



STAFF REPORT

To: Summit County Council
From: Janna Young, Interim County Manager
Date of Meeting: February 22, 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 in the session 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:

Community Development

SB 84 and HB 446, Housing and Transit Reinvestment Zone Amendments (Harper/Snider) – Summit County and UAC Strongly Oppose

HB 446 is a bill authored by Dakota Pacific Real Estate, who has a pending land use application before the Summit County Council regarding an amendment to an existing Development Agreement in the Tech Park site of Kimball Junction. The bill specifically grants this developer the development rights at the density they want in this project site. The bill also disqualifies Summit County’s Moderate Income Housing Plan (MIHP), meaning Summit County is no longer eligible for TTIF dollars for transportation and transit infrastructure. High Valley Transit in Summit County had been awarded more than \$30 million from this fund for the Bus Rapid Transit (BRT) on SR-224.

HB 446 was adopted as a substitute to Senator Harper’s SB 84 when it went to the House and passed. The Senate concurred to the substitute language on February 16. The bill now awaits the Governor’s signature or veto.

This is the first time in the history of the Utah State Legislature that it has “spot zoned” a specific property to benefit and enrich a specific developer. This action also impairs an existing contract. Counties across the state, and Summit County in particular, are extremely concerned about this overreach by the Legislature and the precedent this action sets for future actions taken by local governmental entities that should be local decisions.

SB 174, Local Land Use and Development Revisions (Fillmore)

This bill amends provisions related to local land use and development. It adds a \$250/day penalty for moderate income housing noncompliance; broadens Accessory Dwelling Units (ADUs) and makes the subdivision process administrative only, allowing not review or decision-making by the legislative body of the municipality or county. It also creates a shot clock for approval subdivision plats and sets a limit of nine months for a county to change development codes.

SB 175 Substitute, Rural Transportation Infrastructure Funds (Owens) – UAC Supports

This bill creates a \$50 million Rural Transportation Fund and authorizes \$8 million in ongoing funding for highway projects in certain cities, towns, and counties located outside a large public transit district.

SB 185 S02, Transportation Amendments (Harper)

This bill creates the Active Transportation Investment Fund within the Transportation Investment Fund of 2005 to be used to develop active transportation infrastructure. It also extends the expiration of the ability for certain political subdivisions to impose a local option sales tax for certain transportation purposes and requires the Department of Transportation to create an account within the State Infrastructure Bank for loans for certain types of development.

HB 291 Substitute, Short-term Rental Amendments (Musselman)

In an attempt to bring operators of short-term rentals into compliance with business license and tax remittance requirements, this bill provides amnesty to sellers of short-term rentals who obtain a sales and use tax license and meet certain criteria by a specific time. The bill also creates the Short-term Rental Municipal Pilot Program and the Short-term Rentals County Pilot program to gather data on the short-term rental issue across the state. Summit County is considering opting into the pilot to be one of the test cases since we have the largest number of short-term rentals in the state but are studying the issue to understand what consequences there in participating, especially concerning the potential licensing regulations the Summit County Council is considering.

HB 364 S01, Housing Affordability Amendments (Whyte)

This bill modifies provisions from last year's legislative session in HB 462 relating to moderate income housing, specifically the reporting requirements for certain cities and counties. It also adds a penalty for cities and counties who do not comply with the requirements and establishes an appeal board to hear and decide appeals in relation to city and county moderate income housing reports. The bill establishes the Housing Support Grant Program within the Office of Homeless Services for supporting residential projects that include affordable housing units. It also inks any failure to create the HTRZ to noncompliance with the moderate income housing plan, which is effective upon the Governor's signature.

HB 406, Land Use, Development, and Management Act Modifications (Whyte)

This bill amends provisions related to municipal land use, development, and management of real property. It defines "rural real property" in annexations. Makes it so Development Agreements can only be done with a Specially Planned

Area (SPA) or Master Planned Development and limits a moratorium to only six months. We are expected a substantial substitute to this bill. It is currently circled on the House 3rd reading calendar.

HB 409, State Construction and Fire Code Amendments (Peterson)

This bill repeals Tall Wood Buildings of Mass Timber Construction Incorporated as Part of State Construction Code; adopts the 2021 edition of the International Fire Code, with amendments; and adopts and amends certain National Fire Protection Association codes and standards.

Revenue and Taxation

HB 417, Motor Vehicle Tax amendments (Lyman) – UAC Supports

This bill allows counties to take money from taxes paid for rental vehicles (cars and UTVs, etc.) and use it in expanded ways for 4-6th class counties, such as for EMS, fire protection, law enforcement, solid waste, and other things.

HB 436, County Assessor Training Amendments (Kohler) – UAC Supports

Statute describes qualifications for many elected offices except Assessors. This bill requires within the first year of being elected, an Assessor must take a course designed and administered by State Tax Commission and then during each term thereafter, take the course sometime during the 4-year term. Assessors support this bill.

HB 454, Property Tax Amendments (Birkeland) – UAC Opposes

This bill ties and limits the increase in taxes each year to the Consumer Price Index (CPI) and prohibits taxes from going up more than 5% from the previous year. It also provides a tax abatement to individual property owners each year without requiring them to reapply each year until they notify they county they no longer qualify.

Government Operations

HB 173, Government Attorney Fees Amendments (Birkeland)

This bill allows a private party to recover attorney and expert fees as the prevailing party in certain civil actions adverse to a governmental entity. UAC worked to improve the bill so counties would not see large increases in their liability insurance coverage. However, the bill still requires counties to pay the costs of attorneys fees in areas county insurers do not cover.

HB 303, Elections Records Amendments (Thurston)

This bill amends provisions relating to elections records with respect to withheld voters and at-risk government employees.

HB 351 Substitute 02, County Recorder Modifications (Teuscher) – Summit County Opposes

This bill establishes the County Recorder Standards Board for the purposes of establishing statewide standards for county recorders and hearing and deciding appeals from decisions of county recorders. The bill specifies the membership of the Board which includes a long list of special interests who have frequent business before county recorders. It also requires the Department of Commerce to provide staff support to the board and the board's administrative expenses are to be paid from the remittance of a portion of fees collected by county recorders.

HB 448, Election Changes (Maloy)

This bill amends provisions of the Election Code and the authority of the Lt Governor in providing oversight of elections as well as addresses the legislative audit post-election.

HB 470, Government Record Amendments (Cutler) – UAC Supports

This bill creates the Government Digital Verifiable Electronic Records Act and creates a pilot program for digital verifiable credentials. As governments become more digitized, a Commission established by this bill will help make sure those records are secured with standards that ensure private information of individuals stays private.

SB 127 Substitute, Cybersecurity Amendments (Harper) – UAC Supports

This bill requires for security reasons every public entity to move their URL domain to dot gov (.gov) by January 1, 2025. Only 11 of the 29 counties are .gov currently. There is likely a cost to counties to make this switch. The Chief Executive of a County can apply for a waiver from this move if they have concerns about public access, communications, level of effort/labor, and other reasons.

SB 142 Substitute, Ballot Delivery Amendments (Blouin)

This bill amends provisions governing manual ballots and ballot drop boxes and the ability of County Clerks to process ballots that are postmarked on Election day.

SB 199, Local Land Use Amendments (McKell)

This bill modifies provisions regarding referenda. Specifically, 2/3 vote of a legislative body on land use is no longer subject to referendum.

SB 228, Property Amendments (McCay) – UAC Supports

This is a disclosure bill for properties that are classified as nonresidential. The issue is for county assessments, we generally have good information for residential properties (1-4 families), but counties lack information for vacant land and commercial properties, so often those properties are underassessed, which shifts the tax burden to residential. Assessors strongly support the bill. Recordors

had concerns with some provisions, so UAC was able to get those lines eliminated from the bill. The data is to be filed with or sent directly to the Assessor's Office.

SB 231 Substitute, Government Records Access and Management Act Amendments (Bramble) – UAC Supports

Overall, this bill is one the County Clerk's support. Several legal teams in counties looked over this bill and found it essentially closes a loophole that litigants are using to deploy GRAMA as a vehicle for discovery rather than the more expensive subpoena process. The other thing this bill does is if a public entity denies the GRAMA request due to reasons of proprietary information that could hurt the business whose records they are, the company whose records they are has to reimburse the County for the costs incurred by defending the claim. There is one small tweak that needs to be made regarding how records requests need to be filled on which the Clerks are working with the bill sponsor.

Public Lands and Natural Resources

HB 371 Substitute 03, Working Farm and Ranch Protection Fund (Snider)

This bill modifies provisions related to the management, regulation, conservation, and use of natural resources. It effects the use of rollback tax funds to purchase "fee title" in open space for a "public land county". Summit County currently does not use a portion of rollback taxes to buy agricultural land. This bill would allow a county to reserve 20% of the rollback tax for agricultural land purchases.

HB 469, Wildlife Related Amendments (Snider)

This bill requires the Division of Wildlife Resources to notify the Division of Professional License of a suspension of the privilege to hunt; addresses hunting with an air rifle; creates the Wildlife Land and Water Acquisition Fund; modifies provisions related to cooperative wildlife management units, including enacting requirements related to bordering cooperative wildlife management units; addresses rulemaking by the Division of Professional Licensing; converts the registration of hunting guides and outfitters to licensing; and addresses when the Division of Professional Licensing is to refuse to issue, refuse to renew, or revoke a license.

Criminal Justice and Public Safety

HB 210 Third Substitute, Justice Court Changes (Hawkins)

This bill creates the Justice Court Reform Task Force and clarifies that a justice court is part of the state judiciary. The bill also addresses the independence of a justice court from other branches of government for a municipality or county; amends the eligibility requirements for a justice court judge; amends provisions regarding the salary of a justice court judge; and repeals a statute regarding an annual review and adjustment of a justice court judge's compensation.

HB 259 Substitute, Suicide Prevention in Correctional Facilities (Moss)

This bill addresses suicide prevention in County jails.

HB 374 Substitute, County Sheriff Amendments (Teuscher)

This bill repeals provisions regarding a county sheriff's role and duties in interlocal agreements for law enforcement services, police local districts, and police interlocal entities.

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.