

INTERIM HIGHLIGHTS

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LEGISLATIVE INTERIM MEETINGS

Meetings were held May 20, 2015, or as noted.

IN THIS ISSUE:

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Business and Labor

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Natural Resources, Agriculture, and Environment

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Public Utilities and Technology

Revenue and Taxation

Senate Judicial Confirmation
Committee

Transportation

Utah International Relations and Trade Commission

Utah Tax Review Commission

Administrative Rules Review Committee

April 27, 2015

Law Enforcement Use of Force

Discussed use of force by law enforcement officers, with an emphasis on the training that Utah law enforcement officers receive. The discussion focused on specific training used to help law enforcement officers de-escalate situations.

May 08, 2015

Rules Governing Undivided Fractionalized Long-Term Estates

Discussed whether current Real Estate Division rules governing undivided fractionalized long-term estates exceed the Real Estate Commission's rulemaking authority. The committee suggested that the legislator who brought the issue to the committee submit proposed rule changes to the Real Estate Division, work with the division to resolve the issue, and then contact the committee with an update.

Administrative Rules and Policies Governing How School Districts Address Assaults Involving Secondary Students

Discussed whether the process used by a local school district to investigate cases where a student assaults another student should be governed by a state administrative rule rather than being determined by the individual school district.

The committee also discussed ways to ensure that the victim has the opportunity to participate in the process. The state superintendent of public instruction committed to review the issue and report findings and recommendations to the committee.

Law Enforcement Use of Force

Continued the committee's April 27 discussion of use of force by law enforcement officers, with an emphasis on the training that Utah law enforcement officers receive. The discussion again focused on specific training used to help law enforcement officers de-escalate situations.

Chairs: Rep. Curtis Oda / Sen. Howard A. Stephenson Staff: Art L. Hunsaker (Policy Analyst) / Christine R. Gilbert (Attorney) / Tracey Fredman (Secretary)

Business and Labor

U.S. Supreme Court Case Regarding Licensing

Reviewed the U.S. Supreme Court ruling *North Carolina State Board of Dental Examiners v. FTC,* which addresses antitrust immunity for state boards, committees, and commissions. The committee received a <u>presentation</u> from committee staff and discussed potential implications for Utah. The committee requested that staff work with the executive branch to provide more detailed information relevant to this case regarding certain boards, committees, and commissions.

Long-Term Planning

Received a <u>presentation</u> from committee staff regarding population and demographic trends in Utah.

New Motor Vehicle Sales

Discussed issues relating to the automobile dealer franchising process. Current state law prohibits a vehicle manufacturer from selling vehicles in Utah directly to consumers. The committee received comments from various stakeholders regarding changing this restriction and encouraged stakeholders to continue discussions on this issue.

Overview of Study Topics

Reviewed a <u>list</u> of interim study topics, sunset reviews, and reports.

Chairs: Rep. Val L. Peterson / Sen. Curtis S. Bramble Staff: Joseph T. Wade (Policy Analyst) / Patricia Owen (Attorney) / Samuel C. Johnston (Attorney) / Lucy W. Daynes (Secretary)

Economic Development and Workforce Services

Air Quality and Utah Economic Development

Received presentations from committee staff and from the Division of Air Quality, Envision Utah, Economic Development Corporation of Utah, Utah Clean Air Partnership, and the Salt Lake Chamber of Commerce on the relationship between air quality and economic development. In 2013, the Economic Development Task Force found that "poor air quality is a threat to the state's economic development and continued growth" and that "improving air quality should be a priority." Presentations included new information for improving mitigation efforts, the ongoing impacts of air quality issues on economic development in the state, and strategies to address air quality issues.

Long-Term Planning

Received a briefing from committee staff on Legislative Rule IR2-2-103, which requires each interim committee to devote part of its May meeting to long-term planning for the policy areas over which the committee has jurisdiction.

Received presentations from representatives of the Department of Heritage and Arts, the Department of Workforce Services, and the Governor's Office of Economic Development on emerging long-term issues.

Economic Development and Workforce Services — 2015 Legislation

Received a briefing from committee staff on committee related bills that passed during the 2015 General Session.

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

Education

2015 General Session Public Education Summary

Received a <u>briefing</u> from the Utah State Office of Education on the implementation of public education related bills that passed during the 2015 General Session.

Long-Term Planning

Received a <u>presentation</u> on demographics related to the state's education needs and updates from several entities that are engaged in long-term planning for education, including Prosperity 2020, the <u>Governor's Office</u>, the Utah College of Applied Technology, the <u>Utah System of Higher Education</u>, and the Utah State Board of Education.



Statutorily Required Reports

Reviewed a <u>list</u> of reports that state law requires agencies to submit to the committee. Determined that the chairs would prepare a proposal for the committee's consideration to streamline the reporting process and eliminate any statutorily required reports that the chairs no longer find necessary.

Steps to Improve College Graduation Rates

Received a briefing on a recent <u>report</u> published by the Office of the Utah State Auditor on steps for improving college preparation, college graduation rates, and student success.

Chairs: Rep. Bradley G. Last / Sen. Ann Millner Staff: Allyson R. Goldstein (Policy Analyst) / Tiffany A. Stanley (Policy Analyst) / Victoria Ashby (Attorney) / Debra Hale (Secretary)

Federal Funds Commission

May 21, 2015

Federal Funds Risk Model Update

Received a <u>presentation</u> from a vendor on the federal funds risk model that the vendor contracted with the commission to design. The model is being designed to:

 Evaluate internal and external risks of a reduction in federal funds (risks might include a cyber-attack, natural disaster, inflation spike, reserve currency change, and failure to meet federal grant requirements);

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Evaluate varied risk scenarios to determine how federal funding impacts the state (scenarios may include changes in state revenue, state gross domestic product, and unemployment);

- Provide strategies for mitigating and managing risks before an event happens;
- Provide strategies for mitigating and managing impacts if an event does happen; and
- Include a dynamic dashboard that the public can use to run risk scenarios or determine what the state is doing to manage a crisis.

Chairs: Rep. Ken Ivory / Sen. Deidre M. Henderson Staff: Leif G. Elder (Policy Analyst) / Shannon C. Halverson (Attorney) / Timothy J. Barber (Secretary)

Sunset Review — State Facilities Energy Efficiency Fund

Conducted a sunset review of the State Facilities Energy Efficiency Fund, which included a <u>report</u> from the Division of Facilities Construction and Management.

Sunset Review — Risk Management Fund Coverage

the sunset provision of Section 63a-4-204 – School district

participation in Risk Management Fund.

Action: Directed staff to open a committee bill file to remove

Action: Directed staff to open a committee bill file to:

- extend the sunset date for the State Facilities Energy Efficiency Fund to 2023; and
- create a metering requirement to measure the energy efficiency achieved by projects that are funded through the State Facilities Energy Efficiency Fund.

Chairs: Rep. Jack R. Draxler / Sen. Margaret Dayton Staff: Brian J. Bean (Policy Analyst) / Thomas R. Vaughn (Attorney) / Katie LeFevre (Secretary)

Government Operations

Long-Term Planning

Received a presentation from committee staff on the state's demographics and projected population growth.

Report from the Department of Public Safety

Received a statutorily required <u>report</u> from the Department of Public Safety on law enforcement agencies' use of unmanned aircraft systems in 2014.

Report from the Government Records Ombudsman

Received a statutorily required <u>report</u> from the state records ombudsman on the work the ombudsman performed during 2014.

Report from the Office of the Lieutenant Governor

Received statutorily required <u>reports</u> from the Office of the Lieutenant Governor on election day voting centers and the implementation of the election day voter registration pilot project. Discussed whether the pilot project should sunset.

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Health and Human Services

2015 Health and Human Services Legislation

Received reports from committee staff on <u>health legislation</u> and <u>human services legislation</u> introduced during the 2015 General Session of the Legislature.

2015 Interim Studies

Discussed the committee's approach to interim study items <u>as directed</u> this year by the Legislative Management Committee. Regarding each <u>study</u>, the committee discussed what questions should be addressed and what information should be considered. The studies include:

- Whether to expand <u>Medicaid's preferred drug list</u> to include all psychotropic drugs;
- How to support <u>care for the elderly;</u>
- How to respond to a recent Utah Supreme Court case, <u>Jeff v. West</u>, affecting medical liability; and
- Whether to legalize the use of cannabis for medical purposes; committee staff provided an <u>outline</u> of potential issues, a <u>list</u> of potential information sources, and a <u>list</u> of states that have legalized cannabis use.

Implications of Utah's Changing Demographics

Received a <u>report</u> from committee staff on how Utah's <u>growing</u> and increasingly older, urbanized, and ethnically diverse population may affect the delivery of health and social services in the future.

Policy Development

Received an <u>outline</u> from committee staff highlighting questions to consider when evaluating and developing public policy.

Chairs: Rep. Kay L. McIff / Sen. Evan J. Vickers Staff: Gregg A. Girvan (Policy Analyst) / Mark D. Andrews (Policy Analyst) / Cathy J. Dupont (Attorney) / Lee A. Killian (Attorney) / Lori Rammell (Secretarial Supervisor)

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Judiciary

2015 Judiciary Legislation

Received a briefing from committee staff on all <u>judiciary</u> <u>related bills</u> that were introduced during the 2015 General Session. Specifically discussed bills recommended by the Judiciary Interim Committee during the 2014 Interim Session.

2015 Interim Studies

Identified issues and objectives for in-depth study during the interim. Received a briefing from the Family Law Section of the Utah Bar Association related to potential family law issues.

Received briefings from the American Civil Liberties Union of Utah, Libertas Institute, and the Utah Association of Criminal Defense Lawyers on potential civil rights issues related to law enforcement use of force, surveillance, subpoenas, and warrants.

Expungement Update

Received an update on <u>H.B. 40</u>, "Expungement Amendments," which was introduced in the 2015 General Session, but did not pass. Discussed potential legislation that could be introduced for the 2016 General Session.

Chairs: Rep. LaVar Christensen / Sen. Mark B. Madsen
Staff: Gregg A. Girvan (Policy Analyst) / Esther Chelsea-McCarty (Attorney) / Lucy W.
Davnes (Secretary)

Law Enforcement and Criminal Justice

2015 Interim Studies

Discussed the three priority study items assigned to the committee by the Legislative Management Committee. The committee has been directed to study the implementation of 2015 General Session H.B. 348, "Criminal Justice Programs and Amendments," the use of force by law enforcement in Utah, and the use of body cameras by law enforcement.

Long-Term Planning

Received presentations from the Commission on Criminal and Juvenile Justice and the Department of Corrections regarding long-term planning issues that will require study during the next three to five years.

New Felonies and Felony Enhancements

Received a <u>report</u> from the Sentencing Commission regarding new felonies and enhancements on existing punishments that have been enacted over the past five years. This year, the legislature enacted 2015 General Session <u>H.B. 348</u>, "Criminal Justice Programs and Amendments," which reduced the penalties for many felonies by one degree.

Statutorily Required Reports

Action: Voted to open a committee bill that would eliminate four annual <u>reports</u> that are currently required by statute.

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Use of Body Cameras by Law Enforcement

Discussed the use of body cameras by law enforcement. Issues include:

- Video file storage, including storage costs;
- Privacy concerns, such as whether the Government Records Access Management Act needs to be amended to address privacy concerns;
- When officers should use body cameras; and
- Security of recordings, including procedures in the case where an officer tampers with the recording.

Chairs: Rep. Don L. Ipson / Sen. Todd Weiler Staff: Nathan W. Brady (Policy Analyst) / Susan Creager Allred (Attorney) / Lori Rammell (Secretarial Supervisor)

Legislative Management Committee

April 22, 2015

Authorized Legislative Meetings

Action: Approved the legislative meetings as <u>listed</u>.

Interim Committee Schedule

Action: Made two changes to the interim committee <u>schedule</u>.

- Added an August interim meeting day. The Legislative Management Committee and the Executive Appropriations Committee will meet on Tuesday, August 18 and there will be a full interim schedule on August 19.
- There will be no interim meetings in September, but there will be a site visit to the Moab area.
- Passed a motion that no meetings will be scheduled September 14, 15 (until evening), 22, or 23 for Rosh Hashanah and Yom Kippur.

Joint Education Meeting

Action: Approved the <u>requests</u> of the legislative education committees and the State Board of Education, the State Board of Regents, and the Utah College of Applied Technology Board of Trustees to hold a joint meeting.

Legislative Management Committee Policies

Action: Voted to approve:

- Changing the parking policy of the Legislative
 Management Committee by reducing the stalls
 reserved for the legislature back to the interim number
 on the Monday after the end of the session sine die;
 and
- Deleting the section of the policies that sets the salary range for the Chief Clerk of the House and the Secretary of the Senate.

Proposed Study Items

Action: Approved the study item list as <u>submitted</u> with four additions:

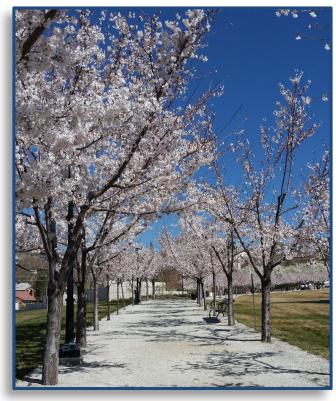
 Business and Labor – 2015 General Session <u>S.B. 127</u>, "Transport of Railroad Employees";

- Economic Development evaluate land use data compiled by governmental agencies to determine if it is consistent across the state;
- Education review alternatives to funding higher education buildings and review effects of higher education performance funding; and
- Water Issues give water issues such as development and costs he highest priority.

Reports of Ethics Commissions

Received reports from the three ethics commissions:

- Independent Legislative Ethics Commission;
- <u>Utah Executive Branch Ethics Commission</u>; and
- Utah Political Ethics Review Commission.



Risk Management

Action: Approved the Risk Management settlement as proposed.

Utah State Fair Park

Action: Authorized the creation of a working group of Legislative Management Committee members to study state fair park issues.

Site Visit

Action: Scheduled a site visit to the Moab area for September 16-17. A tentative <u>itinerary</u> was approved.

State Water Development Commission

Action: Approved the <u>request</u> of the State Water Development Commission to meet four times.

Sunset Reviews

Action: Approved the assignment of sunset reviews to specified interim committees as suggested by committee staff.

Chairs: President Wayne L. Niederhauser / Speaker Gregory H. Hughes Staff: Michael E. Christensen (Director) / John L. Fellows (General Counsel) / Phalin L. Flowers (Administrative Assistant)

Legislative Subcommittee on Oversight

May 19, 2015

Annual Performance Review

Received presentations from the director of the Office of Legislative Research and General Counsel, the Legislative Auditor General, the Legislative Fiscal Analyst, and the Legislative General Counsel regarding their activities and accomplishments during the past year.

Action: Voted to establish the compensation for the three staff directors and for the legislative general counsel for the coming fiscal year.

Staff: Bryant R. Howe (Assistant Director) / Eric N. Weeks (Deputy General Counsel) / Phalin L. Flowers (Administrative Assistant)

Natural Resources, Agriculture, and Environment

Long-Term Planning

Received reports from the Department of Natural Resources, the Department of Environmental Quality (reports <u>one</u> and <u>two</u>), the <u>Department of Agriculture and Food</u>, and the <u>Public Lands Policy Coordination Office</u> on the following areas as they relate to each agency's area of responsibility:

- Economic and demographic trends;
- Current, emerging, and future issues and challenges; and
- Action plans to address the issues and challenges, including additional research needed, options, and potential legislation.

Performance Audit — Projections of Utah's Water Needs

Received a presentation from the Office of the Legislative Auditor on a <u>performance audit</u> concerning projections of Utah's water needs. The committee discussed water use data, water conservation and demand, and water supply projections.

<u>Sunset Review</u> — Title 19, Chapter 6, Part 6, Lead Acid Battery Disposal

Reviewed Title 19, Chapter 6, <u>Part 6, Lead Acid Battery</u> <u>Disposal</u>, which is scheduled to be repealed July 1, 2016.

Action: Recommended that Title 19, Chapter 6, Part 6, Lead Acid Battery Disposal be reauthorized for a period of 10 years.

Political Subdivisions

Assessment Area Bonding

Received a presentation from a legislator on Utah's assessment lien foreclosure procedures and how they compare to other states.

Community Development and Renewal Agencies

Received a presentation from a legislator on issues related to community development and renewal agencies. Topics included the three project area types, measuring return on investment, approval and procedural processes, and improving transparency.

Good Landlord Program

Received a presentation from a legislator on the Good Landlord Program. Issues include the method by which cities determine fees, the program's application form, the role of property management companies, and restrictions on renting to persons with criminal convictions.

Historic Districts

Received a presentation from a legislator on historic districts. Issues include the process to create a local historic district, affected property owners' involvement and consent in the designation process, the type of property restrictions within a designated district, and a process to dissolve a previously designated historic district.

Insurance for Lateral Sewer Lines

Received a presentation from a legislator on lateral sewer lines and potential solutions to address costs associated with repairing lateral sewer lines that run from a private residence to sewer main lines in the street.

Local Government Transfer of Development Rights

Received a <u>presentation</u> from a legislator regarding whether to allow a municipality and a county to enter into an agreement to authorize the transfer of development rights between their respective jurisdictions.

Long-Term Planning

Received a <u>presentation</u> from committee staff on Utah's population and demographic trends.

Municipal and County Code Enforcement

Received a presentation from a legislator on municipal and county enforcement of abatement ordinances related to weeds, garbage, refuse, unsightly objects, and other conditions considered to be a public nuisance.

Subdivision Base Parcels

Received a presentation from a legislator regarding the inability of an owner of a subdivided parcel to pay proportionate delinquent taxes in the event the developer of the subdivision fails to pay taxes on the original base parcel.

Subdivision Bonding

Received a presentation from a legislator on construction performance or surety bonds required of developers by local entities. This item examines how local entities determine that a project is complete and ensure that the improvement costs and contractors have been paid in full.

Chairs: Rep. R. Curt Webb / Sen. Daniel W. Thatcher
Staff: Megan L. Bolin (Policy Analyst) / Christine R. Gilbert (Attorney) / Timothy J. Barber
(Secretary)

Public Utilities and Technology Environmental Protection Agency's Proposed Rule 111(d)

Received a <u>presentation</u> from the Governor's Office of Energy Development and representatives of utility companies and environmental groups on issues facing the state, energy providers, and consumers in addressing the carbon-reduction provisions of the federal Environmental Protection Agency's proposed Rule 111(d) regarding the federal Clean Air Act. Issues include costs, benefits, and challenges of reducing carbon dioxide production.

Telehealth and Telemedicine

Received a <u>presentation</u> from a medical service provider regarding the provision of medical services to members of the military, populations in remote geographic locations, and financially limited recipients of medical services. The key challenge for the growth of cost-effective and patient located medicine is reimbursement for telemedicine services. Other challenges include interstate barriers to the provision of telemedicine and statutory recognition of these services by the Legislature and medical boards.

Chairs: Rep. Ken Ivory / Sen. David P. Hinkins
Staff: Richard C. North (Policy Analyst) / Samuel C. Johnston (Attorney) / Tracey Fredman
(Secretary)

Revenue and Taxation

Corporate Franchise and Income Taxes — Single Sales Factor Apportionment

Received a committee staff <u>presentation</u> on the apportionment of business income in Utah.

Action: Approved a motion to open a committee bill file to address apportionment of corporate franchise and income taxes, including removing obsolete language.

Historic Preservation Tax Credit

Action: Approved a motion to open a committee bill file to address issues related to claiming or carrying forward a tax credit.

Interim Study Items

Action: Approved a motion to open several committee bill files to address the <u>study items</u> assigned to the committee by the Legislative Management Committee.

Long-Term Planning

Received a presentation from committee staff and the <u>Utah</u>
<u>State Tax Commission</u> regarding current, emerging, and future issues and challenges in the revenue and taxation area.

Action: Approved a motion to open committee bill files to address long-term planning issues, including issues related to Federal Aviation Administration regulations, existing sales and use tax exemptions for charitable organizations, community development agencies, and the privilege tax.

New Growth and Centrally Assessed Property

Action: Approved a motion to open a committee bill file to address issues related to new growth, which affects the calculation of certain property tax rates.

Rate Reduction for Utah Variable Life Insurance Premiums

Action: Approved a motion to continue the tax rate reduction for certain Utah variable life insurance premiums and to open a bill file to repeal the requirement to study the tax rate reduction every third year.

S.B. 94, "Corporate Franchise and Income Tax Amendments"

Received an update from a committee member regarding 2015 General Session <u>S.B. 94</u>, "Corporate Franchise and Income Tax Amendments," which was vetoed by the governor.

Action: Approved a motion to open a committee bill file to draft a bill similar to S.B. 94.

Chairs: Rep. Daniel McCay / Sen. Deidre M. Henderson Staff: Bryant R. Howe (Assistant Director) / Leif G. Elder (Policy Analyst) / Rebecca L. Rockwell (Attorney) / Bree Frehner (Secretary)

Senate Judicial Confirmation Committee

January 14, 2015

Confirmation of Mr. James Gardner

Recommended to the Senate the confirmation of Mr. James Gardner as a judge to the Third District Court.

The Senate met on January 27, 2015, and confirmed the appointment of Mr. Gardner.

Confirmation of Mr. William Kendall

Recommended to the Senate the confirmation of Mr. William Kendall as a judge to the Third District Court.

The Senate met on January 27, 2015, and confirmed the appointment of Mr. Kendall.

February 10, 2015

Confirmation of Judge Constandinos Himonas

Recommended to the Senate the confirmation of Judge Constandinos Himonas as a judge to the Utah Supreme Court.

The Senate met on February 13, 2015, and confirmed the appointment of Judge Himonas.

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April 17, 2015

Confirmation of Ms. Paige Petersen

Recommended to the Senate the confirmation of Ms. Paige Petersen as a judge to the Third District Court.

The Senate met in extraordinary session on April 22, 2015, and confirmed the appointment of Ms. Petersen.

Chairs: Sen. Scott K. Jenkins Staff: Michael E. Christensen (Director) / Susan Creager Allred (Attorney) / Lucy W. Daynes (Secretary)

Transportation

2015 General Session Transportation Funding Revisions

Received a report from the Department of Transportation regarding the implementation and impacts of the transportation funding revisions passed by the legislature in the 2015 General Session. The <u>presentation</u> addressed the department's intended uses for revenue increases, including maintenance funding and bridge rehabilitation projects.

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Long-Term Planning

Discussed, as required by <u>legislative rule</u>, long-term planning issues related to the Driver License Division, the Utah Transit Authority, and the Utah Department of Transportation. The committee also received long-term planning presentations from each of these groups:

- Driver License Division Planning Presentation;
- Utah Transit Authority Planning Presentation; and
- Utah Department of Transportation Planning Presentation.

Action: Approved further study of unconventional vehicles, including how to define, test, and register them, to determine whether related legislation should be prepared for the 2016 General Session.

Transportation Project Prioritization

Received a <u>presentation</u> from the Department of Transportation and the Transportation Commission and discussed the prioritization process.

Chairs: Rep. Johnny Anderson / Sen. Alvin B. Jackson Staff: Art L. Hunsaker (Policy Analyst) / Shannon C. Halverson (Attorney) / Timothy J. Barber (Secretary)

Utah International Relations and Trade Commission

May 19, 2015

2015 Legislative Trade Missions — Peru, Chile, and Colombia

Received a presentation from a legislator about the May-June 2015 trade missions to Peru, Chile, and Colombia. The nine day mission is designed to build diplomatic relationships and develop international trade opportunities. As part of the mission, discussions will also be held regarding the honorary consul nominees to Chile and Colombia.

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International Trade / Diplomacy Missions

Received a presentation from Utah's Honorary Consul to Peru. He discussed Peru-Utah bilateral relations, including commerce, education, humanitarian efforts, government relations, and consular services. Utah's Peruvian population exceeds 40,000 and Utah is Peru's largest trading partner in the United States.

Switzerland Trade Report

Received a presentation from a legislator about the developing international trade relationship between Utah and Switzerland. The presentation highlighted discussions with several Swiss manufacturers, including manufacturers of rail cars and high altitude helicopters.

Utah Uranium Mines and International Exports

Received presentations from the Utah Division of Oil, Gas, and Mining and the Utah Geologic Survey about the mining of uranium, mining claims, and land ownership. Utah's two active uranium mills are Shootaring Canyon and White Mesa.

Chairs: Rep. Eric K. Hutchings / Sen. Mark B. Madsen Staff: Richard C. North (Policy Analyst) / Robert H. Rees (Attorney) / Debra Hale (Secretary)

Utah Tax Review Commission

April 30, 2015

Earmarking of the State Sales and Use Tax

Received a commission staff <u>presentation</u> on the current earmarks to the state sales and use tax. These earmarks designate a portion of the revenue from the state sales and use tax for specific purposes, including building new highways, loans for clean water and waste water development projects, grants for the development of new water sources, and grants for certain agriculture related enterprises.

Chairs: Mr. Curtis Trader Staff: Bryant R. Howe (Assistant Director) / Leif G. Elder (Policy Analyst) / Rebecca L. Rockwell (Attorney) / Bree Frehner (Secretary)

