sunset provisions on several boards and commissions. Most concerning to Summit County is the Utah Prosecutors Council, Land Use Task Force, and CJC Board Office(s) Impacted/Monitoring  Attorney's Office  County Position  Oppose (as long as these boards are included)  Outcome & Follow-up  Flagged for Des and UAC Staff

HB 22  Utah Retirement Systems Amendments  Passed out of the House by a vote of 70-0 on 2/20/20.  Hall  Allows public safety employees to earn service credit if they choose to come out of retirement; amends the type of plans an employer may contribute to for an employer related contribution for certain reemployed retirees; authorizes premium payments for eligible retired firefighters and public safety officers made from a defined contribution plan; clarifies that a retiree may be eligible for adff service credit in a reemployed position Office(s) Impacted/Monitoring  HR; Attorney's Office; Budget/Finance  County Position  Monitor  Outcome & Follow-up  Monitor

HB 23  Tobacco Retailer Amendments  Substituted and retitled to Tobacco and Electronic Cigarettes Amendments. Held in Committee on 2/20/20.  Hawkins  This is one of several bills to address tobacco and e-cigarettes, especially among the youth, which the County and UAC supports. Office(s) Impacted/Monitoring  Support

HB 32  Crisis Services Amendments  On its second substitute, Passed the House by a vote of 70-0 on 2/20/20.  Biaison  This bill increases funding for 5 new MCCFs with one possible for the Wasatch Back servicing Morgan, Summit and Wasatch Counties. It also establishes funding for Crisis Receiving Facilities and funding for a statewide warm line for crisis services. Office(s) Impacted/Monitoring  Health Dept  County Position  Support  Outcome & Follow-up  UBHC and USUMHAC also following and support

HB 38  Substance Use and Health Care Amendments  Bill has been amended several times. Passed the House. Now sits on the Senate’s 3rd reading calendar.  Dau/Christensen  This bill is really important to Summit County; it assures targeted adult Medicaid enrollment while an individual is in jail. UAC took an official “support” position on this bill as well. Office(s) Impacted/Monitoring  Health Dept; Attorney's Office; SO  County Position  Support  Outcome & Follow-up  UBHC and USUMHAC also following and support

HB 47  Certified Tax Rate Calculation Amendments  Passed the House 70-0 and passed the Senate 22-0.  Elaison  Modified the definition of incremental value to include project areas created under Title 11, Chapter 58, Utah Inland Port Authority Act; Title 63H, Chapter 1, Military Installation Development Authority Act; and Title 63N, Chapter 2, New Convention Facility Development Incentives Office(s) Impacted/Monitoring  Auditor; Budget/Finance; Monitor

HB 92  Fire Amendments  Substitute passed out of Committee and currently sits on the House 3rd Reading Calendar.  Snider  Requires certain fires be exempted from certain regulations; prohibits a governmental agency from prohibiting prescribed fires when the United States National Weather Service clearing index for the area where the fire is to occur is above a certain level. Concerned about air quality issues and prohibitions on local government from prohibiting burns at certain times and for myriad reasons. Office(s) Impacted/Monitoring  Manager's Office; Council; Attorney's Office; Wildland Fire  County Position  Monitor/Oppose

HB 98  Offenses Against the Administration of Government Amendments  Substitute passed out of Committee. Currently sits on the House 3rd Reading Calendar.  Hall  This is a correction bill to a law adopted last year that made it a felony to misuse public property for a personal use. Jami and the county attorneys are working with the bill sponsor to clarify many of the terms that were overly broad and draconian in the original bill to better protect county employees while also upholding the public trust. Office(s) Impacted/Monitoring  Everyone  County Position  Support

HB 100  Veterans Treatment Court  Passed both the House and Senate. Is on its way to the Governor for signature.  Snow/Hilyard  This bill establishes a Veteran’s Court which will operate as a designated Drug Court and Mental Health Court specific to veterans in order to better deal with the unique situations and histories of our returning warriors. Office(s) Impacted/Monitoring  Health; Attorney's Office; SO  County Position  Support  Outcome & Follow-up  UBHC also tracking and supports

HB 110  Inmate Expenses Amendments  Passed the House and Senate. Now on its way to the Governor for signature.  Andersen  Requires correctional facilities to disclose potential policies or practices regarding inmate’s commissary accounts. Some confusion about what this bill actually does. Seeking clarification from Attorney’s Office and Sheriff’s Office. Office(s) Impacted/Monitoring  Sheriff's Office; Attorney's Office  County Position  Monitor  Outcome & Follow-up  Flagged for UAC staff

HB 122  Council-Manager Form of Government Amendments  Not considered in Senate Committee on 2/14.  Sagers  Clarifies that an individual member of a county council may not participate in certain administrative activities; repeals language prohibiting county employees from contributing to a candidate for county office. Office(s) Impacted/Monitoring  Council; Manager’s Office; Attorney’s Office; HR  County Position  Monitor

HB 133  Trail Improvement Amendments  Assigned to House Natural Resources, Agriculture, and Environmental Committee.  Winder  Would allow the use of eminent domain to construct trails if such trails are “regionally significant” and cross county or municipal boundaries. Would empower County to use eminent domain in a new way for recreational purposes). Office(s) Impacted/Monitoring  Basin Rec; Community Development; Attorney’s Office; Manager’s Office  County Position  Monitor

HB 135  Tobacco Settlement Funds Amendment  Returned to Rules Committee.  Last  This bill redirects 40% of settlement funds from the State’s General Fund to local Drug Court programs. If passed, based on standard DSAMH allocation formulas, Summit County will receive $180,000 annually in new funds for the Drug Court Program. Office(s) Impacted/Monitoring  Health; Attorney's Office; SO  County Position  Support  Outcome & Follow-up  UBHC also tracking and supports

Summit County Prioritized Bill Tracker (State Legislature) - 2020 General Session
HB 130  Transportation Corridor Preservation Amendments  Passed the House and the Senate. Now on its way to the Governor for signature.  Andersen  This bill would require us to notify the state, UDOT and surrounding Greenbelt prior to purchasing Greenbelt property for open space. Our County has done several land acquisitions recently and have more planned. This notification requirement would make it virtually impossible for us to negotiate with landowners, ensuring we get a fair deal for taxpayers. UAC is requesting clarification on the legislation by the bill sponsor and will bring it back to the Governor for the position at the 2/13/20 meeting.  Council; Manager's Office; Attorney's Office  Oppose

HB 164  Property Tax Notifications Amendments  Substitute bill passed Senate by vote of 22-0. Moss  Requires a property tax notice to include additional information, including the taxable value of the property, the deadline to appeal the valuation or equalization of the property, information related to residential exemption, and information related to a rate increase resulting from a change to state law.  Council; Manager's Office; Auditor  Support

HB 166  Watershed Councils  Assigned to House Natural Resources, Agriculture, and Environmental Committee. Hawkes  Provides for the creation of a State Watershed Council and Local Watershed Councils, which would have representation on the State Watershed Council. Does not provide for any county representation. We should work to include county representation on the Councils as Summit is working to join the Weber River Watershed Council and due to our stewardship of the 5 big river systems that start in our County, our participation in these groups is important. UAC officially took the position that it will oppose the bill unless counties are added to it.  Council; Manager's Office; Monitor/Work to add Counties

HB 174  Rural County Health Care Facilities Tax  Passed the House 73-0. Lyman  Adds 4th class counties to utilize the rural health care facilities fund to pay for emergency medical services (EMS), along with 5th & 6th class counties who already have that authority. Summit would like to see 3rd class counties added as well as we are restricted for using the tax revenues on rural health care facilities.  Fire Districts; Council; Manager; SO  Monitor/Support

HB 180  Emissions Inspection Revisions  Passed the House and Senate. Now on its way to the Governor for signature.  Maloy  Exempts electric motor vehicles from local emissions compliance fees and makes technical changes  Council; Sustainability; Manager's Office  Monitor/Support

HB 182  Noise Pollution Amendments  Failed to pass out of Committee.  Wheatley  Requires vehicles subject to an emissions inspection also be inspected for compliance with noise suppression equipment requirements; requires proof of the inspection as a condition of registration; imposes fees on an individual for a violation of muffler and noise suppression equipment requirements. Might address complaints the County receives from residents along I-80 about semi-truck noise.  Council; SO  Monitor

HB 186  Emergency Management Act Amendments  Passed the House. Scheduled for Senate Committee. Harrison/Henderson  This bill requires coordination with municipalities and counties to ensure access to the Integrated Public Alert and Warning System; requires training every three years to all emergency service agencies, managers, and others; requires each political subdivision to have an alert plan and to provide a copy of the plan to the Division of Emergency Management; adds to the membership of the Emergency Management Administration Council; and requires an annual report of each political subdivision's alerting authority  SO; Manager's Office; Attorney's Office  Monitor

HB 190  Local Government Cooperation Contract  Will be heard in House Committee on 2/21/20. Johnson  This bill requires cities and counties to provide or contract for emergency medical services within their jurisdictions. This is one of 4 bills pertaining to counties and EMS services.  Budget; Health; Attorney's Office; Fire Districts  Monitor

HB 226  Storm Water Permitting Amendments  House Rules Committee. Fiscal note sent to bill sponsor. Snider  This bill would eliminate storm water requirements for residential construction, essentially violating the Clean Water Act, which would greatly impact the County's MS4 compliance. It would also subject the State of Utah to EPA regulating storm water in the state.  Engineering Office; Attorney's Office; Council  Oppose Flagged for UAC staff

HB 231  Genetic Information Amendments  Assigned to the House Judiciary Committee. Hall  This bill expands sources of genetic information and prohibits law enforcement from obtaining, using or sharing someone's personal genetic information except as specifically allowed. It substantially restricts current investigative methods.  Sheriff's Office; Attorney's Office  Oppose

HB 261  Eminent Domain Revisions  Failed to pass out of House Committee. Lyman  Provides that state agencies and political subdivisions may not take private property unless the taking is necessary for the public use; modifies certain provisions applicable to the Department of Transportation's acquisition of private property; excludes certain uses for which the eminent domain right may be exercised; allows a property owner to assert as a defense to an eminent domain action that a taking is not a public use; modifies provisions related to the sale of certain property acquired by eminent domain  Council; Attorney; CCD  Oppose

HB 266  Water Conservancy District Amendments  House consent calendar Handy  This bill amends provisions of the Election Code to provide for filing a vacancy on the board of a water conservancy district located outside of one county, including providing notice, nominating candidates, and appointing an individual to fill the vacancy. UAC is monitoring this bill.  Clerks; Council  Monitor

HB 268  Property Tax Notice Amendments  Passed the House. In Senate Rules Committee. Elison  This bill allows a person entitled to receive information or notice related to a property tax or privilege tax to designate an additional person to receive the information or notice; provides procedures to designate a person and to revoke a designation; and makes technical and conforming changes. UAC affiliates are concerned because current noticing software does not allow more than one address to be designated. It would be a cost to change the system to comply with this new requirement.  Auditors  Monitor

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H B 280
Transient Room Tax Provisions
Substitute bill passed out of House Committee. On House 3rd Reading Calendar.
Albrecht
UAC is working on this bill to allow for greater flexibility in the use of TRT tax revenues for counties in the 4-6th class by reducing the floor that must be spent on promotion and allowing the rest to be used for things like EMS services, law enforcement, and infrastructure impacted by tourism. Summit would like to add 3rd class counties to the list but is told the Tourism industry and hoteliers would kill the bill in that case. The bill also provides for new employees at the State Tax Commission to audit and collect TRT tax, as well as allows all 29 counties to audit TRT collections within their jurisdiction to pinpoint who is paying and who is not.
Budget, Auditor, Council, Manager Support

H B 297
Yurt Amendments
Held in House Committee
Brammer
This bill would exclude remote yurts from having to comply with any building codes, fire codes or health, safety and welfare ordinances. The bill was amended to only apply to a specific canyon in Utah County.
Council; CCD; Fire Districts Oppose

H B 353
Internal Investigation Amendments
House Rules Committee
Hall
This bill prohibits law enforcement, schools, and prosecutorial agencies from investigating themselves or an entity that oversees them; and requires that those agencies request that another agency investigate when a member or employee is accused of a crime. CivLac spoke with the bill sponsor about possible needed amendments and he seemed willing. SLCo will draft the language.

H B 359
Municipal Annexation Revisions
House Rules Committee
Musselman
This bill amends the restrictions on annexation and allows annexation even if the land to be annexed doesn't meet the criteria (contiguous, within declaration area, no islands or peninsulas), if everyone agrees.

S B 39
Affordable Housing Amendments
Substitute bill passed Committee by a vote of 2-1. Bill is circled in the Senate.
Anderegg
$15.3 million bill serving 4,583 households. Of that, $20.3 million in one-time funding; $15 M in gap financing of private activity bond to finance rental housing; $5 M matching private dollars for site acquisition needs related to transit oriented developments that include affordable housing; $300k to assist with pre-development costs for affordable housing projects in rural Utah; $15 M in on-going funding: $10 M to rental assistance and $5 M to rental assistance for homeless families as defined by McKinney Vento Act.
Economic Development; Manager's Office Monitor

S B 68
Mental Health Counselor Licensing Amendments
Second substitute passed the Senate. Not considered in House Committee.
Weller
Allows an individual to receive their Mental Health Counselor License (MHCL) without having to go through the required education, training, practicums, and clinical hours currently required. Rather, this bill proposes that so long as they pass the national licensing exam, they will be awarded their MHCL by DOPL. As such, someone who never attended college or received any guidance/training during clinical observations would be allowed to practice treatment within the state of Utah, so long as they passed the test. This is a concern as the 5,000 hours of clinical observation and training are critical in developing the skills and knowledge on how to handle a variety of clients and situations with the guidance of a “mentor”.
Health Oppose

S B 76
Governmental Immunity Revisions
Passed Senate Government Operations and Political Subdivisions Committee by vote of 4-0.
Weller
Changes definitions in the Governmental Immunity Act, such as what a governmental entity is, political subdivision is, etc.
Attorney's Office Monitor

S B 139
Amendments to Indigent Defense
Passed out of Senate Committee 6-0.
Okerlund
Requires counties to pay for indigent defense in private civil cases of parental rights terminations with option for reimbursement by a State fund. Also creates Statewide Public Defender office that will contract for public defender services (regular AND appeals) for 3rd through 6th class counties.
Attorney's Office; Manager's Office; Courts; Finance Monitor/Okay with concept but worried about cost

S B 141
Multicounty Assessing and Collecting Levy Amendments
Assigned to Senate Revenue & Taxation Committee
Hemmert
Modifies the tax rate of the multicounty assessing and collecting levy; provides an additional tax rate for counties of the first or second class; amends the allocation of revenue collected from the multicounty assessing and collecting levy.

S B 150
Transportation Governance & Funding Amendments
Passed Senate Government Operations and Political Subdivisions Committee by vote of 4-0.
Harper
Primarily applies to counties located or annexed into a large transit district. Gives more authority to the state over UTA's land use decision-making and transit taxes.
Transportation & Transit Monitor

S B 152
Search & Rescue Funding Amendments
Assigned to Senate Committee
Riebe
Amends provisions of the Search and Rescue Financial Assistance Program to provide for reimbursement for payroll expenses relating to search and rescue; provides for an annual deposit of sales and use tax revenues into the General Fund as a dedicated credit to provide for reimbursement for payroll expenses relating to search and rescue.
Sheriff's Office/SAR Monitor