

# Summary of Third Special Session Legislation

Version 4: April 16, 2020

The Office of Legislative Research and General Counsel (OLRGC) has compiled summaries of legislation introduced during the Third Special Session of the Sixty-Third Utah Legislature. These summaries are intended to be general in nature. Each summary describes the legislation at the time it is numbered and does not address subsequently adopted amendments. To read the legislation in its entirety or review amendments, click on the link provided in this document or visit <https://le.utah.gov>.

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## Numbered on April 16, 2020

### [S.B. 3006, Covid-19 Financial Relief Funding](#)

This bill assists individuals, businesses, and agriculture operations that have been financially harmed by the coronavirus' economic impact. \$20 million is funded within the Department of Workforce Services for a rent payment assistance program for individuals. Up to \$40 million is used to establish a commercial rent payment assistance program within the Governor's Office of Economic Development. Additionally, a 0% emergency loan program for agriculture operations is created in the Department of Agriculture and Food. Term details and program qualifications are outlined in the bill.

## Numbered on April 15, 2020

### [S.B. 3004, COVID-19 Health and Economic Response Act](#)

This bill creates the Public Health and Economic Emergency Commission (the commission) to advise and make recommendations to the governor regarding the state's response to the COVID-19 emergency, including identifying economic and health guidance levels to assess risk. The bill requires the commission to present a plan to the governor on or before April 22, 2020, that provides for the state to operate under an economic and health guidance level

that is immediately below the highest risk economic and health guidance level, and for the governor to either implement the plan or issue a public statement explaining the decision not to implement the plan. The bill also prohibits a local government from enacting an ordinance or issuing an order that is more restrictive than, or contrary to, a recommendation made by the commission and adopted by the governor.

### [S.B. 3005, Education Modifications](#)

To address statutory requirements impacted by school closures in the 2019-20 school year, this bill:

- Waives requirements to administer assessments during the 2019-2020 school year that were not administered before school closures.
- Directs the State Board of Education (state board) to report to the Education Interim Committee by October 2020 on the state board's ability to comply with requirements impacted by the assessment waiver, including accountability measures and reporting requirements.
- Provides that the state board fulfills a requirement impacted by the assessment waiver by including it in the report to the Education Interim Committee.
- Waives the requirement that school districts conduct employee evaluations for the 2019-2020 school year.
- Waives the requirement that a student pass a basic civics test as a condition for graduation for certain students graduating from high school who have not yet completed the basic civics test.

### [H.C.R. 301, Concurrent Resolution Honoring Healthcare Workers and Others](#)

This resolution acknowledges the disruptions caused by the spread of Coronavirus disease 2019 (COVID-19) and expresses gratitude on behalf of the Legislature and the Governor to the individuals and organizations responding to the pandemic. This resolution specifically highlights the efforts of healthcare workers, certain state employees, information technology workers, other workers providing essential services, and religious organizations for their dedication to combating and

responding to the unprecedented challenges facing the state and the world as a result of the spread of COVID-19.

### **H.B. 3008, Rail Fuel Sales Tax Amendments**

This bill repeals the sales and use tax exemption for the sale of fuel to a rail carrier for use in a locomotive engine, subjecting such sales to a 4.85% state sales tax rate. Revenue generated from these transactions will be deposited into the General Fund.

The bill also creates the Rail Transportation Restricted Account within the Transit Transportation Investment Fund. The restricted account will receive an ongoing appropriation from the General Fund in an amount approximate to the revenue generated from the state sales tax on sales of fuel to rail carriers for use in locomotive engines. UDOT must use the appropriated funds as follows:

- 10% awarded as grants to improve safety at railroad crossings on class B or C roads.
- 10% to pay the costs of performing environmental impact studies or debt service in connection with construction, reconstruction, or renovation projects related to railroad crossings on class B or C roads.
- The remaining funds to pay the costs of construction, reconstruction, or renovation projects related to railroad crossings on class B or C roads, including debt services for those projects.

### **H.B. 3009, Local Government Emergency Response**

This bill enacts multiple provisions related to local government response during a declared emergency. It provides for municipal and county legislative body and, in certain cases, gubernatorial oversight over local orders, including state preemption of a local order. The bill also clarifies the roles of local chief executives and local health departments in issuing a local order and grants authority to local health departments to impose penalties for certain violations of a stay-at-home order. Additionally, the bill addresses local government operations, including flexibility in budget and fiscal procedures, the ability to conduct certain transactions electronically, and

extensions for certain records requests and public meeting requirements.

## **Numbered on April 14, 2020**

### **S.B. 3001, Pandemic Response Appropriations Adjustments**

To balance the budget between fiscal years and match the income tax filing delay, this bill temporarily moves funds committed to capital projects that are not immediately needed, and temporarily moves non-lapsing fiscal year 2020 balances and restores them in fiscal year 2021. The bill further appropriates targeted portions of federal stimulus funds provided in the Families First Coronavirus Relief Act and the CARES Act for specific purposes. Finally, it corrects the source of financing for certain public health-related appropriations.

### **S.B. 3002, Emergency Health Care Access and Immunity Amendments**

This bill expands the Health Care Providers Immunity from Liability Act and the Utah Right to Try Act to address the COVID-19 pandemic and any future declared major public health emergency, defined as “a state of emergency declared by the governor...as the result of...an imminent threat of an illness or health condition that...poses a high probability of a large number of deaths or serious injury.” The bill, during a declared major public health emergency:

- Provides immunity for a health care provider caring for a pandemic patient unless the provider is grossly negligent or malicious.
- Allows a health care provider to practice outside the provider’s usual education, training, or experience but still within the scope of the provider’s license.
- Provides immunity for providing a “qualified treatment” (off-label use of an FDA approved drug) unless the provider is grossly negligent or malicious (but requires the provider to follow applicable Utah or federal guidance, if guidance has been issued).

- Provides immunity for assisting the state in providing a qualified treatment under the state's direction.
- Expands the Utah Right to Try Act to allow the use of an investigational drug or device (that has passed FDA's Phase 1 safety tests, but not the subsequent efficacy tests) for treatment of the pandemic to the fullest extent permitted under federal law.
- Limits liability for providers and hospitals treating patients with the investigational drug or device.
- Does not require a provider or insurer to provide or cover the investigational drug or device, but also does not prohibit that.
- Does not require an insurer to cover treatment for harms caused by the investigational drug or device but does require coverage of conditions that existed before the investigational treatment, and palliative or hospice care if the treatment is unsuccessful.

### **S.B. 3003, Unemployment Benefits Amendments**

Under the CARES Act, states without a waiting week, or that suspend or waive any state law regarding a waiting week, receive 100% federal funding for benefits paid to unemployed applicants for the first week of their unemployment. Utah currently has a statutory one-week waiting period before an unemployed applicant may receive unemployment benefits. This bill authorizes the Division of Workforce Services to waive the one-week waiting period and provide an unemployed individual with a benefit for that week if:

- a state of emergency has been declared by the President of the United States or the governor that is in effect for that week; or
- the federal government has agreed to pay for the benefit.

### **S.J.R. 301, Joint Resolution Approving Acceptance of Federal Funds in Response to COVID-19**

Under state law, the Legislature must pass a resolution to accept federal funds in excess of \$10

million. This resolution approves acceptance of federal CARES Act and other stimulus grants.

### **H.B. 3001, Bond Amendments**

This bill activates the Working Rainy Day Fund by removing the 50% cap on borrowing. It allows the State Treasurer to execute bonds already authorized in statute; the state can use bond proceeds for highway projects and the state prison and free up cash that can be used to plug future budget holes.

### **H.B. 3002, Appropriations Revisions**

This bill makes the following technical budget changes:

- Changes statute to keep enhanced Federal Medicaid Assistance Program (FMAP) savings from lapsing to the Medicaid Restricted Account. Lower FMAP rates will reduce the state's share of Medicaid costs, but the difference must stay in the Medicaid program.
- Waives the deadline for the Division of Finance to enter in the fiscal year 2021 budget. The normal deadline is May 15 but the late influx of federal funds and changes being made to non-lapsing and fund balances will make that deadline impossible to meet.
- Waives the requirement for state agencies appearing before the Board of Examiners whose expenses exceed budget because the Legislature removed non-lapsing balances under S.B. 3001.
- Changes the deadline for school districts to enact budgets and certify local tax rates so that they have time to react to potential future state budget changes.

### **H.B. 3003, Income Tax Revisions**

To address issues related to the COVID-19 pandemic, this bill:

- Modifies deadlines for filing income tax returns to account for the postponement of the federal filing deadline to July 15, 2020 and aligns the time period for an extension to file an income tax return with the federal extension period.
- Changes the due dates for estimated corporate income tax payments to align with due dates for federal income tax.

- Changes the deadline for payment of state income taxes to the federal payment date for the 2019 tax year.

The bill also:

- Changes the due date for an installment payment of the tax on deferred foreign income (“repatriated” income as a result of the 2017 federal tax reform) from the due date of the return with extensions to the due date before any extensions.
- Clarifies the requirements for a pass-through entity to receive an extension for filing a return.
- Allows an individual taxpayer to subtract a distribution from a qualified retirement plan from adjusted gross income if the taxpayer paid tax on the contribution to the qualified retirement plan to another state, D.C., or a U.S. possession.

#### **H.B. 3004, Municipal Annexation Amendments**

The Legislature enacted H.B. 393 this past session, which prohibits the annexation of an area located in any county, if the area is included in a pending incorporation process. This bill prohibits a person from filing an annexation petition that proposes the annexation of an area that is subject to an incorporation election within 90 days of the election date. It also states that the prohibition against annexing an area included in a pending incorporation process only applies in a county of the first class (in other words, the law in effect before H.B. 393). Additionally, the bill states that any annexation petition filed before the bill takes effect is governed by the provisions of law in effect before H.B. 393.

#### **H.B. 3005, Pandemic Response and Consultation Act**

This bill requires the Governor to notify and consult with certain legislative leaders before taking executive action in response to an epidemic or pandemic emergency. The Governor is exempt from these requirements if the epidemic or pandemic poses an imminent threat of loss of life that can be mitigated by executive action.

The bill also allows the Legislature, through a joint resolution, to overturn or terminate an executive action taken by the Governor during a state of emergency. This provision is not limited to a pandemic but applies to any type of emergency.

#### **H.B. 3006, Election Amendments**

This bill makes temporary changes to the election code that apply only to the 2020 regular primary election. For the 2020 regular primary election, the bill:

- Establishes a process for a county to qualify as a mobile voting county to allow limited drive-up voting on election day, and except for mobile voting counties, requires the primary election to be conducted entirely by mail with no polling places on election day, no in-person early voting, no in-person voter registration, and no voter registration by provisional ballot.
- Changes certain deadlines and provides for the dissemination of information about the changes to the primary election.
- Requires the lieutenant governor to issue protocols to protect the health and safety of voters and government employees in the conduct of the election and grants the lieutenant governor some authority to make additional changes as needed.

#### **H.B. 3007, COVID-19 Workers’ Compensation Amendments for First Responders**

This bill creates a rebuttable presumption that if an emergency responder or health care provider contracts the coronavirus, that the individual did so on the job and is thus permitted to file a workers’ compensation claim.

#### **H.J.R. 301, Joint Resolution Urging Fiscal Responsibility**

This resolution urges government entities to cautiously spend remaining fiscal year 2020 resources and avoid making commitments that will increase spending in fiscal year 2021. It recommends government entities use 2020 General Session base budget bills as a baseline when making initial allocations for fiscal year 2021.

