

Date: 3-2-21

Senate Government Operations and Political Subdivisions

Bill: SB 249 County Jail Amendments

Sponsor: Sen. Owens

Floor Sponsor:

UASD Position: Tracking

This Bill: sets specific amounts for jail contracting and reimbursement rates and creates a committee to study the issue.

Discussion: Sen. Owens explained that this bill carves a path forward for the next three years to bump the jail contract rate up to the original agreement. It also includes the base, rates, and general reimbursement. Sheriff Chad Jensen of the Utah Sheriffs Association presented with Sen. Owens. He said this simplifies the process and math for jails. The Commission on Criminal and Juvenile Justice supports the bill.

Yeas: 6

Nays: 0

N/V: 2

Outcome: SB 249 passed out of committee with a favorable recommendation.

Bill: 2nd Sub. HB 220 Pretrial Detention Amendments

Sponsor: Rep. Schultz

Floor Sponsor: Sen. Cullimore

UASD Position: Oppose

This Bill: removes the substantive changes to the bail system that were made by 2020 General Session H.B. 206, Bail and Pretrial Release Amendments.

Discussion: The second substitute was adopted. Rep. Schultz provided a handout with information on HB 206 from last year. He explained that many stakeholders agree change is needed. This bill returns to the previous bail system so the stakeholders can work on something better. The Utah Sheriffs Association supports the bill. Sen. Thatcher said he is concerned about fully repealing HB 206. However, he has heard that the new substitute allows for the discretion to hold the most dangerous offenders without bail, while not holding low-risk offenders who can't make bail. He asked Rep. Schultz if it strikes that balance. Rep. Schultz said experts can answer that, but it is consensus language. Sen. Vickers asked what good things have been put into the substitute. Michael Drechsel said that the courts are neutral on the bill. It rolls back the language in HB 206, but the substitute makes additional changes. It adds language related to when victims can be subpoenaed to testify and language from HB 206 directing certain forfeited money to a pretrial release and supervision fund. Sen. Iwamoto asked why they can't work from where they are now instead of starting over. Rep. Schultz said since there is less than a week left, this is the easiest way to address the issue now. Sen. Riebe asked if the working group is the same constituents as before, and if all the stakeholders will be invited. Rep. Schultz said all the stakeholders need a seat at the table. The working group has yet to be decided. Sen. Riebe asked if this creates a loophole for people who were released under HB 206. Rep. Schultz said there is time before the bill is implemented, and they closed those loopholes.

The Utah Association of Criminal Defense Lawyers, the Utah Chiefs of Police Association, the Libertas Institute, the Utah Attorney General's Office, the Utah Association of Professional Bondsmen, and Aladdin Bail Bonds support the bill. The Legal Defender Coordinator for Davis County, Salt Lake County District Attorney Sim Gill, Utah County Attorney David Leavitt, and the Salt Lake Legal Defender Association oppose the bill. Jojo Lieu spoke on behalf of Salt Lake County's Office of Criminal Justice Initiatives. After HB 206 was implemented, felony domestic violence offenders were held without bail more often. She noted that bail reform is a continuous process. Public defender Ben Aldana and victims' rights attorney Crystal Powell spoke against the bill. Several of the people opposed to this bill mentioned their support for SB 171. Kane County Attorney Robert Van Dyke supports the bill. He expressed a desire for the Senate to pass this bill or SB 171 in order to resolve some of these issues now. Tom Ross spoke on behalf of the Commission on Criminal and Juvenile Justice in opposition to the bill. Sen. Thatcher asked if this bill is a full repeal. Mr. Ross said it is not.

Sen. Riebe moved to go on to the next agenda item. Sen. Buxton made a substitute motion to favorably recommend the bill. Sen. Thatcher expressed concern over the removal of a presumption of no bail on a first-degree felony. He wants to ensure the bill includes the right to a detention attorney. Sen. Riebe echoed those concerns, referencing line 313. Rep. Schultz said his understanding is that all judges hold a person charged with a first-degree felony. Mr. Drechsel said the removal of the presumption of no bail on a first-degree felony doesn't mean that person

can't be held. Those cases can also be referred to district court judges. Rep. Schultz noted that Salt Lake County has an excellent pretrial release program, but they also have a very large budget. Most counties don't have the same resources. He supports bail reform, but thinks it's time to start over. Sen. Buxton said this bill needs work, but it also needs to move forward.

Yeas: 4

Nays: 3

N/V: 1

Outcome: 2nd Sub. HB 220 passed out of committee with a favorable recommendation.

Bill: 1st Sub. HB 399 Approval of Nonhazardous Solid or Hazardous Waste Facilities

Sponsor: Rep. Hawkes

Floor Sponsor: Sen. Sandall

UASD Position: Tracking

This Bill: addresses process of obtaining approval of nonhazardous solid or hazardous waste facilities.

Discussion: Rep. Hawkes explained that the bill clarifies the process of legislative approval for waste facilities.

Yeas: 5

Nays: 0

N/V: 3

Outcome: 1st Sub. HB 399 passed out of committee with a favorable recommendation.

Bill: 3rd Sub. HB 246 Ballot Measure Transparency Amendments

Sponsor: Rep. Christiansen

Floor Sponsor: Sen. McCay

UASD Position: Tracking

This Bill: requires the Office of Legislative Research and General Counsel to prepare an impartial statement of the effect of a ballot measure.

Discussion: Rep. Christiansen explained that the bill requires that a website be printed at the top of the ballot measure section of the ballot. That website would contain 200-word statements on each ballot measure written by legislative research staff. Weber County Clerk/Auditor and chair of the Clerks Legislative Committee Ricky Hatch spoke. The clerks' concerns have been largely addressed. However, they still oppose the bill because many clerks hope to preserve the sanctity of the ballot. Sen. Thatcher asked if anything else can be done to remove the clerks' opposition. Mr. Hatch said this comes to a philosophical debate on the purpose of the ballot. There is nothing else that can be done that would still capture Rep. Christiansen's intent. Rep. Christiansen explained that the statement printed above the ballot measure section is very similar to the statement printed above the judges section.

Yeas: 4

Nays: 1

N/V: 3

Outcome: 3rd Sub. HB 246 passed out of committee with a favorable recommendation.

Bill: 2nd Sub. HB 98 Local Government Building Regulation Amendments

Sponsor: Rep. Ray

Floor Sponsor: Sen. Sandall

UASD Position: Tracking

This Bill: amends provisions related to local government building regulation.

Discussion: Rep. Ray explained that the bill allows a builder to start construction without a permit as long as they have met other requirements, if the city or county can't provide a permit

within 14 days. It also allows builders to hire a private inspector if a city hasn't inspected the property within three days. Sen. Iwamoto said many of her constituents are concerned about this bill, noting that she lives in a historical zone. How does the bill impact resubmittals on building permits? Rep. Ray said redlining is typically covered during inspections. Some cities will wait until the final day, and then issue a checklist of things they want you to fix. As far as historical zones go, those areas are grandfathered in. Any historical area as of January 1, 2021 can retain their design standards. Sen. Iwamoto asked if the bill allows for landscaping. Rep. Ray said it allows for front landscaping. Sen. Buxton asked if this is for residential areas only. Rep. Ray said yes. Sen. Buxton introduced an amendment inserting the word "residential" on three lines. Rep. Ray mentioned that he also has an amendment inserting "a dwelling located within a mountainous planning district" right after line 1250 and line 626. That was added to Sen. Buxton's amendment. President Adams said he supports the amendment, and any clean-ups can be made on the floor. The amendment passed. Sen. Vickers asked about oversight for independent inspectors. Rep. Ray said they're licensed under the Division of Occupational and Professional Licensing, and required to pick up liability insurance. Sen. Vickers asked what would differ between a city inspector as opposed to an independent inspector. Rep. Ray said if a city inspector does it, the city isn't liable. The Utah Association of Realtors, Perry Homes, the Utah Home Builders Association and Sunpro support the bill. Brian Nelson, director of the Division of Risk Management, expressed concern over the impact the amendment would have on college housing. The League of Cities and Towns is neutral on the bill. The Brian Head Town Council, architect Bryan Romney, and building inspector Andrew Herseth oppose the bill. The Elected County Attorneys are concerned about line 1162, as well as having the third-party inspectors issuing certificates of occupancy.

Yeas: 5

Nays: 2

N/V: 1

Outcome: 2nd Sub. HB 98 passed out of committee with a favorable recommendation.