

INTERIM HIGHLIGHTS

AUGUST 2022 VOL. 22, No. 3



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Legislative Interim Meetings

Meetings were held August, 17, 2022, or as noted

Administrative Rules Review and General Oversight Committee

August 18, 2022

Executive Order 2021-12

Received a [presentation](#) from the Governor's Office of Planning and Budget regarding the implementation of Governor Cox's [Executive Order 2021-12](#). The order directed each state agency to review its administrative rules and repeal rules that are no longer necessary, amend rules that create unnecessary burdens or regulations, and amend rules that are inconsistent with the current Rulemaking Manual.

Mental Health Professional Practice Act and Psychologist Licensing Act Rules

Received a [presentation](#) and [handout](#) from committee staff regarding two rules promulgated by the Division of Professional Licensing (DOPL) related to conversion therapy.

Heard comments from DOPL, Equality Utah, and the Family Development Action Coalition.

Chairs: Rep. Brady Brammer / Sen. Curtis S. Bramble
Staff: Megan L. Bolin (Deputy Director, Public Policy and Administration) / Julie Humberstone (Policy Analyst) / Victoria Ashby (Attorney) / Tracey Fredman (Administrative Assistant)

Business and Labor

Corporate and Commercial Code Filings

Received a [presentation](#) from the Division of Corporations and Commercial Code about modifying corporate and other entity filing requirements to consolidate related provisions and streamline the filing process.

Discussed whether businesses should be required to submit their North American Industry Classification System code to help the division guide businesses to resources and potential regulators when registering with the division.

Received [proposed language](#) from the division.

Fraudulent Ticket Sales

Received a [presentation](#) about fraudulent ticket sales and deceptive practices in the secondary ticket market.

Discussed consumer protection measures and potential modifications to the [Ticket Transferability Act](#) and [Ticket Website Sales Act](#) to address fraudulent ticket sales.

Heard from the Utah Cultural Alliance, MagicSpace Entertainment, and the Cache Valley Center for the Arts.

Hearing Instrument Specialist Licensing Act

Action: Voted to expand staff's drafting instructions for a committee bill related to the [Hearing Instrument Specialist Licensing Act](#) to allow modifications to the intern exam, including changing the exam from the International Licensing Examination to the National Board Certification Exam.

Office of Professional Licensure Review

Received a [presentation](#) from the new Office of Professional Licensure Review that is within the Department of Commerce.

Discussed the office's responsibilities, which include evaluating each lawful occupational license once every 10 years and conducting sunrise reviews.

Reviewed the office's guiding principles for evaluating licenses and methods of prioritization for reviews.

Required Reports

Discussed the following reports that were received in accordance with statutory reporting requirements:

- [Infant at Work Pilot Program Report](#)
- [Utah Motor Vehicle Franchise Advisory Board Report](#)

Sunset: Board of Credit Union Advisors

Action: Approved as a committee bill 2023 General Session draft legislation, "[Board of Credit Union Advisors Sunset Amendments](#)," which would extend the sunset date for the Board of Credit Union Advisors 10 years to July 1, 2033.

Sunset: Insurance Commissioner

Action: Approved as a committee bill 2023 General Session draft legislation, "[Insurance Commissioner Authority Sunset Amendments](#)," which would extend the sunset date 10 years to July 1, 2033, for provisions authorizing the commissioner to coordinate with other entities regarding certain insurance regulations.

Chairs: Rep. Joel Ferry / Sen. Curtis S. Bramble
Staff: Adam J. Sweet (Policy Analyst) / Charley Hart (Policy Analyst) / Ericka A. Evans (Managing Associate General Counsel) / Amy Shewan (Attorney) / Royce Gador (Administrative Assistant)

Criminal Code Evaluation Task Force

August 18, 2022

Arson Amendments

Received a [presentation](#) from committee staff on 2023 General Session draft legislation, "[Arson Amendments](#)," which would amend the definition of "habitable structure" in the aggravated arson statute.

Action: Voted to have the definition of "habitable structure" in the aggravated arson statute reviewed by a small workgroup that will report its findings back to the task force.

Criminal Code Recodification

Received a [presentation](#) from committee staff on the current state of the recodification of the criminal code.

Chairs: Rep. Matthew H. Gwynn / Sen. Karen Mayne
Staff: John Feinauer (Managing Policy Analyst) / Shad Larson (Attorney) / Esther D. Chelsea-McCarty (Attorney) / Jackie Rogers (Attorney) / Taylor Calabrese (Administrative Assistant)



Digital Wellness, Citizenship, and Safe Technology Commission

August 16, 2022

Education and Mental Health Coordinating Council

Received a [presentation](#) from the Education and Mental Health Coordinating Council about its membership, duties, and priorities.

SafeUT Crisis Chat and SafeUT Crisis Commission

Received a [presentation](#) from SafeUT about the history of the program, its marketing efforts, and its outreach activities.

Chairs: Rep. Jon Hawkins / Sen. Derrin R. Owens
Staff: Micah Ann Wixom (Policy Analyst) / Amy Shewan (Attorney) / Tracey Fredman (Administrative Assistant)

Economic Development and Workforce Services

Abusive Conduct Report

Received a presentation from the Division of Human Resource Management about the [Abusive Conduct Prevention Report](#).

Draft Legislation: Governor's Committee on Employment of People with Disabilities Amendments

Received a summary from committee staff of 2023 General Session draft legislation, "[Governor's Committee on Employment of People with Disabilities Amendments](#)," which would extend the sunset date for the Governor's Committee on Employment of People with Disabilities by five years.

Action: Approved as a committee bill 2023 General Session draft legislation, "Governor's Committee on Employment of People with Disabilities Amendments."

Sunset Review: Rural Employment Expansion Grant Program

Received a [presentation](#) from the Governor's Office of Economic Opportunity about [Section 63N-4-403](#), the Rural Employment Expansion Grant Program, which will be repealed July 1, 2023, absent further action by the Legislature. The committee conducted a sunset review of the statute and determined it should be reauthorized.

Action: Voted to open a committee bill file to reauthorize the Rural Employment Expansion Grant Program for five years.

University Tech Commercialization

Received presentations from a legislator, [the University of Utah](#), and the Governor's Office of Economic Opportunity about increasing the efficiency of the state's tech

commercialization efforts.

Action: Voted to open a committee bill file to establish a new technology commercialization program within the state.

Chairs: Rep. Stephen G. Handy / Sen. Ronald M. Winterton
Staff: Chris Stitt (Policy Analyst) / Gus Harb (Attorney) / Tracey Fredman (Administrative Assistant)

Education

Legislative Audit: A Performance Audit of Financial Reporting in Public Education

Received a [presentation](#) from the Office of the Auditor General on audit report #2022-04, "[A Performance Audit of Financial Reporting in Public Education](#)."

Heard a response from the State Board of Education to the audit findings.

Legislative Audit: A Performance Audit of Public Education Administrative Costs

Heard a [presentation](#) from the Office of the Legislative Auditor General on audit report #2022-05, "[A Performance Audit of Public Education Administrative Costs](#)."

Heard a response from the State Board of Education to the audit findings.

Public Education: Consolidating Prevention Programs

Utah Code creates multiple student prevention and intervention efforts and requires local education agencies to implement them. On June 15, 2022, the committee opened a bill file to combine and streamline some of these prevention programs.

Reviewed 2023 General Session draft legislation, "[Block Grant Funding for Prevention Programs in Public Education](#)."

Action: Approved as a committee bill 2023 General Session draft legislation, "Block Grant Funding for Prevention Programs in Public Education."

Public Education: Update on Litigation Related to H.B. 11 (2022 General Session)

Received an [update](#) from committee staff on ongoing litigation related to 2022 General Session H.B. 11, "[Student Eligibility in Interscholastic Activities](#)," which prohibits some transgender youth from participating in female interscholastic athletic activities. The bill also establishes a Student Activity Eligibility Commission to oversee participation of transgender youth in interscholastic athletics activities, which would go into effect if a court ruling overturns or enjoins the prohibition.

Received additional information from the Utah High School Activities Association about how this law is being implemented.



Sunset Review: Utah Professional Practices

Advisory Commission

Utah Code [Section 53E-6-5](#) establishes the Utah Professional Practices Advisory Commission to assist and advise the State Board of Education in matters relating to the professional practices of educators. Without legislative action, these statutes will be repealed on July 1, 2023.

Reviewed 2023 General Session draft legislation, "[Utah Professional Practices Advisory Commission Sunset Extension](#)," which would extend the Utah Professional Practices Advisory Commission for five years.

Action: Approved as a committee bill 2023 General Session draft legislation, "Utah Professional Practices Advisory Commission Sunset Extension."

Chairs: Rep. V. Lowry Snow / Sen. John D. Johnson
Staff: Alex R. Janak (Managing Policy Analyst) / Micah Ann Wixom (Policy Analyst) / Michael E. Curtis (Managing Associate General Counsel) / Taylor Calabrese (Administrative Assistant)

Federalism Commission

August 15, 2022

Federalism Policy Tracker and Federalism Index

Received a [demonstration](#) from Utah Valley University on the Federalism Index Policy Tracker.

Future Meetings Discussion

Discussed items to add to a master study item list for the remainder of interim.

Legislative Federalism Concerns

Heard from commission members and legislators about federalism issues that they would like to see studied.

Statewide Resource Management Plan

Heard from the Public Lands Policy Coordinating Office on forthcoming updates to the Statewide Resource Management Plan.

Chairs: Rep. Keven J. Stratton / Sen. Ronald M. Winterton
Staff: Samantha D. Brucker (Managing Policy Analyst) / Jacqueline Carlton (Attorney) / Robert H. Rees (Attorney) / Finn Andrew Rose (Administrative Assistant)

Government Operations

Boards and Commissions

Received a [report](#) from the Governor's Office regarding the executive boards that were created during the 2021 General Session.

Action: Voted to open a committee bill file regarding the review process for executive boards and commissions.

Government Fees

Received a [presentation](#) from the Division of Finance explaining the methods used by executive branch agencies to determine their fee amounts and the approval process for fee schedules.

Municipal Governance

Discussed Utah Code [Section 10-3b-403](#), which allows for a city council to appoint a city manager to perform executive and administrative duties.

Open and Public Meetings Act

Discussed 2022 General Session H.B. 135, "[Open and Public Meeting Modifications](#)," which would have modified provisions of the Open and Public Meetings Act relating to open meeting requirements.

Action: Voted to open a committee bill file to require a public body to provide reasonable opportunity for the public to provide verbal comment during a public meeting.

Public Notice Requirements

Received comments from the Utah Municipal Clerks Association regarding the various public notice requirements.

Action: Voted to open a committee bill file regarding the various public notice requirements.

State Commemorative Periods

Reviewed proposed statutory changes and received committee input regarding the state commemorative period statute.

State Initiative Process

Received a [presentation](#) and recommendations from the Lieutenant Governor's Office regarding the state initiative process.

Action: Voted to open a committee bill file to address the state initiative process.

Chairs: Rep. A. Cory Maloy / Sen. Daniel W. Thatcher
Staff: Lisa Sorensen (Policy Analyst) / Alan Houston (Attorney) / Thomas R. Vaughn (Managing Associate General Counsel) / Tracey Fredman (Administrative Assistant)

Health and Human Services

Site Visit to Tooele Human Services

Received presentations from Tooele Human Services, [Optum Behavioral Health - Tooele](#), and [Tooele Community Resource Center](#) on the delivery of behavioral health services in Tooele County.

Toured the Homeless Supportive Housing Shelter, Youth Services Center, Food Pantry, and Thrift Store.

Chairs: Rep. Merrill F. Nelson / Sen. Michael S. Kennedy
Staff: Mark D. Andrews (Policy Analyst) / Seth Anderson (Policy Analyst) / Victoria Ashby (Attorney) / Christopher Williams (Attorney) / Daniel M. Cheung (Attorney) / Naomi Garrow (Administrative Assistant)

Judiciary

Barriers to Re-Entry

Received a [presentation](#) from the Division of Juvenile Justice and Youth Services on barriers that justice-involved youth face to re-entry, such as barriers related to housing and employment.



Efforts to Reinvest in Juvenile Justice Reform

Received a [presentation](#) from the Division of Juvenile Justice and Youth Services on Utah's recent efforts to reinvest in juvenile justice (e.g., early intervention services) and areas for improvement, such as racial and ethnic disparities and violence prevention.

Expungement of Juvenile Records

Received a [presentation](#) from the Utah Juvenile Defender Attorneys and heard from the Division of Juvenile Justice and Youth Services on the expungement of juvenile records, including possible amendments to enable the automatic expungement of records in cases involving low-level offenses or where the juvenile was not adjudicated.

Action: Voted to open a committee bill file on the expungement of juvenile records.

Chairs: Rep. Jon Hawkins / Sen. Todd D. Weiler
Staff: Jonathan Adams (Policy Analyst) / Jacqueline Carlton (Attorney) / Naomi Garrow (Administrative Assistant)

Law Enforcement and Criminal Justice

First Responder Mental Health

Received comments from the Department of Public Safety on the implementation of grant-funded programs established in 2022 General Session H.B. 23, "[First Responder Mental Health Services Amendments](#)."



Sexual Assault Kit Processing Report

Received a [report](#) from the Utah Bureau of Forensic Services on the current status of sexual assault kit DNA reports.

Domestic Violence

Received a presentation from a legislator on proposals to amend the definitions of rape crisis center and sexual assault counselor and to require certain safety notifications and disclosures by online dating service providers.

Received a presentation from a legislator and a member of the public on possible gaps in the stalking and protective order statutes.

Received a presentation from a legislator on 2023 General Session draft legislation, "[Domestic Violence Modifications](#)," which would create a Domestic Violence Data Task Force.

Action: Voted to open committee bill files to address the issues raised about rape crisis centers and online dating service providers.

Voted to open a committee bill file to address the issues raised about possible gaps in the stalking and protective order statutes and referred the issue to the Criminal Code Evaluation Task Force.

Follow-up on Law Enforcement and School Security

Received comments from the chair about the need to open a committee bill file to address issues surrounding school safety and security raised during the June 15 interim meeting.

Action: Voted to open a committee bill file to address security concerns in public schools.

Mentally Ill Offenders

Received a presentation from a legislator on draft legislation that would create a grant program to support efforts to send a peace officer and a social worker jointly to incidents where mental health may be a factor.

Received a [presentation](#) from the Salt Lake County District Attorney's Office regarding the impacts of the current definition of incompetency in the criminal code.

Action: Voted to refer 2023 General Session draft legislation, "[Mental Health Support and Law Enforcement Co-response](#)," to the Behavioral Health Crisis Response Commission.

Sex Offender Registry

Received a [presentation](#) from committee staff about the Sex and Kidnap Offender Registry in Utah.

Received a [presentation](#) from the Utah Sentencing Commission on possible reforms to the sex offender registry.

Chairs: Rep. Ryan D. Wilcox / Sen. Keith Grover
Staff: John Feinauer (Managing Policy Analyst) / Esther D. Chelsea-McCarty (Attorney) / Jackie Rogers (Attorney) / Taylor Calabrese (Administrative Assistant)

Legislative Water Development Commission

August 16, 2022

Hydrogen Nutrition Technology

Received a presentation from representatives of the Magnuson Ranch regarding water optimization and conservation through the incorporation of automated hydroponic fodder systems.

Water Compact Issues

Heard from a legislator regarding a proposal to transfer representation on interstate water agreements from the Division of Water Resources to the state engineer.

Water Conservation

Received a presentation from the Department of Agriculture and Food regarding the Agricultural Water Optimization Grant Program and funding updates.

Received a presentation from the Agricultural Water Optimization Task Force on its duties related to identifying critical water supply issues and strategies for improving quantification of agricultural water use.

Watersheds Council Report

Received a presentation from the Department of Natural Resources regarding Utah Watershed Council priorities and the role of local watershed councils in communicating local issues.

Chairs: Rep. Casey Snider / Sen. David P. Hinkins
Staff: Nathan W. Brady (Policy Analyst) / Patricia Owen (Attorney) / Alan Houston (Attorney) / Finn Andrew Rose (Administrative Assistant)

Natural Resources, Agriculture, and Environment

Sunset Review: Wildlife Board Nominating Committee and Regional Advisory Councils

Action: Approved as a committee bill 2023 General Session draft legislation, "[Wildlife Sunset Related Amendments](#)," which would extend the sunset date for the Wildlife Nominating Committee and the regional advisory councils to July 1, 2028.

Utah Lake Restoration

Received a [presentation](#) from committee staff summarizing legislation related to 2022 General Session H.B. 240, "[Utah Lake Amendments](#)."

Heard from the Division of Forestry, Fire, and State Lands regarding a status update on the Utah Lake Restoration Project.

Water Related Liability

Heard from a legislator regarding draft legislation that would modify provisions related to the liability of owners or operators of water facilities, streams, or rivers.

Action: Amended and approved as a committee bill 2023 General Session draft legislation, "[Water Related Liability Amendments](#)."

West Virginia vs. Environmental Protection Agency

Received a [presentation](#) from committee staff summarizing the United States Supreme Court ruling on [West Virginia v. Environmental Protection Agency](#).

Wildfire Risks and Mitigation

Heard from the Division of Forestry, Fire, and State Lands regarding efforts to mitigate wildfires such as advertisement campaigns and land use planning tools.

Wildlife Code Recodification

Heard from a legislator regarding a status report for the potential recodification of [Title 23, Wildlife Resources Act](#), and how it [correlates](#) with the current Title 23, Wildlife Resources Code of Utah.

Wildlife Transplant

Heard from a legislator and the Department of Natural Resources regarding current wildlife transplant issues and future opportunities for mitigation planning.

Chairs: Rep. Keven J. Stratton / Sen. Scott D. Sandall
Staff: Charley Hart (Policy Analyst) / Nathan W. Brady (Policy Analyst) / Patricia Owen (Attorney) / Alan Houston (Attorney) / Finn Andrew Rose (Administrative Assistant)

Political Subdivisions

Continuing Care Retirement Facilities

Discussed 2023 General Session draft legislation, "[Continuing Care Retirement Facilities Amendments](#)," which would modify provisions related to the accounting, finances, and distributions to investors of continuing care retirement facilities.

Legal Issues Affecting Political Subdivisions

Received a [presentation](#) from committee staff on certain issues before the courts that could affect political subdivisions.

Short-Term Rentals

Received a [presentation](#) from the Kem C. Gardner Policy Institute on Utah's inventory of short-term rentals.

Received an update on discussions with stakeholders relating to regulation of short-term rentals.

Chairs: Rep. James A. Dunnigan / Sen. Michael K. McKell
Staff: Sarah Flanigan (Policy Analyst) / Greg Gunn (Attorney) / Michelle Clifford (Administrative Assistant)



Public Utilities, Energy, and Technology

Carbon Capture Utilization and Storage Update

Heard an update from the Utah Division of Oil, Gas, and Mining on the primacy process related to carbon capture wells.

Heard recommendations from the Utah Petroleum Association for changes to sections of Utah Code that deal with carbon capture utilization and storage.

Critical Minerals and Future Energy Needs

Heard a [presentation](#) from the Utah Geological Survey on what critical minerals are, why they are important in the energy transition, and what minerals exist in Utah.

Heard from the Utah Mining Association about the critical need for certain minerals in the energy transition.

Energy and Storage Technologies

Heard a [presentation](#) from Rocky Mountain Power on pumped hydro storage and four pumped hydro storage projects in Utah.

Chairs: Rep. Carl R. Albrecht / Sen. David P. Hinkins
Staff: Samantha D. Brucker (Managing Policy Analyst) / Scott Elder (Attorney) / Finn Andrew Rose (Administrative Assistant)

Revenue and Taxation

Property Tax: Agricultural Land

Received an [overview](#) of the Farmland Assessment Act from committee staff and a [presentation](#) from a Utah Watersheds Council member on the assessment and taxation of property actively devoted to agricultural use and the effect of use requirements on water waste.

Property Tax: Overview

Received a property tax [overview](#) from committee staff and a [presentation](#) from the Office of the Legislative Fiscal Analyst regarding the combined basic rate, a property tax rate that generates revenue for the basic school program.

Discussed recent legislation, 2018 General Session H.B. 293, "[Tax Rebalancing Revisions](#)," which affects education-related property tax rates.

Chairs: Rep. Casey Snider / Sen. Daniel McCay
Staff: Julie Humberstone (Policy Analyst) / Kristina King (Policy Analyst) / Andrea Valenti Arthur (Attorney) / Christine R. Gilbert (Managing Associate General Counsel) / Royce Gador (Administrative Assistant)

Senate Judicial Confirmation Committee

July 19, 2022

Confirmation of Rick Westmoreland

Action: Voted to recommend to the Senate the confirmation of Rick Westmoreland as a judge of the Second District Juvenile Court.

Confirmation of Jill Pohlman

Action: Voted to recommend to the Senate the confirmation of Jill Pohlman as a justice of the Utah Supreme Court.

Chairs: Sen. Todd D. Weiler
Staff: Jonathan Adams (Policy Analyst) / Eric N. Weeks (Deputy General Counsel) / Naomi Garrow (Administrative Assistant)

Transportation

Highway and Bridge Memorial Signs

Heard comments from a legislator on highway and bridge memorial designations, also known as special designations.

Received [information](#) from committee staff on the state's current process for special designations and a proposal for a new process where the Legislature would have supervisory authority over the Utah Department of Transportation.

Rail Safety

Received a [presentation](#) from a legislator and the Utah Department of Transportation (UDOT) on the federal State Rail Safety Participation Program, highway-rail grade crossings, and the Rail Transportation Restricted Account.

Received a [handout](#) from committee staff on how rail safety programs are funded and managed in other states.

Action: Voted to open a committee bill file to establish a State Rail Safety office within UDOT.

Transportation Funding

Received presentations from the [Wasatch Front Regional Council](#), [Utah Department of Transportation](#), [Mountainland Association of Governments](#), Utah League of Cities and Towns, and the Utah Association of Counties on transportation funding issues, including how the various aspects of transportation are funded and budget estimates for future projects.



Discussed the statewide transportation improvement program and how appropriations are managed by the Transportation Commission.

Discussed funding for transportation projects in cities and counties.

Received a [handout](#) about funding sources from the Utah Transit Authority.

Action: Voted to open a committee bill to direct the Transportation Commission to consider population growth when prioritizing transportation projects.

Chairs: Rep. Kay J. Christofferson / Sen. Wayne A. Harper
Staff: Alma Weber (Policy Analyst) / Kurt P. Gasser (Attorney) / Amy Shewan (Attorney) / Michelle Clifford (Administrative Assistant)

Veterans and Military Affairs

Commission

August 16, 2022

Recruiting and Retention

Received a [presentation](#) from the Utah National Guard regarding the recruiting and retention challenges currently being faced by the armed forces, both locally and nationally.

Title 71 Recodification

Reviewed 2023 General Session draft legislation, "[Title 71A - Veterans and Military Affairs](#)."

Veteran Access to Mental Health Services

Received a [presentation](#) from the Utah National Guard regarding the challenges faced by the Military Community and Family Services division in recruiting licensed clinical social workers to provide mental health services to veterans and active service members.

Veteran License Plates

Reviewed the [requirements](#) for the various veteran and military license plates offered in the state.

Chairs: Rep. Jefferson S. Burton / Sen. Todd D. Weiler
Staff: Lisa Sorensen (Policy Analyst) / Esther D. Chelsea-McCarty (Attorney) / Kurt P. Gasser (Attorney) / Tracey Fredman (Administrative Assistant)

