LEGISLATIVE INTERIM MEETINGS
Meetings were held August 19, 2015, or as noted.

Administrative Rules Review Committee
August 17, 2015
Implementation of Statewide Longitudinal Data Systems Grant Program
Received the presentation “Data Collection and Parental Rights in Utah” and a presentation on parental rights from parents of school children regarding the Statewide Longitudinal Data Systems Grant Program. Discussed whether the Utah State Office of Education should have obtained legislative authorization before the office applied for a $9.6 million grant under the Statewide Longitudinal Data Systems Grant Program. Also discussed whether student behavioral data was at any time, or continues to be, collected and included in the database.

Peace Officer Use of Force
Considered a draft letter to the Law Enforcement and Criminal Justice Interim Committee recommending that it study certain issues related to peace officer use of force that were recently discussed by the committee.

Action: Approved a draft letter recommending that the Law Enforcement and Criminal Justice Interim Committee study issues related to officer training, particularly:
- de-escalation and mental health issues as part of Crisis Intervention Training;
- involvement of minority communities by local police agencies in both the development of their policies regarding use of force and incident investigations;
- investigation of incidents involving peace officer use of force, including the formation of an independent entity to assure that the investigative process is consistent and impartial throughout the state;
- body cameras;
- psychological evaluations and counseling for peace officers both prior to an officer’s being hired and during the course of an officer’s service; and
- forced entry, including under what circumstances no knock procedures should be used.

Page 8—Highlights from Special Session

(Continued next page)
Statutes and Administrative Rules Related to the Charter School Board’s Charter School Application Process

Discussed with State School Board and State Charter School Board representatives whether there is sufficient direction in current statute and administrative rules governing the charter school application processes, and whether the current charter school application process is operating within existing state law and administrative rules.

Staff: Art L. Hunsaker (Policy Analyst) / Christine R. Gilbert (Attorney) / Tracey Fredman (Legislative Assistant)

Business and Labor

Insurance

Action: Voted to open a committee bill file to make changes to the Insurance Code.

Public Access to Administrative Actions

Discussed draft legislation "Public Access to Administrative Actions" that would require a state agency that is subject to the Administrative Procedures Act to remove administrative disciplinary action documents from publicly accessible internet sites controlled by the state agency no later than 10 years after final action.

Transporting Work Crews

Discussed issues related to requiring a driver transporting work crews of 15 or fewer passengers to obtain a driver license endorsement, similar to a taxi endorsement.

U.S. Supreme Court Case Regarding Licensing

Received a briefing from committee staff regarding the potential impact of the U.S. Supreme Court ruling "North Carolina State Board of Dental Examiners v. FTC," which addresses state-action immunity from antitrust liability for state boards, committees, and commissions.

Action: Voted to open a committee bill file to make changes to certain boards, committees, and commissions.

Worker Classification - Sunset Review

Received a presentation from committee staff and a presentation from the Worker Classification Coordinated Enforcement Council. Pursuant to Utah Code Section 63I-1-234, absent further action by the Legislature, on July 1, 2016, Title 34, Chapter 47, Worker Classification Coordinated Enforcement Act will be repealed.

Action: Voted to open a committee bill file to remove the sunset requirement related to the Worker Classification Coordinated Enforcement Act from the Sunset Act.

Staff: Joseph T. Wade (Policy Analyst) / Patricia Owen (Attorney) / Samuel C. Johnston (Attorney) / Lucy W. Daynes (Legislative Assistant)

Carbon Sequestration

Received a briefing from a regional representative of the U.S. Forest Service on ways state and federal agencies could implement management practices that increase carbon sequestration through biological processes and are consistent with 2015 General Session H.C.R. 8, "Concurrent Resolution on Carbon Sequestration on Rangelands."

Congressman Bishop’s Public Lands Initiative

Received an update on Congressman Bishop’s Public Lands Initiative, a joint effort between Utah’s congressional delegation, Governor Herbert, counties, and other stakeholders to build consensus and designate certain lands in eastern Utah for conservation and development.

Federal Water Rules and Directives

Received a report from the Utah Farm Bureau Federation on federal agency actions related to water rights and the federation’s efforts to protect those rights in the state. Discussed the proposed U.S. Forest Service Groundwater Resources Management Directive and the Environmental Protection Agency’s redefining of waters of the United States under the Clean Water Act.

Discussed draft legislation "Concurrent Resolution on Waters of the United States," which expresses disapproval of the
expansion of the term "waters of the United States" and expresses support for the Utah Attorney General in seeking to vacate this rule.

**Implementation of Transfer of Public Lands Legislation**

*Action:* Voted to direct commission staff to prepare a list of Utah laws that address the transfer of public lands and to invite the executive branch to provide an update to the commission on its efforts to implement those laws.

**Sage Grouse**

Received an update on sage grouse conservation efforts. The director of the Public Lands Policy Coordinating Office indicated that listing the sage grouse as an endangered species may be avoided, but the U.S. Bureau of Land Management sage grouse plans impose significant regulatory burdens.

**Commission on Federalism**

*August 11, 2015*

**Commission Duties and Responsibilities**

Received a presentation from commission staff regarding the statutory duties and responsibilities of the commission. The commission was established to evaluate federal actions and make findings if it determines that any federal actions violate the principles of federalism.

**Curriculum for the Continuing Education on Federalism**

Received a report from the commission’s evaluation committee on the two responses to the commission’s request for proposals regarding curriculum development for the seminar on continuing education on federalism. The evaluation committee recommended that the commission terminate the request for proposals process.

*Action:* Voted to terminate the request for proposals process regarding development of the curriculum for the seminar on continuing education on federalism. Authorized the chairs of the commission or their designees to negotiate a contract with Utah Valley University to develop the continuing education on federalism seminar.

**Economic Development and Workforce Services**

**Affordable Housing and Transit**

Received presentations from two private developers regarding opportunities and challenges in building more affordable housing near transit hubs and in other areas. The developers agreed that affordable housing projects must include a subsidy component and that policy makers must make affordable housing a priority in order to make significant progress.

**Air Quality and Utah Economic Development**

Received a presentation from the Department of Environmental Quality on air quality and economic development. The report stated that:

- air quality in Utah is generally good and improving but does not meet health standards on some days;
- perceptions about air quality impact quality of life and economic development; and
- improvement of air quality is among the top three issues important to Utahns.

The department also reported on the budget needs for the Division of Air Quality.

**Arts, Libraries, and Museum Grant Application Process**

Received a presentation from the Department of Heritage and Arts on the statutory process of forwarding grants to eligible applicants for capital facility projects related to the arts, libraries, and museums. The process requires applicants to submit detailed grant applications, which are then reviewed by the relevant division board. The department recommended that the statutory process be repealed because it is largely circumvented by individual legislators sponsoring funding legislation or by an appropriation for each specific project. The committee discussed the need for an ongoing infusion of funding into the arts.

**Enterprise Zone Amendments**

Received a presentation from a legislator on the need to statutorily provide for improved reporting of enterprise zone tax credits. During the 2015 General Session, H.B. 87, "Enterprise Zone Amendments," was introduced but did not pass. The bill would have modified the population requirements for a county or a municipality to qualify for designation as an enterprise zone. The bill sponsor pointed out the need to consider ways to make the program more transparent before modifying the population requirement.

*Action:* Voted to open a bill file to address the issue of accountability and reporting for the enterprise zone program.

**Utah Housing Corporation Act - Sunset Review**

Received a presentation from committee staff on the sunset review process and a presentation from the Utah Housing Corporation on extending the sunset date of the corporation. The corporation was initially created in statute as an independent public corporation in 1975. The corporation purchases and services mortgage loans made by private lenders to low- and moderate-income buyers and packages the loans into various securities that are sold to investors. The Utah Housing Corporation Act will be repealed July 1, 2016, unless reauthorized by the Legislature.

*Action:* Approved as a committee
Effects of Addressing Plurality

Received a presentation from the Office of the Lieutenant Governor on the implications of using runoff elections to address plurality, including statutory and administrative changes that would be necessary for runoff elections to operate successfully in the state. The presentation also included a cost analysis of different policy solutions to plurality. Plurality is the election situation where a candidate receives the greatest number of votes in an election without receiving a majority of the votes cast.

行動:
- Voted to consider expanding optional extended-day kindergarten to all at-risk students.
- Voted to consider allowing local education agencies to charge a fee for optional extended-day kindergarten.
- Voted to open a committee bill file to provide tuition assistance for parents who enroll their children in a high-quality prekindergarten program.

Statutorily Required Reports

Action: Voted to open a committee bill to amend the reports required by statute to be submitted to the Education Interim Committee based on the chairs’ recommendations.

Government Operations

Effects of Addressing Plurality

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(Continued next column)
**Law Enforcement and Criminal Justice**

**Elimination of Specified Annual Reports**

*Action: Adopted as a committee bill, draft legislation "Law Enforcement and Criminal Justice – Statutory Reports Repeal," which would repeal the following four annual reports:*

- Law Enforcement Operations Account;
- Law Enforcement Services Account;
- Drug Offender Reform Act; and
- State inmates in county jails.

**Use of Body Cameras by Law Enforcement**

Discussed the use of body cameras by law enforcement, including issues of local or statewide regulation of use. The committee received comments from representatives of local police departments, county sheriffs, the Utah Highway Patrol, and concerned citizens. The committee was advised of ongoing collaboration between the various stakeholders to create legislation addressing the use of body cameras by law enforcement.


Staff: Nathan W. Brady (Policy Analyst) / Susan Creager Allred (Attorney) / Lori Rammell (Legislative Assistant)

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**Natural Resources, Agriculture, and Environment**

**Beekeeping**

Considered draft legislation "Beekeeping Modifications" which amends registration requirements, county bee inspector duties, and bee inspection requirements. The bill provides for restrictions and the regulation of beekeeping by a political subdivision under certain circumstances.

**R.S. 2477 Rights-of-way**

Received a report from the Public Lands Policy Coordinating Office on the status of state efforts to identify and designate R.S. 2477 rights-of-way in the state. The R.S. 2477 plan, adopted by the Constitutional Defense Council, is established for the purpose of asserting, defending, and litigating state and local government rights and claims regarding the federal R.S. 2477 roads.

**Sage Grouse Habitat Improvement and Population Increase**

Received a report from the Public Lands Policy Coordinating Office on the office’s activities and expenditures. The office reviewed a recently prepared inventory and valuation of current activities in the greater sage grouse range in Utah. The committee discussed efforts to increase the sage grouse population, protect sage grouse habitat, and avoid the listing of sage grouse under the Endangered Species Act.


Staff: J Brian Allred (Policy Analyst) / RuthAnne Frost (Attorney) / Katie LeFevre (Legislative Assistant)

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**Political Subdivisions**

**Assessment Area Foreclosure Amendments**

*Action: Voted to recommend draft legislation "Assessment Area Foreclosure Amendments," which amends foreclosure provisions in the Assessment Area Act and modifies methods by which a local entity may enforce an assessment lien.*

**Community Development and Renewal Agencies**

Received an update from a legislator on progress toward legislation that would amend Title 17C, Limited Purpose Local Government Entities - Community Development and Renewal Agencies, noting that productive discussions have taken place among stakeholders.

*Action: Voted to open a committee bill file to amend Title 17C, Limited Purpose Local Government Entities - Community Development and Renewal Agencies.*

**Good Landlord Program**

Received an update from a legislator regarding legislation to amend the Good Landlord Program. The legislator proposed to eliminate the program's current economic incentive for landlords to refuse to rent to people with a criminal history.

(Continued next page)
Municipal and County Code Enforcement

**Action:** Voted to open a committee bill file to address issues related to municipal code enforcement.

Subdivision Base Parcel Tax Amendments

**Action:** Voted to recommend draft legislation "Subdivision Base Parcel Tax Amendments," which modifies provisions of the Property Tax Act related to redemptions. The bill describes the procedure by which a property owner of a subdivided lot may redeem the owner’s portion of the underlying parcel’s delinquent taxes.

Staff: Megan L. Bolin (Policy Analyst) / Christine R. Gilbert (Attorney) / Joshua M. Weber (Legislative Assistant)

Prison Relocation Commission

**August 11, 2015**

**Commission Recommendation**

**Action:** Voted to approve the I-80/7200 West site in Salt Lake City as the site for the construction of new correctional facilities.

Economic Report

Received a report from the Economic Development Corporation of Utah regarding the economic impact of developing a correctional facility on each of the four finalist sites under the commission’s consideration for the location of the proposed new state correctional facilities. The presenter explained that a correctional facility may have a negative impact if located in more rural communities that lack significant economic activity, but may have a neutral-to-slightly-positive impact if located in a more developed community.

**Report from Consultants and Staff**

Received a presentation from commission consultants regarding a comparative evaluation of the four finalist sites being considered by the commission for the location of the proposed new state correctional facilities. Also received a presentation from the Legislative Fiscal Analyst regarding the comparative long-term costs of operating a correctional facility on each of the four finalist sites. The combined findings showed that the I-80/7200 West site in Salt Lake City would:

- cost more than other sites in up-front costs, but $233.5 million less than other sites over the life of the facility;
- provide the best access to key services needed for the facility’s operation; and
- complement criminal justice reform better than alternative sites.

Staff: Brian J. Bean (Policy Analyst) / Bryant R. Howe (Assistant Director) / Robert H. Rees (Attorney) / Bree Frehner (Legislative Assistant)

Public Utilities and Technology

**Department of Technology Services**

**Organizational Proposals**

Received a presentation from the Department of Technology Services on proposed legislation that addresses organizational changes in the department. One key provision is the creation of a Chief Information Security Officer to coordinate related policies across state governments.

**Telehealth and Telemedicine**

Received presentations from service providers of prepaid medicine and telemedicine regarding the delivery of prepaid telemedicine via the Internet. The process provides patients with unlimited telephone and Internet access to doctors for a set monthly fee of $45, with a $10 office visit charge. One issue is the authorization by the Legislature of state Medicaid reimbursement for telemedicine services.

**Action:** Voted to recommend that one or more telemedicine bills, as determined by the committee chairs, be drafted for the November interim meeting. The motion also authorized the creation of a working group to assist the chairs and staff in formulating language.

Staff: Richard C. North (Policy Analyst) / Samuel C. Johnston (Attorney) / Tracey Fredman (Legislative Assistant)
Revenue and Taxation

Utah Tax Review Commission Update
Received an update from the Utah Tax Review Commission on the commission’s study of earmarks of the sales and use tax. The commission has voted to recommend discontinuing one water-related earmark and will likely have a final report later this year.

Aeronautics Restricted Account Amendments
Action: Adopted as a committee bill, draft legislation "Aeronautics Restricted Account Amendments," which addresses the expenditure of aviation fuel tax revenue to comply with federal requirements.

Letter to Legislative Management Committee Regarding Tax Review Commission Study
Action: Approved a letter to the Legislative Management Committee requesting that the committee request the commission to study state and local taxes on businesses for the purpose of providing recommendations on changes to state law that would:
- ensure greater economic growth in the state;
- enhance Utah’s ability to compete with other states; and
- remove barriers to having successful and competitive businesses.

Review of Committee Studies and Reports
Action: Adopted as a committee bill, draft legislation "Revenue and Taxation Interim Report Amendments," which repeals certain reports, requires reports to be delivered electronically, and requires the Governor’s Office of Economic Development to provide additional information to the committee.

Sales and Use Tax Exemptions
Received a presentation from a legislator regarding the need to categorize and review sales and use tax exemptions. Currently, most sales and use tax exemptions are outlined in Section 59-12-104 in no particular order. The presenter noted that the Utah State Tax Commission’s Annual Report includes an estimation of how much sales and use tax revenue would be collected for the sales that are exempt.

Tax Commission Data Match Process
Action: Directed staff to open a committee bill file that would create a data match system with depository institutions and a tax commission levy process to collect certain amounts owed by delinquent taxpayers.

State Water Development Commission
August 18, 2015

Environmental Protection Agency Clean Water Act Rule
Received a report from the Utah Farm Bureau Federation regarding federal agency actions related to water rights and the federal agency actions related to water rights and the Environmental Protection Agency’s Clean Water Act.

Gold King Mine Toxic Spill
Received a report from the Attorney General on the short-term and potential long-term impacts on Utah citizens of the Gold King mine toxic spill into the Animas River in Colorado. The commission discussed the Environmental Protection Agency’s involvement in, and response to, the toxic spill.

Water Loan and Grant Funds
Received a report from the Department of Agriculture and Food, Natural Resources Conservation Service, Division of Water Resources, Division of Drinking Water, and Division of Water Quality on water loan and grant funds administered by each entity.

Transportation

Report - HOV Lanes
Received an annual report from the Department of Transportation regarding its establishment and operation of high occupancy vehicle lanes.

Unconventional Vehicles
Received a report from two committee members regarding the classification, testing, and registration of unconventional vehicles.

Vehicle Towing
Received presentations on state laws and state agency administrative rules governing towing, including background checks and other tow truck driver requirements, signage, maximum fee restrictions, and towing vehicles from private parking lots.

State Water Development Commission
August 18, 2015

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Action: Adopted as a commission resolution “Concurrent Resolution on Waters of the United States,” which expresses disapproval of the expansion of the term “waters of the United States” under the Clean Water Act and expresses support for the Utah Attorney General in seeking to vacate the expansion of the rule.

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The Legislature passed:

- **H.B.1001 Statute of Limitations Amendments** (M. Noel). This bill clarifies the application of a particular statute of limitations and clarifies that it was effective as a statute of limitations at the time of codification.

- **H.C.R.101 Concurrent Resolution Approving Site for New State Correctional Facilities** (B. Wilson). This concurrent resolution of the Legislature and the Governor approves a site for new state correctional facilities.

- **S.B.1001 Corporate Franchise and Income Tax Amendments** (H. Stephenson). This bill amends provisions related to a credit against or a refund of an overpayment of corporate franchise or income taxes.

- **S.B.1002 Medicaid Inspector General Amendments** (D. Henderson). The bill amends the qualifications necessary to be appointed as the Medicaid inspector general.

- **S.B.1003 Criminal Law Amendments** (J.S. Adams). This bill amends a cross reference regarding a conviction for the possession of certain scheduled controlled substances, and amends the penalty regarding the offense of failure to provide notice regarding damage to an unattended vehicle.