UTAH LEGISLATURE June 2015 Vol. 15, No. 2

INTERIM HIGHLIGHTS

Office of Legislative Research and General Counsel
House Building, Suite W210 • Salt Lake City, Utah 84114 • (801) 538-1032

LEGISLATIVE INTERIM MEETINGS
Meetings were held June 17, 2015, or as noted.

IN THIS ISSUE:

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Public Utilities and Technology

Revenue and Taxation

Transportation

Utah Tax Review Commission

Veterans' and Military Affairs Commission

TIME CHANGES FOR INTERIM COMMITTEE MEETINGS

Legislative Management Committee approved changing the interim committee schedule from the current starting times to the following times. These changes will be in effect for the July 15th interim meetings.

Block A committees……8:30 a.m.—11:00 a.m.
(those meeting in the morning)

Legislative caucus lunches……11:10 a.m.—1:00 p.m.

Block B committees……1:15 p.m. — 3:45 p.m.
(those meeting in the afternoon)

Senate Advise and Consent……4:00 p.m.—4:30 p.m.

Administrative Rules Review Committee

June 08, 2015

Law Enforcement Use of Force

Continued the committee's April 27 and May 8 discussions regarding the use of force by law enforcement officers, with an emphasis on the training that Utah law enforcement officers receive to de-escalate situations.

Discussed the psychological evaluation and counseling services that state and local police agencies use, both prior to hiring and after an incident.

Also discussed whether there should be uniformity in how state and local police agencies utilize these resources.

Prohibiting Local Education Authorities and Third Party Providers from Offering Incentives or Reimbursements for Enrollment or Participation

Discussed proposed State Board of Education Rule R277-417, which addresses a local education authority's (LEA) ability to offer students a financial incentive or reimbursement to enroll in an LEA or to participate in an LEA's program. The discussion focused on whether the proposed rule is overly broad and may prohibit certain legitimate activities.

Chairs: Rep. Curtis Oda / Sen. Howard A. Stephenson
Staff: Art L. Hunsaker (Policy Analyst) / Christine R. Gilbert (Attorney) / Tracey Fredman (Secretary)

Business and Labor

Bail

Received a briefing from committee staff regarding bail and bail bonds, including presentations on how the amount of bail is set and how bail interacts with bail bonds. Received comments from representatives of bail bond businesses, courts, prosecutors, and defense attorneys. The committee requested accurate data relating to bail posted using cash and bail posted using a bail bond.

Consumer Financial Protection

Received a briefing from committee staff regarding the federal Consumer Financial Protection Bureau and federal preemptions under the Dodd-Frank Wall Street Reform and Consumer Protection Act. The Dodd-Frank Act created the Consumer Financial Protection Bureau and consolidated most federal consumer financial protection authority within the bureau.

State Construction and Fire Codes

Received a briefing from committee staff that explained the statutory process used to update state construction codes. The committee discussed and received public comment regarding draft legislation "Building Code Review and Adoption Amendments."

Action: *Recommended as a committee bill, draft legislation "Building Code Review and Adoption Amendments," which modifies and repeals provisions of the State Construction and Fire Codes Act.*

Chairs: Rep. Val L. Peterson / Sen. Curtis S. Bramble
Staff: Joseph T. Wade (Policy Analyst) / Patricia Owen (Attorney) / Samuel C. Johnston (Attorney) / Lucy W. Daynes (Secretary)

Commission for the Stewardship of Public Lands

June 16, 2015

Recapture Canyon ATV Ride

Action: *Voted to support a San Juan County commissioner in his legal dispute regarding public lands and dual sovereignty, after determining that there is a public interest in doing so. Requested the Constitutional Defense Council to evaluate the appropriate way to further this public interest.*

Request for Proposals

Action: *Approved awarding contracts for legal consulting services and relations services associated with obtaining certain public lands from the federal government.*

Chairs: Rep. Keven J. Stratton / Sen. David P. Hinkins
Staff: Tiffany A. Stanley (Policy Analyst) / Cathy J. Dupont (Attorney) / RuthAnne Frost (Attorney) / Timothy J. Barber (Secretary)

Economic Development and Workforce Services

Affordable Housing and Transit

Received presentations from the Utah Housing Coalition, Crossroads Urban Center, and Utah Transit Authority on providing affordable housing near transit centers. Discussed a related bill, 2015 General Session H.B. 437, "Affordable Housing Modifications," which was introduced but did not pass. The bill would have required public transit districts that invest in transit-oriented development to contribute to affordable housing.

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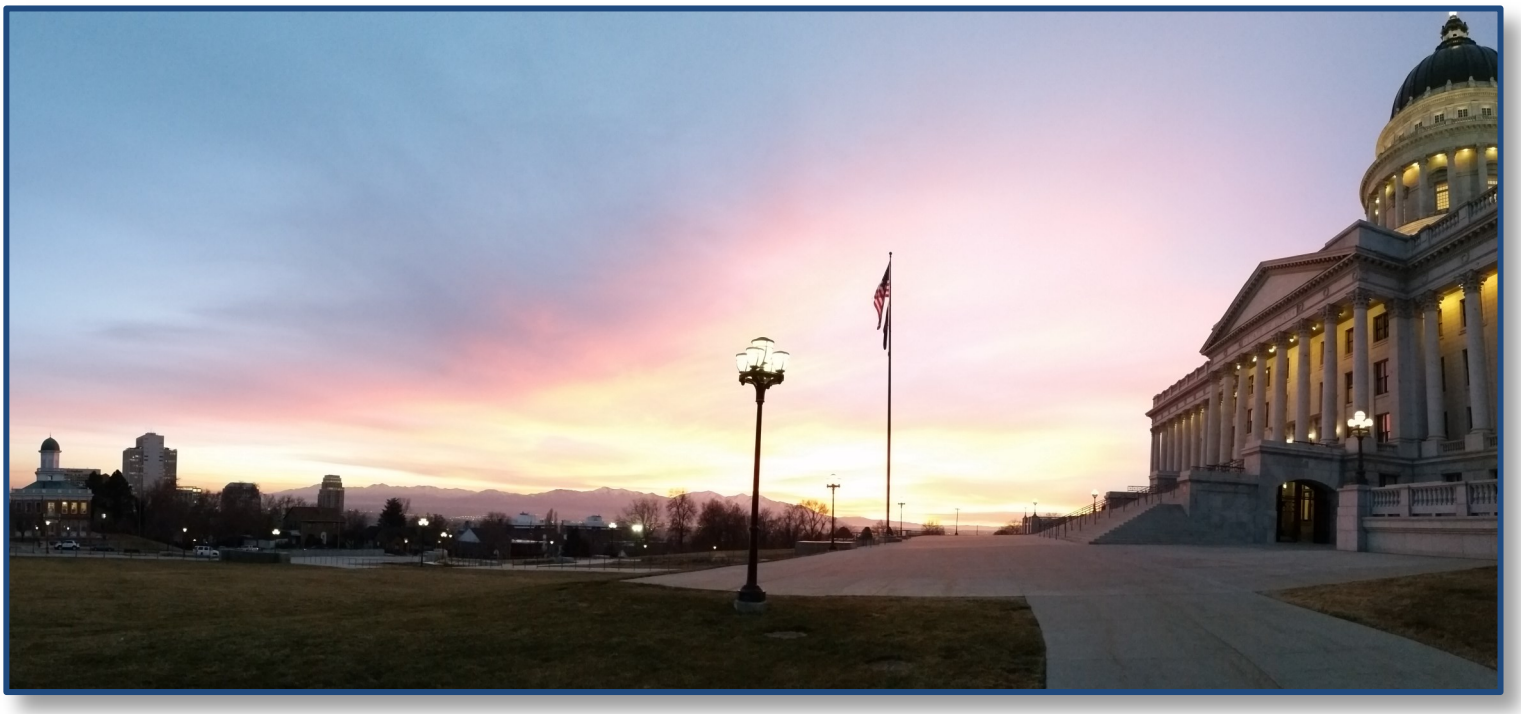

Child Care Providers for Low-Income Workers

Received a presentation from the Office of Child Care in the Department of Workforce Services (DWS), regarding the Child Care Assistance Program. The program provides child care assistance to low-income families to allow parents to work outside the home (see Utah Code Section 35A-3-201 et seq.). The program faces the challenge of establishing and maintaining an adequate number of eligible child care providers.

DWS Assistance Programs

Received an updated report from committee staff on 24 public assistance programs administered by DWS. In cooperation with the department, the report was prepared and presented to the committee and provided a brief description of each program, including its purpose, eligibility requirements, benefit amounts and restrictions, administrative contact information, and statutory citations.

Intergenerational Poverty

Received comments from DWS, the Utah Department of Human Services, and the Utah Department of Health on the report issued by DWS, titled "Utah's Plan for a Stronger Future: Five- and Ten-Year Plan to Address Intergenerational Poverty." The report found that thirty-three percent of

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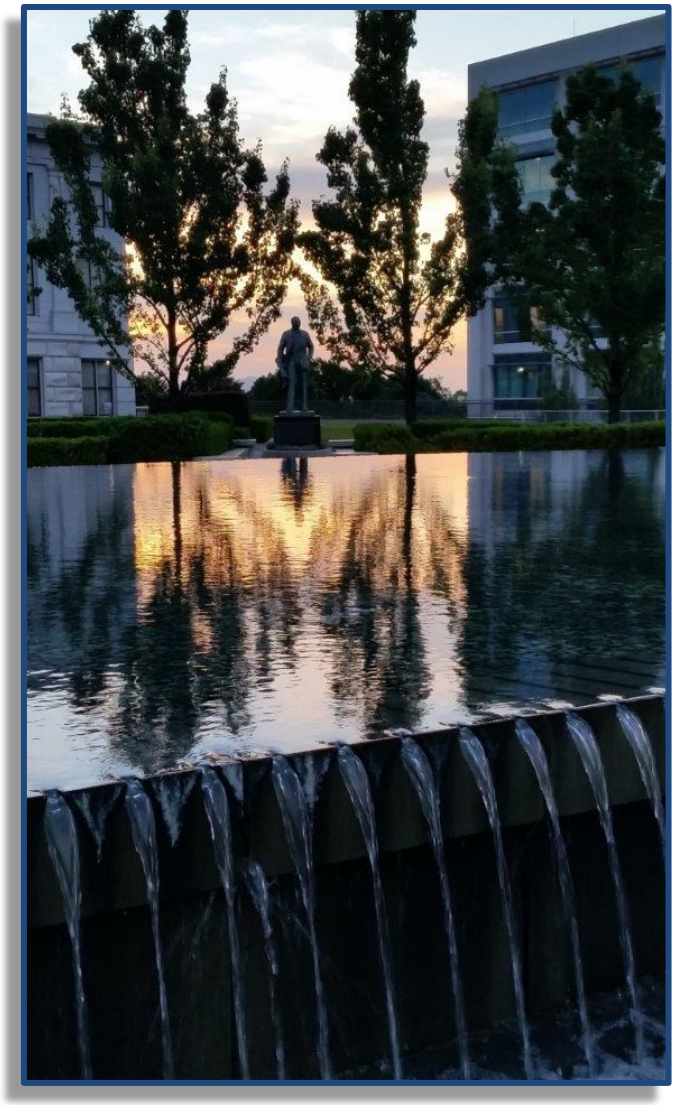

children in public assistance are at risk of remaining in poverty into adulthood and included plans to address intergenerational poverty through four focus areas:

1. Early childhood development;
2. Education;
3. Family economic stability; and
4. Healthcare.

Performance Audit of DWS Customer Service and Follow-Up

Received an audit report from the Office of the Legislative Auditor General titled "A Performance Audit of DWS Customer Service and Follow-Up." The May 2015 audit addressed whether DWS appropriately:

- responds to customer service complaints;
- monitors and seeks to improve customer service; and
- acts on previous audit recommendations.

The auditors presented findings and recommendations, and a representative of DWS responded to questions.

Chairs: Rep. Rebecca P. Edwards / Sen. Aaron Osmond
Staff: Benjamin N. Christensen (Policy Analyst) / Peter Asplund (Attorney) / Debra Hale (Secretary)

Education

Educator Professional Learning

Received presentations on the history of educator professional learning (EPL), best practices in EPL, and school district experiences with EPL. Discussed funding options for EPL and the benefits and constraints of these funding options.

Action: *Directed staff to open a committee bill to create a qualifying grant program for EPL.*

Chairs: Rep. Bradley G. Last / Sen. Ann Millner
Staff: Allyson R. Goldstein (Policy Analyst) / Tiffany A. Stanley (Policy Analyst) / Victoria Ashby (Attorney) / Debra Hale (Secretary)

Government Operations

Commission on Federalism

Received a statutorily required report from the Commission on Federalism concerning activities of the commission since its last report.

Department of Veterans' and Military Affairs

Received a statutorily required report from the Department of Veterans' and Military Affairs concerning:

- services the department provides to veterans; and
- coordination of veterans' services with other government entities.

Legislative Solutions for Plurality

Received a presentation from a legislator regarding plurality, which is when a candidate receives the most number of votes in an election without receiving a majority of the votes cast. The legislator provided two proposals for addressing plurality:

- preferential voting; and
- political party choice.

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Plurality in the 50 States

Received a presentation from committee staff regarding plurality in each of the 50 states as well as whether and how each state addresses plurality.

Implications of Plurality for State Election Administration

Received a presentation from the Office of the Lieutenant Governor regarding the effect different policies to address plurality would have on election administration in the state.

School District Participation in Risk Management Fund

Action: *Approved as a committee bill, draft legislation "School District Participation in Risk Management Fund," which removes the repeal date and committee review requirement for a section of code that authorizes the Risk Management Fund to provide coverage to any public school district that chooses to participate.*

Chairs: Rep. Jack R. Draxler / Sen. Margaret Dayton
Staff: Brian J. Bean (Policy Analyst) / Thomas R. Vaughn (Attorney) / Katie LeFevre (Secretary)

Health and Human Services

Medicaid Preferred Drug List

Received a report regarding Medicaid's preferred drug list for psychotropic drugs and whether it should be expanded beyond the one class already covered. The committee also considered:

- the process used to designate drugs as "preferred";
- the adequacy of existing override provisions;
- whether expansion would result in negative outcomes for patients;
- the financial impacts of expansion; and
- how any savings from expansion could be used to improve the public mental health system.

Received related information from the Department of Health, a former co-chair of the department's Pharmacy and Therapeutics Committee, the National Conference of State Legislatures, pharmaceutical manufacturers, the Utah Medical Association, the Utah Psychiatric Association, Public Employees Health Program, SelectHealth, the Utah Association of Counties Utah Behavioral Healthcare Committee, the Department of Human Services Division of Substance Abuse and Mental Health, and the Salt Lake County Sheriff.

Chairs: Rep. Kay L. McIff / Sen. Evan J. Vickers
Staff: Gregg A. Girvan (Policy Analyst) / Mark D. Andrews (Policy Analyst) / Cathy J. Dupont (Attorney) / Lee A. Killian (Attorney) / Lori Rammell (Secretarial Supervisor)

Health Reform Task Force

May 28, 2015

Health Insurance Rates

Received a report from the Insurance Department that indicates that 2016 health insurance premiums are expected to increase 15-20% in the individual market and 7% in the small employer market.

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Health Reform

Received a report from committee staff on recent federal developments affecting healthcare reform.

Medicaid Expansion

Received reports from legislators and the state Department of Health on Medicaid expansion negotiations conducted in response to 2015 General Session H.C.R. 12, "Concurrent Resolution on Healthcare." Also discussed a recent meeting with the secretary of the U.S. Department of Health and Human Services.

Telehealth

Conducted an in-depth study of telehealth to identify means for reducing costs and improving the availability and quality of health care in Utah. The committee received:

- a national overview of state telehealth laws from the Center for Connected Health Policy;
- a report on telehealth in Utah from the Utah Telehealth Network;
- a report from the Division of Occupational and Professional Licensing on the regulation of telehealth in Utah;
- a report from the Department of Health on the use of a $2 million appropriation for telehealth; and
- reports from Public Employees Health Program and Intermountain Healthcare on their use of telehealth.

Chairs: Rep. James A. Dunnigan / Sen. Allen M. Christensen
Staff: Mark D. Andrews (Policy Analyst) / Cathy J. Dupont (Attorney) / Lori Rammell (Secretarial Supervisor)

Judiciary

Expungement Legislation

Considered draft legislation "Expungement Amendments." The committee discussed the expungement process, definitions, and how state agency records would be sealed.

Also discussed draft legislation "Administrative Expungement Amendments," which provides for an individual to apply for administrative expungement of records related to disciplinary action previously taken by an agency against the individual under certain circumstances.

Family Law

Received a presentation from committee staff regarding alimony. The committee discussed alimony issues and areas of alimony law that may need improvement. Members of the committee also discussed the need to balance certainty in alimony awards with judicial discretion in modifying alimony awards based on the facts of the case.

Statutory Reports

Received a presentation from committee staff regarding statutory reports and factors legislators may consider when determining whether to continue, modify, or eliminate statutory reports.

Chairs: Rep. LaVar Christensen / Sen. Mark B. Madsen
Staff: Gregg A. Girvan (Policy Analyst) / Esther Chelsea-McCarty (Attorney) / Lucy W. Daynes (Secretary)

Law Enforcement and Criminal Justice

Department of Public Safety Overview

Received a presentation from the Department of Public Safety regarding issues that the department is studying this year, and also long-term issues. The department reported on funding that the Legislature provided in the 2015 budget and what the department has been able to accomplish with those funds. The department reported future needs for:

- the crime lab;
- expanding the Driver License Division in Utah County due to increased workload;
- additional Highway Patrol troopers to accommodate the increasing population; and
- additional Bureau of Identification staff.

Implementing the Justice Reinvestment Initiative - Medicaid Expansion

Received presentations on the cost to implement Medicaid expansion for inmates in Utah and the social and economic impacts of Medicaid expansion. The state funded $4.5 million for post-incarceration assessment and evaluations. However, there is a reported gap of $33 million because the governor's Healthy Utah plan was intended to cover the rest of the community treatment programs.

Also received a presentation from the Administrative Office of the Courts. Representatives of the courts believe that 2015 General Session H.B. 348, "Criminal Justice Programs and Amendments," is the best hope for reducing recidivism. However, this justice reinvestment initiative anticipated that Medicaid expansion would be a significant part of implementation. The courts and stakeholders are studying how to implement H.B. 348 without funding from Medicaid expansion.

Use of Force by Law Enforcement

Discussed issues regarding the use of force by law enforcement. Received a presentation from a law enforcement practices consultant. Points considered by the committee included the use of body cameras by law enforcement officers, training and de-escalation tactics, and the lack of compiled data regarding incidents of the use of force by officers in Utah. Also received a report from the Administrative Rules Review Committee regarding the work it has done this interim regarding use of force.

Chairs: Rep. Don L. Ipson / Sen. Todd Weiler
Staff: Nathan W. Brady (Policy Analyst) / Susan Creager Allred (Attorney) / Lori Rammell (Secretarial Supervisor)

Legislative Management Committee

June 16, 2015

Action: *Approved the request from the Business and Labor Interim Committee to study:*

- *administrative expungement; and*
- *insurance code exemptions.*

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Action: *Approved the following transfers between interim committees:*

- *sunset review for Women in the Economy Commission Act from Business and Labor to Economic Development and Workforce Services;*
- *sunset review for Utah Housing Corporation Act from Retirement and Independent Entities to Economic Development and Workforce Services; and*
- *land use data from Economic Development and Workforce Services to Political Subdivisions.*

Action: *Approved the Federal Funds Commission's request that the committee make a written determination that Freeman Global Holdings, LLC is the sole source for the $15,000 contract for an economic risk analysis.*

Action: *Concerning the Natural Resources, Agriculture, and Environment Interim Committee:*

- *approved a request for a site visit to Bear Lake on July 10-11, 2015; and*
- *advised the committee to not study the state fair park issue at this time.*

Action: *Approved a recommendation from the Commission for the Stewardship of Public Lands that the commission finds:*

- *the Davillier Law Group provides the best value to the commission for legal consulting services; and*
- *the Davillier Law Group and Strata Policy provide the best value to the commission for relations service.*

Action: *Set an additional committee meeting on December 8, 2015, at 9:00 a.m., in order to receive the requested reports from all interim committees concerning their work this interim on the assigned study items.*

Site Visit Update

Received an update on the legislative site visit to southeastern Utah. The visit will be September 16-17, 2015.

June 17, 2015

Action: *Approved a modified interim committee schedule.*

Chairs: President Wayne L. Niederhauser / Speaker Gregory H. Hughes
Staff: Michael E. Christensen (Director) / John L. Fellows (General Counsel) / Phalin L. Flowers (Administrative Assistant)

Natural Resources, Agriculture, and Environment

Performance Audit - Projections of Utah's Water Needs

Reviewed selected topics from the Office of the Legislative Auditor General report titled "A Performance Audit of Projections of Utah's Water Needs." Discussed the reliability of water use data, growth in future water supplies, and water conservation and demand, including:

- universal metering;
- conservation pricing; and
- infrastructure repair and replacement reserve funds.

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Statutorily Required Reports

Action: *Approved a motion to eliminate or modify certain statutorily required annual reports that are provided to the committee.*

Chairs: Rep. Lee B. Perry / Sen. Scott K. Jenkins
Staff: J Brian Allred (Policy Analyst) / RuthAnne Frost (Attorney) / Katie LeFevre (Secretary)

Political Subdivisions

Assessment Area Bonding

Received a presentation from a legislator explaining different types of liens and their respective foreclosure proceedings available in statute. This issue relates to the three foreclosure proceedings available within assessment areas:

- tax foreclosure;
- trust deed foreclosure; and
- foreclosure by ordinance.

The issue that was addressed is whether assessment areas that can create involuntary liens should be allowed a nonjudicial foreclosure process.

Insurance for Lateral Sewer Lines

Received an update from a legislator on discussions with stakeholders regarding the problem and extent of the potential liability of aging lateral sewer lines.

Municipal and County Code Enforcement

Received an update from a legislator regarding a recent stakeholder meeting. The legislator noted that there is consensus that there are few issues with code enforcement, and that this item should focus on due process procedures.

Chairs: Rep. R. Curt Webb / Sen. Daniel W. Thatcher
Staff: Megan L. Bolin (Policy Analyst) / Christine R. Gilbert (Attorney) / Timothy J. Barber (Secretary)

Prison Relocation Commission

June 16, 2015

Public Comment

Received public comment regarding the final four prospective sites for the relocation of the Utah State Prison.

Public Outreach

Received an update from commission staff on the comment and question forms submitted to the commission at recent informational open house events.

Chairs: Rep. Brad R. Wilson / Sen. Jerry W. Stevenson
Staff: Brian J. Bean (Policy Analyst) / Bryant R. Howe (Assistant Director) / Robert H. Rees (Attorney) / Bree Frehner (Secretary)

Public Utilities and Technology

Department of Technology Services Organizational Proposals

Received a presentation from the Department of Technology Services about reorganization proposals for the department. The proposals include additional consolidation of divisions within the agency and the removal of certain staff from policymaking boards.

Action: *Directed committee staff to place the proposals in draft legislation format for consideration as a committee bill.*

Utah Communications Authority

Received presentations from the Utah Communications Agency, the Utah Rural Telecom Association, and CenturyLink, about the development of public safety network infrastructure. The presentations focused on which entities should be partnering for the buildout of the existing Utah Communications Agency public safety networks and how they should partner. The major issues discussed included microwave radio versus fiber optics as the core network, site identification, and private sector services available to meet public safety needs.

Chairs: Rep. Ken Ivory / Sen. David P. Hinkins
Staff: Richard C. North (Policy Analyst) / Samuel C. Johnston (Attorney) / Tracey Fredman (Secretary)

Revenue and Taxation

Costs of Water Development Delivery and Purification

Received presentations from committee staff, water conservancy districts, a local water district, and other groups regarding how the development, delivery, and purification of water is currently funded. Presenters also discussed the extent to which property tax revenue and user charges should be used to fund water in the future.

Action: *Voted to direct the committee chairs to work with staff to formulate a list of legislative options to bring back to the committee for further consideration.*

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Taxation of E-Cigarettes

Received a presentation from legislative staff regarding the regulation of e-cigarettes in Utah and a presentation from the State Tax Commission regarding the taxation of cigarettes and tobacco products.

Chairs: Rep. Daniel McCay / Sen. Deidre M. Henderson
Staff: Bryant R. Howe (Assistant Director) / Leif G. Elder (Policy Analyst) / Rebecca L. Rockwell (Attorney) / Bree Frehner (Secretary)

Transportation

Annual Reports Review

Reviewed the annual reports the committee is statutorily required to receive to identify which reports have fulfilled their original purpose and should be considered for repeal.
The Transportation Commission and the Department of Transportation provided responses regarding annual reports required to be made by the commission and the department.

Action: *Approved a motion to open a bill file to repeal certain annual reports from state statute and to modify the provisions of certain other annual reports.*

Nighttime Work Zone Noise

Received a report from the Utah Department of Transportation regarding its efforts to obtain permits for nighttime work zone transportation projects that create noise concerns.

Action: *Requested that the Utah Department of Transportation study the issue further and report to the committee in a future meeting. Representatives of the department agreed.*

Sales and Use Tax Earmarks for Transportation

Discussed the types, and amounts, of sales and use tax earmarks going into the Transportation Investment Fund.

State Highway System

Received a statutorily required annual report from the Utah Department of Transportation regarding proposed additions to or deletions from the state highway system.

Chairs: Rep. Johnny Anderson / Sen. Alvin B. Jackson
Staff: Art L. Hunsaker (Policy Analyst) / Shannon C. Halverson (Attorney) / Timothy J. Barber (Secretary)

Utah Tax Review Commission

May 28, 2015

State Sales and Use Tax Earmarking

Received presentations regarding the history and utilization of state sales and use tax earmarks from the Department of Agriculture and Food, the Department of Environmental Quality, the Department of Natural Resources, the Department of Transportation, Envision Utah, and a legislator.

Chair: Mr. Curtis Trader
Staff: Bryant R. Howe (Assistant Director) / Leif G. Elder (Policy Analyst) / Rebecca L. Rockwell (Attorney) / Bree A. Frehner (Secretary)

Veterans' and Military Affairs Commission

May 27, 2015

Line of Duty Death Benefits - Utah National Guard

Received a presentation from the Utah National Guard about death benefits for dependents of Utah National Guard members who die while on active duty deployed status. Discussion included a legislator's 2016 General Session bill request on this topic and the need for specific information about state programs involving human resources, workers' compensation, and health insurance.

Utah Veterans Memorial Park

Received presentations from a legislator, the Fort Douglas Military Museum, and the Military Officers Association of America about the Fort Douglas Fallen Warriors Memorial and the Utah Military Women's Memorial. The Fallen Warriors Memorial traveled the entire state in honor of fallen warriors, including military and first responders. Both memorials are privately funded and the museum is partially funded with public monies. Visits to all three memorials at Fort Douglas increased threefold over last year from approximately 4,500 to 12,500.

Chairs: Rep. Paul Ray / Sen. Peter C. Knudson
Staff: Richard C. North (Policy Analyst) / Esther Chelsea-McCarty (Attorney) / Tracey Fredman (Secretary)

Next Interim Day — July 15, 2015

OFFICE OF LEGISLATIVE RESEARCH AND GENERAL COUNSEL
HOUSE BUILDING, SUITE 210
PO BOX 145210
SALT LAKE CITY UT 84114-5210

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