



STAFF REPORT

To: Summit County Council
From: Janna Young, Interim County Manager
Date of Meeting: February 15, 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 58S03 – 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.

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 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 351 Substitute – County Recorder Modifications (Teuscher) – UAC Monitoring

This effort came up in past sessions and continues to be a topic in the legislature. It started because title companies are expressing concerns about inconsistency between counties in how they interact and do business with counties. They have come to the legislature requesting standards so there are consistent processes among counties. The bill started as an oversight committee and UAC has worked to soften it to make it a standards committee and provide for an appeal board. The bill passed out of committee last week. UAC and Recorders continue to meet with realtors, title companies, and property rights coalition to try to come to consensus.

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.

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.

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.

Public Lands and Natural Resources

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.

Criminal Justice and Public Safety

SB 105 – Traffic Enforcement Amendments (Sen. Stevenson)

Amends the definition for "photo radar"; allows the use of photo radar without a peace officer present in certain circumstances; describes when law enforcement can use photo radar for speed limit or traffic light enforcement; and prohibits the use of photo radar to photograph the front of a vehicle or the faces of a vehicle's occupants.

S.J.R. 6 – Joint Resolution Amending Rules of Procedure and Evidence Regarding Criminal Prosecutions (Sen. Weiler, T.) – UAC OPPOSES BOTH BILLS

These related bills are strongly opposed by County Attorneys because of the constitutional implications. The bills essentially would treat criminal cases the same way as civil cases and provide additional rights to defendants. The biggest concern is that the bill allows defendants to depose victims and witnesses in preliminary hearings before going to trial. The role of the preliminary hearing is to do what grand juries typically do in deciding if there is enough evidence to proceed to trial. There is also the concern that costs will increase for both prosecution and defense.

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.

Community Development

SB 185, Transportation Amendments (Harper) – UAC Supports

The bill amends certain dates related to the definition of a vintage vehicle; creates the Active Transportation Investment Fund within the Transportation Investment Fund of 2005 to be used to develop active transportation infrastructure; extends the expiration of the ability for certain political subdivisions to impose a local option sales tax for certain transportation purposes; amends provisions related to the responsibilities of the executive director and deputy directors of the Department of Transportation; amends provisions related to the account for the road usage charge; requires a report from the Department of Transportation to the Transportation Commission regarding the status of certain transportation construction projects; makes various technical amendments to clarify duties of the Department of Transportation related to public transit capital development; requires the Department of Transportation to create an account within the

State Infrastructure Bank for loans for certain types of development; and exempts a zip line from the definition of an amusement rides.

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.