



**STAFF REPORT**

To: Summit County Council  
From: Janna Young, Deputy County Manager  
Date of Meeting: March 2, 2022  
Type of Item: 2022 General Session of the Utah State Legislature  
Process: Work Session

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During the 2022 general session of the Utah State Legislature, staff, along with Councilmembers Glenn Wright and Malena Stevens, 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 18, 2022, the general session of Utah’s 65<sup>th</sup> legislature began and will run until Friday, March 4, 2021. 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, APRA Grants Coordinator, 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 lobbyist on issues, attend committee meetings, and potentially testify before committees, if appropriate.

Each week at the County Council meeting, Councilmembers Glenn Wright and Malena Stevens, and 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 and UAC are Currently Monitoring**

*NOTE: The below information is subject to change. The legislative process is dynamic, ever-evolving as legislators work with colleagues, lobbyists, and the public to negotiate, refine, and amend their bills. The information presented below represents the state of affairs at the time of drafting this staff report.*

### **Appropriations Request for HVT Operations Facility**

Summit County's High Valley Transit (HVT) was established last summer to serve as the regional transit system for the Wasatch Back. In less than one year, the system has already far exceeded ridership and demand projections. To continue to expand service to the rural municipalities in eastern Summit County, MIDA, and Wasatch County, HVT needs an operations facility, which is planned for the US-40 corridor. The facility will cost around \$20 million. We are confident we can secure around \$10 million in federal grants but are asking the state to help us with the remaining \$10 million.

### **HB 12, Public Safety Retirement Amendments (Rep. Gwynn) – SUMMIT COUNTY and UAC SUPPORT**

This bill reduces the length of the period of separation for postretirement reemployment of a retiree from a public safety system or a firefighter retirement system; modifies the years of service and age requirements for a member's retirement from the New Public Safety and Firefighter Tier II Contributory Retirement Act; and modifies the multiplier percentage for the calculation of the retirement allowance of a member in the New Public Safety and Firefighter Tier II Contributory Retirement Act.

The bill is strongly supported by counties and the Sheriff's Association as a recruitment tool for experienced employees. It has seen some support this session. However, the hang-up is the bill's cost. There is an appropriations request of around \$50 million to help pay for URS benefits for these individuals. If the funding passes, most likely the bill will pass. It will not pass, however, if the funding is not secured. Counties need to reach out to House and Senate leadership and the appropriations committee chairs to make the funding a priority.

### **HB 135S03, Open and Public Meeting Modifications (Rep. Brammer) – UAC OPPOSES**

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 exceptions, and requires a public body to adopt a resolution, rule, or ordinance allowing public comment in a public meeting. The bill failed to pass the House twice and failed in the Senate. We are hearing the bill may be modified to only pertain to school districts, but the bill is pretty much dead this session.

**HB 242S01, Secondary Water Metering Amendments (Rep. Petersen) – UAC OPPOSES**

This bill imposes requirements related to metering pressurized secondary water; provides for penalties for failure to comply with metering requirements; provides for grants to fund metering of certain pressurized secondary water services; and addresses rulemaking authority.

The concern with this bill is it pays for the same service twice. All water is currently measured at the point of diversion. Irrigation companies then appropriate the water according to shares. Counties feel that state responsibility should end after the original point of diversion.

**HB 289, Insurance Coverage for Emergency Medical Service Personnel (Rep. Johnson) – SUMMIT COUNTY and UAC SUPPORT**

This bill creates the Volunteer Emergency Medical Service Personnel Health Insurance Program to help counties provide health insurance to EMTs and paramedics. However, the program does sunset. The bill also requires the Department of Health to convene an advisory board and amends the definition of "volunteer" in the Volunteer Government Workers Act.

Counties support this bill as a way to help recruit and retain emergency medical providers/personnel.

**HB 304, Eminent Domain Modifications (Rep. Snider) – UAC OPPOSES**

This bill modifies provisions related to the authority of a county to exercise eminent domain on a highway, street, or road under certain circumstances.

Cache County Council has been working with Rep. Snider on the bill and got him to put it on hold for a year to see what Cache County can work out with the property owner who initiated the bill.

**HB 313S02, Election Security Amendments (Rep. Hawkins) – SUMMIT COUNTY TENTATIVELY SUPPORTS and UAC SUPPORTS**

In principle, we agree with this bill. The biggest concern is the costs incurred by counties to add ballot boxes, video surveillance, and signage about the video surveillance as required in the bill. We would also incur increased expenses on poll workers picking up from the boxes because of having more boxes and the way they need to pick them up, which will take more time under this bill than it took previously. There will also be the added expense for shipping ballots to Utah from our Washington State printer prior to putting them into the mail. The bill has a \$500,000 appropriation to help with the video surveillance equipment. It would be helpful to have additional funding to cover the remainder of the increased costs. Additionally, the bill eliminates our ability to get donated funds from any entity other than a government to cover the costs of these new rules.

**HB 371, Voting Revisions (Rep. Lyman) – SUMMIT COUNTY and UAC**  
**OPPOSE**

This bill would do away with mail-in balloting in the state of Utah and comes with a large fiscal note. Counties are concerned that eliminating the mail-in ballot would radically decrease voter accessibility and participation, and dramatically increase county costs. Our system has worked extremely well in Utah for the past decade and serves our rural populations extremely well. The bill was defeated in the House Committee.

**HB 399, Government Records Amendments (Rep. Wilcox) – UAC**  
**SUPPORTS**

The bill modifies the list of records that may be classified as “protected” to include an employee statement given as part of a governmental entity’s investigation into possible wrongdoing and modifies governmental immunity provisions related to claims for attorney fees and costs under the Government Records Access and Management Act (GRAMA) and makes those claims not subject to the Governmental Immunity Act. It is a priority bill for the County Sheriff’s Association and supported by UAC.

The bill passed favorably out of the House on February 22<sup>nd</sup> and now is in the Senate.

**HB 407, Short-term Rental Enforcement Amendments (Rep. Bennion)**

This bill allows a local legislative body to enforce an ordinance to regulate uses and locations of short-term rentals and impose a criminal penalty for violation of the ordinance.

**HB 411, Voting Administration Amendments (Rep. Petersen) – SUMMIT COUNTY and UAC**  
**OPPOSE**

We oppose this bill because it takes away privacy from vulnerable voters who register with personal identifiable information withheld. Often times these individuals are victims of domestic violence or are law enforcement officers who rely on this privacy for their personal safety.

The bill sponsor has substantially altered the bill, but concerns remain. UAC decided to maintain its oppose position.

**HB 416, Property Rights Ombudsman Amendments (Rep. Peterson) – SUMMIT COUNTY and UAC**  
**OPPOSE**

This bill would require the Office of the Property Rights Ombudsman to annually review for compliance with state law each local government's land use or land development ordinance or policy, written action pertaining to land use, and provide a report to the Executive Appropriations Committee. It also allows a

person to request a written advisory opinion regarding the ordinance or policy. Counties view this bill as an overreach of powers.

**HB 446, County Office Consolidation Amendments (Rep. Petersen) – UAC SUPPORTS**

This bill, which was initiated by two County Commissioners, changes the deadline for a county legislative body to enact an ordinance that consolidates or separates county offices. The rationale for moving the date is to require a decision to consolidate or separate elected offices prior to when petitions are due for filing to be a candidate for one of those offices, so the person interested in running for the seat is not collecting signatures in vain, or for an office that no longer exists.

**HB 462, Utah Housing Affordability Amendments (Rep. Waldrip)**

This is the big housing bill we have been expecting all session that was introduced on February 23<sup>rd</sup>. The bill builds upon past legislation requiring certain counties to adopt a moderate income housing plan as part of their general plan that utilizes three specific strategies from a list of options. If a county does not have an adequate Moderate Income Housing element with the three strategies, the penalty is the county becomes ineligible for monies from the Transportation Investment Fund and the Transit Investment Fund.

The bill also makes modifications to the regulation of accessory dwelling units (ADUs) by eliminating our ability to require a square footage limitation for internal ADUs, effectively making every single family development lot now a duplex lot, which will double the existing density in our single family zoned areas. The bill is also unclear on how HOA CCRs limiting ADUs will be addressed.

We are hearing there may be an effort to amend the bill to strip out the ability for counties to utilize inclusionary zoning but with a grandfather clause for those jurisdictions that have an existing ordinance. Summit County is expressly mentioned as being left out of the grandfather. We will continue to monitor the bill closely to make sure this amendment does not sneak in.

**HB 466, Special Service District Study (Rep. Winder) – UAC OPPOSES**

This bill requires a municipality and a special service district to conduct a feasibility study every ten years if the special service district's service area is contained within the municipality's boundaries.

**HB 474, Municipal and County Land use and Development Revisions (Rep. Waldrip)**

This is the Land Use Task Force bill we have been expecting all session. It was introduced on February 23<sup>rd</sup>.

The bill is fairly meaty and addresses things like who can challenge an annexation in district court. The annexation statute was extensively rewritten in the 2021 General Session. The concern with this bill is it is unclear if the language is strong enough to prevent a landowner from filing a lawsuit contesting petitionless annexations for islands and peninsulas. As long as the legislature allows petitionless annexations and does not provide an administrative remedy through the Boundary Commission, this area will remain fertile ground for litigation.

Additionally, there are provisions in the bill that appear to attempt to stop a county from changing its public improvement standards for subdivisions unless there is a public hearing and notice prior to doing so. Since Summit County's standards are embodied within our respective development codes, we already require a public hearing. However, this would place an additional noticing requirement burden on planning prior to that public hearing.

The bill has other provisions that most land use attorneys thought were already law, or agree are helpful clarifications, or which do not affect Summit County's land use laws.

**SB 49, State Film Production Incentives Amendments (Sen. Winterton) – SUMMIT COUNTY and UAC SUPPORT**

This bill would provide uncapped, post-production incentives for films produced in rural Utah. Summit County strongly supports these incentives as a way to bolster the economy of rural eastern Summit County, which benefitted from the series, Yellowstone, when it was filmed in Coalville.

The bill has successfully passed through the Senate and recommended favorably out of House Committee last week with strong support.

**SB 179, Criminal Justice Amendments (Sen. Weiler) – UAC OPPOSES**

This bill does many things but the biggest concern to the Sheriff's Association is the penalty for not establishing a Criminal Justice Coordinating Council, which would prohibit the Department of Corrections from contracting with a county to house state inmates if the county is not in compliance with reporting requirements. There are many unanswered questions about the coordinating council, how they work, who is responsible for them, etc.

**Notable Dates**

- January 18 Legislative Session Begins
- January 20 Last day legislators can designate priority bills
- January 27 Last day to either pass or defeat each base budget bill
- January 28 Last day to request bills or appropriations without floor approval
- March 2 Last day to prioritize fiscal note bills and identify other

- March 2 programs for new funding
- March 2 Final action must be taken on each appropriations bill
- March 3 Last day to pass any bill with a fiscal note of \$10k or more
- March 4 Last Day of the Session
- March 24 Last day the Governor may sign or veto bills
- May 3 Last day a veto-override session may begin
- May 4 Normal effective date for bills
- May 4 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 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.