

Date: 3-3-21

Senate Floor

Bill: HB 52 Point of the Mountain Development Commission Act Modifications

Sponsor: Rep. Snow

Floor Sponsor: Sen. Stevenson

UASD Position: Support

This Bill: revises the role of the Point of the Mountain Development Commission and extends the repeal date of the Point of the Mountain Development Commission Act.

Discussion: Sen. Stevenson explained that the bill extends the Point of the Mountain Development Commission for an additional two years. Sen. Owens spoke in support.

Yeas: 26

Nays: 0

N/V: 3

Outcome: HB 52 passed the Senate.

Bill: 3rd Sub. HB 197 Voter Affiliation Amendments

Sponsor: Rep. Teuscher

Floor Sponsor: Sen. Bramble

UASD Position: Tracking

This Bill: amends the Election Code relating to a voter's change of political party affiliation.

Discussion: Sen. Bramble introduced the bill. There was no discussion.

Yeas: 22

Nays: 3

N/V: 4

Outcome: 3rd Sub. HB 197 passed the Senate.

Bill: 1st Sub. HB 70 Ballot Tracking Amendments

Sponsor: Rep. Johnson

Floor Sponsor: Sen. Sandall

UASD Position: Tracking

This Bill: makes changes to the Election Code regarding the tracking of certain ballots.

Discussion: Sen. Sandall introduced the bill. It allows constituents to opt-in to text notifications on the status of their ballot.

Yeas: 25

Nays: 0

N/V: 4

Outcome: 1st Sub. HB 70 passed the Senate.

Bill: 1st Sub. HB 301 Domestic Violence Training Amendments

Sponsor: Rep. Pierucci

Floor Sponsor: Sen. Fillmore

UASD Position: Tracking

This Bill: provides for domestic violence and lethality assessment training for law enforcement officers and reporting requirements.

Discussion: Sen. Fillmore introduced the bill. It will require Peace Officer Standards and Training to develop a curriculum providing additional domestic violence training to first responders. There was no discussion.

Yeas: 25

Nays: 0

N/V: 4

Outcome: 1st Sub. HB 301 passed the Senate.

Bill: 1st Sub. HB 297 Colorado River Amendments

Sponsor: Rep. Wilson

Floor Sponsor: Sen. Adams

UASD Position: Support

This Bill: addresses Utah's management of Utah's Colorado River system interests.

Discussion: Sen. Adams introduced the bill. Sen. Ipson voiced his support. Sen. Kitchen spoke in opposition. He expressed concerns about climate change denial, lack of transparency, and a lack of representation for local tribes. He also noted that the river's flows have decreased over the past two decades. Sen. Riebe said she worries this doesn't represent the people who use this water. Sen. Thatcher and Sen. Owens spoke in support of the bill. Sen. Davis asked how much the state will pay in legal costs if this goes into long-term negotiations. Sen. Adams said the potential loss of the water overshadows any potential legal expenses. Sen. Ipson said the surrounding states have worked hard to keep Utah from accessing this water. Sen. Riebe said her opposition stems primarily from the lack of transparency.

Yeas: 24

Nays: 3

N/V: 2

Outcome: 1st Sub. HB 297 passed the Senate.

Bill: 2nd Sub. HB 220 Pretrial Detention Amendments

Sponsor: Rep. Schultz

Floor Sponsor: Sen. Cullimore

UASD Position: Oppose

This Bill: addresses requirements for pretrial release and detention.

Discussion: Sen. Cullimore introduced the bill. It repeals most of HB 206 from last session, adds consensus compromises from recent working groups, and allows for the reset and restructure of all stakeholders. This issue will be worked on over the interim. The bill describes what materials may be used in determining when to hold someone without bail, as well as limits when victims can testify in pretrial defense hearings.

Sen. Weiler spoke in opposition to the bill. He said the House was told that this bill reverts to the previous bail system. However, the second substitute is a very different bill. He said it's true that it has consensus language, but it is not a consensus bill. Public defenders oppose the bill, while private defense attorneys support it. He also noted that the Commission on Criminal and Juvenile Justice opposes the bill, as well as victims' attorneys. The second substitute also has many internal inconsistencies. Sen. Weiler explained that the bill also prevents denial of bail for first-degree felonies in some counties. The data shows that HB 206 is having positive impacts. In Utah's largest counties, dangerous people are being held, while low-risk people are being released. Lines 193-199 remove the requirement that the court issue a pretrial status order and impose the least restrictive option. He argued that this will result in more innocent people being held. The bill also removes the requirement that courts consider the individual's ability to pay before setting bail. Lines 285-288 remove the right of a defendant to be represented by counsel at a detention hearing. Lines 325-326 direct bail commissioners to refer to a section of code that no longer exists. Lines 341-342 say the prosecution and defendant have the right to subpoena witnesses to testify at a pretrial detention hearing, but later lines in the bill repeal those detention hearings. Lines 353-361 reference a pretrial status order, but the bill removes language regarding what those orders entail. Lines 343-352 give defendants a right to force victims to testify on the stand, a right that does not exist in Utah right now. The Utah Crime Victims Legal Clinic, the UCASA, and the Rape Recovery Center oppose that section. Lines 427-432 do not operate in harmony with existing code.

Sen. Anderegg said this comes down to fairness. He asked if this bill addresses a person's ability to pay, balanced with their threat to society. Sen. Cullimore said that needs to be addressed in bail reform. However, before HB 206 was implemented, the system was functioning fine, although there were issues. Sen. Anderegg said the data he's seen shows that HB 206 is working. Sen. Cullimore said there's data on both sides. Counties with more resources have been able to implement the system with more success. However, counties outside of the Wasatch Front are struggling. Sen. Anderegg said that is the one issue that leaves him uncertain how to vote. It comes down to what provides the best starting place for continued work. He feels that whether or not someone is held should be based on their threat level, not their ability to pay. He acknowledged that the previous system was disproportionately affecting poorer people. He asked how they can ensure that all the stakeholders come to the table. Sen. Cullimore said the three main counties along the Wasatch Front can implement the policies of HB 206 without it remaining in place. If the status quo continues, those counties will have less of an interest in coming to the table.

Sen. Riebe said she is still concerned about the pretrial hearings, first-degree felons being released, and the impact on all the people who have been released. Sen. Cullimore said nothing will change for anyone who has been let out, as long as they comply with the terms. Sen. Thatcher contended that there is no consensus that HB 206 should be repealed. Prior to its passage, the system was unjust. When he has spoken to sheriffs, they have been stunned by line 300. How does it increase public safety to remove a presumption of no bail on first-degree felonies? He argued that HB 206 is working — the most dangerous people are being held. Taking power from justice court judges means that smaller counties lose the ability to hold the most dangerous, violent people without bail. The only reason to reconnect bail with first-degree felonies is because they have the highest dollar amounts attached. Sen. Thatcher said the working group should be convened now, so that a consensus bill can be passed during a special session. Sen. Iwamoto said that bail reform is important for victim safety. Monetary bail does not protect that. She supports Sen. Weiler's bill. Sen. Bramble said he just got off the phone with Utah County Sheriff Mike Smith. Sheriff Smith said all the stakeholders will come back to the table regardless of whether the bill is passed. Sen. Thatcher read a text from a sheriff friend saying he's spot-on about HB 220.

Yeas: 20

Nays: 8

N/V: 1

Outcome: 2nd Sub. HB 220 passed the Senate.

Bill: 5th Sub. HB 82 Single-family Housing Modifications

Sponsor: Rep. Ward

Floor Sponsor: Sen. Anderegg

UASD Position: Support

This Bill: modifies provisions related to single-family housing.

Discussion: Sen. Anderegg introduced the bill. Sen. Davis asked why they aren't allowing the cities to make this decision on their own. Sen. Anderegg said that many mayors and city council members agree on this issue in private, but they face political pressure. Sen. Davis said his understanding was that this only applied to related people. He asked how you deal with the future sale of the house? Sen. Anderegg explained that it does not only apply to related people, and this makes it permissible. Sen. Davis said if he converted his basement into the apartment, he wouldn't need to meet the same fire standards for a rental apartment. Sen. Anderegg replied that those are some elements of conforming use. The interior needs to comply with the national electric code, etc. for safety. Some cities may require separate metering. The bill will comply with all building requirements, it just makes it a permissible use. Sen. Mayne brought up parking, but expressed gratitude for the enforcement mechanisms in the bill. Sen. Winterton asked about the effective date. Sen. Anderegg noted that the bill's effective date is October 1st to give cities time to do what they need in order to implement the bill. Sen. Iwamoto said she appreciates Rep. Ward and the work done on the bill, but some areas in her district still oppose it. She will be voting no.

Yeas: 27

Nays: 1

N/V: 1

Outcome: 5th Sub. HB 82 passed the Senate.

Bill: HB 248 Mental Health Support Program for First Responders

Sponsor: Rep. Kwan

Floor Sponsor: Sen. Thatcher

UASD Position: Support

This Bill: relates to mental health resources for first responders.

Discussion: Sen. Thatcher introduced Amendment Two, dropping the fiscal note to \$500,000 to match what was funded. The bill was amended. There was no discussion.

Yeas: 22

Nays: 0

N/V: 7

Outcome: HB 248 passed the Senate.

Bill: 3rd Sub. HB 433 Amendments Related to Infrastructure Funding

Sponsor: Rep. Schultz

Floor Sponsor: Sen. Cullimore

UASD Position: Support

This Bill: enacts provisions relating to funding for infrastructure projects.

Discussion: The third substitute was adopted. Sen. Cullimore introduced an amendment making technical changes. The amendment passed. He introduced the bill. There was no discussion.

Yeas: 26

Nays: 0

N/V: 3

Outcome: 3rd Sub. HB 433 passed the Senate.

Bill: 5th Sub. HB 244 First Class County Highway Road Funds Amendments

Sponsor: Rep. Dunnigan

Floor Sponsor: Sen. Harper

UASD Position: Tracking

This Bill: allocates funds in the County of the First Class Highway Projects Fund.

Discussion: The fifth substitute was adopted. Sen. Harper introduced the bill. Sen. Cullimore expressed his appreciation for the effort that has gone into the bill.

Yeas: 24

Nays: 0

N/V: 5

Outcome: 5th Sub. HB 244 passed the Senate.

Bill: 1st Sub. HB 270 Property Tax Valuation Amendments

Sponsor: Rep. Hawkes

Floor Sponsor: Sen. Cullimore

UASD Position: Tracking

This Bill: modifies provisions of the Property Tax Act related to valuation and appeals.

Discussion: Sen. Cullimore introduced the bill. There was no discussion.

Yeas: 25

Nays: 0

N/V: 4

Outcome: 1st Sub. HB 270 passed the Senate.

Bill: 3rd Sub. HB 243 Privacy Protection Amendments

Sponsor: Rep. Gibson

Floor Sponsor: Sen. Cullimore

UASD Position: Tracking

This Bill: creates positions to oversee privacy practices in state government.

Discussion: Sen. Cullimore introduced an amendment, which adds clarity on a board member appointed by the governor and includes the tax commission. The amendment was adopted.

Yeas:

Nays:

N/V:

Outcome: 3rd Sub. HB 243 was circled.

Bill: 4th Sub. SB 73 Vehicle Registration Checkoff and Fee Amendments

Sponsor: Sen. Fillmore

Floor Sponsor: Rep. Thurston

UASD Position: Support

This Bill: provides a credit for fees and taxes charged to a person registering a leased vehicle purchased by the lessee and creates a voluntary contribution checkoff for motor vehicle registrations and renewals.

Discussion: The Senate concurred with the House amendments

Yeas: 26

Nays: 0

N/V: 3

Outcome: 4th Sub. SB 73 passed the Senate.

Bill: SB 47 Mental Health Crisis Intervention Council

Sponsor: Sen. Thatcher

Floor Sponsor: Rep. Romero

UASD Position: Tracking

This Bill: creates the Mental Health Crisis Intervention Council to establish protocols and standards for the training and functioning of local mental health crisis intervention teams.

Discussion: The Senate concurred with the House amendments.

Yeas: 27

Nays: 0

N/V: 2

Outcome: SB 47 passed the Senate.

Bill: SB 53 Behavioral Emergency Services Amendments

Sponsor: Sen. Thatcher

Floor Sponsor: Rep. Burton

UASD Position: Track with Concern and Amend

This Bill: enacts requirements and provisions relating to behavioral emergency services technicians.

Discussion: The Senate concurred with the House amendments.

Yeas: 26

Nays: 0

N/V: 3

Outcome: SB 53 passed the Senate.

Bill: 1st Sub. SB 199 Water Amendments

Sponsor: Sen. McKell

Floor Sponsor: Rep. Hawkes

UASD Position: Support with Amendments

This Bill: addresses issues related to water.

Discussion: The Senate concurred with the House amendments.

Yeas: 25

Nays: 0

N/V: 4

Outcome: 1st Sub. SB 199 passed the Senate.

Bill: 3rd Sub. HB 243 Privacy Protection Amendments

Sponsor: Rep. Gibson

Floor Sponsor: Sen. Cullimore

UASD Position: Support

This Bill: creates positions to oversee privacy practices in state government.

Discussion: Sen. Bramble moved to reconsider Amendment One. Sen. Cullimore said this motion is friendly. The motion passed.

Yeas:

Nays:

N/V:

Outcome: 3rd Sub. HB 243 was circled.