Administrative Rules Review Committee
August 17, 2012

Administering Rabies Vaccines at Animal Shelters
Discussed whether state administrative rules and state statutes need to be amended to clarify under what conditions certain animal shelter employees, other than a licensed veterinarian, may administer rabies vaccines at animal shelters.

Action: Directed committee staff to prepare a letter to the Legislative Management Committee requesting that it assign the Health and Human Services Interim Committee, the Business and Labor Interim Committee, or the Natural Resources, Agriculture, and Environment Interim Committee for further study.

Rulemaking by State Agencies Based on Legislation Passed in the 2012 General Session

Received a report from committee staff that listed the name and title of each bill passed in the 2012 General Session of the Legislature that requires a state agency to make new agency administrative rules or amend current.

September 04, 2012

Requirements for Food Handlers
Discussed the Department of Health’s delegation of rulemaking authority to local health departments regarding the responsibility of certifying and training food handlers in the state and why the department has not made its own administrative rules to administer the certifying and training functions, as required by state statute.

Action: Requested that the Department of Health prepare administrative rules that establish minimum requirements for food handler certification and training as required by state statute.

Current Title and Escrow Rulemaking Process Related to R592-16 and R592-17
Received a report from the Title and Escrow Commission regarding its preparation of rules regarding:

- Agency supervision of a qualifying title agency licensee; and
- Minimum mandatory standards for conducting searches.

Discussed concerns raised by members of the industry regarding actions of the Title and Escrow Commission and the procedure used by the commission to prepare administrative rule changes.

Action: Directed committee staff to prepare a letter to the Legislative Management Committee requesting that it assign the Business and Labor Interim Committee to study whether state title and escrow statutes are too restrictive, whether they regulate beyond those measures needed to protect citizens, and whether they reflect the proper role of government when regulating industry.

Division of Water Quality Rulemaking Process for Preparing Changes to Onsite Wastewater Systems Rules
Discussed public comments that expressed concern with the process used by the Division of Water Quality to prepare changes to current administrative rules governing onsite wastewater systems.

Rulemaking by State Agencies Based on Legislation Passed in the 2012 General Session

Received a report from the Division of Administrative Rules regarding the efforts of state agencies and the division to ensure completion of rulemaking required by bills passed in the 2012 General Session within the time frame required by the Administrative Rulemaking Act.

Staff: Art L. Hunsaker (Policy Analyst) / Susan Creager Allred (Attorney) / Tracey Fredman (Secretary)

Business and Labor

Alarm System Security Licensing
Action: Approved as a committee bill “Alarm Company Employee Licensing,” which modifies provisions relating to the licensing of alarm company employees. The definition of “alarm company agent” excludes certain alarm company

(Continued next page)
employees from licensing requirements.

Recommendations of the Uniform Building Code Commission
Received information from the Uniform Building Code Commission regarding its recommended changes to the State Construction and Fire Codes Act. Recommendations include the following:

- Deleting or modifying existing code provisions to conform to the adoption of the new 2012 codes.

Recommendations of the Utah State Fire Prevention Board
Received information from the Utah State Fire Prevention Board regarding its recommended changes to the State Fire Code. Recommendations include the following:

- Modifications of requirements for sprinkler systems in certain garages;
- Assurance of access by inspectors to pump and riser rooms; and
- Requirements for installation of carbon monoxide alarms.

Sunset Review: Insurance Department Coordination with Other States
**Action:** Approved as a committee bill "Reauthorization of Provisions for Insurance Coordination with Other States," which extends these provisions of the Utah Code for an additional ten years.

Unincorporated Business Entities
**Action:** Approved as a committee bill "Unincorporated Business Entities," which modifies Utah Code Title 48, Partnerships, to enact a new Unincorporated Business Entity Act, and modifies references to the partnership or unincorporated business entities provisions throughout the Utah Code. This legislation is based on recommendations from the National Conference of Commissioners on Uniform State Laws.

Economic Development and Workforce Services

Attracting New Commercial Projects Report
Received a report from the Governor’s Office of Economic Development describing the office’s success in attracting new commercial projects to development zones.

Business Development for Disadvantaged Rural Communities Report
Received a statutorily required report from the Governor’s Office of Economic Development on the Business Development for Disadvantaged Rural Communities Act, which provides that the Board of Business and Economic Development may award eligible counties a grant or loan of up to $75,000 for an economic development project.

Economic Development Task Force - Update
Received an update from the Economic Development Task Force on its work.

Motion Picture Incentives Report
Received a statutorily required report from the Film Commission of the Governor’s Office of Economic Development on the Motion Picture Incentive Program, which offers post-performance cash rebates or tax credits to approved motion picture companies based on the amount of money spent in the state.

Office of Rural Development Report
Received a statutorily required report from the Governor’s Rural Partnership Board and the Governor’s Office of Economic Development about the Office of Rural Development, which fosters and supports economic development programs in rural communities.

Committee Bill Priorities
**Action:** Voted to prioritize two bills being drafted for future committee consideration related to the Utah Commission on Service and Volunteerism and agency reporting provisions.

Rural Economic Development Strategies
Received a presentation from Southern Utah University on the Rural Utah Economic Gardening Demonstration Project underway in eleven rural Utah counties. Rural economic development strategies often focus on developing local business from within rather than on a new business recruitment approach.

Rural Fast Track Program Report
Received a statutorily required report from the Governor’s Office of Economic Development on the Rural Fast Track Program, which provides incentives for creating high-paying jobs in rural areas of the state. The program promotes business and economic development in those rural areas and is funded by a portion of the Industrial Assistance Account in
Economic Development Task Force
Discussed air quality issues with a panel of business representatives, health experts, and state agencies. Discussed how air quality is one of many factors that businesses consider when deciding where to locate. Discussed the following options for addressing poor air quality:

- Converting fleet vehicles to cleaner fuels;
- Providing incentives to car-pool or use mass transit;
- Increasing investments in natural gas vehicle corridors;
- Managing vehicle idling; and
- Offering low interest loans for businesses to purchase low-emissions equipment.

Benjamin N. Christensen (Policy Analyst) / Nathan W. Brady (Policy Analyst) / Robert H. Rees (Attorney) / Debra Hale (Secretary)

Students at Risk of Academic Failure
Received a presentation from committee staff and information from the State Office of Education regarding 2012 General Session S.B. 151, Second Substitute, “Students At Risk of Academic Failure Study,” which directs the Education Interim Committee to conduct a study of programs that assist students at risk of academic failure. As part of this study, the committee received funding, application, and usage data for the Carson Smith Scholarships for Special Needs Students Program to determine whether funding for the program is sufficient to meet the demand for scholarships.

U-PASS Reporting Requirements
Received a committee staff briefing and a presentation from the State Office of Education on data that is required to be reported in the School Performance Report by the State Office of Education, and whether or not this data is being reported.

UPSTART Project
Received an annual report from the Waterford Institute on UPSTART, a home-based school readiness pilot project that is delivered using educational technology.

Staff: Allison M. Nicholson (Policy Analyst) / Constance C. Steffen (Policy Analyst) / Angela Oakes Stallings (Attorney) / Debra Hale (Secretary)

Government Operations
Annual Elections Cleanup Recommendations
Received a presentation from committee staff regarding the remaining proposed substantive and technical changes to state elections law recommended by the Lieutenant Governor’s Office that were not addressed in the June committee meeting.

Anonymous Campaign Contributions
Discussed the disposition of anonymous campaign contributions over $50, which are not permitted under Utah law.

Action: Considered draft legislation "Anonymous Campaign Contributions."

Campaign Filing by Media Owner
Discussed whether to repeal statutory language requiring a media owner to file a statement when a newspaper or periodical prints information that may influence an election.

Action: Approved as a committee bill "Campaign Filing by Media Owner," which repeals provisions, including related criminal provisions, that require a media owner to file a statement when a newspaper or periodical prints information that may influence an election.

Elections During a Declared Emergency
Discussed whether to authorize the lieutenant governor to take certain actions related to voting when a declared emergency affects an election.

Internal Service Fund Oversight
Received a report from the Office of the Legislative Fiscal Analyst regarding Internal Service Funds, which are state entities that provide goods or services to other government agencies.

(Continued next column)
The report included recommendations to improve oversight and customer service.

**Personal Use of Campaign Funds**
Discussed whether to require a municipality or a county to adopt an ordinance prohibiting the use of campaign funds for personal expenditures.

*Action: Directed committee staff to make additional changes to the current draft legislation “Personal Use of Campaign Funds” and prepare a new draft for consideration by the committee at a future meeting.*

**Requirements to Change Form of County Government**
Discussed whether to amend the signature requirements for a petition to change the form of a county government.

*Action: Approved as a committee bill "Requirements to Change Form of County Government," which requires that a petition to change the form of a county government be signed by registered voters residing in the county equal in number to at least 10% of the total number of votes cast in the county at the most recent election for president of the United States.*

**Scheduling of Special Elections**
Discussed whether to amend provisions related to the dates on which a statewide or local special election may be scheduled.

*Action: Approved as a committee bill "Scheduling of Special Elections," which amends the dates on which the governor, the Legislature, or the legislative body of a local political subdivision may schedule, respectively, a statewide or local special election.*

**Health and Human Services**

**Hospital and Clinic Quality Measures**
Received a report from the Department of Health on its development of quality measures to compare clinics and hospitals with one another. The department reported that it has determined it is unable to use its All-payer Claims Database to do comparisons at the clinic level, but believes it can resolve the issue in a few months by requiring more explicit reporting of health insurance claims data.

**Second-hand Smoke in Motor Vehicles**

*Action: Approved as a committee bill "Protection of Children Riding in Motor Vehicles," which prohibits a person from smoking in a motor vehicle if a child who is fifteen years of age or younger is a passenger.*

**The Children’s Center**
Received a report from The Children’s Center on the center’s role in treating children less than eight years of age with severe behavioral and mental health needs. The center requested that the Legislature restore the $250,000 in annual state funding that it previously received.

**Third-hand Smoke in Motor Vehicles**
Considered the effects of third-hand smoke and whether it should be prohibited in commercial vehicles used by more than one employee.

Staff: Mark D. Andrews (Policy Analyst) / RuthAnne Frost (Attorney) / Cathy J. Dupont (Attorney) / Lori R. Rammell (Secretarial Supervisor)*

**Health System Reform Task Force**

*September 11, 2012*  
**Responding to the federal Patient Protection and Affordable Care Act**
Received a report from the Insurance Department on the implementation of the task force's August 16, 2012 recommendation that the state adopt the Public Employees Health Program’s Utah Basic Plus state employee health insurance plan as the essential health benefits package for purposes of the federal Patient Protection and Affordable Care Act.

The department reported that it filed an emergency rule, effective August 31, to implement the recommendation, and that a public hearing on the rule is scheduled for September 24. The department also reported on the use of health insurance enrollment windows and waiting periods as tools to encourage enrollment and minimize adverse selection against insurers, particularly when the major provisions of the federal Patient Protection and Affordable Care Act take effect in 2014.

Staff: Mark D. Andrews (Policy Analyst) / RuthAnne Frost (Attorney) / Cathy J. Dupont (Attorney) / Lori R. Rammell (Secretarial Supervisor)*

**Judiciary**

**Alimony Draft Legislation**
Reviewed draft legislation “Alimony Amendments,” which allows a court to consider fault under certain circumstances when awarding alimony. The committee received public comment from the Sutherland Institute, the Legal Aid Society of Utah, and the American Parental Action League.

**Public Shooting Range Targets**
Received public comment regarding the ban on the use of human silhouettes as targets on public shooting ranges. The Division of Wildlife Resources explained that it does not allow human silhouettes as targets during normal business hours because its two public ranges focus on hunter education and training.

**Utah Judicial Performance Evaluation Commission**
Received an update from the Utah Judicial Performance Evaluation Commission on the first results of the judicial evaluation process developed pursuant to its statutory mandate. The presentation included a demonstration of the commission’s website, the evaluation reports for judges on the ballot in November, and the content of the Voter Information Pamphlet.

Staff: Chelsea B. Lloyd (Policy Analyst) / Esther Chelsea-McCarty (Attorney) / Jennifer K. Christopherson (Secretary)*
Sexual Assault in Utah

The commission suggested that the Legislature consider creating a victim treatment fund and enacting legislation allowing a person to seek a protective order when he or she is not in a domestic living arrangement. Currently, dating persons who do not live together or have a child in common may not seek a protective order unless there have been two incidents of abuse.

Staff: Nathan W. Brady (Policy Analyst) / Susan Creager Allred (Attorney) / Lori R. Rammell (Secretarial Supervisor)

Concealed Weapons Fees Report

The commission suggested that the Legislature consider creating a victim treatment fund and enacting legislation allowing a person to seek a protective order when he or she is not in a domestic living arrangement. Currently, dating persons who do not live together or have a child in common may not seek a protective order unless there have been two incidents of abuse.

Staff: Nathan W. Brady (Policy Analyst) / Susan Creager Allred (Attorney) / Lori R. Rammell (Secretarial Supervisor)

Crisis Intervention Team Training

Received a report from the Department of Human Services regarding the Crisis Intervention Team training program in Utah. In 2001, the state partnered with local police and the National Alliance on Mental Illness to provide training on how to respond to mental health crisis situations. The Legislature appropriated $118,700 from the General Fund in 2012 to fund this program. According to the Crisis Intervention Team program, 103 of 147 law enforcement agencies in Utah have an officer trained by the program, and there are currently 1,500 sworn Crisis Intervention Team officers in Utah.

Enticing a Minor

Received a status update regarding legislation being prepared that would amend current law to clarify that those who act in a way to entice minors to commit a sexual act do not avoid prosecution if they do not actually meet with the minor.

Housing State Inmates in County Jails

Received a statutorily required report from the Utah Department of Corrections regarding the calculated final state daily incarceration rate. The rate is $77.94 per day for 2012. The department reported that the 2012 state daily incarceration rate will result in payments to counties of:

- $61.57 per day for contracted jail beds that also provide treatment programs to state inmates;
- $56.90 per day for contracted jail beds that do not provide treatment programs; and
- $38.97 per day for jail beds used to house state probationary or paroled inmates.

Seat Belt Compliance on High-speed Roadways

Received a report from a legislator and the Utah Highway Patrol regarding compliance with seat belt laws and fatality rates on Utah highways. According to the Utah Highway Patrol, less than ten percent of all motorists choose to not use a seatbelt, however, they represent roughly fifty percent of all traffic fatalities and were twice as likely as occupants who used seatbelts to die in accidents that resulted in severely damaged vehicles.

Sexual Assault in Utah

Received a report from the Commission on Criminal and Juvenile Justice regarding sexual violence in Utah. According to the commission, rape is the only violent crime that has a higher rate in Utah than the national average.
- Health and Human Services Interim Committee to study two additional items:
  - Licensing of pharmaceutical researchers in pharmaceutical research facilities associated with Utah universities or colleges; and
  - Amendments to responsibilities of an amateur sports organization or its agent under Title 26, Chapter 53, Protection of Athletes with Head Injuries Act.
- Assigned the study of administering rabies vaccines to animals in animal shelters to the Natural Resources, Agriculture, and Environment Interim Committee.
- Assigned the study of Utah Code provisions regarding the Title and Escrow Commission to the Business and Labor Interim Committee to determine whether changes should be made to assure that the commission fulfills the role envisioned by the Legislature.

Staff: Phil Dean (Policy Analyst) / Rebecca Rockwell (Attorney) / Jennifer Christopherson (Secretary)

Legislative Records Committee
August 20, 2012

Government Records Access Management Act Fees
Received public comment and discussed the waiver of fees assessed for gathering information related to the Democratic Party's Government Records and Access Management Act request regarding redistricting.

The committee did not approve a motion to waive the fee.

Chairs: President Michael G. Waddoups
Staff: Phil Dean (Policy Analyst) / Rebecca Rockwell (Attorney) / Jennifer Christopherson (Secretary)

Natural Resources, Agriculture, and Environment

Consumer Electronic Device Recycling
Received a statutorily required report from the Department of Environmental Quality on collection, reuse, and recycling systems for consumer electronic devices.

Energy Producer States' Agreement
Received a statutorily required report from legislators appointed to study and work with legislative members of other energy producing states on the progress of the states' agreements to promote energy production.

State Land Management
Received a report from the Division of Forestry, Fire, and State Lands; Division of State Parks and Recreation; Division of Wildlife Resources; School and Institutional Trust Lands Administration; and Public Lands Policy Coordinating Office on their responsibilities for the management of state lands.

Sunset Review - Energy Producer States' Agreement

**Action:** Voted to recommend the reauthorization of Utah Code Section 36-12-20, Energy Producer States' Agreement, for a period of five years.

Staff: J. Brian Allred (Policy Analyst) / Tracy J. Nuttall (Attorney) / Anna M. Allen (Secretary)

Transfer of Public Lands
Received a progress report from the Constitutional Defense Council on its study of the transfer of public lands to the state and related legislation.

Water Rights Study
Received a report from the Department of Natural Resources on water rights legislation recommended by the Executive Water Task Force. The committee identified potential legislation to be considered in the November interim meeting.

Staff: J. Brian Allred (Policy Analyst) / Tracy J. Nuttall (Attorney) / Anna M. Allen (Secretary)

Political Subdivisions

County Recorder Authority to Reject a Wrongful Lien
Received a report regarding the authority of a county recorder to reject a 'wrongful release' in addition to current authority.

Sovereign Citizen Liens
Received a report from a legislator concluding that current criminal penalties, if enforced, sufficiently address concerns regarding sovereign citizen liens.

Utah Telecommunication Open Infrastructure Agency
Discussed a recent audit of the Utah Telecommunication Open Infrastructure Agency, an inter-local agency of certain Utah cities, including a review of the audit by the Office of the Legislative Auditor General and a response by representatives of cities that are members of the agency. The audit found that the agency faces a challenging financial situation for various reasons including poor planning, mismanagement, and unreliable business partners.

Staff: Joseph T. Wade (Policy Analyst) / Victoria Ashby (Attorney) / Samantha Coombs (Secretary)

Public Utilities and Technology

Certified Natural Gas and Liquefied Natural Gas Service Station Infrastructure
Received presentations from natural and liquefied gas providers, state and local government fleet services, the State Office of Education, and Jordan School District about the gas provider infrastructure and the nationwide conversion of fleet vehicles, including school buses, from diesel to natural gas-powered. For example, Waste Management Incorporated - Utah began converting all 18,000 fleet vehicles from diesel to natural gas in May of this year.

Additional information about the manufacturing of new gas vehicles, conversion kits, and tax incentives was also provided.

Coal to Natural Gas Baseload Energy Conversion
Received presentations from the Utah Mining Association, Arch Coal, and Deseret Power about a recently completed University of Utah Bureau of Economic and Business Research report, commissioned by the Mining Association, to study the impact of coal production and coal use in Utah.

(Continued next page)
The report included information about royalties, taxes, recoverable coal reserves, price stability, and employment.

Staff: Richard C. North (Policy Analyst) / Robert H. Rees (Attorney) / Tracey Fredman (Secretary)

### Revenue and Taxation

**Property tax**

*Action:* Approved as a committee bill "Property Taxation of Business Personal Property," which increases a property tax exemption for personal property and repeals an inflation adjustment for the exemption.

*Action:* Voted to open a committee bill file related to the property taxation of nonprofit entities

### Utah Telecommunication Open Infrastructure Agency

Discussed a recent audit of the Utah Telecommunication Open Infrastructure Agency, an inter-local agency of certain Utah cities, including a review of the audit by the Office of the Legislative Auditor General and a response by representatives of cities that are members of the agency. The audit found that the agency faces a challenging financial situation for various reasons including poor planning, mismanagement, and unreliable business partners.

### Water Funding and Pricing

Discussed draft legislation "Sales and Use Tax Allocations for Water Resources Funding" that would allocate 15% of sales and use tax revenue growth to water development projects. Requested that additional information be presented at a future meeting.

Staff: Bryant R. Howe (Assistant Director) / Phillip V. Dean (Policy Analyst) / Rebecca L. Rockwell (Attorney) / Samantha Coombs (Secretary)

### State Water Development Commission

**September 18, 2012**

**Development of Water Resources**

Received a recommendation from the Utah Rivers Council that the state increase water conservation and conversion of agricultural water before developing additional large-scale water projects.

**Public Trust Doctrine**

Discussed the potential impact of the Public Trust Doctrine on water rights and the degree to which the Legislature can influence that impact.

**Sales and Use Tax Allocations for Water Resources Funding**

*Action:* Recommended to the Legislature proposed legislation "Sales and Use Tax Allocations for Water Resources Funding," which allocates certain sales and use tax revenues to the Water Resources Conservation and Development Fund.

Staff: J Brian Allred (Policy Analyst) / Tracy J. Nuttall (Attorney) / Anna M. Allen (Secretary)

### Transportation

**Annual High Occupancy Vehicle Lane Report**

Received a report from the Utah Department of Transportation (UDOT) regarding the High Occupancy Vehicle lane on I-15. The lane carries 10% of traffic but only 4.5% of accidents occur in the lane. During peak traffic hours, average speeds are faster and traffic volume is greater in the lane than in the general purpose lanes.

**Annual Review of New Transportation Capacity Projects**

Received a statutorily required report from UDOT regarding the Mountain View Corridor, the reconstruction of I-15 in Utah County, and other highway capacity projects. The I-15 project is more than 90% complete and under budget by $230 million. Over 700 contractors and 15,000 workers are employed on the project. By the end of 2012, the Mountain View Corridor from 160000 South to 5400 South will be open to the public.

**Motor Vehicle Titles**

Receive a presentation from the Division of Motor Vehicles regarding the division’s process of issuing a new motor vehicle title at the request of a repair facility or tow company that has not been compensated for services rendered by the owner of the vehicle.

**Speed Limit Studies**

The committee received a report from the UDOT regarding studies of 80 miles per hour (mph) speed zones. To date, four 80 mph speed zones have been established between Nephi and Cedar City. Studies show an increased compliance with speed limits, but greater speed differentials between the slower vehicles and faster vehicles. The number of accidents in these zones appears to be stable, with two zones experiencing a decrease of greater than 10%.

*Action:* Voted to support considering expanding the freeway segments on which UDOT may establish a posted speed of 80 mph. Currently, an 80 mph speed limit may only be established on I-15 between milepost 222 (south of Nephi) and milepost 64 (north of Cedar City).

**Utah Transit Authority Customer Information**

*Action:* Approved as a committee bill "Public Transit District Customer Information," which classifies certain Utah Transit Authority customer information as a private record under the Government Records Access Management Act.

Staff: Leif G. Elder (Policy Analyst) / Shannon C. Halverson (Attorney) / Tracey Fredman (Secretary)
Veterans Reintegration Task Force

September 05, 2012

Veteran Employment - Utah Department of Workforce Services

Received a presentation from the Department of Workforce Services on the entire process a veteran follows when applying for employment assistance, including counseling, unemployment insurance, work ready evaluation, job preparation services, and job openings.

**Action:** Directed staff to open a bill file that requires all state and local government agencies and all contractors in the state which receive public monies to list their Utah job openings with the Utah Department of Workforces Services.

Veterans Counseling Services / Suicide Prevention Programs

Received presentations from the Utah Air National Guard and the U.S. Veterans Administration about the types of counseling services including suicide prevention programs and post-traumatic stress syndrome they provide for veterans.

Veterans Needs and Services Subcommittee Reports

Received reports from the Veterans Reintegration Needs subcommittee and the State Agencies Services for Veterans subcommittee.

**Chairs:** Rep. Paul Ray / Sen. Peter C. Knudson
Richard C. North (Policy Analyst) / Esther Chelsea-McCarty (Attorney) / Tracey Fredman (Legislative Secretary)