

Interim Highlights

May 21, 2018, Vol. 18, No. 1



In This Issue

Business and Labor

Commission on Federalism

Economic Development and Workforce Services

Education

Government Operations

Health and Human Services

Higher Education Strategic Planning Commission

Judiciary

Legislative Management Committee

Law Enforcement and Criminal Justice

Natural Resources, Agriculture, and Environment

Political Subdivisions

Public Utilities, Energy and Technology

Revenue and Taxation

Transportation

Legislative Interim Meetings

Meetings were held May 16, 2018, or as noted

Business and Labor

Interim Planning and Review of Study Items

Reviewed certain rules under which interim committees operate that were amended by 2018 General Session H.J.R. 16, "[Joint Rules Resolution -- Procedure Amendments](#)." Discussed rules affecting interim study items and opening committee bill files.

Actions: Voted to add the following items to the committee's interim study list:

- *providing complainants a right to appeal a decision issued by the Division of Antidiscrimination and Labor to a Labor Commission Administrative Law Judge or elect de novo review in district court; and*
- *the safety, inspections, and liability of amusement parks and trampoline park facilities.*

Voted to adopt the committee's interim study list as amended.

Voted to authorize the committee chairs to independently open committee bill files on any study item adopted by the committee.

Long-Term Planning

Received a request from the Labor Commission to provide complainants a right to appeal a decision issued by the Division of Antidiscrimination and Labor. The Utah Fair Housing Act

provides that a respondent (landlord or other housing provider) may choose to appeal a decision issued by the division to a Commission Administrative Law Judge or elect de novo review in district court. However, there is currently no right to appeal for the complainant.

Payroll Tax Fraud

Studied payroll tax fraud (workforce hiring, cash payments, etc.) and illegal avoidance of the payroll tax for workers' compensation. Discussed solutions to addressing payroll tax fraud and enforcement of current statutes. Received presentations from the:

- Southwest Regional Council of Carpenters;
- DAW Construction Group, LLC;
- United Brotherhood of Carpenters and Joiners of America;
- State Tax Commission;
- Criminal Investigation Division - Internal Revenue Service;
- WCF Insurance; and
- Office of the Attorney General.

Peer-to-Peer Vehicle Rentals

Discussed drivers insurance and the business model for peer-to-peer vehicle renting compared to the traditional car rental business. Heard remarks from a peer-to-peer vehicle rental provider and stakeholders.

*Chairs: Rep. James A. Dunnigan / Sen. Curtis S. Bramble
Staff: Adam J. Sweet (Policy Analyst) / Amy L. West (Attorney) / Christine R. Gilbert (Attorney) / Joshua M. Weber (Administrative Assistant)*

Commission on Federalism

May 15, 2018

Federalism Index

Discussed a [proposal](#) by Utah Valley University, Center for Constitutional Studies to:

- create a federalism index that would expand upon the federalism curriculum developed two years ago;
- coordinate a fall 2018 conference on federalism issues, primarily focused on the commerce clause; and
- finalize work with Oxford University regarding original research on the origins of American federalism.

Action: Voted to authorize the commission to enter into a contract with Utah Valley University for the proposed federalism work.

Tax Equivalency Determination

Discussed various issues regarding Payment In Lieu of Taxes (PILT) payments by the federal government, including:

- a review of a [study](#) conducted by the Advisory Commission on Inter-governmental Relations;
- a summary of issues and problems with the PILT program by congressional delegation staff; and
- a [presentation](#) by Legislative Fiscal Analyst staff regarding identifying and assessing federal lands in Utah.

Also heard from representatives of the State Tax Commission, county assessors, and the Utah State University economics division, regarding how to identify federal public land value in Utah and taxable shortcomings.

*Chairs: Rep. Ken Ivory / Sen. Lincoln Fillmore
Staff: Jerry D. Howe (Managing Policy Analyst) / Nathan W. Brady (Policy Analyst) / Robert H. Rees (Attorney) / Cassidy Hansen (Administrative Assistant)*

Economic Development and Workforce Services

2018 General Session Legislation Review

Received a [summary](#) from committee staff regarding legislation that passed during the 2018 General Session.

Department of Heritage and Arts

Received a presentation from the Department of Heritage and Arts regarding the department's top three goals for the year, which include:

- civic engagement;
- collaboration; and
- collections management.

Department of Workforce Services

Received a [presentation](#) from the Department of Workforce Services regarding the department's top three goals for the year, which include:

- aligning workforce development strategies with industry needs;



- supporting the development and implementation of the state homeless plan; and
- creating and activating the Utah Data Research Center.

Economic Development and Workforce Services Study Items

Reviewed the [list](#) of study items assigned to the committee by the Legislative Management Committee and considered additions to the list.

Actions: Voted to add the following items to the committee's list of study items:

- 2018 General Session H.B. 464, "[Affordable Housing Bond](#)";
- 2018 General Session H.B. 57, "[Utah Intergenerational Poverty Work and Self-sufficiency Tax Credit](#)"; and
- Report Number ILR 2018-A: "[A Limited Review of Three Facilities Operated by the Road Home](#)."

Voted to adopt the committee's list of study items as amended.

Voted to authorize the committee chairs to independently open committee bill files.

Governor's Office of Economic Development

Received a [presentation](#) from the Governor's Office of Economic Development regarding the office's goals for the year, which include:

- grow and support local Utah businesses;
- find creative workforce solutions;
- promote statewide economic prosperity with a focus on rural Utah; and
- track effectiveness of all programs according to comprehensive metrics.

Point of the Mountain Development Commission

Received a [report](#) and [presentation](#) from the Point of the Mountain Development Commission regarding the second phase of the commission's work.

Chairs: Rep. Rebecca P. Edwards / Sen. Jacob L. Anderegg
Staff: Julie Humberstone (Policy Analyst) / Peter Asplund (Attorney) / Joshua M. Weber (Administrative Assistant)

Education

Early Childhood Care and Learning Coordination

Heard a presentation from the Office of Child Care regarding a [study](#) related to Utah's early childhood services. The committee discussed the committee's planned work to follow-up on the results of the study.

Education Interim Committee 2018 Study Items

Discussed [proposed study items](#) for the Education Interim Committee.

***Action:** Voted to amend and approve the proposed interim study items with the addition of a study item related to the shortage of nurses in schools.*

Long-Term Planning

Discussed the objectives, purpose, and goals of the Higher Education Strategic Planning Commission. Heard a [presentation](#) from the State Board of Education regarding progress toward the

goals described in the board's strategic plan.

Recodification of the Public Education Code

Heard a [presentation](#) from committee staff regarding:

- progress made in the recodification of the [public education code](#) during the 2017 Interim and 2018 General Session; and
- plans for the continuation of the recodification during the 2018 Interim. The committee also discussed forming a working group to conduct the planned recodification work.

Teacher Retention and Recruitment

Heard a [presentation](#) from the Utah Education Policy Center regarding a [study](#) about the reasons educators stay and leave the profession.

The committee also heard a presentation from the Utah Education Association regarding trends in teacher salaries.

Chairs: Rep. Val L. Peterson / Sen. Ann Millner

Staff: Nathan W. Brady (Policy Analyst) / Allyson R. Goldstein (Policy Analyst) / Rebekah M. Bradway (Attorney) / Tracy J. Nuttall (Attorney) / Victoria Ashby (Attorney) / Brent M. Gage (Administrative Assistant)



Government Operations

Division of Facilities Construction and Management

Discussed a conceptual proposal to move the Division of Facilities and Construction Management from the Department of Administrative Services to the Governor's Office of Management and Budget in order to ensure the division has adequate authority and oversight.

Redistricting

In fulfillment of long-term planning [requirements](#), received presentations from committee staff regarding the Legislature's [redistricting process](#) and [legal principles](#) that affect redistricting.

Report from Government Records Ombudsman

Received a [statutorily](#) required [report](#) from the government records ombudsman regarding the work performed by the government records ombudsman during the previous year.

Report on State Facility Energy Efficiency Fund

Received a [statutorily](#) required [report](#) from the Division of Facilities Construction and Management on actual savings resulting from energy efficiency measures implemented using loan money from the State Facility Energy Efficiency Fund.

*Chairs: Rep. Jeremy A. Peterson / Sen. Wayne A. Harper
Staff: Brian J. Bean (Policy Analyst) / Michael E. Curtis (Attorney) / Thomas R. Vaughn (Attorney) / Tracey Fredman (Administrative Assistant)*

Health and Human Services

Opioid Misuse

Discussed options for preventing substance abuse and increasing participation in treatment programs. The Division of Substance Abuse and Mental Health reported that it is developing a system that will allow an individual in need of treatment to receive a "warm hand-off" from a physician to a treatment provider. The division also reported it has contracted with local health insurance navigators to help persons in need of treatment determine whether they are eligible for insurance coverage.

The committee also received input from the Utah Harm

Reduction Coalition and the [Salt Lake Legal Defender Association](#).

Services for Persons With a Disability

Received [reports](#) from the Department of Human Services and the Department of Health on services provided to persons with a disability. Reviewed the process for determining which of the 2,800 persons currently on a waiting list for services will receive services. Also reviewed the process used to determine whether an individual with an intellectual disability may receive services in a residential setting.

Medicaid Eligibility and Services

Received a [report](#) from the Department of Health on three applications for federal Medicaid waivers it has prepared in response to legislation passed during the 2018 General Session. Depending on the response of the federal government, Medicaid eligibility could be expanded to:

- provide dental services to adults qualifying because they are chronically homeless or in need of substance abuse services;
- provide family planning services to adults not otherwise eligible for Medicaid; or
- provide full Medicaid services to individuals who are below the federal poverty line and are not otherwise eligible for those services.

*Chairs: Sen. Lincoln Fillmore / Rep. Brad M. Daw
Staff: Mark D. Andrews (Policy Analyst) / Brent Palmer (Policy Analyst) / Daniel M. Cheung (Attorney) / Tara Harrison (Attorney) / Andrea Crabb (Legislative Assistant)*

Higher Education Strategic Planning Commission

May 14, 2018

Commission Objectives

Received a [summary](#) from commission staff regarding the statutory authority and purpose of the commission. Commission members discussed goals and issues that they would like the commission to address as it works to develop a strategic plan for higher education.

6

Utah State Legislature Interim Highlights

Process to Contract for Consulting Services

Discussed the process for contracting with a consultant to develop a higher education strategic plan, including a proposed timeline and the selection of an evaluation committee.

Actions: Voted to approve a request for proposals for consulting services and authorize its issuance, contingent upon commission staff making various revisions and technical corrections.

Voted to authorize the commission cochairs, in consultation with the commission vice chairs, to appoint an evaluation committee and to make decisions regarding any administrative or procedural issues that arise during the procurement process.

Chairs: Rep. Brad R. Wilson / Sen. Ann Millner
Staff: Allyson R. Goldstein (Policy Analyst) / Nathan W. Brady (Policy Analyst) / Sean C. Faherty (Fiscal Analyst) / Victoria Ashby (Attorney) / Rebekah M. Bradway (Attorney) / Spencer C. Pratt (Fiscal Manager) / Brent M. Gage (Administrative Assistant)

Judiciary

2018 Interim Study Topics and Process

Received a [summary](#) of 2018 General Session H.J.R. 16, "[Joint Rules Resolution -- Procedure Amendments](#)."

Actions: Voted to approved a list of study topics.

Voted to authorize committee chairs to open committee bill files on topics on the approved study list.

Attorney General Report on Status of National Opioid Litigation and the State

Received from the Office of the Utah Attorney General a status report on the office's efforts related to opioid litigation in light of 2018 General Session H.J.R. 12, "[Joint Resolution Calling upon the Attorney General to Sue Prescription Opioid Manufacturers](#)."

Citizenship Status Requirements for State Professional Licenses

Heard a partner with a Utah law firm explain a situation in which an individual is licensed to practice law in another state but is prohibited from practicing law in Utah because the individual does not meet current citizenship and immigration status requirements, but is eligible for federal Deferred Action for Childhood Arrivals (DACA) status. A representative of the Utah State Bar informed the committee of a petition submitted to the Utah Supreme Court in 2016.

Fringe Gaming Devices

Received information from the Office of the Utah Attorney General regarding fringe gaming devices.

Indigent Defense

Received from the Indigent Defense Commission a [report](#), as required by [statute](#), on the operations of the commission, the operations of the indigent defense systems in the state, and funding of indigent defense systems.

Lawsuits that Challenge the Constitutionality of State Law

Received a [report](#) from the Office of the Utah Attorney General, as required by [statute](#), regarding the status and progress of lawsuits that challenge the constitutionality of state law.

Reports to the Judiciary Interim Committee

Completed a committee [survey](#) indicating preferences on which reports described in statute will be received by the committee.

Chairs: Rep. Michael K. McKell / Sen. Todd Weiler
Staff: Joseph T. Wade (Policy Analyst) / Patricia Owen (Attorney) / Andrea Crabb (Administrative Assistant)

Legislative Management Committee

Utah National Guard Land Purchases

Conducted a statutorily required review of three proposals from the Utah National Guard regarding the acquisition of real property.

Action: Voted to favorably recommended the following proposals from the Utah National Guard:

- [trade](#) of National Guard Fillmore Armory for other developable property;
- [acquisition](#) of utility easements for construction of the Nephi Armory; and
- [acquisition](#) of real property for future readiness center in Tooele county.

Interim Committee Schedule

Action: Approved the [2018 interim committee schedule](#) for both interim committees and appropriations subcommittees.

Authorized Legislative Meetings

Considered a [list](#) of boards and commissions to determine those for which a legislator should be compensated for participation.

Action: Approved the following board and commission meetings as authorized legislative meetings for which a legislator may be compensated for their participation, in addition to those approved in 2017:

- Transportation and Tax Review Task Force;
- Victim Advocate Confidentiality Task Force;
- Commission on Housing Affordability;
- Criminal Code Evaluation Task Force;
- Higher Education Strategic Planning Commission;
- Point of the Mountain State Land Authority;
- Utah Inland Port Authority Governing Board;
- Utah State Fair Corporation Board of Directors; and
- Occupational Licensing Policy Learning Consortium.

Proposed Study Items

Action: Approved a list of [2018 interim study items](#) for interim committees to study.

Letters to Legislative Management Committee

Action: Approved the following:

- *request from the Occupational and Professional Licensure Review Committee to apply for a grant to hire an auditor to help facilitate that committee's statutorily required review of occupational and professional licenses; and*
- *request from the Higher Education Strategic Planning Commission to issue a request for proposals, evaluate proposals, and award a contract to a consultant to manage the committee's strategic planning process.*

Sunset Review Assignments

Action: Approved staff [recommendations](#) regarding the assignment of sunset act reviews to interim committees.

Chairs: Speaker Gregory H. Hughes / President Wayne L. Niederhauser
Staff: John Q. Cannon (Director) / John L. Fellows (General Counsel) / Andrea Crabb (Administrative Assistant)

Law Enforcement and Criminal Justice

Interim Studies and Planning

Reviewed the [list](#) of study item assignments from the Legislative Management Committee.

Actions: Voted to add Restraining Orders and Domestic Violence to the list of interim study items and adopted the amended study item list.

Voted to authorize committee chairs to independently open committee bill files.

Limited Performance Audit of Salt Lake City Police Department

Received a [presentation](#) from the Office of the State Auditor on the [Limited Performance Audit](#) of Salt Lake City Police Department.

Long-Term Planning

Received a [presentation](#) from the Department of Corrections on the long-term planning goals for the department. Received a presentation from the Commission on Criminal and Juvenile





Justice on the commission's [request](#) for the committee to study statewide jail data.

***Action:** Voted to amend the interim study items list to include an examination of statewide jail data.*

Offender Supervision Amendments

Received presentation from the Department of Corrections regarding possible legislation to address presentence investigation reports.

***Action:** Voted to have staff refile 2018 General Session H.B. 443, "[Offender Supervision Amendments](#)," to address presentence investigation reports.*

Presentence Investigation and Probation Report Amendments

Received a presentation from the Department of Corrections regarding presentence investigation reports and affidavits reporting a probation violation.

***Action:** Voted to open a committee bill file to address presentence investigation reports and affidavits reporting a probation violation.*

Natural Resources, Agriculture, and Environment

Subcommittee Reports

Received a report from the executive director of the Department of Natural Resources on the creation of subcommittees to study and prepare recommendations on:

- extraterritorial jurisdiction;
- water supply and surplus water;
- private property rights; and
- a constitutional amendment on municipal water rights.

Interim Study Planning

Discussed potential interim study items and committee bill files.

***Action:** Voted to adopt an interim study list and empowered committee chairs to open committee bill files on any item on the study list.*

Local Food Advisory Council

Received a [report](#) from the Local Food Advisory Council on its activities in the areas of agricultural land preservation, production and distribution innovation, and regulation.

Long-Term Planning

Received reports from the [Department of Natural Resources](#), the [Department of Environmental Quality](#), and the [Department of Agriculture and Food](#) on critical issues the departments will face in the future.

Public Lands Policy Coordinating Office

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

*Chairs: Rep. Keven J. Stratton / Sen. Margaret Dayton
Staff: J Brian Allred (Policy Analyst) / RuthAnne Frost (Attorney) / Cassidy Hansen (Administrative Assistant)*

Political Subdivisions**2018 Interim Study Items**

Actions: Voted to approve the [2018 proposed interim study items](#).

Voted to authorize the chairs to open bill files on any item from the approved 2018 proposed interim study items list.

Affordable Housing Set-Aside

Received an overview from the Utah Association of Counties regarding the requirement that project areas created by Community Reinvestment Agencies dedicate up to 20% of the increment from the project areas for affordable housing, which is known as the affordable housing "set-aside."

Boundary Line Agreements

Received an overview from a legislator regarding boundary line agreements and the need to examine Title 10, Chapter 9a, Part 6, Subdivisions.

County Form of Government

Received an overview from a legislator of 2018 General Session H.B. 224, "[County Government Change Election Amendments](#)," which modified the process by which a county changes its form of government.

Indigent Defense

Received an overview from the Utah Association of Counties and the Indigent Defense Commission regarding the division of responsibility between the state, counties, and municipalities to provide indigent defense services.

Land Use, Development, and Management Act

Received a [presentation](#) from the Utah League of Cities and Towns explaining the purpose and composition of the Land Use Task Force.

Local Ordinance Penalties

Received an overview from a legislator regarding penalties that local governments are authorized to enforce for violations to local ordinances.

Long-Term Planning

Committee staff presented an [overview](#) of Utah's population and demographic trends and described the implications for the state's political subdivisions.

Political Subdivision Lien Authority

Discussed the need for a technical change in Utah Code §11-58-103 to use consistent terminology of "lienholder."

Resort Community Infrastructure Costs

Received a [presentation](#) from the Utah League of Cities and Towns explaining the challenges facing Utah's resort communities that have a small tax base. The costs to accommodate an influx of visitors creates economic development, public safety, housing, and infrastructure challenges.

Trampoline Park Safety

Discussed trampoline park safety and whether statewide safety standards are necessary.

*Chairs: Rep. Dixon M. Pitcher / Sen. Daniel W. Thatcher
Staff: Megan L. Bolin (Policy Analyst) / Michael E. Curtis (Attorney) / Cassidy Hansen (Administrative Assistant)*

Public Utilities, Energy, and Technology

Future of Coal

Received presentations from representatives of the following:

- [Utah Geological Survey](#);
- Governor's Office of Energy Development;
- [Deseret Power Electric Cooperative](#);
- [Rocky Mountain Power and Hunter Power Plant](#); and
- [College of Engineering at University of Utah](#).

Review of Interim Study Items

Reviewed, amended, and adopted the [2018 interim study item assignments](#) from the Legislative Management Committee in accordance with the procedure amendments made by 2018 General Session H.J.R. 16, "[Joint Rules Resolution—Procedure Amendments](#)."

Action: Voted to add three additional items, adopted the study items list, and authorized chairs to independently open committee bill files.

Chairs: Rep. Stephen G. Handy / Sen. Daniel Hemmert
Staff: Sarah J. Balland (Policy Analyst) / Kurt P. Gasser (Attorney) / Debra Hale (Administrative Assistant)

Revenue and Taxation

Long-Term Planning

Received a [presentation](#) from the State Tax Commission outlining the commission's suggested items for consideration by the committee.

Revenue and Taxation Interim Committee 2018 Study Items

The committee reviewed the [study item list](#) assigned by the Legislative Management Committee.

Action: Amended and approved the study item list by adding three items to the list and approved the amended study item list.

Review of 2018 General Session Legislation Related to Revenue and Taxation

Received [report](#) from staff highlighting the tax-related bills passed during the 2018 General Session.

Revisions to State Tax Code as a Result of Federal Tax Reform

Received presentations from [staff](#), a [tax law expert](#), and the State Tax Commission regarding potential amendments to state code in response to recent federal tax reform.

Sales Tax on Remote Sales and Manufacturing Exemption Expansion

Received an update on the United States Supreme Court's consideration of a case related to the collection of sales tax on remote sales and that case's impact on the implementation of an expanded manufacturing exemption from Utah sales tax, as described in 2018 General Session S.B. 233, "[Sales and Use Tax Amendments](#)."

Chairs: Rep. Steve Eliason / Sen. Howard A. Stephenson
Staff: Alex R. Janak (Policy Analyst) / Ryan M. Hunter (Policy Analyst) / Shannon C. Halverson (Attorney) / Tracy J. Nuttall (Attorney) / Andrea Valenti Arthur (Attorney) / Brent M. Gage (Administrative Assistant)

Transportation

Road Usage Charge Program

Heard an [update](#) from the Utah Department of Transportation on the development of a road usage charge program to be implemented in January 2020.

Roadway Safety

Heard a [presentation](#) from the Utah Department of Transportation regarding its roadway safety efforts and progress towards achieving the state's goal of zero fatalities. The presentation highlighted the reductions in roadway fatalities over the past decade and resources available to monitor the progress of and educate the public about this effort.

UDOT Restructuring

Heard a [presentation](#) from the Utah Department of Transportation regarding its reorganization in response to 2018 General Session S.B. 136, "[Transportation Governance Amendments](#)." The presentation also highlighted the focus on planning, technology and innovation, strategic investment, and areas of rapid change in implementing this reorganization.

May 2018

UDOT Sale of Surplus Property

Heard a [presentation](#) from the Utah Department of Transportation regarding its process for identifying and selling surplus properties. The presentation discussed recent department efforts, funded by a legislative appropriation, to catalogue the department's land holdings and sell those that are determined to be in excess of the department's needs through an auction process. The revenues from these sales are returned to a project if the land is tied to an active project, or to the transportation fund if tied to an inactive project.

*Chairs: Rep. Kay J. Christofferson / Sen. David G. Buxton
Staff: Ryan M. Hunter (Policy Analyst) / Kurt P. Gasser (Attorney) / Debra Hale (Administrative Assistant)*