

2018 Potential Interim Study Items

By Proposed Interim Committee Assignment (OLRGC - - March 28, 2018)

Executive Appropriations

USTAR vs GOED's TCIP grant programs, USTAR vs GOED vs University tech transfer offices. Should we be making grants at all (if yes, should we restructure as non-recourse debt and/or get royalties)? Are there redundant grant programs in the state? Are there redundant startup support services in the state? Is there a higher, better use of the \$\$\$ we appropriate for USTAR? (**Hemmert**).

Business and Labor

1. Child care incentives for employers. Incentives for teachers to become skilled in providing qualify early child care and incentives for employers to offer child care facility at work (**Edwards**).
2. Study of regulation of private fireworks (**Rep. Arent requests study by Business and Labor**).
3. Retail Bag Impact Reduction Program (**Iwamoto**).
4. Study why home inspectors are not required to be licensed. They only need certifications (**Mayne**).
5. Study trust deeds statute of limitations and foreclosures and related second mortgages that have not been pursued for a significant period of time (H.B. 384) (**J. Peterson**).
6. Dram Shop Liability. Are changes needed to Utah's dram shop liability statutes? (**Thurston**).
7. The salaries in the state for those jobs and job descriptions that pay less than \$10.25 (**Hemingway**).

Economic Development and Workforce Services

Utah Strategic Growth Revolving Loan Fund (**Sagers**).

Education

1. School District Collective Bargaining Agreements. The legislature has appropriated funding to school districts to give increased salaries to specific teachers--special education, math, science, etc. This may not be necessary if local districts had freedom within their collective bargaining agreements to differentiate based on district needs and the overall market. Are districts' CBAs tying hands to offer enough incentives to attract teachers in hard-to-fill areas? Is legislative action appropriate? (**Fillmore**).
2. State Office of Education Program Consolidation (**Wilson**).

3. Teacher Retention, Recruitment and Alternative Routes to Qualification for classroom teachers. Broad representation work group to address turnover in new teachers and how to recruit from out of the field (**Hutchings**).
4. Study the reports that are required of local LEAs by the Legislature and the State Board of Education. Examples of criteria to use in reviewing the reports: Does this report give us the information we need to measure the effectiveness of the program? Is the information in this report contained in other reports? Is there a more effective and efficient way to obtain the information in the report? What is the cost of preparing this report? (**Pulsipher**).
5. Pilot program with performance based pay for public education. Everyone wants to improve the quality of the education in our schools. The concept of differentiated pay for the best teachers with the greatest impact is wonderful. However, understanding the proper measures of performance, understanding what has been successful elsewhere, and structuring and operating such a plan is challenging. Recommend studying the issue and developing a pilot program (**Robertson**).
6. Charter School Transparency for Parental Choice. Most parents who send their children to charter schools do so with information learned in conversations with neighbors or friends. When asked about the mission, charter information, teacher qualifications, or success of the school, parents often have little or no information. Questions arise about how to compare and contrast school information for all schools, and uniform website contents and formats could be helpful (H.B. 226, 2017 General Session) (**Weight**).
7. School Safety, Student and Teacher Safety. In a time of active shooters who enter schools with intent to do harm, the issues range from general gun restrictions to specific safety measures that can be taken in schools, among staff and students, and including the broader system of schools. Students are now leading the call for action, and students and teachers are the first line of reference in seeking perspective on what is needed. The issues are extremely complex and include more than preparing for only the occurrence of shooting situations. As we become increasingly aware of the social pressures and potential responses of young people, a comprehensive approach is needed and can be addressed. The Utah Safe Schools Task Force/Commission (Rep. Kennedy) and a proposed study for Universal Background Checks (Rep. Arent) are both working in the right direction. There can and must be even more to address broader and long-term issues that our youth can already note (**Weight**). **+++**
8. Senator Dabakis' amendment to the Utah Constitution, S.J.R 16, that gives the governor power over education (**Stephenson**).
9. Educator Exit Surveys. State minimum required determination of why a teacher is leaving. Districts have additional options (H.B. 289) (**Rep. Moss requests study by Education**).
10. What is the state of education choice for Utah students with special needs?
 - a. How many Utah students with IEPs or 504 plans go on to graduate from high school?
 - b. How many Utah students with IEPs or 504 plans enter some form of post-secondary education (vocational or university)?

- c. How many Utah students with IEPs or 504 plans graduate from some form of post-secondary education?
- d. What are the adult education options for adults with special needs?
- e. How many Utah students with IEPs or 504 plans go on to meaningful employment?
- f. What are the adult vocational pathway partnerships for adults with special needs?
- g. How many Utah students with IEPs or 504 plans have access to a public school teacher trained in special education?
- h. How much money does Utah currently save by allowing students with special needs to use the Carson Smith Scholarship funds versus staying their district public school?
- i. How many parents of students with special needs would prefer to spend state dollars on a range of educational services or products—including tutoring, therapies, or individual curriculum?
- j. What would be the cost-savings effect to the state of Utah, if any, of pursuing a tax-credit scholarship for special needs students?
- k. How satisfied are Utah parents with the special education their children are receiving under the Carson Smith Scholarship?
- l. How satisfied are Utah parents with the special education their children are receiving in district schools and charter schools? **(Adams)**

Government Operations

1. The costs and benefits of moving the Division of Facilities and Construction Management (DFCM) from the Department of Administrative Services (DAS) to the Governor's Office of Management and Budget (GOMB). I think that with the many large projects that they have including the prison, and the large amounts of money that they handle, it would be wise to put them closer to the governor **(Buxton)**.
2. Public Employee Performance Accountability. There have been several instances of nefarious, illegal, and poor performance from public employees. We pretend we can solve these performance problems by creating or amending policy. We need to review and reform how we hold public employees accountable for their performance. We need real consequences for public employees whose performance or actions cause significant problems. Examples include 1) USBE employees who underestimated needed funding \$25 million short of what was needed; 2) Police officer who arrested nurse for refusing to violate unconscious patient's 4th Amendment rights; and 3) JJS leadership and employees who, according to legislative audit, wasted money, and misled the legislature about needs. **(Fillmore)**.
3. Pay vs. benefits for state employees. Can we restructure government employee total compensation to allow for more pay and less benefits (see State Auditor's total compensation study demonstrating that total comp is OK but pay is low and benefits are high) **(Hemmert)**.

4. Social Media and public officials. Study how to balance the need for government transparency and the personal privacy rights of elected officials. I have documents gathered from NCSL on this topic and I am engaging the League of Cities and Towns, Libertas, and other groups to weigh in. For example, suppose 3 of 5 members of an elected council make a response in a social media post, thread, or forum. Is that a quorum? Is it a meeting subject to GRAMA? Consider that multiple individual phone calls between members are not a problem. What about multiple individual text messages? Group text messages? Is an individual's Facebook site subject to GRAMA? Under what conditions? If an official is tagged in posts, it pulls them into a conversation. If multiple officials are pulled in, at what point, if any, does the conversation need to be a public record? How to proceed with a law regarding social media that is not constrained/dependent on the whims of policy changes from Facebook, SnapChat, Instagram, etc? (**Robertson**).
5. Open-Seat Congressional Elections. To study the means by which Utah may join with other states in amending the U.S. Constitution to facilitate a regular interval for open-seat, Congressional elections (**Stephenson**).
6. Boards and Commissions. Are there any "political balance" requirements on boards or commissions that are not effective and no longer necessary? What criteria should be used in determining how to eliminate those requirements? (**Thurston**).
7. Parental leave for state employees. Some questions of budget and the impacts on "productivity" or "reduced output" remain, even after presentation of data and other evidence as the private and public sectors implement parental leave benefits. With increasing implementation, answers to these questions and concerns about the financial liability for the state will be available. Sustaining Utah as an "employer of choice" and maintaining effective government operations rely on a strong, loyal workforce (H.B.156) (**Weight**).

Health and Human Services

1. Medical prior authorization (S.B.224) (**Fillmore**).
2. Communications between pharmaceutical manufacturers and doctors related to off-label uses of medication (**Froerer**).
3. Extreme Risk Protection Orders (H.B. 483) (**Rep. Handy requests study by Health and Human Services**). +++
4. Medicaid reforms. Using the 1115 waivers, what are the most fiscally responsible reforms we could put on our Medicaid program (caps, redetermination of eligibility, retroactive eligibility). What structural changes could we make to Medicaid to help able-bodied adults transition off Medicaid (medical savings accounts, work requirements)? How can we get more control at the state level ("Oregon Waiver" prioritization, block grant) (**Hemmert**).
5. Prescription drug pricing and transparency, in reference to Thurston's Canadian drug import idea. What can we reasonably do to reduce the cost of prescription drugs in Utah? (**Hemmert**).

6. How to reduce the impact of high and rising prescription drug costs on the state budget, Utah's businesses and Utah's families. Solutions to be explored include importation from Canada, full transparency, and alternate pricing models (**Thurston**).
7. Medicaid Expansion Waiver. Over the past couple of years the Legislature considered, but did not adopt, a couple of different plans to expand Medicaid to those under the Poverty Level. The Trump administration has signaled that they are willing to consider waiver requests that contain several items that the Legislature had wanted to request that the Obama administration had previously refused to consider. These include 1) The possibility of expanding only up to 100% of the poverty level (to minimize crowd out), 2) Work Requirements (to improve the individuals long term outcome) and 3) budget caps (to reduce future fiscal uncertainty (**Ward**)).
8. Study of the State Vaccine Program (USIIS). The state maintains a vaccine database (USIIS) but it currently does not function very well. Information is routinely missing. Not all vaccine providers in the state currently submit information to the database. It isn't clear how much ongoing fiscal support is or will be needed to make sure that the database is both accurate and complete and interfaces easily with all providers that submit information. Some vaccines are duplicated unnecessarily because the provider doesn't have access to know that the vaccine was given previously. I would like to request a performance audit of USIIS and an evaluation of their short and long term needs to have the database function well (**Ward**).
9. Very high cost medications for the State Medicaid program. In recent years some new medications with very high costs (\$10,000 to hundreds of thousands of dollars per month) have come on the market. Because there are not currently less costly alternatives, our state Medicaid program is currently required to cover the cost of these medications. This is a request for Medicaid to study how much we are spending currently on these medications, make some projection regarding how much we might expect to spend in the near term, whether there are any actions Medicaid could take to reduce the cost to the state while still getting individuals what they need (**Ward**).
10. The All Claims Payor Database is close to finishing the items that the legislature has asked it to review. We should check in with them regarding what priorities the state would like to set for them when they have finished their current objectives. The following explanation was written by the Department of Health: "UDOH (Utah Health Data Committee and Office of Health Care Statistics (OHCS)) needs legislature's directions in their effective implementation of 26-33a-106.1 and 106.5. Currently the status requires UDOH to publicly report three new clinical quality measures each year. OHCS has successfully met that goal and may finish all available and reportable clinical quality measures from APCD within one or two years. Therefore to review and re-prioritization of best uses the APCD is needed." (**Rep. Ward requests study by Health and Human Services**).
11. Services for People with Disabilities Amendments (H.B. 109) (**House Health and Human Services**).
12. Child and Family Services Amendments (H.B. 418) (**House Health and Human Services**) (may fit with Child Welfare Legislative Oversight Panel).

13. Homeless Youth Safety, Resources, and Parental Responsibility. With the increased focus on homelessness come more questions and concerns for homeless youth. Some have left due to strife, rejection, or violence at home; some acknowledge running away, but others claim to have been "kicked out," due to irreconcilable differences with parents. In Utah, parents of minors are responsible for care of minor children, but there are growing complications for their involvement, including providing for youth who seem to be choosing separation from their parents. Complications and questions increase, but the concerns continue among DCFS workers and others who meet homeless youth (H.B.271, 2017 General Session) (**Weight**) (may fit with Child Welfare Legislative Oversight Panel).
14. Dental hygienist direct reimbursements and scope of practice (H.B. 460) (**Watkins**).

Health Reform Task Force (committee listed below recommended all three items be studied by the Health Reform Task Force and the Social Services Appropriations Subcommittee)

1. Division of Substance Abuse and Mental Health Amendments (H.B. 199) (**Health and Human Services**).
2. 1st Sub S.B. 172, Medicaid Waiver Amendments (**House Health and Human Services**).
3. Medicaid Waiver for Mental Health Patients (H.B. 421) (**House Health and Human Services**).

Judiciary

1. Child Custody - To study child custody (H.B. 438) (**Acton**).
2. Age for minors in state custody to get preference in placement. What is the right age for a minor, who has been removed from their home and placed for a time in foster care or with relatives, to have the majority voice in directing their own placement? (**Fillmore**).
3. Surrogacy (**Hillyard**).
4. Address the judicial process to change the legal sex/gender of an individual (S.B. 138) (**Sen. Weiler requests study by Judiciary**).
5. Study how to define or address "indecent liberties" (H.B. 77) (Request study by Judiciary) (**Weiler**).
6. To study provisions relating to child custody. (H.B. 438) (**House Judiciary**).
7. Searches and Seizures. To study amending a provision in the Utah Constitution relating to unreasonable searches and seizures. More specifically expand a provision relating to the right of the people to be secure in their persons, houses, papers, and effects against unreasonable searches and seizures, to include language indicating the right of the people also to be secure in their electronic data and communications against unreasonable searches and seizures. (H.J.R. 9) (**House Judiciary**).
8. Evaluation of Administrative Law Judges (**Stephenson**).

Law Enforcement and Criminal Justice

1. Universal background check for all gun purchases (**Arent**).
2. Sheriff's duties. Clarify what autonomy the County Sheriff has from the County Commission (**Ray**).
3. Hear a report (OK to be prepared either by staff or by someone that the chairs might designate who might be better able to present) regarding the different databases that exist that impact an individual's ability to purchase and own a firearm. The presentation should include 1) How do individuals get their names put in those databases? (criminal reasons vs mental health reasons)? 2) How do individuals get their names taken out of those databases? 3) Are there different databases involved, how well do they interact with each other, and is that interaction by hand or automatic? (**Rep. Ward requests study by Law Enforcement and Criminal Justice**).
4. Review actions the legislature could take to reduce the chance of gun violence at Utah schools. In light of the recent mass school shooting in Florida, there is appropriate attention to things we could do to reduce the chance of a similar tragedy happening here in Utah. Possible specific topics would include 1) Gun violence temporary restraining orders for those at very high risk of violence against others or themselves (suicide), 2) Raising the age for purchasing assault rifles or other semi-automatic weapons from 18 to 21, 3) Child Access prevention measures, 4) Improvement of Security at schools, 5) Improve counseling and mental health outreach available at schools, 6) Requiring more robust reporting to the NICS database, and 7) Requiring background checks for all gun purchases (**Rep. Ward requests study by Law Enforcement and Criminal Justice**). +++
5. Extreme emotional distress mitigation. Item sponsor has been working with the AG's Office and the Sentencing Commission. They are interested in fixing the loopholes in the law as well (H.B. 447) (**Rep. Romero requests study by Law Enforcement and Criminal Justice**).
6. Study of definitions and degrees of felony offenses. Propose creating a working group of prosecutors, defenders, etc., along with members of the Judiciary Interim Committee to look at this issue and make recommendations as to whether our current felony degrees and definitions are clear, consistent, and appropriate. The working group would report back periodically to the Judiciary Interim Committee (**Davis**).
7. Intoxicated possession of a dangerous weapon - There are some issues in the language of the current code that need to be addressed. 1) The law enforcement exemption, 2) the lack of clarity on the definition of carry, and 3) the constitutional right to self-defense (**Thurston**).
8. Funeral Escort Provisions (**Wheatley**).
9. Extreme Risk Restraining Order. To study creating an extreme risk protective order and a method for law enforcement to remove firearms from a person who is shown to be violent (H.B. 483) (**House Judiciary**). +++
10. Firearms. To study changes to statutes regarding concealed firearm permits, background checks, and fees (H.B. 363) (**House Judiciary**).

11. Barriers to mental health treatment for first responders. Please refer to H.B. 209 for constituent groups that should be involved (**Rep. Kwan requests study by Law Enforcement and Criminal Justice**).
12. Distracted Driver Amendments. Research other state's data regarding penalty for using handheld devices while driving. Determine safety data from other states once similar law is put into effect. Change offense to primary versus secondary (H.B. 64) (**Rep. Moss requests study by Law Enforcement**).

Natural Resources, Agriculture, and Environment

1. Motor vehicle tier exchange program. Program to incentivize motor vehicle owners to trade in high-pollutant-emitting motor vehicles for low-pollutant-emitting motor vehicles (**Fawson**).
2. Creating a Great Salt Lake Commission, similar to Utah Lake Commission (**Last**).
3. Carbon dioxide emissions, elevated levels of carbon dioxide in the atmosphere and the potential for future problems with climate change in Utah including increased average temperatures, potential effects on snow pack, water sheds, usable water, and Utah's future economy. Recommend a non-partisan science-based presentation by Professor Rob Davies from USU, followed by input from others who have expertise in this area of science (**Redd**).
4. Air quality improvements with automated and continuous emissions testing. Experts in emissions testing at Utah State University have recommended a plan for implementing an ODB II based automated testing of car emissions. Implementing such a program will 1) Improve air quality by catching failing vehicles faster than the annual inspection cycle provides and 2) save citizens the cost and time associated with annual emissions testing. The interim study will work on an implementation plan and timeline (**Robertson**).
5. Future remediation of renewable energy sites. I'm aware of several sites around the state that need remediation, but the state lacks funds to do so (**Sagers**).
6. Study various issues related to water quality, water rights, and water supply in the state, including extraterritorial jurisdiction, watershed management, forest health, and property rights, and whether amending the Constitution on the issue of municipal water rights is a prudent strategy to preserve water quality, supply, and rights (**Stratton**).
7. Report to Natural Resources, Agriculture, and Environment Interim Committee from the Forest Service on their Climate Assessment. The Intermountain Regional Office of the United States Forest Service is currently preparing a report on the current effects of Climate Change on the forests and lands in the Intermountain Region. This report is nearing completion and expected to be published in April. I would like to request that the Natural Resources Interim Committee schedule 15 minutes at their May or June meeting to hear a representative of the Forest Service give a summary of that report (**Ward**).
8. Wildland Fire Liability. To study liability following a wildland fire. (H.B. 466) (**House Judiciary**).
9. H.B. 267 Oil, Gas, and Mining Amendments (**Owens**).

Political Subdivisions

1. Boundary line agreements (S.B. 215) (**Senate Government Operations and Political Subdivisions**).
2. Trampoline Park Safety. How to improve safety for trampoline parks across the state. Provo City has adopted local standards. Should there be statewide minimum standards? Is there another way to ensure a basic level of safety? (**Thurston**).

Public Utilities, Energy, and Technology

1. Encouraging rural development of wind, solar and geothermal energy. Please delete all committee amendments (H.C.R. 9) (**Rep. Arent requests study by Public Utilities, Energy, and Technology**).
2. Utah Cities are making requests from Rocky Mountain Power to assist them with becoming 100% renewable energy municipalities. What is the role of the regulated public utility? What are the additional costs, if any, to households and businesses. How is the model developed and what is the timetable for implantation? What is the role of the legislature, the PSC? (**Rep. Handy requests study by Public Utilities, Energy, and Technology**).
3. Regionalization of Transmission Operations throughout the western grid (**Handy**).
4. Expansion of Intermittent Resources on the grid and potential impacts on reliability. What is the role of the state? (**Handy**).
5. Coal's future and Utah's position (**Handy**).
6. Role of energy and minerals in creating 8,000 new rural jobs by the end of 2020 (**Handy**).
7. Energy infrastructure development and access to markets. What is the state and the Office of Energy Development doing in this regard and what are the opportunities going forward? (**Handy**).
8. The changing fuels market, including Tier 3, EVs and other advancements (**Handy**).
9. Transmission Off Ramps in Utah. TransWest Express and other transmission line developers have committed to build off-ramps in Utah - - Status update (**Handy**).
10. Intermountain Power Agency update. What is the future? How are plans for building a natural gas power plant? What is the status of long-term contracts? Ramifications for the coal industry (**Handy**).
11. Study sending information securely to state agencies. Employee data is sent securely to the Utah State Tax Commission for clients of accountants. The data included Name, address, SSN, etc. Before the required information is sent, it is necessary to encrypt my email. It is required by law that employee name, wages, and SSN be uploaded to the Utah Department of Unemployment at the end of each calendar quarter. This data is uploaded via an Excel spreadsheet/no encryption required. In this world of hackers, we should investigate the processes used by the Unemployment Department and other state agencies should be reviewed to ensure secure transmissions and how process can be improved. How do we help practitioners, professionals, and state agencies improve the security of data and messages (**Harper**).

Revenue and Taxation

1. Net operating loss and alignment with federal tax revisions (**Eliason**).
2. Sales tax reform. Put together a list of industries, services, etc. who could reasonably collect and remit sales tax and create a proposal for a broader sales tax base coupled with a lower sales tax rate (**Hemmert**).
3. Evaluate freezing property taxes for 65 years and older. What would be the cost of such a measure? (**Kennedy**).
4. Extending H.B. 307 to also apply to centrally assessed property tax payers (**Last**).
5. Pollution control tax exemption, related to water quality equipment that would qualify for the pollution control sales and use tax exemption (**Last**).
6. Uniform Fee in Lieu of Ad Valorem Tax - Current statute inappropriately allows the "fee in lieu of property tax" to be collected multiple times per year on some vehicles. This goes against the principle of equal protection and the general principle that similar property should be taxed similarly. Interim study should find a way to eliminate the multiple taxation of motor vehicles (**Thurston**).
7. GOED efficiencies and reform, tax incentives in general (where do we stop and how should people qualify for them and how are they to be managed?). What is the role of government involvement vs. free enterprise? When the government gets too involved we tend towards socializing business. Also, how effective are the incentive programs? Do we get an ROI that we expect? How do we track the expected goals of GOED? Are there better ways of helping businesses who want to move to Utah as well as those who are here already? When do government incentives hurt those who compete against those receiving incentives? (H.B. 202) (**Christofferson**).

Retirement and Independent Entities

Transportation

1. Unmanned Air Traffic Management. Utah has the opportunity to lead the nation in the adoption of regulation to facilitate unmanned air traffic operating below 500' AGL. This airspace is underutilized and can be used for the delivery of goods, which both creates jobs and reduces traffic on congested roads. Study the implementation of NASA's proposed unmanned traffic management system in coordination with NASA, FAA, UDOT, and industry players such as UPS, Amazon, Flirty, DHL, FedEx (**Robertson**).
2. Autonomous Cars. Consider proposed legislation to advance the testing and operation of self-driving cars in Utah. (**Spendlove**).
3. Request for intent language from Transportation Interim Committee. H.B. 184 was a bill I sponsored in the 2018 session. It would have made a major reduction in the number of unneeded DMV medical forms that people are required to fill out. The DMV could make the changes envisioned in the bill but have been unwilling to act despite a year of efforts by Rep Kennedy and myself. The bill passed both committees and the house floor with not a single vote against. I would request a chance to present briefly to the interim committee and request that they vote on intent language to request the same

items that were envisioned in the bill. All of which the DMV testified in committee they were OK to implement with no fiscal note (**Ward**).

4. Railroad Walkway Standards. Further research and negotiations with stakeholders. Need for walkways and standards for their construction and maintenance, particularly in view of the upcoming expansion of commercial and UTA lines. Legislation is required for UDOT authority to establish them, but the standards may be able to be defined in UDOT rules instead of state statute (H.B. 351) (**Weight**).

Economic Development and Workforce Services

Create a comprehensive state strategy for early childhood to ensure that children are prepared to succeed academically. We have many groups providing early childhood programs, but no coordinated, comprehensive early childhood strategy (**Cutler**).

+++ Three legislators and a committee requested study of this same issue area. Sound arguments can be made that it should be approached and studied from either a mental health, gun, or a school perspective. We present this to legislative leadership for consideration and assignment.

See:

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