

Interim Highlights

October 22, 2018, Vol. 18, No. 5



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Legislative Interim Meetings

Meetings were held October 17, 2018, or as noted

Administrative Rules Review Committee

October 10, 2018

DUI Hearing Rule Changes and Statutory Recommendations

Received a presentation from the Driver License Division

describing proposed revisions to agency rule [R708-14](#):

[Adjudicative Proceedings For Driver License Actions Involving Alcohol and Drugs](#), a portion of which was repealed by the Utah Legislature in the 2018 General Session. Agency representatives also [presented](#) recommended changes to Utah statutes.

***Action:** Voted to open a committee bill file to amend Utah law to provide an additional 15 days for the adjudication of actions on driver licenses in cases where the operator of a motor vehicle is cited for driving while under the influence.*

Permits and Fees Related to the Disposition of a Body for Burial

Discussed [fees assessed by the state](#) for the [disposition of a body](#) for burial and whether the [fee amounts](#) and the process used to determine them should be modified.

***Action:** Voted to send a letter to the Social Services Appropriations Committee, the Executive Appropriations Committee, and the Revenue and Taxation Interim Committee expressing concern over the fees assessed by the state for the disposition of a body for burial and the process used to determine the fee amounts, urging that the fee levels and the process for determining them be modified.*

Chairs: Rep. Brian M. Greene / Sen. Jacob L. Anderegg
Staff: Art L. Hunsaker (Policy Analyst) / Amy L. West (Attorney) / Tracey Fredman (Administrative Assistant)

Business and Labor

Construction Code Recommendations

Reviewed the Uniform Building Code Commission's recommendations to adopt the 2018 national building codes, with amendments, and to amend the 2015 International Residential Code. Received a [letter](#) and [report](#) from the commission.

Action: *Voted to open a committee bill file to adopt the Uniform Building Code Commission's recommendations.*

Support Animals Amendments

Action: *Considered and voted to recommend as a committee bill draft legislation, "[Support Animals Amendments](#)," to amend housing and criminal provisions relating to the use of a service animal.*

Fire Code Recommendations

Received the Utah Fire Prevention Board's [letter](#), [executive summary](#), and [recommendations](#) to adopt the 2018 edition of the International Fire Code, with amendments.

Action: *Voted to open a committee bill file to incorporate the Utah Fire Prevention Board's recommended changes to the fire code into statute.*

Home Inspector Licensing

Received a [presentation](#) regarding home inspector licensing and potential licensing standards.

Action: *Directed staff to open a bill file on behalf of the committee to address home inspector licensing.*

Medical Evaluations

Reviewed the following issues at the request of the [Administrative Rules Review Committee](#) and [attorneys](#):

- the process and standards used by the Division of Adjudication medical panels to adjudicate workers compensation cases;
- delays in medical panels' adjudication of cases; and
- whether administrative rule or statute governing these processes should be amended.

Other Items

Actions: *Voted to open a committee bill file to address insurance and the Insurance Department.*

Voted to open a committee bill file to address Employers' Reinsurance Fund Modifications.

Required Reports

Discussed the following executive branch agency reports received in accordance with statutory reporting requirements:

- [Department of Financial Institutions' Report](#) and [Executive Summary](#);
- [Utah Science Technology and Research Governing Authority Report](#) and [fact sheet](#);
- [Insurance Department's Workers' Compensation Insurance Carrier Report](#);
- [Utah Capital Investment Corporation Report](#) of the Utah



October 2018

Fund of Funds and [Agreed-Up Procedures](#);

- [Worker Classification Coordinated Enforcement Council Report](#);
- [Residence Lien Recovery Fund Report](#);
- [Utah Fire Prevention Board Fire Code Recommendations, Executive Summary](#), and [2015-2018 Comparison](#); and
- [Uniform Building Code Commission Construction Code Recommendations](#) and [letter](#).

Chairs: Rep. James A. Dunnigan / Sen. Curtis S. Bramble

Staff: Adam J. Sweet (Policy Analyst) / Amy L. West (Attorney) / Christine R. Gilbert (Attorney) / Julia Octavia Conner (Administrative Assistant)

Child Welfare Legislative Oversight Panel

October 03, 2018

Child Custody in Divorce Proceedings

Received a report that the Legislative Auditor General has begun an audit, in response to the panel's [March 2018 request](#), to determine whether the best interests of children are being met in cases where the custody of a child is the subject of a divorce proceeding and when an allegation of abuse or neglect has been made. Received recommendations for amending Utah statutes governing the determination of custody.

Fatality Review Committee

Received a [report](#) from the Department of Human Services on steps the department has taken in response to concerns expressed by the panel about the department's [fatality review process](#). These steps include consideration of the broader context in which a death has occurred, increased identification of actions that may have contributed to, or reduced the risk of, the death occurring, and increased emphasis on the identification of systemic changes that may improve outcomes.

Funding for Family-Based Treatment of Substance Use Disorders

Received reports from the Division of Child and Family Services and others on recent federal legislation that [authorizes](#) federal foster care payments for the care and supervision of children who are in the custody of the division and who are living in a facility that provides substance use disorder treatment services to the child's parent.

Statutorily Required Reports

Received annual reports from four agencies on the strengths and weaknesses of Utah's child welfare system. The Division of Child and Family Services expressed its commitment to continue training caseworkers on the division's practice model and to continue monitoring and ensuring caseworker compliance with division policies.

Sunset Review—Child Protection Unit Pilot Program

Conducted a sunset review of [Utah Code Section 62A-4a-202.9, Child Protection Unit Pilot Program](#), enacted in 2017 to improve communications between police or sheriff child protection units and the Division of Child and Family Services.

***Action:** Voted to recommend Utah Code 62A-4a-202.9, Child Protection Unit Pilot Program, be reauthorized for two years.*

Sunset Review—Psychotropic Medication Oversight Pilot Program

Conducted a sunset review of [Utah Code Section 62A-4a-213, Psychotropic Medication Oversight Pilot Program](#), enacted in 2016 to [ensure](#) foster children are prescribed psychotropic medication consistent with their needs.

***Action:** Voted to recommend Utah Code Section 62A-4a-213, Psychotropic Medication Oversight Pilot Program, be reauthorized for five years and that the program report to the Oversight Panel every other year.*

Youth Transitioning from Foster Care to Homelessness

Reviewed the services provided by the Division of Child and Family Services (DCFS) to help youth who are transitioning out of foster care to obtain employment, housing, and schooling.

DCFS indicated that two policies could further help former foster youth succeed:

- ensuring there are individuals, either on or off campus, to help former foster care youth understand education funding options; and
- providing additional housing support options for former foster care youth living in rural areas of the state.

Chairs: Rep. Rebecca P. Edwards / Sen. Allen M. Christensen

Staff: Tara Harrison (Attorney) / Tracey Fredman (Administrative Assistant)

Commission on Federalism

October 15, 2018

Federalism Issues Update

Received a presentation from the Division of Forestry, Fire, and State Lands, a legislator, a council member of Woodland Hills, and a Utah County Commissioner regarding federal jurisdiction and management of public lands within Utah and the impact on residents.

Request for Proposal for Valuation of Federal Land

Action: *Voted to authorize the issuance of a request for proposals (RFP) to develop a property valuation model for federal lands within Washington County, subject to the Legislative Management Committee's approval of the RFP; authorize any changes to the RFP as directed by the Legislative Management Committee; and authorize any final edits approved by the commission chairs.*
Voted to authorize the commission chairs to appoint an evaluation committee to evaluate proposals submitted in response to the RFP and to make decisions or take actions regarding any administrative or procedural issues that arise during or are involved in the procurement process.

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)

Commission for the Stewardship of Public Lands

October 18, 2018

Bears Ears National Monument

Received a presentation from the San Juan County commissioners regarding the management of lands impacted by last year's reduction of the Bears Ears National Monument. Discussed potential commission legislation related to the area.

Grand Staircase Escalante National Monument

Received presentations from commissioners of Garfield County and Kane County regarding the counties' perspectives on the management of lands impacted by last year's reduction of the Grand Staircase Escalante National Monument.

Action: *Voted to open a commission bill file regarding the management of lands associated with the Grand Staircase Escalante National Monument.*

Update from Federal Delegation

Received a presentation from a congressman regarding his position and efforts related to public land management, including an update on the status of the [Grand Staircase Escalante Enhancement Act](#).

Chairs: Sen. David P. Hinkins / Rep. Keven J. Stratton

Staff: Julie Humberstone (Policy Analyst) / Christine R. Gilbert (Attorney) / Debra Hale (Administrative Assistant)

Criminal Code Evaluation Task Force

September 04, 2018

DUI Sentencing

Received a [presentation](#) from the Utah Substance Use and Mental Health Advisory Council on DUI sentencing and penalties at the national and state levels.

September 24, 2018

Master Offense List Evaluation Update

Received a [presentation](#) from the Master Offense List evaluation working group on recommended changes to the criminal code.

October 15, 2018

Aggravated Murder

Received a [presentation](#) from task force staff that provided an overview of the current law, context, and criticisms of Utah's aggravated murder statute.

Domestic Violence

Discussed areas of the criminal code related to domestic violence that may be in need of review.

Payroll Tax Fraud

Received comments from the State Tax Commission, the Office of the Attorney General, the Internal Revenue Service, and the Labor Commission concerning the violation of payroll tax and minimum wage laws in certain industries.

Sex Offender Registry

Discussed areas of the criminal code related to the Sex Offender Registry that may be in need of review.

Chairs: Rep. Paul Ray / Sen. Karen Mayne

Staff: John Feinauer (Policy Analyst) / Esther Chelsea-McCarty (Attorney) / Ericka A. Evans (Attorney) / Tracey Fredman (Administrative Assistant)

October 2018

Economic Development and Workforce Services

Annual Reports

Received presentations regarding statutorily required annual reports from the following:

- [Governor's Office of Economic Development](#);
- [Department of Workforce Services](#);
- [Utah Science Technology and Research Initiative](#); and
- [Department of Heritage and Arts](#).

Early Childhood Care and Learning Coordination

Discussed draft legislation, "[Early Childhood Coordination Amendments](#)," which creates the Governor's Early Childhood Commission in the governor's office. The draft legislation was produced by the Early Childhood Working Group, formed jointly by the Economic Development and Workforce Services Interim Committee and the Education Interim Committee to identify next steps in coordinating early childhood care and learning.

Legislative Dashboard

Received a demonstration of the legislative dashboard being developed by the Governor's Office of Economic Development as a resource for legislators to access details about the office and its economic development tax incentives.

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

Education

Computer Science and Coding

Heard a presentation from the State Board of Education regarding [recommendations](#) developed by the Computer Science Task Force and adopted by the State Board of Education.

Postsecondary Education for Returning Adults and Nontraditional Students

Discussed draft legislation, "Higher Education Credit Amendments," which would require the State Board of Regents to establish policies and develop a system-wide plan related to

providing college credit for learning that students acquire outside of a traditional postsecondary academic setting.

***Action:** Approved as a committee bill draft legislation, "[Higher Education Credit Amendments](#)."*

Recodification of the Public Education Code

Received a report from legislative staff regarding the progress of a working group that developed draft legislation, "Special Education Recodification," recodifying [Title 53E, Chapter 7, Special Education](#). The committee also discussed:

- draft legislation, "Education Recodification," which would repeal outdated and obsolete sections of the public education code; and
- draft legislation, "Education Reporting Requirements," which would consolidate education reports that state agencies are required, by statute, to deliver to legislative committees.

***Action:** Voted to approve as a committee bill draft legislation, "[Special Education Recodification](#)."
 Voted to approve as a committee bill draft legislation, "[Education Recodification Repealers](#)."
 Voted to approve as a committee bill draft legislation, "[Education Reporting Requirements](#)."*

School Safety

Received a [presentation](#) from the State Board of Education describing policy and funding recommendations related to school safety. The recommendations were developed by the School Safety Advisory Committee, which includes representatives from education, law enforcement, and other state and local agencies. The committee also heard a presentation from a legislator regarding possible legislation related to threat assessment and school support teams.

Utah Data Research Center Update

Received a status [update](#) on the work of the Utah Data Research Center, including the development of a [dashboard](#) to display statewide metrics for preschool through advanced degrees and careers.

Chairs: Rep. Val L. Peterson / Sen. Ann Millner
Staff: Nathan W. Brady (Policy Analyst) / Allyson R. Hicks (Policy Analyst) / Rebekah M. Bradway (Attorney) / Tracy J. Nuttall (Attorney) / Victoria Ashby (Attorney) / Brent M. Gage (Administrative Assistant)



Government Operations

Quasi-State Entities

Received and discussed a [handout](#) from committee staff regarding independent entities' subjection to or exemption from certain open government laws. The committee provided drafting instructions to staff for a related bill file, including instructions to clarify whether each independent entity is subject to certain open government laws.

Records Committees

Received a [presentation](#) from the Division of Archives and Records Service regarding draft legislation, "Records Committees."

***Action:** Approved as a committee bill draft legislation, "[Records Committees](#)," which creates the State Records Retention Committee and modifies provisions related to the State Records Committee.*

Remote Notarization

***Action:** Voted to open a committee bill file to create provisions that allow a notary public to perform notarial acts remotely.*

Report from the Department of Veterans and Military Affairs

Received a [statutorily required report](#) from the Department of Veterans and Military Affairs on the department's operations.

Report from the Free Market Protection and Privatization Board

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

***Action:** Voted to open a committee bill file to alter the Free Market Protection and Privatization Boards' composition and duties.*

Report on Provisional Ballot Voter Registration

Received a [statutorily required](#) report from the Office of the Lieutenant Governor regarding the lieutenant governor's statewide implementation of voter registration by provisional ballot.

Total Compensation for State Employees

Received a [presentation](#) from the Department of Human Resource Management on potential options for rebalancing state employees' compensation and benefits. The committee invited the Department of Human Resource Management and the Public Employees Health Plan to work together to institute changes that do not require legislative action, such as giving employees with a health savings account more control over funds that are set aside for health savings account disbursements.

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

Health and Human Services

Medical Cannabis

Considered draft legislation, "[Utah Medical Cannabis Act](#)," which would authorize expanded use of medical cannabis within the state. The committee received a [summary of the bill](#) and considered how the legislation differs from the 2018 ballot proposal, "The Utah Medical Cannabis Act."

October 2018

Online Education Module Regarding Vaccine-Preventable Diseases

Received a report from the Utah Department of Health on [changes](#) made to the department's online education module used for obtaining a vaccination exemption. The changes were made in response to concerns raised by the committee and others.

Sunset Review—Hospital Provider Assessment Act

Action: Approved as a committee bill draft legislation, "[Reauthorization of Hospital Provider Assessment Act](#)," which extends the sunset date for [Utah Code Title 26, Chapter 36A, Hospital Provider Assessment Act](#) until July 1, 2024.

Sunset Review—Medical Arbitration

Action: Approved as a committee bill draft legislation, "[Health Care Malpractice Act Sunset Extension](#)," which extends the sunset date for [Utah Code Section 78B-3-421, Medical Malpractice Arbitration Agreements](#) until July 1, 2029.

Sunset Reviews—Child Welfare Pilot Programs

Conducted a sunset review of [Utah Code Section 62A-4a-213, Psychotropic Medication Oversight Pilot Program](#).

Conducted a sunset review of [Utah Code Section 62A-4a-202.9, Child Protection Unit Pilot Program](#).

Considered draft legislation, "Child Welfare Sunset Provisions."

Action: Amended and approved as a committee bill draft legislation, "[Child Welfare Sunset Provisions](#)." The amended legislation extends the sunset date for the Psychotropic Medication Oversight Pilot Program until July 1, 2024, requires the Division of Child and Family Services to report on the program to the Child Welfare Legislative Oversight Panel every other year, and extends the sunset date for the Child Protection Unit Pilot Program until December 31, 2021.

Chairs: Rep. Brad M. Daw / Sen. Lincoln Fillmore

Staff: Mark D. Andrews (Policy Analyst) / Tara Harrison (Attorney) / Daniel M. Cheung (Attorney) / Andrea Crabb (Administrative Assistant)

Health Reform Task Force

September 28, 2018

Advanced Practice Registered Nursing

Received reports from [Utah Nurse Practitioners](#), the Utah Medical Association, and other health care professionals about the role of Advanced Practice Registered Nurses (APRNs) in the continuum of health care practitioners. The task force considered whether [provisions](#) governing the prescribing of Schedule II and Schedule

III controlled substances by APRNs, including the requirement for a consultation and referral plan, should be repealed or otherwise modified to reflect [recent legislation](#) governing the prescribing of opioids by any health care practitioner.

Association Health Plans and Short-Term Health Insurance

Received reports from the Utah Insurance Department on the impact of federal regulations related to [association health plans](#) and [short-term, limited duration health insurance policies](#). The task force considered options for modifying state law in response to the regulations.

Integrative Medicine—Controlling Costs With Better Outcomes

Received reports from various health care professionals on the theory, use, and outcomes of Advanced Muscle Integration Technique and other concepts with the potential to reduce health care spending while improving outcomes.

Medicaid Accountable Care Organizations—2019 Rates and the Long-Term Adequacy of ACO Funding

Received a report from the Utah Department of Health that the rates established by the Legislature to fund Medicaid accountable care organizations in 2019 are adequate for certification by the federal government.

Medicaid Waivers

Received an update from the Utah Department of Health on Medicaid waiver [applications submitted to the United States Centers for Medicare & Medicaid Services](#) in response to legislation passed during the 2018 General Session of the Legislature.

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

Staff: Mark D. Andrews (Policy Analyst) / Daniel M. Cheung (Attorney) / Andrea Crabb (Administrative Assistant)

Judiciary**Administrative Law Judges**

Received a [report](#) from the Department of Human Resource Management regarding administrative law judges. Discussed issues relating to administrative law judges and their ability to

make fair decisions independent from the agency for which they work.

Child Custody and Parent-Time

Discussed with the study sponsor concepts of forthcoming legislation regarding child custody and parent-time, particularly parent-time of young children.

Gambling Machines

Action: Amended and approved as a committee bill draft legislation, "[Gambling Machines Amendments](#)," which would clarify that certain gambling offenses include fringe gambling.

Grand Juries

Considered draft legislation, "[Grand Jury Process Amendments](#)," which would:

- replace a panel of judges with the appointment of a managing judge in each judicial district to consider requests for a grand jury within the district;
- outline the duties of the managing judge;
- provide circumstances that qualify as good cause to summon a grand jury;
- address the requirement of a prosecutor to provide an indicted defendant with a transcript of testimony to the grand jury; and
- require a county or municipality to pay the expenses of a grand jury when one is summoned at the request of a county attorney, district attorney, or municipal attorney.

Indigent Defense

Action: Made a technical amendment and approved as a committee bill draft legislation, "[Indigent Defense Act Amendments](#)," which would recodify the Indigent Defense Act.

Pretrial Risk Assessments

Heard a [presentation](#) from the Administrative Office of the Courts, a district court judge, and a juvenile court judge explaining the new pretrial risk assessment tool known as the Public Safety Assessment Report, which was implemented in June 2018. The presenters explained how the use of the Public Safety Assessment Report augments a judge's pretrial release decision. The committee also heard comments from the bail bond industry.

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

Law Enforcement and Criminal Justice

Bureau of Criminal Identification Reporting Amendments

Considered draft legislation that requires the district court to provide information to the Bureau of Criminal Identification on individuals mentally unfit to purchase firearms and individuals subject to a protective order.

Action: Approved as a committee bill draft legislation, "[Bureau of Criminal Identification Reporting Amendments](#)."

Fraudulent Drug Testing Amendments

Received a presentation on draft legislation that would make it a criminal offense to defraud an alcohol or drug test using an adulterant, bodily fluid of another person, or bodily fluid expelled or withdrawn before collection for the test.

Action: Approved as a committee bill draft legislation, "[Fraudulent Drug Testing Amendments](#)."

Human Trafficking Amendments

Considered draft legislation that would clarify and amend certain language regarding human trafficking and creates an offense for trafficking a vulnerable adult.

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

Identification Request Amendments

Considered draft legislation that would modify the type of information a peace officer may request from a suspect the officer stops to question about a crime.

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

Justice Reinvestment Initiative Report

Received a [presentation](#) from the Utah Commission on Criminal and Juvenile Justice updating the committee on information relevant to the Justice Reinvestment Initiative.

Victim Rights Amendments

Considered draft legislation that would allow investigations to be reviewed at the request of a victim or victim's family.

October 2018

Action: Amended and approved as a committee bill draft legislation, "[Victim Rights Amendments](#)."

Chairs: Rep. Lee B. Perry / Sen. Don L. Ipson

Staff: John Feinauer (Policy Analyst) / Esther Chelsea-McCarty (Attorney) / Ericka A. Evans (Attorney) / Tracey Fredman (Administrative Assistant)

Legislative Water Development Commission

October 16, 2018

Extraterritorial Jurisdiction, Water Supply, Private Property, and Constitutional Amendment Subcommittees

Received [recommendations](#) and suggested legislation from the Department of Natural Resources and subcommittees created by the department on:

- [extraterritorial jurisdiction](#);
- [water supply and surplus water](#);
- private property rights; and
- [a constitutional amendment on municipal water rights](#).

Tiered Water Pricing

Received a [report](#) from the Office of the Legislative Auditor General and the Utah Rural Water Users Association on compliance with the requirement that community water systems implement tiered water pricing.

Watershed Protection

Received a [presentation](#) from the Central Utah Water Conservancy Association on watershed protection. The commission discussed efforts to protect drinking water sources and the environment, including in areas outside a water provider's jurisdiction.

Chairs: Rep. Keven J. Stratton / Sen. David P. Hinkins

Staff: J Brian Allred (Policy Analyst) / Amy L. West (Attorney) / Cassidy Hansen (Administrative Assistant)

Native American Legislative Liaison

September 05, 2018

San Juan School District and Eagle View Elementary School Reports

Received [reports](#) from representatives of the [San Juan School](#)

[District](#) and [Eagle View Elementary](#) in the [Uintah School District](#) on their progress and plans for teacher retention and student test score improvements.

Utah Tribal Leaders Report—Priority Issues

Received a report from representatives of the Native American Tribes in Utah regarding their three highest priority issues:

- disposition of Native American remains;
- implementation of the Indian Child Welfare Act (ICWA) in Utah, including funding for an ICWA liaison and staff;
- private property rights; and
- making the position of Director of the Division of Indian Affairs a Governor's Cabinet level position.

The committee also heard from other individuals from Native American Tribes in Utah.

Chairs: Rep. John R. Westwood / Sen. Kevin T. Van Tassell

Staff: Art L. Hunsaker (Policy Analyst) / Patricia Owen (Attorney) / Julia Octavia Conner (Administrative 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 on the activities and recommendations of the commission in 2018.

Department of Environmental Quality Amendments

Discussed draft legislation, "[Rulemaking Fiscal Accountability Amendments](#)," which:

- provides for review and legislative approval of certain Water Quality Board rules or standards;
- requires an agency to submit certain proposed rules to an appropriations subcommittee and interim committee for review before the agency enacts the rules;
- amends the duties of the Administrative Rules Review Committee;
- prohibits a government entity from implementing a permit or license that is more stringent or has more requirements than the rule that authorizes the permit or license; and

- makes technical and conforming changes.

Extraterritorial Jurisdiction, Water Supply, Private Property, and Constitutional Amendment Subcommittees

Received [recommendations](#) and suggested legislation from the Department of Natural Resources and subcommittees created by the department on:

- [extraterritorial jurisdiction](#);
- [water supply and surplus water](#);
- private property rights; and
- [a constitutional amendment on municipal water rights](#).

Sunset Review - Commission for the Stewardship of Public Lands

***Action:** Approved a recommendation that the repeal date of the Commission for the Stewardship of Public Lands be extended for 10 years.*

Sunset Review - Instream Flow Water Right for Trout Habitat Established in Subsection 73-30(3)

***Action:** Approved as a committee bill draft legislation, "[Instream Flow Water Rights Amendments](#)," which repeals the repeal date for the instream flow water right for trout habitat established in Subsection 73-30(3).*

Wildfire Update

Received a report from the Division of Forestry, Fire, and State Lands on wildfire activity in the state in 2018.

Chairs: Rep. Keven J. Stratton / Sen. Keith Grover
Staff: J Brian Allred (Policy Analyst) / Amy L. West (Attorney) / Cassidy Hansen (Administrative Assistant)

Point of the Mountain Development Commission

September 18, 2018

Transportation at Point of the Mountain

Received a presentation from the Wasatch Front Regional Council and Mountainland Association of Governments regarding the long term transportation planning process in the state and its relationship to the work of the commission.

Additionally, received a [presentation](#) from Envision Utah, the Utah Department of Transportation, and the Utah Transit Authority regarding specific transportation projects included in the [Point of the Mountain Development Commission Vision and Recommendations](#). The Utah Department of Transportation and Utah Transit Authority also explained the next steps that would need to take place to further study the proposed projects.

***Action:** Designated two legislators to discuss with the Utah Department of Transportation and Utah Transit Authority the process, costs, and timelines for further study of transit projects at the Point of the Mountain and bring a proposal to the commission.*

Water Infrastructure at Point of the Mountain

Received a [presentation](#) from the Central Utah Water Conservancy District, which discussed water resources in Utah, future projects for the district, and projected demands for water in and near the point of the mountain.

Chairs: Mr. Christopher Conabee / Rep. V. Lowry Snow
Staff: Ryan M. Hunter (Policy Analyst) / Robert H. Rees (Attorney) / Andrea Crabb (Administrative Assistant)

Political Subdivisions

County Auditor Amendments

Received an overview from a county auditor regarding concerns related to the independence of elected county auditors, and discussed potential policy solutions, including whether any changes should apply statewide or only to counties of the first class.

County Classification

Discussed committee staff's [research summary](#) and [findings](#) regarding provisions in statute that are applied based on a county's classification.

***Action:** Voted to open a committee bill file to temporarily prohibit counties from changing classification while the Legislature studies policy options related to county classifications.*

Land Use Task Force

Received a [presentation](#) from the Land Use Task Force regarding proposed changes to the Land Use, Development, and Management Act. The task force recommends modifying the attorneys' fees provisions related to the Property Rights

October 2018

Ombudsman and prohibiting a city from requiring an applicant to bond for non-essential infrastructure.

Nonprofits Associated with Government

Action: Approved as a committee bill draft legislation, "[Governmental Nonprofit Corporation Meetings Amendments](#)," which would allow a governmental nonprofit corporation to close a meeting to discuss a trade secret in certain circumstances.

Approved as a committee bill draft legislation, "[Governmental Nonprofit Corporation Act Amendments](#)," which would amend definitions and provisions for certain training relating to governmental nonprofit corporations.

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

Electrical Corporation Cost Recovery Report and Sunset Review

Discussed [Utah Code Subsection 54-7-13.5\(2\)\(d\)](#), which is scheduled to [sunset](#) on December 31, 2019, unless the committee takes further action. Committee staff presented [possible options](#) regarding the sunset statute.

Rocky Mountain Power Interstate Cost Allocation

Received a status update on negotiations with states in Rocky Mountain Power's service area concerning future cost allocation,

given recent changes in Oregon law regarding rates for Oregon ratepayers beginning in 2030. The following entities spoke to the issue:

- Division of Public Utilities, Utah Department of Commerce;
- Office of Consumer Services, Utah Department of Commerce;
- [Utah Association of Energy Users](#); and
- [Rocky Mountain Power](#).

Rural Development of Wind, Solar, & Geothermal Energy

Discussed how to best encourage the development of wind, solar, and geothermal energy resources in rural areas of the state. Heard from the following:

- [Governor's Office of Energy Development](#);
- Beaver County;
- Utah Solar Energy Association;
- Enyo Renewable Energy; and
- Kem C. Gardner Policy Institute.

Chairs: Rep. Stephen G. Handy / Sen. Daniel Hemmert

Staff: Sarah J. Balland (Policy Analyst) / Kurt P. Gasser (Attorney) / Debra Hale (Administrative Assistant)



Retirement and Independent Entities

September 26, 2018

Retirement Systems Amendments

Action: Discussed and approved as a committee bill draft legislation, "[Utah Retirement Systems Amendments](#)," which would incorporate the changes in statute recommended by Utah Retirement Systems.

School Trust Fund Amendments

Discussed proposed changes to 2018 General Session H.B. 238, "[School Trust Fund Amendments](#)," which amends the powers and duties of the School and Institutional Trust Fund Office regarding the School and Institutional Trust Fund Management Account.

Action: Voted unanimously to open a refile of 2018 General Session H.B. 238, "[School Trust Fund Amendments](#)," as a committee bill file.

Utah Beef Council

Received a [briefing](#) from the Utah Beef Council on the creation of the Utah Beef Council as a state independent entity following the passage of 2018 General Session H.B. 432, "[Agriculture Revisions](#)."

Utah Capital Investment Corporation

Received an [overview](#) from the Utah Capital Investment Corporation of the corporation's [annual report and activities](#) as required under Subsection 63N-6-301(6)(a)(iv).

Utah Retirement Systems Preliminary Retirement Contribution Rates and Assumed Rates of Return

Discussed preliminary contribution rates recently adopted by the Utah State Retirement Board for fiscal year 2019-2020. There are no changes to the contribution rates from the current fiscal year, except for a small increase to the Firefighters and Judges Retirement Systems due to lower fire premium tax receipts and court filing fees which help fund those systems. A representative from Utah Retirement Systems [briefed](#) the committee on these changes.

Other Items/Adjourn

The committee discussed teacher post-retirement reemployment in the context of Utah's teacher shortage.

Chairs: Rep. LaVar Christensen / Sen. Brian Zehnder

Staff: Sarah J. Balland (Policy Analyst) / Shannon C. Halverson (Attorney) / Peter Asplund (Attorney) / Debra Hale (Administrative Assistant)

Revenue and Taxation

Definition of Domicile for Income Tax Purposes

Discussed draft legislation, "[Income Tax Domicile Amendments](#)," which would amend tax provisions related to income tax domicile requirements.

Earned Income Tax Credit

Considered two versions of draft legislation regarding a state [Earned Income Tax Credit \(EITC\)](#). The [first bill](#) would only allow those experiencing intergenerational poverty and receiving the federal EITC to qualify for the state EITC. The [second bill](#) would allow any Utah taxpayer who received the federal EITC to claim the [state EITC](#).

Foreign Derived Intangible Income

Discussed policy options regarding whether to subject foreign derived intangible income to the state income tax.

Global Intangible Low-Taxed Income

Considered two versions of draft legislation regarding payment of income tax on global intangible low-taxed income.

- [Intangible Income Modifications](#)
- [Intangible Income Amendments](#)

Net Operating Loss

Considered draft legislation that modifies the uncodified effective date of an income tax provision related to Utah net operating loss passed during the 2018 2nd Special Session (H.B. 2003, "[Income Tax Code Amendments](#)").

Action: Voted to recommend draft legislation, "[Utah Net Loss Effective Date Clarification](#)," as a committee bill.

October 2018

Recognition of Commissioner Robert Pero's Service on the Utah State Tax Commission and Acknowledgement of the Governor's New Appointee

Recognized the service of Commissioner Robert Pero on the State Tax Commission and introduced Mr. Lawrence Walters, the Governor's new appointee to the State Tax Commission.

Repatriation Transition Tax

Discussed policy options regarding income tax provisions related to repatriated foreign income passed during the 2018 2nd Special Session (H.B. 2002, "[Repatriation Tax Amendments](#)").

***Action:** Voted to open a committee bill file to draft legislation that would clarify the tax year to which the repatriation transition tax provisions applies.*

Review of the Legislative Auditor General's Audits of the Utah State Tax Commission

The Legislative Auditor General recently completed two audits of the State Tax Commission, "[A Performance Audit of the Utah State Tax Commission](#)," and "[An In-Depth Budget Review of the Utah State Tax Commission](#)." The committee received a [summary](#) presentation of the audits from representatives of the Legislative Auditor General's Office and responses to the audits from representatives of the State Tax Commission

***Action:** Voted to open a committee bill file to draft legislation that would address the recommendations made by the Legislative Auditor General's office in "A Performance Audit of the Utah State Tax Commission."*

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

Discussed the effect of the recent federal tax reform enacted as Public Law 115-97 on the personal exemption and standard deduction for Utah state income tax. The committee received presentations highlighting both [specific examples](#) and the [general impacts](#) of the tax changes.

Statutorily Required Tax Credit Reviews

Received two reports reviewing certain Utah income tax credits.

- [Review of the Enterprise Zone and High Cost Infrastructure Tax Credit](#)
- [Review of Income Tax Credits](#)

Tangible Personal Property Exemption

Discussed policy options to potentially change the amount of tangible personal property a business may have exempted from property tax.

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)

Senate Judicial Confirmation

October 15, 2018

Confirmation of Mr. Michael Stephens Edwards

Recommended to the Senate the confirmation of Mr. Michael Stephens Edwards as a judge to the Second District Court.

The Senate met in extraordinary session on October 17, 2018, and confirmed the appointment of Mr. Edwards.

Chairs: Sen. Todd Weiler
Staff: Jerry Howe (Managing Policy Analyst) / Eric N. Weeks (Deputy General Counsel) / Cassidy Hansen (Administrative Assistant)

Subcommittee on Oversight

Certification of Legislative Budget to the Governor

***Action:** Voted to recommend that the Speaker and President certify to the governor the FY 2020 budget for the Utah State Legislature.*

Legislative Staff Offices' Proposed Budgets

***Action:** Voted to approve the FY 2020 budgets of the Office of Legislative Research and General Counsel, the Office of the Legislative Fiscal Analyst, the Office of the Legislative Auditor General, Legislative Support, Legislative Printing, and Legislative Services.*

Chairs: Speaker Gregory H. Hughes
Staff: Megan L. Bolin (Policy Analyst) / Newlyn Kiem (Executive Assistant) / Eric N. Weeks (Deputy General Counsel)

Transportation

Connected Autonomous Vehicles

Received an update from a legislator on the potential legislative changes regarding autonomous vehicles discussed at an earlier meeting. The update indicated various stakeholders have been discussing this issue and will likely present the proposed changes in November.

***Action:** Opened a committee bill file to address issues related to autonomous vehicles in the state.*

Driver Licenses

Received a presentation from a legislator regarding potential legislative changes to authorize the Driver License Division to modify Utah's driver licenses to bring them into compliance with federal Real ID requirements. The Driver License Division explained the potential for Utah driver licenses to no longer be accepted by the Department of Homeland Security as valid identification and the cost to the state of making these modifications, which decreases the earlier the policy is implemented.

***Action:** Opened a committee bill file to authorize the Driver License Division to bring Utah driver licenses into compliance with Real ID requirements.*

Frontrunner

Received a [presentation](#) from the Utah Transit Authority regarding a recently completed study titled, "The Future of Frontrunner." The presentation provided a history of Frontrunner, described the positive impact Frontrunner has had on mobility and economic development in the state, and outlined the projected increases in ridership associated with various levels of investment in the system.

Long-Term Transportation Planning

Received a [presentation](#) from the Transportation Commission regarding the duties and activities of the commission, including its role in transportation planning and the prioritization process used to allocate funding to transportation projects.

Roadway Tolling

Received a [presentation](#) from the Utah Department of Transportation regarding a statutorily required study of methods to collect tolls or penalties from out of state or rental vehicles. The study recommended that the Utah Department of Transportation continue to study the issue to determine the extent to which such vehicles use Utah toll lanes, develop data security and privacy protection policies related to the issue, and incorporate future efforts to collect such tolls into a broader

effort to automate toll collections.

Sales Tax Revenue for Transportation

Received a [presentation](#) from a legislator and considered draft legislation, "[Transportation Sales Tax Amendments](#)," which combines three existing sales tax rates, the revenues from which are deposited into the Transportation Investment Fund of 2005, into one equivalent rate.

Utah Department of Transportation Procurement

Received a follow-up presentation from the Utah Department of Transportation and considered draft legislation, "Department of Transportation Procurement Authority," which broadens the executive director's procurement authority to include purchases necessary to achieve the statutory functions and responsibilities of the department.

***Action:** Recommended draft legislation, "[Department of Transportation Procurement Authority](#)," to the Legislature.*

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

Veterans and Military Affairs Commission

October 09, 2018

Employer Incentives to Hire Military Servicemembers

Received a [presentation](#) from commission staff regarding federal and state incentives for employers to hire individuals who could be deployed by the United States Armed Forces.

***Action:** Voted to open a commission bill file to clarify current Utah law providing tax incentives to Utah employers who hire individuals who could be deployed by the United States Armed Forces.*

Utah National Guard at Camp Williams

Received briefings from representatives of the Utah National Guard which provided an overview of:

- [the Utah Air and Army National Guard](#);
- [the history and training resources and capabilities of Camp Williams](#);
- [the importance of establishing sentinel landscapes around Camp Williams](#), so that the Utah National Guard may

continue to accomplish its mission; and

- [the impact of education benefits on recruitment, retention, and talent management.](#)

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

Staff: Art L. Hunsaker (Policy Analyst) / Esther Chelsea-McCarty (Attorney) / Tracey Fredman (Administrative Assistant)

Victim Advocate Confidentiality Task Force

Legislation

***Action:** Voted to open a committee bill file regarding victim advocates and victims.*

Privileged Information Allowed in Court

Discussed issues related to creating an evidentiary privilege for communications between a victim and a victim advocate employed by law enforcement or a prosecutor's office, and heard comments from a prosecutor and a victim advocate from a district attorney's office, a private criminal defense attorney, a public defender, and the Administrative Office of the Courts.

Relation of State Statutes and Judicial Rules of Evidence and Procedure

Heard comments from the Administrative Office of the Courts regarding the relation of state statutes and judicial rules of evidence and procedure.

Chairs: Rep. V. Lowry Snow / Sen. Todd Weiler

Staff: Joseph T. Wade (Policy Analyst) / Patricia Owen (Attorney) / Andrea Crabb (Administrative Assistant)

