



# Utah State Legislature

---




## Legislative Management Committee







### 2016 Interim Committee Reports





December 22, 2016

Prepared by the Office of Legislative Research and General Counsel

**Natural Resources, Agriculture, and Environment Interim Committee**  
**Conclusions Reached for Study Items Approved by Legislative Management Committee**  
 December 12, 2016

Study Item	Committee Conclusion	Selected Highlights of Recommended Legislation	Action Status*
<b>Air Quality</b>	<p>The Division of Air Quality discussed Utah's air quality, federal air quality standards, and current air quality issues, including:</p> <ul style="list-style-type: none"> <li>• Tier 3 gasoline and sulfur standards,</li> <li>• Tier 3 vehicle emission standards,</li> <li>• Electric vehicle incentives, and</li> <li>• Storage tank emissions pilot project.</li> </ul> <p>Action: The committee recommended draft legislation "Energy Efficient Tax Credit Amendments" by Rep. Handy.</p> <p>The committee determined that the other issues are significant, but more time is needed to develop solutions.</p>	<p>"Energy Efficient Vehicle Tax Credit Amendments" modifies the corporate and individual income tax credits related to energy efficient vehicles.</p>	 <p>Yellow/Green</p>
<b>Direct Food Sales</b>	<p>Rep. Sandall discussed draft legislation "Direct Food Sales Amendments," which modifies the requirements for a cottage food production operation. The Department of Agriculture and Food discussed current requirements for cottage foods, national food standards, potentially hazardous foods, and the department's efforts to enforce state standards consistently. The committee determined that this issue is significant, but more time is needed to develop solutions.</p>		 <p>Yellow</p>
<b>Performance Review of the Division of Drinking Water's Minimum Source Sizing Requirements</b>	<p>The Office of the Legislative Auditor General reviewed the Division of Drinking Water's Minimum Source Sizing Requirements, explaining that the indoor source sizing requirements are too high, while outdoor source sizing requirements appear too low. The Division of Drinking Water reported that, to date, the Division of Drinking Water had</p>		 <p>Yellow</p>




	implemented four of the six audit recommendations. The committee determined that this issue is significant, but more time is needed to develop solutions.		
<b>Public Lands Initiative</b>	The office of Utah Congressman Rob Bishop updated the committee on the public lands initiative proposed by Congressman Bishop. The committee determined that this issue is significant, but more time is needed to develop solutions.		 Yellow
<b>Recodification of Title 4, Agriculture Code</b>	The committee did not discuss this legislation. However, legislation has been prepared and will be introduced in the 2017 General Session.	"Utah Agricultural Code Recodification" recodifies Title 4, Utah Agriculture Code.	 Green
<b>Sage Grouse Compensatory Mitigation Program</b>	The Department of Natural Resources explained the mitigation plan to support the sage grouse population in the state. The Committee discussed sage grouse habitat and sage grouse population growth. The committee determined that this issue is significant but more time is needed to develop solutions.		 Yellow
<b>Sales Tax Exemptions for Guides and Outfitters</b>	Sen. Dayton discussed draft legislation "Sales Tax Exemption for Guides and Outfitters."  Action: The committee recommended draft legislation "Sales Tax Exemption for Guides and Outfitters."	"Sales Tax Exemption for Guides and Outfitters" addresses sales and use tax exemptions for hunting guides or outfitting services.	 Green
<b>Sunset Review – Mercury Switch Removal Act</b>	The Division of Waste Management and Radiation Control discussed the purpose of the Mercury Switch Removal Act and explained that vehicles with mercury switches are still in use.  Action: The committee recommended reauthorization of the act for 10 years and recommended draft legislation "Mercury Switch Removal Act Reauthorization."	"Mercury Switch Removal Act Reauthorization" extends the sunset date of the act for 10 years.	 Green
<b>Uintah Basin Air Quality Research Project</b>	The Utah State University Bingham Entrepreneurship and Energy Research Center reported on the Uintah Basin air quality research project, which is studying wintertime ozone formation in the Uintah Basin. The committee determined that		 Yellow




	<p>this issue is significant, but more time is needed to develop solutions.</p>		
<p><b>Unmanned Aircraft Amendments</b></p>	<p>Rep. Don L. Ipson reviewed 2016 Third Special Session H.B. 3003, "Unmanned Aircraft Amendments," and discussed the security threats unmanned aircraft pose to fire suppression aircraft. The committee discussed the cost of unmanned aircraft interference in fire suppression and the Division of Fire, Forestry, and State Lands' efforts to address the increasing risk of unmanned aircraft jeopardizing firefighters.</p> <p>Action: The committee recommended H.B. 3003 "Unmanned Aircraft Amendments" for consideration in the 2016 Third Special Session.</p>	<p>2016 Third Special Session H.B. 3003, "Unmanned Aircraft Amendments," raises the penalty classification and allows law enforcement to neutralize the unmanned aircraft and collect restitution.</p>	 <p>Green</p>
<p><b>Water Development Commission Amendments</b></p>	<p>Sen. Dayton discussed draft legislation "Water Development Commission Amendments," which modifies commission membership.</p> <p>Action: The committee recommended draft legislation "Water Development Commission Amendments."</p>	<p>"Water Development Commission Amendments" modifies the membership of the Water Development Commission.</p>	 <p>Green</p>
<p><b>Water Infrastructure Funding</b></p>	<p>Weber Basin Water Conservancy District, Washington County Water Conservancy District, Central Utah Water Conservancy District, and Jordan Valley Water Conservancy District discussed future water infrastructure funding and long-term planning efforts to maintain current water infrastructure. The committee discussed the cost of future water infrastructure projects. The committee determined that this issue is significant, but more time is needed to develop solutions.</p>		 <p>Yellow</p>
<p><b>Wildfires</b></p>	<p>The State Forester discussed the philosophy, goals, and system components of the state's Comprehensive State Wildland Fire Prevention, Preparedness, and Suppression Policy. The committee determined that significant progress has been made and that this important issue warrants further review.</p>		 <p>Yellow</p>







The committee also received the following statutorily required reports:

- Public Lands Policy Coordinating Office Activities and Expenditures
- R.S. 2477 plan
- Utah Wilderness Act
- State Agency Air Quality Best Practices
- Energy Producer States' Agreement
- Commission for the Stewardship of Public Lands
- Energy Advisor
- Review of Energy Policy

**Government Operations Interim Committee**  
**Conclusions Reached for Study Items Approved by Legislative Management Committee**  
 December 12, 2016

Study Item	Committee Conclusion	Selected Highlights of Recommended Legislation	Action Status*
<b>Caucus and Primary Process</b>	<p><b>Conclusion:</b> Draft legislation was not ready for committee review, and independent efforts are being undertaken to address the issue in the 2017 legislative session.</p> <p><b>Explanation:</b> The study of this item was contingent upon the results of litigation between the Utah Republican Party and the state. Offering to halt plans for further litigation, this summer the Utah Republican Party requested that the Legislature address the issue of an individual being nominated as a party candidate by a plurality rather than a majority vote. The committee discussed a concept proposal to institute a runoff election. The proposal is being pursued independently.</p>	Not applicable	 Yellow
<b>County Election Administration</b>	<p><b>Conclusion:</b> There is not sufficient support to study this item further.</p>	Not applicable	 Red
<b>Election Day Voter Registration Pilot Project</b>	<p><b>Conclusion:</b> Draft legislation was not ready for committee review, and independent efforts are being undertaken to address the issue in the 2017 legislative session.</p> <p><b>Explanation:</b> The committee scheduled time for this item twice during the interim. In May, it received a report from the Office of the Lieutenant Governor and the counties participating in the pilot project. In November, it scheduled</p>	Not applicable	 Yellow



	time to hear a bill that would make election day voter registration permanent; however, the sponsor later requested that the bill not be considered at the meeting.		
<b>Governmental Nonprofit Entity Compliance</b>	<p><b>Conclusion:</b> Draft legislation was not ready for committee review, and independent efforts are being undertaken to address the issue in the 2017 legislative session.</p> <p><b>Explanation:</b> The committee scheduled time for this item twice during the interim. In October, it discussed a concept proposal to address the issue. In November, it scheduled time to hear a bill that would implement the concept proposal; however, the sponsor later requested that the bill not be considered at the meeting.</p>	Not applicable	 Yellow
<b>Redistricting Reform</b>	<p><b>Conclusion:</b> The committee recommended draft legislation to address the issue.</p>	<p><b>"Joint Rules Resolution on Redistricting Standards"</b> creates legislative rules containing principles for the Legislature to follow when redistricting, including consideration of contiguity, compactness, and following county and municipal boundaries.</p>	 Green
<b>Elections Revisions</b>	<p><b>Conclusions:</b> The committee recommended draft legislation to address the issue.</p>	<p><b>"Amendments to Election Law"</b> makes logistical and technical changes to the Election Code as suggested by the committee and the Office of the Lieutenant Governor.</p>	 Green

<b>Sale of State Land</b>	<b>Conclusion:</b> After committee consideration, no additional action is needed at this time.	Not applicable	 Red
<b>Voting Equipment</b>	<b>Conclusion:</b> The committee recommended draft legislation to address the issue.	<b>"Voting Revisions"</b> creates a grant program to assist counties in the purchase of new voting equipment. It also changes the requirements by which voting equipment is certified in the state.	 Green
<b>Veterans' and Military Affairs Issues</b>	<b>Conclusion:</b> After committee consideration, there is not sufficient support to study the item further.	Not applicable	 Yellow
<b>State Auditor Issues</b>	<b>Conclusion:</b> After committee consideration, there is not sufficient support to study the item further.	Not applicable	 Red
<b>Attorney General Issues</b>	<b>Conclusion:</b> After committee consideration, there is not sufficient support to study the item further.	Not applicable	 Red
<b>Public/Private Partnerships</b>	<b>Conclusion:</b> After committee consideration, there is not sufficient support to study the item further.	Not applicable	 Red

**Additional Recommended Legislation**

The committee recommends a total of seven pieces of legislation. In addition to the three mentioned above, it also recommends:

- Disposition of Ballots Amendments (Eliason)
- Political Activities of Public Entities Amendments (Daw)
- State Boards and Commissions Amendments (Thurston)
- Nomination Petition Amendments (Greene)


-  Green
-  Green
-  Green
-  Green









Health and Human Services Interim Committee


Conclusions Reached for Study Items Approved by Legislative Management Committee




December 12, 2016

Study Item	Committee Conclusion	Selected Highlights of Recommended Legislation	Action Status*
<p><b>Access to Health Care</b></p>	<p>The committee received a report from the Utah Medical Education Council concerning the supply, distribution, and compensation of Utah's primary care providers, and the influence that the location of a medical residency has on a physician's decision about where to practice.</p> <p>The committee received a report from the Department of Health on three loan repayment programs used to encourage physicians to practice in underserved areas of the state.</p> <p>The committee considered a proposal to fund five additional family practice residencies in Utah.</p> <p>The committee reviewed the impacts of the federal Affordable Care Act and Utah's 2016 Medicaid eligibility expansion on rates of health insurance coverage. The state's request for waivers to implement the expansion is still under consideration. The U.S. Department of Health and Human Services has indicated it plans to respond to the request before President Obama leaves office. It has also indicated the request will likely have to be modified in order to be approved.</p> <p><b>Recommendations:</b></p> <ul style="list-style-type: none"> <li>• <b>The committee voted to approve "Utah Health Care Workforce Financial Assistance Program Reauthorization" as a committee bill.</b></li> </ul>	<p>"Utah Health Care Workforce Financial Assistance Program Reauthorization" reauthorizes the granting of "professional education scholarships and loan repayment assistance to health care professionals who locate or continue to practice in underserved areas [of the state]...and loan repayment assistance to geriatric professionals who locate or continue to practice in underserved areas [of the state]."</p>	<p> Green</p>



	<ul style="list-style-type: none"> <li>• <b>The committee voted to open a committee bill file to explore options related to developing residency programs and to make recommendations, if appropriate, to the Social Services Appropriations Committee.</b></li> </ul>		
<b>Hemp Extract Study</b>	<p>The committee received a report from the Department of Health that it has granted \$40,000 to the University of Utah School of Medicine to study the effects of hemp extract (cannabidiol), authorized by the Legislature in 2014 for use in the treatment of intractable epilepsy. The study was required by 2016 legislation and is in process. Since July 2014, the department has certified 166 patients as eligible to use hemp extract.</p>		 <p>Red - No action required in 2017 general session</p>
<b>Intergenerational Poverty</b>	<p>The committee received policy recommendations on how to promote child development and reduce intergenerational poverty from:</p> <ul style="list-style-type: none"> <li>• a child advocacy organization;</li> <li>• a pediatrician;</li> <li>• a sociology professor; and</li> <li>• a think tank scholar.</li> </ul> <p>The recommendations included:</p> <ul style="list-style-type: none"> <li>• expanding access to public health insurance;</li> <li>• enacting a state earned income tax credit; and</li> <li>• investing early in children's cognitive and noncognitive development.</li> </ul> <p>Recommendation: By vote, the committee concluded that the issue of intergenerational poverty is significant, but that more time is needed to develop solutions and consensus.</p>		 <p>Yellow</p>
<b>Medicaid: Home and Community Based Services</b>	<p>The committee received feedback from an advocate for persons with disabilities regarding a Department of Health evaluation provided to the committee earlier this year on the costs and benefits of several Medicaid long-term services and support options. The advocate recommended further evaluation, including expanding the time horizon for cost-benefit analyses.</p>		 <p>Red - No action required in 2017 general session</p>





	<b>Recommendation: No recommendation.</b>		
<b>Medical Aid in Dying</b>	<p>The committee received presentations from interested parties on legislation introduced during the past two general sessions of the Legislature that would enable terminally ill individuals to end their lives at will with the indirect involvement of medical professionals prescribing and dispensing life-ending pharmaceuticals under specified conditions.</p> <p>Recommendation: By vote, the committee concluded that there is insufficient support to study medical aid in dying further.</p>		 Red
<b>Medical Marijuana</b>	<p>The committee considered proposals by four legislators addressing the regulation, research, and use of marijuana for medical purposes. The proposals would authorize research; authorize state funding for research; create a regulatory structure for research, production, distribution, and use; and authorize use for certain medical purposes. The committee also received public comment on the proposals.</p> <p>Recommendation: By vote, the committee concluded that the issue of medical marijuana is significant, but that more time is needed to develop solutions and consensus.</p>		 Yellow
<b>Opioid Misuse and Abuse</b>	<p>The committee received a report on 89 actions taken by the Legislature since 2007 to address prescription drug misuse and further actions that could be taken by pharmaceutical manufacturers, prescribers, dispensers, insurers, patients, the treatment community, the state, and others to address misuse.</p> <p>The committee determined the extent to which major public and commercial health insurers in Utah pay for substance abuse assessments and ongoing monitoring of patients prescribed opioids.</p> <p>The committee was briefed on the outcomes of a local initiative to reduce opioid addiction and asked to take specific steps to support broader use of medication assisted treatment.</p> <p>The committee reviewed an in-depth analysis of opioid prescribing practices in Utah and considered how Utah medical practitioners</p>	<p>2016 Third Special Session S.B. 3001, "Controlled Substance Database Modifications," addressed access to the state's controlled substance database by a probation or parole officer. The bill passed and was signed by the governor.</p>	 Yellow




	<p>and health insurers are responding to the U.S. Centers for Disease Control and Prevention's March 2016 opioid prescribing guideline. The guideline provides specific steps for achieving large reductions in the use of opioids to manage pain.</p> <p>The committee considered steps taken by other states to regulate opioid prescribing and reviewed draft legislation that would prohibit a health insurer from paying for an opioid prescription not made in accordance with established prescribing guidelines unless the prescriber obtained prior authorization for payment from the insurer. The committee also reviewed draft legislation that would limit opioid prescriptions to a seven-day supply for certain patients and require a prescriber to check the controlled substance database for first-time opioid prescriptions.</p> <p>The Department of Health reported that since the 2016 General Session, it has provided funds to 17 law enforcement agencies, 6 local health departments, and 9 other entities for the purchase of nearly 4,000 opiate overdose rescue kits (naloxone). Utah Naloxone reported that over the past 16 months, it has distributed an additional 4,000 free kits.</p> <p>Recommendation:</p> <ul style="list-style-type: none"> <li>• The committee voted to recommend 2016 Third Special Session S.B. 3001, "Controlled Substance Database Modifications."</li> <li>• By vote, the committee concluded that the issue of opioid misuse and abuse is significant, but that more time is needed to develop solutions and consensus.</li> </ul>		
<p><b>Statutorily Required Reports</b></p>	<p>The committee considered draft legislation that would modify or repeal certain statutorily required reports on health and human services issues.</p> <p>Recommendation: The committee voted to approve "Repeal of Health and Human Services Reports" as a committee bill.</p>	<p>"Repeal of Health and Human Services Reports" repeals or amends eight statutorily required reports to the Health and Human Services Interim Committee.</p>	<p> Green</p>

<p><b>Sunset Review: Utah Commission on Aging</b></p>	<p>The committee conducted a sunset review of Title 63M, Chapter 11, Utah Commission on Aging, which is scheduled for repeal July 1, 2017. The committee received a report from the commission on its accomplishments and letters from <i>HealthInsight</i> and other interested parties supporting its reauthorization. The committee considered draft legislation "Utah Commission on Aging Sunset Amendments," which would remove the commission from the Legislative Oversight and Sunset Act.</p> <p>Recommendation: The committee voted to recommend reauthorization of the Utah Commission on Aging through June 20, 2027.</p>	<p>"Utah Commission On Aging Sunset Amendments" reauthorizes the commission through June 30, 2017.</p>	<p> Green</p>
<p><b>Sunset Review: E-Cigarette Exemption</b></p>	<p>The committee conducted a sunset review of Utah Code Section 26-38-2.6, an exemption from the Indoor Clean Air Act that was enacted in 2012 and authorizes an e-cigarette retailer to demonstrate the use of an e-cigarette and a customer to sample liquids used in e-cigarettes. The committee received information from the Department of Health, local health departments, and the Utah Smoke Free Association.</p> <p>Recommendation: No recommendation was made to reauthorize the exemption.</p>		<p> Red – Statute will expire on its own</p>
<p><b>Sunset Review: Hookah Exemption</b></p>	<p>The committee conducted a sunset review of Utah Code Section 26-38-2.5, an exemption from the Indoor Clean Air Act that was enacted in 2012 and authorizes the use of hookahs in public places through June 30, 2017. The committee received information from the Department of Health, local health departments, and businesses covered by the exemption.</p> <p><b>Recommendation: No recommendation was made to reauthorize the exemption.</b></p>		<p> Red – Statute will expire on its own</p>



**Public Utilities, Energy, and Technology Interim Committee**  
**Conclusions Reached for Study Items Approved by Legislative Management Committee**  
 December 12, 2016

Study Item	Committee Conclusion	Selected Highlights of Recommended Legislation	Action Status*
<p><b>Single Sign-on Database</b> To review its implementation and operation.</p>	<p>Significant issue, but more time is needed to develop solutions and consensus</p> <p>Received a walk-through of the web portal. Reviewed DTS’s report to the committee for the initial design and prototype of the business database and the single sign-on web portal, together with a minimum two-year plan, including projected cost, for the initial implementation phase of the project.</p> <p>As required by current statute, recommend that the committee receive the required report by November 30 of each year beginning in 2017 until the development of the business database and the single sign-on web portal is complete, regarding the progress the department has made in developing the database and web portal.</p>		 Yellow
<p><b>Universal Service Fund</b> Review its use in the state.</p>	<p>Draft legislation (in progress)</p> <p>Opened a committee bill file to address issues related to the Utah Universal Service Fund and created a workgroup with committee members and stakeholders to navigate problems with the fund.</p> <p>More time is needed to develop a policy solution that can be more broadly accepted by legislators.</p>		 Yellow

<p><b>Utah Communications Authority</b> Review of governance and network infrastructure.</p>	<p>Significant issue, but more time is needed to develop solutions and consensus. A potential bill sponsor outside of the committee may run legislation.</p> <p>The UCA is implementing recommendations from an LAG’s performance audit that addressed financial management and transparency within the UCA. A recently released second audit, A Review of the Administration of 911 Surcharges, provides additional recommendations directed at the UCA.</p>		<p> Yellow</p> <p> Yellow</p>
<p><b>Telehealth</b> Review of telehealth services and coverage.</p>	<p>Draft legislation (in progress)</p> <p>Created a workgroup with committee members and stakeholders to navigate problems with telehealth. Created a workgroup vision and are developing a Telehealth Pilot Program Evaluation Matrix with 13 key factors. Workgroup pilot programs proposals:</p> <ol style="list-style-type: none"> <li>1. Transitioning Care Pilot Program;</li> <li>2. Community Health Pilot Program; and</li> <li>3. Higher Education Student Mental Health Pilot Program.</li> </ol> <p>More time is needed to develop a policy solution that can be more broadly accepted by legislators.</p>		<p> Green</p>
<p><b>Alternative Energy, Credits, Subsidies, and Exemptions</b> To study the total value or amount of state and federal incentives, subsidies, credits, and exemptions and their impact on the</p>	<p>Significant issue, but more time is needed to develop solutions and consensus</p> <p>Voted to request that the Legislative Audit Subcommittee order an audit of state energy incentive programs and provided a request letter.</p> <p>Discussed the total value or amount of state and federal incentives, subsidies, credits, and exemptions designed for alternative energy. Received comments from Utah State</p>		<p> Yellow</p>

<p>potential for oversupply and market distortion.</p>	<p>University about the impact on the potential for oversupply and market distortion due to excessive credits. Received a presentation and handout from the Governor's Office of Energy Development about incentive programs that it administers.</p>		
<p><b>Broadband Incentives</b></p> <p>To study and consider incentives that may be offered to promote broadband expansion and adoption throughout the state in support of economic development, education, and other identified objectives.</p>	<p>Insufficient support to study the issue further</p> <p>Received a presentation from the Utah Broadband Outreach Center about the 2007-2008 broadband incentive and potential funding mechanism options. Received a presentation from CenturyLink on expanding high speed internet throughout Utah.</p>		 Red
<p><b>Net Metering</b></p> <p>To study issues related to net metering.</p>	<p>Insufficient support to study the issue further</p>		 Yellow
<p><b>A Review of the Administration of 911 Surcharges</b></p> <p>This audit report was assigned to the Public Utilities, Energy, and Technology Interim Committee, as the Lead Committee, by the Audit Subcommittee on February 1, 2016.</p>	<p>Committee draft legislation (in progress). A potential bill sponsor outside of the committee may also run legislation.</p> <p>The LAG's audit report, "A Review of the Administration of 911 Surcharges," contained 13 recommendations. Six of the recommendations were directed towards the Legislature and two of those six have already been implemented. The committee voted to open a bill file to draft legislation to address the remaining four recommendations intended for the Legislature. The other seven recommendations were directed towards the Utah Communications Authority for implementation.</p>		 Green



<p><b>Data Breach Notification</b></p> <p>To study data security breach notifications by public entities.</p>	<p>A potential bill sponsor outside of the committee may run legislation.</p> <p>The committee discussed data security breach notifications by public entities and requiring public agencies to notify the public about a data security breach within a certain period of time and to the method of notification.</p>		 <p>Green</p>
<p><b>Longitudinal Data Management Governance</b></p> <p>To study how to develop a governance structure for the longitudinal data system and the Utah Data Alliance, including a governing board and a director.</p>	<p>Significant issue, but more time is needed to develop solutions and consensus</p> <p>Voted to provide committee support to a workgroup studying governance and management of the Statewide Longitudinal Data System and the Utah Data Alliance.</p>		 <p>Red</p>