



## **STAFF REPORT**

To: Summit County Council  
From: Janna Young, Director of Intergovernmental Affairs  
Date of Meeting: January 24, 2018  
Type of Item: Weekly Legislative Update  
Process: Work Session

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During the 2018 general session of the State Legislature, staff, along with Council Chair, 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 22, 2018, the general session of Utah's 62<sup>nd</sup> legislature begins and will run until Friday, March 8, 2018. Over the next 45 days, Summit County's internal legislative working group, comprised of the County Assessor, Auditor, Clerk, Council Chair, Recorder, Treasurer, Health Department Director, Budget Officer, Community Development Director, and representatives from the County Attorney's Office and Sheriff's Office, will actively track activity at the State Capitol.

This group will meet weekly to monitor bills, share information, decide county positions on major legislation, participate in Utah Association of County's (UAC) weekly policy and legislative coordinating meetings, work closely with the county's House and Senate members and the county's lobbyist on issues, attend committee meetings, prepare questions for legislators who present on proposed legislation at the UAC meetings, and potentially testify before committees, if appropriate.

Each week at the County Council meeting, Kim Carson, Council Chair, and Janna Young, Director of Intergovernmental Affairs will report to the Council on these activities, and request input on issues and support for proposed county positions on bills.

### **2018 Legislative Session**

Week 1 Schedule (see attached schedules for additional details)

On Monday, the session starts with an opening ceremony, adoption of the rules, and introductions of staff, bills and assignment of bills.

Tuesday through Friday, the appropriations subcommittees meet in the mornings and the standing committees meet in the afternoons.

On Wednesday evening at 6:30pm, the Governor gives his State of the State address.

### Expectations

While it is difficult to know for sure the tone and tenor of this legislative session, we can expect the upcoming November elections to play a role. Much of what happens will depend on how elected officials want to be perceived by voters headed into the elections.

For most states, the second year of biennium sessions are dedicated to fiscal and budgetary issues. Since a great deal of study and debate was dedicated to tax reform during the summer interim session, and the need for the state to respond to tax reform efforts adopted at the federal level, we expect this session to be characterized by tax reform as well.

The legislature has been accepting pre-filed bills since November 15, 2017. By sifting through early samples of these bills and reviewing gubernatorial legislative agendas, and comments from lawmakers, these 5 issues will be among key topics the legislatures will be focused on in 2018 (in addition to tax reform and passage of the fiscal year 2019 state budget): healthcare, the opioid crisis and mental health, education funding, transportation infrastructure and funding, and air quality.

### Public Access

The Utah State legislature has improved public transparency and access through a technology system that puts meeting minutes, materials and audio/video online. Citizens can watch in real time or access archived materials, rather than attending in person. To access this tool, citizens can 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, receiving email alerts whenever action is taken on the measure. This tool makes it easier for Summit County and other citizens to access legislative information and stay apprised of the legislature's activities. 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 you find 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.

### **Bills/Issues the County is Monitoring**

In addition to monitoring progress made on the above mentioned topics, Summit County, along with UAC, will also be closely following the below issues:

#### Homeless Resource Funding (Rep. Eliason)

This is an effort to get counties and cities to pay for the operation and maintenance of homeless resource centers (the state gave counties around \$30 million to construct these centers). Each local government would be assessed to determine how much to pay. Two options for the assessment are being discussed. One would be based on population while the other charges the county or city a fee if there is a lack of affordable housing units. Most of the monies collected will go to Salt Lake County where many of these resource centers are located.

#### TRT Tax Flexibility for Infrastructure Needs

Several counties are requesting opening up the Transient Room Tax (TRT) statute to allow for additional flexibility in how TRT revenues are spent. Currently, counties are restricted to spending these revenues on establishing and promoting recreation, tourism, film production, and conventions. Up to 1/3 of the total revenues can be reserved for capital projects related to tourism and recreation. Fourth-, fifth- and sixth-class counties can also use TRT revenues on solid waste management and law enforcement if the need for those services increases due to tourism. Some counties want to be able to use TRT on infrastructure that supports tourist or recreational amenities.

#### Tax Reform: Truth in Taxation

As part of the tax reform study, there has been a great deal of discussion about changes to the truth in taxation process; whether or not the state legislature should make the process mandatory or allow some type of inflationary component to be included in the certified tax rate calculation. The county auditors in particular have been working closely with Senator Stevens, the author of the original Truth in Taxation legislation on looking at alterations that would benefit counties. While the draft tax reform legislation presented during the 2017 interim session did not include many of the talked about revisions, we continue to follow this debate closely.

#### Sales Tax Distribution

Much of the study regarding sales tax reform has centered around exemptions for food and machinery, preserving the local sales tax option, and population-based distribution of remote sales tax collected on online sales. Summit County is

concerned about proposed changes to the overall distribution formula based on population as opposed to point of sale and will continue to monitor these discussions.

Removal of Elected Officials for Mental Incompetence (Rep. Chavez-Houck/Sen. Thatcher)

Rep. Chavez-Houck and Sen. Thatcher have a bill that provides counties a mechanism to remove a locally elected official from office for mental incompetence. Sen. Thatcher has been working closely with UAC on the proposal, which he has limited to counties with a 5-member Council legislative body. It would require the unanimous vote of that legislative body approving a mental competency exam in court. If a judge then ruled the individual to be incompetent, the legislative body could remove the official with another unanimous vote. This is an extremely controversial issue as it has implications for voters and the medical privacy of elected officials.

Waste Fees

As a result of legislation passed in 2017, the Department of Environmental Quality has been spending the interim reorganizing the fee structure for solid waste permitting and regulatory fees. Expressing concern that the current fee structure does not provide a broad enough base for stable funding for the agency, the agency has pursued alternative funding that would generally raise fees for nearly all publicly owned solid waste facilities. As a result of this effort, UAC partnered with the ULCT and other public agencies to provide some counter-proposals.

Transportation Funding and Governance Task Force (Rep. Schultz/Sen. Harper)

The Transportation Funding and Governance Taskforce that was created during the 2017 session met regularly during the interim session. We expect to see legislation come out of this group related to transportation funding, land-use, economic development, rural issues and active transportation.

Local Referendum Law (Rep. Daw)

Concerns over the current local referendum law have inspired proposed legislation to change the timeline for gathering signatures for citizen initialized local referendum. Among other things, the proposed legislation would allow local governments to put a hold on the referendum process before the signature-gathering period begins to help determine for the sake of the government and the sponsors of the referendum the legal merit of the referendum. Additionally, the bill aims to clarify what level of political activity the local government can take in regards to a referendum. UAC has been working closely with the League of Cities and Towns and the bill sponsor on this issue.

## **Top Issues of Interest for the:**

### **Assessor**

#### **Centrally Assessed Appeals**

With recent litigation being filed by counties regarding legislation from the 2017 session, the legislature may look at curtailing counties' role in centrally assessed appeals. UAC is monitoring this issue and actively meeting with legislators and other stakeholders to express concerns with the potential effort and to preserve counties' role in the appeals process.

### **Attorney**

#### **Private Attorney General Doctrine (Rep. Greene)**

The private attorney general doctrine allows a private attorney who brings a lawsuit considered to be in the public interest (i.e. against a public entity, such as a county or city) to recover attorney's fees if s/he prevails in the suit. The rationale behind this principle is to provide an extra incentive to private attorneys to pursue suits against local government that may benefit society at large.

In 2007 and 2008, two counties in Utah came to the legislature with examples of the private attorney general doctrine leading to superfluous litigation against them and unduly burdening them with attorney's fees awarded in the cases. As such, they asked the legislature to disavow the private attorney doctrine. In response, the legislature passed a bill prohibiting the courts from awarding attorney fees to private attorneys in any action filed after May 12, 2009.

Rep. Brian Greene (Utah County) has a bill that would repeal this prohibition in state code.

#### **Jury Nullification (Rep. Roberts)**

Jury nullification occurs when a jury returns a verdict of "Not Guilty" despite its belief that the defendant is guilty of the violation charged. The jury in effect nullifies a law that it believes is either immoral or wrongly applied to the defendant whose fate they are charged with deciding.

Rep. Marc Roberts (Utah County) has a bill that would require judges to inform juries in criminal cases of two things during a trial before deciding the verdict: 1) The potential sentence for a guilty verdict; and 2) The jury's power to find a defendant not guilty when a guilty verdict would be "manifestly unjust."

### **Clerk**

#### **Funding of Election Equipment**

Utah's voting equipment infrastructure, which has been in place for over a decade, runs off of software that is no longer supported and must be replaced. To prepare for the replacement, the Lt. Governor's Office has created the Voting Equipment

Selection Committee. The committee (upon which sit a number of county clerks) selected the vendor ES&S to provide the next generation of voting equipment in the State of Utah. The challenge now is finding the funding to pay for the replacement. The Governor's FY 2019 budget includes about \$4.5 million for this effort. Summit County will not purchase new equipment until we know if the legislature appropriates the requested funding or not.

### Rank Choice Voting

Following the passage of SB 54 in 2014, candidates could supersede a political convention to get on the primary election ballot through signature gathering efforts. With the real possibility of more than the traditional two candidates from any one party on a primary election ballot, a number of legislators have expressed concern that no one candidate might receive a plurality (50 percent plus one) of the vote.

To address this perceived problem, several legislators have floated the idea of voting by ranked choice. Rather than voting for one candidate, voters would rank their preference of candidates. Votes for the candidate with the lowest number of votes would then be distributed among the remaining candidates based on the second preference of that candidate. This would continue until one candidate receives a plurality of votes.

Rank Choice voting is opposed by Utah's county clerks primarily due to the cost associated with it and the confusion it would cause voters.

### Recorder

#### Statewide Standardization of Fees

The Utah Association of Recorders is working on legislation to standardized recording fees across the state. The current proposal, after a survey was done among all 29 counties to determine the average rate, calls for a \$45 fee. We expect this legislation to pass early in the session.

**2018**  
**GENERAL SESSION OF THE 62ND LEGISLATURE**  
**HOUSE SCHEDULE**

**WEEK 1**

<b>Monday, Jan. 22</b> <b>Day 1</b>	<b>Tuesday, Jan. 23</b> <b>Day 2</b>	<b>Wednesday, Jan. 24</b> <b>Day 3</b>	<b>Thursday, Jan. 25</b> <b>Day 4</b>	<b>Friday, Jan. 26</b> <b>Day 5</b>
<p><u>10:00 a.m. – 11:30 a.m.</u>  Opening Ceremony  Adoption of Rules  Introduction of Bills  Introduction of Staff  Assignment of Bills</p> <p><u>11:30 a.m. – 2:00 p.m.</u>  Lunch</p> <p><u>2:15 p.m. – 2:45 p.m.</u>  State of the Judiciary</p> <p><u>2:50 p.m. – 5:00 p.m.</u>  Floor Time</p> <p><u>5:00 p.m. – 7:00 p.m.</u>  <i>Appropriations Subcommittee</i>  Retirement/Ind Entities – 20</p>	<p><u>8:00 a.m. – 10:50 a.m.</u>  <i>Appropriations Subcommittees</i>  Bus/Econ Dev/Labor – 25  Nat Res/Agri/Envir – 210  Public Education – 445  Social Services – 30</p> <p><u>11:00 a.m. – 12:15 p.m.</u>  Floor Time</p> <p><u>12:15 p.m. – 1:50 p.m.</u>  Caucus Lunch</p> <p><u>2:00 p.m. – 5:00 p.m.</u>  <i>Standing Committees</i>  Econ Dev/Work Serv – 20  Government Ops – 30  Political Subdiv – 450  Rev and Tax – 445</p> <p><u>5:00 p.m. – 6:00 p.m.</u>  <i>Appropriations Subcommittee</i>  Retirement/Ind Entities – 20</p>	<p><u>8:00 a.m. – 10:50 a.m.</u>  <i>Appropriations Subcommittees</i>  Exec Offices/Crim Jus – 25  Higher Education – 210  Infrastructure/Gen Govt – 445  Social Services – 30</p> <p><u>11:00 a.m. – 12:15 p.m.</u>  Floor Time</p> <p><u>12:15 p.m. – 1:50 p.m.</u>  Lunch</p> <p><u>2:00 p.m. – 5:00 p.m.</u>  <i>Standing Committees</i>  Business and Labor – 445  Education – 30  Health/Human Serv – 20  Public Utilities/Tech – 450</p> <p><u>6:30 p.m. – 7:30 p.m.</u>  Governor’s State of State  Address (House Chambers)</p>	<p><u>8:00 a.m. – 10:50 a.m.</u>  <i>Appropriations Subcommittees</i>  Bus/Econ Dev/Labor – 25  Nat Res/Agri/Envir – 210  Public Education – 445  Social Services – 30</p> <p><u>11:00 a.m. – 12:15 p.m.</u>  Floor Time</p> <p><u>12:15 p.m. – 1:50 p.m.</u>  Caucus Lunch</p> <p><u>2:00 p.m. – 5:00 p.m.</u>  <i>Standing Committees</i>  Judiciary – 20  Law Enforce/Crim Jus – 450  Nat Res/Agri/Envir – 445  Transportation – 30</p> <p><u>5:00 p.m. – 7:00 p.m.</u>  Executive Appropriations  Committee – 445</p>	<p><u>7:00 a.m. – 8:00 a.m.</u>  <i>Appropriations Subcommittee</i>  Retirement/Ind Entities – 20</p> <p><u>8:00 a.m. – 10:50 a.m.</u>  <i>Appropriations Subcommittees</i>  Exec Offices/Crim Jus – 25  Higher Education – 210  Infrastructure/Gen Govt – 445  Social Services – 30</p> <p><u>11:00 a.m. – 12:15 p.m.</u>  Floor Time</p> <p><u>12:15 p.m. – 1:50 p.m.</u>  Lunch</p> <p><u>2:00 p.m. – 5:00 p.m.</u>  <i>Standing Committees</i>  Econ Dev/Work Serv – 20  Government Ops – 30  Political Subdiv – 450  Rev and Tax – 445</p>

Rooms 250, 415, 445, and 450 are in the State Capitol Building.  
Rooms 20, 25, and 30 are in the House Building.  
Rooms 210 and 215 are in the Senate Building.

**2018**  
**GENERAL SESSION OF THE 62ND LEGISLATURE**  
**SENATE SCHEDULE**

**WEEK 1**

<b>Monday, Jan. 22</b> <b>Day 1</b>	<b>Tuesday, Jan. 23</b> <b>Day 2</b>	<b>Wednesday, Jan. 24</b> <b>Day 3</b>	<b>Thursday, Jan. 25</b> <b>Day 4</b>	<b>Friday, Jan. 26</b> <b>Day 5</b>
<p><u>10:00 a.m. – 11:30 a.m.</u>  Opening Ceremony  Adoption of Rules  Introduction of Bills  Introduction of Staff  Assignment of Bills</p> <p><u>11:30 a.m. – 1:50 p.m.</u>  Lunch</p> <p><u>1:50 p.m. – 2:50 p.m.</u>  Floor Time</p> <p><u>2:55 p.m. – 3:25 p.m.</u>  State of Judiciary  (Senate Chambers)</p> <p><u>3:30 p.m. – 5:00 p.m.</u>  Floor Time</p> <p><u>5:00 p.m. – 7:00 p.m.</u>  <i>Appropriations Subcommittee</i>  Retirement/Ind Entities – 20</p>	<p><u>8:00 a.m. – 10:50 a.m.</u>  <i>Appropriations Subcommittees</i>  Bus/Econ Dev/Labor – 25  Nat Res/Agri/Envir – 210  Public Education – 445  Social Services – 30</p> <p><u>11:00 a.m. – 11:50 a.m.</u>  Floor Time</p> <p><u>11:50 a.m. – 12:15 p.m.</u>  Access Time</p> <p><u>12:15 p.m. – 1:50 p.m.</u>  Caucus Lunch</p> <p><u>2:00 p.m. – 5:00 p.m.</u>  <i>Standing Committees</i>  Business/Labor – 215  Education – 210  Health/Human Services – 250</p> <p><u>5:00 p.m. – 6:00 p.m.</u>  <i>Appropriations Subcommittee</i>  Retirement/Ind Entities – 20</p>	<p><u>8:00 a.m. – 10:50 a.m.</u>  <i>Appropriations Subcommittees</i>  Exec Offices/Crim Jus – 25  Higher Education – 210  Infrastructure/Gen Govt – 445  Social Services – 30</p> <p><u>11:00 a.m. – 11:50 a.m.</u>  Floor Time</p> <p><u>11:50 a.m. – 12:15 p.m.</u>  Access Time</p> <p><u>12:15 p.m. – 1:50 p.m.</u>  Lunch</p> <p><u>2:00 p.m. – 5:00 p.m.</u>  <i>Standing Committees</i>  Jud/Law/Crim Jus – 250  Nat Res/Ag/Envir – 415  Trans/Pub Util/Tech – 215</p> <p><u>6:30 p.m. – 7:30 p.m.</u>  Governor’s State of State  Address (House Chambers)</p>	<p><u>8:00 a.m. – 10:50 a.m.</u>  <i>Appropriations Subcommittees</i>  Bus/Econ Dev/Labor – 25  Nat Res/Agri/Envir – 210  Public Education – 445  Social Services – 30</p> <p><u>11:00 a.m. – 11:50 a.m.</u>  Floor Time</p> <p><u>11:50 a.m. – 12:15 p.m.</u>  Access Time</p> <p><u>12:15 p.m. – 1:50 p.m.</u>  Caucus Lunch</p> <p><u>2:00 p.m. – 5:00 p.m.</u>  <i>Standing Committees</i>  Econ Dev/Work Serv – 215  Gov Ops/Pol Subdiv – 415  Rev and Tax – 250</p> <p><u>5:00 p.m. – 7:00 p.m.</u>  Executive Appropriations  Committee – 445</p>	<p><u>7:00 a.m. – 8:00 a.m.</u>  <i>Appropriations Subcommittee</i>  Retirement/Ind Entities – 20</p> <p><u>8:00 a.m. – 10:50 a.m.</u>  <i>Appropriations Subcommittees</i>  Exec Offices/Crim Jus – 25  Higher Education – 210  Infrastructure/Gen Govt – 445  Social Services – 30</p> <p><u>11:00 a.m. – 11:50 a.m.</u>  Floor Time</p> <p><u>11:50 a.m. – 12:15 p.m.</u>  Access Time</p> <p><u>12:15 p.m. – 1:50 p.m.</u>  Lunch</p> <p><u>2:00 p.m. – 5:00 p.m.</u>  <i>Standing Committees</i>  Business/Labor – 215  Education – 210  Health/Human Services – 250</p>

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