



Interim Highlights

June 2023, Vol. 23, No. 2



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List of Committee Bills for the 2024 General Session
as of June 15, 2023

Legislative Interim Meetings

Meetings were held June, 14, 2023, or as noted

Administrative Rules Review and General Oversight

June 12, 2023

Alpine School District Operating Procedures

Received statements from the Alpine School District on the school closure process for the 2023-2024 school year.

Discussed necessary changes to the school closure statute, including a potential deadline for the finalization of any upcoming closures or boundary changes.

Davis School District Sensitive Materials Review

Received a presentation from committee staff on the current statutes, administrative rules, and local policies pertaining to sensitive instructional materials following the passage of 2022 General Session H.B. 374, "[Sensitive Materials in Schools](#)." Representatives from Davis School District discussed the current process in place for reviewing challenged sensitive materials. Discussed potential changes to the statute involving the use of district review committees and how to ensure public transparency and consistency within and between districts in the review process.

Action: *Opened a committee bill file to explore changes to the statutory requirements for sensitive materials reviews, including a requirement that local school boards approve any determinations made by review committees.*

UDOT Procurement Rules

Received a presentation from committee staff, SaltWorx Inc., and the Utah Department of Transportation related to the current rules and regulations for the procurement of road salt. Received input from industry representatives on potential changes to the department's practices with the intent of creating more clarity and consistency for salt vendors.

Action: Voted to refer the issue to the Transportation Interim Committee for further consideration.

Chairs: Rep. Kera Birkeland / Sen. Curtis S. Bramble
Staff: Rohnin Randles (Policy Analyst) / Eric N. Weeks (Attorney) / Tracey Fredman (Administrative Assistant)

Business and Labor

Alcohol Quota Study

Received a [presentation](#) from committee staff on existing statutory requirements providing for the types and number of licenses for retail sale of alcoholic beverages.

Action: Authorized the committee chairs to select an appropriate vendor to conduct an alcohol quota study.

Consumer Complaint Transparency

Received a [presentation](#) from the Division of Consumer Protection related to three different statutes that allow consumers to file complaints with the division and the requirements for when those complaints may be made public. Received recommendations from the division that the public information provisions be removed from individual statutes and generalized for all complaints received by the division.



Action: Opened a committee bill file to explore changing the public disclosure requirements for complaints received by the Division of Consumer Protection.

Consumer Lender Notification

Received a presentation from the Department of Financial Institutions about the consumer lender notification requirement in [Title 70C, Utah Consumer Credit Code](#), which requires a consumer lender to notify the department annually about its credit-extending business. Also heard from the Utah Association of Financial Services.

Action: Using the authority granted them by the committee, the chairs opened a committee bill file to require a consumer lender to provide notification of its credit-extending business to the Department of Financial Institutions through the Nationwide Mortgage Licensing System rather than in writing.

Sunset: Massage Therapy Practice Act

Received a [presentation](#) from the Division of Professional Licensing about licensing requirements and regulations for massage therapists in Utah. Heard from representatives of the state massage therapy board and the Utah Chapter of the American Massage Therapy Association.

Action: Opened a bill file reauthorizing the [Massage Therapy Practice Act](#) for 10 years and to encourage the Office of Professional Licensure Review to prioritize the review of massage therapy during its periodic review of licenses.

Chairs: Rep. A. Cory Maloy / Sen. Curtis S. Bramble
Staff: Adam J. Sweet (Policy Analyst) / Rohnin Randles (Policy Analyst) / Amy Shewan (Attorney) / Finn Andrew Rose (Administrative Assistant)

Criminal Code Evaluation Task Force

June 6, 2023

Attempted Murder

Received a [presentation](#) from task force staff and the Iron County Attorney's Office on differences in the prison sentence for attempted murder and other first-degree felonies.

Action: Recommended that the Law Enforcement and Criminal Justice Interim Committee open a committee bill file to make the prison sentence for attempted murder the same as other first-degree felonies.

Criminal Code Recodification

Received a [presentation](#) from task force staff on the purpose and scope of the overall recodification of the criminal code and on the specifics of the recodification of Title 76, Chapter 8, Parts 1 through 3.

Chairs: Rep. Matthew H. Gwynn / Sen. Todd D. Weiler
Staff: John Feinauer (Managing Policy Analyst) / Shad Larson (Attorney) / Jackie Rogers (Attorney) / Taylor Calabrese (Administrative Assistant)

Economic Development and Workforce Services

Sunset Review: Rural Motion Picture Incentive

Received a summary from committee staff on 2024 General Session draft legislation, "[Motion Picture Incentive Amendments](#)," which would remove the sunset date for the Rural Motion Picture Incentive Program and add program presentation requirements.

Sunset Review: State Rehabilitation Council

Received a [presentation](#) from the Utah State Office of Rehabilitation Services on the purpose and impact of the council.

Action: Opened a committee bill file to extend the sunset for the Utah State Office of Rehabilitation Services.

Sunset Review: Women in the Economy Subcommittee

Received a presentation from the Managing Director of Strategic Initiatives, the Governor's Office of Economic Opportunity, and the Women in the Economy Subcommittee about the history, recent restructure and updated membership, and the goals of the subcommittee.

Action: Opened a committee bill file to extend the sunset for the Women in the Economy Subcommittee.

Workforce Expansion

Received a [presentation](#) from the Department of Workforce Services with an overview of workforce development programs the department provides and how the program helps individuals secure employment, educational opportunities, and other forms of assistance.

Received a presentation from the Office of Legislative Research and General Counsel on Utah's participation in the Multi-State Occupational Licensing Learning Policy Consortium.

Received presentations from the [Division of Professional Licensing](#) on licensing as a barrier to workforce entry and the [Office of Professional Licensure Review](#) on the purpose and impacts of the office.

Received a [presentation](#) from the United Way of Salt Lake, the Utah Community Builders, the Cicero Group, and Voices for Utah Children on a [study](#) on childcare access in Utah.

Chairs: Rep. Jeffrey D. Stenquist / Sen. Ronald M. Winterton
Staff: Sivan Nizan (Policy Analyst) / Gus Harb (Attorney) / Tracey Fredman (Administrative Assistant)

Education

Transparency in Curriculum, Parental Engagement and Access, and Review of Sensitive Materials Policies in Schools

Received a [presentation](#) from committee staff on statutes relating to transparency and sensitive materials, followed by presentations on implementation processes from:

- [Logan School District](#);
- [Davis School District](#);
- [Jordan School District](#);
- [Washington School District](#);
- [Granite School District](#); and
- the [State Board of Education](#).

Action: Opened a committee bill file to clarify legislative intent with regard to the process for reviewing sensitive materials in public schools.

Chairs: Rep. Candice B. Pierucci / Sen. John D. Johnson
Staff: Micah Ann Wixom (Policy Analyst) / Robert Wood (Policy Analyst) / Rhonda Bailey (Attorney) / Jeff Van Hulten (Attorney) / Mike Curtis (Managing Associate General Counsel) / Taylor Calabrese (Administrative Assistant)

Ethnic Studies Commission

June 15, 2023

Performance Audit of Curriculum and Teacher Training in Public Education

Received a [presentation](#) from the Office of the Legislative Auditor General on the October 2022 [audit](#) of curriculum and teacher training in public education.

Purpose and Direction of the Commission

Received a [presentation](#) from commission staff summarizing the duties of the commission and progress made to date.

State Board of Education Core Standards Review

Received a progress [report](#) from the State Board of Education on the process of incorporating ethnic studies into core standards.

Chairs: Rep. Ryan D. Wilcox / Sen. Kirk A. Cullimore
Staff: Robert Wood (Policy Analyst) / Rhonda Bailey (Attorney) / Taylor Calabrese (Administrative Assistant)



Federalism Commission

May 30, 2023

Article V Issues

Heard a report from a legislator regarding a possible joint mandamus effort with other states and a possible simulated convention of the states.

Bureau of Land Management Proposed Rule

Reviewed a proposed rule by the Bureau of Land Management (BLM) and discussed potential negative impacts of the proposed rule on the environment, economy, and the health and safety of the citizens of Utah.

Action: Authorized the chairs to send comments to the BLM regarding possible negative impacts that the proposed rule could have on Utah and to request that the BLM abandon the rule and begin a new collaborative rulemaking process.

Consistency and Coordination of Resource Management Plans with Federal Outcomes

Heard from the Office of the Attorney General regarding ongoing work towards litigation regarding the management of public lands.

Action: Authorized the chairs to report to the Executive Appropriations Committee and request that the Division of Finance release funds to pursue the management of public lands in the state.

Federalism Policy Tracker

Received a status update from Utah Valley University regarding the federal policy tracker.

Overview of Federalism Commission

Received an [overview](#) from commission staff regarding the role and authority of the federalism commission.

Overview of HB 253, 2023 General Session

Received an overview from committee staff of 2023 General Session H.B. 253, "[Federalism Commission Amendments](#)." The Federalism Commission is required to report to each interim committee annually, regarding federal laws that the commission finds violate the principles of federalism.

June 12, 2023

Monroe Mountain Environmental Impact Statement

Heard from the Public Lands Policy Coordination Office regarding efforts to work with the federal government on an environmental impact statement regarding grazing on Monroe Mountain.

Ozone Transport Rule Update

Heard from the Office of the Attorney General and industry representatives regarding the federal ozone transport rule, the good neighbor provision in the Clean Air Act, and the federal rejection of Utah's state implementation plan .

Action: Authorized the chairs to send a letter to the federal executive agencies regarding the ozone transport rule.

Possible National Monument on the Arizona Strip

Received a presentation from the Public Lands Policy Coordination Office regarding efforts by the federal government to create a new national monument along the Utah/Arizona border and the impacts such a monument would have on the state and the local communities.

Regenerative Agriculture

Received a presentation from Win/Win CO2 Solutions Alliance regarding innovations in regenerative agriculture that can protect the environment and decrease greenhouse gas emissions.

Small Farms

Received presentations from the [Department of Agriculture and Food](#) and the [Utah Farm Bureau](#) regarding the importance of small farms in Utah to the economy, food supply, and food security and programs that the state has implemented to protect and encourage innovation among small farms.

Action: Authorized the chairs to send a letter to the federal government regarding the importance of protecting small farms.

Chairs: Rep. Keven J. Stratton / Sen. Ronald M. Winterton
Staff: Nathan W. Brady (Policy Analyst) / Robert H. Rees (Attorney) / Jacqueline Carlton (Attorney) / Shay Berger (Administrative Assistant)

Government Operations

Artificial Intelligence Policies for State Agencies

Received a [presentation](#) from the Division of Technology Services regarding artificial intelligence and policy considerations for state agencies.

Electronic Ballots for Emergency Responders

Received a [presentation](#) from the Office of the Lieutenant Governor regarding the duties of the lieutenant governor. Discussed situations in which emergency responders are temporarily stationed away from their home during an election for a declared emergency and are unable to cast their ballot either in-person or by mail.

Action: Opened a committee bill file to allow emergency responders to cast their ballot electronically if they are responding to an emergency, such as a natural disaster, and are unable to cast their ballot by other means.

Special Session Draft Legislation: Election Amendments

Discussed 2023 Second Special Session H.B. 2001, "[Election Amendments](#)," which would modify municipal election provisions, for the 2023 municipal elections only, including:

- changing the dates of the municipal primary elections and municipal general elections;
- requiring that counties conduct the municipal elections; and
- changing the canvassing deadlines and other deadlines for the municipal elections.

H.B. 2001 would also modify deadlines for changing party affiliation status in relation to the special congressional election.

Action: Approved as a committee bill 2023 Second Special Session H.B. 2001, "Election Amendments."

State Employee Recruitment and Retention

Received a [presentation](#) from the Division of Human Resource Management regarding state employee recruitment and retention, including data on the impact of targeted funding.

The Best Practice Handbook

Received a [presentation](#) from the Office of the Legislative Auditor General on The Best Practice Handbook - A Practical Guide to Excellence for Utah Government.

Chairs: Rep. Calvin R. Musselman / Sen. Daniel W. Thatcher / Sen. Ronald M. Winterton
Staff: Lisa Sorensen (Policy Analyst) / Michael Cipriano (Attorney) / Thomas R. Vaughn (Managing Associate General Counsel) / Tracey Fredman (Administrative Assistant)

Health and Human Services

Contingency Planning for Continuity of Health and Human Services

Received recommendations from the [Office of the Legislative Fiscal Analyst](#), the [Department of Health and Human Services](#), and the [Utah Association of CPAs](#) for improving the state's ability to plan for and respond to reductions in federal funding for health and human services.

Action: Opened a committee bill file to review and right-size Medicaid contingency funds, working with the Legislative Fiscal Analyst and the Department of Health and Human Services to make sure that budget buffers and risk mitigation programs are consistent with policy recommendations presented at the meeting by the Legislative Fiscal Analyst.

Medicaid: Update on the Unwinding of COVID-19 Continuous Eligibility

[Briefed](#) by the Department of Health and Human Services and the Department of Workforce Services on the redetermination of eligibility for Medicaid enrollees covered during the COVID-19 federal public health emergency. The departments reported how the elimination of continuous eligibility is likely to affect Medicaid enrollment over the next nine months.

Potential Legislation for Committee Consideration

Considered requests for committee bill files.

Actions: Opened a committee bill file to reauthorize two Medicaid assessments scheduled for sunset in 2024, the [Inpatient Hospital Assessment](#) and the [Medicaid Expansion Hospital Assessment](#).

Opened a committee bill file to remove the [Psychotropic Medication Oversight Pilot Program](#) from the Legislative Oversight and Sunset Act.

Promoting Effectiveness and Efficiency in Health and Human Services

Received a [report](#) from the Office of the Legislative Auditor General on how the office's recently published [The Best Practice Handbook: A Practical Guide to Excellence for Utah Government](#) could help the Department of Health and Human Services prepare for a downturn in federal funding.

Chairs: Rep. Ken Ivory / Sen. Michael S. Kennedy
Staff: Mark D. Andrews (Policy Analyst) / Seth Anderson (Policy Analyst) / Alan Houston (Attorney) / Christopher Williams (Attorney) / Gregory N. Gunn (Attorney) / Shay Berger (Administrative Assistant)

Judiciary

Competency to Stand Trial

Received presentations from [committee staff](#) and the [Division of Services for People with Disabilities](#) and heard comments from a prosecutor, defense attorneys, and the Utah State Hospital on issues related to a defendant's ability to stand trial, including the use of competency restoration resources and how to address defendants with certain brain injuries or conditions who are found incompetent.

Action: Opened a committee bill file to address the issues discussed related to competency to stand trial.

Sunset Review of Domestic Violence Case Transfers

Received presentations from [committee staff](#) and the [Administrative Office of the Courts](#) and heard comments from a legislator, victim advocate, prosecutor, and defense attorneys on the sunset provisions of 2022 General Session H.B. 196, "[Transfer of Domestic Violence Cases](#)," which requires a justice court to transfer a domestic violence case that is set for trial to a district court.

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

Law Enforcement and Criminal Justice

Sex and Kidnap Offender Registry Access and Searchability

Received a [presentation](#) from committee staff on the Sex Offender and Kidnap Offender Notification Website. Discussed a proposal to modify access to information on the website.

Action: *Approved as a committee bill 2024 General Session draft legislation, "[Sex and Kidnap Offender Registry Access](#)," which would require the Department of Corrections to make certain information collected by the department for the purpose of registering sex and kidnap offenders searchable on the Sex Offender and Kidnap Offender Notification and Registration website.*

Attempted Murder

Received a [presentation](#) from committee staff on differences in the prison sentence for attempted murder and other first-degree felonies.

Action: *Voted to include this issue in 2024 General Session draft legislation, "Criminal Code Amendments," which was opened by the committee chairs to address any substantive changes to the Criminal Code recommended by the Criminal Code Evaluation Task Force.*

Child Abuse Offender Registry

Received a [presentation](#) from the Department of Corrections about the history and function of the Child Abuse Registry and how it relates to the Sex and Kidnap Offender Registry.

Action: *Opened a committee bill file to address any issues related to the Sex and Kidnap Offender Registry, including combining the Child Abuse Registry with the Sex and Kidnap Offender Registry as part of the bill.*

Concealed Firearm Review Board Sunset Review

Received an overview from committee staff on the request to extend the sunset of the Concealed Firearm Review Board.

Action: *Approved as a committee bill 2024 General Session draft legislation, "[Concealed Firearm Review Board Amendments](#)," which would extend the sunset of the Concealed Firearm Review Board by five years.*

County-level Probation Management

Received comments from the Commission on Criminal and Juvenile Justice and the Utah Sheriffs' Association on the impact of certain sentencing changes to supervision requirements and the role of county-level supervision in potentially addressing supervision gaps.

Sex and Kidnap Offender Registry Duration and Removal

Received a [presentation](#) from committee staff on potential registration requirement inconsistencies for three crimes:

- forcible sexual abuse;
- custodial sexual relations; and
- voyeurism if distributing images obtained by secretly recording a child under 14 years old.

For each of these crimes, the registration period for enticing a minor into these activities may be higher than the registration period for committing the crime.

Action: *Voted to address potential registration period inconsistencies related to enticing a minor in the committee bill file opened to address any issues related to the Sex and Kidnap Offender Registry.*

Sex Offense Management Board

Received a presentation from the Commission on Criminal and Juvenile Justice on the purpose, scope, and intentions of the Sex Offense Management Board, created by 2023 General Session H.B. 268, "[Sex Offense Amendments](#)."

Chairs: Rep. Ryan D. Wilcox / Sen. Keith Grover
Staff: John Feinauer (Managing Policy Analyst) / Sarah Flanigan (Policy Analyst) / Shad Larson (Attorney) / Jackie Rogers (Attorney) / Taylor Calabrese (Administrative Assistant)

Legislative Management

June 13, 2023

SITLA Land Exchange Update

Received an update from the Utah School and Institutional Trust Lands Administration (SITLA) to extend the approval by the Legislative Management Committee to pursue congressional approval for a [land exchange of SITLA lands](#) in the Bears Ears National Monument for other lands in the state.

Action: *Voted to extend until June 30, 2024, the authorization for the Governor and SITLA to proceed with the proposed land exchange as previously discussed and approved in the May 17, 2022, and April 12, 2023, meetings.*

Legislative Management Committee Policies

Actions: *Adopted the amended [LMC Legislative Procurement Policy](#).*

Adopted the amended [LMC Policy Governing Use of Committee Rooms](#).

Adopted the amended [LMC Legislative Intern Program Policy](#).

Chairs: Sen. J. Stuart Adams / Rep. Brad R. Wilson
Staff: John Q. Cannon (Director) / Victoria Ashby (General Counsel) / Amy Hawkes (Executive Assistant)

Medical Cannabis Governance Structure Working Group

June 12, 2023

Medical Cannabis Business Tax Credits

Considered whether the state should enact a policy for medical cannabis businesses to be eligible for state tax relief.

Medical Cannabis Home Delivery

Considered whether changes should be made to medical cannabis home delivery.

Medical Cannabis Program Licensing Fees

Received a [presentation](#) from working group staff on licensing fees in other states with medical cannabis programs and considered the status of the [program's fee revenue](#).

Status of THC Analogs

Discussed the regulatory framework that currently exists for Delta-8-THC and other THC analogs.

Chairs: Rep. Walt Brooks / Sen. Evan J. Vickers
Staff: Seth Anderson (Policy Analyst) / Christopher Williams (Attorney) / Shay Berger (Administrative Assistant)

Natural Resources, Agriculture, and Environment

Boards and Commissions

Received a list of [boards and commissions](#) from committee staff. Discussed plans to study boards and commissions related to the natural resources, agriculture, and environment subject areas and identify any with overlapping duties.

Action: Opened a committee bill file to address changes to boards and commissions.

Forest Practices

Received a [presentation](#) from the Division of Forestry, Fire, and State Lands and Utah State University on the findings of an evaluation of a forest work pilot project recently funded by the Legislature. Researchers studied the effectiveness and efficiency of mechanical treatment methods used in the pilot project to create fire mitigation blocks and promote aspen growth.

Mining Permitting Processes

Received a [presentation](#) from the Division of Oil, Gas, and Mining and the Utah Attorney General's Office about potential clarifications to [Title 40, Mines and Mining](#), related to the permitting process.

Action: Opened a committee bill file to make clarifications to the mining permitting process.

Predator Control Program

Received a [presentation](#) from the Department of Agriculture and Food about Utah's predator control program, including the impacts of moving management of the predator control program's ground crew trappers from the U.S. Department of Agriculture to the state.

Sunset Review: Agricultural and Wildlife Damage Prevention Board

Conducted a sunset review of [Section 4-23-104](#), which creates the Agricultural and Wildlife Damage Prevention Board and is scheduled to sunset on July 1, 2024. Heard comments from the Department of Agriculture and Food.

Action: Opened a committee bill file to extend the sunset date of the Agricultural and Wildlife Damage Prevention Board for 10 years.

Sunset Review: Coal Miner Certification Panel

Conducted a sunset review of [Section 40-2-204](#), which is related to the Coal Miner Certification Panel and is scheduled to sunset on July 1, 2024. Heard comments from the Labor Commission.

Action: Opened a committee bill file to extend the sunset date of the Coal Miner Certification Panel for 10 years.

Utah Supreme Court Decision

Heard a [summary](#) from committee staff on a recent Utah Supreme Court decision related to streambed access.

Chairs: Rep. Walt Brooks / Sen. Scott D. Sandall
Staff: Charley Hart (Policy Analyst) / Julie Humberstone (Policy Analyst) / Patricia Owen (Attorney) / Anikka Hoidal (Attorney) / Finn Andrew Rose (Administrative Assistant)

Olympic and Paralympic Winter Games Coordination

June 15, 2023

Committee Overview

Received an [overview](#) of the committee's responsibilities as set forth in 2023 General Session H.B. 430, "[State Olympic Coordination Amendments](#)," which created the Olympic and Paralympic Winter Games Coordination Committee to help coordinate the state's role in the bid for, and potential hosting of, a future Olympic and Paralympic Winter Games.

Olympic and Paralympic Winter Games Bid Update

Received an [update](#) from officials from the Salt Lake City bid committee and the Utah Olympic Legacy Foundation on the bid committee's efforts to be awarded a future Winter Games and the status of the venues that would be utilized.

Chairs: Rep. Jon Hawkins / Sen. Michael K. McKell
Staff: Alex R. Janak (Managing Policy Analyst) / Eric N. Weeks (Attorney) / Patricia Owen (Attorney) / Finn Andrew Rose (Administrative Assistant)

Political Subdivisions

General Aviation Long-term Leases

Received a [presentation](#) from a legislator regarding issues with the handling of long-term ground leases at public general aviation facilities.

Received a [presentation](#) from committee staff regarding ground leases and reversionary clauses at municipal airports in Utah, [federal grant assurances](#), and changes made by Ogden City to its [ordinances](#) regarding the long-term ground leases at the Ogden Municipal Airport.

Heard from Ogden City regarding its ground lease practices.

Growth in the Public Treasurer's Investment Fund

Received a [presentation](#) from a legislator regarding rapid growth in the Public Treasurer's Investment Fund, which was created to become a short-term investment tool for funds from political subdivisions of the state.

Metro Townships

Heard from a legislator and representatives of the five metro townships regarding the long-term viability of metro townships. Received a [letter](#) from the metro townships regarding their desire to start the process to incorporate as cities or towns.

***Action:** Opened a committee bill file to repeal the metro townships sections in code and begin the process to convert the metro townships to cities and towns.*

San Juan County Commission Performance Audit

Received a [report](#) from the Office of the Legislative Auditor regarding the findings and recommendations in a [Performance Audit of the San Juan County Commission](#) and comments from two San Juan County commissioners in response to the audit.

***Action:** Opened a committee bill file to modify language in the Open and Public Meetings Act.*

Tax Increment Financing

***Action:** Amended and approved as a committee bill 2024 General Session draft legislation, "[Tax Incentive Revisions](#)," which would modify provisions regarding tax increment financing and reporting requirements of redevelopment agencies.*

Chairs: Rep. James A. Dunnigan / Sen. Michael K. McKell
Staff: Nathan W. Brady (Policy Analyst) / Robert H. Rees (Attorney) / Naomi Garrow (Administrative Assistant)

Public Utilities, Energy, and Technology

Resource Security and Adequacy

Received a [presentation](#) from the Western Electricity Coordinating Council on its findings on reliability for the Western United States.

Received a [presentation](#) from the Western United Electric Supply Corp on the significant supply chain challenges utilities are dealing with.

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

Retirement and Independent Entities

June 12, 2023

Independent Entity Sunset Review: Heber Valley Historic Railroad Authority

Received an overview from committee staff of the statutes governing the Heber Valley Historic Railroad Authority and the committee's sunset review responsibilities.

Received a [presentation](#) from the Heber Valley Historic Railroad Authority on its mission, activities, current assets, and financial position.

Overview of Utah Retirement Systems

Received a [presentation](#) from Utah Retirement Systems (URS) on URS's plans and the Annual Comprehensive Financial Report, including the funded status of the state's retirement plans, membership in the various plans, and information on contribution rates.

Post-retirement Reemployment

Received a [presentation](#) from URS estimating the costs of adopting a policy similar to South Dakota's post-retirement reemployment model.

Chairs: Rep. Cheryl K. Acton / Sen. Wayne A. Harper
Staff: Sarah Flanigan (Policy Analyst) / Alan Houston (Attorney) / Andrea Valenti Arthur (Attorney) / Naomi Garrow (Administrative Assistant)



Revenue and Taxation

Income Tax Refunds

Heard a request from the State Tax Commission that the committee open a committee bill file to clarify the circumstances under which a taxpayer can file a claim for a refund of a penalty or interest.

Action: Opened a committee bill file to clarify when a taxpayer can claim a refund of money paid to the commission for a penalty or interest.

Mineral Production Tax Withholding

Considered 2024 General Session draft legislation, "Mineral Production Tax Withholding Amendments," which would address the mineral production withholding rate and the income tax rate. Currently, a mineral producer is required to withhold an amount equal to 5% of the amount of payment of mineral production income. However, mineral production income is subject to the state's income tax at a rate of 4.65%.

Action: Approved as a committee bill, 2024 General Session draft legislation, "Mineral Production Tax Withholding Amendments."

Modifications to Provisions Related to the Tobacco Master Settlement Agreement

Received a request from the State Tax Commission to open a committee bill file to require electronic filing of Prevent All Cigarette Trafficking Act (PACT Act) reports. Most states require PACT Act information returns to be filed electronically. Most cigarette manufacturers already file electronically in Utah, but a small minority continue to file on paper because electronic filing is not required under Utah law. Processing paper filings costs the state money and resources.

Action: Opened a committee bill file to require electronic filing of PACT Act reports in Utah.

Property Tax Exclusive Use Exemption

Heard from the State Tax Commission regarding tax exemptions for property owned by a nonprofit entity that is used exclusively for religious, charitable, or educational purposes. Currently, the State Tax Commission applies the exemption when structures or improvements on the property are under construction only if a building permit has been issued. The State Tax Commission asked the committee to consider this issue and determine when in the building process the exemption should be applied.

Action: Opened a committee bill file to address the timing of when the State Tax Commission should apply the exclusive use exemption.

Sales Tax Remote Sales Transaction Test

Considered 2024 General Session draft legislation, "Sales and Use Tax Revisions," which would remove the transaction threshold and make total sales in the state greater than \$100,000 in a given year the criteria for establishing economic nexus in Utah. Received a presentation from committee staff comparing the economic nexus laws in other states.

Action: Approved as a committee bill 2024 General Session draft legislation, "Sales and Use Tax Revisions."

Short-Term Rental Duration Definitions

Heard from the State Tax Commission regarding the inconsistent treatment for transient room tax and motor vehicle rentals.

Action: Opened a committee bill file to address these inconsistencies.

Sunset Review: Provisions Related to the State Tax Commission

Conducted a sunset review of:

- Section 59-1-213.1, which provides the State Tax Commission with the authority to make non-substantive changes to commission publications without holding a public meeting on the change; and
- Section 59-1-213.2, which requires the State Tax Commission to make an electronic report to the committee confidentially summarizing any non-public meetings the commission held in the preceding 12-month period under the authority granted by Section 59-1-405.

Without legislative action, the provisions in Sections 59-1-213.1 & 59-1-213.2 will be repealed on May 9, 2024.

Action: Opened a committee bill file to extend the sunset date of the provisions in Section 59-1-213.1 by 10 years and to repeal the provisions in Section 59-1-213.2.

Sunset Review: Provisions Related to the State Tax Commission's Consideration of Confidential Tax Matters

Conducted a sunset review of Subsections 59-1-405(1)(g) & 59-1-405(2)(b), which provide the State Tax Commission with the authority to have a meeting that is not open to the public to discuss with an employee of the commission the interpretation and application of a law administered by the commission.

Without legislative action, the provisions in Subsections 59-1-405(1)(g) & 59-1-405(2)(b) will be repealed on May 9, 2024.

Action: Opened a committee bill file to extend these sunset dates by 10 years.

Tax Commission Authority to Share Taxpayer Information with Division of Finance

Considered a request from the State Tax Commission that the committee study and make recommendations regarding the purposes for which the commission may share otherwise confidential taxpayer information with the Division of Finance, primarily for the purpose of issuing taxpayer refunds.

Action: *Opened a committee bill file to codify what taxpayer information the State Tax Commission may share with the Division of Finance, including for issuing taxpayer refunds.*

Chairs: Rep. Steve Eliason / Sen. Daniel McCay
Staff: Alex R. Janak (Managing Policy Analyst) / Chris Stitt (Policy Analyst) / Andrea Valenti Arthur (Attorney) / Lorna Wells (Administrative Assistant)

School Security Task Force

June 12, 2023

Lessons Learned from Prior School Safety Incidents

Received a [presentation](#) from a legislator and the University of Utah Hospital and Clinics about lessons learned from previous school shooter incidents in other states, research on school shootings, and the role of [SafeUT](#) in school safety and prevention efforts.

State and Federal Law Overview

Received an [overview](#) from committee staff of the following:

- current state [statutes](#) related to school safety issues; and
- the Family Educational Rights and Privacy Act (FERPA), the federal law governing student education records privacy, applicable to all schools that receive federal funding.

State Security Chief

Received a [presentation](#) from the Department of Public Safety about the state security chief position, created in the department by 2023 General Session H.B. 61, "[School Safety Requirements](#)," and discussed the qualifications, duties, and responsibilities for this position.

Task Force Discussion

Discussed the steps needed to discuss the task force's statutory responsibilities.

Chairs: Rep. Ryan D. Wilcox / Sen. Don L. Ipson
Staff: Micah Ann Wixom (Policy Analyst) / Jeff Van Hulten (Attorney) / Taylor Calabrese (Administrative Assistant)

Transportation

Infrastructure Investment and Jobs Act Update

Received presentations from the [Utah Department of Transportation](#) and the [Wasatch Front Regional Council](#) on federal grants received and applied for.

Road Rage

Received a [presentation](#) from committee staff on aggressive driving.

Received a [handout](#) and heard comments from the Utah Highway Patrol regarding increasing cases of road rage violence.

Received comments from the Utah County Attorney's Office, the Utah Sheriffs' Association, the Utah Chiefs of Police Association, and the Herriman Police Department.

Action: *Opened a committee bill file to address this issue.*

Sunset Review: Motor Vehicle Business Regulation Advisory Board

Received an [overview](#) of the Motor Vehicle Business Regulation Advisory Board from committee staff.

Received comments from the State Tax Commission, New Car Dealers of Utah, and Used Car Dealers of Utah, who all recommended letting the board sunset.

Transportation Utility Fees

Received a [presentation](#) from a legislator and the League of Cities and Towns on recent state court cases related to transportation utility fees. Discussed potential applications and parameters of the fee.

Action: *Opened a committee bill file to set parameters for cities imposing transportation utility fees.*

Utility Relocation

Received a presentation from [committee staff](#) and the [Utah Department of Transportation](#) (UDOT) on current cost-sharing practices for utility relocation as necessitated by state road projects. Received comment from utility stakeholders, including the Utah Petroleum Association and PacifiCorp. Discussed the need for continued work on this issue among UDOT, utilities, and legislators.

Chairs: Rep. Kay J. Christofferson / Sen. Wayne A. Harper
Staff: Rachel Brooks (Policy Analyst) / Braden Hess (Attorney) / Kurt P. Gasser (Managing Associate General Counsel) / Shay Berger (Administrative Assistant)

Committee Bill Files Opened by Legislative Committees For the 2024 General Session, as of June 15, 2023

Total number of committee bill files opened: 55

Administrative Rules Review and General Oversight

- School Board Notification Requirements
- Title IX Compliance
- Local School Board Modifications

Total Number of Committee Bill Files Opened: 3

Business and Labor

- Employment of Minors Amendments
- Corporate Dissolution Amendments
- Massage Therapy Practice Act Amendments
- Division of Consumer Protection Amendments
- Consumer Lender Notification Amendments

Total Number of Committee Bill Files Opened: 5

Economic Development and Workforce Services

- Motion Picture Incentives Amendments
- State Rehabilitation Council Amendments
- Women in the Economy Subcommittee Amendments

Total Number of Committee Bill Files Opened: 3

Education

- Higher Education Financial Aid Amendments
- Concurrent Enrollment Revisions
- Sensitive Material Review Amendments

Total Number of Committee Bill Files Opened: 3

Government Operations

- Certification of Local Entity Boundary Actions
- Joint Tenancy Presumption Amendments
- Uniform Real Property Transfer on Death Act Amendments
- County Recorder Amendments
- Electronic Voting Amendments

Total Number of Committee Bill Files Opened: 5

Health and Human Services

- Health and Human Services Funding Amendments
- Hospital Assessment Modifications

Total Number of Committee Bill Files Opened: 2

Judiciary

- Sexual Offenses Amendments
- Restitution Amendments
- Competency Proceedings Amendments

Total Number of Committee Bill Files Opened: 3

Law Enforcement and Criminal Justice

- Concealed Firearm Review Board Amendments
- Criminal Code Recodification
- Criminal Code Amendments
- Offender Registry Amendments

Total Number of Committee Bill Files Opened: 4

Legislative Water Development Commission

- Water Regulatory Structure Amendments
- Water Research and Innovation Amendments
- Water Infrastructure Amendments
- Water Capital Distribution Amendments
- Water Accounting Amendments

Total Number of Committee Bill Files Opened: 5

Natural Resources, Agriculture, and Environment

- Division of Outdoor Recreation Advisory Council Sunset Extension
- Safe Drinking Water Act Sunset Extension
- Natural Resources Boards and Commissions Amendments
- Mining Amendments
- Agriculture and Wildlife Damage Prevention Board Amendments
- Coal Miner Certification Panel Amendments

Total Number of Committee Bill Files Opened: 6

Political Subdivisions

- Metro Township Modifications
- Open and Public Meetings Act Amendments

Total Number of Committee Bill Files Opened: 2

Public Utilities, Energy, and Technology

- Cybersecurity Training Requirements for State Employees

Total Number of Committee Bill Files Opened: 1

Retirement and Independent Entities

- Utah Communications Authority Modifications

Total Number of Committee Bill Files Opened: 1

Continued on next page

**Committee Bill Files Opened by Legislative Committees
For the 2024 General Session, as of June 15, 2023**

Total number of committee bill files opened: 55

Revenue and Taxation

- Sales and Use Tax Revisions
- Mineral Production Tax Withholding Amendments
- Sales and Use Tax Act Modifications
- Property Tax Exemption Modifications
- Cigarette and Tobacco Tax and Licensing Act Amendments
- State Tax Commission Public Meeting Requirements
- Confidentiality of Tax Information Amendments
- Tax Refund Claim Amendments
- Tax Information Sharing Amendments

Total Number of Committee Bill Files Opened: 9

Transportation

- Motor Vehicle Act Amendments
- Road Rage Amendments
- Transportation Utility Fee Amendments

Total Number of Committee Bill Files Opened: 3
