

# INTERIM HIGHLIGHTS

OCTOBER 2020 VOL. 20, No. 4



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## Legislative Interim Meetings

### [Administrative Rules Review Committee](#)

*October 23, 2020*

#### **History of Administrative Rules**

Received a presentation from a former legislator on the history and role of the Administrative Rules Review Committee, including discussion about a [2002 Utah Supreme Court decision](#) related to 2002 General Session S.B. 170, "[Reauthorization of Administrative Rules](#)," and an overview of the duties of the committee, as outlined in [Title 63G, Chapter 3, Part 5](#).

#### **Agency Response to 2020 General Session**

##### **Legislation Requiring Administrative Rulemaking**

Received a [presentation](#) from committee staff providing an [update on rulemaking completed](#) for the 2020 General Session bills requiring agencies to make rules and information about agencies that have not yet made rules.

#### **Department of Natural Resources and Department of Environmental Quality**

Received a presentation from the Department of Natural Resources, Division of Oil, Gas, and Mining, and the [Department of Environmental Quality](#), Division of Air Quality, on how specific rules they implemented in 2020 comply with the requirements of 2020 Sixth Special Session S.B. 6004, "[Regulatory Certainty Amendments](#)." The Department of Natural Resources, Division of Oil, Gas, and Mining, presented on R647-1-106, R647-3-114, and R647-4-118 and the Department of Environmental Quality, Division of Air Quality, presented on R307-240.

**Chairs:** Rep. Marc K. Roberts / Sen. Jacob L. Anderegg  
**Staff:** Micah Ann Wixom (Policy Analyst) / Amy Shewan (Attorney) / Amy Hawkes (Administrative Assistant)

## **Business and Labor**

October 20, 2020

### **Board of Financial Institutions**

Discussed the public purpose and interest of the Board of Financial Institutions, as well as the board's functions and capacity to serve the public interest.

Received a [presentation](#) from committee staff about the process for considering whether to take action to prevent the board from sunseting.

**Action:** Voted to open a committee bill file to extend the sunset date for the Board of Financial Institutions by 10 years.

### **Captive Insurance Companies**

**Action:** Voted to open a committee bill file to authorize the state risk manager to form captive insurance companies.

### **Consumer Privacy**

Discussed consumer privacy protections and whether to include a consumer's right to know what a business does with their personal information and if there is any cause of action related to a violation of that right.

### **Device Filter Amendments**

Heard a [presentation](#) and discussed 2021 General Session draft legislation, "[Device Filter Amendments](#)," which would require certain electronic devices to contain an active filter capable of blocking material harmful to minors and that the devices come with the filters turned on.

### **Interior Designers**

Discussed the public purpose and interest of the State Certification of Commercial Interior Designers Act and its functions and capacity to serve the public interest.

**Action:** Voted to open a committee bill file to remove the sunset provision for [Title 58, Chapter 86, State Certification of Commercial Interior Designers Act](#).

### **Licensing Reform**

Heard a [presentation](#) from the Division of Occupational and Professional Licensing about two licensing reforms currently being implemented by the division. Reform #1 is related to the use of criminal history in professional licensing and seeks:

- transparency by publishing criminal history guidelines;
- consistency through a streamlined criminal history questionnaire; and
- clarity by developing a criminal history determination (pre-licensure).

Reform #2 is related to the portability of licensure through endorsement and seeks to:

- identify the scope, education, experience, and exam requirements for each of the licenses issued by the division;
- meet with advisory boards and commissions; and
- create user friendly content for potential applications and publish the content to the web.

### **Payroll Advance Companies**

**Action:** Voted to open a committee bill file to draft regulations for businesses that provide an advance on money to an individual who is waiting to receive their paycheck from their employer. Upon receipt of their paycheck, the individual repays the business that provided the individual with the advanced funds.

### **Point of the Mountain Redevelopment**

Heard a [presentation](#) from the Point of the Mountain State Land Authority about the area's projected economic benefits and the authority's efforts to plan, manage, and implement development of the Point of the Mountain state land.

### **Residential Mortgage Regulatory Commission**

Discussed the public purpose and interest of the Residential Mortgage Regulatory Commission and the commission's functions and capacity to serve the public interest.

**Action:** Voted to open a committee bill file to extend the sunset date for the Residential Mortgage Regulatory Commission by 10 years.

### **Uniform Building Code Commission Amendments**

Discussed adopting the 2020 edition of the National Electrical Code, to replace the 2017 edition currently adopted, along with potential statewide construction code amendments. Heard concerns that additional amendments need to be considered.

**Action:** Approved as a committee bill 2021 General Session draft legislation, "[Uniform Building Code Commission Amendments](#)," which would adopt the 2020 edition of the National Electrical Code and amend certain statewide construction code amendments.

### **Unreinforced Masonry Disclosure**

Heard a [presentation](#) about the estimated damages and other consequences that would result from an earthquake on the Wasatch Front Region. The area currently has over 140,000 buildings with unreinforced masonry that would increase the risk of damage. Approaches to dealing with unreinforced masonry buildings include:

- mandating retrofitting, which could be tied to remodel, sale, or other deadlines;
- requiring disclosure of risk at the time of sale;





- educating Utahns about the risk so they do not miss windows of opportunity; and
- subsidizing retrofitting for low-income households.

Discussed requiring disclosure of the use of unreinforced masonry in a building's construction in real estate transactions due to the earthquake hazard posed by unreinforced masonry.

**Chairs:** Rep. James A. Dunnigan / Sen. Curtis S. Bramble  
**Staff:** Adam J. Sweet (Policy Analyst) / Amy L. West (Attorney) / Patrick Grecu (Attorney) / Leila Reynolds (Administrative Assistant)

## **Criminal Code Evaluation Task Force**

September 22, 2020

### **Criminal Code Evaluation Task Force Extension**

Received a presentation from task force staff on 2021 General Session draft legislation, "[Criminal Code Evaluation Task Force Extension](#)," which would reenact the Criminal Code Evaluation Task Force and includes a new sunset date of April 15, 2023.

***Action:** Approved as a task force bill 2021 General Session draft legislation, "Criminal Code Evaluation Task Force Extension."*

### **Criminal Code Recodification**

Received a presentation from the Salt Lake County District Attorney's Office on the potential benefits of recodifying the criminal code to make sentencing language more uniform.

### **Diversion Programs**

Received a [presentation](#) from the Salt Lake County District Attorney's Office about the effectiveness of diversion programs that provide resources for low risk offenders.

### **DUI Probation and Supervision**

Discuss possible reforms to mandatory supervision requirements for offenses related to driving under the influence.

### **License Suspension**

Discussed the possibility of making license suspension a discretionary part of sentencing for cases involving possession of drugs or drug paraphernalia.

**Chairs:** Rep. Paul Ray / Sen. Karen Mayne  
**Staff:** John Feinauer (Policy Analyst) / Esther D. Chelsea-McCarty (Attorney) / Jackie Rogers (Attorney) / Tracey Fredman (Administrative Assistant)

## **Economic Development and Workforce Services**

October 20, 2020

### **Broadband Infrastructure**

Received a [presentation](#) and [handout](#) from the Governor's Office of Economic Development. Also received presentations from the [Utah Education and Telehealth Network](#), the Utah Rural Telecom Association, and the Utah Association of Counties. Presenters addressed the status of broadband coverage and access across the state and

the strategies and challenges related to expanding coverage and access.

### **Child Homelessness**

Received a [presentation](#) from the Crossroads Urban Center regarding the status and needs of children experiencing homelessness in the state.

### **Emergency Powers**

Discussed emergency powers, the recent state of emergency declared in response to the COVID-19 pandemic, and the potential for legislative changes to the [Emergency Management Act](#) during the upcoming 2021 General Session.

### **Point of the Mountain**

Received a [presentation](#) from the Point of the Mountain State Land Authority. The authority launched the planning phase of the Point of the Mountain development project in September. The presentation addressed the process, timeline, and expected benefits of the project, as well as plans for addressing the challenges of growth.



## Workforce Solutions for Improved Air Quality

Received an update on data collection activities being undertaken by the Department of Human Resources Management (DHRM). DHRM is collecting data related to teleworking from the state's executive branch agencies, including their experiences with employee's who currently telework and the potential for expanding teleworking to additional state employee positions.

Chairs: Rep. Mike Winder / Sen. Daniel McCay  
Staff: Julie Humberstone (Policy Analyst) / Peter Asplund (Attorney) / Leila Reynolds (Administrative Assistant)

## Education

October 21, 2020

### Higher Education Learn and Work Program

Heard a [presentation](#) from the Utah System of Higher Education about the Learn and Work Program, which is providing workforce training for workers who are unemployed or underemployed due to the COVID-19 pandemic.

### Local Education Agency Reporting Requirements

Heard a [presentation](#) from the State Board of Education regarding actions taken in response to legislative audit #2019-14, "[A Performance Audit of Public Education Reporting Requirements](#)."

Heard a [presentation](#) from a rural school district regarding reporting requirements and held a panel discussion with charter school directors regarding reporting requirements.

**Action:** Voted to:

- report to the Legislative Audit Subcommittee that the State Board of Education has taken sufficient action to address the audit findings; and
- open a committee bill file related to reporting requirements.

### Utah Schools for the Deaf and the Blind Advisory Council

Discussed the sunset of a statutory requirement that the State Board of Education create an advisory council for the Utah Schools for the Deaf and the Blind.

Received a [recommendation](#) from the State Board of Education that the requirement be allowed to sunset. The State Board of Education intends to create the advisory council in policy.

Chairs: Rep. V. Lowry Snow / Sen. Deidre M. Henderson  
Staff: Allyson R. Hicks (Policy Analyst) / Micah Ann Wixom (Policy Analyst) / Michael E. Curtis (Attorney) / Amy Shewan (Attorney) / Diana Rodriguez (Administrative Assistant)

## Government Operations

October 20, 2020

### Competency-based Hiring Amendments

Discussed 2021 General Session draft legislation, "[Competency-based Hiring Amendments](#)," which would prioritize skills over education level in the consideration of job applicants.

### Continuity of Government

Received a presentation from committee staff related to continuity of government during emergencies. Information included emergency preparedness for the judicial branch, cities and towns, counties, and special districts.

**Action:** Voted to authorize the chairs to open committee bill files based on the information provided in the presentation.

### Cost Cutting Reporting Requirements

Discussed 2020 General Session H.B. 395, "[Cost Cutting Reporting Requirements](#)," which would have created the State Employee Cost Cutting Reporting Initiative.

### Deceased Voter Amendments

Discussed 2021 General Session draft legislation, "[Deceased Voter Amendments](#)," which would provide for removal of a voter's name from the official register of voters upon the voter's death.

**Action:** Approved as a committee bill 2021 General Session draft legislation, "Deceased Voter Amendments," with an amendment that the date of birth of the decedent be included in the information provided to the clerk's office.

### Emergency Task Force

Discussed 2021 General Session draft legislation, "[Emergency Task Force](#)," which would authorize a contract between certain state entities for the purpose of responding to an emergency.

**Action:** Approved as a committee bill 2021 General Session draft legislation, "Emergency Task Force."

### Public Information Website Revisions

Discussed 2021 General Session draft legislation, "[Public Information Website Modifications](#)," which would amend provisions related to certain public information websites.

**Action:** Approved as a committee bill 2021 General Session draft legislation, "Public Information Website Modifications."



## Required Reports

Received the following statutorily required reports:

- [Government Records Ombudsman Report](#);
- [Services to Veterans Report](#);
- [State Facility Energy Efficiency Fund Report](#); and
- [Telegovernment Study and Report](#).

## Water Conservancy District Amendments

Discussed 2021 General Session draft legislation, "[Water Conservancy District Amendments](#)," which would amend provisions of the Election Code to provide for filling a vacancy on the board of a water conservancy district located in more than one county.

**Action:** *Approved as a committee bill 2021 General Session draft legislation, "Water Conservancy District Amendments."*

Chairs: Rep. Marc K. Roberts / Sen. Daniel W. Thatcher  
Staff: Lisa Sorensen (Policy Analyst) / Alan Houston (Attorney) / Thomas R. Vaughn (Attorney) / Tracey Fredman (Administrative Assistant)

## Health and Human Services

October 21, 2020

### COVID-19

Briefed by the Department of Health on COVID-19 metrics, COVID-19 testing, and the state's [plan](#) for distribution of a COVID-19 vaccine.

### Sunset Review: Child Protection Unit Pilot Program

Reviewed 2021 General Session draft legislation, "[Child Protection Unit Amendments](#)," which repeals the Child Protection Unit Pilot Program and authorizes a child protection unit created by local law enforcement to share information related to a case of child abuse or neglect with certain individuals.

**Action:** *Approved as a committee bill 2021 General Session draft legislation, "Child Protection Unit Amendments."*

### Sunset Review: Kurt Oscarson Children's Organ Transplant Coordinating Committee

Conducted a sunset review of [Utah Code Title 26, Chapter 18a, Kurt Oscarson Children's Organ Transplant Coordinating Committee](#).

**Action:** *Voted to open a committee bill file to extend authorization of the committee for 10 years.*

## Sunset Review: Telehealth Mental Health Pilot Program

Reviewed 2021 General Session draft legislation, "[Telehealth Mental Health Program](#)," which would convert the Telehealth Mental Health Pilot Program to a program that is ongoing and not subject to automatic repeal.

**Action:** *Approved as a committee bill 2021 General Session draft legislation, "Telehealth Mental Health Program." Also, voted to open a committee bill file to improve access to mental health services by authorizing reciprocity of state licensing for the delivery of services via telemedicine.*

## Sunset Review: Utah Commission on Aging

Reviewed 2021 General Session draft legislation, "[Utah Commission on Aging Amendments](#)," which would remove the sunset date for the Utah Commission on Aging and modify the duties and membership of commission.

**Action:** *Approved as a committee bill 2021 General Session draft legislation, "Utah Commission on Aging Amendments."*

## Telehealth: Interstate Services

Briefed by committee staff on [licensing options](#) to facilitate the delivery of interstate telehealth.

Chairs: Rep. Brad M. Daw / Sen. Allen M. Christensen  
Mark D. Andrews (Policy Analyst) / Christopher Williams (Attorney) / Daniel M. Cheung (Attorney) / Ericka A. Evans (Attorney) / Amy Hawkes (Administrative Assistant)

## Judiciary

October 21, 2020

### Court-ordered Assessments

Received an overview of a bill draft regarding court-ordered assessments.

### Indigent Defense Commission

Received a [presentation](#) from the Indigent Defense Commission on the commission's fiscal year 2022 priorities.

### Justice Reinvestment Initiative

Reviewed an audit of the [Justice Reinvestment Initiative](#) and an audit of [Information Sharing in the Criminal Justice System](#).

Also received presentations from Office of the Legislative Auditor General staff related to the audits of the [Justice Reinvestment Initiative](#) and [Information Sharing in the Criminal Justice System](#).

### Landlord Notifications

Received a [presentation](#) from a legislator regarding 2021 General Session draft legislation, "[Rental Expenses Disclosure Requirements](#)," which addresses landlord notifications.





**Action:** Approved as a committee bill 2021 General Session draft legislation, "Rental Expenses Disclosure Requirements."

### Social Media Censorship

Received information from the Special Forces of Liberty organization regarding social media censorship.

### Sunset Review: Local Boards for Children's Justice Center Program

Received a [presentation](#) from committee staff regarding the sunset review process. Also heard comments from stakeholders of the Children's Justice Center Program administered by the Office of the Utah Attorney General regarding the sunset date for local boards related to the program.

**Chairs:** Rep. Karianne Lisonbee / Sen. Todd Weiler  
**Staff:** Kristina King (Policy Analyst) / Christopher Williams (Attorney) / Jacqueline Carlton (Attorney) / Amy Hawkes (Administrative Assistant)

## Law Enforcement and Criminal Justice

October 20, 2020

### A Performance Audit of Information Sharing in the Criminal Justice System

Received a [presentation](#) from the Office of the Legislative Auditor General on its recent [audit](#) of the capacity for information sharing in the state's criminal justice system.

**Action:** Voted to open a committee bill file to require the Commission on Criminal and Juvenile Justice to report annually to the Law Enforcement and Criminal Justice Interim Committee on the progress of certain areas of information sharing suggested by the audit.

**Action:** Voted to open a committee bill file to address creating an information sharing environment as described in the Performance Audit of Information Sharing in the Criminal Justice System.



### A Performance Audit of the Justice Reinvestment Initiative

Received a [presentation](#) from the Office of the Legislative Auditor General about its recent [audit](#) of the Justice Reinvestment Initiative.

### Driving Under the Influence Sentencing

Received a presentation, including comments from the Department of Public Safety, the Utah Statewide Association of Prosecutors and Public Attorneys, and the Utah Chapter of Mothers Against Drunk Driving, regarding 2021 General Session draft legislation, "[Driving Under the Influence Sentencing Amendments](#)," which would make changes related to penalties for driving under the influence, such as:

- prohibiting sentencing reductions in certain circumstances;
- requiring reinstatement of certain sentences if an individual fails to complete certain requirements of an approved 24/7 sobriety program;
- creating a separate offense for each person in a vehicle that is under 16 years old when the driver is operating the vehicle while under the influence of drugs or alcohol;
- prohibiting an impaired driving reduction under certain circumstances; and
- prohibiting a plea in abeyance for certain offenses.

**Action:** Approved as a committee bill 2021 General Session draft legislation, "Driving Under the Influence Sentencing Amendments."

### Mental Health Protections for First Responders

Discussed 2021 General Session draft legislation, "[Mental Health Protections for First Responders](#)," which would extend the Mental Health Protections for First Responders Workgroup until 2025.

**Action:** Approved as a committee bill 2021 General Session draft legislation, "Mental Health Protections for First Responders."

### Police K-9 Certifications

Discussed the possibility of implementing certain requirements in statute for certifying police dogs and police dog handlers. Received comments from staff about other states that have such requirements.

**Action:** Voted to open a committee bill file to explore the possibility of statutorily requiring police dogs and police dog handlers to undergo a program of training and certification.

**Chairs:** Rep. Lee B. Perry / Sen. Keith Grover  
**Staff:** John Feinauer (Policy Analyst) / Esther D. Chelsea-McCarty (Attorney) / Jackie Rogers (Attorney) / Tracey Fredman (Administrative Assistant)

## **Legislative Water Development Commission**

October 20, 2020

### **Aquatic Invasive Species Program**

**Action:** Approved as a commission bill 2021 General Session draft legislation, "[Statewide Aquatic Invasive Species Emergency Response Plan](#)," which would require the Division of Wildlife Resources to develop a statewide emergency response plan for aquatic invasive species and report to the Legislature regarding the development of the plan, including any necessary legislation and costs to implement the plan.

### **Extraterritorial Jurisdiction of Municipalities in Watersheds**

Discussed 2021 General Session draft legislation, "[Municipal Water Jurisdiction Amendments](#)," which would address the requirements for a municipality that exercises extraterritorial jurisdiction related to the municipality's water supply.

### **Lake Powell Pipeline Audit**

Received a [presentation](#) from the Office of the Legislative Auditor General regarding Legislative Audit #2019-05, "[Performance Audit of the Repayment Feasibility of the Lake Powell Pipeline](#)." The audit recommended that the Legislature:

- draft legislation clarifying in statute the terms for repayment of costs, including state bond interest costs, for the Lake Powell Pipeline;
- draft legislation clarifying in statute how repayment costs can be divided among and within repayment contracts; and
- draft legislation: (1) clarifying in statute final repayment time frames for outstanding reimbursable pipeline costs, and (2) determining whether multiple sources of funding for the Lake Powell Pipeline would be in the best interests of the state.

**Action:** Voted to support the audit recommendations and direct staff to work with the chairs or a designee on drafting legislation to incorporate the audit recommendations.

### **Water Distribution Efficiency**

Received a [presentation](#) from a legislator regarding 2021 General Session draft legislation, "[Water Distribution Efficiency](#)," which would enact the Water Distribution Efficiency Act to address water loss and modify requirements for water conservation plans.

Chairs: Rep. Keven J. Stratton / Sen. David P. Hinkins  
Staff: Nathan W. Brady (Policy Analyst) / Patricia Owen (Attorney) / Alan Houston (Attorney) / Cherish Cosman (Administrative Assistant)

## **Murdered and Missing Indigenous Women and Girls Task Force**

October 21, 2020

### **Murdered and Missing Indigenous Women and Girls Task Force**

Considered 2021 General Session draft legislation, "[Murdered and Missing Indigenous Women and Girls Task Force](#)," which would reinstate the task force until 2023 and provide for an immediate effective date.

**Action:** Approved as a committee bill 2021 General Session draft legislation, "Murdered and Missing Indigenous Women and Girls Task Force."

### **Overview of the Murdered and Missing Indigenous Women and Girls Task Force**

Task force staff provided an overview of the [duties and processes](#) of the task force, as outlined in statute and rule. The task force house chair provided an overview of the [background, history, and purpose](#) of the task force.

### **Tribal Consultation**

Pursuant to Utah Code Subsection [36-29-107\(8\)\(a\)](#), the task force heard from Utah tribal leaders on the scope and nature of the issues related to missing and murdered indigenous women and girls. Tribal leaders were also sent an email address through which to contact task force members in the event they were not able to attend tribal consultation. The task force heard from the [Paiute Tribe of Utah](#) during the tribal consultation.

### **United States Attorney's Office for the District of Utah**

The task force heard a brief [overview](#) of the United States Department of Justice's Missing and Murdered Indigenous Persons Initiative in the context of federal and state initiatives and recent federal legislation, as well as potential opportunities for task force collaboration.

Chairs: Rep. Angela Romero / Sen. David P. Hinkins  
Staff: Sarah J. Balland (Policy Analyst) / Patricia Owen (Attorney) / Amy L. West (Attorney) / Finn Andrew Rose (Administrative Assistant)

## **Native American Legislative Liaison Committee**

October 19, 2020

### **American Indian-Alaska Native Health Liaison**

Received a [presentation](#) from the American Indian-Alaska Native Health Liaison on the [report](#) required under [Utah Code Subsection 26-7-2.5\(4\)](#).

### **Murdered and Missing Indigenous Women and Girls Task Force**

Considered 2021 General Session draft legislation, "[Murdered and Missing Indigenous Women and Girls Task Force](#)," which would reinstate the task force until 2023 and provide for an immediate effective date.



**Action:** Approved as a committee bill 2021 General Session draft legislation, "Murdered and Missing Indigenous Women and Girls Task Force."

## Place Names Amendments

Considered 2021 General Session draft legislation, "[Place Name Amendments](#)," which would authorize the Utah Division of Indian Affairs to facilitate the process to change place names related to Native Americans and require reporting to the committee. Also heard from the following stakeholders:

- Utah Division of Indian Affairs;
- Re-Peak Committee;
- Paiute Indian Tribe of Utah; and
- State Geographic Naming Committee.

**Action:** Approved as a committee bill 2021 General Session draft legislation, "Place Name Amendments."

## Native American Education Report and Issues

Utah Code Subsection [53F-5-604\(3\)](#) requires that the committee "shall annually schedule at least one meeting at which education is discussed with selected stakeholders." Representatives of the State Board of Education addressed [education issues](#) affecting Native American students from a state perspective. Also heard from [San Juan School District](#) and reviewed written testimony from [Eagle View Elementary School](#) in Roosevelt, Utah, regarding Native American students that each entity serves.

Chairs: Rep. Christine F. Watkins / Sen. David P. Hinkins  
Staff: Sarah J. Bolland (Policy Analyst) / Patricia Owen (Attorney) / Cherish Cosman (Administrative Assistant)

## Natural Resources, Agriculture, and Environment

October 20, 2020

### Algal Blooms in Utah Lake

Received presentations from [Alpine Technical Services](#) and the [Wasatch Front Water Quality Council](#) regarding state-funded programs and research to reduce toxic algal blooms in Utah Lake.

### Automatic Repeal: Compliance Advisory Panel

**Action:** Approved as a committee bill 2021 General Session draft legislation, "[Compliance Advisory Panel Repeal Date](#)," which would extend the repeal date for the Compliance Advisory Panel to July 1, 2023.

### Department of Environmental Quality Audit

Received a [presentation](#) from the Office of the Legislative Auditor General regarding Legislative Audit #2020-04, "[An In-Depth Budget Review of the Department of Environmental Quality](#)." The committee was asked to study the audit recommendations regarding regulating aboveground storage tanks. Also received a [response](#) from the Department of Environmental Quality.

**Action:** Voted to open a committee bill file to regulate below ground facilities related to aboveground storage tanks.

## Industrial Hemp Program

Received a [presentation](#) from the Industrial Hemp and Medical Cannabis Program concerning recommendations regarding statutory changes to the industrial hemp program.

**Action:** Voted to open a committee bill file to address the recommended statutory changes.

## Radon Gas

Received a [presentation](#) from the Department of Environmental Quality regarding radon gas and efforts to educate and mitigate the effects of radon gas.

**Action:** Voted to open a committee bill file to create a task force that would study options to educate and mitigate radon gas in Utah.

## Sensitive Species List

Heard from the Division of Wildlife Resources regarding the Sensitive Species List. The Wildlife Board voted on October 1, 2020, to discontinue use of the Sensitive Species List. In place of the outdated Sensitive Species List, the division will continue to use the Species Watchlist.

Recognized Director Mike Fowlks for his service to the people of Utah and his announced retirement.

## State Monuments and Parks

Received a [presentation](#) from committee staff regarding the statutory process to create state monuments.

Received a presentation from the [Division of Parks and Recreation](#) regarding the utilization of state parks during the COVID-19 pandemic.

Received a presentation from a legislator regarding the proposed Utah Raptor State Park.

### Sunset Review: Air Quality Advisory Board

**Action:** Approved as a committee bill 2021 General Session draft legislation, "[Air Quality Policy Advisory Board Sunset Extension](#)," which would extend the sunset date for the Air Quality Policy Advisory Board to July 1, 2026.

### Sunset Review: Federal Lands Application Advisory Committee

**Action:** Approved as a committee bill 2021 General Session draft legislation, "[Federal Land Application Advisory Committee Sunset Extension](#)," which would extend the sunset date for the Federal Lands Application Advisory Committee by one year to July 1, 2022.

### Sunset Review: State Weed Committee

**Action:** Approved as a committee bill 2021 General Session draft legislation, "[State Weed Committee Sunset Extension](#)," which would extend the sunset date for the State Weed Committee to July 1, 2026.

Chairs: Rep. Keven J. Stratton / Sen. Ralph Okerlund  
Staff: Nathan W. Brady (Policy Analyst) / Patricia Owen (Attorney) / Alan Houston (Attorney) / Cherish Cosman (Administrative Assistant)





## **Political Subdivisions**

October 21, 2020

### **Community Reinvestment Agency Amendments**

Heard from a legislator on 2021 General Session draft legislation, "[Community Reinvestment Agency Amendments](#)," which would amend Title 17C, Limited Purpose Local Government Entities – Community Reinvestment Agency Act. The draft legislation would allow an agency and certain taxing entities to enter into an interlocal agreement for the purpose of transferring project area incremental revenue and would authorize a community reinvestment agency to levy a property tax on property within the agency's boundaries and use the property tax revenue for agency-wide project development.

### **Interlocal Agreements between Community Reinvestment Agencies and Taxing Entities**

Received a [presentation](#) from a representative of the Utah Redevelopment Association on how community redevelopment agencies work, how the interlocal agreements function, and the challenges and benefits of the community partnerships.

### **Love, Listen, Lead Task Force Update**

Received a [presentation](#) from the executive director of the Utah League of Cities and Towns on the newly created Love, Listen, and Lead Task Force, which is a partnership with the Utah Chiefs of Police Association and is intended to address local law enforcement concerns.

### **Metro Township Challenges**

Heard from Smith Hartvigsen PLLC Attorneys at Law and discussed the challenges metro townships are facing providing all the necessary municipal services given certain tax revenue constraints.

### **Transmission Index Update**

Received a [presentation](#) from the interim executive director of the Department of Health on the new statewide response plan to the COVID-19 pandemic, which replaced the previous color-coded guidance.

**Chairs:** Rep. Stephen G. Handy / Sen. Jacob L. Anderegg  
**Staff:** Samantha D. Brucker (Policy Analyst) / Gus Harb (Attorney) / Finn Andrew Rose (Administrative Assistant)

## **Public Utilities, Energy, and Technology**

October 20, 2020

### **Energy Balancing Account Amendments**

Considered 2021 General Session draft legislation, "[Energy Balancing Account Amendments](#)," pertaining to the 2019 Utah Supreme Court Case "Utah Office of Consumer Services v. Public Service Commission of Utah" and the interim rate procedure for an energy balancing account process.

**Action:** *Approved as a committee bill 2021 General Session draft legislation, "Energy Balancing Account Amendments."*

### **Electric Vehicle Infrastructure Update**

Received a status update from [Rocky Mountain Power](#), the [Utah Rural Electric Cooperative Association](#), and [Western Resource Advocates](#) on progress establishing electric vehicle infrastructure throughout the state since the passage of 2020 General Session H.B. 396, "[Electric Vehicle Charging Infrastructure Amendments](#)," and the subsequent [roll-back](#), during the 2020 Fifth Special Session, of appropriations made to the program.

### **Follow-up: September Wind Event and Power Restoration Protocols**

Heard from [Rocky Mountain Power](#) and the [Utah Associated Municipal Power Systems](#) on their response to the hurricane-force wind event that took place along the Wasatch Front on September 8, 2020. Representatives from the two entities also addressed the practice of establishing mutual aid agreements across all utility sectors during times when power needs to be restored.

### **Renewable Energy Transmission and Regional Markets**

Studied topics related to renewable energy, including renewable energy transmission and regional markets, by receiving presentations from [Interwest Energy Alliance](#) and [Western Resource Advocates](#).

**Chairs:** Rep. Carl R. Albrecht / Sen. Ronald Winterton  
**Staff:** Sarah J. Balland (Policy Analyst) / Rikka Strong (Attorney) / Cherish Cosman (Administrative Assistant)



## Revenue and Taxation

October 21, 2020

### Corporate Tax Unadjusted Income Definition

Considered 2021 General Session draft legislation, "[Corporate Tax Unadjusted Income Amendments](#)," which would provide clarity regarding which deductions should be included in Utah corporate unadjusted income following changes that were part of federal tax reform.

**Action:** *Approved as a committee bill 2021 General Session draft legislation, "Corporate Tax Unadjusted Income Amendments."*

### Disclosure of Tax Delinquency

Considered 2021 General Session draft legislation, "[Tax Status Disclosure Amendments](#)," which would allow the State Tax Commission to share information related to taxpayer payment status with the Alcohol Beverage Control Commission to be used in licensing decisions.

**Action:** *Approved as a committee bill 2021 General Session draft legislation, "Tax Status Disclosure Amendments."*

### Impact of Federal Tax Reform

Heard a [presentation](#) from committee staff regarding the impact of the 2017 Tax Cut and Jobs Act on Utah taxpayers. The presentation indicated that federal tax reform and the state tax policy response reduced the combined federal and state median tax liability across all income groups.

### Income Tax Domicile Determination

Considered 2021 General Session draft legislation, "[Income Tax Domicile Amendments](#)," regarding income tax domicile determination for noncustodial parents who were never married to the custodial parent and who have children attending school in Utah.

**Action:** *Approved as a committee bill 2021 General Session draft legislation, "Income Tax Domicile Amendments."*

### Required Annual Review of Certain Income Tax Credits

Reviewed certain tax credits as required by Sections [59-7-159](#) and [59-10-137](#).

Received summary presentations and discussed the merits of the following income tax credits.

From [committee staff](#):

- Special Needs Adoption, Section 59-10-1104;
- Veteran Employment, Section 59-10-1031;
- Agricultural Off-Highway Gas or Undyed Diesel Fuel, Section 59-13-202;
- Combat Related Death, Section 59-10-1027;

- Farm Operation Hand Tools Tax Credit, Sections 59-10-1105 and 59-7-614.1;
- Qualified Sheltered Workshop, Section 59-10-1004;
- Organ Donation Expense, Section 59-10-1015;
- Securities Interest, Section 59-7-601; and
- Research Activities, Section 59-7-612.

From the [Utah Housing Corporation](#):

- Low-income Housing, Sections 59-10-1010 and 59-7-607.

From the [Governor's Office of Economic Development](#):

- Rural Job Creation, Sections 59-10-1038 and 59-7-621

From [my529](#).

- Student Prosperity Savings Program, Section 59-10-1017.1.

From the Department of Workforce Services:

- Student Prosperity Savings Program, Section 59-10-1017.1; and
- ABLE, Section 59-10-1035.

**Action:** *Voted to send a letter to the Legislative Audit Subcommittee requesting an audit of the Rural Job Creation tax credits program.*

*Voted to open a committee bill file to repeal the Student Prosperity Savings Program tax credit.*

### Social Security and Military Retirement Tax Exemption

Considered 2021 General Session draft legislation, "[Retirement Income Tax Amendments](#)," regarding tax exemptions for social security and military retirement income. The legislation would exempt 100% of social security income for filers below a certain income threshold, phasing out as income rises above the threshold. The legislation would also exempt all military retirement income.

**Action:** *Approved as a committee bill 2021 General Session draft legislation, "Retirement Income Tax Amendments."*

### Tax Commission Bond Requirement

Considered 2021 General Session draft legislation, "[Tax Commission Bond Requirement Amendments](#)," regarding bond requirements for certain withholding tax or sales and use tax license holders.

**Action:** *Approved as a committee bill 2021 General Session draft legislation, "Tax Commission Bond Requirement Amendments."*

**Chairs:** Rep. Robert M. Spendlove / Sen. Lincoln Fillmore  
**Staff:** Alex R. Janak (Policy Analyst) / Ryan M. Hunter (Policy Analyst) / Andrea Valenti Arthur (Attorney) / Christine R. Gilbert (Attorney) / Diana Rodriguez (Administrative Assistant)



## **Senate Judicial Confirmation**

October 13, 2020

### **Confirmation of Spencer David Walsh**

Recommended to the Senate the confirmation of Spencer David Walsh as a judge of the First District Court.

The Senate met in Extraordinary Session on October 21, 2020, and confirmed the appointment of Spencer David Walsh.

Chair: Sen. Todd Weiler

Staff: Jerry D. Howe (Strategic Initiatives Manager) / Eric N. Weeks (Deputy General Counsel) / Amy Hawkes (Administrative Assistant)

## **Subcommittee on Oversight**

October 21, 2020

### **Legislative Directors' Performance Reviews**

Discussed the annual performance reviews of the Legislative Fiscal Analyst, the Legislative Auditor General, the Director of the Office of Legislative Research and General Counsel, and the General Counsel.

### **Legislative Staff Offices' Proposed FY 2022 Budgets**

*Action: Approved the FY 2022 budgets of the House of Representatives, the Senate, the Office of Legislative Research and General Counsel, the Office of the Legislative Fiscal Analyst, the Office of the Legislative Auditor General, and Legislative Services.*

### **Recommendation for Certification of FY 2022 Legislative Budget to the Governor**

*Action: Recommended that the Speaker and President certify the Utah State Legislature's [FY 2022 budget](#) to the governor.*

Chairs: Speaker Brad R. Wilson / President J. Stuart Adams

Staff: Megan L. Bolin (Managing Policy Analyst) / Naomi Garrow (Office Assistant) / Eric N. Weeks (Deputy General Counsel)

## **Transportation**

October 22, 2020

### **Airport Owner Report**

Received a [presentation](#) from the Salt Lake City Department of Airports on its airport system, operational strategies, and fuel tax receipts. Received comments from the Utah Airport Operators Association and a legislator on the report.

### **Change to Transportation Commission Project Prioritization Process**

Received a [presentation](#) from the Department of Transportation (UDOT) and the Transportation Commission on a proposed rule change to the Transportation Commission's project prioritization process.

### **Division of Aeronautics and State Planes**

Received a [presentation](#) from UDOT on the use and cost of state planes and from the Utah Business Aviation Association and Utah Airport Operators Association on the impact of these costs on the Aeronautics Restricted Account.

### **Meteorological Towers and Aviation Safety**

Received a [presentation](#) from UDOT on the use of meteorological evaluation towers and the implications for aviation safety.

*Action: Voted to open a committee bill file to mark and register meteorological evaluation towers.*

### **Railroad Crossing Safety Fund**

Received a [presentation](#) from UDOT on the railroad crossing safety fund as created by 2020 Fourth Special Session H.B. 4002, "[Rail Fuel Sales Tax Amendments](#)," and on application and evaluation processes for railroad crossing safety grants.

### **Sunset Review: Point of the Mountain Development Commission Act**

Received an [overview](#) of the sunset review process from committee staff and a [presentation](#) from representatives of the Point of the Mountain Development Commission on their activities and recommendation for a two year extension. Received comments from the mayor of Draper City, Envision Utah, and the Wasatch Front Regional Council in support of the extension.

*Action: Voted to open a committee bill file to extend the Commission's repeal date by two years.*

### **Transit Upgrades and Statewide Comprehensive Transit Planning**

Received a [presentation](#) from the Utah Transit Authority (UTA) on service metrics, transit costs, and cost efficiency and effectiveness for modes of transit. UTA also previewed a study comparing transit to road costs, explained how the agency selects modes of transit for projects, and discussed plans for FrontRunner. A legislator discussed an approach for comprehensive rail and transit planning and funding.

### **Transportation Commission Programmed Projects**

Received a [presentation](#) from UDOT and the Transportation Commission on the capacity prioritization process for projects, funding processes for projects, and projects in west Salt Lake County.

### **Transportation Corridors**

Received a [presentation](#) from UDOT on identifying properties and available tools for corridor preservation, processes for selling and disposing of surplus property, and the use of surplus property proceeds.





### Transportation Utility Fees

Received presentations from [committee staff](#) and the Utah League of Cities and Towns on the use of transportation utility fees by local entities and related litigation.

### UDOT Reports

Received a [report](#) from UDOT on the state transportation system, strategic initiatives across all modes of transportation, and the statewide electric vehicle charging plan.

### UTA Updates

Received a [presentation](#) from UTA on recent changes to the organization's governance, organizational priorities and milestones, and internal audit processes.

**Chairs:** Rep. Kay J. Christofferson / Sen. Wayne A. Harper  
**Staff:** Andy Yewdell (Policy Analyst) / Kurt P. Gasser (Attorney) / Patrick Grecu (Attorney) / Finn Andrew Rose (Administrative Assistant)

