



INTERIM HIGHLIGHTS

Office of Legislative Research and General Counsel
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LEGISLATIVE INTERIM MEETINGS

Meetings were held November 20, 2013, or as noted.

Business and Labor

Association Lien Amendments

Action: *Approved as a committee bill, draft legislation "Association Lien Amendments" which clarifies the circumstances under which an association of unit owners or a community association has grounds for a lien against a unit or a lot for an unpaid fine.*

Common Interest Community Managers Registration

Received a presentation from common interest community managers regarding a proposal to register companies that provide property and other related management services to condominium and community associations.

Insurance Code Changes

Action: *Approved as a committee bill, draft legislation "Insurance Related Amendments," which modifies the Insurance Code and Public Safety Code to address the regulation of insurance.*

Motor Vehicle Accident Arbitration

Received information from committee staff and stakeholders regarding the implementation of Utah Code Section 31A-22-321, which provides for arbitration in certain motor vehicle accident insurance actions.

Report of the Health System Reform Task Force

Received the annual report of the Health System Reform Task Force. The task force reported on its work related to federal health care reform and other activities.

Occupational and Licensure Review Committee

Received a statutorily required report from the Occupational and Professional Licensure Review Committee. It has conducted one sunset review and one sunrise review and has studied less restrictive alternatives to licensure.

Action: *Approved as a committee bill, draft legislation "Reauthorization of the Massage Therapy Practice Act," which reauthorizes the licensed practice of massage therapy for an additional ten years.*

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Worker Classification Coordinated Enforcement Council

Received a statutorily required report from the Worker Classification Coordinated Enforcement Council. The council is composed of representatives from the Department of Commerce, Labor Commission, Department of Workforce Services, and State Tax Commission. The council reported that worker misclassification remains a challenge in Utah.

State Construction Registry

Reviewed draft legislation "Construction Lien Amendments" which:

- Defines and modifies terms in Utah Code Title 38, Chapter 1a, Preconstruction and Construction Liens;
- Provides that a person who files a preliminary notice that links to a preliminary notice filed by an original contractor has substantially complied with notice requirements; and
- Modifies the procedure by which a mortgage or a trust deed gains priority over an earlier-filed preliminary notice.

Sunset Review — Credit Card Definitions and Surcharges

Action: *Recommended that the provisions related to credit card definitions and surcharges enacted by 2013 General Session S.B. 67 "Consumer Protection Revisions," be allowed to sunset on June 30, 2014.*

Utah Fund of Funds

The committee reviewed draft legislation "Amendments to the Fund of Funds," which describes additional information required in the annual report of the fund, modifies the amount of money required in the redemption reserve before returns may be reinvested in the Utah fund of funds, provides that the aggregate outstanding certificates may not exceed a

(Continued next page)

IN THIS ISSUE:

- Pages 1-11 Summaries of Legislative Meetings
- Page 12 Legislation Recommended by Legislative Committees for the 2014 General Session

total of \$125,000,000 of contingent tax credits, and provides that additional certificates may not be issued after July 1, 2014.

*Chairs: Rep. James A. Dunnigan / Sen. Curtis S. Bramble
Staff: Bryant R. Howe (Assistant Director) / Christine R. Gilbert (Attorney) / Patricia Owen (Attorney) / Kristen C. Ricks (Secretary)*

Child Welfare Legislative Oversight Panel

October 22, 2013

Child Fatalities

Discussed the Department of Human Services' annual child fatality review report and met in closed session to receive information regarding individual cases.

Reports

Reviewed the Qualitative Case Review and the Case Process Performance reports prepared by the Department of Human Services. The reports measure the quality of services provided to children and their families by the child welfare system and how well the Division of Child and Family Services (DCFS) complies with established policies for good casework. The report indicated a significant decline in performance by DCFS' Western Region, and included a corrective action plan.

Received an annual report from the Office of the Guardian ad Litem on its performance.

Received a report from the Administrative Office of the Courts on juvenile court compliance with statutory deadlines for child welfare hearings.

November 12, 2013

Prescription Drugs

Reviewed the rates at which children in the custody of DCFS are prescribed drugs and how those compare with national rates. DCFS reported that Department of Health nurses review the prescriptions of every child in its custody receiving more than one medication. The panel's review was conducted in response to suggestions from a family rights organization that medical practitioners in Utah may be prescribing antipsychotic drugs excessively to children in foster care.

Budget Issues

Received reports on child welfare budget issues from each agency that is part of the child welfare system. The Department of Human Services reported that its focus for the upcoming legislative session will be on funding the community supports waiver, early intervention services for children with mental health needs, and domestic violence shelters.

Action: *Voted to endorse the concept of increasing salaries of attorneys in the Office of the Guardian ad Litem so they are on par with salaries of attorneys in the Office of the Attorney General.*

Division of Child and Family Services (DCFS)

Received reports from DCFS on:

- Its "Homeworks" program, part of an effort to decrease

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the number of children in foster care by increasing the use of in-home services to address family needs;

- Adoption subsidies given to families who adopt children out of foster care; and
- Implementation of a program improvement plan made in response to the most recent federal Child and Family Services Review.

Homeless Teens

Discussed the needs of homeless teenagers with DCFS and the Salt Lake City Police Department. The department reported that it needs more resources for assisting homeless teenagers.

Role of the Oversight Panel

Discussed the panel's role in providing oversight to the child welfare system.

*Chairs: Rep. Johnny Anderson / Sen. Allen M. Christensen
Staff: Mark D. Andrews (Policy Analyst) / Lee A. Killian (Attorney) / Lori R. Rammell (Secretarial Supervisor)*

Economic Development and Workforce Services

Economic Development Task Force

Received the final report of the Economic Development Task Force, which was created as a two-year task force during the 2012 General Session. The task force made 7 policy findings and a total of 34 recommendations in the areas of:

- Economic development generally;
- Business regulations, tax policy, and incentives;
- Manufacturing;
- Tourism;
- Education and workforce development;
- Air quality; and
- Infrastructure.

Intergenerational Poverty Mitigation Report

Received a statutorily required report from the Department of Workforce Services on intergenerational poverty. The department is required to establish and maintain a system to track intergenerational poverty using available data and provide an annual report to the committee on the data, findings, and potential uses of the tracking system. The report indicates that the number of intergenerational poverty adults ages 21 to 41 receiving public assistance increased from 35,778 in 2012 to 36,449 in 2013.

Intergenerational Welfare Reform Commission Report

Received a statutorily required report from the Department of Workforce Services on the Utah Intergenerational Welfare Reform Commission. This commission, created during the 2013 General Session, is required to use the data gathered under Utah Code Title 35A, Chapter 9, Intergenerational Poverty Mitigation Act, to implement policies and programs addressing poverty, public assistance, and education to

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reduce the number of children in the state who remain in the cycle of poverty and welfare dependency as they become adults.

Management of Agency Reports and Information

Action: *Approved as a committee bill, draft legislation "State Agency Reporting Amendments," which describes annual written reporting requirements for the Department of Heritage and Arts, the Department of Workforce Services, and the Governor's Office of Economic Development, and eliminates some reporting requirements.*

Tourism Marketing Performance Account

Received a report from committee staff and information from the Governor's Office of Economic Development on the Tourism Marketing Performance Account. This restricted account receives a portion of the state sales and use tax revenue to pay for advertising, marketing, and a national branding campaign for promotion of the state by the Office of Tourism, Film, and Global Branding. The amount is based on growth in sales and use tax attributed to tourist-oriented purchases and has a current annual cap of \$18 million, which is expected to be reached in FY 2015.

Action: *Approved as a committee bill, draft legislation "Tourism Marketing Performance Account Amendments," which extends from fiscal year 2015 to fiscal year 2019 the number of years that growth in tourism-oriented sales and use tax revenue is calculated as part of a formula to potentially increase annual funding for the Tourism Marketing Performance Account.*

Sunset Review — Utah Commission on Service and Volunteerism

Conducted a sunset review on the Utah Commission on Service and Volunteerism and received information from the Department of Heritage and Arts. This 19-member commission and its enabling act are scheduled to sunset on July 1, 2014.

Action: *Approved as a committee bill, draft legislation "Reauthorization of Utah Commission on Service and Volunteerism," which repeals the sunset date of the National and Community Service Act.*

*Chairs: Rep. Rebecca P. Edwards / Sen. Aaron Osmond
Staff: Benjamin N. Christensen (Policy Analyst) / Peter Asplund (Attorney) / Debra Hale (Secretary)*

Economic Development Task Force

November 14, 2013

Potential Task Force Recommendations

Action: *Approved final task force policy findings and recommendations for the two-year task force. The task force made 7 policy findings and a total of 34 recommendations in the areas of:*

- *Economic development generally;*
- *Business regulations, tax policy, and incentives;*

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- *Manufacturing;*
- *Tourism;*
- *Education and workforce development;*
- *Air quality ; and*
- *Infrastructure.*

*Chairs: Rep. Brad R. Wilson / Sen. Stuart C. Reid
Staff: Benjamin N. Christensen (Policy Analyst) / Peter Asplund (Attorney) / Kristen C. Ricks (Secretary)*

Education

Financial and Economic Literacy Education

Received a statutorily required report from the Financial and Economic Literacy Task Force, including the findings and recommendations of the task force on financial and economic literacy education.

Reading Program Expenditures

Received a statutorily required report from the Utah State Office of Education on reading program expenditures, including information on program developments, and software and technology purchases.

Suicide Prevention Program Amendments

Action: *Approved as a committee bill, "Suicide Prevention Program Amendments," as amended, which modifies certain student survey and evaluation provisions related to public school suicide prevention programs.*

Training Provided to School Community Councils

Discussed training provided by school districts to school community councils, including potential legislation on the topic.

*Chairs: Rep. Francis D. Gibson / Sen. Stuart C. Reid
Staff: Constance C. Steffen (Policy Analyst) / Tiffany A. Stanley (Policy Analyst) / Angela Oakes Stallings (Attorney) / Debra Hale (Secretary)*

Education Task Force

October 22, 2013

Common Themes of Principals of High Achieving At-risk Schools

Received a presentation from committee staff regarding the common themes highlighted by principals of high achieving at-risk schools given at the September 26, 2013, task force meeting.

Educational Policies of Peer States

Received a presentation from the Utah Foundation on its research regarding the educational policies of states with demographic profiles similar to Utah.

Professional Development for Local School Board Members

Received a presentation from the Utah School Boards Association on professional development made available to local school board members through the association.

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Task Force Bill Files

Action: Passed a motion to open bill files in the name of the Education Task Force for consideration by the task force at a later meeting, with the intent that authority be delegated to the chairs to determine which bill files to open.

November 1, 2013

Education Accountability

Considered a proposal to establish the Education Accountability Commission, which would be responsible for establishing proficiency levels, proficiency level descriptors, and cut scores for statewide assessments and ensuring accuracy and widespread availability of data on the Utah State Office of Education's Data Gateway.

Task Force Goals and Recommendations

Discussed the recommendations of the task force. Identified goals and strategies for public education and topics for further study.

Utah Data Alliance and Utah Futures

Action: Directed committee staff to work with committee members to develop a bill on the governance of the Utah Data Alliance and Utah Futures.

November 11, 2013

Local School Board Governance

Received information from committee staff on a proposal to clarify statutory provisions related to local school boards.

Task Force Report — Goals and Strategies

Discussed a draft task force report, which includes the findings and recommendations of the task force. Identified goals and strategies for public and higher education and topics for further study.

Utah Data Alliance and Utah Futures

Discussed and made amendments to draft legislation "Governance of the Utah Education Workforce Alliance and Utah Futures," which establishes the Utah Education Workforce Alliance and amends provisions regarding the governance of the Utah Education Workforce Alliance and Utah Futures.

November 22, 2013

High Student Achievement — Factors

Discussed key factors contributing to high student achievement that were identified by the State Board of Education.

State Rankings in Education

Reviewed state rankings of student academic achievement as measured by the National Assessment of Educational Progress, the ACT, and high school graduation rates. Utah has the highest composite ACT score of the 11 states where at least 95% of the state's students take the ACT.

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Utah Data Alliance and Utah Futures

Continued discussion of draft legislation "Governance of the Utah Education Workforce Alliance and Utah Futures." The task force decided to address funding for the bill through a fiscal note rather than including an appropriation in the bill.

Chairs: Speaker Rebecca D. Lockhart / President Wayne L. Niederhauser
Staff: Constance C. Steffen (Policy Analyst) / Tiffany A. Stanley (Policy Analyst) / Angela Oakes Stallings (Attorney) / Debra Hale (Secretary)

Federal Funds Commission

November 6, 2013

Effects of the Federal Shutdown

Received presentations from county officials from Garfield, Piute, San Juan, Uintah, and Washington Counties regarding the effects of the recent shutdown of the federal government and challenges related to having a proportionally large amount of federal land within their counties. County officials said that during the shutdown, significant revenue was lost due to the closure of national parks and interruption in oil and gas production.

Risk Assessment

Received a presentation from the Office of the Legislative Fiscal Analyst on the probability of the following events happening, based on the frequency of similar events occurring in history:

- China stops buying US treasuries;
- US dollar loses reserve status;
- Interest rates rise to 30-year average;
- Stagflation;
- Oil spike; and
- Terrorist attack on US soil.

Risk Management

Discussed the possibility of issuing a request for proposals to contract with a private entity to perform a risk assessment as it pertains to federal funds that Utah receives and formulate a risk management plan for the state.

Working Group Reports

Received reports from the following commission working groups:

- Education;
- Local Governments; and
- Public Safety and Corrections.

Chair & Vice Chair: Sen. Deidre M. Henderson / Rep. Ken Ivory
Staff: Leif G. Elder (Policy Analyst) / Shannon C. Halverson (Attorney) / Sara J. Thomas (Secretary)

Government Communications Task Force

November 13, 2013

Direction and 2014 General Session Legislation

Discussed potential legislation for the 2014 General Session.

Technical Working Group

Discussed a recommendation by the task force's Technical Working Group to hire a consultant to obtain more accurate cost estimates for the expansion and upgrade of the radio

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communications network and facilitate a plan for implementation.

Utah Communications Agency Network Governance

Received a presentation from the Utah Communications Agency Network explaining the state statute creating the agency. The presentation explained the agency's purpose, powers, duties, and governance by a board and executive committee.

*Chairs: Rep. Brad L. Dee / Sen. Wayne A. Harper
Staff: Joseph T. Wade (Policy Analyst) / Victoria Ashby (Attorney) / Tracey Fredman (Secretary)*

Government Operations

Election Offenses

Action: *Approved as a committee bill, draft legislation "Election Offense Amendments," which amends provisions related to investigating and adjudicating election complaints.*

Election Code Violations

Discussed the enforcement of provisions of the Utah Election Code relating to prohibited activities at a polling place and the unlawful use of state resources to influence an election.

Statutorily Required Reports

Received a briefing on a statutorily required semiannual report that was submitted to the committee electronically by the Commission on Federalism.

The committee also received a briefing from committee staff on a statutorily required report that will be submitted electronically by the Federal Funds Commission.

School Construction Process

Action: *Approved as a committee bill, draft legislation "School Construction Amendments," which requires local education agencies to follow the Utah Procurement Code when constructing a public facility and to follow certain retention requirements in the contracting process.*

Sunset Review — Capital Improvement Projects

Discussed code provisions relating to the State Building Board's consideration of capital improvement projects. The committee determined that the portions of the code that are scheduled to sunset do not need to be renewed.

Veterans Reintegration Task Force Report

Received a statutorily required final report from the Veterans Reintegration Task Force on the task force's actions and recommendations.

Veterans' and Military Affairs Report

Received a statutorily required report from the Department of Veterans' and Military Affairs on the services provided to veterans and the coordination of veterans' services between government entities.

*Chairs: Rep. Jack R. Draxler / Sen. Margaret Dayton
Staff: Brian J. Bean (Policy Analyst) / Thomas R. Vaughn (Attorney) / Anna M. Allen (Secretary)*

Health and Human Services

Age Limit for Tobacco Products

Action: *Approved as a committee bill, draft legislation "Tobacco, Electronic Cigarettes, and Tobacco Paraphernalia," which increases the minimum age for the purchase or possession of tobacco, electronic cigarettes, or tobacco paraphernalia from 19 to 21 years.*

Autism Funding

Received presentations on the outcomes of three programs the Legislature has authorized for autism treatment services: (1) the state's Autism Treatment Account program; (2) a Medicaid pilot program; and (3) a Public Employees Health Program pilot program.

Positive child outcomes were reported for participants in the Autism Treatment Account Program and Medicaid program.

Controlled Substance Database Access by Medicaid Accountable Care Organizations

Action: *Approved as a committee bill, draft legislation "Controlled Substance Database Amendments," which provides access to the state's Controlled Substance Database to authorized employees of a Medicaid managed care organization if the organization suspects a Medicaid recipient is improperly obtaining a controlled substance.*

Epilepsy Treatment

Received a presentation from a legislator regarding the possible use of Alespia extract to treat children who are subject to epileptic seizures. The committee received information from members of the public regarding the benefit of Alespia extract for treating children who suffer from a serious form of seizures.

Students' Physical Activity

Received a presentation from Davis County School District on how a new physical activity program it has implemented has led to gains in student academic performance.

Telehealth

Received a report from the Utah Telehealth Network on issues it faces, including inconsistent and outdated reimbursement policies, interstate licensure, and the need to upgrade the network.

*Chairs: Rep. Paul Ray / Sen. Evan J. Vickers
Staff: Mark D. Andrews (Policy Analyst) / Samuel C. Johnston (Attorney) / Cathy J. Dupont (Attorney) / Lee A. Killian (Attorney) / Lori R. Rammell (Secretarial Supervisor)*

Health System Reform Task Force

November 21, 2013

Avenue H

Received a briefing by the state's Avenue H health insurance exchange on its roll-out of new health insurance plans that comply with the federal Patient Protection and Affordable Care Act (PPACA). Employees who work for employers

registered with the exchange will have until December 15 to select coverage beginning January 1, 2014.

Charity Care

Received a report from the task force's Charity Care Team on its work this interim. The team identified three alternatives for improving the availability of charity care.

High-risk Pools

Received a report from HIPUtah and Federal HIPUtah on the termination of the two programs on December 31, 2013, and the movement of their enrollees into other insurance coverage.

Integration of Medical and Behavioral Health

Received a report from the task force's Behavioral Health Team on its study of how to transform the delivery of medical services, mental health services, and substance abuse services into a seamless integrated continuum of effective care.

Action: *Recommended that if the state expands Medicaid eligibility to any part of the optional eligibility population covered by the federal PPACA, the expansion include the following elements:*

- *Use of a Medicaid benchmark plan that integrates physical and behavioral health services;*
- *Stabilization of the commercial insurance market and minimization of commercial insurance crowd-out by Medicaid;*
- *A fixed, negotiated, federal Medicaid contribution that creates incentives for cost savings by requiring the state to pay for costs in excess of the federal contribution and allowing the state to retain any portion of the contribution in excess of costs; and*
- *A three-year sunset, unless the expansion is reauthorized; a conditional sunset, triggered, for example, by an unexpected decrease in the federal contribution; and a legislative review process.*

Medicaid Accountable Care Organizations

Received a presentation from a legislator's constituent on how Medicaid's transition from a fee for service payment model to accountable care organizations is negatively affecting pediatric home health services.

Optional Medicaid Expansion

Reviewed the nine Medicaid eligibility expansion options studied by the Governor's Medicaid Options Community Workgroup.

Action: *Recommended that the task force continue to study three Medicaid expansion options:*

- *Implement only the mandatory Medicaid eligibility expansion required by the federal PPACA, not the optional expansion;*
- *Expand Medicaid eligibility to all individuals with a household income up to 100% of the federal poverty level (FPL) and seek approval from the US Department of Health and Human Services to obtain federal funding for the expansion population at the enhanced rate*

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authorized by the federal PPACA (which provides that individuals from 101% FPL to 138% will be eligible for federal premium tax credits and cost-sharing reductions in the federal individual exchange); and

- *Expand Medicaid eligibility to all individuals with a household income up to 100% FPL, provide premium subsidies to individuals with a household income between 101% and 138% of the FPL, provide Medicaid wrap-around coverage for individuals receiving premium subsidies, and seek approval from the US Department of Health and Human Services to obtain federal funding for the expansion population at the enhanced rate authorized by the federal PPACA.*

Roll-out of the Federal Health Insurance

Marketplace

Briefed on the operation of the federal Health Insurance Marketplace by a panel representing Utah insurers, health insurance brokers, consumer assisters, the Insurance Department, and the Department of Workforce Services. Although the operation of the marketplace has improved since its October 1, 2013, roll-out, problems persist.

Salt Lake County Behavioral Health Services Tour

Visited local facilities providing substance abuse services, mental health services, and medical services, including Volunteers of America, First Step House, House of Hope, and Odyssey House.

Utah Insurance Department

Received a report from the Utah Insurance Department on the use of early renewal, stop-loss arrangements, and short-term insurance contracts. The department is evaluating whether to allow insurers that renewed policies that are not compliant with the federal PPACA by October 1, 2013, to renew the policies again in 2014, as recently proposed by President Obama.

*Chairs: Rep. James A. Dunnigan / Sen. Allen M. Christensen
Staff: Mark D. Andrews (Policy Analyst) / Cathy J. Dupont (Attorney) / Samuel C. Johnston (Attorney) / Lori R. Rammell (Secretarial Supervisor)*

Judiciary

Court System Modifications

Received a presentation from a legislator on draft legislation "Court System Task Force," which creates a task force for the purpose of studying issues regarding the structure, jurisdiction, and organization of the court system in Utah.

Divorce Orientation Course Timing

Received a presentation from a legislator on draft legislation "Divorce Orientation Course Timing," which requires a prospective petitioner for divorce to complete the mandatory divorce orientation training before filing for divorce. The committee received information from the Administrative Office of the Courts on possible logistical issues concerning the draft, including the online component and the reimbursement of fees from the courts.

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Legislative Audit

Received a presentation from the Office of the Legislative Auditor General on "A Performance Audit of Utah's Child Welfare System," which was released in February 2013. The Division of Child and Family Services responded to the recommendations in the audit.

*Chairs: Rep. Kay L. McCliff / Sen. Mark B. Madsen
Staff: Chelsea B. Lloyd (Policy Analyst) / Esther Chelsea-McCarty (Attorney) / Kristen C. Ricks (Secretary)*

Law Enforcement and Criminal Justice

Controlled Substances Amendments

Action: *Approved as a committee bill, draft legislation "Controlled Substance Amendments," which modifies the Utah Controlled Substances Act by adding specified spice analogs.*

Epilepsy Treatment Substance

Received a presentation from a legislator regarding the possible use of Alepsia extract to treat children who are subject to epileptic seizures. The committee received information from members of the public regarding the benefit of Alepsia extract for treating children who suffer from a serious form of seizures.

DNA Collection

Received a presentation from a legislator regarding draft legislation, "DNA Collection Amendments," which expands the scope of DNA collection at the time of arrest to all felonies and class A misdemeanors.

Drug Offender Reform Act (DORA)

Received a statutorily required report from the Commission on Criminal and Juvenile Justice on the Drug Offender Reform Act. The study included the tracking of 3,028 probationers and 407 parolees who participated in the DORA program between 2006 and 2013. The estimated annual cost per participant is \$5,676. The report shows that participants were not statistically different from the control group when measuring postrelease recidivism.

Emergency Vehicle Operator Duty of Care

Action: *Approved as a committee bill, draft legislation "Emergency Vehicle Operator Duty of Care Provisions," which modifies the Traffic Code by amending provisions regarding the liability of law enforcement officers who operate their patrol vehicles while on duty.*

Medicaid Coverage for State Inmates

Received a presentation from the Department of Corrections regarding the use of Medicaid funds to cover the health care costs of eligible inmates. State matching funds are paid from the existing inmate medical budget, which generates significant savings for the state.

Overdose Reporting

Action: *Approved as a committee bill, draft legislation "Overdose Reporting Amendments," which includes an*

affirmative defense for persons who report and seek emergency aid for a person who is experiencing an overdose.

Parole Violator Center

Received a report from the Department of Corrections regarding the recently opened Fortitude Treatment Center. The center was created to address parolees who violate the terms of their parole, but whose actions do not necessarily warrant a return to prison. The center has capacity for 300 parolees and is currently housing 81 offenders.

Retail Theft

Action: *Approved as a committee bill, draft legislation "Retail Theft Amendments," which modifies the Criminal Code relating to the penalty for the theft of property or services.*

*Chairs: Rep. Curtis Oda / Sen. Todd Weiler
Staff: Nathan W. Brady (Policy Analyst) / Susan Creager Allred (Attorney) / Lori R. Rammell (Secretarial Supervisor)*

Legislative Information Technology Steering Committee

November 19, 2013

Enhancements to Technology Capabilities in

Legislative Committee Rooms

The committee received a report from committee staff on the cost to upgrade the audio-visual systems in selected legislative committee rooms from an analog system to a digital system.

Action: *The committee voted to request funding for the committee room upgrades, obtain a cost estimate for upgrading the audio-visual equipment in the teleconference room in the House Building, and ask legislative leadership to review legislative rules governing electronic legislative meetings.*

Mobile Phone Services for the Legislative Branch

Reviewed the provision of mobile device services to members and staff of the Legislature. The Legislature currently contracts with two mobile phone carriers. These contracts may be renewed by the Legislature on an annual basis. The committee also received a report from committee staff on potential cost savings from transferring all users to a single carrier.

Action: *The committee approved contracting with one mobile phone carrier beginning on January 1, 2014.*

*Cochairs: Rep. Ryan D. Wilcox / Sen. Curtis S. Bramble
Staff: Bryant R. Howe (Assistant Director) / Eric N. Weeks (Deputy General Counsel) / Sara J. Thomas (Secretary)*

Legislative Process Committee

October 21, 2013, and November 18, 2013

Discussed recommendations to improve legislative rules and procedures and directed staff to provide options to:

- Increase effectiveness during the first and last week of annual general sessions;

- Increase effectiveness of standing committees; and
- Improve the bill substitute and amendment process.

Chairs: Rep. Melvin R. Brown / Sen. Lyle W. Hillyard

Staff: Jerry D. Howe (Managing Policy Analyst) / John L. Fellows (General Counsel) / Eric N. Weeks (Deputy General Counsel) / Phalin L. Flowers (Administrative Assistant)

Native American Legislative Liaison Committee

November 21, 2013

Received an annual report from the Division of Family Health and Preparedness and the American Indian and Alaska Native Health Liaison concerning the health of Utah's Native Americans.

Received an annual report from the Housing and Community Development Division regarding the current status of the Uintah Basin Revitalization Fund and the Navajo Revitalization Fund.

Received an annual report from the Division of Indian Affairs on the activities of the division for the last year.

Received a presentation from the Nebo and Salt Lake City School districts regarding criterion referenced test statistics and recommendations to improve these scores among Utah's Native American students.

Action: *Approved the resolution, "Joint Resolution on American Indian Holocaust Memorial Museum," which urges Congress to fund the museum.*

Chairs: Rep. Jack R. Draxler / Sen. Kevin T. Van Tassell

*Staff: Michael E. Christensen (Director) / Patricia Owen (Attorney)
Phalin L. Flowers (Administrative Assistant)*

Natural Resources, Agriculture, and Environment

County Recorder Index Amendments

Discussed legislation related to county recorders and water right recording requirements.

Action: *Approved as a committee bill, draft legislation "County Recorder Index Amendments," which requires county recorders to keep an index of certain water right numbers.*

Economic and Fiscal Impacts of Water Development in Utah

Received a report from a private analysis firm on the economic and fiscal impacts of water development on the state and nation. Discussed population growth, water conservation, changing water supply, Colorado River water allocation, and the development of additional water resources.

Economic Development Task Force

Received a final report from the two-year Economic Development Task Force. The report focused on air quality

issues and recommended steps for improving air quality in the state. The report also discussed the need for infrastructure development for water resources and energy resources.

Rural Waste Disposal

Action: *Approved as a committee bill, draft legislation "Rural Waste Disposal," which allows the burial of solid nonhazardous waste by an individual under certain circumstances.*

State Jurisdiction Over Water Rights

Received a report from the Department of Natural Resources on issues related to the state's jurisdiction over water rights. The report discussed federal reserve water rights, management of interstate waters, stock watering with grazing allotments on federal land, and potential conflicts with federal environmental laws.

Underground Storage Tank Trust Fund

Received a report from the Division of Environmental Response and Remediation on the financial status of the Underground Storage Tank Trust Fund and discussed potential trust fund fee modifications.

Water and Irrigation Amendments

Action: *Approved as a committee bill, draft legislation "Water and Irrigation Amendments," which:*

- *Expands the powers of the state engineer;*
- *Amends requirements relating to the recording of an instrument transferring or conferring a water right;*
- *Modifies provisions relating to the relocation or alteration of a natural stream; and*
- *Amends provisions relating to the state engineer's duties to divide and distribute water.*

Water Development Commission Report

Received a report from the State Water Development Commission on its activities and recommendations. The report included discussion of:

- Canal safety;
- Change application procedures;
- The Lake Powell Pipeline and Bear River Development;
- The Snake Valley sharing agreement; and
- State and federal water right conflicts.

Wildlife License Expiration

Action: *Approved as a committee bill, draft legislation "Wildlife License Expiration Amendments," which amends hunting and fishing license expiration provisions.*

Chairs: Rep. Michael E. Noel / Sen. Scott K. Jenkins

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

Political Subdivisions

Eminent Domain

Action: *Approved as a committee bill, draft legislation "Eminent Domain Amendments," which:*

- *Amends condemnation notice requirements for a municipality and a project entity;*
- *Amends provisions relating to arbitration or mediation facilitated by the Office of the Property Rights Ombudsman;*
- *Authorizes a private property owner to request a written advisory opinion to determine if a condemning entity has occupied the owner's property;*
- *Amends the public uses for which the right of eminent domain may be exercised; and*
- *Requires a political subdivision or other person exercising the right of eminent domain to provide a written statement of certain disclosures to a private property owner.*

Interlocal Cooperation Act

Action: *Approved as a committee bill, draft legislation "Interlocal Act Amendments," which enacts language related to the governance of an interlocal entity, including:*

- *Requiring parties entering into an interlocal agreement to identify with specificity the rules, policies, and procedures that will govern the interlocal entity; and*
- *Amending provisions governing an interlocal entity's compliance with public meeting requirements.*

Nonconsensual Common Law Liens

Action: *Approved as a committee bill, draft legislation "Wrongful Lien Amendments," which recodifies and amends Utah Code Title 38, Chapter 09, Wrongful Liens and Wrongful Judgment Liens. The bill:*

- *Requires a document sponsor who submits a nonconsensual common law document to the county recorder for recording to:*
 - ◆ *Cause the sheriff to serve notice of the recording on each affected person; and*
 - ◆ *Initiate a judicial proceeding to determine whether the nonconsensual common law document is enforceable;*
- *Provides that a document sponsor who submits an unenforceable, nonconsensual common law document to the county recorder for recording is liable to each affected person for any actual damages; and*
- *Provides that a recorded nonconsensual common law document is void if the document sponsor does not comply with the requirements described in this bill.*

Political Subdivisions Ethics Review Commission

Received a report from the Utah Political Subdivisions Ethics Review Commission summarizing the commission's activities during the past year.

*Chairs: Rep. R. Curt Webb / Sen. Daniel W. Thatcher
Staff: Joseph T. Wade (Policy Analyst) / Victoria Ashby (Attorney) / Sara J. Thomas (Secretary)*

Public Utilities and Technology

Department of Technology Services Overview

Received a statutorily required report from the Department of Technology Services. The report included information about online and mobile services, information security attacks and response processes, and geo-blocking.

Extension of Natural Gas Lines

Received an update from committee members regarding the progress on funding mechanisms for extending natural gas lines. The update included information about internal efforts by Questar to support the gas line extension process.

Interstate Transmission Lines

Discussed the TransWest high voltage electrical transmission line project and the long-term implications for beneficial access to the line by Utah-based entities. Information from TransWest indicated that its original application seven years ago to the Federal Energy Regulatory Commission included allowing other power providers to access the line.

Discussion of draft legislation "Interstate Electrical Transmission Lines," by the legislative sponsor focused on the benefits Utah will receive from the line by authorizing counties via the conditional use permitting process to require the owner of a transmission line to provide access.

Report Regarding Alternative Fuels

Received follow-up information and recommendations about enacted 2013 General Session S.B. 275, "Energy Amendments," from state regulators and the regulated natural gas industry. Discussion followed about how to implement the recommendations, including broadening the private sector involvement in the building, operation, and maintenance of natural gas vehicle fueling stations.

Action: *Approved as a committee bill, draft legislation "Electric Vehicle Battery Charging Service Amendments," which clarifies that the definition of public utilities does not include certain private sector entities that provide battery charging services to their customers.*

*Chairs: Rep. Roger E. Barrus / Sen. David P. Hinkins
Staff: Richard C. North (Policy Analyst) / Rebecca L. Rockwell (Attorney) / Tracey Fredman (Secretary)*

Retirement and Independent Entities

Annual Utah Retirement System Modifications

Action: *Approved as a committee bill, draft legislation "Utah Retirement Amendments," which provides limits to accrual of service credit for a member who is receiving long-term disability benefits and includes clarifying definitions and provisions for:*

- *Tier I service participation;*
- *Reporting provisions for participating employees;*
- *Judges' service credit provisions; and*
- *Eligibility requirements to receive the state employee matching supplemental defined contribution benefit.*

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Retirement Contribution Rates

Received a report from the Utah Retirement Office on the proposed Utah Retirement System employee contribution rates for FY 2015. Contribution rates are the percentage of salary that participating employers must pay to the Utah State Retirement Investment Fund for each eligible employee to keep retirement systems funded on an actuarially sound basis. The rates are set based on actuarial projections and must be approved annually by the Utah Retirement Systems Board. At 22.19 percent of salary for state and school employees in the Tier I Public Employees Noncontributory Retirement System, the FY 2015 proposed rate is the highest to date.

Chairs: Rep. Craig Powell / Sen. Todd Weiler

Staff: Benjamin N. Christensen (Policy Analyst) / Peter Asplund (Attorney) / Shannon C. Halverson (Attorney) / Linda Error (Secretary) / Anna M. Allen (Secretary)

Revenue and Taxation

Calculation of the Certified Rate

Discussed draft legislation "Certified Tax Rate Calculation Amendments," which modifies the calculation of the property tax certified rate.

Deduction to Taxable Motor Fuel

Discussed draft legislation "Motor Fuel Tax Revisions," which amends provisions relating to certain motor fuel tax deductions.

Municipal Energy Sales and Use Tax

Received a presentation from the Utah Association of Energy Users on a proposal to modify the way the municipal energy sales and use tax is calculated. The association proposed calculating the tax based on the amount of energy used rather than on the price of energy.

Pollution Control

Action: *Approved as a committee bill, draft legislation "Pollution Control Amendments," which addresses a sales and use tax exemption related to pollution control.*

Tax Commissioner Qualifications

Action: *Approved as a committee bill, draft legislation "Appointment and Qualification of Members of the State Tax Commission," which addresses commissioner qualifications.*

Transportation Funding

Received comments from the Utah Manufacturers Association and the Utah Food Industry Association who expressed concern with transportation funding recommendations made by local governments, including that the Legislature approve a 3% local option fuel user fee, to be approved by a county legislative body, with the revenues flowing to cities and towns.

Chairs: Rep. Ryan D. Wilcox / Sen. Deidre M. Henderson

Staff: Bryant R. Howe (Assistant Director) / Leif G. Elder (Policy Analyst) / Rebecca L. Rockwell (Attorney) / Sara J. Thomas (Secretary)

Senate Judicial Confirmation Committee

November 18, 2013

The committee recommended to the Senate the confirmation of Sharon S. Sipes as a judge for the Second District Juvenile Court, Brent H. Bartholomew as a judge for the Fourth District Juvenile Court, and John A. Pearce as a judge for the Utah Court of Appeals.

The Senate met on November 20, 2013, and confirmed Ms. Sipes, Mr. Bartholomew, and Mr. Pearce.

Chair: Sen. Scott K. Jenkins

Staff: Michael E. Christensen (Director) / Susan Creager Allred (Attorney) / Kristen C. Ricks (Secretary)

Transportation

Driver License Suspension

Action: *Approved as a committee bill, draft legislation "Driver License Suspension Amendments," which requires the Driver License Division to shorten a person's one or two-year license suspension or denial period that is currently in effect for certain alcohol-related offenses to a six-month period if the driver was under the age of 19 at the time of the arrest, the offense was a first offense and was committed prior to May 14, 2013, and the suspension or denial was based on the same occurrence upon which certain written verifications are based.*

Motor and Special Fuel Tax

Discussed draft legislation "Motor and Special Fuel Tax Increase Amendments," which increases the motor and special fuel tax rate and the tax rate imposed on compressed natural gas and liquefied natural gas annually over the next five years.

State Highway System

Action: *Approved as a committee bill, draft legislation "State Highway System Amendments," which ratifies the transfer of SR-244 (Main Street), from the Utah Department of Transportation to the city of Helper.*

Uniform Driver License Act

Action: *Approved as a committee bill, draft legislation "Uniform Driver License Act Amendments," which:*

- *Prohibits the Driver License Division from issuing a Commercial Driver License (CDL) to a person who is younger than 18 at the time the person makes the application;*
- *Provides that a temporary CDL may only be issued through June 30, 2015, to a person who is enrolled in a CDL driver training school located in Utah; and*
- *Adds a requirement that, beginning July 1, 2015, a person must hold a commercial driver instruction permit for a minimum of 14 days prior to taking the skills test, and that a person must be 18 years of age or older to be eligible for a commercial driver instruction permit.*

Midvalley Highway Construction Project

Received a presentation from the Tooele Chamber of Commerce on the proposed Midvalley Highway Construction Project, including background and details.

HOV Lanes

Received a statutorily required report from the Utah Department of Transportation regarding its establishment of high occupancy vehicle lanes.

Response to Local Option Fuel User Fee Proposal

Received comments from the Utah Manufacturers Association and the Utah Food Industry Association who expressed concern with the recommendations made by local governments in the October 16 committee meeting. The previous presentation included a recommendation that the Legislature approve a 3% local option fuel user fee, to be approved by a county legislative body, with the revenues flowing to cities and towns.

Transportation Funding Initiatives

Received a report from committee staff regarding transportation funding initiatives in various states.

Chairs: Rep. Johnny Anderson / Sen. Kevin T. Van Tassell

Staff: Art L. Hunsaker (Policy Analyst) / Shannon C. Halverson (Attorney) / Tracey Fredman (Secretary)

Veterans Reintegration Task Force

November 21, 2013

College Credit for Military Service & Training

Action: *Approved as a committee bill, draft legislation "College Credit for Veterans Amendment," which requires that veterans must be notified by an institution of higher education to which they are applying that the veteran must consult a college advisor in order to receive credit for military-related training and experience.*

Rural Healthcare for Veterans

Received presentations from the US Department of Veterans Affairs Rural Health Advisory committee and the Veterans Rural Health Resource Center about the delivery of healthcare services to the more than one-third of the 22 million veterans who currently live in rural locations. The presentations identified barriers, such as lack of broadband access to related healthcare websites, and successes of the programs, such as the development of peer support networks for rural women veterans.

Veterans Tuition Gap Coverage

Action: *Approved as a committee bill, draft legislation "Veterans Tuition Gap Coverage," which provides state financial assistance to cover the difference between financial benefits provided through GI Bill programs and the actual cost of tuition.*

Veterans' Assistance Registry

Received a presentation from a task force member about creating a Veterans' Assistance Registry, which would match veterans or dependents who need certain types of

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living or transportation repair assistance with nonprofit and for-profit entities that volunteer to provide those services. The task force voted to approve the drafting of legislation creating a registry at the Utah Department of Veterans' and Military Affairs.

Veterans' Preference and Types of Military Discharges

Received presentations from committee staff on veterans' preferences and the types of military discharges listed in the Utah Code.

Discussed veterans' preferences and the differences between federal and state statutes and whether they should be uniform.

Discussed types of military discharges and the lack of uniform language throughout the Utah Code and how that lack of uniformity could affect certain benefit eligibility. The task force voted to approve drafting legislation that would standardize types of military discharge language in the Utah Code.

Veterans Reintegration Task Force

Discussed the final report of the task force, including information on:

- Issues studied by the task force;
- The accomplishments of the task force;
- Legislation discussed by the task force; and
- Recommendations from the task force for future legislative action.

Veterans Reintegration Task Force Reauthorization

Discussed the past two years of work by the task force regarding issues facing veterans and their dependents when reintegrating into society after military service, including:

- Criminal justice;
- Education;
- Employment;
- Health;
- Mental health; and
- State services management.

The task force concluded that these issues require additional follow-up to ensure proper implementation and that many other veteran reintegration issues still need to be addressed.

Action: *Approved as a committee bill, draft legislation "Reauthorization of Veterans Reintegration Task Force," which reauthorizes the task force for 2014.*

Chairs: Rep. Paul Ray / Sen. Peter C. Knudson

Staff: Richard C. North (Policy Analyst) / Esther Chelsea-McCarty (Attorney) / Tracey Fredman (Secretary)

Legislation Recommended by Legislative Committees for the 2014 General Session

Administrative Rules Review Committee

- *Administrative Rulemaking Amendments*

Business and Labor Interim Committee

- *Association Lien Amendments*
- *Injured Worker Reemployment Amendments*
- *Insurance Related Amendments*
- *Reauthorization of Massage Therapy Licensure Act*
- *Sunset Act Amendments*

Economic Development and Workforce Services Interim Committee

- *Reauthorization of Utah Commission on Service and Volunteerism*
- *State Agency Reporting Amendments*
- *Tourism Marketing Performance Account Amendments*
- *Workforce Services Amendments*

Education Interim Committee

- *Suicide Prevention Revisions*

Government Operations Interim Committee

- *Amendment to Procurement Code Exemptions*
- *Candidate Certification Amendments*
- *Election Offense Amendments*
- *School Construction Amendments*
- *State Construction Code Amendments*

Health and Human Services Interim Committee

- *Age Limit for Tobacco and Related Products*
- *Controlled Substance Database Amendments*
- *Long-term Care Partnership*

Health Reform Task Force

- *System of Care for Minors in State Custody*

Law Enforcement and Criminal Justice Interim Committee

- *Controlled Substances Amendments*
- *Emergency Vehicle Operator Duty of Care Revisions*
- *Overdose Reporting Amendments*
- *Theft Amendments*

Native American Legislative Liaison Committee

- *Joint Resolution on American Indian Holocaust Memorial Museum*

Natural Resources, Agriculture, and Environment Interim Committee

- *Air Conservation Act Reauthorization*
- *County Recorder Index Amendments*
- *Rural Waste Disposal*
- *Water and Irrigation Amendments*
- *Wildlife License Expiration Amendments*

Occupational and Professional Licensure Review Committee

- *Reauthorization of Massage Therapy Licensure Act*

Political Subdivisions Interim Committee

- *Eminent Domain Amendments*
- *Interlocal Act Amendments*
- *Local Government General Fund Amendments*
- *Wrongful Lien Amendments*

Public Utilities and Technology Interim Committee

- *Electric Vehicle Battery Charging Service Amendments*
- *Interlocal Cooperation Act Amendments*

Retirement and Independent Entities Interim Committee

- *Reemployment Restrictions Amendments*
- *Utah Retirement Amendments*

Revenue and Taxation Interim Committee

- *Appointment and Qualification of Members of the State Tax Commission*
- *Pollution Control Amendments*

Transportation Interim Committee

- *Driver License Amendments*
- *Driver License Suspension Amendments*
- *State Highway System Amendments*
- *Uniform Driver License Act Amendments*

Veterans Reintegration Task Force

- *Consumer Credit Protection Amendments*
- *Workforce Services Job Listing Amendments*

**The 2014 General Session begins on
Monday, January 27, 2014.**



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