

2019 Interim Committee Report



Legislative Management Committee

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Executive Summary

Background

JR7-1-401 requires each interim committee to adopt a list of items to study over the course of the interim. This “study item list” comprises issues that were added by the interim committee chairs, the Legislative Management Committee (LMC), or members of each respective interim committee. The study item list is approved by majority vote at the interim committee’s first meeting and is used to guide each committee meeting agenda.

After an interim committee’s final meeting, JR7-1-611 requires the chairs to report to LMC on the outcome of each issue studied by the committee. The Office of Legislative Research and General Counsel (OLRGC) has compiled this report on behalf of the interim committee chairs for LMC to review.

Organization

This report is divided according to interim committee and contains a brief summary of the outcome of items from the committee’s approved study item list.

In addition to the issues on a committee’s approved study item list, committees will often consider additional issues that arise during interim. While not on the study item list, these items represent work of the committee and are included in this report.

The issues are distinguished by the following headings:

Heading	Description
Issues Studied: Legislation Recommended	Issues on the approved study item list that were discussed and resulted in the committee recommending legislation.
Issues Studied: No Legislation Recommended	Issues on the approved study item list that were discussed but <u>did not</u> result in the committee recommending legislation.
Issues Not Studied	Issues on the approved study item list that were not discussed.
Additional Issues	Issues <u>not</u> on the approved study item list that were discussed, including: <ul style="list-style-type: none">▪ statutorily required reports <u>only</u> if the discussion resulted in significant legislation;▪ audit reports; or▪ issues requested by the committee chairs.

Appendix A contains a list of legislation recommended by each interim committee, including the legislation’s sponsor and interim committee vote.

Not included in this report is the status of sunset reviews that LMC assigned to interim committees. OLRGC will submit a separate report that contains the outcomes of sunset reviews.

ISSUES STUDIED: LEGISLATION RECOMMENDED

Blood Alcohol Limit

The committee recommended draft legislation, [Blood Alcohol Limit Amendments](#).

The committee studied references to the blood alcohol level in the Workers' Compensation Act that have not been changed to reflect the new .05 limit. The draft legislation reduces the blood alcohol or breath alcohol concentration in relation to certain workers compensation claims.

Insurance

The committee recommended draft legislation, [Insurance Amendments](#).

This agency clean-up bill enacts provisions related to limited long-term care and amends the insurance code, including the applicability of the code, definitions, and provisions related to credit for reinsurance ceded.

ISSUES STUDIED: NO LEGISLATION RECOMMENDED

Banquet Catering

In the 2018 General Session, the Legislature tasked the Department of Alcoholic Beverage Control to conduct a study on the use of banquet catering contracts and the operations of the on-premises banquet license, and recommended potential legislative solutions, if applicable. In November 2018, the committee received an executive summary from the department regarding the On-Premise Banquet License Study which identified four potential legislative actions.

The committee opened a bill file to address the findings in the 2018 On-Premise Banquet License Study. Due to the complexity of alcohol policy issues, more time is needed to work with stakeholders.

Renters' Rights

The committee studied consequences of a tenant's inability to pay rent that includes, eviction and an unplanned family move which are costly to tenants, children, and landlords, and discussed the following:

- solutions to create housing stability for renters and landlords;
- consequences of evictions, which includes
- uprooting children from their schools and financial difficulties for landlords; and

- the United Way's 2-1-1 hotline, which provides information and educational resources to help Utah tenants and families in need.

An invitation was extended to committee members to join the Promise Partnership Regional Council that will work to identify solutions to mitigate evictions for renters and landlords. The committee did not discuss potential legislative action; more time is needed for stakeholders to identify solutions to mitigate evictions for renters and landlords.

Worker Compensation Waiver

[Draft legislation](#) was brought to the committee to discuss creating a workers' compensation coverage waiver for a minor child of a small business owner or partner of a small business. The committee expressed concern for creating such a waiver and concern over current waivers found in other industries such as agriculture. No action was taken on the draft legislation.

HOA Disputes

The committee discussed alternatives to help residents and their HOAs avoid or resolve disputes, short of going to court and incurring court costs and lawyers' fees, etc. Seven states were identified that employ an ombudsman for residents and HOAs and it was discussed how other states' ombudsman administer HOA laws. The role of each state's ombudsman varies and may include educating parties of their rights and responsibilities, administering and monitoring association elections, or collecting evidence and resolving disputes. The committee discussed policies that require greater disclosures up front from HOAs and educating parties of their rights.

HOA Water Rates

The committee studied how water rates are calculated for HOAs. Discussed the characteristics of HOAs and how policy and HOA water infrastructure pushes unit owners into higher-tiered billing rates, potentially resulting in low volume users subsidizing high volume water users within the HOA. The committee discussed how infrastructure and an HOA's respective municipal billing policies can raise and lower rates. Interest in the issue was high among committee members but more time is needed to identify a policy solution.

Blockchain Technology

Legislation directed the committee to study the potential benefits and value of blockchain technology, including the potential benefits and value that it could bring to government administration and affairs. The committee

discussed real-world policy applications, benefits, value, and barriers to blockchain technology. Discussed other states' policies and heard from nine business and government stakeholders.

The committee generally recommends policies that do not restrict the use of the technology and that enhance IT security. The Utah County Clerk Auditor's Office is the only known agency in the state using blockchain technology – currently used for voting and looking to expand. The technology is not for every agency, but agencies can pursue it.

License Training Hours

The committee discussed the accumulation of occupational licensure training hours while employed as a W-2 employee versus a 1099 contractor. The National Association of Social Workers, Utah Chapter, explained that a 1099 contractor is not an employee that is managed by a manager, thereby undermining accrual of licensing hours that require supervision by a manager. No action was taken by the committee.

ISSUES NOT STUDIED

Peer-to-Peer Businesses

The committee intended to study peer-to-peer business industries, but more time is needed to reach a compromise with stakeholders.

Occupational Licensing

The committee intended to study issues related to occupational licensing but, due to other priorities, did not study this issue.

Employee Discrimination Relief

Statute provides that the Utah Antidiscrimination and Labor Division Director may provide relief to an aggrieved party in the event of an investigation into an employment discrimination claim. However, this discretion is inconsistent with the discretion an Administrative Law Judge in the Adjudication Division has in providing relief upon hearing an appeal of UALD's decision.

The committee did not study this issue at the request of the Labor Commission due to a potential impact on funding that the federal government provides the UALD.

Manager Specials for Complimentary Alcohol

Closely related to banquet catering is the concept of "manager specials." Hotels frequently indicate they are interested in providing complimentary beer and wine to patrons in what the industry calls "manager specials."

There are no licenses that allow this activity and the DABC position is that these are not "private events" under the law, since any member of the public could attend. DABC recognizes this practice is common in other states and some businesses would appreciate the opportunity to participate in a way that falls in line with Utah law, which would require some sort of legislative fix.

The committee did not study this issue due to other priorities; however, this matter may be addressed in legislation brought forth during the general session.

Automobile Cost Sharing Memberships

There are no laws concerning cost sharing memberships for anything but insurance companies. A constituent lost their business license because an insurance company complained he was operating as an insurance provider instead of a cost sharing provider. The committee intended to study automobile cost sharing memberships but, due to other priorities, did not study this issue.

Salvage Vehicles

The committee intended to study issues related to salvage vehicles but, due to a change in stakeholder interest, did not study this issue.

Public Utility Fees

The committee intended to study public utility fees imposed on other companies, businesses, and customers but, due to other priorities, did not study this issue.

ADDITIONAL ITEMS

Labor Amendments

The committee recommended draft legislation, [Labor Commission Amendments](#).

The draft legislation:

- adds one senator and one representative to the Workers' Compensation Advisory Council membership in a nonvoting capacity;
- permits the governor to appoint alternate members to the Labor Commission's Appeals Board under certain conditions; and
- establishes term limits and compensation for alternate members of the Appeals Board.

DOPL Amendments

The committee recommended draft legislation, [Division of Occupational and Professional Licensing Amendments](#).

The draft legislation modifies licensing-related provisions, including:

- permitting the division to waive licensing renewal fees for active duty military personnel;
- exempting construction trades licensure in an emergency; and
- removing good moral character provisions from many licensed professions.

Mass Timber

The committee recommended draft legislation, [Building Construction Amendments](#).

Legislation required the Uniform Building Code Commission to submit a report to the committee recommending building standards for the use of mass timber products for residential and commercial building construction. Beginning in 2021, the International Code Council will include standards for mass timber. The UBCC was able to acquire the 2021 ICC standards in advance and recommends them in their report. The committee agreed with the recommended building standards for mass timber.

Regulation of the Payday Loan Industry

The committee reviewed "A Limited Follow Up of A Performance Audit of the Department of Financial Institution's Regulation of the Payday Loan Industry," at the request of the Legislative Audit Subcommittee. The original audit was released in August 2016 and follow up work was subsequently conducted by the Office of the Legislative Auditor General. The committee received aggregate information of deferred deposit lenders and a summary of all deferred deposit lenders in the state from the Department of Financial Institutions. No action was taken by the committee.

Counties' Use of Tourism Promotion Funding

The committee reviewed "A Performance Audit of Counties' Use of Tourism Promotion Funding," at the request of the Legislative Audit Subcommittee. The committee understood that the Economic Development and Workforce Services Interim Committee was pursuing legislation to address the audit and deferred to their handling of the audit. The committee discussed the audit's seven recommendations, including:

- whether to give the Office of Tourism oversight over county tourism revenue usage reports;
- whether to add spending requirements for in-state versus out-of-state promotion; and
- whether to increase county use of Transient Room Tax flexibility by adjusting requirements related to promotional versus project spending.

Swimming Pools and Aviation

The committee recommended draft legislation, [Building Code Amendments](#).

The committee received a report from the Uniform Building Code Commission that recommended building standards for swimming pool construction and an aviation-related building. The draft legislation:

- adopts and amends the residential provisions of the 2018 edition of the International Swimming Pool and Spa Code;
- exempts airport hangars, under certain conditions, from having a fire-resistance exterior wall rating of not less than two hours;
- amends citations in amendments to the International Plumbing Code and International Mechanical Code; and
- amends provisions in the International Existing Building Code.

Alcohol Policy Discussions

The committee received a presentation about an Alcohol Policy Summit that was held at the capitol, which featured nationally recognized presenters from the public health and safety, the alcohol, and the hospitality industries. The event was sponsored by the Utah Valley Drug Prevention Coalition. The discussion identified the purpose and goals of the summit and how the Legislature can play a role in the issues that would be discussed at the summit.

Staff: Adam J. Sweet (Policy Analyst) / Amy L. West (Attorney) / Gus Harb (Attorney) / Leila Reynolds (Administrative Assistant)

Economic Development and Workforce Services

Sen. Daniel McCay

Rep. Mike Winder

ISSUES STUDIED: LEGISLATION RECOMMENDED

Affordable Housing

The committee recommended draft legislation, [Affordable Housing Amendments](#).

The committee studied the affordable housing shortage, including reviewing and recommending draft legislation related to the work of the Commission on Housing Affordability. The draft legislation:

- modifies the allowable uses for a community reinvestment agency's housing allocation;
- modifies the requirements for distributing money from the Olene Walker Housing Loan Fund;
- authorizes the Housing and Community Development Division (division) to partner with one or more housing authorities or other entities to provide rental assistance;
- authorizes the division to partner with the State Board of Education and one or more housing authorities or other entities to identify and to provide rental assistance to families with children who are homeless or are at risk of homelessness; and
- allows low-income housing tax credits to be assigned to another taxpayer.

Workforce Development

The committee amended and recommended draft legislation, [Utah Works Program Amendments](#).

The committee studied the strengths and weaknesses of the state's current and projected urban and rural workforce and discussed how to capitalize on or address workforce strengths and weaknesses, including efforts to promote and support apprenticeship programs. The draft legislation modifies the Utah Works Program, created within the Talent Ready Utah Center by 2019 General Session S.B. 172, Economic Development Amendments.

ISSUES STUDIED: NO LEGISLATION RECOMMENDED

Barriers to Workforce Entry

The committee discussed various barriers to workforce entry, including barriers for ex-offenders and barriers addressed by two pieces of draft legislation:

- "Workforce Development Incentives Amendments," which provides that the Governor's Office of Economic Development may consider whether an employer will provide working parent benefits when awarding certain economic development tax credits; and
- "Parental Leave Amendments," which requires certain executive branch employers to offer and administer parental leave.

The committee provided feedback to draft legislation sponsors, including identifying issues and questions to address in subsequent versions of draft legislation.

Economic Development and School Districts

The committee studied school district participation in financing community reinvestment agency (CRA) projects, including how CRAs function, the degree to which school districts participate, and the degree to which the state 'backfills' tax increment contributed to CRA projects by school districts. The committee heard the perspectives of the Utah School Boards Association, the State Board of Education, the Utah Redevelopment Association, local economic development officers, and the Governor's Office of Economic Development.

The committee determined the item requires further study.

Artificial Intelligence

The committee studied the future of artificial intelligence (AI), including the increasing prevalence of AI technology and related policy implications.

The committee determined that legislation was not necessary.

ISSUES NOT STUDIED

Rural Economic Development

The committee intended to study the efficacy of existing rural economic development programs, including how outcomes may be improved through increased collaboration and coordination with all stakeholders. Due to other priorities and the forthcoming report from the Governor's Office of Economic Development on a statewide strategic plan for economic development, which would consider efficacy of rural programs among other issues, the committee did not study this item.

Jet Fuel Production Incentives

The committee intended to study jet fuel production incentives but, due to other priorities, did not study the issue.

ADDITIONAL ITEMS

Intergenerational Poverty Solution: Legislation Recommended

The committee recommended draft legislation, [Intergenerational Poverty Solution](#).

The draft legislation creates the Earned Income and Education Savings Incentive Program, including:

- providing a process for an individual identified by the Department of Workforce Services as experiencing intergenerational poverty to receive a state match of deposits into certain 529 savings accounts;
- providing for the sharing of information between the Department of Workforce Services, the Utah Educational Savings Plan, and the State Tax Commission; and
- requiring the Department of Workforce Services and the Utah Educational Savings Plan to provide information about the program to the Legislature.

The draft legislation also sets a termination date for the program but requires legislative review before the termination date to determine whether the Legislature should extend the program.

Workforce Services: Legislation Recommended

The committee recommended draft legislation, [Workforce Services Amendments](#).

The draft legislation modifies civil penalty provisions related to obtaining overpayments for certain public assistance and moves the Safety Net Initiative from the Department of Workforce Services to the Division of Substance Abuse and Mental Health.

Heritage and Arts: Legislation Recommended

The committee recommended draft legislation, [Heritage and Arts Amendments](#).

The draft legislation modifies the requirements for a state agency to begin an undertaking on a historic property and modifies the requirements for receiving a distribution from the Martin Luther King, Jr. Civil Rights Support Restricted Account.

Arts and Museums: Legislation Recommended

The committee recommended draft legislation, [Arts and Museums Revisions](#).

The draft legislation:

- modifies and describes the powers and duties of the Division of Arts and Museums;
- describes the creation, membership, and duties of the Utah Arts Advisory Board and the Utah Museums Advisory Board;
- describes the requirements and purposes of the Utah Arts and Museums Endowment Fund, formerly known as the Utah Arts Endowment Fund; and
- repeals provisions related to the State-Owned Collections Inventory Study Program Act and the Arts and Culture Business Alliance Act.

Recognizing the 250th Anniversary of the United States: Legislation Recommended

The committee recommended draft legislation, [Resolution Recognizing the 250th Anniversary \(Semiquincentennial\) of the United States of America](#).

The draft legislation:

- recognizes the foundational, historical, and political significance of the signing of the Declaration of Independence by the Second Continental Congress on July 4, 1776; and
- requests that the Governor organize a commission to plan, encourage, develop, and coordinate a statewide effort commemorating and celebrating the 250th anniversary of the adoption of the Declaration of Independence.

Economic Development Incentives

The committee studied problems related to targeted economic development incentives, specifically the ‘race to the bottom’ or competition between states to offer the most attractive economic development incentive packages. The committee discussed interstate compacts as a potential solution.

The committee opened a committee bill file to create an interstate compact related to targeted economic development incentives. When discussing the resulting draft legislation, Economic Development Incentives Compact, the assigned sponsor indicated the draft required further review by stakeholders and additional changes were likely. Although still supportive of the draft legislation in concept, because the bill was not finalized, the committee

decided not to make a motion or take a vote on whether to recommend the draft legislation.

A Performance Audit of Counties' Use of Tourism Promotion Funding

The committee reviewed the findings and recommendations of an audit of county use of the Transient Room Tax. The legislative audit was presented to the Legislative Audit Subcommittee and referred to the Economic Development and Workforce Services Interim Committee for further review and action as appropriate.

The committee opened a committee bill file to address the audit recommendations. It subsequently became aware that an individual legislator also had a bill file open to address the audit recommendations and, after discussions with stakeholders, concluded the individual legislator's bill could effectively address audit recommendations and decided not to move forward with the committee bill.

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ISSUES STUDIED: LEGISLATION RECOMMENDED

Compulsory Education, School Absenteeism, and Truancy

The committee recommended draft legislation, [School Absenteeism and Truancy Amendments](#).

The committee studied statutes regarding truancy and recommendations from the State Board of Education to amend provisions in the Compulsory Education Code. The draft legislation:

- standardizes the absences from school that are considered in determining truancy;
- revises the ages for which the provisions regarding a truant student may apply;
- limits the conditions under which a school district or charter school may impose administrative penalties on a student who is determined to be truant; and
- requires local education agencies to report truancy data to the State School Board.

Electronic Cigarette Use by Minors

The committee recommended draft legislation, [Electronic Cigarettes in Schools Amendments](#).

The committee formed a workgroup with the Judiciary Interim Committee, the Health and Human Services Interim Committee, and the Revenue and Taxation Interim Committee to study the use of electronic cigarettes by minors. The workgroup met with a variety of stakeholders to discuss the increasing problem of minors using electronic cigarettes and possible solutions. The draft legislation:

- amends statutes regarding the offense of underage purchase of electronic cigarette products;
- requires schools to adopt discipline procedures to address possession and use of electronic cigarette products on school grounds;
- requires schools to teach a school-based prevention program for grade 4 or 5, including educating about the risks of using electronic cigarette products; and
- creates a stipend for specialists to administer school plans that address the causes of underage use of tobacco, alcohol, electronic cigarette products, and controlled substances.

ISSUES STUDIED: NO LEGISLATION RECOMMENDED

Medicaid Reimbursement for Services Provided in Public Schools

2019 General Session H.B. 373, Student Support Amendments, required the State Board of Education to work with the Division of Substance Abuse and Mental Health and the Department of Health to study and provide recommendations related to the expansion of Medicaid reimbursements for eligible school-based services.

The agencies reported that recommended changes could be made within existing procedures and programs to increase Medicaid reimbursements and that legislative action was not necessary at this time. The committee agreed with the recommendations and did not take any other action on this item. The agencies indicated that they will continue to work together to facilitate individual schools accessing Medicaid funds for eligible services.

Public Education Governance

The committee discussed public education governance and the history of changes made to the public education governance structure, including the recent legal challenge to 2016 General Session S.B. 78, State Board of Education Candidate Selection. This bill modified the election process for State Board of Education members by eliminating the candidate nominating committee and provided that members be elected through a partisan election, beginning with the 2018 elections. The Utah Supreme Court issued an opinion upholding the provisions of S.B. 78, allowing the partisan election of State Board of Education members.

RISE Testing Interruptions

The committee discussed the RISE testing interruptions that occurred in the spring of 2019, corrective measures undertaken by the State Board of Education, and the reliability of the data gathered from the assessments.

Early Learning

The committee studied early childhood learning in literacy and mathematics, including:

- whether to expand access to extended learning time for kindergarten students who are at-risk;
- the effectiveness and possibility to expand the UPSTART program or increase outreach efforts to more at-risk children;
- the effectiveness of preschool through grade 3 instruction through job embedded coaching; and

- identifying the best practices and effective programs used by other states.

- the definition of matching funds for the Educational Improvement Opportunities Outside of the Regular School Day Grant Program.

The committee discussed draft legislation that would address policy changes in these areas but did not feel the draft legislation was ready for action at this time.

ISSUES NOT STUDIED

Teacher Purchase of Supplies and Materials

The committee did not discuss this issue due to the on-going work of a task force created by the State Board of Education. The task force is expected to present recommendations to a State Board of Education committee in December and to the full State Board of Education in January.

Applicability of the Open and Public Meetings Act to School Community Councils

After meeting with State Board of Education staff and representatives of various school community councils, the committee decided not to study this issue further.

School District and Charter School Administrative Costs

The committee decided not to discuss this item due to the work being done in this area through an on-going audit.

ADDITIONAL ITEMS

School Meals Program

The committee recommended draft legislation [School Meals Program Amendments](#).

The State Board of Education requested that the Education Interim Committee approve changes to the school lunch program that would expand the school lunch program to include breakfast for qualifying students. The committee agreed with the requested changes.

State Board Legislative Request for Technical Changes

The committee recommended draft legislation, [Education Amendments](#).

The draft legislation makes technical changes to:

- the Teacher Salary Supplement Program application process;
- a definition related to governmental immunity; and

Higher Education Campus Safety

The committee received reports from the Utah System of Higher Education and the Utah System of Technical Colleges on the implementation of campus safety plans.

Charter School Closure and Oversight

The committee received a presentation from the State Board of Education and the State Charter School Board regarding the decision to close the American International School of Utah. The committee discussed the lessons learned and issues raised during the closure of the charter school.

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Government Operations

Sen. Daniel W. Thatcher

Rep. Marc K. Roberts

ISSUES STUDIED: LEGISLATION RECOMMENDED

Congressional Vacancies

The committee recommended draft legislation, [Congressional Vacancies Amendments](#) and [Joint Resolution – United States Senate Vacancy](#).

State law does not currently provide a process for filling a vacancy in the United States House of Representatives. The governor vetoed 2019 General Session S.B. 123, Election Process Amendments, which would have created such a process. The committee's objective was to recommend a process for congressional vacancies that was more agreeable to the governor. The draft legislation:

- establishes a process for the governor to call a special election to fill a vacancy in the United States House of Representatives;
- allows the Legislature to recommend individuals for the governor's consideration when appointing an individual to temporarily fill a vacancy in the United States Senate; and
- establishes a process in legislative rule for recommending individuals to fill a vacancy in the United States Senate.

Executive Boards and Commissions

The committee recommended draft legislation, [Boards and Commissions Amendments](#).

Following up on the Legislature's work in 2019 General Session H.B. 387, Boards and Commissions Amendments, the committee considered policies that would reduce, repeal, or otherwise modify boards and commissions to make state government more efficient and effective. The draft legislation:

- repeals 20 boards and commissions;
- places a sunset date on 72 boards and commissions; and
- makes changes to internet resources related to boards and commissions.

Abusive Conduct Reporting

The committee recommended draft legislation, [Abusive Conduct Reporting Amendments](#).

The committee studied policies that would allow any state employee to report, and would require the state to investigate, abusive conduct in the workplace. The draft legislation enhances and expands to all state employees

abusive conduct reporting provisions that were previously only available to executive branch employees.

Vote-by-Mail

The committee recommended draft legislation, [Election Amendments](#).

Over time, the way counties administer elections and the way citizens vote has changed. As allowed under an optional provision, counties have increasingly conducted elections by mail and citizens have increasingly voted by mail. Every county in the state now conducts elections by mail. The committee's objective was to redraft certain provisions in the Election Code to more closely align with current election administration and voting practices.

Technical Code Corrections

The committee recommended draft legislation, [Election and Campaign Amendments](#), to identify and fix technical errors in the code related to elections and campaigning.

Plain Language Ballots

The committee recommended draft legislation, [Ballot and Voter Information Amendments](#).

The committee studied policies that would simplify and reduce the amount of language required to be printed on the ballot for certain types of ballot propositions. The draft legislation reduces the language required to be printed on the ballot, but creates a statewide ballot question voter guide, included with each ballot, where a voter can find more information related to certain types of ballot propositions.

ISSUES STUDIED: NO LEGISLATION RECOMMENDED

Plurality

2014 General Session S.B. 54, Election Amendments, increased the number of candidates that could potentially appear on a partisan primary election ballot. This increases the possibility that a candidate could win a primary election by plurality rather than by majority vote. The committee studied the extent to which candidates in the state win a primary election by plurality and studied various policies that would more clearly identify a winner in a primary election.

The committee did not recommend legislation on the issue because it determined there were no agreeable policy

options to address the issue that were proportional to the existing need.

Local Government Disclosure Requirements

The committee discussed accusations that some lobbyists who are hired by local governments with local government funds are making campaign contributions to the elected officials of those local governments. The committee considered whether to address the accusations by enacting policies that would prevent a lobbyist who is paid by a local government to make campaign contributions to that local government's elected officials.

The committee did not express sufficient support to continue study of the item.

GRAMA Excessive Requesters

At the request of the Utah League of Cities and Towns, the committee briefly studied whether to address individuals who make excessive records requests under the Government Records Access and Management Act. The League of Cities and Towns and the Utah Media Coalition were unable to agree on a workable solution, so the committee did not pursue the item.

Standardize Petition Policies

The committee received a presentation from county clerks regarding policy differences between various types of petitions in code. The committee did not express a desire to pursue the issue and it was not considered further.

Petition Administration

The committee studied policies that would make petition processing for county clerks more efficient and effective. The committee prepared draft legislation that would have created a state-sponsored application through which signature gatherers could have collected signatures electronically and in-person. The application would have:

- provided the state more assurance that a signature was gathered legitimately;
- allowed a signature gatherer the ability to determine in real-time whether an individual was eligible to sign a petition; and
- allowed a county clerk to process a voter's signature more quickly and efficiently.

The committee did not approve the draft legislation because county clerks indicated that they would like more time to refine the policy.

ISSUES NOT STUDIED

State Financial Transparency Website

At the request of the Department of Administrative Services, the committee intended to receive a report on implementation of changes to the Financial Transparency Website. Due to other priorities, the committee did not study this issue.

Presidential Election Timeline

The committee intended to consider changing the presidential election timeline but determined there was no need to study this item.

State Telework Initiative

At the request of the Department of Administrative Services, the committee intended to receive a report on the implementation of the State Telework Initiative. Due to other priorities, the committee did not study this issue.

Daylight Saving Time

Time permitting, the committee intended to study whether or not the state should adopt daylight saving time year-round. Due to other priorities, the committee did not study this issue.

State Government Internal Environmental Measures

Time permitting, the committee intended to study issues on which state government can lead in regarding environmental quality. Due to other priorities, the committee did not study this issue.

State Board of Education Membership

Depending upon the outcome of a case before the Utah Supreme Court, the committee planned to address issues related to the selection of members of the State Board of Education. The results of the case did not necessitate action by the Legislature and the committee did not pursue this item.

ADDITIONAL ITEMS

Drug Disposal Programs

The committee recommended draft legislation, [Drug Disposal Program](#).

The committee considered policies related to the disposal of prescription and over-the-counter drugs. The committee considered two compatible pieces of legislation to address the issue. The first would create a statewide drug disposal program modeled after programs implemented by municipalities in the state, which the draft legislation addresses.

The second policy would have made it illegal to intentionally dispose of drugs via wastewater. This proposal was rejected by the committee.

Government Use of Facial Recognition Technology

In response to a report published by Georgetown University, legislative leadership directed the committee to investigate the state's use of facial recognition technology. The committee identified how facial recognition technology is being used by the Department of Public Safety, including internal policies the department implemented to guide its use of the technology. The committee heard from several stakeholders concerned with the state's use of the technology and prepared legislation to address the government's use of facial recognition technology. The committee did not express adequate support for or take a vote on the draft legislation that was prepared.

Voter Registration Records

The committee discussed difficulties caused by a state law that allows any voter to designate their voter registration record as a protected record. Relevant stakeholders did not request that the committee pursue this item and it was not considered further.

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

Health and Human Services

Sen. Allen M. Christensen

Rep. Brad M. Daw

ISSUES STUDIED: LEGISLATION RECOMMENDED

Behavioral Health: Suicide Prevention and Mental Health Services

The committee recommended draft legislation, [Mental Health Treatment Access Amendments](#) and [Crisis Services Amendments](#).

The committee considered key findings of a study conducted by the Kem C. Gardner Policy Institute in partnership with the Utah Hospital Association. A report of the study highlighted findings from the first phase of the study, which brought together mental health experts from all sectors to assess the current state of mental health services in Utah. The findings addressed gaps in services and barriers to providing and accessing care.

The committee heard recommendations developed by the Utah Hospital Association's behavioral health workgroup, including recommendations related to prevention, early intervention, stabilizing supports, integrated care, and a coordinated crisis response system. Based on those recommendations, the committee recommended draft legislation designed to increase access to mental health services in Utah by:

- increasing the number of mobile crisis outreach teams and creating an assertive community outreach treatment team;
- creating a receiving center pilot program;
- creating a statewide warm line;
- applying for a Medicaid waiver to provide Medicaid coverage to individuals receiving inpatient treatment for longer than 15 days during a calendar month; and
- creating a statewide stabilization services plan.

Behavioral Health: Substance Use Treatment and Mental Health Services for Inmates

The committee recommended draft legislation, [Substance Use and Health Care Amendments](#).

The committee considered the Commission on Criminal and Juvenile Justice's (CCJJ) Inmate Health Care Study Committee's report and recommendations on state and county correctional facility policies, procedures, and protocols that relate to the screening, assessment, and treatment of an inmate for a substance use or other mental health disorder.

Based on the recommendations put forth by the Inmate Health Care Study Committee, the committee recommended draft legislation to increase access to mental health services, including substance use treatment, for inmates in Utah by:

- applying for a Medicaid waiver to provide Medicaid coverage to inmates during the 30 days before release;
- creating a refundable tax credit for practitioners who provide substance use treatment and mental health services in a correctional facility; and
- creating a telehealth pilot program for county jails.

Behavioral Health: Controlled Substances Advisory Committee Recommendations

The committee recommended draft legislation, [Controlled Substances Revisions](#).

The committee considered recommendations from the Controlled Substances Advisory Committee. Based on the Controlled Substances Advisory Committee's recommendations for 2020 legislative action, the committee recommended draft legislation to:

- add 4-Fluoro MDMB-BUTINACA to the listed controlled substances in the Utah Controlled Substances Act; and
- amend the composition of the Controlled Substances Advisory Committee to include representation from the Utah Poison Control Center, the Bureau of Forensic Services, and the Department of Public Safety.

Behavioral Health: Opioid Misuse

The committee recommended draft legislation, [Health Care Professional Licensing Amendments](#).

The committee reviewed the implementation of policies designed to identify and offer education to prescribers who may not be prescribing opioids or other controlled substances in accordance with best practice guidelines. The committee was also briefed by the Division of Occupational and Professional Licensing (DOPL) on protocols and practices for identifying and investigating prescribing practices potentially in violation of state law.

Based on DOPL's briefing, the committee recommended draft legislation that would apply the Nurse Practice Act provision specifying that "knowingly entering into any medical record any false or misleading information or

altering a medical record” is unprofessional conduct to all other prescribers.

Health Impacts of Nicotine Products: Youth Vaping

The committee recommended draft legislation, [Electronic Cigarettes and Other Nicotine Products](#) and [Youth Electronic Cigarette, Marijuana, and Other Drug Prevention Program](#).

The committee received a presentation from the Utah Alliance for Vaping-Free Kids and Students Against Electronic Vaping on youth use of electronic cigarettes in Utah. Based on the recommendations put forth by the presenters, the committee recommended draft legislation to reduce youth vaping by levying a tax on electronic cigarettes and other nontherapeutic nicotine products.

The committee also considered a proposal to create a youth substance use prevention program. The committee recommended draft legislation to reduce youth vaping by creating a Youth Electronic Cigarette, Marijuana, and Other Drug Prevention Program within the Department of Health.

ISSUES STUDIED: NO LEGISLATION RECOMMENDED

Cost of HealthCare: Price Transparency

The committee discussed the publication of cost and quality data by healthcare providers and state agencies and what can be done to improve the availability and usefulness of the data. The committee received a report from staff and the Department of Health on state laws requiring the publication of prices and quality measures for doctors, hospitals, and insurers. Additionally, the committee heard recommendations from a roundtable of stakeholders, including the Department of Health, Comagine Health, Public Employees’ Health Program, Utah Health Insurance Association, Utah Medical Association, and the Utah Hospital Association.

The committee received a report from the state auditor on the development of an Internet tool that will allow consumers to compare the cost of specific medical procedures across healthcare providers throughout the state. The auditor expects the tool to be available to the public at the beginning of 2020.

Behavioral Health: Civil Commitment

The committee considered recommendations by the Salt Lake County District Attorney’s Office to address gaps in Utah’s civil commitment system.

Implementation Oversight: Individuals with Disabilities

The committee heard an update on the implementation of the *Christensen et al. v. Miner et al* settlement agreement and action plan and recommendations for future legislative action from the Department of Health and the Department of Human Services. The presenters made the following recommendations for legislative action:

- provide enhanced nursing services to current waiver enrollees to prevent their admission to Intermediate Care Facilities (ICFs) because their conditions have worsened, and their needs cannot be met safely in the community; and
- maintain a viable ICF provider network for those wanting to live in ICFs.

Implementation Oversight: Medicaid

The committee heard an update on the implementation of Medicaid expansion from the Department of Health.

Implementation Oversight: Medical Cannabis

The committee received updates from the Department of Health and the Department of Agriculture on the implementation of Utah’s medical cannabis law and recommendations for future legislative action. Recommendations for future legislative action include:

- amend 4-41a-201(2) to allow the Department of Agriculture to accept applications at a certain time during the year and award to those who qualify without going through an RFP process; and
- amend 4-41a-203 to give the Department of Agriculture the ability to deny a license renewal.

The committee convened a public hearing for draft legislation, “Medical Cannabis Amendments,” passed during the September 16, 2019, First Special Session.

The committee was briefed by the University of Utah Health Sciences on the risks associated with cannabis use by youth and by women who are pregnant or breastfeeding. The university highlighted the U.S. Surgeon General’s advisory that, “no amount of marijuana use during pregnancy or adolescence is known to be safe,” and recommended education for parents, education for medical professionals, and counseling of pregnant or breastfeeding women.

Following committee discussion, a committee chair indicated he would notify the sponsor of 2020 medical cannabis clean-up legislation that the committee would like

the legislation to include a clarification that vaping of medical cannabis by teenagers is illegal.

The committee received a report from the Utah Cannabinoid Product Board on its development of guidelines for the use of cannabis as a medical treatment under the Utah Cannabis Medical Act.

ISSUES NOT STUDIED

Utah's Aging Population

The committee intended to study issues related to Utah's aging population but, due to other priorities, did not study the issue.

Adoption

The committee intended to study issues related to adoption but, due to other priorities, did not study the issue.

ADDITIONAL ITEMS

Tanning: Prohibition for Minors

The committee recommended draft legislation, [Tanning for Minors](#).

The draft legislation makes it unlawful for an operator of a tanning facility to allow a minor to use a tanning device.

Family Planning Services

The committee reviewed a statutory provision requiring the Department of Health to report on the impacts of a federal waiver that would allow family planning services to be provided to certain individuals not otherwise eligible for Medicaid.

The committee also discussed a proposal to waive parental consent requirements so that state and local health departments could qualify for federal funding of family planning services provided to minors.

Health Care Workforce Financial Assistance Program

The committee considered a proposal to appropriate \$300,000 to the Health Care Workforce Financial Assistance Program and allow hospitals to contribute educational loan repayment assistance to program participants.

Staff: Karin M. Rueff (Policy Analyst) / Mark D. Andrews (Policy Analyst) / Daniel M. Cheung (Attorney) / Ericka A. Evans (Attorney) / Rikka Strong (Attorney) / Nathan Erickson (Administrative Assistant)

ISSUES STUDIED: LEGISLATION RECOMMENDED

Appellate Decisions Calling for Legislative Action – Abuse, Neglect, and Dependency Proceedings

The committee recommended draft legislation, [Abuse, Neglect, and Dependency Proceedings Amendments](#) that:

- limits the circumstances for when a petition for termination of parental rights may be filed under Title 78A, Chapter 6, Part 3, Abuse, Neglect, and Dependency Proceedings; and
- requires the court to take into account certain statutory provisions and kinship preferences in abuse, neglect, and dependency proceedings.

In the case of *In re K.J.*, 2018 UT App 216, the Division of Child and Family Services (DCFS) filed an abuse, neglect, and dependency petition in juvenile court, alleging that Child was abused and neglected. The child was placed in DCFS's temporary custody. While this petition was pending in the juvenile court, DCFS brought a petition in juvenile court seeking termination of the father's and mother's parental rights. The father then filed a motion to stay the termination petition and argued that the State had to proceed on the abuse and neglect petition before proceeding to the termination petition. The juvenile court denied the father's motion, and ultimately, the court terminated the father's and mother's parental rights. On appeal, the Utah Court of Appeals concluded that there was nothing in the Juvenile Court Act (Title 78A, Chapter 6) prohibiting the State from bringing a termination proceeding while an abuse, neglect, and dependency proceeding was pending.

Appellate Decisions Calling for Legislative Action – Alimony and Retirement

The committee recommended draft legislation, [Divorce Amendments](#).

The legislation amends the circumstances under which a district court may modify an alimony order and provides that, "regardless of whether a party's retirement is foreseeable, the party's retirement is a substantial material change in circumstances that is subject to a petition to modify alimony, unless the divorce decree expressly states otherwise."

In the case of *Armendariz v. Armendariz*, 2018 UT App 175, the Husband wanted to enter early retirement, and because

his income would decline after retirement; he petitioned the district court to modify his divorce decree with Wife and terminate Wife's alimony award. A district court "has continuing jurisdiction to make substantive changes and new orders regarding alimony based on a substantial material change in circumstances not foreseeable at the time of the divorce" (Utah Code § 30-3-5(8)(i)(i)). The district court determined that it did not have jurisdiction to terminate alimony because retirement was foreseeable at the time of the divorce decree and nothing in the divorce decree provided for termination of alimony upon retirement. On appeal, the Utah Court of Appeals concluded that Husband's retirement was foreseeable at the time of divorce and the divorce decree did not provide for termination upon retirement, affirming the district court's decision.

Sex Offender Registry

The committee recommended draft legislation, [Sex Offender Registry Amendments](#).

Utah's Sex Offender Registry was established in 1983. Since 1983, the Legislature has passed 45 bills amending the sex offender registry statute. Many of these bills have added offenses to or removed offenses from the list of offenses that require registration. Some individuals are required to register for offenses that if those offenses were committed today, those individuals would not be required to register.

The draft legislation allows an individual to request removal from the Sex and Kidnap Offender Registry if the individual is on the registry for an offense which is no longer a registerable offense.

Substance Use Assessment and Treatment Decisions

The committee recommended draft legislation, [Substance Use Treatment and Assessment Decisions Amendments](#).

The committee discussed, with stakeholders and other interested parties, issues relating to a claim that some for-profit entities are overtreating low-risk, low-need offenders from the court system and that the overtreatment is doing more harm than good.

The draft legislation provides that, in a justice court, a private entity that conducts a court-ordered assessment of an individual to determine if the individual needs substance use disorder treatment may not also provide court-ordered substance use disorder treatment to the individual.

Vaping and Electronic Cigarette Use by Minors

The committee recommended draft legislation, [Tobacco Retailer Amendments](#).

The committee formed a working group with the Education Interim Committee, the Health and Human Services Interim Committee, and the Revenue and Taxation Interim Committee to study the use of electronic cigarettes by minors. The working group met with a variety of stakeholders including state agencies, local agencies, school district representatives, health organizations, legislators, and others to discuss the increasing health problems associated with minors using electronic cigarettes and to discuss possible solutions.

The draft legislation:

- modifies the definition of a retail tobacco specialty business;
- amends the number of times that a peace officer may conduct an investigation of a retail shop for underage tobacco sales; and
- amends permit violations for tobacco retailers.

The Education Interim Committee and the Health and Human Services Interim Committee also recommended legislation relating to other issues that were discussed in the electronic cigarettes working group.

ISSUES STUDIED: NO LEGISLATION RECOMMENDED

Abusive ADA Lawsuits

The federal Americans with Disabilities Act (ADA) prohibits the discrimination of persons with disabilities in places of public accommodations, such as businesses that are open to the public. The study sponsor maintained that there are attorneys filing abusive lawsuits against small businesses, claiming that the businesses are violating the ADA but not allowing the small businesses an opportunity to remedy the alleged violations. The committee discussed, with the study sponsor, the nature and extent of the problem and potential ways to resolve the problem of abusive ADA lawsuits.

Appellate Decisions Calling for Legislative Action – Pay-to-Stay Statute

The Utah Court of Appeals and the Utah Supreme Court, in written opinions, will call upon the Legislature to take action to clarify or modify a statute. The committee received a report and presentation from staff regarding the

2018-2019 appellate decisions that call for legislative action.

In the case of *State v. Burr*, 2018 UT 63, the Defendant was sentenced to the Utah County Jail for 30 days and at the time of sentencing no restitution order was sought or ordered. After the Defendant was released from jail, Utah County sent the Defendant an invoice for the costs of their stay at the jail. The Defendant filed a motion to vacate the invoice, arguing that the invoice was invalid without a court order for restitution, that the amount of the invoice should be reduced under the factors set forth in the Crime Victim Restitution Act (CRVA), and that denial of his right to assert those factors violated his due process and other constitutional rights. The district court denied the motion. The Defendant appealed.

On appeal, the Defendant argued that the pay-to-stay statute (§ 76-3-201(6)) required a court order before the county could impose the pay-to-stay charge, that the CRVA factors should apply, and that his due process rights would be violated if the pay-to-stay statute were self-executing and foreclosed his right to assert his inability to pay as the basis for challenging Utah County's invoice.

Although the Utah Supreme Court felt that the Defendant raised serious questions about the statute on appeal, the Court concluded that the district court did not have jurisdiction to hear the Defendant's motion to vacate the county's invoice. Once the Defendant's criminal proceeding was resolved on final judgment and a sentence was entered, his case was closed, and the district court lost any continuing jurisdiction over the matter. Therefore, the Utah Supreme Court concluded that it did not have jurisdiction on appeal.

Appellate Decisions Calling for Legislative Action – Utah State Tax Commission Authority to Reallocate Shifted Income

In the case of *Utah State Tax Commission v. See's Candies, Inc.*, 2018 UT 57, See's Candies engaged in a transaction. The transaction reduced See's Candies taxable income by 75%, and the State Tax Commission sought to reallocate the deduction in See's Candies' taxable income back to See's Candies. See's Candies challenged the State Tax Commission's authority to reallocate the deduction. The Utah Supreme Court interpreted the statute at issue in favor of See's Candies, finding that, for the type of transaction that See's Candies engaged in, the State Tax Commission did not have the authority under the statute to reallocate income back to See's Candies.

The Utah Supreme Court suggested that the Legislature may want to address this issue. Since this case involved a tax issue, the committee voted that the chairs send a letter to the chairs of the Revenue and Taxation Interim Committee suggesting the Revenue and Taxation Interim Committee consider the issue.

Asset Forfeiture

The committee 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 (Title 24) 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.

The committee voted to open a committee bill file addressing asset forfeiture and discussed draft legislation, [Asset Forfeiture Changes](#). The Law Enforcement and Criminal Justice Interim Committee also discussed asset forfeiture.

Criminal Non-Support – Parents Who Fail to Pay Court-Ordered Child Support

2019 General Session H.B. 450, Criminal Nonsupport Amendments, if passed, would have increased the criminal penalties for parents who fail to pay court-ordered child support. The committee discussed, with the study sponsor and the Utah Attorney General's Office, the nature and extent of the problem and requested that the Utah Attorney General's Office compile data from cases of criminal nonsupport. The Utah Attorney General's Office provided the requested data and explained that they will not pursue the approach taken in H.B. 450. The office's new approach for the 2020 General Session is to amend provisions extending the time allowed to collect back child support.

Insanity Defense

2019 General Session H.B. 225, Insanity Defense Amendments, if passed, would have:

- modified the circumstances under which a defendant may plead not guilty to a criminal offense by reason of insanity; and
- modified provisions relating to supervision, assessment, and release of a defendant committed to the Department of Human Services after being found not guilty of a criminal offense by reason of insanity.

The committee discussed, with the study sponsor, whether the Legislature should modify the circumstances under

which a defendant may plead not guilty to a criminal offense by reason of insanity. The committee also heard and discussed comments from criminal defense attorneys, the Statewide Association of Prosecutors, the Utah Psychiatric Association, the Utah Medical Association, the Utah Attorney General's Office, a professor of law from the S.J. Quinney College of Law at the University of Utah, and members of the public.

Oversight and Accountability of Prosecutors

The committee discussed, with the study sponsor and the Utah Commission on Criminal and Juvenile Justice, the nature and extent of the problem that prompted the study item. The study sponsor plans to introduce, in the 2020 General Session, legislation requiring collection of data regarding prosecutors and alleged prosecutorial misconduct.

Uniform Criminal Records Accuracy

The committee listened to the study sponsor's explanation of 2019 General Session S.B. 183, Uniform Criminal Records Accuracy Act, which is the Uniform Law Commission's proposed Uniform Criminal Records Accuracy Act. The sponsor explained he needs more time to resolve the high fiscal impact of the bill.

Uniform Guardianship, Conservatorship, and Other Protective Arrangements

The committee listened to the study sponsor's explanation of 2019 General Session S.B. 53, Uniform Guardianship, Conservatorship, and Other Protective Arrangements Act, which is the Uniform Law Commission's proposed Uniform Guardianship, Conservatorship, and Other Protective Arrangements Act. The sponsor explained he needs more time to resolve the high fiscal impact of the bill.

Victim Address Confidentiality

2019 General Session H.B. 451, Victim Address Confidentiality Program, if passed, would have:

- created an address confidentiality program for crime victims in the Utah Office for Victims of Crime;
- established eligibility and application requirements for program participants;
- addressed the administrative responsibilities of the Utah Office for Victims of Crime in maintaining the address confidentiality program;
- described the permitted uses for assigned addresses;

- permitted disclosure to state and local government entities in certain circumstances;
- addressed service of process, disclosure in judicial and administrative proceedings, and orders relating to custody and parent-time; and
- addressed immunity and the retention and destruction of records.

The committee discussed, with the study sponsor, the nature and extent of the problem that prompted the legislation.

ADDITIONAL ITEMS

Lawsuits That Challenge the Constitutionality of State Law

The committee recommended draft legislation, [Attorney General Reporting Requirements](#).

Utah Code § 67-5-1(21) requires the Utah Attorney General's Office to prepare a written report on the status and progress of any lawsuits that challenge the constitutionality of state law that were pending since the Attorney General's Office's last report. The committee received the required reports in the May and November meetings, and voted to open a committee bill file to make changes to the reporting requirements. The changes are intended to make the reports more useful. The draft legislation:

- modifies a reporting requirement for the attorney general regarding lawsuits challenging the constitutionality of state law; and
- requires the attorney general to submit a report regarding lawsuits and decisions challenging the constitutionality and enforceability of state statutes.

Trauma-Informed Services for Victims

2018 General Session H.B. 177, Trauma-Informed Justice Provisions, charged the Commission on Criminal and Juvenile Justice (CCJJ) with creating the Multi-Disciplinary Trauma-Informed Committee to conduct a review of current and recommended trauma-informed policies, procedures, programs, or practices in the state's criminal and juvenile justice system. As required by Utah Code § 63M-7209(5), CCJJ delivered a report on the Multi-Disciplinary Trauma-Informed Committee's activities and a performance incentive grant program that was created to provide advocacy and related services for victims using standards of trauma-informed care. The committee voted to open a committee bill file to address some recommendations in the report.

Veterans Treatment Court

The committee recommended draft legislation, [Veterans Treatment Court Act](#).

The bill sponsor explained that the proposal allows for the creation of a veteran's treatment court in a judicial district, which is a program within a district court for veterans, who have been charged with a crime, to receive treatment and support. The draft legislation:

- provides the requirements for establishing a veteran treatment court;
- provides the requirements for creating policies and procedures;
- addresses eligibility for participation;
- addresses admission, modification, termination, and completion;
- addresses domestic violence offenses;
- states that there is no right to participate in a veteran's treatment court; and
- provides a severability clause.

Staff: Joseph T. Wade (Policy Analyst) / Jacqueline Carlton (Attorney) / Nathan Erickson (Administrative Assistant)

Law Enforcement and Criminal Justice

Sen. Keith Grover

Rep. Lee B. Perry

ISSUES STUDIED: LEGISLATION RECOMMENDED

Vehicle Safety Inspections

The committee recommended draft legislation, [Safety Inspections on Secondhand Vehicles](#).

The committee studied the effects of the removal of vehicle safety inspection requirements in the state, whether that has resulted in an increase in traffic accidents, and to what extent those accidents are due to safety equipment on the vehicles. The draft legislation reinstates the safety inspection requirement for used motor vehicle dealers.

ISSUES STUDIED: NO LEGISLATION RECOMMENDED

Asset Forfeiture

2019 General Session, S.B. 109, Asset Forfeiture Amendments, sought to address concerns regarding the clarity and propriety of the state's asset forfeiture laws, particularly as they relate to the Utah Property Protection Act. The committee opened a bill file and received a presentation on suggested changes to the current asset forfeiture law but did not vote on any bill draft.

Crime Data Reporting

Representatives from the Commission on Criminal and Juvenile Justice presented on current gaps in crime data reporting that they argued hinder the commission's ability to understand system-wide trends. These gaps include a lack of statewide jail data and the fact that the databases are not integrated.

Though the committee believes this to be an important area for further study, it was determined to be too early in the process to move forward with legislation.

Domestic Violence

The committee studied issues regarding prevention and effective responses to domestic violence in the state, which included an overview of domestic violence services and lethality assessment protocol efforts. These presentations served mainly to update the committee on the effectiveness of current methods. The committee did not explore any legislative changes.

Public Safety Communications

The committee received a presentation from the Utah Communications Authority on the effectiveness of

communications of law enforcement statewide, including an overview of the timeline for the completion of 25 new 800MHz trunked sites. This presentation served primarily to inform the committee of current practices and did not result in any legislative proposals.

Recruitment, Training, and Retention

The committee studied recruitment, training, and retention of law enforcement officers in the state. The committee received a presentation from the Department of Human Resource Management which concluded that turnover trends for law enforcement in the state appear to be static. The committee did not explore legislative options for addressing this issue.

Healthcare Access for Inmates

The committee studied issues surrounding inmate access to medical care, which focused primarily on the work of the Clinical Service Bureau in the Department of Corrections. The committee did not entertain any suggestions for legislative changes.

Privacy, Identity Security, and Internet Fraud

The committee studied the growth of catfishing scams and other forms of internet fraud and discussed the possibility of addressing these issues through legislation. The committee concluded that more work needed to be done before legislation could be drafted.

Universities and Public Safety

Received statutorily required reports on campus safety plans and training from the State Board of Regents and the Utah System of Technical Colleges Board of Trustees.

In addition to these reports, the committee discussed ways to ensure that campus safety is being improved statewide, in light of the issues highlighted by Lauren McCluskey's murder at the University of Utah.

Firearm Safety

The committee studied multiple aspects of firearm violence, including its relationship to domestic violence, suicide, and school safety. The committee received a presentation from the Crime Prevention Research Center on the efficacy of universal background checks and red flag laws. In response to concerns over suicide, the committee received a presentation from the Division of Substance Abuse and Mental Health on the firearm safety program created in 2019.

The committee opened a bill file to address issues surrounding firearm possession by those who are awaiting adjudication for civil commitment. The bill draft was presented, but the committee voted not to move forward with the legislation.

- requires the division to be notified upon the separation of a peace officer or dispatcher who is under investigation.

ISSUES NOT STUDIED

Distracted Driving

The committee intended to study issues related to reducing the dangers of distracted driving but, due to time restraints, did not study this issue.

ADDITIONAL ITEMS

Firearm Identification Amendments

The committee recommended draft legislation, [Firearm Identification Amendments](#).

The committee studied current statutory responses to possessing a firearm without the proper serial numbers and recommended legislation that makes possession of a firearm with identifying marks removed a crime.

Parole Revocation Amendments

The committee recommended draft legislation, [Parole Revocation Amendments](#).

The committee studied current sentencing practices for aggravated assault by a prisoner and recommended legislation that adds aggravated assault by a prisoner to the list of offenses that qualify for a first-degree felony.

Peace Officer Standards and Training

The committee recommended draft legislation, [Peace Officer Standards and Training Amendments](#).

The committee studied current practices of the Peace Officer Standards and Training Council (POST) regarding disciplinary action against peace officers and dispatchers, and recommended legislation that:

- requires the POST Council to decide on sanctions to be imposed upon officers and dispatchers;
- allows for the issuance of a Letter of Caution as a disciplinary measure;
- requires the POST Council to accept an administrative law judge's findings and conclusions; and

Staff: John Feinauer (Policy Analyst) / Chelsea Grant (Attorney) / Esther D. ChelseaMcCarty (Attorney) / Tracey Fredman (Administrative Assistant)

Natural Resources, Agriculture, and Environment

Sen. Ralph Okerlund

Rep. Keven J. Stratton

ISSUES STUDIED: LEGISLATION RECOMMENDED

State Water Policy

Water Policy Statement

The committee recommended draft legislation, [State Water Policy Amendments](#), which establishes a broad based water policy statement. The legislation encourages state agencies to follow the state policy and requires an annual review.

Proposal to Amend Utah Constitution - Municipal Water Resources

The committee recommended draft legislation, [Proposal to Amend Utah Constitution - Municipal Water Resources](#), which:

- rewrites a provision relating to municipal water rights and sources of water supply;
- eliminates references to municipal waterworks; and
- specifies the circumstances under which a municipality may supply water outside its boundary or commit to supply water outside its water service area.

Agricultural Water Optimization Task Force

The committee recommended draft legislation, [Agricultural Water Optimization Task Force Amendments](#), which:

- expands the membership of the Agricultural Water Optimization Task Force;
- clarifies quorum requirements; and
- addresses the task force recommending legislation as part of its annual report.

ISSUES STUDIED: NO LEGISLATION RECOMMENDED

State Water Policy

Water Banking

The committee heard a report on, but did not recommend, draft legislation [Water Banking Amendments](#), which:

- authorizes the Board of Water Resources, the state engineer, and the Division of Water Resources to implement water banking;
- enacts the Water Banking Act;
- provides for a repeal date of the water banking provisions; and

- specifies that water rights deposited in a water bank are not subject
- to abandonment or forfeiture while approved for use in a water bank.

Water Basin Councils

The committee discussed the importance of managing and optimizing water resources on a basin-by-basin basis and discussed the possibility of creating water basin councils.

Water Infrastructure Repair and Replacement

The committee discussed the identification and funding of water infrastructure in the state, the repair or replacement of existing infrastructure, and construction of new infrastructure needed to provide for Utah's current and future water needs.

Performance Audit of the Repayment Feasibility of the Lake Powell Pipeline

The committee discussed a legislative audit regarding the repayment feasibility of the Lake Powell Pipeline. The committee passed motions to recommend that legislation be drafted to clarify:

- the terms for repayment including state bond interest costs for the Lake Powell Pipeline;
- how repayment costs can be divided among and within repayment contracts;
- final repayment time frames for outstanding pipeline reimbursable costs; and
- whether multiple sources of funding for the Lake Powell Pipeline would be in the best interests of the state.

Great Salt Lake

The committee discussed the economic and environmental importance of the Great Salt Lake and the importance of maintaining adequate lake levels.

Water Loss Accounting

The committee considered, but did not recommend, draft legislation, [Water Loss Accounting Act](#), which enacts the Water Loss Accounting Act, including:

- defining terms;
- granting rulemaking authority;
- providing for a technical advisory committee;
- requiring water loss accounting reports; and
- providing for technical assistance.

Extraterritorial Jurisdiction

The committee discussed municipalities' extraterritorial jurisdiction related to water sheds and water works.

Protection of Prior Appropriation Doctrine

The committee discussed the importance of maintaining the prior appropriation water rights doctrine.

Aquatic Invasive Species

The committee discussed efforts to control the spread of invasive Quagga and Zebra Mussels in the state.

Secondary Water Metering

The committee received a report of the Department of Natural Resources' ongoing study of secondary water metering and the implementation of 2019 General Session S.B. 52, Secondary Water Requirements, which required water services to report and meter the use of water.

Air Quality

The committee discussed air quality issues, focusing on potential changes to permitting fees and mobile source registration fees. The committee also discussed the efforts of state agencies to promote improved air quality. The committee received a report from the Utah State University Bingham Entrepreneurship and Energy Research Center on the Uintah Basin wintertime ozone air quality research project.

Central Wasatch Mountains

The committee visited sites in the Central Wasatch mountains to discuss proposed federal legislation creating the Central Wasatch National Conservation and Recreation Area and issues related to transportation, water, economic development, and environmental sustainability in the area.

Raw Milk

The committee considered, but did not recommend, draft legislation, [Raw Milk Product Amendments](#), which defines terms and allows the manufacturing, distribution, and sale of certain products produced from raw milk under certain circumstances.

ISSUES NOT STUDIED

Ports Impacts on Natural Resources and Mineral Extraction and Transportation

The committee did not study this item due to competing priorities.

Wildland Firefighters Compensation

After discussion with the Division of Forestry, Fire, and State Lands, the chairs determined that legislation on this topic was not needed.

Farm to Fork

After discussion with the sponsor of draft legislation on this topic, the chairs determined that the legislation was not ready for consideration.

ADDITIONAL ITEMS

Danger Cave State Monument Designation

The committee recommended draft legislation, [Concurrent Resolution Creating the Danger Cave State Monument](#), which outlines the general process for proposing the creation of the Danger Cave State Monument, includes reasons for creating the monument, and approves the creation of the monument.

Old Iron Town State Monument Designation

The committee recommended draft legislation, [Concurrent Resolution Creating the Old Iron Town State Monument](#), which outlines the general process for proposing the creation of the Old Iron Town State Monument, includes reasons for creating the monument, and approves the creation of the monument.

Department of Agriculture and Food Fee Adjustment for the Administration of the Industrial Hemp Program

The committee recommended draft legislation, [Industrial Hemp Amendments](#), which:

- directs the Department of Agriculture and Food to develop a state industrial hemp production plan;
- makes changes to the industrial hemp producer license;
- establishes requirements for an industrial hemp retail permit and an industrial hemp laboratory permit; and
- establishes a process for enforcement of legal provisions relating to industrial hemp.

Jordan River Recreation Area Funding Management

The committee recommended draft legislation, [Jordan River Recreation Area Funding Management](#), which clarifies that the Division of Forestry, Fire, and State Lands manages the

money appropriated to programs related to the Jordan River Recreation Area and provides that the money appropriated to programs related to the Jordan River Recreation Area are non-lapsing.

Waste Tire Recycling

The committee recommended draft legislation, [Waste Tire Recycling Act Amendments](#), which:

- modifies definitions related to waste tire piles;
- increases the number of whole waste tires a person may transfer at one time to a landfill or any other location in the state authorized by the director to receive waste tires;
- addresses storage of whole waste tires; and
- extends the relevant sunset date.

Trail Improvements

The committee considered, but did not recommend, draft legislation, [Trail Improvement Amendments](#), which allows for the exercise of eminent domain for trails meeting certain criteria.

Interagency Wildfire Coordination

The committee discussed ways to improve interagency wildfire coordination, decision making, and management. The committee also discussed tools for assessing wildfire risks.

Staff: J Brian Allred (Policy Analyst) / Patricia Owen (Attorney) / Rikka Strong (Attorney) / Sidnee Bailey (Administrative Assistant)

Political Subdivisions

Sen. Jacob L. Anderegg

Rep. Stephen G. Handy

ISSUES STUDIED: LEGISLATION RECOMMENDED

Local Government and Limited Purpose Entity Registry

The committee recommended draft legislation, [Local Government and Limited Purpose Entity Registry Amendments](#).

The draft legislation amends provisions governing the local government and limited purpose entity registry. The draft legislation:

- requires the municipal recorder to register on behalf of the municipality;
- requires the county clerk to register on behalf of the county;
- requires certain nonprofit corporations to register within six months of the end of the nonprofit corporation's fiscal year;
- enacts registration requirements for certain charter schools;
- clarifies the time frame in which an entity is required to send notification of a change; and
- requires an entity to register and publish certain contact information and term information for each governing board or commission member.

Changing Forms of County Government

The committee recommended draft legislation, [Amendments to County Form of Government](#).

The draft legislation amends provisions related to changing a county form of government. The draft legislation:

- provides a grandfather provision for counties that are currently in the process of changing their form of government;
- authorizes the county legislative body, or sponsors of a successful petition, to create a committee to study changing the county form of government;
- allows a county legislative body to initiate the process to change the county form of government if petition sponsors have not submitted a completed petition to the county clerk;
- prohibits the county legislative body or registered voters from initiating the process again until four years after the new county officers are elected;
- limits the optional plans for a county of the fifth or sixth class; and

- amends other provisions relating to procedural restrictions, study committee qualifications, and contents of the optional plan proposed by a study committee.

ISSUES STUDIED: NO LEGISLATION RECOMMENDED

Development Challenges in Resort Communities

Received a presentation from the Utah League of Cities and Towns and discussed with elected officials from Moab, Park City, and St. George the challenges facing Utah's resort communities.

Municipal Planning for Growth – Rural Focus

Discussed municipal planning authority and tools with a focus on Utah's rural areas. Received an overview of the legal and statutory framework from committee staff.

Open Space Preservation Tools

Received an update from the Quality Growth Commission on current and future projects with funds from the LeRay McAllister Critical Lands Conservation Fund. The Commission described funding challenges, project prioritization, and goals for the commission moving forward.

Municipal Planning for Growth – Urban Focus

Received a presentation regarding planning for urban growth with a local and regional focus targeted at land use, transportation, and housing affordability issues. Regional planning organizations, local elected officials, and transportation agencies presented growth opportunities and challenges. The committee discussed the goals, progress, and vision for Utah's urban areas.

Municipal Fiscal Health

Received an overview from the Utah League of Cities and Towns on municipal fiscal health, including the challenges that come with providing services to rapidly growing urban areas.

Appointed vs. Elected County Officials

The Utah Association of Counties provided an overview of appointed vs. elected officials. The committee received a request from the Davis County clerk/auditor to focus on the checks and balances within county government. The

committee also received a presentation from faculty at Utah State University and Utah Valley University regarding the advantages and disadvantages of appointed vs. elected officials and discussed a county governance benchmark study conducted in Utah.

County Classifications

Received an overview from staff on Utah's county classification system, specifically, how it works, policy issues to consider, counties that are expected to change, and differences among the classes. The Utah Association of Counties discussed the current state of counties in Utah and how the classification system affects them.

S.B. 34 Implementation

Received an overview of 2019 General Session S.B. 34, Affordable Housing Modifications, from committee staff. Discussed how S.B. 34 is impacting the general and moderate-income housing plans and the use and transportation decisions of local governments. The committee heard from regional planning organizations, transportation authorities, and local governments regarding the progress and impacts on implementation.

New County Formation

Discussed the process for how a county can be split in Utah. The committee discussed a new proposal and heard the challenges and concerns from the Utah Association of Counties on the impacts that would come from separating existing counties.

ISSUES NOT STUDIED

County Auditing

The committee intended to study the powers and duties of county auditors in relation to county legislative body oversight. However, this topic was discussed in part, during the Appointed vs. Elected County Officials study item.

Municipal Code Recodification

This was not addressed due to staff changes and competing priorities.

ADDITIONAL ITEMS

Impact Fees

The committee analyzed municipal fiscal health, of which impact fees are an important piece. Received a presentation on impact fee analysis and consulting from Zions Public Finance. Discussed historical and regional trends related to impact fees and received a presentation from the Utah League of Cities and Towns and the Layton

City attorney. Heard a counter perspective from the Utah Home Builders Association.

Staff: Samantha D. Brucker (Policy Analyst) / Victoria Ashby (Attorney) / Sidnee Bailey (Administrative Assistant)

ISSUES STUDIED: LEGISLATION RECOMMENDED

Transportation Infrastructure and Incentives for Fuel Production

The committee recommended draft legislation, [Sales and Use Tax Modifications](#).

The committee studied policies related to increased production and transport of oil and natural gas. The draft legislation would, in addition to avoiding the unintended consequence of causing economic harm to local communities and businesses:

- enact a sales and use tax exemption for the purchase or lease of certain types of machinery, equipment, and materials by an oil and gas extraction establishment or a pipeline transportation establishment;
- expand the sales and use tax exemption to certain purchases by an electric generation and transmission facility;
- enact a sales and use tax exemption for charges for certain activities pertaining to facilities owned by an electrical corporation; and
- include a three-year phase-in sales tax exemption provision.

ISSUES STUDIED: NO LEGISLATION RECOMMENDED

Power Markets

The committee involved utilities from all sectors, the Office of Energy Development, state regulatory agencies, industry experts, and energy utility consumer advocacy groups in studying:

- how Utah utilities participate in the California Independent System Operator (CAISO) market;
- load curves and the impacts of regionalization;
- the current status and future of the Intermountain Power Plant; and
- policies the state may consider due to market forces, including the potential for coal-fired power plants to engage in hydrogen production through coal gasification technology.

Heavy Equipment Energy Efficiencies

The committee studied the emissions and emissions control options related to freight switchers, mining

equipment, and other heavy-duty equipment, including equipment regulation and compliance, costs and benefits of emissions control retrofits, and potential impacts on air quality due to equipment enhancements in these areas.

Damage to Underground Utilities Facilities

The committee received a status update from stakeholders regarding a refile of 2019 General Session H.B. 162, Damage to Underground Facilities Amendments, for the 2020 General Session, which the committee supported.

Electrical Grid Resiliency

The committee received an overview on baseload power supply and means of enhancing electrical grid resiliency in Utah, including:

- strategies for enhanced vegetation management in highest-risk fire locations;
- partnerships between state fire officials and utilities; and
- other liabilities for utilities in ensuring a resilient and reliable grid system.

Public Program Funding through Utility Rates

The committee received an overview from a state regulator representing public utilities consumers on utility rates being used to fund programs that are not related to the standard provision of utility service.

Regional Haze

The committee received a status update on Rocky Mountain Power's Huntington and Hunter power plants.

Capping the Utah Universal Public Telecommunications Service Support Fund

The committee studied whether to cap the Utah Universal Public Telecommunications Service Support Fund (UUSF) and heard from telecommunications service providers paying into the UUSF and those receiving support from the UUSF, state utilities regulatory agencies, and consumer advocacy groups for taxpayers. Committee staff provided a report on the UUSF, including its legislative history, its statutory goals and objectives, and consolidated data from the UUSF statutory reports required of the Utah Public Service Commission for the three years that the report has been filed.

5G Internet Technology

The committee studied Utah's progress in upgrading the state's wireline network to fifth-generation cellular wireless (5G), including the collaborative Platform for Open Wireless Data-driven Experimental Research (POWDER) project between the University of Utah, Rice University, the Utah Education and Telehealth Network, and Salt Lake City. The Utah Department of Transportation also provided the committee with an update on the status of small wireless facilities deployment in the state since the enactment of 2018 S.B. 189, Small Wireless Facilities Deployment Act.

Public Utility Regulatory Policies Act (PURPA)

The committee heard an overview of the Public Utility Regulatory Policies Act of 1978, Pub. L. No. 95-617, including the number of renewable projects built in Utah and in the transmission queue, how project price and contract length is determined, and project oversight when considering federal versus state nexus.

The Integration of Increasing Levels of Renewables

The committee heard from federally-delegated electrical grid reliability specialists, state economic regulators for public utilities and their consumers, energy sector stakeholders, and rate-regulated electrical utilities regarding various rate design mechanisms and potential costs and benefits under certain scenarios, including the integration of increasing levels of renewable energy resources onto the electrical grid, time-varying rate designs and capacity credits, demand reduction programs, and net renewable tariffs.

Public Utility Regulatory Restricted Account

State regulatory agencies and regulated utilities that provide public telecommunications services presented on industry trends and potential policy options that pertain to and address ongoing regulatory funding shortfalls concerning the Public Utility Regulatory Fee (PURF) under Utah Code Section 54-5-1.5. After studying the PURF in its June and September meetings, the committee delegated further review of known policy options to committee members in a stakeholder workgroup, which reported back to the committee in its November meeting. At this time, an individual legislator is pursuing legislation to address this issue.

Energy Production Finance (Securitization)

The committee heard an overview of the draft legislation, [Energy Production Financing Amendments](#), from the sponsor, which provides a mechanism for energy production facilities to have access to secure means of financing while transitioning from current sources of energy to future sources, while ensuring that customers have continuous access to reliable electricity.

ISSUES NOT STUDIED

The Potential for Energy Storage as Part of Utah's Energy System

The committee intended to study the changing Western electricity system and expansion of energy storage, including cost-effectiveness, regulatory and rate considerations, and status of technology surrounding energy storage, but did not study this issue due to other priorities.

Smart Communities

The committee intended to study the economic and social benefits that smart communities can provide, including the integration of energy, transportation, and communications technologies, but did not study this issue due to other priorities.

A Performance Audit on State Energy Incentives

The committee intended to follow-up on [Legislative Audit 2017-14](#), which the 2018 Interim Committee began studying, and whether the 12 entities identified in the report that administer energy-incentivizing tax credits and programs should have performance metrics tied to them; however, due to other priorities and the amount of time needed to study this item, the committee did not study this issue.

ADDITIONAL ITEMS

Public Service Commission Hearing Deadlines

The committee recommended draft legislation, [Public Service Commission Hearing Amendments](#), which amends the Public Service Commission's 20-day rehearing process deadline to 30 days, which allows the PSC and stakeholders more time to deliberate when there is an appeal to a PSC decision.

Utah Associated Municipal Power Systems: Nebo Power Plant Tour

The committee discussed and toured the municipally owned Nebo Power Plant and received a presentation on the background of Utah Associated Municipal Power Systems, its projects, public power structure, and energy distribution.

Flushable Wipes and Sewage Systems

The committee received an overview on the impacts of “flushable wipes” on sewer systems and costs to communities. Wasatch Front Water Quality Council, a coalition of Publicly Owned Treatment Works in Davis, Salt Lake, and Utah Counties, provided the overview to the committee as a part of the group’s public outreach strategy.

Wolverine Fuels

The committee received a report from Wolverine Fuels on the company’s performance and economic impact in the state.

Rocky Mountain Power’s Integrated Resource Plan

The committee received an overview of Rocky Mountain Power’s 2019 Integrated Resource Plan, which was released on October 18, 2019.

Staff: Sarah J. Balland (Policy Analyst) / Shannon C. Halverson (Attorney) / Cherish Cosman (Administrative Assistant)

Retirement and Independent Entities

Sen. Wayne A Harper

Rep. Craig Hall

ISSUES STUDIED: LEGISLATION RECOMMENDED

Utah Retirement Systems Amendments

The committee recommended draft legislation, [Utah Retirement Systems Amendments](#).

The draft legislation is based upon annual recommendations from Utah Retirement Systems that makes technical and administrative changes to statute in order to keep the Utah State Retirement and Insurance Benefit Act updated.

ISSUES STUDIED: NO LEGISLATION RECOMMENDED

Retirement Systems & Plans

The committee reviewed the retirement benefits available for public employees who are members of URS and received updates on system funding and cost status, including:

- contribution rates;
- funded ratios;
- assumed investment rate of return;
- investment performance; and
- contribution rate management, which, under the direction of the Retirement Board, URS is working on with its actuary to determine reasonable and prudent methods and a plan for managing the reduction of the amortization rate portion.

New Public Safety and Firefighter Tier II Contributory Retirement Study

The committee carried out the uncodified study enacted by 2019 General Session, S.B. 129, pertaining to:

- modifications to the New Public Safety and Firefighter Tier II Contributory Retirement System;
- the appropriate allocation of funding for the 2% multiplier increase;
- the appropriate proportional share of funding between the state, employers, and members for changes to the New Public Safety and Firefighter Tier II Contributory Retirement System; and
- other related issues.

The committee discussed draft legislation, [Public Safety and Firefighter Tier II Retirement Enhancements](#), which needed more time for policy development.

PEHP Health and Benefits

The committee studied the state's insurance benefits through the Public Employees Health Plan, including:

- medical, life, dental, and long-term disability plans, and their current financial status;
- general trends in healthcare and their impact on the state; and
- PEHP efforts to address healthcare challenges, including billing surprises, unnecessary care, and transparency.

Utah Retirement Systems' Consulting Actuaries

Through a visit from URS's consulting actuaries, the committee studied:

- the role of the actuary;
- actuarial calculations;
- funding and cost issues;
- stress testing; and
- actuarial perspective on contribution rate management.

My529 College Saving Plans

The committee learned about My529's management, scope, and other items related to the financial planning and the program.

ADDITIONAL ITEMS

State of Utah Total Compensation Market Study

The committee received an overview of the Department of Human Resource Management's process for performing a market analysis of total compensation, including benefits, for state employees in coordination with Gallagher Consultants.

Accountable Budget Process: Utah Retirement Systems

The committee reviewed URS's operating budget pursuant to changes enacted by 2019 H.J.R. 18, Joint Rules Resolution on Base Budgeting Provisions.

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

ISSUES STUDIED: LEGISLATION RECOMMENDED

Income Tax Treatment of Nonresident Wages

The committee recommended draft legislation, [Nonresident Income Amendments](#).

The committee studied the income tax treatment of wages and other income earned by nonresidents. The committee draft legislation designates a salary, wage, commission, or compensation received for personal services rendered within the state as derived from Utah sources and excluded from business income.

Circuit Breaker Eligibility

The committee recommended draft legislation, [Circuit Breaker Amendments](#).

The committee studied the property tax relief provisions commonly known as “circuit breaker,” and the legislation limits the benefit to individuals and trusts, increases the qualifying income thresholds for the relief, and ties those thresholds to the consumer price index for housing.

Definition of “Acquisition Cost”

The committee recommended draft legislation, [Acquisition Cost Definition](#).

The committee studied the need for clarity regarding the definition of “acquisition cost” as applied to certain tangible personal property. The draft legislation defines “acquisition cost” in the property tax code as the purchase price of a new or used item.

Definition of Incremental Value for Certified Tax Rate Calculation

The committee recommended draft legislation, [Certified Tax Rate Calculation Amendments](#).

The committee studied the scope of project areas included in certified tax rate calculation under Section 59-2-924. The committee draft legislation modifies the definition of incremental value to include project areas created under Title 11, Chapter 58, Utah Inland Port Authority Act; Title 63H, Chapter 1, Military Installation Development Authority Act; and Title 63N, Chapter 1, Part 5, New Convention Facility Development Incentives.

Sourcing of Sales Tax for Sales of Motor Vehicles

The committee recommended draft legislation, [Sales Taxes on Motor Vehicles](#).

The committee studied updating the sourcing of sales tax from online sales of motor vehicles. The draft legislation, for sales tax purposes, sources an online sale of an aircraft, manufactured home, mobile home, modular home, motor vehicle, or watercraft over to the location where the purchaser takes receipt of the property.

Repeal of Commission Authority to Adjust Tax

The committee recommended draft legislation, [Tax Commission Authority Amendments](#).

The committee studied constitutional concerns regarding the tax commission’s authority to adjust taxes levied by a local entity against property. The draft legislation repeals certain authority of the State Tax Commission to adjust and equalize the valuation of taxable property.

Sales and Use Taxation of Fuels

The committee recommended draft legislation, [Fuel Sales Tax Amendments](#).

The committee studied the issue of identifying appropriate sales tax rates for fuel in circumstances where commercial and residential use rely on a single meter. The draft legislation codifies the State Tax Commission’s long-standing policy of looking to the primary use of the fuel at the location in question for purposes of taxation of the fuel.

Tax Credits, Incentives, and Exemptions

The committee conducted reviews of tax credits as required in code, and discussed whether they should be continued, modified, or repealed.

The committee recommended draft legislation, [Corporate Income Tax Credit Amendments](#), which removes the corporate income tax credit for contributions made to a qualified Achieving a Better Life Experience savings plan, due to lack of use of the credit.

The committee recommended draft legislation, [Tax Credit for Alternative Fuel Heavy Duty Vehicles](#), which extends and phases out the income tax credit related to certain alternative fuel heavy duty vehicles.

Primary Residential Exemption for Properties that are Under Construction or Unoccupied

The committee recommended draft legislation, [Tax Exemption for Construction or Unoccupied Property](#), which modifies the definition of "residential property" for purposes of the Property Tax Act to include certain property that is under construction or unoccupied.

Repeal Tax Commission Authority Under Section 59-2-212

The committee recommended draft legislation, [Property Assessment Procedure Amendments](#), which repeals certain authority of the State Tax Commission to adjust and equalize the valuation of taxable property.

ISSUES STUDIED: NO LEGISLATION RECOMMENDED

Taxation Subsidization of Water/User Fee

The committee received presentations and reports summarizing research on water use and taxation in Utah, outlining the mix of property taxes and user fees wholesale and retail water providers in the state use to fund their operations, and the impact of those funding sources on conservation. Discussed revenue breakdowns of water districts state-wide and invited districts that rely heavily on either property taxes or user fees to present.

The committee did not feel legislation is necessary.

Revenue Resulting from Federal Policy Changes

The committee discussed draft legislation, but decided more study was needed.

Sales and Use Taxation of Fuels Used in Condominium and Airbnb Rentals

The committee studied whether the use of fuels in condominiums that are in a rental pool or short-term rental properties should be considered residential or commercial use.

Economic Updates and Long-Term Revenue Planning

The committee received presentations from the Kem C. Gardner Policy Institute and the Department of Workforce Services on national and state economic updates, identifying potential roadblocks for the future. The committee also received a presentation from Dr. William F.

Fox, Director, Boyd Center for Business and Economic Research at the University of Tennessee, regarding trends in sales tax collections.

State Tax Commission Authority to Reallocate Income Between Two Related Companies

The committee received presentations and studied the issues litigated in "Utah State Tax Commission vs. See's Candies."

The committee discussed draft legislation that would clarify the circumstances under which a corporation may not deduct a royalty or other expense paid to an entity related by common ownership for the use of an intangible asset.

The committee determined that additional time was needed to develop an agreeable policy.

Tax Reform

The committee received regular updates on the progress of the Tax Restructuring and Equalization Task Force.

ISSUES NOT STUDIED

Local Tax Policy Review

The committee intended to study local tax policies but, due to other priorities, did not study this issue.

Tax Penalties

The committee intended to study penalties related to late filing and payment of income taxes but, due to other priorities, did not study this issue.

Medical Cannabis and Electronic Cigarette Taxes

The committee intended to study medical cannabis and electronic cigarette taxes but, due to other priorities, and other committees studying these items, did not study these issues.

Waiver/Reduction of Penalty Imposed under Section 59-2-307

The committee intended to study codifying a uniform waiver and reduction process for fees for a failure to file a required signed statement of a person's real and personal property assessable by an assessor but, due to other priorities, did not study this issue.

ADDITIONAL ITEMS

Tangible Personal Property Tax Revisions

The committee recommended draft legislation, [Tangible Personal Property Tax Revisions](#), which modifies the calculation of the inflation adjustment that applies to the property tax exemption for tangible personal property that has an aggregate taxable value of \$15,000 or less.

Staff: Alex R. Janak (Policy Analyst) / Ryan M. Hunter (Policy Analyst) /
Christine R. Gilbert (Attorney) / Andrea Valenti Arthur (Attorney) / Jesse
Dowdle (Administrative Assistant)

ISSUES STUDIED: LEGISLATION RECOMMENDED

Towing Signage

The committee recommended draft legislation, [Towing Signage Revisions](#).

The committee discussed a proposal to create uniform signage for use in parking lots and other areas of private property and to further address concerns and rights of both private property owners and motor vehicle operators related to towing. The draft legislation:

- prohibits towing from private property unless certain requirements are met;
- allows political subdivisions and state agencies to enforce certain towing regulations;
- provides certain signage requirements where parking is enforced by towing;
- allows towing from property without signage after providing 24 hours written notice; and
- establishes an affirmative defense to certain claims arising from towing.

Modifications to State Highway System

The committee recommended draft legislation, [State Highway System Modifications](#).

The committee reviewed annual statutorily required recommendations, which can be made by either the Utah Department of Transportation or the Transportation Commission, for a list of highways or sections of highways to be added or deleted from the state highway system. The draft legislation modifies the descriptions of SR-6, SR-85, and SR-241.

ISSUES STUDIED: NO LEGISLATION RECOMMENDED

C-Decals for HOV Lane Use

The committee discussed concern that Utah's policies may not be ready if the economy transitions to alternative fuel vehicles. The committee opened a bill file to address potential changes to the requirements for receiving a C decal, which allows certain clean vehicles to use the HOV lane when there is a single occupant. UDOT representatives reported that due to changes at the federal level, the state's administration of the C decal program would be modified, allowing eligible vehicles currently on the C decal waiting list to receive an approved decal by approximately the end of November. Since the federal change addressed reasons for opening the bill file, the bill file was abandoned.

UTA Governance Status

The committee discussed concerns raised by the State Auditor, who pointed out that the new governance structure for the Utah Transit Authority (UTA) created in 2018 General Session S.B. 136, Transportation Governance Amendments, and vesting nominations for its board of trustees in executives of local governments and appointment responsibilities in the Governor, creates questions regarding whether UTA is a state entity. UTA, however, was created in and remains subject to local district statutes (Title 17B). Committee members expressed interest in clarifying the issue through legislation, but no committee bill was approved.

Transit Oriented Development

The committee discussed UTA's process for partnering with public and private entities to plan and implement mixed-use neighborhoods around TRAX and FrontRunner stations. Committee members expressed concern with whether a cap on Transit Oriented Developments (TOD's) was still needed. The committee opened a bill file to address transportation governance and UTA issues and subsequent tax issues that may arise, including whether to retain the current cap on the number of transit-oriented developments currently allowed by Utah State Code. No committee bill was recommended.

Status of State Airplane Fleet

The committee expressed concern with the current condition of the state's airplane fleet, including the costs the state may incur to address fleet needs, and requested detailed responses be provided by UDOT to pre-submitted questions at a later meeting, including:

- what are the normal airplane replacement cycles;
- how can repairs and downtime be minimized;
- what would be the recommended new planes and their costs;
- what are the benefits of purchasing vs. leasing and what would the benefits be for five- and ten-year purchases;
- what are the fleet's total operating costs;
- comparison information on the cost of acquisition as well as depreciation over time and annual costs and what is the break-even point;
- what are the comparisons among transportation alternatives including ground, charter aircraft, and other options; and
- a breakdown on what percentage of state airplane use consisted of providing medical services, governor flights, and other uses.

UDOT addressed these issues but did not provide a fleet purchase recommendation.

Alternative Methods of Providing Federal Transportation Funding to States

The committee received an update from UDOT and the Wasatch Front Regional Council on how federal transportation funding is structured, what changes to federal transportation funding have occurred in recent years and the current funding outlook, and state level funding alternatives. In a later meeting, the committee discussed a draft letter from the committee chairs to Utah's congressional delegation requesting that the delegation support changes to the way the federal government provides transportation funding to states. Specifically, the letter recommends a performance and outcome-based pilot program allowing a few selected states, including Utah, to treat all the transportation funding that comes to UDOT as a single block grant. The state would then report to the federal government regarding its use of the funds. The committee unanimously approved the letter.

UTA and UDOT Long-term Planning

The committee discussed long-term planning presentations from UDOT, Wasatch Front Regional Council (WFRC), and UTA. Topics included the collaborative effort in developing and revising Utah's Unified Transportation Plan, planning factors such as Utah's population growth including its patterns and rates, geography, population distribution, disruptive technologies, corridor preservation, and public involvement.

Coordinated Mobility

The committee discussed an update from UDOT on the development of its Comprehensive Transportation Plan, funded through a one-time \$250,000 appropriation, to address the human service transportation gaps for seniors and persons with disabilities and opportunities for coordinated mobility among the various service providers along the Wasatch Front. UDOT provided an overview of the challenges facing persons with limited mobility, coordinated services, and the process and role of UTA in collaborating to facilitate the plan. Phase I involving data collection and seeking public input is scheduled to be completed by February 2020; phase II, including development of service delivery scenarios, stakeholder and public evaluation of the scenarios, and selection of a preferred scenario and written plan implementation, timeline, and costs, is scheduled to be completed by July 2020.

Road Usage Charge

The committee received a report from UDOT on the statutorily created, voluntary Road Usage Charge (RUC) program for owners or lessees of alternative fuel vehicles beginning January 1, 2020 and designed to help address shrinking gas tax revenues. UDOT discussed the RUC Advisory Committee recommendations, including an annual RUC fee cap, a revenue RUC rate tied to the gas tax, online enrollment synced with Division of Motor Vehicles (DMV) registration, location-based mileage reporting, an odometer capture app for initial enrollment, annual "true up," dispute resolution, and a DMV registration hold as an enforcement tool of last resort.

UTA Governance Update

The committee discussed with UTA's Board of Trustees its ongoing transition from a part-time 16-member board to a full-time, three-member board. Board members addressed UTA's priorities related to the state and the legislature, including organizational restructuring and setting a new compensation framework, transitioning legal representation to the Office of the Attorney General, refining UTA's budget process, launching an employee ethics hotline, completing statutorily required studies priorities, and setting local, public, and employee relations priorities.

Recent and Upcoming Transit Improvements with New UTA Resources

The committee received an update from UTA on its use of resources provided by 2015 General Session H.B. 362, Transportation Infrastructure Funding, which authorized counties to impose a sales and use tax for highways and public transit. UTA discussed how the new funds made it possible to improve and optimize over half of its routes and discussed numerous improvements made possible in Davis, Weber, Tooele, and Utah Counties.

Urban Air Mobility

The committee received updates on drone delivery technology and proposals for the infrastructure needed to support urban air mobility, including hardware and software needs and costs.

Implementation of Local Option Sales Tax

The committee received an update from the Utah League of Cities and Towns and the Utah Association of Counties on the response of towns, cities, and counties to 2018 General Session S.B. 136, Transportation Governance Amendments, which granted authority to local entities, in certain circumstances, to impose a quarter-cent sales tax

for certain transportation purposes. Presenters discussed which counties, cities, and towns have imposed the tax so far, how much revenue is being collected or is estimated to be collected, and for what purposes the revenue will be used.

Autonomous Vehicles

The committee received an update from UDOT on the Autonomous Shuttle Pilot Project, including its safety features. UDOT reported the shuttle vehicle is a Level 4 completely autonomous vehicle with no driver, steering wheel, or pedals; operates up to 12 miles per hour and follows a predetermined route; and reacts in real-time to other vehicles, pedestrians and any obstacles in its path. The project lasts from April 2019 to April 2020. Committee members also participated in a demonstration ride in an autonomous shuttle.

ISSUES NOT STUDIED

Driver License Suspensions/Revocations

The committee intended to study driver license suspensions and revocations the study sponsor withdrew the request for committee study.

Railroad Safety

The committee intended to study driver license suspensions and revocations, but with request by the item sponsor, the issue was not addressed.

ADDITIONAL ITEMS

Recognizing School Bus Drivers: Legislation Recommended

The committee recommended draft legislation, [Joint Resolution Recognizing School Bus Drivers](#).

The resolution discusses a recognition of school bus drivers for their skills, dedication, leadership, and efforts to foster student and parent relationships.

Future of FrontRunner

The committee discussed a UTA presentation on the role of FrontRunner in facing the challenges of growth and mobility in the Wasatch Front Region and joint efforts with agency partners and communities to help develop and define FrontRunner's short-term and long-term vision. UTA discussed public input received, which included:

- requests for Sunday service, 15-minute service during peak hours, and more parking;

- UTA's focus on increasing accessibility to jobs and education, improving safety, travel time reliability and air quality, added person capacity;
- reducing household transportation costs; and
- potentially adding a new station.

Transportation Commission Rule Analysis

Staff provided an analysis of Draft Transportation Commission Administrative Rule R940-6 Prioritization of New Transportation Capacity Projects. The analysis addressed two issues, including the commission's criteria for determining project prioritization and criteria considered in establishing funding levels for capacity projects.

UTA and Public/Private Partnerships

The committee received a report from UTA on the public/private partnerships for public transit services it has engaged in to increase transportation mobility, including the 12-month South Salt Lake County Microtransit pilot program to improve coverage and efficiencies and provide a 65 square mile geofenced service area, the 12-month autonomous shuttle pilot program, and partnerships with LYFT.

Staff: Art L. Hunsaker (Policy Analyst) / Ryan M. Hunter (Policy Analyst) / Kurt P. Gasser (Attorney) / Gus Harb (Attorney) / Cherish Cosman (Administrative Assistant)

Appendix A: Interim Committee Recommended Legislation

Committee	Bill	Sponsor	Yes	No	Absent
BUSINESS AND LABOR	Blood Alcohol Limit Amendments	Dunnigan, J.	11	0	0
	Building Code Amendments	Schultz, M.	12	0	8
	Building Construction Amendments	Snider, C.	12	0	8
	Division of Occupational and Professional Licensing Amendments	Bramble, C.	10	0	10
	Insurance Amendments	Dunnigan, J.	12	0	8
	Labor Commission Amendments	Dunnigan, J.	15	0	5
	Offset for Occupational Health and Safety Related Donations Sunset Extension	Dunnigan, J.	11	0	9
ECONOMIC DEVELOPMENT AND WORKFORCE SERVICES	Affordable Housing Amendments	Anderegg, J.	7	5	5
	Arts and Museums Revisions	Harrison, S.	10	0	7
	Economic Development Sunset Amendments	McCay, D.	10	0	7
	Heritage and Arts Amendments	Pierucci, C.	10	0	7
	Intergenerational Poverty Plan Implementation Program Extension	Owens, D.	12	0	4
	Intergenerational Poverty Solution	Thurston, N.	11	0	5
	Resolution Recognizing the 250th Anniversary (semiquincentennial) of the United States of America	Winder, M.	10	0	7
	Utah Works Program Amendments	Millner, A.	11	0	6
EDUCATION	Workforce Services Amendments	Pierucci, C.	10	0	7
	Education Amendments	Riebe, K.	12	0	7
	Electronic Cigarettes in Schools Amendments	Pulsipher, S.	14	0	5
	School Absenteeism and Truancy Amendments	Snow, V. L.	10	3	6
GOVERNMENT OPERATIONS	School Meals Program Amendments	Johnson, D.	11	0	8
	Abusive Conduct Reporting Amendments	Stratton, K.	10	0	6
	Ballot and Voter Information Amendments	Thatcher, D.	11	0	5
	Boards and Commissions Amendments	Roberts, M.	10	0	6

Committee	Bill	Sponsor	Yes	No	Absent
GOVERNMENT OPERATIONS	Congressional Vacancies Amendments	Nelson, M.	11	0	4
	Drug Disposal Program	Thatcher, D.	12	0	4
	Election Amendments	Harrison, S.	11	0	5
	Election and Campaign Amendments	Hawkins, J.	12	0	3
	Government Operations Sunset Reauthorizations	Thatcher, D.	10	0	6
	Joint Rules - United States Senate Vacancy	Nelson, M.	11	0	4
HEALTH AND HUMAN SERVICES	Children's Hearing Aid Program Amendments	Barlow, S.	12	1	4
	Controlled Substances Revisions	Ray, P.	13	0	4
	Crisis Services Amendments	Elisason, S.	11	0	6
	Electronic Cigarette and Other Nicotine Product Amendments	Christensen, A.	12	0	5
	Health Care Professional Licensing Amendments	Daw, B.	13	0	4
	Mental Health Treatment Access Amendments	Elisason, S.	12	0	5
	Rural Residency Training Program Reauthorization	Health and Human Services	11	0	6
	Substance Use and Health Care Amendments	Daw, B.	10	0	7
	Tanning for Minors	Daw, B.	12	0	5
Youth Electronic Cigarette, Marijuana, and Other Drug Prevention Program	Christensen, A.	11	0	6	
JUDICIARY	Abuse, Neglect, and Dependency Proceedings Amendments	Judiciary	11	0	5
	Attorney General Reporting Requirements	Judiciary	10	0	6
	Divorce Amendments	Hillyard, L.	12	0	4
	Sex Offender Registry Amendments	Weiler, T.	12	0	4
	Substance Use Treatment and Assessment Decisions Amendments	Shurtliff, L.	11	0	5
	Tobacco Retailer Amendments	Hawkings, J.	12	0	4
	Veterans Treatment Court Act	Snow, V. L.	11	0	5

Committee	Bill	Sponsor	Yes	No	Absent
LAW ENFORCEMENT AND CRIMINAL JUSTICE	Firearm Identification Amendments	Mayne, K.	10	0	6
	Parole Revocation Amendments	Mayne, K.	9	0	7
	Peace Officer Standards and Training Amendments	Perry, L.	9	0	7
	Safety Inspections on Secondhand Vehicles	Riebe, Kathleen	10	0	6
NATURAL RESOURCES, AGRICULTURE, AND ENVIRONMENT	Agricultural Water Optimization Task Force Amendments	Snider, C.	15	0	4
	Concurrent Resolution Creating the Danger Cave State Monument	Sandall, S.	10	0	9
	Concurrent Resolution Creating the Old Iron Town State Monument	Duckworth, S.	10	0	9
	Hazardous Substances Mitigation Act Sunset Extension	Natural Resources, Agriculture, and Environment	13	0	6
	Industrial Hemp Program Amendments	Daw, B.	14	0	5
	Jordan River Recreation Area Funding Management	Winder, M.	13	0	6
	Land Exchange Distribution Account Amendments	Natural Resources, Agriculture, and Environment	14	0	5
	Legislative Water Development Commission Sunset Amendments	Natural Resources, Agriculture, and Environment	13	0	6
	Proposal to Amend Utah Constitution - Water Resources of Municipalities	Stratton, K.	15	0	4
	State Water Policy Amendments	Stratton, K.	15	0	4
Waste Tire Recycling Act Amendments	Natural Resources, Agriculture, and Environment	13	0	6	
POLITICAL SUBDIVISIONS	Amendments to County Form of Government	Wilde, L.	12	0	4
	Local Government and Limited Purpose Entity Registry Amendments	Handy, S.	11	0	5

Committee	Bill	Sponsor	Yes	No	Absent
PUBLIC UTILITIES, ENERGY, AND TECHNOLOGY	Public Service Commission Hearing Amendments	Christofferson, K.	16	0	0
	Sales and Use Tax Modifications	Winterton, R.	12	4	0
RETIREMENT AND INDEPENDENT ENTITIES	Heber Valley Historic Railroad Authority Sunset Date Extension	Harper, W.	8	1	6
	Utah Retirement Systems Amendments	Hall, C.	9	0	6
REVENUE AND TAXATION	Acquisition Cost Definition	Revenue and Taxation	12	0	7
	Certified Tax Rate Calculation Amendments	Elisason, S.	13	0	6
	Circuit Breaker Amendments	Revenue and Taxation	11	0	8
	Corporate Income Tax Credit Amendments	Barlow, S.	14	0	5
	Fuel Sales Tax Amendments	Revenue and Taxation	12	0	7
	Nonresident Income Amendments	Bramble, Curtis	10	0	9
	Property Assessment Procedure Amendments	Elisason, S.	14	0	5
	Sales Tax on Motor Vehicles	Revenue and Taxation	11	0	8
	Tangible Personal Property Tax Revisions	Lisonbee, K.	12	0	7
	Tax Commission Authority Amendments	Henderson, D.	14	0	5
	Tax Credit for Alternative Fuel Heavy Duty Vehicles	Stoddard, A.	15	0	4
	Tax Exemption for Construction or Unoccupied Property	Revenue and Taxation	14	0	5
TRANSPORTATION	Joint Resolution Recognizing School Bus Drivers	Weight, E.	16	0	2
	State Highway System Modifications	Harper, W.	12	0	6
	Towing Signage Revisions	Maloy, A.	10	1	7