

# INTERIM HIGHLIGHTS

MAY 2021 VOL. 21, NO. 1



## IN THIS ISSUE:

Administrative Rules Review

Business and Labor

Economic Development and Workforce Services

Education

Government Operations

Health and Human Services

Judiciary

Law Enforcement and Criminal Justice

Legislative Management Committee

Legislative Redistricting Committee

Natural Resources, Agriculture, and Environment

Political Subdivisions

Public Utilities, Energy, and Technology

Revenue and Taxation

Senate Judicial Confirmation

Transportation

Legislation Passed in the First Extraordinary Session

Legislation Passed in the First Special Session

## Legislative Interim Meetings

Meetings were held May, 18, 2021, or as noted

### Administrative Rules Review Committee

April 22, 2021

#### Committee Overview

Received a [presentation](#) from committee staff on the duties, oversight, and authority of the Administrative Rules Review Committee.

#### School Face Mask Order

Received a [presentation](#) from the Department of Health and State Board of Education on the State Public Health Order 2021-2, "Updated School Face Mask Order."

May 17, 2021

#### Electronic Cigarette Substance Standards

Received a [presentation](#) from the Department of Health on proposed rule R384-415, "Electronic Cigarette Substance Standard."

**Action:** Voted to send a letter to house and senate leadership recommending that the issue of nicotine content in electronic cigarette products be assigned to a committee to prepare a bill for consideration in the next General Session of the legislature.

#### Utah State Board of Education Auditing Practices

Received a [report](#) from the State Board of Education on the board's auditing practices.

**Chairs:** Rep. Brady Brammer / Sen. Jacob L. Anderegg  
**Staff:** Karin M. Rueff (Policy Analyst) / Amy Shewan (Attorney) / Amy Hawkes (Administrative Assistant)

## Business and Labor

### Study Items

**Action:** Amended and approved the proposed interim [study items](#). Added Medicaid Supplemental Insurance to the study list.

Voted to give the committee chairs authority to open committee bill files for items on the interim study list.

### Board of Bank Advisors

Discussed the public purpose and interest of the [Board of Bank Advisors](#) and the board's functions and capacity to serve the public interest. Heard remarks from the Department of Financial Institutions, Board of Bank Advisors, and Utah Bankers Association.

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

### Department of Commerce and Licensing

**Action:** Voted to open a committee bill file to address licensing regulations for licenses administered by the Department of Commerce.

### Health Spa Services Protection Act Amendments

Discussed legislation prepared for the 2021 First Special Session that would temporarily (until July 1, 2022) reintroduce a provision that existed before the passage of 2021 General Session H.B. 321, "[Division of Consumer Protection Amendments](#)." The bill allows a health spa to offer an alternative health spa facility location to a consumer, within five miles of the consumer's primary location, without meeting certain requirements. The proposed First Special Session legislation would allow a health spa to assign a contract for a health spa service or change a consumer's primary location if certain other conditions are met related to health spa facility usage.

**Action:** Voted to support H.B. 1009, "[Health Spa Services Protection Act Amendments](#)," for consideration during the 2021 First Special Session.

### Online Curriculum for a Licensed School

Discussed the public purpose and interest of Utah Code Section [58-11a-302.5](#), Online Curriculum for a Licensed School, which permits a licensed barber school, cosmetology/barber school, electrologist school, esthetics school, hair design school, or nail technology school to offer 50% of the school's total per program curriculum online in accordance with standards adopted by an applicable nationally recognized accrediting organization.

Discussed the functions of Section [58-11a-302.5](#) and its capacity to serve the public interest. Heard remarks from the Division of Occupational and Professional Licensing and the Utah Beauty School Owners' Association.

**Action:** Voted to allow the statute to sunset and to allow the Division of Occupational and Professional Licensing to address online curriculum in administrative rule.

## Regulations for Payroll Advance Companies

Discussed the business models of, and potential regulations for, businesses that provide a paycheck advance on earned wages. Discussed the benefits of these business models and concerns. Heard remarks from DailyPay, Earnin, Utah Consumer Lending Association, and American Payroll Association.

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

## Economic Development and Workforce Services

### 2021 Interim Study Plan

Reviewed [study item assignments](#) from the Legislative Management Committee and discussed further plans for interim study.

**Action:** Voted to adopt the study item list.

Voted to authorize the committee chairs to open committee bill files on behalf of the committee for items included on the interim study item list.

### Child Care Affordability and Access

Received [presentations](#) from experts across the state on child care access and affordability. Child care experts highlighted challenges, opportunities, and recommendations for legislative action.

**Action:** Opened a committee bill file to address child care access and affordability.

### Department of Workforce Services Delivery of Services

Received a [report](#) from the Department of Workforce Services on the department's COVID-19 pandemic response and the results of the department's annual report.

**Action:** Opened a committee bill file to move a small business grant program from the Department of Workforce Services to the Governor's Office of Economic Development.

### COVID-19 Grant Program Amendments

Reviewed and discussed 2021 First Special Session H.B. 1004, "[COVID-19 Grant Program Amendments](#)," which would create and modify grant programs responding to the COVID-19 pandemic.

**Action:** Voted to support H.B. 1004, "COVID-19 Grant Program Amendments" during the First Special Session of 2021.

Chairs: Rep. Stephen G. Handy / Sen. Ronald M. Winterton  
Staff: Karin M. Rueff (Policy Analyst) / Gus Harb (Attorney) / Leila Reynolds (Administrative Assistant)





## Education

### Committee Study Items

Reviewed the committee [study item list](#), as approved by the Legislative Management Committee, in accordance with [JR7-1-401\(3\)](#).

**Action:** Amended the study item list by adding, as an additional study item, the review of critical race theory in public schools. Voted to adopt the study items list as amended.

Voted to authorize the committee chairs to open committee bill files related to the items on the interim study list, assigned audit reports, or assigned sunset review items.

### Public Education: Lessons Learned from the COVID-19 Pandemic

Received presentations on lessons learned from the public education system's response to the COVID-19 pandemic during the 2019-2020 and 2020-2021 school years from the following entities:

- [State Board of Education](#);
- [Davis School District](#);
- [San Juan School District](#); and
- Guadalupe School.

### School Mask Mandates

Discussed a proposed bill for the 2021 First General Session, H.B. 1007, "[Face Covering Requirements](#)," which would prohibit public education and higher education entities from requiring a face covering on a school campus or facility after the spring semester of 2021 or the end of the 2020-2021 school year.

**Action:** Voted to support H.B. 1007, "Face Covering Requirements," during the 2021 First Special Session.

### UPSTART Amendments

Discussed a proposed bill for the 2021 First General Session, S.B. 1005, "[UPSTART Amendments](#)," which would expand the scope of the UPSTART program for the 2021-2022 school year to include all kindergarten students or kindergarten-eligible children to address learning loss due to the COVID-19 pandemic.

**Action:** Voted to support S.B. 1005, "UPSTART Amendments," during the 2021 First Special Session.

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





## Government Operations

### Study Items

Reviewed the committee [study item list](#) that was approved by the Legislative Management Committee, in accordance with [JR7-1-401\(3\)](#).

*Action: Voted to adopt the committee study item list as approved by the Legislative Management Committee.*

*Voted to authorize the committee chairs to independently open committee bill files throughout the interim on the committee's behalf.*

### Department Mergers

Received a [presentation](#) from the Department of Administrative Services regarding the merging of the department with the Department of Human Resource Management and the Department of Technology Services, which goes into effect on July 1, 2021.

### Election Methodologies

Received a [presentation](#) from committee staff regarding plurality in Utah.

Received a [presentation](#) from the Weber County Clerk/Auditor's Office comparing ranked-choice voting and approval voting.

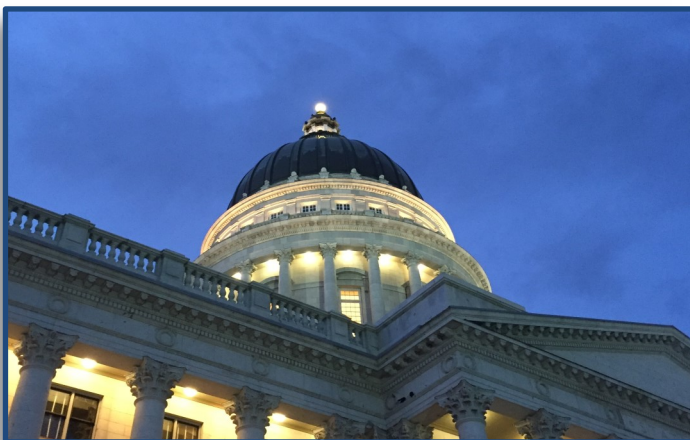
Received comments from the Lieutenant Governor's Office regarding various election methods.

### Federalism

Received a [presentation](#) from committee staff regarding state enforcement of federal law and recently proposed state legislation resisting the enforcement of federal law.

### Redistricting

Discussed legislation prepared for the 2021 First Special Session that would address redistricting. The bill would amend the timeline for the Independent Redistricting Commission to hold public hearings, and to fulfill subsequent duties, depending upon when the commission receives United States Bureau of Census data in a format that may be used for drawing maps.



*Action: Voted to support H.B. 1005, "[Redistricting Amendments](#)," during the 2021 First Special Session.*

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

## Health and Human Services

### 2021 Interim Study Plan

Reviewed study item assignments from the Legislative Management Committee and discussed further plans for interim study.

*Action: Voted to adopt the [study items list](#) with amendments.*

*Voted to authorize the committee chairs to open one or more committee bill files as needed.*

### Update on the Consolidation of DOH and DHS

Received an update from the Department of Health and the Department of Human Services on the status of department consolidation efforts as required by 2021 General Session H.B. 365, "[State Agency Realignment](#)."

### COVID-19 Update

Received a [presentation](#) from the Department of Health about the current status of COVID-19 in Utah.

### Special Session Legislation

Discussed S.B. 1003, "[Electronic Cigarette Product and Nicotine Product Amendments](#)," which would make changes to electronic cigarette regulation and add prohibitions on the unlawful sale or transfer of nicotine products.

*Action: Voted to support S.B. 1003, "Electronic Cigarette Product and Nicotine Product Amendments," during the 2021 First Special Session.*

Discussed S.B. 1006, "[Hemp Amendments](#)," which would make changes to the regulation of industrial hemp products, including some products containing a THC analog.

Heard remarks from the Department of Agriculture and Food's Industrial Hemp and Medical Cannabis Program and private sector stakeholders.

*Action: Voted to support First Substitute S.B. 1006, "Hemp Amendments," during the 2021 First Special Session.*

### Substance Abuse and Mental Health

Received a [summary](#) of recent behavioral health legislation in Utah and a [progress report](#) from the Utah Hospital Association. Also heard from the Department of Human Services, the [Division of Substance Abuse and Mental Health](#), the Department of Health's Division of Medicaid and Health Financing, [Wasatch Behavioral Health](#), and a long-time [substance abuse professional](#).



## Sunset Review Introduction

Received a [presentation](#) from committee staff summarizing the committee's duties surrounding sunset reviews and the various sunset reviews that the committee is responsible for during the interim session.

Chairs: Rep. Merrill F. Nelson / Sen. Michael S. Kennedy  
Staff: Mark D. Andrews (Policy Analyst) / Seth Anderson (Policy Analyst) / Christopher Williams (Attorney) / Daniel M. Cheung (Attorney) / Ericka A. Evans (Attorney) / Amy Hawkes (Administrative Assistant)

## Judiciary

May 18, 2021

### Authority to Open Judiciary-Related Bill Files

**Action:** Voted to authorize the committee chairs to open bill files on behalf of the committee.

### Study Item List

Reviewed the study item list for 2021 that was proposed by the Legislative Management Committee.

**Action:** Voted to approve the study item list as proposed by the Legislative Management Committee.

### Pretrial Release Study and Discussion

Heard a presentation on [pretrial release](#) from committee staff and was provided handouts on the [history of bail court rules](#) and specifics on [bail in Utah code](#).

Heard perspectives from various stakeholders involved in a working group, including executive agencies, law enforcement, courts, and defense attorneys.

Discussed 2021 First Special Session H.B. 1006, "[Sheriff Release Amendments](#)."

**Action:** Voted to support H.B. 1006, "Sheriff Release Amendments," during the 2021 First Special Session.

### Review of Appellate Decisions that Call for Legislative Action

Heard a [presentation](#) and received a [handout](#) from committee staff regarding recent appellate decisions that call for legislative action.

**Action:** Voted to study all of the cases included in the presentation during the 2021 interim.

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

## Law Enforcement and Criminal Justice

### Catalytic Converter Theft

Heard from the Office of the Attorney General on catalytic converter and vehicle theft in the state.

### Committee Business

Received an overview from committee staff on items available under meeting materials for the committee's consideration and options for allowing the chairs to open committee bill files pertinent to the approved study items list.

**Action:** Voted to authorize the committee chairs to open committee bill files in accordance with JR7-1-602.

### Justice Reinvestment Initiative Progress Report

Received comments from the Commission for Criminal and Juvenile Justice on how the commission plans to respond to new reporting requirements established through legislation passed during the 2021 General Session.

### 2021 Study Items

Received a presentation from committee staff about the list of [study items](#) approved by the Legislative Management Committee for study during the 2021 interim.

**Action:** Voted to approve the [Study Items List](#) with no changes.

### Law Enforcement Recruitment and Retention

Received a [presentation](#) from a legislator regarding what is currently being explored to bolster recruitment and retention efforts within law enforcement agencies.

### Law Enforcement Training and Policies

Received a [presentation](#) from committee staff on bills that passed during the 2021 General Session that impacted training requirements and policies for peace officers.

Considered legislation prepared for the 2021 First Special Session that would address effective dates for peace officer training requirements passed during the 2021 General Session and legislation that would amend the eligibility criteria for peace officers who are non-citizens.

**Action:** Voted to support H.B. 1001, "[Peace Officer Training Amendments](#)," and S.B. 1004, "[Peace Officer Training Qualifications Amendments](#)," during the 2021 First Special Session.

### Master Offense List

Received a [presentation](#) from the Sentencing Commission on updates to the Master Offense List.

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



## **Legislative Management Committee**

April 14, 2021

### **Settlement from Risk Management**

Heard a request from the Division of Risk Management for approval by the Legislative Management Committee to settle a claim involving a public employee.

***Action:** Voted to recommend that the Division of Risk Management execute the financial settlement agreement.*

### **2021 Interim Schedule**

***Action:** Approved the [2021 interim committee schedule](#) for both interim committees and appropriations subcommittees.*

### **Authorized Legislative Meetings**

Considered a list of boards and commissions with legislators to determine those for which a legislator should be compensated for their participation.

***Action:** Approved the proposed list of boards and commissions as [authorized legislative meetings](#).*

### **Sunset Review Assignments**

***Action:** Approved staff recommendations regarding the assignment of [Sunset Act reviews](#) to interim committees.*

### **Proposed 2021 Study Items**

***Action:** Modified and approved a list of [2021 interim study items](#) for interim committees' study.*

Chairs: Rep. Brad R. Wilson / Sen. J. Stuart Adams  
Staff: John Q. Cannon (Director) / John L. Fellows (General Counsel) / Naomi Garrow (Office Assistant)

## **Legislative Redistricting Committee**

### **Redistricting**

Received an overview of redistricting and a presentation about legal principles from committee staff.

***Action:** Adopted [redistricting principles](#), [procedural guidelines](#), and a [meeting schedule](#).*

Chairs: Rep. Paul Ray / Sen. Scott D. Sandall  
Staff: Joseph T. Wade (Policy Analyst) / Michael E. Curtis (Attorney) / Thomas R. Vaughn (Attorney) / Jerry D. Howe (Strategic Initiatives Manager) / Cherish Cosman (Administrative Assistant)

## **Natural Resources, Agriculture, and Environment**

### **Branding Inspection Program**

Received a [presentation](#) from the Office of the Legislative Auditor General regarding the findings and recommendations from report 2021-02: "A Performance Audit of the Department of Agriculture and Food's Brand Inspection Program."

Discussed the findings and received a [presentation](#) from the Department of Agriculture and Food regarding how it has addressed the findings and recommendations.

## **Committee Administration**

***Action:** Voted to add a study item regarding wildfire management in Utah to the list of [study items](#) that were approved by the Legislative Management Committee.*

*Voted to approve the amended study items list.*

*Voted to authorize the chairs to open committee bill files related to the approved study items list, sunset reviews, and issues on the [annual reports](#) list.*

### **Geothermal Energy Production**

Received a [report](#) from Utah FORGE regarding geothermal energy production in Utah.

### **Emergency Declaration Due to Drought**

Considered legislation prepared for the 2021 First Special Session, H.J.R. 101, "[Joint Resolution Extending State of Emergency Due to Drought Conditions](#)," which would extend the state of emergency that was declared by the Governor to address drought conditions.

***Action:** Voted to support H.J.R. 101, "Joint Resolution Extending State of Emergency Due to Drought Conditions," during the 2021 First Special Session.*

### **Sunset Review - Federal Lands Application Advisory Committee**

Received a [presentation](#) from committee staff regarding the roles, duties, history, and need for the Federal Lands Application Advisory Committee. The chair for the Federal Lands Application Advisory Committee, the sponsor of the authorizing legislation, and a representative of the Public Lands Policy Coordinating Office recommended that the committee be allowed to sunset.

### **Sunset Review - State Grazing Advisory Board**

Received a [presentation](#) from committee staff regarding the roles, duties, history, and need for the State Grazing Advisory Board.

***Action:** Voted to open a committee bill file to extend the sunset date for the State Grazing Advisory Board by 10 years to July 1, 2032, and to address the name of the board, if necessary.*

### **Sunset Review - Trip Reduction Program**

Received a [presentation](#) from committee staff regarding the roles, duties, history, and need for the Trip Reduction Program. Due to unusual weather patterns, Utah experienced far fewer days that would have triggered the Trip Reduction Program than what was anticipated. As a result, the Trip Reduction Program has renewed its contract to conduct the Trip Reduction Program study and wrap up its findings next year. The Division of Air Quality and sponsor of the authorizing legislation recommended that the program be allowed to sunset.

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





## Political Subdivisions

### Study Item List

Reviewed the committee [study item list](#) that was approved by the Legislative Management Committee, in accordance with [JR7-1-401\(3\)](#).

Discussed adding three items: open meeting access, voting methodologies, and election integrity.

**Action:** Voted to amend the list to include three additional items, adopt the list as amended, and authorize the committee chairs to open committee bill files related to the items on the study item list.

### Government Building Regulation Amendments

**Action:** Voted to support H.B. 1003, "[Government Building Regulation Amendments](#)," during the 2021 First General Session.

### Housing Affordability

Received a [presentation](#) from the Housing and Community Development Division of the Department of Workforce Services on housing affordability issues.

Received presentations from committee staff on recent [legislation](#) and [inclusionary zoning](#).

### Separation of Powers in County Governments

Received presentations from [county clerk/auditors](#) and the Office of the State Auditor on segregation of duties and a presentation from county [budget officers](#).

**Chairs:** Rep. James A. Dunnigan / Sen. Michael K. McKell  
**Staff:** Sarah Flanigan (Policy Analyst) / Peter Asplund (Attorney) / Finn Andrew Rose (Administrative Assistant)

## Public Utilities, Energy, and Technology

### Broadband Funding, Infrastructure, and Access

Received a combined [presentation](#) from the Utah Broadband Center, Education and Telehealth Network, State Board of Education, State Library Division, Utah Communities Connect, and the San Juan School District on the opportunities and challenges of expanding broadband access to schools and households throughout the state. Received an update on broadband infrastructure to sites throughout San Juan County.

### Committee Business

Received a [presentation](#) from committee staff on the Open and Public Meetings Act.

Reviewed the committee [study item list](#) that was approved by the Legislative Management Committee, in accordance with [JR7-1-401\(3\)](#).

Received a brief presentation from staff on additional applicable interim rules.

**Action:** Amended the committee study item list by adding an additional item titled, "Ozone Levels in the Valley."

Voted to adopt the committee study item list as amended.

Voted to authorize the committee chairs to open committee bill files related to the items on the study item list.

### State Energy Plan & Statewide Transmission

Received presentations on input for Utah's strategy for a new energy plan and transmission line projects throughout the state from the following:

- [Governor's Office of Energy Development](#);
- [Rocky Mountain Power](#);
- [Utah Rural Electric Cooperative and Deseret Power](#);
- [Utah Associated Municipal Power Systems](#); and
- [TransWest Express](#).

**Chairs:** Rep. Carl R. Albrecht / Sen. David P. Hinkins  
**Staff:** Samantha D. Brucker (Policy Analyst) / Rikka Strong (Attorney) / Cherish Cosman (Administrative Assistant)

## Revenue and Taxation

### Committee Study Item List

Reviewed the [study item list](#) assigned by the Legislative Management Committee to the committee.

**Action:** Amended the study item list to include income tax sourcing issues related to an increasingly mobile workforce, and approved the amended list.

Authorized the committee chairs to open committee bill files on behalf of the committee.

### Economic and Revenue Outlook

Received a joint [presentation](#) from economists from the Kem C. Gardner Policy Institute, the Legislative Fiscal Analysts Office, the Department of Workforce Services, and the Governor's Office of Planning and Budget regarding updated tax collections, revenue projections, and economic and employment indicators for the state.

**Chairs:** Rep. Robert M. Spendlove / Sen. Daniel McCay  
**Staff:** Alex R. Janak (Policy Analyst) / Julie Humberstone (Policy Analyst) / Andrea Valenti Arthur (Attorney) / Christine R. Gilbert (Attorney) / Diana Rodriguez (Administrative Assistant)





## **Senate Judicial Confirmation**

February 22, 2021

### **Confirmation of Cristina Ortega**

Recommended to the Senate the confirmation of Cristina Ortega as a judge of the Second District Court.

The Senate met in Extraordinary Session on February 25, 2021, and confirmed the appointment of Cristina Ortega.

### **Confirmation of Monica Diaz**

Recommended to the Senate the confirmation of Monica Diaz as a judge of the Third District Juvenile Court.

The Senate met in Extraordinary Session on May 19, 2021, and confirmed the appointment of Monica Diaz.

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

## **Transportation**

### **License Plate Program**

Received a [presentation](#) from a legislator on challenges with Utah's license plate program, objectives for draft legislation, and ongoing efforts to identify policy reforms for the program.

### **Road Funding Policies**

Received a [presentation](#) from committee staff on challenges with the gas tax, policy solutions for road funding, criteria for evaluating solutions, and considerations for selecting solutions.

Received presentations from the [Department of Transportation](#) on existing road funding sources and project programming with the Transportation Investment Fund and

from the [Wasatch Front Regional Council](#) on Utah's transportation system and the future of transportation funding in the state.

### **Bond Authorization Amendments**

Received a presentation from a legislator on 2021 First Special Session H.B. 1008, "[Bond Authorization Amendments](#)," which would change funding sources for certain transit projects by swapping appropriations and bond authorizations. The bill would not modify the total amount of bond authorizations or appropriations for the projects.

***Action:** Voted to support H.B. 1008, "Bond Authorization Amendments," during the 2021 First Special Session.*

### **Study Items, Committee Bills**

Received a [presentation](#) from committee staff on the committee's plan for addressing study items and reports during interim and on tips for working with committee staff.

***Action:** Voted to adopt the study item list with an amendment to expand the safety inspections item to include emissions inspections. Voted to authorize the committee chairs to independently open committee bill files.*

### **Transportation Corridor Preservation**

Received presentations from the [Mountainland Association of Governments](#) on local corridor preservation funds and policies, from the [Department of Transportation](#) on statewide corridor preservation and available policy tools, and the [Utah Transit Authority](#) on corridor preservation projects.

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)





# Extraordinary Session Legislation

## Summaries of Passed Legislation | May 20, 2021

The Office of Legislative Research and General Counsel (OLRGC) has compiled summaries of legislation passed during the May 19, 2021, Extraordinary Sessions of the Utah Senate and the Utah House of Representatives. These summaries are intended to be general in nature. To read the legislation in its entirety, click on the link provided in this document or visit <https://le.utah.gov>.

OLRGC is a nonpartisan staff office of the Legislature and the contents of this document should not be considered support for or opposition to the legislation.

### Critical Race Theory

#### [H.R. 901, House Resolution on Critical Race Theory in Public Education](#)

**Sponsor:** Rep. Steve Christiansen

#### [S.R. 901, Senate Resolution on Critical Race Theory in Public Education](#)

**Sponsor:** Sen. Lincoln Fillmore

These resolutions:

- recognize the importance of appropriate education on history, civil rights, and racism;
- identify risks of some concepts contained in critical race theory in public education; and
- make recommendations regarding the inclusion of certain concepts in public education training materials and State Board of Education curriculum standards.

### Right to Keep and Bear Arms

#### [H.R. 902, House Resolution Declaring Support for the Right to Keep and Bear Arms and Exploring Sanctuary State Status](#)

**Sponsor:** Rep. Karianne Lisonbee

#### [S.R. 902, Senate Resolution Declaring Support for the Right to Keep and Bear Arms and Exploring Sanctuary State Status](#)

**Sponsor:** Sen. Evan Vickers

These resolutions declare support for the right to bear arms as a fundamental right and encourage continued discussion of how to strengthen protections for its exercise, including the establishment of Utah as a “Second Amendment Sanctuary State.”

# First Special Session Legislation

## A Summary of Passed Legislation | May 20, 2021

The Office of Legislative Research and General Counsel (OLRGC) has compiled summaries of legislation passed during the First Special Session of the Sixty-fourth Utah Legislature. These summaries are intended to be general in nature. To read the legislation in its, click on the link provided in this document or visit <https://le.utah.gov>.

OLRGC is a nonpartisan staff office of the Legislature and the contents of this document should not be considered support for or opposition to the legislation.

## Passed Legislation Summaries

### H.B. 1001, Peace Officer Training Amendments

**Sponsors:** Rep. Angela Romero and Sen. Luz Escamilla

This bill provides an effective date of July 1, 2021, for peace officer de-escalation and mental health-related training requirements that were enacted in 2021 General Session H.B. 162, Peace Officer Training Amendments.

### H.B. 1002, Juvenile Justice Amendments

**Sponsors:** Rep. Lowry Snow and Sen. Todd Weiler

This bill is identical to 2021 General Session H.B. 410, Juvenile Justice Amendments, that was passed but subsequently rejected during enrolling for lacking an enacting clause. The bill:

- provides that certain offenses are not subject to the time periods for termination and parole supervision for juvenile offenders;
- requires a minor under the jurisdiction of a district court to be held in a juvenile facility;
- requires minors committed to prison to be held in a juvenile facility until they turn 21; and
- requires certain minors convicted of certain crimes to be held in a juvenile facility until 30 days before the age of 25.

### H.B. 1003, Government Building Regulation Amendments

**Sponsors:** Rep. Paul Ray and Sen. Scott Sandall

The Legislature passed 2021 General Session H.B. 98, Local Government Building Regulations Amendments. The bill was subsequently vetoed by Governor Cox due

to concerns raised by the Federal Emergency Management Agency (FEMA). Like H.B. 98, this bill modifies requirements for a building permit application and prohibits a municipality or county from regulating certain building design elements. This bill no longer includes provisions related to independent third-party building inspectors, which resolves concerns raised by FEMA. Finally, the bill standardizes the name of the Utah Home Builders Association throughout the Utah Code.

### H.B. 1004, COVID-19 Grant Program Amendments

**Sponsors:** Rep. Mike Schultz and Sen. Kirk Cullimore

This bill creates a COVID-19 matching grant program for local governments within the Governor's Office of Management and Budget (GOMB). This bill also modifies an existing COVID-19 grant program for institutions of higher education administered by the Governor's Office of Economic Development (GOED).

### H.B. 1005, Redistricting Amendments

**Sponsors:** Rep. Paul Ray and Sen. Scott Sandall

This bill amends the timeline for the Independent Redistricting Commission to hold public hearings and to fulfill subsequent duties, depending upon when the commission receives United States Bureau of Census data in a format that may be used for drawing maps.

### H.B. 1006, Sheriff Release Amendments

**Sponsors:** Rep. Karianne Lisonbee and Sen. Todd Weiler

This bill authorizes sheriffs and bail commissioners to release individuals detained in jail prior to trial on their own recognizance regardless of the jail capacity in certain circumstances. The bill also requires county sheriffs to create a written policy that governs the release of an individual on the individual's own recognizance. Finally, the bill adds a stipulation that nothing in the bill prohibits a district court and a county from entering into an agreement regarding the release.

### H.B. 1007, Face Covering Requirements

**Sponsors:** Rep. Val Peterson and Sen. Evan Vickers



This bill prohibits education entities, including institutions of higher education, local education agencies (LEAs), LEA governing boards, schools, the State Board of Education, the state superintendent, and the Utah Board of Higher Education, from requiring a face covering at any place on the campus of an institution, school, or school facility after the spring semester of 2021 or the end of the 2020-2021 school year. The bill also allows for exceptions for medical settings that may require face coverings. The bill has an immediate effective date.

### **H.B. 1008, Bond Authorization Amendments**

**Sponsors:** Rep. Mike Schultz and Sen. Kirk Cullimore

The Legislature passed 2021 General Session H.B. 433, Amendments Related to Infrastructure Funding, which funded several infrastructure projects through a combination of bond authorizations and appropriations. This bill changes the funding sources, as established in H.B. 433, for certain transit projects by swapping appropriations and bond authorizations. Specifically, the bill reduces appropriations for double tracking strategic sections of the Utah Transit Authority's FrontRunner commuter train by \$32 million and increases the bond authorization by the same amount. The bill also replaces \$32 million in bond authorizations with the same amount of appropriations for:

- S-line streetcar facilities in Salt Lake City;
- bus rapid transit in the Salt Lake midvalley area;
- an environmental study at the point of the mountain area; and
- a UTA and Sharp-Tintic railroad consolidation project.

The bill does not modify the total amount of bond authorizations or appropriations for these projects.

### **H.B. 1009, Health Spa Services Protection Act Amendments**

**Sponsors:** Rep. James Dunnigan and Sen. Curtis Bramble

The Legislature passed 2021 General Session H.B. 321, Division of Consumer Protection Amendments, which amended provisions related to health spas. This bill temporarily (until July 1, 2022) reintroduces a provision that existed before the passage of H.B. 321, allowing a health spa to offer an alternative health spa facility

location to a consumer within five miles of the consumer's primary location without meeting certain requirements. This bill also allows a health spa to assign a contract for a health spa service or change a consumer's primary location if certain other conditions are met related to health spa facility usage.

### **H.J.R. 101, Joint Resolution Extending State of Emergency Due to Drought Conditions**

**Sponsors:** Rep. Keven Stratton and Sen. David Hinkins

This joint resolution extends the state of emergency due to drought conditions through October 31, 2021. This joint resolution also limits certain emergency powers related to the state of emergency.

### **S.B. 1001, Appropriations Adjustments**

**Sponsors:** Sen. Don Ipson and Rep. Bradley Last

This bill makes appropriations from federal American Rescue Plan Act (ARPA) funds and other selected sources. This bill is a companion to [SJR 101](#), "Joint Resolution Approving the Acceptance of Federal Funds." Whereas SJR 101 approves acceptance of the federal funds, this bill appropriates the funds for specific purposes. Specifically, this bill:

- Appropriates \$571 million of the approximately \$1.6 billion that the state is expected to receive in discretionary ARPA funds. The Legislature will likely appropriate remaining ARPA funds during the 2022 General Session. Please see the following links for additional information on Executive Appropriations Committee-approved [allocations](#) and [First Special Session appropriations](#) of these funds.
- Appropriates \$2 billion in direct federal grants provided by ARPA and other federal programs.
- Includes intent language governing how the funds are to be used and establishing reporting requirements.
- Makes technical changes to the FY 2021 and FY 2022 budgets approved by the Co-Chairs of the Executive Appropriations Committee.

### **S.B. 1002, Group Gang Enhancement Amendments**

**Sponsors:** Sen. Daniel Thatcher and Rep. Stephanie Pitcher

This bill updates subsection references in language originally enacted in 2021 General Session S.B. 51, Group Gang Enhancement Amendments.

### **S.B. 1003, Electronic Cigarette Product and Nicotine Product Amendments**

**Sponsors:** Sen. Curtis Bramble and Rep. Paul Ray

This bill:

- adds manufacturer sealed electronic cigarette products to the types of products that are subject to regulation by the Department of Health;
- prohibits employees of a tobacco retailer from selling or giving a nicotine product to an individual who is younger than 21 years old; and
- amends provisions relating to the unlawful transfer or use of proof of age identification.

### **S.B. 1004, Peace Officer Training Qualifications Amendments**

**Sponsors:** Sen. Karen Mayne and Rep. Paul Ray

This bill amends the eligibility requirement for non-citizens who receive POST training by requiring an applicant be a “lawful permanent resident.” Specifies that the five years of U.S. residency required under 2021 General Session S.B. 102, Peace Officer Training Qualifications Amendments, needs to be immediately prior to the application date. Amends county statutes governing the hiring of peace officers to mirror the requirements established under S.B. 102 for officers hired by municipalities and the state.

### **S.B. 1005, UPSTART Amendments**

**Sponsors:** Sen. Lincoln Fillmore and Rep. Bradley Last

This bill expands the scope of the UPSTART program for the 2021-2022 school year to include all kindergarten students or kindergarten-eligible children to address learning loss due to the COVID-19 pandemic.

### **S.B. 1007, Public Notice Amendments**

**Sponsors:** Sen. Karen Mayne and Rep. Joel Ferry

This bill amends public notice requirements to include an option to publish in a newspaper of general circulation under certain circumstances and limits the

number of notices required to be posted under certain methods of posting.

### **S.C.R. 101, Concurrent Resolution Honoring Asian American and Pacific Islander Communities**

**Sponsors:** Sen. Jani Iwamoto and Rep. Karen Kwan

This concurrent resolution:

- highlights the contributions of Asian American and Pacific Islander Communities to the state of Utah;
- condemns attacks perpetrated specifically against those communities; and
- encourages education and empathy.

### **S.J.R. 101, Joint Resolution Approving the Acceptance of Federal Funds**

**Sponsors:** Sen. Don Ipson and Rep. Bradley Last

The American Rescue Plan Act of 2021 (ARPA), signed into law on March 11, 2021, appropriates to Utah funding to address the COVID-19 public health emergency and its fiscal effects. Utah Code requires that the Legislature approve the state’s receipt of new federal funds, if the state receives total payments of \$10,000,000 or more per year. This joint resolution approves the acceptance by Utah of the federal funds received under the ARPA.