

Interim Highlights

November 19, 2018, Vol. 18, No. 6



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Legislative Interim Meetings

Meetings were held November 14, 2018, or as noted

Administrative Rules Review Committee

October 24, 2018

State Employee Participation in Political Campaigns and Ballot Propositions

Discussed portions of the Political Activities of Public Entities Act regarding state employees using public resources to participate in political campaigns and ballot propositions. The committee found portions of the act unclear and difficult to enforce.

***Action:** Directed committee staff to prepare a letter, to be sent to the chairs of the Government Operations Interim Committee, recommending a review and rewrite of portions of the Political Activities of Public Entities Act.*

November 15, 2018

State Board of Education Rulemaking

Discussed with representatives of the State Board of Education and other interested parties the board's rulemaking authority, including concerns regarding separation of powers, express and implied legislative authority, and the board's motivation for rulemaking.

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

Discussed:

- Appendix Q, Tiny Houses, from the 2018 International Residential Code;
- construction code provisions affecting nail salons; and
- the 2018 edition of the International: Building Code (including Appendix J), Plumbing Code, Mechanical Code, Fuel Gas Code, Energy Conservation Code, and Existing Building Code.

Discussed the [Uniform Building Code Commission Report](#) and referenced a [summary](#) and [information](#) provided by the Mechanical Advisory Committee. Heard comments from several stakeholders.

Employer's Reinsurance Fund

Action: *Approved as a committee bill draft legislation, "[Employers' Reinsurance Fund Amendments](#)," which directs the Division of Finance to transfer any remaining assets to the Uninsured Employers' Fund after the state pays all liabilities from the Employers' Reinsurance Fund.*

Fire Code

Action: *Approved as a committee bill draft legislation, "[Fire Code Amendments](#)," which adopts, with amendments, the 2018 edition of the International Fire Code, the 2016 edition of the National Fire Alarm and Signaling Code, and the National Fire Protection Association's 2016 Standard for the Installation of Sprinkler Systems.*

Home Inspector Licensing

Discussed standards to become a home inspector. Heard comments from stakeholders, the Division of Occupational and Professional Licensing, and home inspectors.

Insurance

Action: *Approved as a committee bill draft legislation, "[Insurance Amendments](#)," which amends insurance related provisions which includes:*

- enacting the Corporate Governance Annual Disclosure Act;
- allowing for an action against an insurer after a denial of payment;
- modifying the conduct that constitutes a fraudulent insurance act

under the Insurance Code and the Utah Criminal Code;

- clarifying that the Insurance Department may investigate and enforce certain provisions of the Workers' Compensation Act; and
- consolidating certain provisions governing captive insurance companies.

Physical Therapy

Action: *Approved as a committee bill, "[Physical Therapist Act Amendments](#)" which permits an applicant for a license as a physical therapist to take a licensing exam prior to graduation.*

Required Reports

Received an [executive summary](#) from the Department of Alcoholic Beverage Control regarding the On-Premise Banquet Study. Received the [Division of Antidiscrimination and Labor report](#) and the [Occupational and Professional Licensure Review Committee report](#).

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)

Commission for the Stewardship of Public Lands

November 13, 2018

Bears Ears National Monument

Received an update and [comments](#) from San Juan County regarding the U.S. Bureau of Land Management's process for producing management plans for the [Indian Creek and Shash Jaa Units](#) of the Bears Ears National Monument.

Action: *Voted to open a commission bill file regarding the management of the Bears Ears National Monument.*

Emery County

Received an update on the progress of the [Emery County Public Land Management Act of 2018](#) in Congress.

Action: *Voted to open a commission bill file to address public land management in Emery County.*

Forest Service: Million Acre Challenge

Received a presentation on the Million Acre Challenge, a

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commitment by the U.S. Forest Service to complete restoration work on one million acres of Utah forests in five years.

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

October 29, 2018

Criminal Code Task Force Amendments

Discussed draft legislation that modifies criminal offenses and penalties.

Action: *Approved as a task force bill draft legislation, "Criminal Code Task Force Amendments."*

Future Planning

Discussed items suggested for future study by the task force. Received recommendations for study items from the Statewide Association of Public Attorneys.

Action: *Opened a task force bill file to address a list of study items approved by the task force.*

Chairs: Rep. Paul Ray / Sen. Karen Mayne
Staff: John Feinauer (Policy Analyst) / Esther Chelsea-McCarty (Attorney) / Ericka A. Evans (Attorney) / Tracey Fredman (Administrative Assistant)

Economic Development and Workforce Services

Affordable Housing Modifications

Discussed draft legislation, "Affordable Housing Modifications," which modifies provisions related to a municipality's and a county's general plan related to moderate income housing. The draft legislation was produced by the Commission on Housing Affordability, created in 2018 General Session H.B. 430, "Affordable Housing Amendments."

Action: *Approved as a committee bill, "Affordable Housing Modifications."*

Early Childhood Coordination Amendments

Discussed draft legislation, "Early Childhood Coordination Amendments," which creates the Governor's Early Childhood Commission in the governor's office and codifies the Early Childhood Utah Council to serve as an advisor to the Governor's Early Childhood Commission.

Action: *Approved as a committee bill draft legislation, "Early Childhood Coordination Amendments."*

Heritage and Arts Amendments

Discussed draft legislation, "Heritage and Arts Amendments," which modifies provisions related to the Department of Heritage and Arts.

Secondary Water Metering Requirements

Discussed draft legislation, "Secondary Water Metering Requirements," which addresses the metering of pressurized secondary water.

Utah Technology Sector

Received a presentation on Utah's labor market and technology sector.

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

Education

Civic and Character Education Report

Received a statutorily required report from the State Board of Education regarding the methods used and the results being achieved in the instruction of Utah's students to help them become better informed and responsible citizens.

Early Childhood Care and Learning Coordination

Received a report from a legislator regarding the work done by the Early Childhood Care and Learning Coordination Working Group. The Economic Development and Workforce Services Interim Committee approved as a committee bill draft legislation,

"[Early Childhood Coordination Amendments](#)," which was developed by the working group and would:

- create the Governor's Early Childhood Commission to address coordination between the Department of Health, the Department of Human Services, the Department of Workforce Services, and the State Board of Education; and
- codify the Early Childhood Utah Advisory Council to serve as an advisor to the Governor's Early Childhood Commission.

Interventions for Reading Difficulties Pilot Program

Received a [report](#) from the State Board of Education and an independent evaluator regarding the Interventions for Reading Difficulties Pilot Program. The program was created by the Legislature in the 2015 General Session and received \$375,000 in one-time funding to be used over three years to assist students who are at risk of or are experiencing a reading difficulty. The program has been implemented in 14 schools in five school districts. The State Board of Education recommended continuing the pilot program and expanding it to more schools. Discussed draft legislation, "[Interventions for Reading Difficulties Sunset Amendments](#)," which would extend the sunset date for the Interventions for Reading Difficulties Pilot Program by five years and make other technical changes to the program.

***Action:** Approved as a committee bill draft legislation, "Interventions for Reading Difficulties Sunset Amendments."*

Recodification of the Public Education Code

Discussed two pieces of draft legislation, "[Public Education Definitions Amendments](#)" and "[Public Education Definitions Coordination](#)," which would define terms that apply to the public education code and amend provisions related to the defined terms.

***Action:** Approved as committee bills draft legislation, "Public Education Definitions Amendments" and "Public Education Definitions Coordination."*

School Safety

Received a [presentation](#) from a legislator regarding draft legislation, "[Student and School Safety Assessment](#)," which

addresses the safety of students in public education facilities. The draft legislation would address the recommendations made by the School Safety Advisory Committee, including supporting students with mental health issues and safety improvements for school facilities. The draft legislation would appropriate \$30 million ongoing to distribute to local education agencies to hire or contract with professionals for mental health and school safety services and \$164 million one-time to make physical improvements to public school facilities. The draft legislation also appropriates:

- approximately \$1 million one-time to develop a threat assessment tool;
- \$150,000 ongoing for a School Public Safety Law Enforcement Liaison position; and
- \$150,000 ongoing for a School-Based Mental Health Specialist.

Teacher Retention and Recruitment

Received a report from the State Board of Education regarding how the State Board of Education plans to use the state transparency website to collect reliable teacher salary data from local education agencies.

UPSTART Program

Discussed draft legislation, "[UPSTART Amendments](#)," which would modify the existing UPSTART home-based educational technology program to:

- prioritize enrollment of preschool children living within the boundaries of specified schools; and
- require a contractor for the program to cooperate with private preschool provider personnel to provide administrative and technical support for the program.

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)

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Government Operations

Campaign Finance Amendments

Action: Approved as a committee bill draft legislation, "Campaign Finance Amendments," which amends provisions relating to campaign finance reporting requirements for political action committees and corporations.

Election Code Cleanup

Action: Approved as a committee bill draft legislation, "Political Procedures Amendments," which addresses errors and inconsistencies in the Election Code and related code provisions identified by the Office of the Lieutenant Governor and committee staff.

Free Market Protection and Privatization Board

Action: Approved as a committee bill draft legislation, "Free Market Protection and Privatization Board Revisions," which amends the Free Market Protection and Privatization Board's composition and duties.

Government Records Access and Management Act

Discussed different stakeholders' perspectives on how to address abusive records requests made under the Government Records Access and Management Act.

Municipal Incorporation Code

Action: Approved as a committee bill draft legislation, "Municipal Incorporation Amendments," which modifies provisions related to the incorporation of a municipality as recommended by the Office of the Lieutenant Governor, including:

- combining the town incorporation process with the city incorporation process;
- establishing qualifications for an area to incorporate as a municipality;
- modifying the content of an incorporation feasibility study; and
- modifying the financial structure for the provision of a feasibility consultant.

Quasi-State Entities

Action: Approved as a committee bill draft legislation, "Independent Entities Compliance Amendments," which addresses whether certain independent entities are subject to the Government Records Access and Management Act, the Utah Procurement Code, and the Open and Public Meetings Act.

Remote Notarization

Action: Approved as a committee bill draft legislation, "Remote Notarization Standards," which establishes a process by which a notary public may perform notarial acts remotely.

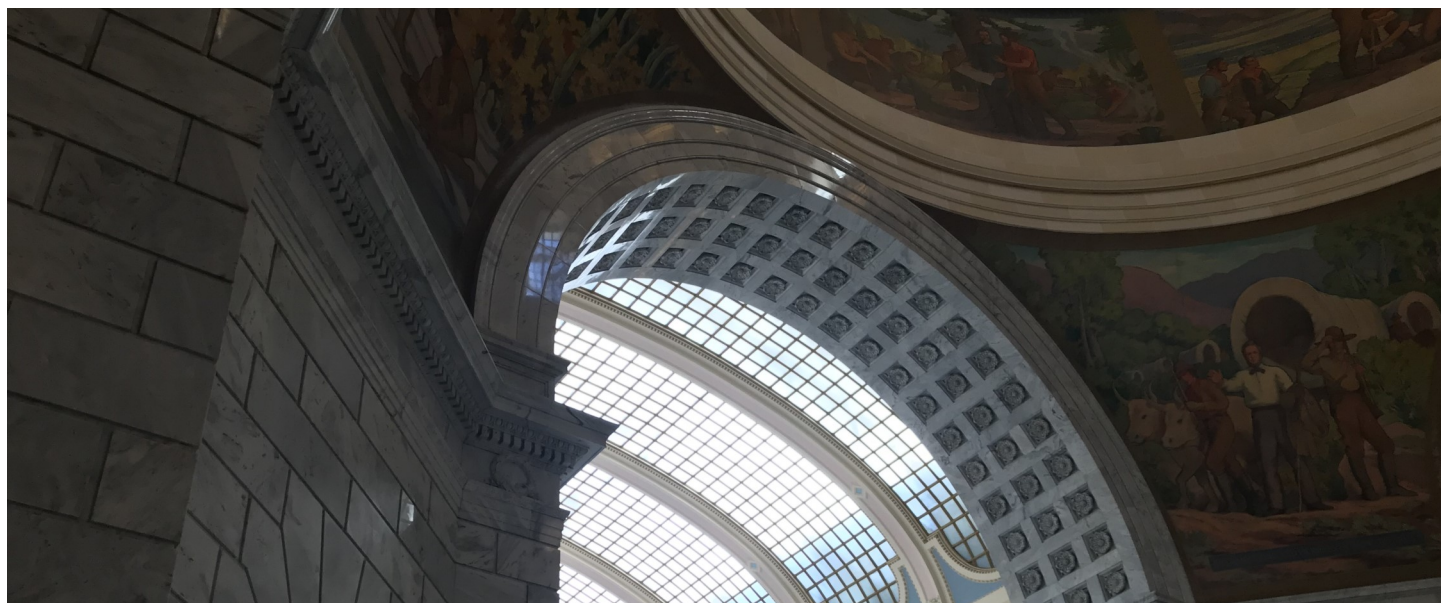
Chairs: Rep. Jeremy A. Peterson / Sen. Wayne A. Harper

Staff: Brian J. Bean (Policy Analyst) / Thomas R. Vaughn (Attorney) / Tracey Fredman (Administrative Assistant)

Health and Human Services

Abortion – Information Module

Reviewed a draft version of the online informed consent education module developed by the Utah Department of Health in



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response to 2018 General Session S.B. 118, Abortion Law Amendments. The department affirmed that it will finalize the module by the January 1, 2019, deadline.

Medicaid Ballot Initiative

Received a report from the Utah Department of Health on implementation issues associated with the Utah Decides Healthcare Act Utah Voter Information Pamphlet, a Utah voter initiative passed November 6, 2018.

Medicaid Dental

Action: *Approved as a committee bill draft legislation "Medicaid Dental Coverage Amendments," which requires the Utah Department of Health to apply for a federal waiver authorizing an existing Medicaid dental program to cover individuals 65 years of age or older.*

Medical Price Transparency

Briefed by a legislator on a proposal to use the cost comparison tools developed by the Public Employees Health Program to display healthcare provider data collected by the state's all-payers claims database.

Mental Health – Supporting Persons in Crisis

Considered three draft bills related to the committee's study of how Utah's mental health system compares with other states, what Utah can learn from other states, and what the state can do to improve care for individuals experiencing mental illness.

Action: *Approved as a committee bill draft legislation, "Assisted Outpatient Treatment for Mental Illness," which creates a process for the provision of court-ordered assisted outpatient treatment for an individual with mental illness.*

Approved as a committee bill draft legislation, "Mental Health Amendments," which:

- *amends the civil commitment process by requiring a person's mental health history to be considered when the person is evaluated for civil commitment;*
- *authorizes an evaluator to obtain a mental health history by court order; and*
- *requires a mental health provider to offer each patient the opportunity to waive the patient's privacy rights under HIPAA.*

Approved as a committee bill draft legislation, "Concurrent Resolution on the Payment for Treatment in an Institution for Mental Illness," which urges Congress to extend Medicaid coverage beyond 15 days for services provided in certain settings to adults with serious mental illness.

Opioid Misuse

Action: *Approved as a committee bill draft legislation, "Opioid Fatality Review Amendments," which creates the position of opioid fatality examiner within the Office of the Medical Examiner. The legislation also creates the Opioid and Overdose Fatality Review Committee within the Utah Department of Health and requires the committee to conduct multidisciplinary reviews of overdose deaths.*

Report on Suicide and Firearm Safety

Received a statutorily required report from the state suicide prevention coordinator on suicide and firearm safety in Utah and considered related legislation.

Action: *Approved as a committee bill draft legislation, "Firearm Violence and Suicide Prevention Amendments," which reenacts and modifies previously sunsetted provisions relating to a voluntary firearm safety program and a suicide prevention education course.*

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

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

Health Reform Task Force

Utah's Individual and Small Group Health Insurance Markets – 2019 Premiums, Exchange Participation, and Financial Status

Received a report from the Utah Insurance Department, indicating that 2019 average health insurance premiums will be 1.5% lower than 2018 rates in the Utah's individual health insurance market and remain unchanged in the state's small group health insurance market.

Prescription Drugs – Importation from Canada

Received a report from the Utah Department of Health on the feasibility of creating a state Canadian drug importation program to lower prescriptions costs for Utahns. A legislator will prepare legislation for the 2019 General Session describing what the state needs to do to implement an importation program. Pharmaceutical Research and Manufacturers of America responded by expressing its concerns.

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Substance Use Disorder – Treatment in IMDs

Received a report from the Utah Department of Health on recent federal legislation that authorizes Medicaid to pay for treatment of substance use disorders in institutions of mental disease (residential treatment facilities with more than 16 beds). The department will determine whether this new authorization includes advantages not already available to the state through a November 2017 Medicaid waiver authorizing similar coverage.

Medical Price Transparency

Considered options for making the costs of prescription drugs and health care services more transparent to consumers. Received suggestions from legislators, a local healthcare quality improvement organization, and Pharmaceutical Research and Manufacturers of America. The Utah Department of Health indicated that publishing episode-of-care costs based on data from its all-payers claims database would require significant additional resources.

Online Posting of Standard Charges by Hospitals

Received a report from the Utah Hospital Association regarding a recent federal requirement that hospitals "make public a list of their standard charges via the Internet in a machine readable format, and...update this information at least annually, or more often as appropriate." PEHP reported how the availability of this data may benefit consumers.

Chairs: Rep. James A. Dunnigan / Sen. Allen M. Christensen
Staff: Mark D. Andrews (Policy Analyst) / Daniel M. Cheung (Attorney) / Andrea Crabb (Administrative Assistant)

Higher Education Strategic Planning Commission

November 13, 2018

Report from Commission Consultant

Received a report and presentation from the consultant selected by the commission to manage the strategic planning process. The consultant compared Utah's higher education system and economy to other states, described the issues that they expect to address in their final report to the commission, and described plans to

conduct regional meetings around the state to receive input on the strategic plan.

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

Judiciary

Campus Sexual Violence Reporting and Due Process

Received a progress report from the study sponsor on discussions of potential statutory changes regarding campus sexual violence reporting and due process.

Change of Legal Gender

Discussed and amended draft legislation, "Vital Statistics Change Process Amendments," which would:

- address duties of the state registrar and inspection of vital records;
- address a court process for a legal gender change petition;
- establish what a court considers;
- establish effect of proceedings; and
- address combined petitions.

Child Custody and Parent-Time

Action: Amended and approved as a committee bill draft legislation, "Custody and Parent-Time Revisions," which would:

- rewrite and consolidate some provisions regarding custody;
- address custody of children and factors the court may consider;
- address joint legal custody, joint physical custody, and factors the court shall consider in making a determination;
- address parent-time; and
- permit a court to rely on divorce custody and parent-time provisions in a parentage act judicial proceeding.

Electronic Information or Data Privacy

Action: Amended and approved as a committee bill draft legislation, "Electronic Information or Data Privacy," which would:

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- *require issuance of a search warrant to obtain certain electronic information or data;*
- *address notification that electronic information or data was obtained;*
- *provide for transmission of electronic information or data to a remote computing service, including restrictions on government entities; and*
- *provide that the individual who transmits electronic information or data is the presumed owner of the electronic information or data.*

Governmental Immunity

Discussed potential changes to the [governmental immunity statutes](#).

Justice Reinvestment Initiative

Heard a [presentation](#) and [report](#) required by [Utah Code Section 62A-15-103](#) from the Commission on Criminal and Juvenile Justice regarding outcomes from 2015 General Session H.B. 348, "[Criminal Justice Programs and Amendments](#)."

Lawsuits that Challenge the Constitutionality of State Law

Received a report addressing [constitutional challenges](#) and a report addressing [Rule 24\(d\) & 25\(a\) Notices](#) required by [Utah Code Section 67-5-1](#) from the Office of the Utah Attorney

General on the status and progress of lawsuits that challenge the constitutionality of state law.

Victim Advocate Confidentiality Task Force Report

Heard a report on the work of the task force created by 2018 General Session H.B. 298, "[Victim Advocate Confidentiality Amendments](#)."

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

Criminal Code Evaluation Task Force

Received a statutorily required [report](#) from the Criminal Code Evaluation Task Force. Discussed draft legislation that modifies criminal offenses and penalties in the Utah Code.

***Action:** Approved as a committee bill draft legislation, "[Criminal Code Task Force Amendments](#)."*

Distracted Driving Amendments

Discussed draft legislation that amends provisions related to the



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use of a handheld wireless communication device while operating a motor vehicle.

***Action:** Approved as a committee bill draft legislation, "Distracted Driver Amendments."*

Mortality in Utah County Jails and Prisons

Received a statutorily required report from the Utah Commission on Criminal and Juvenile Justice on mortality in Utah county jails and prisons.

Murder Defense Amendments

Received a presentation concerning draft legislation, "Murder Defense Amendments," that modifies the circumstances under which a defendant's extreme emotional distress is special mitigation of the penalty for a criminal homicide offense.

Weapons Restrictions Amendments

Discussed draft legislation, "Weapons Restrictions Amendments," which changes and clarifies the prohibitions for carrying a dangerous weapon by an intoxicated individual.

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

November 13, 2018

Agricultural Water Optimization Task Force

Received a report from the newly created Agricultural Water Optimization Task Force on its organization, membership, and planned studies.

Constitutional Amendment - Municipal Water Resources

***Action:** Approved as a commission bill draft legislation, "Proposal to Amend Utah Constitution - Municipal Water Resources," which revises provisions relating to municipal water rights and sources of water supply and specifies the circumstances under which a municipality may commit water resources or supply water outside its boundary or exchange water resources.*

Extraterritorial Jurisdiction

***Action:** Approved as a commission bill draft legislation, "Extraterritorial Jurisdiction Amendments," which modifies provisions regarding the extraterritorial jurisdiction of a municipality to enact protections for the municipality's water works and water sources and provides a process by which a municipality may adopt an ordinance or regulation under the municipality's extraterritorial jurisdiction.*

Water Banking

***Action:** Approved as a commission bill draft legislation, "Joint Resolution Supporting the Study of Water Banking in Utah," which requests recommendations on the development and creation of water banks and furtherance of the 2017 State Recommended Water Strategy.*

Water Supply and Surplus Water

***Action:** Approved as a commission bill draft legislation, "Water Supply and Surplus Water Amendments," which describes the process by which a municipality may provide water to customers outside the municipality's political boundary and states that a municipality may not sell the municipality's waterworks except as provided in statute.*

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

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

Legislative Management

November 13, 2018

Expenditure of Funds from State Disaster Recovery Restricted Account

Heard a report from the Division of Emergency Management about expenditure of funds because of storm systems that have impacted fire burn scars in Duchesne County and Utah County.

Risk Management Settlements

Heard a request from the Division of Risk Management for approval by the Legislative Management Committee to settle two claims regarding a collision involving a state employee.

***Action:** Voted to recommend that the Division of Risk Management execute the financial settlement agreements in these two cases.*

Appointment of Kade Minchey as new Legislative Auditor General

***Action:** Voted to accept the recommendation of the Legislative Audit Subcommittee to appoint Kade Minchey as the new Legislative Auditor General, effective December 1, 2018.*

Reappointment of Jonathan Ball as Legislative Fiscal Analyst

***Action:** Voted to reappoint Jonathan Ball as the Legislative Fiscal Analyst, effective May 14, 2019.*

Request for Proposal Regarding the Valuation of Federal Lands

***Action:** Voted to approve the request for issuance of a Request for Proposal by the Commission on Federalism to value federal lands.*

Chairs: Rep. Gregory H. Hughes / Sen. Wayne L. Niederhauser

Staff: John Q. Cannon (Director) / John L. Fellows (General Counsel) / Newlyn Kiem (Executive Assistant)

Natural Resources, Agriculture, and Environment

Agricultural Water Optimization Task Force

Received a report from the newly created Agricultural Water Optimization Task Force on its organization, membership, and planned studies.

Cannabis Extracts in Food and Animal Feed Products

Received a report from the Department of Agriculture and Food on department responsibilities under draft medical cannabis legislation.

Constitutional Amendment - Municipal Water Resources

***Action:** Approved as a committee bill draft legislation, "Proposal to Amend Utah Constitution - Municipal Water Resources," which revises provisions relating to municipal water rights and sources of water supply and specifies the circumstances under which a municipality may commit water resources or supply water outside its boundary or exchange water resources.*

Department of Environmental Quality Amendments

***Action:** Approved as a committee bill 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, and amends the duties of the Administrative Rules Review Committee.*

Extraterritorial Jurisdiction

***Action:** Approved as a committee bill draft legislation, "Extraterritorial Jurisdiction Amendments" which modifies provisions regarding the extraterritorial jurisdiction of a municipality to enact protections for the municipality's water works and water sources and*

provides a process by which a municipality may adopt an ordinance or regulation under the municipality's extraterritorial jurisdiction.

State Monuments

***Action:** Approved as a committee bill draft legislation, "State Monuments Act Amendments," which requires the Division of Parks and Recreation to evaluate and report on state property for state monument status, create rules for the management of prospective state monuments, and prepare a proposal if the division determines that a state monument designation is appropriate.*

Utah Wholesome Food Act Amendments

***Action:** Approved as a committee bill draft legislation, "Utah Wholesome Food Act Amendments," which:*

- *designates "produce" as adulterated if it is in violation of certain provisions of the Federal Food Safety Modernization Act;*
- *expands the definition of "food establishment" to include farms;*
- *allows an authorized agent of the Department of Agriculture and Food to enter a farm for inspections under certain circumstances; and*
- *provides that carriers are subject to regulation under the Utah Wholesome Food Act.*

Water Banking

***Action:** Approved as a committee bill draft legislation, "Joint Resolution Supporting the Study of Water Banking in Utah," which requests recommendations on the development and creation of water banks and furtherance of the 2017 State Recommended Water Strategy.*

Water Resources Update

Received a report from the Division of Water Resources on 2018 calendar year water data and the current condition of water storage in the state.

Water Supply and Surplus Water

***Action:** Approved as a committee bill draft legislation, "Water Supply and Surplus Water Amendments," which describes the process by which a municipality may provide water to customers outside the municipality's political boundary and states that a municipality may not sell the municipality's waterworks except as provided in statute.*

Wildfire Update

Received a report from the U.S. Forest Service on 2018 wildfires in Utah and the forest service's evaluation of actions taken during the fire season.

Chairs: Rep. Keven J. Stratton / Sen. Keith Grover

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

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Occupational and Professional Licensure Review Committee

November 07, 2018

Anesthesia and Sedation Provisions Reauthorization

Action: *Approved as a committee bill draft legislation, "Anesthesia and Sedation Related Provisions Reauthorization," which extends the sunset date to 2022 of statutory provisions related to the reporting requirements of certain adverse anesthesia events and to what constitutes unprofessional conduct when administering anesthesia in an outpatient setting.*

Competency-Based Testing

Discussed competency-based testing for occupational and professional licensing.

Patron's Order for Alcoholic Product

Action: *Approved as a committee bill draft legislation, "Occupational Restriction Amendments," which allows an employee of a restaurant licensee who is at least 18 years of age to offer an alcoholic product for sale and take a patron's order for an alcoholic product.*

Speech Pathology and Audiology Licensing Act Reauthorization

Action: *Approved as a committee bill draft legislation, "Sunset Reauthorization—Speech Pathology and Audiology Licensing Act," to extend the sunset date of the Speech-Language Pathology and Audiology Licensing Act until 2029.*

Sunrise Review: Equine Dentistry Practitioner

Considered an application for sunrise review that proposes that the state newly regulate equine dentistry practitioners.

Action: *Voted to support potential future legislation to certify equine dentistry practitioners.*

Utah Constitution

Discussed amending the Utah Constitution to restrict government from infringing on the right to pursue a trade, vocation, occupation, or career, except in specified circumstances.

Chairs: Rep. Brian M. Greene / Sen. Todd Weiler
Staff: Adam J. Sweet (Policy Analyst) / Peter Asplund (Attorney) / Julia Octavia Conner (Administrative Assistant)

Political Subdivisions

County Classification

Action: *Approved as a committee bill draft legislation, "County Classification Changes," which delays action by the lieutenant governor in changing a county's classification.*

Indigent Defense

Received an overview of how indigent defense is provided for in Utah and how much each county spends per capita to provide indigent defense. Discussed the state's and county's roles and responsibilities for providing indigent defense and what the partnership should look like in the long-term.

Trampoline Park Safety

Received a presentation from a legislator and reviewed draft legislation, "Trampoline Park Safety Standards," which would enact statewide licensing and operational standards for trampoline parks. Discussed different approaches and levels of state oversight.

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

Public Utilities, Energy, and Technology

Wind, Solar, and Geothermal Energy

The committee considered a refiled resolution from the 2018 General Session that encourages the development of wind, solar, and geothermal energy resources in rural areas of the state.

Action: *Amended and approved as a committee file draft legislation, "2019 House Concurrent Resolution Supporting Wind, Solar, and Geothermal Energy," adding "Hydroelectric" and "Hydrogen" to the types of energy the resolution will support.*

Energy Development and Tax Incentives Amendments

The committee considered draft legislation, "Tax and Energy Development Incentive Amendments," that addresses recommendations made by the Office of the Legislative Auditor General in #2017-14, A Performance Audit of State Energy

Incentives. The draft bill repeals an obsolete energy-incentivizing program, requires all agencies that certify energy-incentivizing tax credits to submit evidence of those certifications to the State Tax Commission, and ensures that all tax credits are cross-referenced in Utah Code Title 59, Revenue and Taxation.

Energy Producer States Agreement Report

In accordance with Utah Code Subsection 36-12-20(3)(b), the committee received a brief report from an appointed member of the Energy Producer States' Coalition on the Energy Producer States' Agreement activities throughout the past year.

Public Utilities Interim Committee Reports

The committee considered draft legislation, "Public Utilities Interim Committee Reports," which repeals statutory reporting requirements for certain reports to the committee and consolidates the statutory requirements for other reports.

***Action:** Approved as a committee bill draft legislation, "Public Utilities Committee Reports."*

Public Utility Regulatory Restricted Account

The Division of Public Utilities briefed the committee on two approaches, related to Utah Code Section 54-5-1.5, Public Utility Regulatory Restricted Account, to modifying how regulatory entities can collect funds that cover the administrative costs of regulating public utilities.

***Action:** Voted to study the item more in-depth during the 2019 legislative interim.*

Renewable Energy Source Amendments

Received an update on a committee bill file that was opened in August to work with stakeholders and interested parties to support customer choice in pursuing community goals for 100% net renewable energy generation while guarding against unintended consequences to non-participants in Salt Lake City, Park City, and Summit County.

Utah Communications Authority Procurement Update

The committee received an update from the Utah

Communications Authority (UCA) regarding UCA's incorporation into the Utah Procurement Code with independent procurement authority as a result of 2018 Second Special Session H.B. 2004, "Utah Communications Authority – Procurement."

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

Achieving a Better Life Experience (ABLE)

Considered draft legislation, "Able Act Amendments," which would require the Department of Workforce Services to partner with an ABLE plan administrator to provide access to that plan for Utah residents.

Definition of Domicile for Income Tax Purposes

Received an update from committee staff indicating that there have been no updates to the draft legislation, "Income Tax Domicile Amendments," which was approved as a committee bill in October and amends 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, "Income Tax Code Amendments," would only allow those experiencing intergenerational poverty and receiving the federal EITC to qualify for the state EITC. The second, "Earned Income Tax Credit Amendments," would allow any Utah taxpayer who received the federal EITC to claim the state EITC.

Income Tax Credits Cleanup and Potential Income Tax Rate Change

Considered draft legislation, "Modifications to Tax," which makes the income tax credit rate of certain income tax credits consistent with the income tax rate. The committee also discussed lowering the income tax rate.

Nexus Standard for Utah Corporate Income Tax

Considered draft legislation that would amend the corporate income tax code by defining when a corporation is doing business or exercising a corporate franchise in the state for income tax purposes

Action: *Approved as a committee bill draft legislation, "Income Tax Revisions."*

Property Tax Valuation Process

Considered draft legislation that would modifies the property tax valuation and appeals processes for county assessed real property.

Action: *Approved as a committee bill draft legislation, "Property Tax Amendments."*

Repatriation Transition Tax

Considered draft legislation that clarifies that all corporations that receive deferred foreign income are required to pay the state income tax.

Action: *Approved as a committee bill draft legislation, "Repatriation Transition Tax Amendments."*

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

Heard from the Executive Director of the State Tax Commission on the steps the commission plans on taking to administratively implement certain recommendations made in the audit. The Legislative Auditor General recently completed an audit of the State Tax Commission, "A Performance Audit of the Utah State Tax Commission."

Statutorily Required Study

Received an update on Utah Code Section 59-2-1007, which requires the Revenue and Taxation Interim Committee to study the process for a county to object to an assessment of property assessed by the State Tax Commission. 2018 General Session H.B. 21, "Changes to Property Tax," made amendments to that process. The committee heard an update on this issue from a committee member.

Statutorily Required Tax Credit Reviews

Received the Review of the Enterprise Zone and High Cost Infrastructure Tax Credit report and the Review of Income Tax Credits report reviewing certain Utah income tax credits.



Tangible Personal Property Exemption

Considered draft legislation that would amend state code and provide for an amendment to the Utah Constitution to create a property tax exemption for all business tangible personal property that does not qualify for a sales tax exemption.

Action: *Approved as a committee bill draft legislation, "Tangible Personal Property Amendments."*

Approved as a committee bill draft legislation, "Proposal to Amend Utah Constitution – Tangible Personal Property Tax Exemption."

Tax Commission Amendments

Considered draft legislation that extends the repeal dates of the provisions related to the State Tax Commission. The provisions include authorization for the State Tax Commission to hold a meeting that is not open to the public to provide guidance to the commission's employees on the interpretation and application of a law administered by the commission and a reporting requirement for any such meetings.

Action: *Approved as a committee bill draft legislation, "Tax Commission Amendments."*

Tax Exemptions, Deferrals, and Abatements

Considered draft legislation that makes clarifying amendments to Title 59, Chapter 2, Property Tax Act, including provisions related to appeals of tax relief decisions.

Action: *Approved as a committee bill draft legislation, "Property Tax Exemptions, Deferrals, and Abatements 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)

Senate Judicial Confirmation

November 8, 2018

Confirmation of Mr. David James Williams

Recommended to the Senate the confirmation of Mr. David James Williams as a judge to the Second District Court.

The Senate met in extraordinary session on November 14, 2018, and confirmed the appointment of Mr. Edwards.

Confirmation of Ms. Dianna M. Gibson

Recommended to the Senate the confirmation of Ms. Dianna M. Gibson as a judge to the Third District Court.

The Senate met in extraordinary session on November 14, 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)

State Fair Park

November 15, 2018

Report from the Utah State Fair Corporation

Received a presentation from the Utah State Fair Corporation that addressed:

- the general state of the corporation's financial and business affairs;
- attendance, operation, and revenue related to this year's state fair; and
- a request for legislative appropriations.

Chairs: Rep. Mike Schultz / Sen. Kevin T. Van Tassell

Staff: Michael E. Curtis (Attorney) / Megan L. Bolin (Administrative and Finance Manager)

Transportation and Tax Review Task Force

November 13, 2018

Alternative Transportation Financing Tools - Sponsorship

Heard a presentation from the Utah Department of Transportation on the potential for sponsorship agreements to provide funding for transportation as a follow up to a presentation at the July 16, 2018, task force meeting. The presentation highlighted the potential for sponsorships to fund courtesy patrols to assist motorists on Utah roads.

November 2018

Human Services Transportation Coordination

Heard a presentation from the Utah Transit Authority regarding transit services for seniors and those with disabilities. The presentation highlighted the efforts of the Utah Transit Authority to coordinate such services, the gaps that exist between demand and supply of services, and potential solutions to close such gaps.

Local Option Sales Taxes for Transportation

Discussed recommendations for simplifying local option sales taxes for transportation. The recommendations included providing a uniform description of allowable uses for local option sales tax revenue distributed to counties and municipalities.

***Action:** Opened a task force bill file to address local option sales taxes for transportation and other transportation related issues.*

Location Data Collection

Heard a presentation from the Utah Department of Transportation regarding proposed legislative changes addressing motor vehicle location data collection. The presentation highlighted the potential for "smart infrastructure" and other technological advances to promote safety and the need for rapid access to data to facilitate such advances.

Public-Private Partnerships

Heard a presentation from a legislator regarding public-private partnerships in transit. The presentation highlighted the opportunities for shared freight and commuter facilities and the potential for freight fees to offset capital investment costs.

S.B. 136 Review

Discussed potential legislative changes to address issues that have arisen in the implementation of 2018 General Session S.B. 136, "Transportation Governance Amendments." The changes included several areas of clarification including:

- rules for imposing certain local option sales taxes;
- the role of an advisory committee in prioritizing local option

sales tax revenues;

- types of vehicles subject to increased registration fees;
- the process for the Utah Transit Authority to transition to legal representation from the Office of the Attorney General;
- the process to appoint members to the board of the Utah Transit Authority; and
- the name of the Utah Transit Authority.

Chairs: Rep. Kay J. Christofferson / Sen. Wayne A. Harper
Staff: Alex R. Janak (Policy Analyst) / Ryan M. Hunter (Policy Analyst) / Kurt P. Gasser (Attorney) / Julia Octavia Conner (Administrative Assistant)

Transportation**Connected Autonomous Vehicles**

Heard a presentation regarding autonomous vehicles from the Utah Department of Transportation and considered draft legislation, "Autonomous Vehicles Amendments," which allows the use of autonomous vehicles on roads in the state and regulates their registration, titling requirements, and operation. The committee discussed issues related to autonomous vehicles, including the assignment of liability in the event of a crash and the use of autonomous vehicles by minors. Recommendations were made for potential changes to the draft legislation.

Driver Licenses

Heard a presentation from the Driver License Division regarding federal REAL ID requirements and considered draft legislation, "REAL ID Act Compliance Amendments," which allows the Driver License Division to make changes to Utah's driver licenses to bring them into compliance with these requirements.

***Action:** Approved as a committee bill draft legislation, "REAL ID Act Compliance Amendments."*

Extraterritorial Airports

Heard a statutorily required report from the Salt Lake City Department of Airports regarding the highest and best use and operational strategy for the South Valley Airport in West Jordan and Tooele Valley Airport in Tooele. The report highlighted the

increased demand for commercial travel at Salt Lake International Airport, limiting the services and access available for general aviation aircraft. The department envisions both the South Valley and Tooele Valley Airports playing an important role in accommodating this displaced general aviation demand.

Long-Term Transportation Planning

Heard a statutorily required report from the Utah Department of Transportation regarding the strategic initiatives of the department. The report highlighted the timeline the department intends to follow to establish strategic vision for transportation and identify a unified set of goals for transportation stakeholders across the state.

Sales Tax Revenue for Transportation

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.

***Action:** Approved as a committee bill draft legislation, "Transportation Sales Tax Amendments."*

State Highway System

Heard a statutorily required report from the Utah Department of Transportation regarding changes to the state highway system. The report recommended the addition of two roads to the state highway system and changes to three highways in the system. Also heard a statutorily required report from the Utah Department of Transportation regarding the operation, maintenance, condition, and safety needs of the transportation system. The report highlighted the department's three strategic goals of zero fatalities, optimizing mobility, and preserving infrastructure and noted that the department has met its benchmarks in these areas over the past year.

Transportation and Tax Review Task Force

Heard a presentation from representatives of the Transportation and Tax Review Task Force regarding the actions and

recommendations of the task force. The presentation highlighted the work of the task force to date and described the transportation related legislative changes the task force is pursuing, including simplifying the allowed uses for local option sales taxes and clarifying issues that have arisen in the implementation of 2018 General Session S.B. 136, "Transportation Governance Amendments."

UTA Restructuring

Heard from the two newly appointed board members of the Utah Transit Authority regarding their background and plans for the Utah Transit Authority. The board members emphasized their efforts to facilitate a smooth transition and take a broad view of the entire transit system.

Also heard a brief update on a statutorily required report from the Utah Transit Authority and Utah Department of Transportation regarding a study of the feasibility of transitioning the Utah Transit Authority into a state entity. The study is expected to be completed over the next six to eight months.

Vehicle Emissions Testing

Heard a presentation from a legislator regarding advancements in vehicle emissions testing and the potential for such technology to accommodate self-reported emissions compliance.

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

November 13, 2018

Incentives for Employing Deployable Servicemembers

Received an update on potential modifications to Utah Code to provide incentives for businesses employing military servicemembers who may be deployed. It was determined that further study is needed during the 2019 Interim to adequately prepare legislation to provide the intended incentive.

November 2018

@Ease Program Report

Received a report on the @Ease program, a joint initiative of the Utah Attorney General's Office and the Utah Department of Veterans and Military Affairs. The program provides veterans and soldiers free legal services through partnerships with the private sector and was launched in June 2018.

USS Utah Report

Received an update on the USS Utah, a Virginia Class submarine currently under construction, and the role of the USS Utah Commissioning Committee and its participation in the various construction milestones and events.

Update: 2018 General Session S.B. 227 Licensing Standards for Military Spouses

Received an update on the development and impact of 2018 General Session S.B. 227, "[Licensing Standards for Military Spouses](#)."

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

November 13, 2018

Legislation and Recommendations

Discussed draft legislation, "[Victim Communications Amendments](#)," which would:

- expand the circumstances when the communications between a victim and a victim counselor are kept confidential;
- establish the circumstances when the communications between a victim and a government victim advocate are kept confidential;
- require certain notices by a government victim advocate;
- address the scope of the part; and
- modify and enact definitions.

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

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

Draft Legislation Approved as Committee Bills

Business and Labor

- [Administrative Appeal Rights](#)
- [Employers' Reinsurance Fund Amendments](#)
- [Fire Code Amendments](#)
- [Insurance Amendments](#)
- [Massage Therapy Practice Act Amendments](#)
- [Physical Therapist Practice Act Amendments](#)
- [Support Animals Amendments](#)

Criminal Code Evaluation Task Force

- [Criminal Code Task Force Amendments](#)

Economic Development and Workforce Services

- [Affordable Housing Modifications](#)
- [Early Childhood Coordination Amendments](#)

Education

- [Education Recodification Repealers](#)
- [Education Reporting Requirements](#)
- [Higher Education Credit Amendments](#)
- [Interventions for Reading Difficulties Sunset Amendments](#)
- [Public Education Definitions Amendments](#)
- [Public Education Definitions Coordination](#)
- [Special Education Recodification](#)

Governmental Operations Interim Committee

- [Campaign Finance Amendments](#)
- [Free Market Protection and Privatization Board Revisions](#)
- [Independent Entities Compliance Amendments](#)
- [Municipal Incorporation Amendments](#)
- [Political Procedures Amendments](#)
- [Records Committees](#)
- [Remote Notarization Standards](#)

Health and Human Services

- [Assisted Outpatient Treatment for Mental Illness](#)
- [Child Welfare Sunset Provisions](#)
- [Concurrent Resolution on the Payment for Treatment in an Institution for Mental Illness](#)
- [Concurrent Resolution Urging the United States Drug Enforcement Administration to Approve a Pharmaceutical Drop Box Pilot Program](#)
- [Firearm Violence and Suicide Prevention Amendments](#)
- [Health Care Malpractice Act Sunset Extension](#)
- [Medicaid Dental Coverage Amendments](#)
- [Mental Health Amendments](#)
- [Opioid Fatality Review Amendments](#)
- [Reauthorization of Hospital Provider Assessment Act](#)

Judiciary Interim Committee

- [Custody and Parent-time Revisions](#)
- [Electronic Information or Data Privacy](#)
- [Gambling Machines Amendments](#)
- [Indigent Defense Act Amendments](#)

Law Enforcement and Criminal Justice

- [Bureau of Criminal Identification Reporting Amendments](#)
- [Criminal Code Task Force Amendments](#)
- [Distracted Driver Amendments](#)
- [Fraudulent Drug Testing Amendments](#)
- [Human Trafficking Amendments](#)
- [Identification Request Amendments](#)
- [Offender Supervision Amendments](#)
- [Presentence Investigation and Probation Report Amendments](#)
- [Pretrial Release Amendments](#)
- [Victim Rights Amendments](#)

Legislative Management

- [Joint Resolution Appointing Kade R. Minchey as Legislative Auditor General](#)
- [Joint Resolution Reappointing Jonathan C. Ball as Legislative Fiscal Analyst](#)

Natural Resources, Agriculture, and Environment

- [Extraterritorial Jurisdiction Amendments](#)
- [Instream Flow Water Right Amendments](#)
- [Joint Resolution Supporting the Study of Water Banking in Utah](#)
- [Proposal to Amend Utah Constitution—Municipal Water Resources](#)
- [Rulemaking Fiscal Accountability Amendments](#)
- [State Energy Policy Amendments](#)
- [State Monuments Act Amendments](#)
- [Sunset Reauthorization—Air Conservation Act](#)
- [Sunset Reauthorization—Commission for the Stewardship of Public Lands](#)
- [Sunset Reauthorization—Safe Drinking Water Act](#)
- [Sunset Reauthorization—Solid and Hazardous Waste Act](#)
- [Sunset Reauthorization—Used Oil Management Act](#)
- [Sunset Reauthorization—Water Quality Act](#)
- [Utah Wholesome Food Act Amendments](#)
- [Water Supply and Surplus Water Amendments](#)

Occupational And Professional Licensure Review

- [Anesthesia and Sedation Related Provisions Reauthorization](#)
- [Massage Therapy Practice Act Amendments](#)
- [Occupational Restriction Amendments](#)
- [Sunset Reauthorization—Speech Pathology and Audiology Licensing Act](#)

Political Subdivisions

- [County Classification Changes](#)
- [Governmental Nonprofit Corporation Act Amendments](#)
- [Governmental Nonprofit Corporation Meetings Amendments](#)
- [Political Subdivision Lien Amendments](#)

Public Utilities, Energy, and Technology

- [Concurrent Resolution Supporting Rural Development of Wind, Solar, Hydrogen, Hydroelectric, and Geothermal Energy](#)
- [Public Utilities Committee Reports](#)

Retirement and Independent Entities

- [Utah Retirements Systems Amendments](#)

Revenue and Taxation

- [FDIC Premium Deduction Amendments](#)
- [Income Tax Domicile Amendments](#)
- [Income Tax Revisions](#)
- [Interest Deductions Amendments](#)
- [Property Tax Amendments](#)
- [Property Tax Exemptions, Deferrals, and Abatements Amendments](#)
- [Proposal to Amend Utah Constitution--Tangible Personal Property Tax Exemption](#)
- [Repatriation Transition Tax Amendments](#)
- [Tangible Personal Property Amendments](#)
- [Tax Commission Amendments](#)
- [Utah Net Loss Effective Date Clarification](#)

Transportation

- [Department of Transportation Procurement Authority](#)
- [REAL ID Act Compliance Amendments](#)
- [Transportation Sales Tax Amendments](#)