



INTERIM HIGHLIGHTS

Office of Legislative Research and General Counsel
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LEGISLATIVE INTERIM MEETINGS

Meetings were held November 16, 2016, or as noted.

IN THIS ISSUE:

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Administrative Rules Review Committee

November 02, 2016

Rulemaking Exemptions Regarding Education Institutions

Discussed amending the [Utah Administrative Rulemaking Act](#) to remove the statutory exemption for state education institutions. The State Board of Regents suggested that a viable means to review policies of institutions of higher education can be implemented.

Ordinances in Violation of State Law

Discussed whether the Legislature should have oversight of local government ordinances that appear to be in violation of state law.

Rulemaking Note

Discussed a proposal to include a rulemaking note with proposed legislation. The note would indicate whether the bill requires or authorizes a state agency to make a new administrative rule or modify an existing rule.

Action: Voted to send a letter to the Legislative Process Committee and to the House Rules and Senate Rules Committees urging them to consider including a rulemaking note in the bill drafting process.

Rulewriting Training

Received a [presentation](#) from the Office of Administrative Rules about the scope of rulemaking training that the office provides quarterly to state agencies. Training topics include:

- Explanation of administrative rulemaking and administrative rules;
- Phases of the rulemaking process;
- Rulemaking resources; and
- How to write rules.

Discussed creating a notice system regarding proposed rules that affect subject areas for which users want to be notified, similar to the online legislative process for bills. The Office of Administrative Rules will assess creating an electronic notification system.

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November 17, 2016

Public Access of Administrative Action Amendments

The sponsor of 2016 General Session [H.B. 118](#), "Public Access of Administrative Action Amendments," stated that new administrative rulemaking by the Division of Securities is needed to implement some provisions of the bill, but this rulemaking has not occurred. The committee and the Department of Commerce discussed ways, through administrative rulemaking or other means, to resolve some of the issues the bill was intended to address.

Chairs: Rep. Curtis Oda / Sen. Howard A. Stephenson

Staff: Art L. Hunsaker (Policy Analyst) / Adam J. Sweet (Policy Analyst) / Christine R. Gilbert (Attorney) / Kurt P. Gasser (Attorney) / Tracey Fredman (Legislative Assistant)

Business and Labor

Conclusions on Assigned Study Items

Action: Approved a [document](#) that summarizes the committee's conclusions regarding study items that were assigned to the committee by the Legislative Management Committee.

Consumer Protection Revisions

Action: Approved as a committee bill, draft legislation "[Consumer Protection Revisions](#)," which would modify statutes administered by the Division of Consumer Protection.

Division of Emergency Management

Received an update from the Division of Emergency Management (DEM) regarding 2016 General Session [S.B. 57](#), "Public Safety Emergency Management Amendments," which:

- Authorized the DEM to conduct a feasibility study regarding establishing a contract with the United States Postal Service to assist with emergency response services during a declared disaster; and
- Required the DEM to provide a [report](#).

The study concluded that federal law does not provide a mechanism that allows an agreement of services to be established directly between a federal agency and a state government.

Financial Institutions

Action: Approved as a committee bill, draft legislation "[Department of Financial Institutions Related Amendments](#)," which would amend provisions related to financial institutions that are under the jurisdiction of the department.

Health Reform Task Force

Received a [report](#) from the Health Reform Task Force that was reauthorized by 2016 General Session [H.B. 36](#), "Insurance Revisions."

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Insurance Related Modifications

Action: Approved as a committee bill, draft legislation "[Insurance Related Modifications](#)," which would modify provisions related to insurance.

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)

Child Welfare Legislative Oversight Panel

November 09, 2016

2016 Legislative Overview

Received a [briefing](#) from committee staff on child welfare legislation that passed during the 2016 General Session. Also received an [outline](#) of child welfare bills that did not pass during the 2016 General Session.

Automobile Insurance for Foster Children

Discussed with the Division of Child and Family Services the following approaches to providing automobile insurance for foster children:

- Create a pool of money to pay for high-risk accidents;
- Fund the monthly premiums; and
- Provide immunity for foster parents and the state.

The Division of Risk Management provided a [letter](#) and [survey](#) of other states' practices that indicate no state risk management offices provides coverage, administers any funds, or adjusts any claims for a fund set up by a legislature.

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Child Welfare Auditing

Action: Approved draft legislation "[Child Welfare Auditing Amendments](#)," which would eliminate the requirement that the Legislative Auditor General audit a sample of child welfare referrals and cases handled by the Division of Child and Family Services every three years. The audit would be conducted subject to the priorities established by the Legislative Audit Subcommittee.

Coordination of Services for Delinquent Youths

Received a [presentation](#) from the Division of Juvenile Justice Services regarding the coordination of medical services and prescriptions for delinquent youths in the division's care, including information on:

- The number of youths served in division programs;
- Health care services provided in state-operated residential facilities;
- Health care services provided in contracted, residential, and community-based programs;
- Nonresidential early intervention programs; and
- Health care costs.

Long-Term Planning—Juvenile Court

Watched a [video](#) about multiagency involvement in juvenile court and received a presentation from the Juvenile Court regarding the following:

- 30,641 referrals that were received in FY2016;
- An initiative to implement court eFiling on existing cases and to implement a new case creation module;
- An initiative to implement Pew Juvenile Justice Review recommendations; and
- The Court Improvement Program Grant.

The Administrative Office of the Courts proposed that the Indigent Defense Commission be amended to include two additional members with experience in child welfare and delinquency matters.

Long-Term Planning—Office of Guardian ad Litem and Utah Court Appointed Special Advocates for Children

Received an annual [report](#) and [presentation](#) from the Office of Guardian ad Litem and the Utah Court Appointed Special Advocates for Children regarding the following long-term goals:

- Provide effective advocacy and improved outcomes for abused, neglected, and abandoned children;
- Advocate for permanency for children;
- Improve children's experience by facilitating trauma-informed court hearings and meaningful communication with the judge; and
- Increase the number of volunteer Utah Court Appointed Special Advocates for Children.

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Long-Term Planning—Parental Defense Alliance

Received a [presentation](#) from the Parental Defense Alliance of Utah regarding the following items:

- Production of the previewed parent video with Utah's Court Improvement Program;
- Changes to the Parental Defense Alliance board of directors and resources available to board members; and
- Concerns about the loss of funding and the need for additional support from the Legislature.

Long-Term Planning—Division of Child and Family Services

Received a presentation from the Division of Child and Family Services regarding the following five priorities for the coming year:

- Integrate the HomeWorks assessment tool in the division's remaining three regions and work closely with mental health agencies to meet the needs of families;
- Focus on employees by providing support and counseling with the intent to increase employment longevity;
- Reduce the number of foster children in congregate care;
- Focus on how to be prepared to address clients who are suicidal; and
- Implement the psychotropic medication pilot program.

*Chairs: Rep. Earl D. Tanner / Sen. Allen M. Christensen
Staff: Adam J. Sweet (Policy Analyst) / Lee A. Killian (Attorney) /
Lori Rammell (Legislative Assistant)*

Economic Development and Workforce Services

Affordable Housing

Received a presentation from a legislator, the Department of Workforce Services, the Division of Housing and Community Development, and the Utah Housing Corporation on draft legislation "[Affordable Housing Amendments](#)," which was developed by the Affordable Housing Task Force. The draft legislation would:

- Create the Economic Revitalization and Investment Fund to give developers an incentive to create affordable housing units for individuals earning less than 30% of an area's median income;
- Expand the Utah Low-Income Housing Tax Credit program, including allowing the credit to be divided and assigned to multiple investors in a project;
- Provide an appropriation to develop a pilot program that would reimburse landlords for property damages as an incentive for landlords to rent to individuals who have historically been difficult to house; and
- Provide an appropriation to fund transit-oriented developments.

Action: Approved as a committee bill, draft legislation "[Affordable Housing Amendments](#)."

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Audit—Economic Development Corporation of Utah

Received a presentation from the Office of the Legislative Auditor General on its recent [performance audit](#) of the Economic Development Corporation of Utah. The audit identified issues related to the corporation's:

- Business purchases;
- Gift giving;
- Financial policies; and
- Compliance with federal reporting requirements.

The committee also received a [response](#) from the Economic Development Corporation of Utah, which noted that it has implemented or is in the process of implementing the recommendations contained in the audit and has independently implemented additional corrective measures.

Sunset Review—Employment Security Act

Received a presentation from the Department of Workforce Services outlining draft legislation "[Employment Security Act Sunset Extension](#)," which would extend the sunset date on a provision in the [Employment Security Act](#) that gives the Department of Workforce Services authority to provide certain information to the Wage and Hour Division of the United States Department of Labor.

Action: *Approved as a committee bill, draft legislation "[Employment Security Act Sunset Extension](#)."*

Targeted Business Tax Credit

Received a presentation from the Governor's Office of Economic Development outlining "[Targeted Business Tax Credit Amendments](#)," which would:

- Modify the targeted business tax credit to increase the number of small communities whose businesses are eligible for the credit;
- Centralize the application process in the Governor's Office of Economic Development to remove potential conflicts of interest; and
- Increase reporting requirements.

Tax Incentive Review

Received a presentation from the Office of the Legislative Fiscal Analyst that outlines its review of state tax exemptions and credits and demonstrates an new interactive [tool](#) the office has developed that illustrates the size, scope, and evaluation metrics of those exemptions and credits. The presentation also highlighted recommendations to improve the evaluation of state tax exemptions and credits through better data collection and well-defined goals and metrics.

The committee also received a presentation from the Governor's Office of Economic Development highlighting a model other states have used to define goals and metrics for tax exemptions and credits.

*Chairs: Rep. Rebecca P. Edwards / Sen. Brian E. Shiozawa
Staff: Ryan M. Hunter (Policy Analyst) / Peter Asplund (Attorney) /
Debra Hale (Legislative Assistant)*

Education

15-Year Review and 10-Year Plan

Received a statutorily required [report](#) from the [State Board of Education](#) and the [Utah Education Policy Center](#) that includes:

- A summary of the policies, programs, and performance history of the state's public education system over the past 15 years; and
- A 10-year plan that includes goals and strategic performance initiatives.

Assessment and Accountability

Received a report from the State Board of Education regarding studies and feedback that the board has received regarding a framework for assessment and accountability beginning in the 2017-18 school year. The State Board of Education has also received feedback on the accountability indicators that are under consideration.

Competency-Based Education

Action: *Amended and approved as a committee bill, draft legislation "[Competency-Based Education Funding](#)," which would reimburse an eligible local education agency for a student who graduates early.*

Minimum School Program Amendments

Action: *Approved as a committee bill, draft legislation "[Minimum School Program Amendments](#)," which would amend the methodology of funding tuition for a student who by necessity attends school in another state.*

Special Education Amendments

Received an [overview](#) from committee staff regarding three bills proposed for the 2017 General Session that would address:

- Communication between schools and parents regarding special education;
- Distribution of reimbursements to the school board for services rendered to a student with an autism spectrum disorder; and
- Communication between private schools and school districts regarding enrolled students who may qualify for special education services.

Student Leadership Evaluation Report

Received a [report](#) from the State Board of Education and the [Utah Education Policy Center](#) regarding a detailed analysis of survey responses provided by the schools that received Student Leadership Skills Grant pilot funding.

*Chairs: Rep. Bradley G. Last / Sen. Ann Millner
Staff: Allyson R. Goldstein (Policy Analyst) / Nathan W. Brady (Policy Analyst) / Rebekah M. Bradway (Attorney) / Victoria Ashby (Attorney) / Amy L. West (Attorney) /
Debra Hale (Legislative Assistant)*

Federal Funds Commission

November 14, 2016

Extraction of Natural Resources on Federal Lands

Received a [report](#) from the Office of the Legislative Fiscal Analyst regarding the extraction of natural resources from federal land in Utah. If all extraction and nonrecreational activity on what is currently classified as federal land in Utah were to cease, in 2020 Utah employment could decline by 93,000 jobs (-5%) relative to the 2020 baseline estimate.

Federal Funds Update

Received a [presentation](#) from the Office of the Legislative Fiscal Analyst on maintaining structural balance with federal funds, including ways to:

- Strengthen the [Federal Funds Procedures Act](#);
- Improve the general budgeting process for federal funds; and
- Modify legislation fiscal notes to better reflect the impact of federal funds.

Federal Grant Management

Discussed draft legislation "[Federal Grant Management Amendments](#)," which modifies the [Federal Funds Procedures Act](#) by amending provisions relating to federal funds review and approval requirements.

Chairs: Rep. Ken Ivory / Sen. Lincoln Fillmore

Staff: Leif G. Elder (Policy Analyst) / Shannon C. Halverson (Attorney) /

Bree A. Frehner (Legislative Assistant)



Government Operations

Nomination Petitions

Action: Approved as a committee bill, draft legislation "[Nomination Petition Amendments](#)," which would:

- Establish a procedure for a person to remove his or her signature from a candidate nomination petition;
- Create penalties for intentionally misrepresenting the person or purpose for which a person is gathering signatures; and
- Require a person who gathers signatures to clearly display the name of the candidate for whom the person is gathering signatures.

Political Activities of Public Entities

Action: Approved as a committee bill, draft legislation "[Political Activities of Public Entities Amendments](#)," which would prohibit a person from using the email or social media account of a public entity for political purposes.

State Boards and Commissions

Received a [presentation](#) from a legislator explaining reasons to remove statutory party affiliation requirements from some state boards and commissions.

Action: Approved as a committee bill, draft legislation "[State Boards and Commissions Amendments](#)," which would remove the political party affiliation requirement for [29 state boards and commissions](#).

State Employee Compensation

Received a [presentation](#) from the Department of Human Resource Management regarding principles of employee compensation and how the department forms recommendations for changes to state employee compensation.

Voting Revisions

Action: Approved as a committee bill, draft legislation "[Voting Revisions](#)," which would address the purchase and certification of new voting equipment, including the creation of a matching grant program to assist counties in purchasing new voting equipment.

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

Hemp Extract Study

Received a [report](#) from the Department of Health stating that it has awarded a \$40,000 grant to the University of Utah School of Medicine to study the effects of hemp extract (cannabidiol), which was authorized by the Legislature in 2014 for use in the treatment of intractable epilepsy. The study was required by [2016 legislation](#) and is in process. Since July 2014, the department has certified 166 patients as eligible to use hemp extract.

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Intergenerational Poverty

Action: *Concluded that the issue of intergenerational poverty is significant, but that more time is needed to develop solutions and consensus.*

Medicaid Eligibility Expansion

Received a [report](#) from the Department of Health regarding the status of a request for Medicaid waivers to implement the Medicaid eligibility expansion that was approved during the 2016 General Session. The United States Department of Health and Human Services has indicated that it plans to respond to the state's request before President Obama leaves office, but that the state's request will likely need to be modified in order to be approved.

Medical Aid in Dying

Action: *Concluded that there is insufficient support to further study medical aid in dying.*

Medical Marijuana

Action: *Concluded that the issue of medical marijuana is significant, but that more time is needed to develop solutions and consensus.*

Opioid Misuse

Reviewed draft legislation "[Opioid Prescribing Regulations](#)," which would limit opioid prescriptions to a seven-day supply for certain patients and require a prescriber to check the controlled substance database for first-time opioid prescriptions.

Received reports from the [Department of Health](#) and the Division of Occupational and Professional Licensing on the implementation of bills to address opioid misuse that were passed during the 2016 General Session.

This year, the Department of Health has provided funds to 17 law enforcement agencies, six local health departments, and nine other entities for the purchase of nearly 4,000 opiate overdose rescue kits (naloxone). Additionally, over the past 16 months [Utah Naloxone](#) has distributed 4,000 free kits.

Action: *Concluded that the issue of opioid misuse and abuse is significant, but that more time is needed to develop solutions and consensus.*

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Statutorily Required Reports

Considered draft legislation "[Repeal of Health and Human Services Reports](#)," which would repeal or amend eight statutorily required reports to the Health and Human Services Interim Committee.

Action: *Approved as a committee bill, draft legislation "[Repeal of Health and Human Services Reports](#)."*

Chairs: Rep. Kay L. McIlff / Sen. Evan J. Vickers

Staff: Mark D. Andrews (Policy Analyst) / Michael E. Curtis (Attorney) / Cathy J. Dupont (Attorney) / Lee A. Killian (Attorney) / Lori Rammell (Legislative Assistant)

Health Reform Task Force

November 10, 2016

Behavioral Health Treatment Under the Justice Reinvestment Initiative

Received a [report](#) from the Utah Association of Counties regarding the impact of the [Justice Reinvestment Initiative](#) (JRI) on counties. The association reported that unless cost savings realized by the corrections system under JRI are reinvested in alternatives to incarceration, then JRI will simply shift costs and other burdens from the corrections system to county public safety and behavioral health systems.

The association also reported that \$16.4 million in additional funding is needed for counties to meet the mental health and substance use treatment needs of the JRI population.

Affordable Care Act Risk Corridors Program

Considered a [proposal](#) to encourage the federal government to fully fund the Affordable Care Act's risk corridors program.

Chairs: Rep. James A. Dunnigan / Sen. Allen M. Christensen

Staff: Mark D. Andrews (Policy Analyst) / Cathy J. Dupont (Attorney) / Lori Rammell (Legislative Assistant)

Judiciary

Civil Asset Forfeiture Amendments

Received draft legislation "[Civil Asset Forfeiture Reform Amendments](#)," which would modify civil asset forfeiture procedure, including requiring a direct nexus of the property to specific alleged criminal activity in order for the property to be forfeited.

Action: *Approved as a committee bill, draft legislation "[Civil Asset Forfeiture Reform Amendments](#)."*

Court Fines and Restitution Collection

Received a [presentation](#) on the collection of restitution under court order from individuals convicted of crimes. Discussed policy options to improve collection rates for restitution.

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November 16, 2016

Surcharge on Fines

Received a staff [presentation](#) on the 35/90 surcharge on criminal fines. The committee was also briefed on total surcharge amounts collected and discussed reasons why the surcharge amounts have fluctuated in recent years.

Uniform Law Legislation

Action: Approved as committee bills, draft legislation:

- "[Uniform Fiduciary Access to Digital Assets Act](#)," which would address access to digital assets when a person is incapacitated;
- "[Uniform Powers of Appointment Act](#)," which would modify provisions related to powers of appointment; and
- "[Uniform Real Property Transfer on Death Act](#)," which would create a revocable instrument that allows a grantor to transfer property to another upon the grantor's death.

Utah Marriage Commission Amendments

Reviewed draft legislation "[Utah Marriage Commission Amendments](#)," which would:

- Raise the fee for marriage licenses by \$20;
- Provide a rebate of \$20 to couples who complete premarital counseling; and
- Set standards for the counseling.

Action: Approved as a committee bill, draft legislation "[Utah Marriage Commission Amendments](#)."

Chairs: Rep. LaVar Christensen / Sen. Daniel Hemmert

Staff: Gregg A. Girvan (Policy Analyst) / Esther Chelsea-McCarty (Attorney) / Lucy W. Daynes (Legislative Assistant)

Law Enforcement and Criminal Justice

November 10, 2016

Protection of Law Enforcement Officers' Personal Information

Action: Approved as a committee bill, draft legislation "[Protection of Law Enforcement Officers' Personal Information](#)," which would amend the Utah Criminal Code regarding the personal information of law enforcement officers.

Sexualized Images

Discussed the effect of sexualized images on children, particularly regarding unfiltered access at public libraries, and also the cognitive effects on youth who view pornography. The Utah Coalition Against Pornography recommended a community liaison be appointed to assist cities and counties in addressing the issue of sexualized images and also recommended the liaison be paid using matching funds from the state and communities.

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Division of Emergency Management

Received an update from the Division of Emergency Management (DEM) regarding 2016 General Session [S.B. 57](#), "Public Safety Emergency Management Amendments," which:

- Authorized the DEM to conduct a feasibility study regarding establishing a contract with the United States Postal Service to assist with emergency response services during a declared disaster; and
- Required the DEM to provide a [report](#).

The study concluded that federal law does not provide a mechanism that allows an agreement of services to be established directly between a federal agency and a state government.

Expungement Amendments

Action: Approved as a committee bill, draft legislation "[Expungement Amendments](#)," which would:

- Prevent the dissemination of information regarding pardons and expungements;
- Specify that infractions, traffic offenses, and certain other minor offenses would not affect expungement eligibility; and
- Allow the court, during sentencing in a criminal case, to take into account whether the level of the offense has been reduced since the defendant's conviction.

Implementation of the Justice Reinvestment Initiative

Received an [annual report](#) and presentation from the Commission on Criminal and Juvenile Justice regarding the [Justice Reinvestment Initiative](#). The report identified the following key strategy points:

- Reserve prison bed space for serious and violent offenders;
- Strengthen probation and parole supervision;
- Improve and expand re-entry and treatment services;
- Support local corrections systems; and
- Ensure oversight and accountability.

The report also showed that the overall prison population has continued to decrease and criminal history assessment revisions have resulted in fewer prison recommendations.

Juvenile Justice Working Group

Received a presentation from the Pew Charitable Trusts regarding key data findings of the Utah Juvenile Justice Working Group. The presentation reported on the group's charge to:

- Promote public safety and hold juvenile offenders accountable;
- Control costs; and
- Reduce recidivism and improve other outcomes for youth, families, and communities.

Also discussed issues related to low-risk and high-risk juvenile offenders and determining appropriate action and length of stay within the juvenile justice system.

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Low-Risk vs. High-Risk Sex Offenders

Received a presentation from a psychologist regarding evaluating low-risk and high-risk sex offenders and the need to provide appropriate treatment to offenders and victims. The presentation also recommended reexamining the requirements of the Sex Offender Registry.

*Chairs: Rep. Marc K. Roberts / Sen. Todd Weiler
Staff: M'kynzi E. Newbold (Policy Analyst) / Susan Creager Allred (Attorney) / Lori Rammell (Legislative Assistant)*

Native American Legislative Liaison Committee

November 14, 2016

American Indian and Alaska Native Education

Received a report from the principal, teachers, and students of Eagle View Elementary School regarding how the school has used appropriated grant money to assist with teacher retention.

American Indian and Alaska Native Education Funding

Discussed draft legislation "[American Indian and Alaska Native Education Amendments](#)," which would increase funding for education of American Indian and Alaskan Native students.

Action: Approved draft legislation, "[American Indian and Alaska Native Education Amendments](#)," which creates a four-year pilot program to provide grants to school districts and charter schools wholly within a county of the fourth or fifth class that has more than 7,000 American Indians or Alaskan Natives residing in the county. Grant money is to be used to fund stipends, recruitment, retention, and professional development of teachers in these schools.

Health Report—Native Americans

Received a [report](#) from the Department of Health regarding improvements in health care for Native Americans in Utah. The report highlighted comparisons between Native Americans and Utah's general population in various health care and health risk categories.

Navajo Trust Fund

Received a [report](#) from the state treasurer and the Department of Administrative Services regarding the current status of the Navajo Trust Fund. The committee requested additional detail on administrative expenses related to the fund and a copy of the annual statutorily required audit of the fund.

Division of Indian Affairs

Received a [report](#) from the Division of Indian Affairs regarding the division's work and activities during the past year. The division also reported on the work and activities of the Native American Remains Review Committee, which is chaired by the division director.

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Utah Basin and Navajo Revitalization Funds

Received the [2016 fiscal year report](#) from the Department of Workforce Services on the current status of the Utah Basin Revitalization Fund and the Navajo Revitalization Fund.

*Chairs: Rep. Jack R. Draxler / Sen. Kevin T. Van Tassell
Staff: Art L. Hunsaker (Policy Analyst) / Michael E. Christensen (Director) / Patricia Owen (Attorney) / Joshua M. Weber (Legislative Assistant)*

Natural Resources, Agriculture, and Environment

Commission for the Stewardship of Public Lands

Received a [report](#) from the Commission for the Stewardship of Public Lands regarding the activities of the commission in 2016.

Energy Efficient Vehicle Tax Credit

Received a [presentation](#) from a legislator regarding draft legislation "[Energy Efficient Vehicle Tax Credit Amendments](#)."

Action: Approved as a committee bill, draft legislation "[Energy Efficient Vehicle Tax Credit Amendments](#)," which would modify the corporate and individual income tax credits related to energy efficient vehicles.

Alternative Energy Class 8 Semi-Trucks

Received a report from a [private company](#) on its pending release of emission free, hydrogen fuel cell powered class 8 semi-trucks.

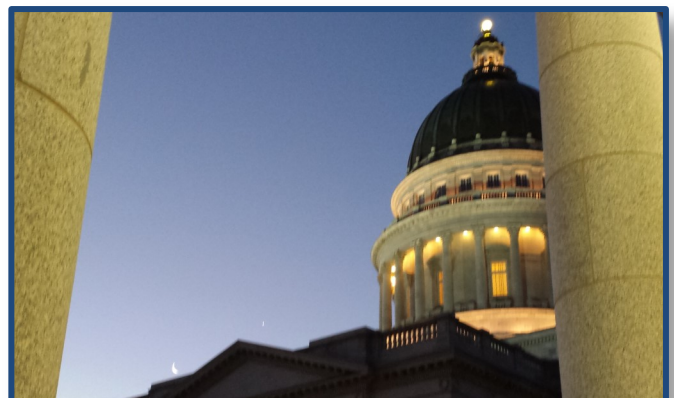
Sales Tax Exemption for Guides and Outfitters

Action: Approved as a committee bill, draft legislation "[Sales Tax Exemption for Guides and Outfitters](#)," which would provide a sales and use tax exemption for amounts paid or charged for certain purchases of hunting guide or outfitting services.

Utah Basin Air Quality Research Project

Received a [report](#) from the Utah State University Bingham Entrepreneurship and Energy Research Center on the Utah Basin wintertime ozone [air quality research project](#).

*Chairs: Rep. Lee B. Perry / Sen. Scott K. Jenkins
Staff: J Brian Allred (Policy Analyst) / RuthAnne Frost (Attorney) / Katie LeFevre (Legislative Assistant)*



Point of the Mountain Development Commission

October 28, 2016

Evaluation Committee Recommendation

Received a [presentation](#) from the evaluation committee outlining its review process for the proposals received in response to the commission's RFP. Based on this review, the evaluation committee recommended the proposal submitted by Envision Utah, which received the highest score in each evaluation round and was unanimously identified by the evaluation committee as the entity best able to assist the commission to achieve its objectives.

Action: *Approved the following actions:*

- Adopt the [justification statement](#), which explains the evaluation committee's scoring of the recommended proposal;
- Award the contract to provide consulting services to Envision Utah; and
- Authorize the commission chairs to negotiate the final terms of the consulting services agreement and execute the agreement on behalf of the commission.

Chairs: Mr. Christopher Conabee / Rep. Brad R. Wilson

Staff: Ryan M. Hunter (Policy Analyst) / Robert H. Rees (Attorney) / Peter Asplund (Attorney) / Lucy W. Daynes (Legislative Assistant)

Political Subdivisions

Common Area Land Use

Discussed draft legislation "[Common or Community Area Amendments](#)," which would address ownership and modification of a parcel designated as a common or community area on a recorded plat.

Historic Preservation Amendments

Received an update from a legislator on draft legislation "[Historic Preservation Amendments](#)," which would:

- Authorize a local legislative body to designate a historic preservation commission to make administrative decisions on land use applications related to historically significant property; and
- Provide, under certain circumstances, an automatic appeal from a decision of a historic preservation commission.

Action: *Approved as a committee bill, draft legislation "[Historic Preservation Amendments](#)."*

Limited Purpose Local Government Entities— Taxation and Fees

Received a presentation from a legislator outlining draft legislation "[Local District Revisions](#)," which would require that tax increases and budgets of local districts be approved by elected officials.

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Local District Dissolution Process

Received a presentation from a legislator on draft legislation "[Dissolution of Local Districts](#)," which would allow the controlling legislative body of a district to initiate the dissolution process for a local district under certain circumstances.

Action: *Recommended that more time be taken to develop solutions and consensus on this issue.*

Local Officer Appointments

Received an update from a legislator on draft legislation "[Local Officer Amendments](#)," which would modify provisions related to the timing of the appointment of the recorder and treasurer in certain municipalities.

Action: *Approved as a committee bill, draft legislation "[Local Officer Amendments](#)."*

Mobile Home Park Helpline

Received a report from the S. J. Quinney College of Law, which staffs the mobile home park helpline, regarding the efficacy of the helpline and the [Mobile Home Park Residency Act](#). The presenters recommended that the helpline be allowed to sunset due to the limited number of cases in which it has been able to effectively provide solutions to the concerns raised by those who call in. The report also highlighted potential enforcement mechanisms to strengthen the [Mobile Home Park Residency Act](#).

Municipal Service Amendments

Received an update from a legislator on draft legislation "[Municipal Service Amendments](#)," which would restrict a municipality's ability to provide a service that a local district already provides. The legislator indicated that stakeholders are continuing to work to find consensus on the issues addressed by the legislation.

Statewide Crisis Line

Discussed draft legislation "[Statewide Crisis Line](#)," which was opened as a committee bill and would create a commission for one year to develop a plan to coordinate mental health services statewide.

Action: *Approved as a committee bill, draft legislation "[Statewide Crisis Line](#)."*

Zoning for Substance Abuse Recovery Residences

Received a presentation from a legislator highlighting the challenges local zoning and planning officials face when balancing local concerns with federal regulations regarding substance abuse recovery facilities.

Action: *Recommended that more time be taken to develop solutions and consensus on this issue.*

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

Staff: Ryan M. Hunter (Policy Analyst) / M'kynzi E. Newbold (Policy Analyst) / Christine R. Gilbert (Attorney) / Joshua M. Weber (Legislative Assistant)

Public Utilities, Energy, and Technology

Audit—Administration of 911 Surcharges

Received an [audit report](#) from the Office of the Legislative Auditor General that addressed the structure, administration, and control of 911 surcharges. Discussed the following four [audit recommendations](#):

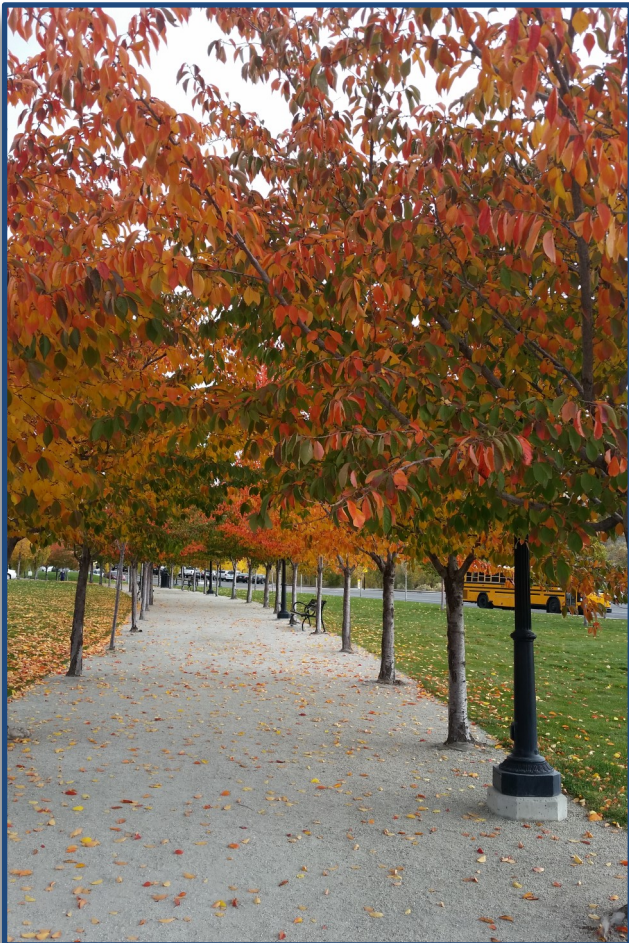
- Restructure the distribution of 911 revenues to promote efficiency and effectiveness of the 911 system;
- Consolidate some Public Safety Answering Points (PSAP) to reduce duplication of resources;
- Create minimum criteria in statute as a prerequisite for PSAP operation; and
- Provide clarification of the intended use of the two 911 restricted accounts.

Action: Directed staff to open a committee bill file to address the [issues raised and recommendations made](#) in the audit.

Data Security Breach Notifications

Received a [presentation](#) regarding data security breaches experienced by public entities and the impact on individuals whose personal information has been threatened. Discussed requiring public agencies to notify the public about a data security breach within a certain period of time and the process of notification.

(Continued next column)



Molten Salt Reactors and Medicinal Isotope Production

Received a [presentation](#) from Brigham Young University on the benefits and challenges of developing a molten salt reactor in Utah.

Single Sign-On Database

Received a [report](#) from the Department of Technology Services on an initial design and prototype of the single sign-on business database and the single sign-on web portal. The report outlined a two-year plan, including projected cost for the initial implementation phase of the project. Received a demonstration of accessing and using the single sign-on database, which is adapted to:

- Provide businesses with agency notifications and links;
- Simulate a one-stop-shop to receive information and reduce email;
- Update users' personal information for all state agencies; and
- Inform users on legislation or items that could affect their businesses, such as administrative rules.

State Technology Governance

Received draft legislation "[State Technology Governance Amendments](#)," which would eliminate divisions within the Department of Technology Services and assign those divisions' duties throughout the Department of Technology Services and to the chief information officer.

The legislation would also create the position of chief information security officer, to be appointed by the chief information officer. The chief information security officer would:

- Assess cybersecurity risks;
- Coordinate with executive branch agencies to assess the sensitivity of information; and
- Manage cybersecurity support for the department and executive branch agencies.

Telehealth Workgroup

Received a briefing from the committee's Telehealth Workgroup regarding how to promote a telehealth environment that best meets the needs of Utah patients, including: cost efficiency, reimbursement transparency, access, quality, convenience, continuity of care, and safety.

The workgroup is developing a telehealth pilot program evaluation matrix that addresses 13 factors for the following three pilot program proposals:

- Substance Abuse and Community Health Pilot Program;
- Higher Education Mental Health Pilot Program; and
- Transition of Care Pilot Program.

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

Staff: Adam J. Sweet (Policy Analyst) / Samuel C. Johnston (Attorney) / Tracey Fredman (Legislative Assistant)

Retirement and Independent Entities

November 10, 2016

Postretirement Reemployment After 60 Days

Received a [presentation](#) from the Utah Retirement Systems summarizing the current restrictions for postretirement reemployment and a review of potential amendments that have been considered.

Public Employees Health Plan

Received a [presentation](#) from the Public Employees Health Plan (PEHP) outlining the plan's structure and objectives. The presentation also summarized an emerging shift in the actuarial value of the PEHP Star Plan, highlighting several potential courses of action available to the Legislature to correct the issue.

State Employee Compensation Analysis

Received a [presentation](#) from the Department of Human Resources Management regarding the department's process for determining compensation structures for state employees.

Also received a staff [presentation](#) that provided a five-year snapshot of average salaries for state employees.

Chairs: Rep. Craig Powell / Sen. Todd Weiler

Staff: Alex R. Janak (Policy Analyst) / Peter Asplund (Attorney) / Shannon C. Halverson (Attorney) / Katie LeFevre (Legislative Assistant)

Revenue and Taxation

Assessment of Farmland

Action: Approved as a committee bill, draft legislation "[Property Tax Assessment Changes](#)," which prohibits certain land from qualifying for assessment under the [Farmland Assessment Act](#) and makes adjustments to the centrally assessed benchmark value.

Assessment of Special Purpose Properties

Action: Approved as a committee bill, draft legislation "[Property Assessment Amendments](#)," which addresses the property tax assessment of special purpose properties.

Evaluating Tax Exceptions and Inducements

Received from the Office of the Legislative Fiscal Analyst:

- A [report](#) and recommendations on evaluating the more than 170 tax exceptions and inducements in Utah law; and
- An overview of a [tool](#) that can be used to evaluate exceptions and inducements.

Action: Amended and approved as a committee bill, draft legislation "[Tax Incentive Review Amendments](#)," which:

- Addresses the sharing of tax information between the State Tax Commission and legislative staff offices; and
- Requires a study on determining revenue loss from sales and use tax exemptions.

(Continued next column)

INTERIM HIGHLIGHTS • November 2016

Motor Vehicle Business Licensing

Action: Approved as a committee bill, draft legislation "[Motor Vehicle Business Licensing Amendments](#)," which provides for the issuance of provisional licenses under the [Motor Vehicle Business Regulation Act](#).

Natural Gas Heavy Duty Vehicle—Tax Credit

Action: Approved as a committee bill, draft legislation "[Natural Gas Heavy Duty Tax Credit Amendments](#)," which amends the corporate and individual natural gas heavy duty vehicle income tax credits.

Priority Study Items

Action: Approved [conclusions](#) for committee study items that were assigned by the Legislative Management Committee.

Renewable Energy Systems—Tax Credit

Received a [presentation](#) from a legislator on the renewable energy systems income tax credit.

Action: Approved as a committee bill, draft legislation "[Income Tax Credit Modifications](#)," which phases out the individual income tax credit for certain residential renewable energy systems.

Student Prosperity Savings Program

Action: Approved as a committee bill, draft legislation "[Student Prosperity Savings Program - Tax Amendments](#)," which would create the Student Prosperity Savings Program and a related corporate deduction and individual tax credit. Money donated or appropriated to the program would be used to fund tax-advantaged college savings accounts for high school students who are economically disadvantaged.

Utah State Tax Commission

Action: Approved as a committee bill, draft legislation "[Tax Commission Amendments](#)," which authorizes the State Tax Commission to hold a meeting that is not open to the public for the purpose of providing guidance to its employees on the interpretation and application of the state tax laws following action by the commission in a public meeting or issuance of a commission or court decision.

Report—Utah Tax Review Commission

Received a [report](#) from the Utah Tax Review Commission on its studies regarding:

- Single sales factor apportionment for purposes of corporate income taxes;
- The three-year economic life requirement for the sales and use tax exemption for certain manufacturing equipment and machinery; and
- Pass-through entity withholding refunds.

Chairs: Rep. Daniel McCoy / 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

November 10, 2016

Confirmation of Mr. Anthony Howell

Recommended to the Senate the confirmation of Mr. Anthony Howell as a judge to the Fourth District Court.

During the 2016 Fourth Special Session on November 16, 2016, the Senate met and confirmed the appointment of Mr. Howell.

Confirmation of Mr. Robert Neill

Recommended to the Senate the confirmation of Mr. Robert Neill as a judge to the Second District Juvenile Court.

During the 2016 Fourth Special Session on November 16, 2016, the Senate met and confirmed the appointment of Mr. Neill.

November 14, 2016

Confirmation of Mr. Kraig Powell

Recommended to the Senate the confirmation of Mr. Kraig Powell as a judge to the Fourth District Court.

During the 2016 Fourth Special Session on November 16, 2016, the Senate met and confirmed the appointment of Mr. Powell.

Confirmation of Mr. Robert Lunnen

Recommended to the Senate the confirmation of Mr. Robert Lunnen as a judge to the Fourth District Court.

During the 2016 Fourth Special Session on November 16, 2016, the Senate met and confirmed the appointment of Mr. Lunnen.

Chairs: Sen. Scott K. Jenkins

Staff: Jerry D. Howe (Managing Policy Analyst) / Susan Creager Allred (Attorney) / Lucy W. Daynes (Legislative Assistant)



State Water Development Commission

November 15, 2016

Agriculture and Industrial Protection Areas

Action: Approved draft legislation "[Agriculture Protection Area and Industrial Protection Area Amendments](#)," which would amend provisions relating to the review of agriculture protection areas and industrial protection areas by the applicable legislative body.

Gold King Mine Spill

Received a [report](#) from the Division of Water Quality and the Utah Office of the Attorney General on the environmental impact of the 2015 Gold King Mine toxic spill into the Animas River in Colorado. The division discussed monitoring and mitigation efforts.

Public Water Suppliers

Considered draft legislation "[Public Water Supplier Amendments](#)," which would under certain circumstances allow a public water supplier to file a change application for the purpose of providing water for an instream flow.

Water Infrastructure Funding

Received a report from the Water Infrastructure Working Group regarding efforts to draft water infrastructure funding rules as required by 2016 General Session [S.B. 251](#), "Water Infrastructure Funding Amendments."

Water Law—Nonuse Applications

Received a [presentation](#) from the Division of Water Rights on draft legislation "[Water Law - Nonuse Applications](#)," which would provide that:

- An approved nonuse application is not subject to the requirement of beneficial use of water from the date of filing; and
- The time during which an approved nonuse application is in effect is not subject to and does not count toward the seven-year time limit for purposes of forfeiture.

The draft legislation would also provide that the filing or approval of a nonuse application, or a series of nonuse applications, would not:

- Constitute a beneficial use of a water right;
- Protect a water right that is already subject to forfeiture; or
- Bar a water right owner from using the water under the water right, as permitted under the water right, or claiming a forfeiture defense.

The draft legislation would also modify the procedure for instituting a forfeiture action.

Chairs: Rep. Keith Grover / Sen. Margaret Dayton

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

Transportation

Class B & C Road Funds

Received an update from the bill sponsor, the Utah Association of Counties, and the League of Cities and Towns regarding 2016 Fourth Special Session [H.B. 4002](#), "Class B and Class C Road Fund Amendments."

Department of Transportation Amendments

Action: Approved as a committee bill, draft legislation "[Department of Transportation Amendments](#)," which would modify portions of the Transportation Code based on recommendations of a recent [audit](#).

DUI Impound Fees

Action: Approved as a committee bill, draft legislation "[DUI Impound Fee Refund Amendments](#)," which would modify the time frame for submission of documents for DUI impound fee refunds.

High Priority Transportation Corridors

Received an update from the sponsor of draft legislation "[High Priority Transportation Corridors Amendments](#)," which would modify the circumstances under which a municipality or county is required to notify the Department of Transportation when the municipality or county receives a land use application that would affect land located within the boundaries of a high priority transportation corridor.

Point of the Mountain Development Commission

Received a [presentation](#) from the Point of the Mountain Development Commission regarding the commission's progress since it was created by 2016 General Session [H.B. 318](#), "Point of the Mountain Development Commission Act."

Road Classifications

Action: Approved as a committee bill, draft legislation "[Road Classification Amendments](#)," which would modify provisions related to classes of roads included in the definition of a state highway.

School Bus Inspection Revisions

Action: Approved as a committee bill, draft legislation "[School Bus Inspection Revisions](#)," which would modify the frequency of required safety inspections for school buses.

Specialized License Plates

Action: Approved as a committee bill, draft legislation "[Specialized License Plate Amendments](#)," which would allow the Motor Vehicle Division to issue a second license plate to an owner or operator of an apportioned vehicle.

State Highway Systems

Action: Approved as a committee bill, draft legislation "[State Highway System Amendments](#)," which would modify the [Designation of State Highways Act](#) by amending state highway descriptions.

Unmanned Aircraft Systems

Received an update from the Unmanned Aircraft Systems Working Group, including its progress on draft legislation.

Chairs: Rep. Johnny Anderson / Sen. Wayne A. Harper

Staff: Alex R. Janak (Policy Analyst) / Kurt P. Gasser (Attorney) / Shannon C. Halverson (Attorney) / Joshua M. Weber (Legislative Assistant)

(Continued next column)



Utah Tax Review Commission

November 10, 2016

Payment of Income Taxes by Pass-Through Entities

Discussed draft legislation "[Pass-Through Entity Amendments](#)," which would provide a process for a pass-through entity to obtain a refund of certain excess withholding.

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

October 25, 2016

Veterans' and Military Affairs Commission Amendments

Received an update of draft legislation "[Veterans' and Military Affairs Commission Amendments](#)," which would make further clarifications on commission membership.

Discussed procedures for commission members to designate individuals to serve on the commission in their stead.

(Continued next column)

Deployed Parents Custody and Parent-Time

Received a presentation on 2016 General Session [S.B. 96](#), "Uniform Deployed Parents Custody and Parent-Time Act." The commission discussed amendments to [S.B. 96](#) in order to conform with military deployment procedure.

Report—Utah National Guard

Received the annual report of the Utah National Guard on its mission, current activities, and budget. The presentation also highlighted plans to upgrade several Utah National Guard facilities.

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

Staff: Gregg A. Girvan (Policy Analyst) / Esther Chelsea-McCarty (Attorney) / Tracey Fredman (Legislative Assistant)



Fourth Special Session of the Sixty-first Legislature of the State of Utah— November 16, 2016

The Legislature passed:

- **[HB 4001 Solid Waste Amendments](#)** (C. Oda). This bill clarifies the definitions of the terms "solid waste" and "solid waste management facility."
- **[HB 4002 Class B and Class C Road Fund Amendments](#)** (J. Anderson). This bill amends the apportionment formula for funds available for use on class B and class C roads.



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For more information about legislative activities, visit the Utah State Legislature's website at: le.utah.gov

Staff: Susan Creager Allred, Nathan W. Brady, Leif G. Elder, Bree A. Frehner, and Tracey Fredman

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Draft Legislation Recommended by Legislative Committees for the 2017 General Session

Business and Labor Interim Committee

- [H.B. 37](#)—State Construction Code Amendments
- [H.B. 38](#)—Statutory Required Reports Amendments
- [H.B. 40](#)—Check Cashing and Deferred Deposit Lending Amendments
- [H.B. 41](#)—Utah Revised Business Corporation Act Modifications
- [H.B. 42](#)—Insurance Related Modifications
- [H.B. 44](#)—Department of Financial Institutions Related Amendments
- [S.B. 30](#)—Insurance Premium Tax Amendments
- [S.B. 33](#)—Consumer Protection Revisions

Child Welfare Legislative Oversight Panel

- [S.B. 32](#)—Child Welfare Auditing Amendments

Commission for the Stewardship of Public Lands

- [H.C.R. 1](#)—Concurrent Resolution on Public Lands Litigation

Economic Development and Workforce Services Interim Committee

- [H.B. 34](#)—Employment Security Act Sunset Extension
- [H.B. 36](#)—Affordable Housing Amendments

Education Interim Committee

- [H.B. 35](#)—Minimum School Program Amendments
- [S.B. 34](#)—Competency-Based Education Funding

Government Operations Interim Committee

- [H.B. 11](#)—State Boards and Commissions Amendments
- [H.B. 12](#)—Disposition of Ballots Amendments
- [H.B. 16](#)—Voting Revisions
- [H.B. 20](#)—Political Activities of Public Entities Amendments
- [H.B. 22](#)—Nomination Petition Amendments
- [H.J.R. 1](#)—Joint Rules Resolution on Redistricting Standards
- [S.B. 13](#)—Amendments to Election Law

Health and Human Services Interim Committee

- [H.B. 31](#)—Utah Health Care Workforce Financial Assistance Program Reauthorization
- [S.B. 22](#)—Utah Commission on Aging Sunset Amendments
- [S.B. 28](#)—Repeal of Health and Human Services Reports

Judiciary Interim Committee

- [H.B. 13](#)—Uniform Fiduciary Access to Digital Assets Act
- [H.B. 14](#)—Uniform Real Property Transfer on Death Act
- [H.B. 15](#)—Alimony Amendments
- [H.B. 19](#)—Civil Asset Forfeiture Reform Amendments
- [H.B. 21](#)—Uniform Powers of Appointment Act
- [S.B. 29](#)—Utah Marriage Commission Amendments

Law Enforcement and Criminal Justice Interim Committee

- [H.B. 17](#)—Offenses Against the Person Amendments
- [S.B. 12](#)—Expungement Amendments
- [S.B. 31](#)—Protection of Law Enforcement Officers' Personal Information

Native American Legislative Liaison Committee

- [H.B. 43](#)—American Indian and Alaskan Native Education Amendments

Natural Resources, Agriculture, and Environment Interim Committee

- [H.B. 29](#)—Energy Efficient Vehicle Tax Credit Amendments
- [H.B. 33](#)—Mercury Switch Removal Act Reauthorization
- [S.B. 23](#)—Sales Tax Exemption for Guides and Outfitters
- [S.B. 11](#)—Water Development Commission Amendments

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****The list of legislation recommended by legislative committees, task forces, and commissions for the 2017 General Session is current through December 19, 2016. ****

Draft Legislation Recommended by Legislative Committees for the 2017 General Session

Political Subdivisions

- [H.B. 30](#)—Historic Preservation Amendments
- [H.B. 32](#)—Assessment Area Act Amendments
- [H.B. 39](#)—Local Officer Amendments
- [S.B. 37](#)—Statewide Crisis Line

Public Utilities and Technology Interim Committee

- [S.B. 14](#)—Emergency Telephone Service Amendments

Retirement and Independent Entities Interim Committee

- [H.B. 28](#)—Public Employees Long-Term Disability Act Amendments
- [S.B. 18](#)—Firefighters' Disability Retirement Benefit Amendments
- [S.B. 19](#)—Retirement Systems Payments to Survivors Amendments
- [S.B. 20](#)—Phased Retirement Amendments
- [S.B. 21](#)—Retirement Systems Amendments

Revenue and Taxation Interim Committee

- [H.B. 18](#)—Motor Vehicle Business Licensing Amendments
- [H.B. 23](#)—Income Tax Credit Modifications
- [H.B. 24](#)—Student Prosperity Savings Program - Tax Amendments
- [H.B. 25](#)—Tax Incentive Review Amendments
- [H.B. 26](#)—Revenue and Taxation Modifications
- [H.B. 45](#)—Property Tax Assessment Changes
- [H.B. 46](#)—Pass-Through Entity Tax Amendments
- [H.B. 47](#)—Property Tax Assessment Appeal Amendments
- [S.B. 16](#)—Sales and Use Tax Exemption Changes
- [S.B. 17](#)—Tax Commission Amendments
- [S.B. 24](#)—Natural Gas Heavy Duty Tax Credit Amendments
- [S.B. 43](#)—Property Assessment Amendments

State Water Development Commission

- [S.B. 15](#)—Agriculture Protection Area and Industrial Protection Area Amendments

Transportation Interim Committee

- [S.B. 25](#)—Motor Carrier Amendments
- [S.B. 26](#)—Transportation Divisions and Structure Amendments
- [S.B. 27](#)—Motor Vehicle Accident Cost Recovery
- [S.B. 36](#)—Department of Transportation Amendments
- [S.B. 39](#)—Road Classification Amendments
- [S.B. 38](#)—Specialized License Plate Amendments
- [S.B. 40](#)—School Bus Inspection Revisions
- [S.B. 41](#)—State Highway Systems Amendments
- [S.B. 42](#)—DUI Impound Fee Refund Amendments

Veterans' and Military Affairs Commission

- [H.B. 27](#)—Interstate Compact on Military Children Amendments
- [S.B. 10](#)—Veterans' and Military Affairs Commission Amendments
- [S.B. 35](#)—Veterans Tuition Gap Program Act Amendments

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****The list of legislation recommended by legislative committees, task forces, and commissions for the 2017 General Session is current through December 19, 2016. ****