

INTERIM HIGHLIGHTS

MAY 2019 VOL. 19, NO. 1



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Legislative Interim Meetings

Meetings were held May, 15, 2019, or as noted

Business and Labor

Banquet Catering

Received a presentation from the Department of Alcoholic Beverage Control about issues identified in the [2018 On-Premise Banquet License Study](#).

Action: Opened a committee bill file to address the findings in the 2018 On-Premise Banquet License Study.

Blood Alcohol Limit

Received comments from the Labor Commission regarding the blood alcohol limit in the Workers' Compensation Act, which has not been changed to reflect the .05 blood alcohol limit adopted in 2018.

Action: Opened a committee bill file to update the references to the blood alcohol limit.

Interim Study Items

Actions:

- Voted to amend and adopt the committee's interim [study item list](#); and
- Voted to authorize the committee chairs to open bill files related to interim study items.

Rocky Mountain Center for Occupational and Environmental Health

Received an overview from the Rocky Mountain Center for Occupational and Environmental Health at the University of Utah regarding the center's programs and services.

Action: Opened a committee bill file to reauthorize Utah Code Sections 34A-2-202.5 and 59-9-102.5, Offset for occupational health and safety related donations, which will be repealed December 31, 2020.

Chairs: Rep. James A. Dunnigan / Sen. Curtis S. Bramble
Staff: Adam J. Sweet (Policy Analyst) / Amy L. West (Attorney) / Leila Reynolds (Administrative Assistant)

Commission on Federalism

May 1, 2019

Public Lands Valuation Model

Received a presentation from a representative of United States Senator Mike Lee's office about federal actions and plans regarding Payments In Lieu of Taxes for public lands in Utah.

Received a [demonstration](#) from a vendor regarding the functionality and capabilities of a prototype model that attributes value to public lands in Washington County and compares the estimated value against the actual Payments In Lieu of Taxes payments received.

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

Economic Development and Workforce Services

2019 General Session Legislation Review

Received a [summary](#) and [presentation](#) from committee staff regarding bills related to economic development and workforce services that passed during the 2019 General Session.

Affordable Housing and Utah's Seniors

Received presentations from Salt Lake County Aging and Adult Services, the [Utah Housing Coalition](#), and The Road Home regarding the impacts of the affordable housing shortage on Utah's senior population.

Department of Heritage and Arts

Received a presentation from the Department of Heritage and Arts regarding the department's programs and goals for the upcoming year.

Department of Workforce Services

Received an [overview](#) from the Department of Workforce

Services of the department's services and programs and a [presentation](#) regarding the department's goals for the year.

Interim Study Items

Action: Voted to adopt the committee's [list](#) of interim study items.

Governor's Office of Economic Development

Received a presentation from the Governor's Office of Economic Development providing an overview of the department's programs and services and describing the department's goals for the upcoming year.

Performance Audit of Counties' Use of Tourism Performance Funding

Received a [presentation](#) from the Office of the Legislative Auditor General summarizing its [audit](#) findings and recommendations regarding counties' use of the transient room tax. The Office of Tourism and the Governor's Office of Economic Development responded to the audit report.

Action: Voted to open a committee bill file to respond to the audit findings.

Chairs: Rep. Mike Winder / Sen. Daniel McCay
Staff: Julie Humberstone (Policy Analyst) / Peter Asplund (Attorney) / Leila Reynolds (Administrative Assistant)

Education

Planning for the Future of Public and Higher Education

Received presentations from the [State Board of Education](#), the [Utah System of Higher Education](#), and the [Utah System of Technical Colleges](#) regarding long-term strategic issues related to public and higher education in Utah.

Public Education Governance

Received a [presentation](#) from committee staff describing the history of the selection of State Board of Education members and discussing pending litigation related to partisan election of State Board of Education members.

Interim Study Items

Action: Voted to adopt the committee's [list](#) of interim study items.

Chairs: Rep. V. Lowry Snow / Sen. Deidre M. Henderson
Staff: Allyson R. Hicks (Policy Analyst) / Nathan W. Brady (Policy Analyst) / Michael E. Curtis (Attorney) / Brent M. Gage (Administrative Assistant)



Government Operations

Abusive Conduct Reporting

Discussed 2019 General Session H.B. 388 Third Substitute, "[Abusive Conduct Reporting Amendments](#)," which creates a process for state employees to report, and rules regarding the state's investigation of, certain instances of abusive conduct in the workplace.

Action: Voted to open a committee bill file to draft legislation similar to 2019 General Session H.B. 388 Third Substitute "Abusive Conduct Reporting Amendments."

Vote-By-Mail

Actions:

- Voted to open a committee bill file to provide technical cleanup to vote-by-mail provisions; and
- Voted to open a committee bill file to make policy adjustments to vote-by-mail processes.

Congressional Vacancies

Received and discussed a [handout](#) from committee staff regarding how vacancies in the United States House of Representatives are filled by the 50 states.

Received a [presentation](#) from committee staff regarding how the timing of a vacancy in the United States House of Representatives might influence the policies used to fill that vacancy.

Action: Voted to open a committee bill file to provide statutory direction on the timing and manner of filling a congressional vacancy.

Executive Boards and Commissions

Reviewed a list of [executive branch boards and commissions](#) and discussed potential plans to make these boards more efficient and effective.

Action: Voted to open a committee bill file to repeal, combine, or otherwise reduce the scope of boards and commissions in the executive branch.

Interim Study Items

Action: Voted to adopt the list of [interim study items](#) assigned by the Legislative Management Committee.

Local Government Disclosure Requirements

Discussed concerns regarding whether local campaign finance disclosures are accurate, particularly in relation to campaign contributions that local officials receive from lobbyists that are hired by the local governments of which those local officials are a part.

Plurality

Received a [presentation](#) from committee staff regarding plurality, i.e., when a candidate is elected with less than a majority vote, why plurality is a potential issue in Utah, and how plurality is addressed by the 50 states.

Received a presentation from committee staff regarding a selection of [recent draft legislation](#) that addresses plurality.

Action: Voted to open a committee bill file to reduce or eliminate the possibility of a candidate being elected by plurality in Utah elections.

Chairs: Rep. John Knotwell / Sen. Daniel W. Thatcher
Staff: Brian J. Bean (Policy Analyst) / Thomas R. Vaughn (Attorney) / Tracey Fredman (Administrative Assistant)

Health and Human Services

Christensen et al. v. Miner et al. -- Settlement Agreement & Action Plan

Received a [report](#) from the Department of Health and the Department of Human Services on the [settlement agreement](#) negotiated by the Disability Law Center, the Department of Health, and the Department of Human Services, and approved by the governor.

Reviewed the key provisions of the settlement agreement and received an update on the implementation of the action plan. Discussed implementation issues and recommendations for possible legislative action, including:

- enhancing nursing services for home and community-based care;
- maintaining the viability of Intermediate Care Facilities (ICFs); and
- increasing access to the limited support services waiver.

Interim Study Plans

Actions:

- Voted to adopt the [2019 interim study items](#) that were approved by the Legislative Management Committee on April 1, 2019;
- Voted to authorize the committee chairs to open committee bill files related to the study items or other items raised by the committee; and
- Voted to open a committee bill file to study the impacts of pharmaceutical pricing transparency.

Medicaid -- Oversight of Eligibility Expansion

Received a [report](#) from the Utah Department of Health on the expansion of Medicaid eligibility under 2019 S.B. 96, "[Medicaid Expansion Amendments](#)." The department reported that 29,000 individuals are enrolled under the expansion's "bridge



plan,” which began April 1, 2019. The department also reported it is developing a request for the federal government to fund 90% of expansion costs and limit federal funding to an amount determined by a per capita funding formula developed by the department.

Medical Cannabis -- Implementation of Recent Amendments

Received reports from the [Utah Department of Agriculture and Food](#), the [Utah Department of Health](#), the Division of Occupational and Professional Licensing, and the [Cannabinoid Product Board](#) on the implementation of medical cannabis laws enacted by the November 6, 2018, ballot proposal Proposition 2 and amended by 2018 Third Special Session H.B. 3001, "Utah Medical Cannabis Act."

Received a [report](#) from University of Utah researchers on a study being conducted by the university to determine the effects of cannabis on pain. The Utah Department of Agriculture and Food identified two potential statutory changes related to the licensing of facilities that cultivate, process, or test cannabis.

Action: Voted to open a committee bill file to amend medical cannabis laws.

Chairs: Rep. Brad M. Daw / Sen. Allen M. Christensen
Staff: Karin M. Rueff (Policy Analyst) / Mark D. Andrews (Policy Analyst) / Daniel M. Cheung (Attorney) / Ericka A. Evans (Attorney) / Andrea Crabb (Administrative Assistant)

Higher Education Strategic Planning Commission

April 3, 2019

Report from the National Center for Higher Education Management Systems

Received an [update](#) from the consultant selected by the commission describing the consultant's work to date. Discussed the development of models related to population, employer needs, and the economy.

Chairs: Speaker Brad R. Wilson / Sen. Ann Millner
Staff: Allyson R. Hicks (Policy Analyst) / Nathan W. Brady (Policy Analyst) / Sean C. Faherty (Fiscal Analyst) / Michael E. Curtis (Attorney) / Brent M. Gage (Administrative Assistant)

Judiciary

2019 Interim Study Items and Reports

Reviewed the list of study items assigned to the committee by the Legislative Management Committee and reviewed the list

of statutorily required reports.

Actions:

- Voted to add *Asset Forfeiture and Review of Appellate Decisions Calling for Legislative Action* to the committee's study list;
- Voted to adopt the [study list](#), as amended;
- Voted to authorize the chairs to open bill files relating to any of the study items; and
- Voted to hear specific statutorily required [reports](#) in addition to receiving the written report.

Abusive ADA Lawsuits

Discussed studying how to reduce abusive lawsuits regarding the federal Americans with Disabilities Act.

Assessment and Treatment of a Substance Use Disorder

Discussed studying how to prohibit a private entity from both: 1) assessing an individual to determine if substance use disorder treatment is necessary; and 2) providing the substance use disorder treatment to the individual.

Asset Forfeiture

Discussed the Utah Supreme Court's [decision](#) in *Savely v. Utah Highway Patrol*, 2018 UT 44. In the decision, the court concluded that a district court has in rem jurisdiction over any property held for forfeiture under the Forfeiture and Disposition of Property Act and that property becomes held for forfeiture, at the very least, when a seizing agency serves a notice of intent to seek forfeiture under the Act.

Action: Voted to open a committee bill file addressing asset forfeiture.

Insanity Defense

Discussed modifying the circumstances under which a defendant may plead not guilty to a criminal offense by reason of insanity.

Lawsuits that Challenge the Constitutionality of State Law

Received a report 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.

Action: Voted to open a committee bill file to narrow the statutory report requirement.

Penalties for Not Paying Child Support

Discussed studying appropriate criminal and civil penalties for a



parent not paying child support.

Prosecutor Review Board

Discussed creating a prosecutor review board to investigate and report on complaints of prosecutor misconduct.

Removal from Sex Offender Registry

Discussed the process for removing a nonviolent offender from the sex offender registry database.

Chairs: Rep. Karianne Lisonbee / Sen. Todd Weiler
Staff: Joseph T. Wade (Policy Analyst) / Jacqueline Carlton (Attorney) / Andrea Crabb (Administrative Assistant)

Law Enforcement and Criminal Justice

2019 Interim Studies and Planning

Reviewed [study item assignments](#) from the Legislative Management Committee and discussed further plans for interim study.

Actions:

- Voted to adopt the study items list as presented; and
- Voted to authorize the committee chairs to open one or more committee bill files related to one or more of the study items.

2019 Legislation

Received a [summary](#) from committee staff related to legislation introduced during the 2019 General Session.

Asset Forfeiture

Considered issues related to civil asset forfeiture raised during the 2019 General Session.

Received comments from the Utah Commission on Criminal and Juvenile Justice and the Utah Department of Public Safety.

Received a presentation from the Utah Office of the Attorney General.

Action: Voted to open a committee bill file to address issues related to asset forfeiture.

Chairs: Rep. Lee B. Perry / Sen. Keith Grover
Staff: John Feinauer (Policy Analyst) / Chelsea Grant (Attorney) / Esther D. Chelsea-McCarty (Attorney) / Tracey Fredman (Administrative Assistant)

Natural Resources, Agriculture, and Environment

Interim Study Planning

Discussed interim study items, sunset reviews, and statutorily required reports.

Actions:

- Voted to adopt a study and report [list](#); and
- Authorized the committee chairs to open bill files associated with items on the study list.

Introduction of New Department Heads Appointed By Governor

The newly appointed director of the Department of Natural Resources and commissioner of the Department of Agriculture and Food were introduced to the committee.

Mountainous Planning District

Received a [report](#) from the Salt Lake County Regional Planning and Transportation Department on actions taken by the Salt Lake County Mountainous Planning District Planning Commission.

President Trump's Executive Order 13868 - Promoting Energy Infrastructure and Economic Growth

Received a report from the Division of Water Quality on provisions of [Executive Order 13868](#) that pertain to water certifications under Section 401 of the Clean Water Act.



Public Lands Policy Coordinating Office

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

Report on Water Resources

Received reports from the National Weather Service, Natural Resources Conservation Service, and [Utah Division of Water Resources](#) on:

- Projected water resources;
- Current snow pack;
- Possible runoff flooding; and
- Reservoir levels.

Sunset Review - Subsection 53C-3-203(4)(b)(vii)

Received a recommendation from the Utah Geological Survey to extend for 10 years the sunset date of Subsection [53C-3-203\(4\)\(b\)\(vii\)](#), which provides for the distribution of money from the Land Exchange Distribution Account to the Geological Survey for test wells, other hydrologic studies, and air quality monitoring in the West Desert.

Action: Voted to extend the sunset date of 53C-3-203(4)(b)(vii) to July 1, 2030.

Sunset Review - Title 19, Chapter 6, Part 3, Hazardous Substances Mitigation Act

Action: Voted to recommend that the sunset date of Title 19, Chapter 6, Part 3, [Hazardous Substances Mitigation Act](#), be extended to July 1, 2030.

Sunset Review - Title 19, Chapter 6, Part 8, Waste Tire Recycling Act

Action: Voted to recommend that the sunset date of Title 19, Chapter 6, Part 8, [Waste Tire Recycling Act](#), be extended to July 1, 2030.

Chairs: Rep. Keven J. Stratton / Sen. Ralph Okerlund
Staff: J Brian Allred (Policy Analyst) / Patricia Owen (Attorney) / Cassidy Hansen (Administrative Assistant)

Political Subdivisions

2019 Interim Study Items

Received an overview of each item on the proposed list of [interim study items](#), including a [presentation](#) from the Utah League of Cities and Towns addressing several of the study items on the list.

Actions:

- Voted to remove "municipal code recodification" from the proposed list of study items;
- Voted to adopt the list of study items, as amended; and
- Voted to authorize the chairs to open bill files related to the items on the adopted study item list.

Political Subdivisions Overview

Received from committee staff a [list](#) of legislation introduced during the 2019 General Session and an [overview](#) of the political subdivisions subject area, including the Utah Code sections and issues over which the committee has jurisdiction.

Chairs: Rep. Stephen G. Handy / Sen. Jacob L. Anderegg
Staff: Victoria Ashby (Attorney) / Megan L. Bolin (Administrative and Finance Manager) / Cassidy Hansen (Administrative Assistant)

Public Utilities, Energy, and Technology

Interim Planning and Review of Study Items

Reviewed certain provisions of 2019 General Session H.J.R. 11, "[Joint Rules Resolution Establishing Interim Committee Rules](#)."

Discussed rules affecting interim study items, opening committee bill files, and an introductory brief on the [Public Service Commission of Utah](#).

Actions:

- Voted to adopt the committee's interim study items [list](#); and
- Voted to authorize the committee chairs to independently open committee bill files on any study item included in the committee's interim study items list.

Power Markets

Studied power markets, including:

- Participation by Utah utilities in the California System Operator (CAISO) market;
- Load curves and the impacts of regionalization;
- Current status and future of the Intermountain Power Plant;
- Policies the state may consider due to market forces; and
- Ways the state can be a resource throughout power market transition periods.



Received presentations from the:

- [Governor's Office of Energy Development](#);
- Division of Public Utilities;
- Office of Consumer Services;
- [Utah Association of Energy Users](#);
- Intermountain Power Agency;
- Utah Associated Municipal Power Systems;
- [Deseret Power Electric Cooperative](#);
- Utah Rural Electric Cooperative Association; and
- [Rocky Mountain Power](#).

Transportation Infrastructure and Incentives for Fuel Production

Studied potential policy considerations related to increased production and transport of conventional energy sources out of the Uintah Basin. Received presentations from the:

- [Utah Petroleum Association](#);
- Utah Oil and Gas Producers;
- Utah Taxpayers Association;
- Utah Rural Electric Cooperative Association; and
- Utah Association of Energy Users.

Action: *Voted to open as a committee bill file a refile of 2019 General Session S.B. 201, Second Substitute, "[Sales and Use Tax Modifications](#)," and to explore policy suggestions made by presenters at this meeting during the drafting process.*

Chairs: Rep. Carl R. Albrecht / Sen. Ronald Winterton
Staff: Sarah J. Balland (Policy Analyst) / Shannon C. Halverson (Attorney) / Cherish Cosman (Administrative Assistant)

Revenue and Taxation

Business Tangible Personal Property Tax

Received a presentation from a member of the committee and the Utah Association of Counties on the impacts of an expanded tax exemption for business [tangible personal property](#).

Committee Study List

The committee reviewed the [study item list](#) assigned to the committee by the Legislative Management Committee and received study item recommendations from the State Tax Commission.

Actions:

- *Voted to amend the study item list by adding the State Tax Commission's recommendations and approved the amended list; and*
- *Voted to authorize committee chairs to open committee bill files related to the approved study items list.*

Sales Tax Compliance

Received a presentation from the State Tax Commission on current issues with sales tax compliance and potential areas for improvement.

Tax Restructuring and Equalization

Received a [presentation](#) from committee staff about the reasons for and expected work of the Tax Restructuring and Equalization Task Force and the Revenue and Taxation Interim Committee's involvement in the work of the task force.

Chairs: Rep. Robert M. Spendlove / Sen. Lincoln Fillmore
Staff: Alex R. Janak (Policy Analyst) / Ryan M. Hunter (Policy Analyst) / Christine R. Gilbert (Attorney) / Andrea Valenti Arthur (Attorney) / Brent M. Gage (Administrative Assistant)

Senate Judicial Confirmation

May 7, 2019

Confirmation of Mr. Rueben Renstrom

Recommended to the Senate the confirmation of Mr. Reuben Renstrom as a judge of the Second District Court.

The Senate met in Extraordinary Session on May 15, 2019, and confirmed the appointment of Mr. Renstrom.

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



Transportation

Alternative Fuel Vehicle Policy

Received a [presentation](#) from a committee member regarding alternative fuel vehicles and current state law and policy governing their use.

Action: *Voted to open a committee bill file to address c-decals, which allow certain vehicles that meet clean fuel and emissions standards to operate in an HOV lane.*

Transportation Long-term Planning

Received presentations from the [Wasatch Regional Council](#), the Utah Department of Transportation, the [Utah Transit Authority Board](#), and the [Mountainland Association of Governments](#) regarding Utah Department of Transportation and Utah Transit Authority long-term planning processes and the potential for increasing the planning horizon.

Transportation Study Items

Reviewed the [list](#) of items approved by the Legislative Management Committee for committee study during the 2019 interim.

Actions:

- *Voted to adopt the list of 2019 interim study items as approved by the Legislative Management Committee; and*
- *Voted to authorize the committee chairs to open bill files on subjects listed in the approved study list for future presentation and discussion before the committee.*

Urban Air Mobility

Received a [presentation](#) from the Utah Department of Transportation regarding urban air mobility, the future outlook for this delivery mechanism, and infrastructure needs.

Chairs: Rep. Kay J. Christofferson / Sen. Wayne A. Harper
Staff: Art L. Hunsaker (Policy Analyst) / Ryan M. Hunter (Policy Analyst) / Kurt P. Gasser (Attorney) / Cherish Cosman (Administrative Assistant)

