



STAFF REPORT

To: Summit County Council
From: Janna Young, Interim County Manager
Date of Meeting: February 8, 2023
Type of Item: Update on the 2023 General Session of the Utah State
Legislature
Process: Work Session

During the 2023 general session of the Utah State Legislature, staff, along with Councilmembers Malena Stevens and Chris Robinson, will provide the County Council weekly updates on the issues and activities the County is monitoring and working on at the State Capitol.

Requested Council Action

None.

Background

On Tuesday, January 17, 2023, the general session of Utah's 67th legislature began and will run until Friday, March 3, 2023. Over the next 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, Sustainability Program Manager, Public Lands Manager, Emergency 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 lobbying team on issues, attend committee meetings, and potentially testify before committees, if appropriate.

Each week at the County Council meeting, Councilmembers Malena Stevens and Chris Robinson, and Interim/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.

Bills Summit County is Currently Monitoring

Below is a list of some of the bills we have seen thus far and are following. Please note that bills change frequently throughout the session. The below information reflects the situation at the time of drafting this report and is subject to change:

Revenue and Taxation

HB 58 S03 – Tax Modifications (Rep. Spendlove)

This bill makes corrections to provisions related to tax, including eliminating redundant or obsolete language and updating cross-references; modifies the required contents of a property tax notice; clarifies that the State Tax Commission, not the Division of Finance, is responsible for certain sales tax deposits and transfers; and repeals language related to expired income tax credits.

HB 231 – Low Income Housing Property Tax Exemption (Rep. Eliason)

Provides the circumstances under which a private owner of property used as permanent supportive housing qualifies as a "nonprofit entity" for purposes of the exclusive use property tax exemption.

HB 298, Veteran Property Tax Amendments (Pierucci) – UAC Supports

This bill increases the amount of taxable value that a disabled veteran may have exempted from property tax; provides that a veteran with a 100% service-connected disability that is permanent and total may choose between the existing exemption from property tax or an exemption equal to 100% of the taxable value of the veteran's primary residence; provides the circumstances under which a veteran who exercises a choice between the existing property tax exemption and a 100% primary residential exemption has to reapply for the exemption.

SB 75, Sand and Gravel Sales Tax Amendments (Sandall) – UAC Supports

The bill changes the sales tax from point of sale to point of production, so the county in which sand and gravel operations are located receives revenues from these operations which impact county roads and other infrastructure. UAC expects substitute to be released this week.

SB 81 S02, Property Tax Deferral Revisions (Fillmore) – UAC Monitoring

This is a clean-up bill from previous years. The tax deferral program allows people of a certain income and certain age to request a tax deferral from the County to help cover taxes on increasing property values. Those taxes then are paid by the

individual purchasing the home after the individual moves or family members if the individual passes away.

SB 157, Personal Property Tax Amendments (Harper) – UAC Supports

This bill repeals a portion of code to make it simpler for businesses to file their personal property taxes because reporting is currently cumbersome.

Economic Development

HB 224 – Outdoor Recreation Initiative (Rep. Stenquist)

Creates the Recreation Coordinated Investment Initiative; grants rulemaking authority; requires reporting; and addresses funding of the initiative.

SB 20 – Military Installation Development Authority Amendments (Sen. Stevenson)

For purposes of creating a public infrastructure district, the bill clarifies who is considered the owner of military land within a project area by the Military Installation Development Authority; amends provisions relating to ownership of a former rail line adjacent to a project area located at an air force base; and enacts provisions immunizing a governmental entity from liability related to the ownership of certain historically contaminated property.

This bill may have implications for Summit County regarding environmental contamination liability and the Rail Trail even though the bill seems to be targeted at non-superfund sites within Hill AF Base that are overseen by DEQ. We are trying to get more information from Senator Stevenson about his intent.

Health and Human Services

HB 71 – Local Health Department Revisions (Peterson)

This bill was triggered by the large amount of funds local health departments were receiving from the federal CARES Act and American Rescue Plan Act (ARPA) as a result of the COVID-19 pandemic. The state started looking into how much health departments were investing in their services from county funds on a per capita basis. They discovered that some counties were hardly contributing any funding. Summit County is not in this situation; we contribute one if not the most among all the local public health agencies within the state.

The original version of this bill set a floor for the amount of funding health departments would have to contribute. It has morphed into being more a reporting bill where Health Departments have to report their prior year spending to the state by October 1 each year. UAC is working closely with the Health Directors Association on this bill.

Government Operations

HB 21 – Open and Public Meetings Act Amendments (Rep. Briscoe)

This bill requires a public body holding an open meeting to allow a reasonable opportunity for the public to provide verbal comment at the meeting, with certain exceptions; and requires a public body to adopt a resolution, rule, or ordinance allowing public comment in a public meeting. UAC chose to oppose the bill because they feel it is an overreach of the legislature. Regardless of what happens, we do not believe it will impact Summit County as we already allow for public comment (oral and written) at all our public meetings.

HB 157 – County Office Consolidation Amendments (Rep. Peterson)

Rep. Peterson is running this bill on behalf of Cache County. It changes the deadline for a county legislative body to enact an ordinance that consolidates or separates county offices from February to January 1 of the year in which county officers are elected.

HB 176 – Municipal Voting Methods Amendments (Rep. Stenquist)

This bill gives a participating municipality the option of selecting different methods of conducting an election as part of the Municipal Alternate Voting Methods Pilot Project; describes the process of voting and of determining winners in an alternate voting methods race, depending on the voting method selected by a participating municipality.

HB 309, County Recorder Amendments (Judkins) – UAC Supports

Allows Recorders to redact specific personal identifiable information when requested by the property owner. The property owner would need to come in with documents and make the request. In that situation, Recorders can redact signatures, Social Security numbers, and birthdates and can charge a fee to do it. Redaction does not alter the original document but shields/hides from view to the public. The Recorder can still see the original document. The intent of this bill is to help prevent individuals from extracting personal information from recorded documents and using it to commit fraud.

HB 343, Government Records Modifications (Moss)

This is a lengthy bill that makes many modifications to government records, including permitting the Division of Archives and Records Service to require a background check of employees and volunteers who have direct access to vulnerable records; modifying the duties and training of a records officer; requiring the appointment of one or more privacy officers for an executive branch agency to fulfill certain duties relating to the agency's records; requiring the appointment of one or more security officers for an executive branch agency to assess, coordinate, and manage cybersecurity for the agency; among other modifications.

HB 351, County Recorder Modifications (Teuscher)

This bill establishes the County Recorder Oversight Board (board) for the purpose of:

- establishing statewide standards for county recorders in relation to the protection and submission of documents; and
- hearing and deciding appeals from decisions of county recorders regarding access to public records.

It also describes the membership and appointment of board members; requires the Department of Commerce to provide staff support to the board; and requires a county recorder to comply with the policies and procedures established by the board.

SB 37 – Municipality Incorporation Amendments (Sen. Vickers)

This bill modifies the procedures and requirements for incorporating a municipality. The biggest change being that the bill transfers many of the duties currently fulfilled by the Lieutenant Governor to the county of the area proposed for incorporation, which the sponsor feels should happen at the local level. The biggest question counties have is which office in the county would be responsible for handling this function. UAC staff has asked Sen. Vickers for clarification in the bill on that issue.

SB 43 – Public Notice Requirements (Sen. Pitcher)

This bill creates classifications for types of public notices counties are required to make pertaining to public meetings where each classification requires notice to be provided in specific ways, and amends the public notice provisions to implement the new classification system. It is an extremely large bill (over 200+ pages). All UAC affiliates were asked to review it to see if it will affect us in any negative way. UAC's Civil Attorney's Group was asked to weigh in as well.

Public Lands and Natural Resources

HB 262, Wildlife Management Area Amendments (Snider)

UAC voted to oppose as drafted. Changes from the Division of Wildlife are being made, which we should be able to see soon. Pulling from today's committee agenda. Working on a second substitute to include changes from the Division.

HB 307, Utah Water Ways (Musselman) – UAC Opposes

This bill directs oversight of the creation of a partnership and the state's role in that partnership; outlines powers and duties of the partnership; addresses the selection of an executive director and board of directors; and addresses role of water supply entities. It does not provide any funding to comply with the direction from the partnership. Counties do not feel we need another bureaucracy to tell us

what to do with water. The fiscal note is \$2 million one time spending, and \$1 million on-going.

HB 319, Uintah Basin Air Quality Research Project Amendments (Chew) – UAC Supports

Takes out the sunset on this existing program and continues funding for a USU research center to study ozone impacts in the Uintah Basin where there are unique ozone issues. Fiscal note is \$150,000.

SB 76 – Water Amendments (Sen. Sandall)

This bill requires, among several things, County Planning Commissions to consult with the State Division of Water Resources on the water elements of the General Plans to understand the impact they have on the Great Salt Lake to understand how each regional plan will affect the Great Salt Lake overall.

SB 144, Water Instream Flow Amendments (Hinkins) – UAC Supports

This bill comes from the Division of Natural Resources. It would allow the state to take action if there are changes to the Colorado River Compact.

Criminal Justice and Public Safety

SB 33 Substitute, Disaster Amendments (Winterton) – UAC Supports

Give counties the ability to acquire state grants from the Disaster Mitigation Fund in the Department of Public Safety rather than a loan, so counties have match money for federal grants without having to take out large loans that are difficult to pay off.

SB 98 – Legal Costs Recovery Amendments (Sen. Pitcher)

Currently, if a local attorney declines to file a case and the AG decides to take it up but then drops it, if the person charged is a public employee then the employing agency is on the hook for paying the defense costs. This bill changes that to say if the AG decides to carry the torch and then drops it, the state is on the hook to pay.

SB 114 – County Correctional Facility Contracting Amendments (Sen. Owens) – UAC Supports

This bill is the result of two years of work between counties and Sen. Owners to come up with a solution to permanently fund state inmates housed in county jails. Specifically, it increases the daily jail contracting rate from \$61.03 to \$67.73 in the first year. Next year, the group plans to address the reimbursement rate to counties who house state inmates.

SB 128 Substitute, Public Safety Officer Scholarship Program (Ipson) – UAC Supports

This bill is an effort to try and fill the pipeline for recruits for law enforcement by giving a scholarship to graduating high school seniors to study law enforcement/criminal justice and then have to serve in law enforcement for so many years after receiving their degree.

SB 148, Invisible Condition Information Amendments (Anderegg)

This bill creates a voluntary database for someone who is or has a family member with autism or some mental health and physical health diagnosis, to which law enforcement could have access to help them as they encounter these individuals on a traffic stop, or in other ways.

HB 317, Pretrial Release Modifications (Hall) – UAC Monitoring/Hold

This bill allows the Sheriff to designate an employee of his office that can set bail when judges are not available. Prosecutors are concerned about this bill as written because it would hold items up in Court, relitigating the bail issue over and over again. Asking UAC to hold on a position for now until they have had a chance to work out the bugs with the bill sponsor. Courts, pretrial, and public defenders are concerned about the bill as well.

HJR 10, Proposal to Amend the Utah Constitution – Election of County Sheriffs (Wilson) – UAC Supports

Add to the Utah Constitution, if approved by voters, that each County will have a sheriff, the sheriff will be elected and serve for four years.

Community Development

SB 37, Municipality Incorporation Amendments (Vickers) – UAC Supports

Takes incorporation process form the Lt Governor’s office to counties as the thought is incorporation is best handled at local level because know better what is happening in communities.

SB 153, Governor’s Office of Economic Opportunity Amendments (Winterton) – UAC Supports

This bill would create a redevelopment matching grant for local governments for projects related to housing and water conservation.

Significant Dates

- January 17 Legislative Session Begins
- January 19 Last day legislators can designate priority bills
- January 26 Last day to either pass or defeat each base budget bill
- January 27 Last day to request bills or appropriations without floor approval

- March 1 Last day to prioritize fiscal note bills and identify other programs for new funding
- March 1 Final action must be taken on each appropriations bill
- March 2 Last day to pass any bill with a fiscal note of \$10k or more
- March 3 Last Day of the Session
- March 23 Last day the Governor may sign or veto bills
- May 2 Last day a veto-override session may begin
- May 3 Normal effective date for bills
- May 3 First day a legislator can open a bill file for appropriation request for the next general session
- Every Monday during session: Meeting of the Summit County Legislative Working Group
- Every Tuesday during session: Meeting of UAC policy steering committees
- Every Thursday During Session: Meeting of the UAC Legislative Coordinating Committee

Engagement, Access, and Transparency

Interested citizens can watch Utah’s 2022 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/> 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/>; 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.