



INTERIM HIGHLIGHTS

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LEGISLATIVE INTERIM MEETINGS

Meetings were held October 21, 2015, or as noted.

IN THIS ISSUE:

(Click on the committee you would like to view)

Administrative Rules Review

Business and Labor

Charter School Funding Task Force

Child Welfare Legislative Oversight Panel

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Natural Resources, Agriculture, and Environment

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Political Subdivisions

Prison Development Commission

Public Utilities and Technology

Retirement and Independent Entities

Revenue and Taxation

Senate Judicial Confirmation

State Water Development Commission

Subcommittee on Oversight

Transportation

Utah Tax Review Commission

Veterans' and Military Affairs Commission

Administrative Rules Review Committee

September 09, 2015

Design, Construction, and Operation of Public Pools

Discussed a proposed change to a Department of Health administrative rule that would approve above-ground pools if the pools meet certain standards. The Utah National Parks Council of the Boy Scouts of America described the rule variances that the council planned to request and indicated that it was preparing pool construction designs for submission to the Southwest Utah Health Department.

September 29, 2015

Potential Changes to the Division of Administrative Rules

Received a recommendation from the Department of Administrative Services that the Division of Administrative Rules be changed from a division to a program within the Division of Archives and Records Service.

Action: Voted to open a committee bill file to combine the Division of Archives and Records Service and the Division of Administrative Rules.

Statewide Education Longitudinal Data Systems

Received a presentation from the State Office of Education and the Utah System of Higher Education regarding the Statewide Longitudinal Data Systems Grant Program. The presenters addressed a series of questions regarding the establishment and operation of the program and whether Utah's implementation of the program should have been approved by the Legislature.

Legislative Audit — A Review of the State's Liability Protection for School District Employees

Discussed with the State Superintendent of Public Instruction the recommendations of an audit that was recently released by the Office of the Legislative Auditor General regarding how school districts communicate the state's liability protection information to district employees.

Real Estate Agents and the Employment Security Act

Discussed Department of Workforce Services administrative rule [R994-205-106](#), which provides that, for purposes of the [Utah Employment Security Act](#), services performed as a real estate agent do not include property management. Under the rule, a person licensed with the Division of Real Estate who performs property management services is not exempt under the [Utah Employment Security Act](#). The department reported that it would rewrite the administrative rule to conform to federal Internal Revenue Code language regarding real estate agent services to be considered exempt employment.

(Continued next page)

School Leave

Discussed with the State Superintendent of Public Instruction whether administrative rules are needed to ensure that students involved in activities that have an educational component but that are not sponsored by the school be excused from attending classes. In one instance, a student was invited to the White House, and was granted a visit to the Oval Office, but was not excused by the student's school from attending classes during these activities. The superintendent indicated that he would discuss excused absence criteria with local school districts.

Charter School Application Process

Discussed whether current statutes and administrative rules contain sufficient direction governing the review of charter school applications and whether the current charter school application process is operating within existing state law and administrative rules.

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

Business and Labor

Alcoholic Beverage Event Permit

Action: Approved as a committee bill, draft legislation "[Alcoholic Beverage Event Permit Amendments](#)," which modifies the [Alcoholic Beverage Control Act](#) to address the issuance or denial of an event permit.

Automobile Dealership Application

Received a [statutorily](#) required [report](#) from the Department of Commerce, representing the Utah Motor Vehicle Franchise Advisory Board. The report addressed the number of applications for a new or relocated dealership and how each application was processed.

Improvement of Air Quality

Received a [presentation](#) and [statutorily](#) required [report](#) from the Coordinator of Resource Stewardship on best practices and stewardship efforts to improve air quality.

Fire Prevention Board Membership

Action: Approved as a committee bill, draft legislation "[Fire Prevention Board Membership Amendments](#)," which modifies the [Public Safety Code](#) to reduce the Utah Fire Prevention Board from 13 to 11 members and specifies the two membership positions to be removed.

Insurance Code

Action: Approved as a committee bill, draft legislation "[Insurance Revisions](#)," which modifies provisions related to insurance.

Occupational Safety and Health

Action: Approved as a committee bill, draft legislation "[Occupational Safety and Health Amendments](#)," which modifies the [Utah Occupational Safety and Health Act](#) to address termination of or retaliation against an employee.

State Construction Code

Received a [statutorily](#) required [report](#) from the Uniform Building Code Commission recommending modifications to the [State Construction Code](#).

State Fire Code

Received a [statutorily](#) required report from the Utah Fire Prevention Board recommending modifications to the [State Fire Code](#). The report was provided in two parts:

- [Part 1](#); and
- [Part 2](#).

Action: Voted to open a committee bill file to make the recommended changes to the [State Fire Code](#).

Statutorily Required Reports

Considered draft legislation "[Business and Labor Interim Committee Report Amendments](#)," which modifies provisions regarding reporting to the committee. The committee chair directed staff to modify the draft legislation to:

- remove the requirement for a report from:
 - ♦ the [Coordinator of Resource Stewardship](#) regarding best practices and stewardship efforts to improve air quality; and
 - ♦ the [Utah Insurance Department](#) regarding information related to workers' compensation insurance and market conditions; and
- adjust report due dates to better meet the needs of the committee and agencies.



Utah Fund of Funds

Received a [presentation](#) and [statutorily](#) required report from the Utah Capital Investment Corporation in consultation with the Utah Capital Investment Board regarding activities conducted by the Utah Fund of Funds. The report included three parts:

- [Part 1](#);
- [Part 2](#); and
- [Part 3](#).

Utah Science Technology and Research (USTAR)

Received a [presentation](#) from USTAR regarding the operations, activities, programs, and services of the USTAR governing authority and the USTAR initiative.

Workers' Compensation Insurance Market

Received a [statutorily](#) required [report](#) from the Utah Insurance Department providing information relating to workers' compensation insurance market conditions.

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 (Legislative Assistant)

Charter School Funding Task Force

August 27, 2015

Charter School Local Replacement Funding

Received a briefing from committee staff on the current methodology for calculating charter school local replacement and considered options for changing the current methodology.

Property Tax Notice Content

Action: *Voted to open a task force bill file to require that a property tax notice include the amount of property taxes imposed on a taxpayer that represents revenue distributed to charter schools through local replacement and that this amount be referenced in a school-related truth in taxation hearing.*

Determining Enrollment in Charter Schools and School Districts

Discussed options for mitigating financial loss to charter schools due to the determination of charter school enrollment using the same methodology that is used to determine school district enrollment, which is average daily membership plus growth.

Action: *Voted to open a task force bill file titled "School Funding Amendments."*

Chairs: Rep. Steve Eliason / Sen. Howard A. Stephenson

Staff: Allyson R. Goldstein (Policy Analyst) / Ben Leishman (Fiscal Analyst) / Tiffany A. Stanley (Policy Analyst) / Victoria Ashby (Attorney) / Rebekah M. Bradway (Attorney) / Tracy J. Nuttall (Attorney) / Debra Hale (Legislative Assistant)

Child Welfare Legislative Oversight Panel

September 08, 2015

HomeWorks

Received a [presentation](#) from the Division of Child and Family Services on the HomeWorks program, a home-based system of services designed to help keep families together. Discussed the program's rate of success in pilot areas, including a 4.5% decrease in children entering foster care.

Observations of Child Welfare Court Proceedings

Observed court proceedings of child welfare cases.

Proceedings included progress reviews of family permanency plans and pre-trial hearings for termination of parental rights.

Psychotropic Medication Use Among Foster Youth

Received a presentation from the Division of Child and Family Services on the use of psychotropic medication among foster youth. Discussed how rates are higher among foster youth than their peers and what factors lead to higher use.

Discussed ways to reduce the use of these medications, including requiring that an on-call psychiatrist and pharmacist review individual cases and that the psychiatrist recommend alternative therapies, as appropriate.

October 13, 2015

Review of Child Welfare Court Proceedings

Received a summary from the Administrative Office of the Courts on child welfare proceedings that panel members observed in court. Discussed how even though child welfare cases were few in comparison to child delinquency cases, the child welfare cases require more of the court's time.

Fatality Reviews

Received a [summary](#) of fatalities that occurred during FY2015 involving children who received services, or whose families received services, from the Division of Child and Family Services during the year prior to the death. The panel discussed specific fatality cases in the closed portion of the meeting. The panel asked the division about suicide prevention efforts, as well as coordination of mental health services between various state agencies.

Qualitative Case Review and Case Process Review

Received a [presentation](#) from the Office of Services Review within the Department of Human Services regarding the Qualitative Case Review and Case Process Review annual report. The Office of Services Review discussed how reviews are conducted and what areas need to be improved. The Division of Child and Family Services discussed what it will do to improve performance, noting that when a region of the state falls short on a particular measure, local officials must create a performance improvement plan to address the issue.

Chairs: Rep. Earl D. Tanner / Sen. Allen M. Christensen

Staff: Gregg A. Girvan (Policy Analyst) / Lee A. Killian (Attorney) / Lori Rammell (Legislative Assistant)

Economic Development and Workforce Services

Abusive Conduct in the Workplace —Training

Received a [report](#) and recommendations from the Department of Human Resource Management on training within the executive branch to prevent workplace abuse.

Consolidation of Annual Reports

Received a [report](#) from committee staff on consolidation of statutorily required reports from the Department of Heritage and Arts, the Governor's Office of Economic Development, and the Department of Workforce Services.

Department of Heritage and Arts Annual Report

Received a statutorily required [report](#) from the Department of Heritage and Arts on the department's programs, performance, budget, goals, challenges, achievements, and other measures.

Department of Workforce Services Annual Report

Received a statutorily required [report](#) from the Department of Workforce Services describing the department's mission statement, which is to provide for operational excellence, exceptional customer service, employee success, and community connection. Division and program highlights were also covered in the report along with statistical measures.

Governor's Office of Economic Development Annual Report

Received a statutorily required [report](#) from the Governor's Office of Economic Development, which stated that Utah is rated as:

- The #1 pro-business state by Pollina;
- The #3 state for business by CNBC;
- The #1 state for business and careers by Business Facilities; and
- One of the top 10 in all categories by the U.S. Chamber of Commerce.

In addition, the committee received the office's recommendations for draft legislation for the 2016 General Session.

Action: Voted to open committee bill files to do the following:

- Make a technical correction to allow for partial rebates in the Economic Development Tax Increment Financing program;
- Adjust percentages and amounts of the Industrial Assistance Fund program;
- Create film incentives to increase the incentive cap in order to attract network television series;
- Address business services, possible conflicts of interest, and unmet business needs;
- Create a Waypoint Recreation Infrastructure Development Fund; and
- Refile 2015 General Session [H.B. 293](#) "Science, Technology, Engineering, and Mathematics Education Program Amendments."

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State Workforce Development Board Amendments

Received a request from the Department of Workforce Services that the committee prepare draft legislation to provide conforming amendments to state statutes in response to 2014 changes to the federal [Workforce Investment Act](#). The requested legislation would include amendments to the structure, function, and name of the State Council of Workforce Services.

Action: Voted to open a committee bill file to provide conforming amendments to state statute in response to 2014 changes to the federal Workforce Investment Act.

Urban Housing Redevelopment Tax Credit Proposal

Received a proposal for draft legislation from a legislator and from Ogden City that would provide an urban housing redevelopment income tax credit. The tax credit would be matched by the local community and narrowly targeted to encourage investment and redevelopment in communities with blighted housing.

Utah Fund of Funds Annual Report and Audit

Received a statutorily required [report](#) and [audit](#) from the Utah Capital Investment Corporation on it required annual report.

Chairs: Rep. Rebecca P. Edwards / Sen. Aaron Osmond

Staff: Benjamin N. Christensen (Policy Analyst) / Peter Asplund (Attorney) / Debra Hale (Legislative Assistant)

Education

Digital Teaching and Learning Task Force Report

Received a [briefing](#) from the Digital Teaching and Learning Task Force, which was created by 2015 General Session [S.B. 222](#), "Digital Teaching and Learning Program Proposal." The task force presented [information](#) regarding a funding proposal and master plan for a statewide digital teaching and learning program.

Kindergarten

Discussed draft legislation "[Optional Enhanced Kindergarten Amendments](#)," which:

- Requires the State Board of Education to administer a grant program to support certain kindergarten student academic improvement programs run by local education agencies; and
- Recodifies and makes technical changes to provisions related to early interactive reading software.

Also discussed draft legislation "[Fees for Supplemental Hours](#)," which provides a local education agency with the authority to offer supplemental hours of instruction to students enrolled in kindergarten classes.

Statutorily Required Reports

Received briefings on [statutorily required reports](#) from the authoring agencies regarding the following topics:

- Utah Schools for the Deaf and the Blind;
- Youth suicide prevention programs;
- Early interactive reading software;
- UPSTART; and
- Math technology programs administered by the STEM Action Center.

Student Assessments

Received a [briefing](#) from the Utah State Office of Education and local educators on:

- The role of student assessments;
- State and federal assessment requirements;
- The amount of time students spend taking assessments mandated by the state or federal government; and
- How educators use assessments to inform instruction.

Received an update on efforts being undertaken as a result of 2015 General Session [H.C.R. 7](#), "Concurrent Resolution Urging Development of Methods to Minimize Excessive Testing and its Negative Impacts on the Schoolchildren of Utah," which urged the State Board of Education to study methods to minimize testing and maximize the integration of testing into an aligned curriculum.

Chairs: Rep. Bradley G. Last / Sen. Ann Millner

Staff: Allyson R. Goldstein (Policy Analyst) / Tiffany A. Stanley (Policy Analyst) / Victoria Ashby (Attorney) / Rebekah M. Bradway (Attorney) / Tracy J. Nuttall (Attorney) / Debra Hale (Legislative Assistant)

Fair Park Working Group

September 11, 2015

Fairpark Lease Agreement

Discussed the pending lease agreement between the Division of Facilities Construction and Management and the Utah State Fair Corporation. The State Fair Corporation Board would like the lease executed in order to attract and retain vendors. An objective of the working group is to make a recommendation as to whether the state should execute the lease.

Utah State Fair Corporation

Reviewed the [Utah State Fairpark Business Plan](#) with members of the Utah State Fair Corporation Board. The Utah State Fair is consistently successful, but the fairpark itself has a higher and better use during the rest of the year, when the fair is not operational. The five primary business objectives of the fairpark corporation include:

- Increased year-round fairpark activity;
- Investment for deferred fairpark improvements;
- Increased state fair revenue and attendance;
- New exhibition center; and
- New multi-use stadium.

Chairs: Rep. Mike K. McKell / Sen. Kevin T. Van Tassell

Staff: Megan L. Bolin (Policy Analyst) / Christine R. Gilbert (Attorney) / Lori Rammell (Legislative Assistant)

Federal Funds Commission

August 27, 2015

Economic Risk Model

Discussed the draft contract regarding the procurement of an economic risk analysis.

Federal Funds Risk Model Update

Received a [presentation](#) from a vendor regarding the federal funds risk model that the commission contracted with the vendor to design. The vendor gave a live demonstration of a web interface, including a demonstration of what would happen if Utah's economy experienced an economic shock due to an increase in interest rates or a stock market crash.

September 24, 2015

Economic Risk Model

Received an update on the procurement of an economic risk analysis.

Federal Funds Risk Model Update

Received a [presentation](#) from a vendor regarding the [rollout](#) and completion of the federal funds risk model that the commission contracted with the vendor to design. The vendor briefly explained the process used to create the federal funds risk model and provided background for risk scenarios that the model could be used to analyze and address. The model's [online user interface](#) was demonstrated and recommendations for the next steps were provided.

Action: Directed staff to open three committee bill files to address state budgeting of federal revenue, grant management, and other federal funds issues.

Chairs: Sen. Alvin B. Jackson / Rep. Ken Ivory

Staff: Leif G. Elder (Policy Analyst) / Shannon C. Halverson (Attorney) / Joshua M. Weber (Legislative Assistant)



Government Operations

Absentee Ballots

Action: Approved as a committee bill, draft legislation "[Absentee Ballot Amendments](#)," which changes the date by which an election officer is required to mail out absentee ballots.

Ballot Amendments

Action: Approved as a committee bill, draft legislation "[Ballot Amendments](#)," which amends provisions related to ballot format and content.

Commission on Federalism

Received a statutorily required report from the Commission on Federalism concerning activities of the commission since its last report, including:

- The curriculum on federalism; and
- A conference held by Utah Valley University concerning the principles of federalism.

Election Notices

Action: Approved as a committee bill, draft legislation "[Election Notice Amendments](#)," which provides an election officer the option of providing a statutorily required election notice either by publication in a newspaper or by mail to each registered voter in the area where the election takes place.

Free Market Protection and Privatization Board

Received a statutorily required [report](#) from the Free Market Protection and Privatization Board regarding:

- The board's activities, including updates on the board's past recommendations;
- The board's new recommendations on privatization; and
- The status of the Commercial Activities Inventory.

State Facility Energy Efficiency Fund

Action: Approved as a committee bill, draft legislation "[State Facility Energy Efficiency Fund Amendments](#)," which extends the repeal date of the State Facility Energy Efficiency Fund and establishes monitoring and reporting requirements.

Chairs: Rep. Jack R. Draxler / Sen. Margaret Dayton

Staff: Brian J. Bean (Policy Analyst) / Thomas R. Vaughn (Attorney) / Katie LeFevre (Legislative Assistant)

Health and Human Services

Medical Marijuana

Considered two proposals to amend Utah law to permit the use of marijuana or marijuana products for medical purposes. One [proposal](#) would be limited to cannabidiol, a marijuana extract. The other proposal would permit noncombustible whole-leaf use. Received public comment on the proposals.

Suicide Prevention

Received a [report](#) from the Department of Human Services on the implementation of the state's suicide prevention program.

Third-Party Medical Liability

Received an update from a legislator regarding efforts to develop a statutory response to the Utah Supreme Court's 2012 decision in [Jeffer v. West](#), which is perceived by some parties to have the potential to extend the duty of medical care providers to unidentifiable third parties and, by expanding access to patient records, increase the nuisance potential in injury cases.

Chairs: Rep. Kay L. McIlff / 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 (Legislative Assistant)

Health Reform Task Force

October 06, 2015

Medicaid Expansion

Received [reports](#) from Senate and House negotiators on UtahAccess+, a [proposal](#) developed by the Governor, and members of the Senate and the House to expand Medicaid eligibility for individuals in the [coverage gap](#). Negotiators explained UtahAccess+ [benefits](#) and [funding](#).

Received comments about UtahAccess+ from health care consumers, providers, and advocacy groups. See [here](#), [here](#), [here](#), and [here](#).

October 22, 2015

Bariatric Surgery

Received a report from the Public Employees Health Program (PEHP) on its pilot program to cover bariatric surgery for individuals who are severely obese. PEHP reported that 71 individuals have received surgeries at a total cost of \$1.2 million and that average spending per enrollee during the second and third years following surgery has not fallen below the pre-surgery average.

The Utah Chapter of the American Society for Metabolic and Bariatric Surgery urged that insurance coverage of bariatric surgery be extended to all state and municipal employees and that it be included in the state's essential health benefits package. The society also urged that the benefits of coverage be evaluated in terms of quality-adjusted life years and not simply the impact on health care costs.

Health Insurance Rates

Received a [report](#) from the Insurance Department, which stated that health insurance premiums set for the individual and small group markets in 2016 are lower than expected, but all signs point to large premium increases in the individual market in 2017.

Health Sharing Ministries

Received presentations from health sharing ministries, their representatives, and the Insurance Department, regarding draft legislation that would modify an Insurance Code provision that exempts health sharing ministries from regulation as an insurer.

Medicaid Dental Coverage

Considered a proposal to extend Medicaid dental services to persons with a disability. In Salt Lake County, services would be provided by the University of Utah School of Dentistry and funded by intergovernmental transfers from the school to the state.

Medicaid Vision Coverage

Considered a proposal to authorize the Department of Health to provide Medicaid vision care to existing Medicaid enrollees through a capitated arrangement.

Palliative Care

Received a presentation by a local insurer urging the Legislature to support policies that promote the use of palliative care and to recognize patient wishes.

Substance Abuse Treatment Fraud

Received a presentation from an insurance company's investigator alleging substantial billing fraud perpetrated by substance abuse providers. Also received presentations from providers.

*Chairs: Rep. James A. Dunnigan / Sen. Allen M. Christensen
Staff: Mark D. Andrews (Policy Analyst) / Cathy J. Dupont (Attorney) / Lori Rammell (Legislative Assistant)*

Judiciary

Death Penalty

Received comments from Nebraska state senators via telephone regarding Nebraska's experience repealing the death penalty earlier this year. The committee discussed the potential benefits and costs of the death penalty, including:

- The costs of appeals of inmates on death row;
- Whether the death penalty deters future criminal activity; and
- Estimated rate of death row inmates who have been falsely convicted.

Guardianship of Disabled Adults

Discussed draft legislation "[Disabled Adult Guardianship Amendments](#)." Committee members suggested adding a provision to allow a disabled adult to have a minimum level of assets and still qualify to waive the requirement for counsel in guardianship proceedings, so long as the persons applying for guardianship are the disabled adult's adoptive or biological parents. The committee also discussed the possibility of giving the courts latitude in determining indigency of the disabled adult for the purposes of waiving the requirement for counsel.

Sunset Review — Alternative Dispute Resolution Act

Received a [presentation](#) from committee staff on the sunset review process and the options available to the committee for addressing sunset reviews. The committee also received a presentation from the Administrative Office of the Courts regarding the [Alternative Dispute Resolution Act](#), which is due to sunset on July 1, 2016. The Administrative Office of the Courts briefed the committee on the success of the program and how it has reduced expenditures for the courts, and recommended that the committee extend the [Alternative Dispute Resolution Act](#) for 10 years.

Action: Voted to extend the sunset date for the [Alternative Dispute Resolution Act](#) for 10 years.

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

Law Enforcement and Criminal Justice

College Credit for Public Safety Officers

Discussed draft legislation, "[College Credit for Public Safety Officers](#)," which would require an institution of higher education to award credit to a person who has completed a law enforcement basic training course.

Law Enforcement Use of Force

Discussed issues relating to the use of force by law enforcement officers. Received comments from law enforcement agencies, peace officers, prosecutors, and members of the public regarding:

- Training for officers regarding the use of force, including when force is justified, how to de-escalate situations, and how to improve general interaction with the public;
- Crisis Intervention Team training that is available to law enforcement officers and the skills that this training provides to officers responding to situations where someone is experiencing a mental health crisis;
- The complaint and investigation process for instances when a member of the public believes that he or she has been a victim of excessive use of force by a law enforcement officer; and
- The collection of statewide data from law enforcement agencies regarding incidents of law enforcement use of force.

Chairs: Rep. Don L. Ipson / Sen. Todd Weiler

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

Legislative Management Committee

October 20, 2015

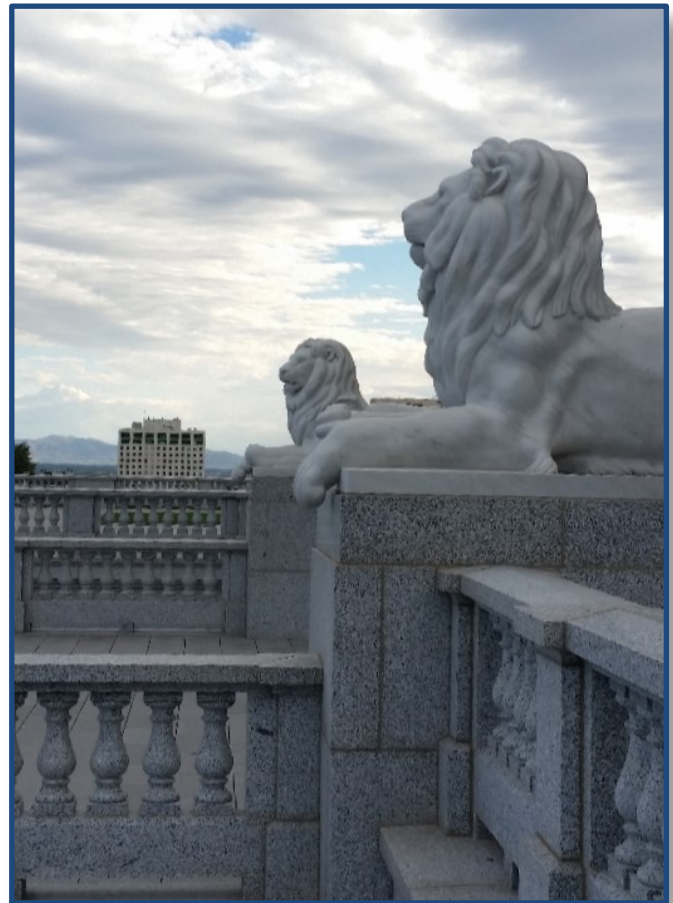
Action: Approved adding the following two institutions to the list of higher education institutions that can provide interns to the Legislature for general sessions:

- Dixie State University
- Salt Lake Community College

Action: Approved the following requests:

- Education Interim Committee request to hold one additional meeting and to hold the remaining two interim meetings an hour longer than normal;
- Revenue and Taxation Interim Committee request to have the Tax Review Commission meet to study issues related to state and local taxes on businesses.
- Health and Human Services Interim Committee request to reassign to it for sunset review the study item "Exemption for Use or Possession of Hemp Extract." This review is currently assigned to the Economic Development and Workforce Services Interim Committee.
- Social Services Appropriations Subcommittee request to meet one additional time to finish its discussion of assigned items.

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Authorized Legislative Meetings

Action: Approved adding three items to the list of "Authorized Legislative Meetings."

- Bi-annual legislative policy summit
- Bi-annual legislative site visit
- Fair Park Working Group

October 21, 2015

Designation of Legislative Interim Days

Action: Adopted a motion to designate November 19, 2015, as a legislative interim day for convening the Legislative Policy Summit authorized under J.R. 3-3.

Chairs: President Wayne L. Niederhauser / Speaker Gregory H. Hughes

Staff: Michael E. Christensen (Director) / John L. Fellows (General Counsel) / Phalin L. Flowers (Administrative Assistant)

Natural Resources, Agriculture, and Environment

Performance Audit — Projections of Utah's Water Needs

Discussed "[A Performance Audit of Projections of Utah's Water Needs](#)." Considered potential legislation encouraging universal metering of water systems and requiring conservation pricing in retail water systems. Received a [presentation](#) from Deloitte Consulting on future water risks and opportunities.

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Action: Approved a motion directing the divisions of Water Resources, Water Rights, Water Quality, and Drinking Water to review and discuss the recommendations of the May 2015 Legislative Audit, "[A Performance Audit of Projections of Utah's Water Needs](#)" and report to the committee at the first 2016 interim meeting on implementation of the audit's recommendations, including the development of an efficient and effective system of collecting accurate water use data from public water systems to better enable the agencies to forecast future needs, regulate water use, and monitor conservation goals.

Action: Approved a motion directing a group of large water conservancy districts to present a comprehensive report to the committee at the first 2016 interim meeting. The report should focus on ways to fund water system infrastructure repair, replacement, and creation costs, including ways that the districts and other water providers could create reserve funds to cover a portion of the costs.

State Agencies' Efforts to Improve Air Quality

Received a [report](#) from the State Coordinator of Resource Stewardship on the efforts of state agencies to implement practices promoting improved air quality. The coordinator reviewed the resource stewardship annual [report](#).

Utah State Parks

Received a [report](#) from the Division of Parks and Recreation on current park visitorship and division plans for future growth opportunities.

Chairs: Rep. Lee B. Perry / Sen. Scott K. Jenkins

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

Occupational and Professional Licensure Review Committee

September 04, 2015

Scope and Responsibilities of the Committee

Discussed whether the committee's scope should be broadened to include review of occupations and professions licensed under any statute other than under [Utah Code Title 58, Occupations and Professions](#).

Action: Voted to open a committee bill file to expand the scope of the committee.

Standards for Determining Unlawful or Unprofessional Conduct

Discussed the implications of the court case [Cook v. Department of Commerce](#), which addresses occupational and professional licensing issues. Also discussed [Utah Code Section 58-1-501](#), which defines unlawful and unprofessional conduct.

Statutory Duties of the Committee

Received a [presentation](#) from committee staff on the duties of the committee as outlined in the [Occupational and Professional Licensure Review Committee Act](#).

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Three Tiers of Licensing

Continued the discussion of creating three tiers of licensing.

U.S. Supreme Court Case Regarding Licensing

Received a staff briefing regarding 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 also discussed the [background](#) of select boards, commissions, and committees.

October 22, 2015

Scope and Responsibilities of the Committee

Action: Approved as a committee bill, draft legislation "[Occupational and Professional Licensure Review Committee Amendments](#)," which modifies the scope and responsibilities of the Occupational and Professional Licensure Review Committee.

Sunrise Application Document

Discussed [Utah Code Section 36-23-107](#), which provides the sunrise and sunset review criteria outlined in the [Occupational and Professional Licensure Review Committee Act](#).

Action: Approved an updated [document](#) containing the standard sunrise application to be used by applicants for a newly licensed occupation or profession.

Three Tiers of Licensing

Continued the discussion of creating three tiers of licensing.

Chairs: Rep. Brian M. Greene / Sen. Todd Weiler

Staff: Joseph T. Wade (Policy Analyst) / Peter Asplund (Attorney) / Tracey Fredman (Legislative Assistant)

Political Subdivisions

Good Landlord Program

Discussed draft legislation "[Good Landlord Program Amendments](#)," which would prohibit a municipality from requiring a landlord to deny tenancy to certain individuals and from requiring a landlord to provide certain information about a tenant.

Lateral Sewer Lines

Action: Approved as a committee bill, draft legislation "[Sewer Lateral Disclosures](#)," which requires a public owner of sanitary sewer facilities to provide a disclosure related to the liability for the repair or replacement of a sewer lateral.

Political Subdivisions Ethics Review Commission

Received a statutorily required annual [report](#) from the Political Subdivisions Ethics Review Commission summarizing each complaint filed with the commission and its outcome, and providing the commission's budget and expenditures.

Subdivision Base Parcel Tax Amendments

Received an update from a legislator regarding draft legislation that would provide a procedure by which a

(Continued next page)

property owner of a subdivided lot may redeem the owner's lot by paying a portion of the underlying parcel's delinquent taxes.

Subdivision Bonding

Received an update from a legislator regarding construction performance bonds required of developers by local entities. The legislator determined that there is insufficient support to study the item further.

Action: *Voted to conclude that there is insufficient support to study this subdivision bonding issue further.*

Transfer of Development Rights

Received an update 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. The legislator determined that a joint program municipality-county transfer of development rights could exist under current statute and there is no need for the Legislature to address this issue.

Action: *Voted to conclude that this issue does not need to be addressed by the Legislature.*

Chairs: Rep. R. Curt Webb / Sen. Daniel W. Thatcher

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

Prison Development Commission

September 08, 2015

Commission Responsibilities

Reviewed [commission responsibilities](#) as outlined in [statute](#).

Project Delivery Method

Discussed project delivery methods for the construction of new prison facilities. Received a [comparison](#) from the Division of Facilities Construction and Management regarding the risks associated with different project delivery methods.

Chairs: Rep. Brad R. Wilson / Sen. Jerry W. Stevenson

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

Public Utilities and Technology

Environmental Protection Agency (EPA) Proposed Rule 111 (d)

Received an update from the Governor's Office of Energy Development regarding the EPA proposed rule 111(d), which requires all states to submit a carbon reduction implementation plan to the EPA by June of 2016. Utah's plan must reduce its mass carbon in the atmosphere 21% by 2030. The rule 111(d) directs the EPA to consider the cost to the state of achieving the emission reduction.

Power Purchase Agreements

Received a presentation from a legislator and Vivint Solar about amending Utah law to allow power purchase agreements. The agreements would provide a contractual option instead of a lease process for allowing both residential and commercial customers to choose the type of electric power they consume.

Single Sign-On Business Database

Received a presentation from a legislator about the creation of a task force to study the development of a secure, single sign-on database that businesses could use in accessing state and local agency databases involved in business regulatory practices.

Utah Communications Agency

Received presentations from the Utah Communication Authority and DeltaWRX about replacing the existing obsolete 800 MHz public safety communication system that was built for the 2002 Winter Olympics. The Program 25 nationwide communication system is being proposed to replace the 800 MHz system. The Utah Communication Authority is currently developing a Request for Proposals (RFP) that provides a "One-Solution" program for future statewide public safety networks. It is anticipated that the RFP will be released in November or December 2015 for vendor bidding.

Chairs: Rep. Ken Ivory / Sen. David P. Hinkins

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



Retirement and Independent Entities

September 09, 2015

Domestic Relations and Utah Retirement Shares

Received a presentation from a legislator on draft legislation that would provide that if a member of the Utah Retirement Systems (URS) dies before retiring, a former spouse may receive a death benefit if a domestic relations order is on file with the URS Office.

Action: *Approved as a committee bill, draft legislation "[Domestic Relations Retirement Shares](#)."*

Proposals from Utah Independent Entities

Received prioritized [proposals](#) for legislation from the URS.

Retirement Contribution Rates and Actuarial Calculations

Received a [presentation](#) from the URS and from the URS's consulting actuaries on contribution rates, postretirement employment issues, and fiscal assessment of Tier II retirement systems. Contribution rates (see [here](#), [here](#), and [here](#)) are the percentage of each employee's salary that participating employers must pay to the Utah State Retirement Investment Fund 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 URS Board. The actuaries estimate that the postretirement restrictions enacted in 2010 will result in \$395 million in savings over the next 10 years.

Utah Retirement Systems Amendments

Received an explanation from the URS of draft legislation "[Retirement Systems Amendments](#)" regarding the URS recommendation of changes in statute to address issues identified in the previous year and to make technical and administrative changes to keep the [Utah State Retirement and Insurance Benefit Act](#) updated.

Utah Retirement Systems Benefit Claims

Received proposals for legislation from the URS related to what limitations, including statutes of limitation, apply to benefit claims. The URS administers retirement, disability, and health benefits. Occasionally errors are discovered and claim disputes arise. The URS proposed addressing statutory time limits for employer's and employee's benefit claims, in order to resolve potential disputes in a timely manner.

*Chairs: Rep. Kraig Powell / Sen. Todd Weiler
Staff: Benjamin N. Christensen (Policy Analyst) / Peter Asplund (Attorney) / Shannon C. Halverson (Attorney) / Katie LeFevre (Legislative Assistant)*

Revenue and Taxation

Concurrent Resolution in Support of Sales and Use Tax Transactional Equity

Action: *Approved as a committee bill, draft legislation "[Concurrent Resolution in Support of Sales and Use Tax Transactional Equity](#)," which urges the United States*

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Congress to pass the Remote Transactions Parity Act, [H.R. 2775](#), for the collection and remittance of state and local sales and use taxes by both in-state and remote sellers.

Corporate Franchise and Income Tax

Received presentations from [committee staff](#) and [Legislative Fiscal Analyst staff](#) regarding components of the corporate franchise and income tax and the potential economic benefits of lowering the tax rate or repealing the tax.

Severance Tax for Oil and Gas

Received a presentation from a legislator and the Utah Petroleum Association regarding the need for a statutory change to the calculation of the severance tax on oil and natural gas.

Action: *Approved as a committee bill, draft legislation "[Revenue and Taxation Amendments](#)," which clarifies the formula for calculating the oil and gas severance tax.*

Tax Commission Data Match Process

Action: *Approved as a committee bill, draft legislation "[Tax Commission Levy Process](#)," which enacts a State Tax Commission levy process using a depository institution data match system to collect certain amounts owed by a delinquent taxpayer.*

*Chairs: Rep. Daniel McCay / Sen. Deidre M. Henderson
Staff: Bryant R. Howe (Deputy Director) / Leif G. Elder (Policy Analyst) / Andrea Valenti Arthur (Attorney) / Bree Frehner (Legislative Assistant)*

Senate Judicial Confirmation Committee

September 09, 2015

Confirmation of Ms. Heather Brereton

Recommended to the Senate the confirmation of Ms. Heather Brereton as a judge to the Third District Court.

The Senate met in extraordinary session on September 16, 2015, and confirmed the appointment of Ms. Brereton.

*Chair: Sen. Scott K. Jenkins
Staff: Benjamin N. Christensen (Policy Analyst) / Susan Creager Allred (Attorney) / Lucy W. Daynes (Legislative Assistant)*

State Water Development Commission

October 20, 2015

2015 General Session S.B. 126 "Water Amendments"

Discussed 2015 General Session [S.B. 126](#) "Water Amendments," which would modify the duties of the state engineer in regard to evaluating an application to appropriate water or an application to change the use of water.

Environmental Protection Agency Clean Water Act Rule

Received an update from the Utah Farm Bureau Federation on federal agency actions related to water rights and the federation's efforts to protect those rights in Utah. The

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commission discussed the proposed U.S. Forest Service Groundwater Resources Management Directive and the Environmental Protection Agency's redefinition of waters of the United States under the Clean Water Act.

Review of Water Quality Provisions

Discussed whether, in addition to review by the Water Quality Board, a peer review process should be established for scientifically established water quality standards, regulations, and requirements.

Protected Purchaser Amendments

Action: Approved as a committee bill, draft legislation "[Water Law - Protected Purchaser Amendments](#)," which modifies the definition of a protected purchaser.

Chairs: Rep. Keith Grover / Sen. Margaret Dayton

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

Subcommittee on Oversight

Approval of Legislative Budgets

Action: Approved the budget requests for the Office of Legislative Research and General Counsel, the Office of the Legislative Fiscal Analyst, and the Office of the Legislative Auditor General and voted to recommend that the House speaker and Senate president certify to the governor the budget request for the Utah State Legislature for fiscal year 2016-2017.

Chairs: Speaker Gregory H. Hughes / President Wayne L. Niederhauser

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

Transportation

State Highway System Annual Report

Received an annual statutorily required report from the Utah Department of Transportation regarding [changes](#) to the state highway system.

Action: Directed committee staff to open a committee bill file to address highway transfer-related issues.

Annual Reports Review

Continued discussion from the June meeting regarding the annual reports agencies are statutorily required to provide to the committee. Determined which reports have fulfilled their original purpose and should be considered for repeal.

Action: Approved as a committee bill, draft legislation "[Transportation Interim Committee Reports Amendments](#)," which repeals certain reporting requirements and modifies certain reporting requirements that the Department of Transportation and the Transportation Commission are required to make to the committee.

Cancellation of Auto Insurance Coverage

Received a presentation from a legislator regarding draft

legislation "[Cancellation of Auto Insurance Coverage](#)," which addresses automatic charges for, or reinstatement of, cancelled auto insurance policies.

DUI Statutory Report

Received the statutorily required annual [report](#) ([addendum](#)) from the Commission on Criminal and Juvenile Justice on driving under the influence (DUI). The report included:

- The data collected by the courts that is necessary to allow for sentencing and enhancement decisions to be made;
- Dispositions by the justice courts; and
- Any measures for which data is available to evaluate the profile and the impacts of DUI recidivism.

The report also focused on calendar year 2014 DUI- and alcohol-related fatalities, which have increased significantly over previous years.

Electronic Driver Licenses

Discussed with a legislator his intention to introduce legislation in the 2016 General Session that would address electronic driver licenses in Utah.

Unconventional Vehicles

Continued discussion from the August committee meeting regarding proposed [legislation](#) to regulate unconventional vehicles.

Chairs: Rep. Johnny Anderson / Sen. Alvin B. Jackson

Staff: Art L. Hunsaker (Policy Analyst) / Kurt P. Gasser (Attorney) / Shannon C. Halverson (Attorney) / Joshua M. Weber (Legislative Assistant)

Utah Tax Review Commission

August 27, 2015

Earmarking of the State Sales and Use Tax

Received a presentation from the Governor's Office of Management and Budget regarding sales and use tax earmarks. Received a presentation from the Division of Water Quality and the Division of Drinking Water regarding their uses of revenue from sales and use tax earmarks for water infrastructure projects such as waste water treatment, water pollution prevention, and drinking water treatment.

Action: Adopted a motion recommending the following actions regarding sales and use tax earmarks within the Department of Environmental Quality:

- a) That the Executive Appropriations Committee direct the appropriate appropriations subcommittee to conduct an in-depth review of the programs funded by these earmarks before the 2016 General Session;
- b) That the earmarks be reviewed by the Executive Appropriations Committee every other year; and
- c) That the earmarks be included within [Title 63I, Chapter 1, Legislative Oversight and Sunset Act](#), with a five-year review period.



September 24, 2015

Department of Natural Resources — Tax Earmarks

Received a presentation from the Department of Natural Resources regarding the uses of revenue by that department from earmarks of the state sales and use tax for various water development projects, including water rights adjudication and administration, watershed rehabilitation or restoration, cloud seeding, and species protection.

Directed staff to draft a set of criteria with input from Tax Review Commission members that could be used by the commission to evaluate whether a sales and use tax earmark should be repealed, continued, or modified.

October 22, 2015

Earmarking of the State Sales and Use Tax

Reviewed proposed criteria that decision makers could use when evaluating earmarks to the state sales and use tax and discussed possible recommendations to the Legislature regarding its review of existing and enactment of new sales and use tax earmarks.

Chair: Mr. Curtis Trader

Staff: Bryant R. Howe (Deputy Director) / Leif G. Elder (Policy Analyst) / Andrea Valenti Arthur (Attorney) / Bree Frehner (Legislative Assistant)

Veterans' and Military Affairs Commission

August 26, 2015

Definition of Veterans — Impact Study

Received a report from the Utah Department of Veterans and Military Affairs about the impact of the 2015 change in the definition of a veteran within sections of the Utah Code involving employment, education, and veteran preferences and benefits.

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Military Retirement Pay and State Income Taxes

Received a report from the Utah Department of Veterans and Military Affairs about how military retirement pay for the purpose of state income taxes is treated in the 50 states. The department noted that Utah does not provide any income tax deduction for military retirement pay and addressed the cost if certain deductions for military retirement pay were adopted.

September 18, 2015

Personalized Veteran License Plates

Received a report from the Utah State Tax Commission about the type of language permissible on license plates under state and federal laws and court rulings. The U.S. Supreme Court has ruled that all language, including personalized license plates, is state speech. Discussion included amending the Utah Code to authorize the Utah Department of Veterans and Military Affairs to serve as a clearing house for personalized veterans' license plates as approved by the Legislature.

Action: *Voted to direct staff to prepare legislation authorizing the Utah Department of Veterans and Military Affairs to serve as a clearing house for the Utah State Tax Commission in the development and preparation of personalized license plates for veterans.*

Fort Douglas Military Museum and Womens' Military Memorial

Received a report from the Fort Douglas Military Museum and Womens' Military Memorial about the information and programs provided to the public regarding the United States military. The director noted that most of the improvements and new programs of the museum and memorial were paid for by private sector donors and amounted to over \$500,000. However, the director explained that an issue remains regarding the transfer of unused Army land to the

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museum for use as parking. The museum's parking area is currently large enough for about 25 vehicles and is adjacent to the museum.

Action: Directed staff to draft a resolution as a commission bill that would encourage Utah's congressional delegation to work with the Army for the purpose of transferring the unused land to the museum.

Military Retirement Pay and State Income Taxes

Received a report from commission staff about how other states treat military retirement pay for state income tax purposes. A 50 state survey revealed 18 unique state income tax programs for military retirement pay. Additional information was provided about the fiscal note for tax credits in the amount of \$250, \$500, or \$1000 for the 32,035 retired military service members living in Utah.

Personalized Veterans' License Plates

Received a presentation from commission staff about the process for providing personalized veterans' license plates and for recommending policy on which of the hundreds of Department of Defense awards could be requested for placement on a license plate. Discussion followed, including consideration of a policy that would limit the awards on license plates to those that are valor-based. A workgroup was appointed to study the issue and make a recommendation at the next commission meeting.

Suicide Prevention

Received reports from the University of Utah, Veterans Administration, and Utah National Guard about new suicide

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prevention programs that include in-service, couples, and rural location services. In addition, the Utah National Guard has instituted Master Resiliency Training and Peer-to-Peer Support training programs for the purpose of early recognition of suicide indicators and early intervention. Nationwide, 22 veterans a day commit suicide.

Veterans Courts

Received a report from the Administrative Office of the Courts about the creation and success of veterans courts following the enactment of 2015 General Session [S.B. 214](#), "Veterans Court." The report highlighted successes and lessons learned in the implementation of court-based intervention programs and increasing efforts to connect with federal government based programs for treating veterans in the criminal justice system.

Workforce Services Job Listing Amendments

Discussed draft legislation that requires school districts to notify the Utah Department of Workforce Services when posting employment openings. Received information on the success of previous legislation that was adopted by the commission, which requires the state and its political subdivisions to report their employment openings to the department.

Action: Approved as a committee bill, draft legislation "[Workforce Services Job Listing Amendments](#)."

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

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

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Next Interim Day — [November 18, 2015](#)



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