



## **STAFF REPORT**

To: Summit County Council  
From: Janna Young, Deputy County Manager  
Date of Meeting: March 25, 2020  
Type of Item: 2020 State Legislative Session Wrap-up  
Process: Work Session

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### **Requested Council Action**

None.

### **Background**

The Utah State Legislature met in general session from January 27, 2020 through, March 12, 2020. During these 45 days, Summit County's internal legislative working group tracked activity at the State Capitol and provided 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.

During the legislative session, this group met weekly to monitor bills, share information, decide county positions on legislation, and participate in Utah Association of County's (UAC) weekly policy coordinating meetings. We also worked closely with the county's House and Senate members and the county's lobbyist on issues, attended committee meetings, occasionally testified before committees and updated the County Council on these activities, confirming county positions on bills.

### **2020 Legislative Session**

#### **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 government services and infrastructure, such as law enforcement, fire departments, corrections/prisons, social services, roads, and many others.

(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 legislature repealed the tax reform law (HB 185) on January 28, 2020, which the Governor signed on January 29<sup>th</sup>.

Neither the legislature, nor the Governor, pursued additional tax measures this legislative session, however negotiations took place between education leaders and the above on amendments to the current use of income tax dollars exclusively for education. Councilmember Carson will provide a further update on these efforts at the March 25<sup>th</sup> Council meeting.

### **Budget:**

As a consequence of repealing the tax reform bill, the state budget was several million dollars underwater, making appropriations requests much more difficult to fulfill this year. We also believe the budget uncertainty made for a slow moving session without the huge number of bills introduced or passed that we are accustomed to seeing each session.

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 was around \$45 million, illustrating how competitive it was for counties to get anything funded this year.

Summit County supported UAC's appropriations requests to continue to fund grants for indigent defense, for additional staffing at the State Tax Commission for audits, collections and compliance, jail contracting and transportation needs.

### **Economic Development:**

Perhaps the most notable and comprehensive economic development legislation this session was SB 95, Economic Development Amendments.

The third substitute of this bill, which passed both the House and Senate and is being enrolled for the Governor's signature, revamps and/or eliminates many rural economic development programs, such as Rural Fast Track (RFT) and Business

Expansion and Retention (BEAR), and creates a new grant program. The Governor's Office of Economic Development (GOED) was strongly pushing for this structural change, which they attempted to do last session without success. The concept behind the change is that it better streamlines the assistance and makes more rural communities eligible for the programs. GOED's goal is to implement the rural grant program and other aspects of SB 95 by July 1, 2020.

Other elements of the bill are:

**ENTERPRISE ZONES**

- The final deadline for municipalities or counties to apply or reapply for an enterprise zone designation is January 1, 2021.
- The non-profit aspect of the enterprise zone program will be eliminated as of June 30, 2020.

**RURAL CO-WORKING AND INNOVATION CENTER (RCIC)**

- Provides \$2 million one-time funding and \$250,000 ongoing for the Rural Co-working and Innovation Center (RCIC) program. \$250,000 is allocated for the Building Speculation Initiative (more details to be announced in the coming weeks for this program).

**RECYCLING MARKET DEVELOPMENT ZONE TAX CREDIT**

- Moves the Recycling Market Development Zone Tax Credit from GOED to the Department of Environmental Quality, effective July 1, 2020

**RURAL COUNTY GRANT PROGRAM (NEW PROGRAM)**

- The Rural County Grant program will provide up to \$200,000 in Fiscal Year 2021 to rural counties to address economic development needs to include (1) business recruitment, development, and expansion, (2) workforce training and development, and (3) infrastructure and capital facilities improvements for business development.
- Counties that apply for a Rural County Grant must create and appoint at least five members to a County Economic Development Advisory Board (CEDS). The CEDS Board will assist and advise the Council or Commission on the grant application with proposed projects and to meet reporting requirements.
- GOED's Office of Rural Development will work with the Governor's Rural Partnership Board (GRPB) to develop an application and reporting process. The GRPB will review the application, including the process and deadlines, scoring, and determination of each grant award. The GRPB will also receive reports from the counties receiving funding.
- Eligible rural counties include: Beaver, Box Elder, Cache, Carbon, Daggett, Duchesne, Emery, Garfield, Grand, Iron, Juab, Kane, Piute, Millard, Morgan, Rich, Sanpete, San Juan, Sevier, Summit, Tooele, Uintah, Wasatch, Wayne

Please note, some rural development programs are **NOT** affected by SB95 and

will continue to operate as usual. These include the Rural Economic Development Incentive (REDI), Utah Rural Jobs program, Targeted Business Tax Credit (TBTC), and Rural Co-working and Innovation Center Grant (RCIC).

### **Emergency Medical Services (EMS):**

A large priority for counties, particularly those rural counties of the 4-6 classes, including some 3<sup>rd</sup> 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. As such, many counties have difficulty maintaining a consistent workforce, putting strain on the provision of EMS services within the county.

There were four bills introduced this session that aimed to address this problem. One bill (HB 174), Rural County Health Care Facilities Tax Amendments, which passed both the House and Senate and is now being enrolled for the Governor's signature, allows 3<sup>rd</sup> and 4<sup>th</sup> class counties to access revenues from the rural county health care facilities tax for EMS. Fifth and 6<sup>th</sup> class counties already have this ability.

HB 280, Rep. Albrecht's bill to amend the Transient Room Tax (TRT), which passed both bodies and is being enrolled for the Governor's signature, allows 4-6<sup>th</sup> 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.

HB 190, Local Government Cooperation Contracts, addresses contracts counties must make in order to provide emergency medical services within county boundaries by making EMS an "essential" service, which would allow counties to contract with both private and governmental entities. Unfortunately, this bill was held in House Committee and did not advance this session.

HB 389, Emergency Medical Services Amendments, transfers responsibility for the Utah Emergency Medical Services System Act to the Department of Public Safety and provides for a transition to the department and grants rulemaking authority. Summit County and UAC supported the bill. Its third substitute passed the House and the Senate and is now being enrolled for the Governor's signature.

### **Housing:**

The most substantial effort this session to address the state's affordable housing problems was SB 39, Affordable Housing Amendments, which, after the fourth substitute, passed both the House and Senate and is being enrolled for the Governor's signature. The bill originally asked for \$35 million to fund affordable housing projects and preserve already existing affordable units. \$15M was to go

into a fund for developing affordable housing, \$5M to match private dollars for preserving already built affordable units, and the rest to rental assistance for families at risk for becoming homeless.

A final substitute allocated \$10 million into the state-managed Olene Walker Housing Loan Fund for low-interest loans to private developers seeking to build affordable housing units for very low-income, low-income, and moderate-income persons as defined by HUD. Another \$15 million in rental assistance was appropriated for struggling families, in partnership with city housing authorities. Another \$5 million goes into preserving existing low-income dwellings across the state that might otherwise be demolished or remodeled and rented at higher rates. Nearly \$300,000 is devoted to helping affordable housing projects in rural areas get off the ground.

Both Summit County and the Utah Association of Counties (UAC) strongly supported this legislation. The gap financing loans to developers is estimated to produce as many as 2,300 apartments with rents within reach of those making 30% and 60% of the state's average incomes. On the rental aide side, the funding would keep roughly 3,000 families from losing their homes.

#### **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 Rep. Logan Wilde sponsored this session. The bill, HB 388, Land Use Development and Management Revisions, as originally introduced, was concerning to Summit County as it basically would allow any developer to subdivide their property how they wanted to, even if out of compliance with local zoning codes and general plans, and be considered legal plats. After working with Rep. Wilde and other stakeholders, county attorneys were able to fix the bill to be something we could support. The bill passed the final day of the legislative session.

Some of the key provisions of the adopted bill are:

1. Allows counties to have a simplified process for small subdivisions. An example is administrative approval rather than a public hearing at the planning commission
2. Allows us to amend parts of existing subdivisions without needing the whole neighborhood to sign off (Summit County already does this but many jurisdictions do not)
3. Clarifies some language regarding public utility easements

4. Defines who is an adversely affected party and can appeal a land use decision.

### **Mental/Behavioral Health:**

This session there were myriad bills addressing mental/behavioral health in which counties and the Utah Behavioral Health Committee (UBHC) were instrumentally involved in by either strongly supporting and pushing for passage, amending, or monitoring.

The following is a list of bills Summit County supported in this topic area this session:

### **HB 38S03, Substance Use and Health Care Amendments**

**Last Action:** 3/10/20: *Draft of Enrolled Bill Prepared for Signing*

- This bill allows for inmates in their last 30 days of incarceration to be enrolled in Medicaid.
- The bill itself only directs Utah Medicaid to apply for a waiver from CMS (*Center for Medicare and Medicaid Services*) to allow for inmates in their last 30 days of incarceration to be eligible for Medicaid enrolment and coverage, so long as they have one or more of the following;
  - A chronic physical or behavioral health condition,
  - A mental illness,
  - An opioid use disorder (OUD),
- The decision to utilize this waiver, if approved, is at the discretion of each jail and Mental Health & Substance Abuse Local Authority.
- Currently, we are able to provide this on the behavioral health side as inmates can only utilize Healthy U. Behavioral (HUB), Summit County's provider.
- HUB has agreed to expand enrollment services for physical health services in addition to the behavioral health enrollment they are already providing within the jails.
- The County is responsible for the full 20% match, along with the coverage of all administrative costs. This will not be a financial issue for Summit County at this time.

### **HB 35S04, Mental Health Treatment Access Amendments**

**Last Action:** *Draft of Enrolled Bill Prepared for Signing* This Bill provides for a grant program to help each Local Authority to establish and fund one ACTs.

- This bill sets standards for certification of assertive community treatment teams (ACT teams). An ACT is a more affordable option for Local Authority's in terms of Crisis Care as it is similar in purpose to a MCOT (Mobile Crisis Outreach Team).

- Allows the Division of Substance Abuse and Mental Health to implement and manage a housing assistance program for certain individuals released from the Utah State Hospital.

### **HB 32S03, Crisis Services Amendments**

**Last Action:** 3/11/20: *Sent for Enrolling*

- This bill provides funding for 5 new MCOTS based in rural communities and establishes receiving centers of crisis services.
- Major points from this bill include;
  - Seeks a Medicaid Waiver to allow for Crisis Services to be covered and reimbursed back to the Local Authority.
  - Expands the Mobile Crisis Outreach Team (MCOT) grant program to fund 5 additional mobile crisis outreach teams in certain counties. *(Counties not yet determined)*
  - Allows and funds the Division of Substance Abuse and Mental Health (DSAMH) to administer a grant program for the development of a behavioral health receiving center
  - Allows and funds DSAMH to implement a statewide warm line for crisis hand-offs.
- If awarded an MCOT team, Summit County would be required to provide a dollar for dollar match. Estimated cost would be ~\$450,000 yearly in match. Medicaid and private insurance is estimated to cover over 80% of required match, resulting in an estimated County cost of \$90,000.

### **HB 87S01, Health Care Workforce Financial Assistance Program Amendments**

**Last Action:** 3/11/20: *Draft of Enrolled Bill Prepared for Signing*

- This bill allows for licensed behavioral health professionals and physical health professionals to receive coverage of 20% of their remaining tuition costs per year, so long as they provide services within an “underserved area”.
- Summit County falls within the definition of an “underserved area”.

### **HB 323S02, School Mental Health Funding Amendments**

**Last Action:** 3/11/20: *Draft of Enrolled Bill Prepared for Signing*

- Increases and continues funding to school-based services as outlined in 2019’s HB 373.
- New rules will be established by DSAMH which will require partnership with Local Authorities.

## **SB 68: Mental Health Counselor Licensing Amendments**

**Last Action:** 3/2/20: *Draft Enrolled Bill Prepared*

- The original bill, which counties and the mental health community strongly opposed, removed all educational and clinical hour requirements for receiving a behavioral health clinical license. So long as an individual passed the national exam, they would qualify for a license.
- UBHC negotiated a new version of the bill, which now requires a master's level degree in order to bypass any requirements.

## **HB 246S02: Mental Health Workforce Amendments**

**Last Action:** 3/12/20: *Draft of Enrolled Bill Prepared for Signing*

- The bill provides for the University of Utah to add 2 additional psychiatric residencies focused on youth and adolescent behavioral healthcare.

## **HB 313S01: Telehealth Parity Amendments**

**Last Action:** 3/20/20: Enrolled

- This bill requires service reimbursements from insurers for telehealth services to be equal to those provided in person.

### **Public Health:**

State leaders indicated that targeting vaping was a priority this session, following last year's outbreak of vaping-related lung injuries and deaths – including one in Utah – and a spike in teen use of electronic cigarettes, which is why we saw so many bills introduced on this topic this year.

HB 23, Electronic and Electronic Cigarette Amendments, was significantly altered through the efforts of the tobacco lobbyists. It's 7<sup>th</sup> substitute passed the House and Senate and is on its way to the Governor for signature. The bill is very concerning to Summit County. Specifically, our concerns are: 1) it gives illegitimate vape shops 2 years to become legitimate under these amendments, 2) it contains pre-emptive language that clearly states no local body can regulate flavored tobacco or e-cigarettes, and 3) it has a half-hearted attempt to restrict flavored products as it allows for sale of menthol/mint products, which are by far the most popular. It allows exemptions for any product given a pre-approval by the FDA. Once approved, it can stay. It requires shops must be outside of 1,000 ft. of a school, and they must comply by August deadline (good), but does not require immediate change if within 1,000 ft. of neighborhoods or churches.

SB 37, Electronic Cigarette and Other Nicotine Product Amendments, passed the Senate and the House and is being enrolled for the Governor's signature. This bill imposes a 56% tax on the manufacturer's sales price on electronic cigarettes and creates new restrictions on vape sales. The tax would be applied to the wholesale

price of e-cigarettes before retailers mark the items up for sales to customers, and is estimated to generate roughly \$15 million in its first year and more than \$24 million in subsequent years. Under the bill, some of these revenues would fund enforcement (\$2M) and tobacco cessation and education programming (\$3) through health departments. Funds will go into a restricted account.

SB 58, Vaping in Schools, passed both the House and Senate and is on its way to the Governor for signature. It will provide \$5-6M to schools for anti-e-cigarette and drug use after school programming. Funding comes from the HB 37 tax dollars. Vaping is already prohibited in schools, but it permits school administration to confiscate and destroy e-cigarette products.

### **Transportation:**

This session, Senator Harper introduced an overhauling transportation and transit bill, SB 150, Transportation Governance and Funding Amendments, which passed the full Senate but failed to pass the House.

The bill primarily focused on UTA's land use decision making power around Transit-Oriented Development (TOD) and gave the state more decision-making power over use of transit taxes and transportation reinvestment zones. Much of the bill applied 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 wanted to participate in a TOD project, the bill required the inclusion of a moderate income housing plan in the County's general plan. Also, the bill increased annual registration fees for electric vehicles, as well as changed the calculations for Class B and Class C road funds in Salt Lake County who worked with the bill sponsor to get these changes.

### **Wrap-up of Other Bills the County Monitored**

Fortunately, most of the bills the County supported or worked hard to fix were passed or resolved, respectively, by the end of this legislative session. There is potentially only one bill that continues to give us concern, which is considered a fairly successful legislative session for us.

Below is a summary of the key bills we monitored or worked on this session and where they ended up in the final days of the session:

## **HOUSE BILLS**

### **HB 98, Offenses Against the Administration of Government Amendments (Hall) – Position: Support**

This is a correction bill to a law adopted last year that made it a felony to misuse public property for a personal use. 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.

**Result:** Passed both the House and Senate and is being enrolled for the Governor's signature.

### **HB 100, Veterans Treatment Court Act (Snow) – Position: Support**

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.

**Result:** Passed both the House and Senate and is being enrolled for the Governor's signature.

### **HB 133, Trail Improvements Amendments (Winder) – Position: Support**

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).

**Result:** Was never heard in House Committee.

### **HB 138, Transportation Corridor Preservation Amendments (Andersen) – Position: Oppose**

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.

**Result:** Passed both the House and Senate and is being enrolled for the Governor's signature.

### **HB 164, Property Tax Modifications (Moss) – Position: Monitor**

The county assessors worked hard on this bill that would require 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. The biggest issue for Summit County was prohibitions in the first version of the bill that prevented us from requesting information from property owners to prove their primary residence exemption. However, UAC and our lobbyist were able to get this resolved.

**Result:** Passed the House and Senate and is being enrolled for the Governor's Signature.

**HB 166, Watershed Councils (Hawkes) – Position: Support**

Provides for the creation of a State Watershed Council and Local Watershed Councils, which would have representation on the State Watershed Council. UAC was provided one seat on the State Watershed Council. Summit County supported this bill, particularly county participation on these councils so we could have a voice at the table regarding planning, development, restoration, and wildfire mitigation efforts around the state's critical watersheds. Summit County is home to the headwaters of five major watersheds that supply drinking and irrigation water to our community and many downstream communities on the Wasatch Front.

**Result:** 03/16/20: Enrolled and awaiting Governor's signature.

**HB 206, Bail and Pretrial Release Amendments (Pitcher) – Position: Support**

This bill provides several important procedural changes related to law enforcement issued citations and release of individuals arrested for certain criminal offenses while the individual awaits trial. UAC, including the Sheriff's Association, supported this bill, which everyone agreed created needed reforms to the bail and pretrial release processes.

**Result:** Passed House and Senate. Is being enrolled for the Governor's signature.

**HB 226, Storm Water Permitting Amendments (Snider) – Position: Oppose changed to Monitor**

This bill, as originally introduced, 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 our area to EPA regulation, which is why both Summit County and UAC opposed the bill.

Since introduction, the bill has been amended in partnership with the League of Cities and Towns and the State Department of Environmental Quality (DEQ) and no longer violates the Clean Water Act. Summit County still has questions about the fiscal impact the bill will have on counties since it now requires counties to pay ½ of the expenses for a third party review of low impact development designs and storm water calculations for use by an applicant or permittee who is appealing a determination regarding post-construction retention requirements under the storm water permit. The State is required to keep a list of qualified 3<sup>rd</sup> party engineers to complete this review.

**Result:** 03/17/20: Enrolled and awaiting the Governor's signature.

**HB 231, Genetic Information Amendments (Hall) – Position: Oppose**

This bill would expand sources of genetic information and prohibit law enforcement from obtaining, using or sharing someone’s personal genetic information except as specifically allowed. It would substantially restrict current investigative methods from prosecuting on any forensic evidence. Fortunately, UAC’s strong opposition to the bill helped kill it this session.

**Result:** Was never heard in House Committee.

**HB 236, Safe School Route Evaluations (Ballard) – Position: Oppose**

This bill requires the County to provide comments on a school’s annual safety plan and Safe Route program. It also establishes the authority for a school to identify capital improvements necessary to achieve a safe route, and report to UDOT whether or not the capital improvements are the subject of a current Safe Routes grant application.

From a transportation planning perspective, this *could be* an opportunity to collaborate with the school districts to achieve our shared goals of safety and enabling active transportation.

From the local government resource side, the County was concerned that this bill:

- o Would require additional staff resources (time) from the County
- o Create the potential for finger pointing between school districts, local governments and UDOT as to responsibility
- o Does not increase funding to make improvements identified by schools (Safe Routes to Schools is already a very limited funding source statewide)

UAC voted to oppose the bill. Summit County took the position that the bill should be sent to interim for study so all parties could come together and develop a better solution that still gets at the intent of the bill.

**Result:** 03/13/20: House File for bills not passed.

**HB 261, Eminent Domain Revisions (Lyman) – Position: Oppose**

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. UAC and CivLac’s strong opposition to this bill, effectively killed it this session.

**Result:** 03/12/20: House File for bills not passed.

**HB 268, Property Tax Notice Amendments (Eliason) – Position: Oppose changed to Support**

This bill, as originally introduced, would allow 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. UAC was concerned about the bill because current noticing software does not allow more than one address to be designated. It would be a cost to counties to change the system to comply with this new requirement. The bill was amended so as to limit the number of other people a property owner could designate to receive tax notices, addressing the counties' concern.

**Result:** Passed House and Senate. Being enrolled for the Governor's signature.

**HB 273, Property Rights Ombudsman Amendments (Peterson) – Position: Oppose**

As originally introduced, this bill provides that in a court action involving a dispute related to land use law, the substantially prevailing party may recover compensatory damages if the court resolves the dispute consistent with an advisory opinion issued on the same facts and circumstance. The bill would also waive our governmental immunity for a monetary award authorized by the Property Rights Ombudsman Act. This bill was extremely concerning for counties both from the financial impact side of things, but even more so in waiving governmental immunity.

The bill was substantially amended, removing the governmental immunity waiver but now, a fee of \$250/day would be charged if a party intentionally violates the advisory opinion. Counties remain concerned about the bill.

**Result:** 03/16/20: Enrolled and awaiting Governor's signature.

**HB 297, Yurt Amendments (Brammer) – Position: Oppose**

This bill, which saw many amendments throughout the session, remains a concern for counties as it exempts remote yurts located in forest service zones from county and fire code regulations related to health, safety and welfare.

**Result:** 03/16/20: Enrolled and awaiting Governor's signature.

**HB 305, Urban Development Amendments (formally Impact Fee Amendments) (Pierucci) – Position: Oppose**

As originally introduced, this bill was extremely concerning to both counties and cities. It would have allowed municipalities to impose impact fees on areas outside the municipality in unincorporated county and prohibit counties from approving a development if impact fees were not paid. It was introduced in response to strong opposition to the Olympia Hills development near Herriman, Utah.

The bill, as written, could not get out of the Rules Committee, so the sponsor amended it to now only require counties to notify the bordering municipality when

the county approves an urban development in the municipality's annexation declaration/expansion area.

**Result:** 03/20/20: Enrolled and awaiting the Governor's signature.

**HB 353, Internal Investigation Amendments (Hall) – Position: Oppose**

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. This was concerning to law enforcement who would not be able to investigate a Sheriff's Deputy who was accused of speeding, or some similar offense. CivLac spoke with the bill sponsor about possible needed amendments and he seemed willing. Fortunately, the effort did not progress as the bill was never heard in House Committee.

**Result:** 03/12/20: House File for bills not passed.

**HB 359, Municipal Annexation Revisions (Musselman) – Position: Support**

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. Because a county must agree to the island annexation, UAC was supportive of the bill (as long as county veto power remained in the legislation).

**Result:** 03/20/20: Enrolled and awaiting the Governor's signature

**HB 390, Amendments to Asset Forfeiture (Perry) – Position: Support in Concept but not the bill**

This bill clarifies provisions related to the seizure and forfeiture of property and contraband.

**Result:** 03/12/20: House File for bills not passed.

**HB 446, Animal Shelter Amendments (Romero) – Position: Oppose**

This bill would make injection of sodium pentobarbital or a derivative the exclusive method for euthanasia of an animal (both domestic and wild). It also requires a training program for administering euthanasia and policies and procedures approved by a veterinarian. Summit County is concerned that it would prohibit us from euthanizing wild animals like skunks and raccoons since it is virtually impossible to safely inject these animals. UAC voted to oppose the bill.

**Result:** Never made it out of House Rules/Not assigned to a Committee.

**SENATE BILLS**

**SB 76, Governmental Immunity Revisions (Weiler) – Position: Oppose**

Changes definitions in the Governmental Immunity Act, such as what a governmental entity is, political subdivision is; etc. The bill was amended in the House but we continue to have concerns about it.

**Result:** 03/12/20 – Failed: Senate File for bills not passed

**SB 83, Voter Registration Information Amendments (Anderegg) –**

**Position:** Oppose changed to Neutral

This bill modifies the information certain persons may obtain from a voter registration record; modifies privacy request provisions relating to voter registration records; and permits a political party or a candidate for public office to obtain certain information from a voter registration record that is classified as private. After the bill was amended to address concerns county clerks had, UAC changed its position from “oppose” to “neutral.”

**Result:** 5<sup>th</sup> Substitute passed the House and Senate. Is being enrolled for the Governor’s signature.

**SB 134, Property Tax Abatement for Wildfire Prevention (Hemmert) –**

**Position:** Support

Originally, counties opposed this bill, which gives property owners with property located in high wildfire risk areas, a tax abatement from property taxes for investments made to make the property more resilient to wildfire. While Summit County strongly supported the intention and concept of the bill, we were concerned that as drafted, the bill would create a significant tax shift to those property owners who were not eligible for the tax abatement or did not take advantage of the program.

The bill was drastically amended to first make it a tax “exemption” instead of an “abatement,” and second, to make it a pilot program only for Salt Lake County to decide if they do it or not and how they implement it. The program would be expanded to counties in the 1<sup>st</sup>, 2<sup>nd</sup> and 3<sup>rd</sup> classes, which includes Summit, in January 2022.

The pilot program, assuming SLCo does it, would collect data on usage, cost impacts or tax shift impacts, and other information helpful to us for when we have to implement the program.

**Result:** 03/12/20 Failed: Senate File for bills not passed.

**SB 139, Amendments to Indigent Defense (Okerlund) – Position: Support**

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 3<sup>rd</sup> through 6<sup>th</sup> class counties. Summit County supports the bill but is interested in knowing what it will cost us to provide these services.

**Result:** Passed House and Senate and is being enrolled for the Governor’s signature.

**SB 152, Search and Rescue Funding Amendments (Riebe) – Position: Support**

Amends provisions of the Search and Rescue Financial Assistance Program to provide for reimbursement for payroll expenses relating to search and rescue; and 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.

**Result:** Second substitute passed House and Senate. Is being enrolled for the Governor's signature.

**SB 170, Indigent Defense Amendments (Weiler) – Position: Support**

This bill amends the right to counsel for parties in certain actions; amends the powers, duties, and membership of the Utah Indigent Defense Commission; creates the Office of Indigent Defense Services; amends provisions related to indigent defense funds; creates a reporting requirement for indigent defense systems; and protects certain records related to the Office of Indigent Defense Services.

**Result:** Passed: 03/20/20 Enrolled and awaiting Governor's signature.

**SB 171, Nonprofit Entities Amendments (formerly Personal Privacy Protection Act) (McCay) – Position: Oppose**

This bill, as originally introduced, would prohibit a public entity from, subject to certain exceptions, disclosing information that identifies a person as a member, supporter, volunteer, or donor of financial or nonfinancial support, to an entity exempt from federal income tax under Section 501(c) of the Internal Revenue Code; and classifies a record protected from disclosure under this bill as a protected record under the Government Records Access and Management Act. The Recorders and Clerks were both extremely concerned about this bill. It has been amended a few times throughout the session and is now on its 3<sup>rd</sup> substitute.

**Result:** Passed. 03/20/20 Enrolled and awaiting the Governor's signature.

**SB 179, Public Infrastructure District Amendments (McCay) – Position: Oppose**

This bill modifies requirements regarding the creation of a public infrastructure district; allows a public infrastructure district to annex or withdraw property without the consent of the creating entity if authorized in the district's governing document; exempts a public infrastructure district from certain notice and hearing requirements upon: levying a property tax if certain conditions are met; or amending a property tax levy rate limitation in the district's governing document.

**Result:** Passed the House and Senate and is being enrolled for the Governor's signature.

**SB 192, Amendments Relating to the Military Installation Development Authority (Stevenson) – Position: Monitor**

This bill modifies the Public Infrastructure District Act to allow the military installation development authority (MIDA) to create a public infrastructure district with the consent of property owners; provides for additional powers of a public infrastructure district created by MIDA; and allows MIDA to set up an assessment area and waive the public hearing requirements with 100% consent of property owners, among other things. This is a new authority MIDA does not currently have.

The problematic language in the bill, as originally introduced, which the County and UAC worked to strike or amend requires counties (and other political subdivisions and state departments, divisions, and agencies) to “cooperate with MIDA to the fullest extent possible to provide whatever support, information, or other assistance MIDA requests that is reasonably necessary to help MIDA fulfill its duties and responsibilities.”

Summit County was concerned that if this language passes, it would make it very hard for the County, which is a very close neighbor to a MIDA development in Wasatch County, to push back against MIDA should they want to do something that runs counter to the health, safety, and welfare of our community or does not align with our land use authority, zoning and development codes, or interests and goals. Our lobbyist worked with the bill sponsor and MIDA’s lobbyist to amend the language so that cooperation would only be required for those entities within the MIDA project area. Since Summit County is not currently in the project area, this requirement would not apply to us.

This language is included in the second substitute which we are told should be adopted on the House floor during the final day of the session.

**Result:** Passed. 03/20/20 Enrolled and awaiting the Governor’s signature.