Legislative Interim Meetings

Meetings were held June 20, 2018, unless otherwise noted

Administrative Rules Review

June 18, 2018

Cosmetology and Associated Professions Licensing Act Rules
Discussed the response by the Division of Occupational and Professional Licensing to a concern about Rule R156-11a Cosmetology and Associated Professions Licensing Act Rules.

Rules to Implement 2018 Cannabinoid-Related Legislation
Received a report from the Department of Agriculture and Food detailing the department's plans to prepare administrative rules to implement 2018 cannabinoid-related legislation and the department's time frame for publishing the rules.

Statutes and Rules Regarding Uninsured Motorist Identification Database Program
Discussed the roles of the Department of Public Safety, the Motor Vehicle Division of the Tax Commission, and Insure-Rite, the company designated by the state to maintain the Uninsured Motorist Identification Database, in ensuring the vehicles on Utah's roads are covered by insurance. The committee also discussed whether administrative rules related to the Uninsured Motorist Identification Database program and the Vehicle Impound Fee Reimbursement written by the Driver License
Utah State Legislature Interim Highlights

Division were thorough enough to implement statutory intent.

Business and Labor

Amusement Parks and Trampoline Park Facilities

Heard a proposal to have the Labor Commission oversee and regulate the safety inspections of fixed and mobile amusement park rides.

Complainant's Right to Appeal

Discussed providing a complainant a right to appeal a decision issued by the Division of Antidiscrimination and Labor to a Labor Commission administrative law judge or to state district court for de novo review. Heard remarks from the Labor Commission's Division of Antidiscrimination and Labor, Utah Apartment Association, and the Disability Law Center.

Action: Opened a committee bill file to address a complainant's right to appeal.

Dram Shop Liability

Heard presentations from the Utah Restaurant Association and a law firm on whether changes are needed to Utah's dram shop liability statutes, with remarks directed towards reducing liability for restaurants and bars.

Commission for the Stewardship of Public Lands

June 07, 2018

Emery County Site Visit

Visited sites around Emery County, including the Cleveland-Lloyd Dinosaur Quarry, Cedar Mountain Overlook, and Lila Canyon Mine, and discussed the county's history, geography, and land management issues.

June 8, 2018

Emery County Site Visit

Visited sites around Emery County, including areas around Goblin Valley State Park and the San Rafael Swell, and discussed the county's history, geography, and land management issues.

June 19, 2018

Emery County Public Land Management Act of 2018

Received presentations from U.S. Senator Orrin Hatch's office, Congressman John Curtis' office, Emery County, and the Utah School and Institutional Trust Lands Administration regarding a
bill recently introduced in Congress, the Emery County Public Land Management Act of 2018.

**Public Lands Litigation**

Received a presentation from the Attorney General's office regarding current public lands litigation.

**State Resource Management Plan**

Received a presentation from the Public Lands Policy Coordinating Office updating the commission on the implementation of the state and county resource management plans and discussing compatibility between the Emery County Public Land Management Act of 2018 and the State Resource Management Plan.

**Economic Development and Workforce Services**

**Affordable Housing Report**

Received a presentation from the Kem C. Gardner Policy Institute on a report released in May 2018 regarding the rapid increase of housing prices in Utah and the threat it poses to housing affordability.

**Affordable Housing: Role in Addressing Homelessness**

Received presentations from the Department of Workforce Service's Housing and Community Development Division and the Utah Housing Coalition regarding the role of affordable housing in addressing homelessness.

**Audit Report**

Received a presentation from the Office of the Legislative Auditor General summarizing its audit findings and recommendations regarding three facilities operated by the Road Home. The Road Home reported on their progress addressing the issues identified by the audit.

**Early Childhood Care and Learning Coordination**

Received an update from a committee member on the formation of the Early Childhood Working Group being formed in coordination with the Education Interim Committee. The working group will build on the findings and recommendations of the Early Childhood Services Study to develop the next steps for coordinating early childhood care and learning efforts in the state.

**Education**

**Competency-based Education**

Received a presentation from the Utah State Board of Education regarding the status of competency-based education programs.

**Educational Services for Students with Disabilities**

Received presentations from committee staff regarding a recent Supreme Court ruling on the Individuals with Disabilities Education Act. Also heard from the Utah State Board of Education and a representative of local school districts regarding education programs for students with disabilities in Utah, the types of disabilities served, the number of students with disabilities served, and how these programs receive funding.

**School Safety**

Received presentations from the Utah School Superintendents Association, a legislator, the Governor’s Office, and the Utah State Board of Education regarding work done to study how to make Utah schools safer. The committee discussed the many groups that are studying the issue and how to bring these groups and subject matter experts together to facilitate the best recommendations and practices for Utah schools.

**Government Operations**

**Boards and Commissions Political Balance**

Discussed political balance requirements for the membership of
Online Education Module Regarding Vaccine-Preventable Diseases

Received a demonstration by the Utah Department of Health of an online education module that addresses vaccine-preventable diseases.

Sunset Review -- Hospital Provider Assessment Act

Received reports from the Utah Department of Health and the Utah Hospital Association on how the assessment imposed on hospitals by Title 26, Chapter 36A, Hospital Assessment Act enables the state to obtain increased federal funding for Medicaid, which is then used to increase the amount paid to hospitals for services rendered to Medicaid enrollees.

Actions: Voted to open a committee bill file to reauthorize the Hospital Assessment Act for a period to be determined later this year.

Health Reform Task Force

May 24, 2018

Federal Regulations and Guidance

Briefed by task force staff on options for modifying the state’s essential health benefits benchmark plan for health insurance in response to recently published federal regulations. The task force took no action to apply for modifications before July 2, 2018, the deadline for modifications applicable in 2020.

Medicaid – ACO Certified Rate

Received reports from the Utah Department of Health and individuals affiliated with an accountable care organization on whether state funds appropriated for payment of services by Medicaid accountable care organizations in 2019 will be adequate. The task force considered options for addressing 2019 funding and determined to postpone action until a forthcoming actuary report is available.

Medicaid – Management of High-Cost Prescription Drugs

Received a report from the Utah Department of Health that it is
still trying to determine how to best use an appropriation made to address Medicaid enrollees with high prescription drug costs. The department proposed moving high-cost individuals from accountable care organizations to a fee-for-service payment model. Accountable care organizations supported the concept but opposed several aspects of how the proposal would be implemented.

**Medicaid Waivers**
Received a report from the Utah Department of Health on its preparation of Medicaid waiver applications in response to legislation passed during the 2018 General Session of the Legislature.

**Utah Decides Healthcare Act of 2018 (ballot proposition)**
Received a report from the Office of the Legislative Fiscal Analyst on the enrollment and fiscal impacts of the Utah Decides Healthcare Act of 2018 ballot proposition and 2018 H.B. 472, "Medicaid Expansion Revisions."

**Indigent Defense**
Heard a status update from staff of the Utah Indigent Defense Commission regarding a rewrite of indigent defense statutes, particularly Title 77, Chapter 32, Part 2, General Provisions, and Part 3, Counsel for Indigents, and Section 78A-6-1111.

**Relationship Between State Statutes and Judicial Rules of Evidence and Procedure**
Discussed with a Utah Supreme Court justice separation of powers and the relationship between state statutes and judicial rules of evidence and procedure.

**Review of Appellate Decisions Calling for Legislative Action**
Heard a staff presentation regarding Utah Supreme Court and Utah Court of Appeals opinions, which suggest that the Legislature take action, such as clarifying a provision of a statute or revisiting an issue. The committee discussed whether the Legislature should establish a formal process to review these appellate decisions that call for legislative action.
Law Enforcement and Criminal Justice

Background Checks for Firearms
Received a presentation from the Bureau of Criminal Identification providing an overview of the background check process as it relates to the purchase of firearms.

*Actions:* Voted to open a committee bill file to require the Bureau of Criminal Identification to report information on persons restricted from firearm purchases to the National Instant Check System.

Firearm Safety Program Report
Received a written report from the Bureau of Criminal Identification regarding the implementation and success of the firearm safety program.

Gun Violence in Schools
Received a presentation from committee staff providing an overview of extreme risk protective order laws. Received a presentation from a legislator on potential extreme risk protection order legislation.

Offender Supervision Amendments
*Actions:* Voted to approve as a committee bill, draft legislation "Offender Supervision Amendments," which amends provisions relating to the preparation of a presentence investigation report.

Presentence Investigation and Probation Report Amendments
*Actions:* Voted to approve as a committee bill, draft legislation "Presentence Investigation and Probation Report Amendments," which amends provisions relating to presentence investigation reports and affidavits reporting a probation violation.

Natural Resources, Agriculture, and Environment

Draft Legislation "Department of Environmental Quality Amendments"
Considered draft legislation "Department of Environmental Quality Amendments," which:

- requires the Water Quality Board to review certain water quality rules and standards;
- requires legislative review of certain rules and standards; and
- modifies the duties of the Administrative Rules Review Committee related to the fiscal impact of proposed rules.
Received a report and watched a video from the Governor's Office of Energy Development on the status and development of the state's energy resources and activities. The presenter reviewed state energy policy and discussed the importance of energy development and the impact of energy development on Utah's economy.

Energy Producer States' Agreement
Received a report on Utah's involvement in the Energy Producing States' Coalition and the efforts of the coalition to establish an energy production agreement.

Extraterritorial Jurisdiction, Water Supply, Private Property, and Constitutional Amendment Subcommittees
Received a report from the executive director of the Department of Natural Resources on the progress of the subcommittees studying:

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

State Agency Best Practices and Stewardship Efforts to Improve Air Quality
Received a report from the State Coordinator of Resource Stewardship on the efforts of state agencies to promote improved air quality. The coordinator also reviewed the resource stewardship annual report.

Sunset Review - Title 19, Chapter 6, Part 7, Used Oil Management Act
Received a report from the Division of Waste Management and Radiation Control on the Used Oil Management Program. The division recommended that the Act be reauthorized for 10 years.

Uintah Basin Air Quality Research Project
Received a report from the Utah State University Bingham Entrepreneurship and Energy Research Center on the Uintah Basin wintertime ozone air quality research project.

Water Resources Update
Received a report from the Division of Water Resources on the status of snow pack, reservoir capacity, and drought conditions in the state.

Wildfire Update
Received a report from the Division of Forestry, Fire, and State Lands on the outlook for wildfires in the state.

Occupational and Professional Licensure Review Committee
May 30, 2018
Licensure Overview: Department of Environmental Quality
Heard a presentation about issued licenses from the:

- Division of Air Quality;
- Division of Water Quality;
- Division of Drinking Water;
- Division of Environmental Response and Remediation; and
- Division of Waste Management and Radiation Control.

Licensure Overview: Department of Workforce Services
Heard a presentation from the Utah State Office of Rehabilitation and Division of Services to the Deaf and Hard of Hearing about licenses that the office issues.

South Dakota Licensure Bill
Discussed a South Dakota interstate compact licensure bill for the temporary licensure of professionals that:

- allows member states to expeditiously grant a temporary license to eligible licensees moving to their state;
- allows eligible licensees moving to a member state time to meet the licensure requirements of the destination state while practicing their occupation; and
- increases the mobility of professional licenses, safeguards the health and safety of the public, and enhances the workforce in member states.
Sunrise Review and Draft Legislation
Reviewed an application for sunrise review that proposes that the state license or newly regulate automatic fire sprinkler contractors and related professions. Considered draft legislation that would create new trade license classifications and requirements for automatic fire sprinkler contractors and related professions.

Point of the Mountain Development Commission
June 18, 2018

Ongoing Engagement
The commission discussed additional engagement with cities and other stakeholders to:

- coordinate between transportation agencies and others on regional and local transportation plans;
- present to city councils and coordinate with cities;
- coordinate between the commission and the Point of the Mountain State Land Authority;
- initiate micro-transit coordination; and
- meet with groups and agencies to build support for the vision.

Actions: Voted to approve the "Sustaining Momentum for the Point of the Mountain Vision" scope and budget.

Phase 3 - Funding Options
The commission heard a preview of the scope of work and proposed budget for the third phase of the commission’s statutorily required study, which will investigate funding options to implement the vision adopted by the commission for the point of the mountain area. Specifically, the commission will:

- identify and evaluate public and private funding options;
- analyze the costs and benefits of funding options; and
- provide considerations for choosing a funding strategy.

Actions: Voted to approve the Phase 3 Funding Strategies Analysis scope and budget.

Point of the Mountain State Land Authority
The commission heard a presentation regarding the role of the Point of the Mountain State Land Authority created by 2018 General Session H.B. 372, "Point of the Mountain State Land Authority," and the relationship of the authority to the commission.

Political Subdivisions

County Classification
Received a presentation from committee staff that provided an overview of the legislative history, classification and population data, and legal and policy considerations related to the current method by which Utah classifies its counties. The Utah Association of Counties identified additional policy considerations and issues under the current classification method.

Actions: Directed staff to research and identify all statutory provisions that distinguish counties by their classification and work with the Utah Association of Counties to recommend options for addressing imminent issues under the current classification method.

Nonprofits Associated with Government Audit Report
Received a presentation from the Office of the Legislative Auditor General regarding an audit report, "A Review of Best Practices for Internal Control of Nonprofits Associated with Government."

Actions: Voted to open two committee bill files related to nonprofits associated with government to:

- amend certain protections from public disclosure in the Open and Public Meetings Act to match the same protections afforded by the Government Records Access Management Act;
- clarify the definitions of "financial support" and "governmental control"; and
• address compliance issues related to financial controls.

Political Subdivision Lien Authority

Action: Voted to recommend as a committee bill draft legislation “Political Subdivision Lien Authority,” which amends a provision regarding the priority of certain political subdivision liens to be consistent with existing statute.

Public Utilities, Energy, and Technology

Changing Fuel Markets

Received presentations on the changing fuels market from representatives of the following:

• Utah Department of Environmental Quality;
• Utah Clean Cities Coalition;
• SELECT Center, Utah State University;
• Chevron Corporation/Utah Petroleum Association; and
• Andeavor.

Molten Salt Reactors

Received presentations on molten salt reactor technology from the Department of Chemical Engineering, Brigham Young University; and Seven County Infrastructure Coalition.

Regionalization, Energy Infrastructure Development, and Intermittent Resources

Received presentations on regionalization and development of energy infrastructure from representatives and affiliates of the following:

• Governor’s Office of Energy Development;
• Rocky Mountain Power; and
• Utah Geological Survey/University of Utah’s Energy and Geoscience Institute.

Retirement and Independent Entities

May 23, 2018

Retirement and Independent Entity Interim Study Items

Reviewed 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."

Actions: Voted to adopt the 2018 study items list.

State Employee Total Compensation Package Study

Received a joint presentation about a FY 2017 total compensation study to compare the state’s total compensation package with the Utah private sector market from representatives of the following:

• Office of the State Auditor; and
• Gallagher Benefit Services, Inc.

Utah Retirement Systems Updates

Received presentations from Utah Retirement Systems about the 2017 Comprehensive Annual Financial Report for Utah Retirement Systems.

Revenue and Taxation

Net Operating Loss

Considered draft legislation that amends provisions related to a Utah net loss, including eliminating the ability for a taxpayer to carry back a Utah net loss to an earlier taxable year, and limiting the amount that a taxpayer may carry forward in a taxable year, while also removing the 15-year limit for a taxpayer to carry forward a Utah net loss.

Action: The committee recommended as a committee bill, draft legislation "Income Tax Code Amendments."
Repatriation Transition Tax
Discussed two versions of draft legislation related to a repatriation transition tax.

Senate Judicial Confirmation
July 25, 2017
Confirmation of Mr. Richard E. Mrazik
Recommended to the Senate the confirmation of Mr. Richard E. Mrazik as a judge to the Third District Court.
The Senate met in extraordinary session on June 20, 2017, and confirmed the appointment of Mr. Mrazik.

Transportation and Tax Review Task Force
June 15, 2018
S.B. 136 Review
The task force received an update on the implementation of the requirements established in 2018 General Session S.B. 136, "Transportation Governance Amendments."

Task Force Study Items
The task force discussed potential study items.

Action: The task force voted to approve a list of study items for the task force.

Transportation
Connected Autonomous Vehicles
Heard a presentation from a committee member and the Utah Department of Transportation regarding connected autonomous vehicles. The presentation highlighted legislative issues regarding autonomous vehicles, including current federal proposals, private sector innovations, the potential for over regulation to stifle such innovation, and the need for state-level authorization for autonomous vehicles.

Long-Term Transportation Planning
Heard presentations from the Wasatch Front Regional Council, Mountainland Association of Governments, Utah Department of Transportation, and Utah Transit Authority regarding long-term transportation planning in the state. The presentations highlighted the efforts these organizations are taking to plan for future population growth, identify future challenges in transportation funding, and improve strategic planning and programming across all modes of transportation.

UTA Bonding
The committee heard a presentation from the Utah Transit Authority regarding the history of its current debt and the authority’s plans to manage this debt.

UTA Restructuring
Heard a presentation from the Utah Transit Authority regarding changes resulting from 2018 General Session S.B. 136, "Transportation Governance Amendments." These include changes to the authority’s governance structure and reporting requirements. The presentation also highlighted the impact of new public transit funding options in the state, which could be used for projects such as:

- bus service improvements;
- service-related capital projects;
- first and last mile connections;
- FrontRunner improvements;
- additional bus rapid transit projects; and
- rail expansions.
Veterans and Military Affairs Commission

June 12, 2018

2018 Potential Study Items
Reviewed a list of potential 2018 study items submitted by commission members.

Commission's Statutory Purpose
Reviewed the commission's duties as outlined in Utah Code Section 36-28-103 and commission members discussed ways to fulfill those duties.

Victim Advocate Confidentiality Task Force

Purpose of Task Force
Heard comments and discussed the impetus behind passage of 2018 General Session H.B. 298, "Victim Advocate Confidentiality Amendments," which created the Victim Advocate Confidentiality Task Force. The task force also discussed topics for future meetings.