

2018 Potential Interim Study Items

By Proposed Interim Committee Assignment

April 18, 2018

Business and Labor

- Payroll Tax Fraud: study payroll tax fraud (workforce hiring, cash payments, etc.) and illegal avoidance of the payroll tax for workers' compensation.
- Recycling: study how recycling impacts the economy, landfills, and environment.
- Peer-to-Peer Rentals: study peer-to-peer storage, vehicle, and housing rentals, etc.
- Prescription drug pricing and pricing transparency. Study how to reduce the cost of prescriptions drugs in Utah. Study importation of Canadian drugs, the pricing model, and potential financial impact.
- Residence Lien Recovery Fund and Lien Issues: study how the fund balance should be allocated and how lien recovery should function going forward.
- Dram Shop Liability: study whether changes are needed to Utah's dram shop liability statutes (strict liability).
- Home Inspector Licensing: study a standard of requirements to become a home inspector.
- Professional Firework Displays: study the regulation of professional firework displays.

Economic Development and Workforce Services

- Affordable Housing. Role in addressing homelessness.
- Regional Development Programs. Northwest Quadrant/Oquirrh Mountain Front Range Development Commission.
- Early Childhood Care and Learning Coordination. Coordinated effort with the Education Interim Committee to follow up on the early childhood services study and look at developing a comprehensive state strategy for early childhood.
- Regional Development Programs. Point of the Mountain Development Commission Update.
- USTAR. Efficiency of programs. Overlap with GOED Programs.
- Economic Development Incentives. Film incentives.
- Workforce Development. CTE Board comprehensive study recommendations/Technical Colleges' role in Workforce Development.
- Refugee Services.
- Secondary Water Metering
- Utah Fund of Funds

- Economic Development Incentives. Proposed Utah Strategic Growth Revolving Loan Fund.
- Economic Development Incentives. General tax incentive efficiencies and reform.

Education

- Postsecondary education for returning adults and nontraditional students, including restructuring schedules and credit for prior learning.
- School leadership, including administrators and teacher leaders.
- School accountability, including a school performance dashboard
- Digital teaching and learning
- School safety
- Competency-based education
- Early childhood care and learning coordination
- Early literacy
- Educational services for students with disabilities
- Continuation of the recodification of the public education code
- Teacher retention and recruitment

Government Operations

- DFCM Oversight Changes. Study Costs and benefits of moving the Division of Facilities and Construction Management (DFCM) from the Department of Administrative Services to the Governor's Office of Management and Budget. Study whether, as a result of the many large projects DFCM handles, it is more appropriate to place DFCM closer to the governor.
- Boards and Commissions Political Balance. Study the "political balance" requirements of boards and commissions to determine whether any are no longer necessary. Develop criteria to determine how to eliminate those requirements.
- Quasi-State Entities. Study whether quasi-state entities should be allowed to have exemptions from the State Procurement Code while still operating under color of the state.
- Pay vs. Benefits for State Employees. Study the potential restructuring of government employee total compensation to allow for more pay and less benefits, in accordance with the state auditor's total compensation study that demonstrated that state employees' total compensation is acceptable, but pay is low, and benefits are high.
- Public Employee Performance Accountability. Review and reform how public employees are held accountable for performance, including consequences for public employees whose performance or actions cause significant problems. Address instances of nefarious, illegal, and poor performance of public employees.

- Redistricting. Study redistricting in preparation for the 2020 census, including changes to the law that affect redistricting and the process to conduct redistricting.
- Background Checks. Receive a report from various state entities regarding the implementation of 2018 S.B. 143, which gives authority for certain state entities to conduct background checks for employees, contractors, appointees, and volunteers. Receive recommendations for ways in which the provisions might be improved.
- Code Cleanup. Address inconsistencies in code that the Office of the Lieutenant Governor has and continues to discover over the interim.
- Municipal Incorporation Code. Having reviewed how cities and towns are incorporated, study whether there are some areas that could be explored to improve the incorporating process.

Health and Human Services

- Substance Abuse. Continue to address the opioid epidemic and study how to improve services to prevent and treat substance misuse.
- Mental Health. Continue to examine Utah's system for responding to persons in a mental health crisis.
- Cannabis. Ensure the appropriate implementation of legislation passed during the 2018 General Session.
- Medicaid Eligibility and Services. Receive reports on implementation of recent legislation and continue to hear proposals for reform.
- Services for Persons with a Disability. Ensure that there is a suitable system of care for persons with a disability.
- Prior Authorizations. Study the impact of prior authorization on access to timely and appropriate medical care.

Judiciary

- Indigent Defense. To study when in the process counsel should be appointed and other issues relating to indigent defense.
- Review Appellate Decisions. To review decisions of appellate courts that call for legislative action.
- Fringe Gaming Devices. To study whether to prohibit fringe gaming devices.
- Immigration and Sitting for Licensing Exams. To study issues relating to individuals with Dreamer status sitting for professional licensing exams.
- Legal Sex/Gender Change. To study the judicial process to change legal sex/gender of an individual.
- Governmental Immunity. To study whether changes are needed to the governmental immunity statutes.

- Pretrial Assessment and Bail Bonds. To follow-up on industry and court collaboration.
- Child Custody and Visitation. To study the factors for a court to consider in determining child custody and visitation and other issues relating to child custody and visitation.
- Placement of Minors in State Custody. To study what is the right age for a minor, who has been removed from their home and placed for a time in foster care or with relatives, to have the majority voice in directing their own placement.
- Review of Court Procedures in Utah Code with Court Rules. To review for consistency and method of creation court procedures in Utah Code and court rules.
- Administrative Law Judges. To study evaluation of administrative law judges.
- Duty to Assist in an Emergency. To study the Good Samaritan Act and whether an individual has a duty to provide reasonable assistance in an emergency.

Law Enforcement and Criminal Justice

- Offender Supervision Amendments. Revisit HB 443, which would allow non-certified staff to complete presentence investigation reports to the courts.
- Presentence Investigation and Probation Report Amendments. Revisit HB 440, which authorized the Department of Corrections to provide presentence investigation reports to sex offender treatment providers.
- Gun Violence in Utah Schools. Review actions the legislature could take to reduce the chance of gun violence at Utah Schools. This item would encompass a wide range of topics, including a discussion of the possible creation of an extreme risk restraining order.
- Background Checks for Firearms. Study the different background check databases that impact an individual's ability to purchase and own a firearm. This item would also include an examination of changes to statutes regarding concealed firearm permits, background checks, and fees.
- De-Escalation Tactics. Study effective tactics for law enforcement to deescalate crisis situations.
- DUI Changes. Study the implementation and changes to the DUI law to capture as much information as possible on the effectiveness of the law.
- 24/7 Sobriety Program. Study the implementation and pilot 24/7 Sobriety Program.
- Extreme Emotional Distress Mitigation. HB 447 from the 2018 General Session amends the circumstances under which special mitigation is applicable to reduce the level of a criminal homicide offense. The bill's sponsor has been working with the AG's Office and the Sentencing Commission in the hopes of fixing the loopholes in the current law.
- Distracted Driving. Study the effectiveness of distracted driving laws in other states.
- Barriers to Mental Health Treatment for First Responders. HB 209 established a working group to study a first responder's worker's compensation claim due to mental stress. Though the bill did not pass, the sponsor would like the Law Enforcement and Criminal Justice Interim Committee to explore the issue.

- Intoxicated Possession of a Dangerous Weapon. Study laws concerning the intoxicated possession of a dangerous weapon, such as the law enforcement exception, the definition of "carry," and the constitutional right to self-defense.

Natural Resources, Agriculture, and Environment

- Surplus Water Accounting and Transparency. This study item would allow the committee to evaluate how much water is being used in the state under surplus water contracts, which typically provide for cancellation based on the water right holder's needs. The committee will examine policy considerations related to surplus water use and contracts.
- Amending the Utah Constitution for Surplus Water Considerations. Does the Utah Constitution need to be amended to allow municipalities to lease water?
- Extraterritorial Jurisdiction. This study item will examine whether cities of the first class should have the ability to regulate their entire watersheds, including being able to regulate – directly or indirectly – property owners outside their jurisdiction.
- Split Estates. This study item will address the relationship between surface owners and mineral rights owners, including HB 267, "Oil, Gas, and Mining Amendments," and whether adjustments should be made to the current system.
- Utah Wholesome Food Act Amendments. Study of issues related to HB 251, "Utah Wholesome Food Act Amendments."
- Cannabis Extracts in Food and Animal Feed Products. Currently any oil-based cannabis product that is used in either a food product or an animal feed product would be considered "adulterated" under Utah law. This is an issue that will need to be resolved as the Cannabis and Industrial Hemp issues continue to evolve.
- Water Quality Issues. This study item addresses issues related to water quality, including:
 - HB 365, "Department of Environmental Quality Amendments."
 - Storm Water Issues and Initiatives. The construction of storm water, the post-construction retention standard that will come into effect in 2019, low impact development guidance, and administration of MS4 permits across differing municipalities; and
 - Great Salt Lake Issues and Opportunities. Study overall progress on Great Salt Lake water quality issues and the need to develop a more coordinated stakeholder engagement approach for the lake.

Political Subdivisions

- County Form of Government. Changing form of government: HB 224 modified the process by which a county changes its form of government. Examine what changed and whether further changes are warranted. Illegal form of county government: Should the

Legislature address counties that operate under an illegal form of government? Grand County example.

- Indigent Defense Services. Examine how indigent defense services are paid and whether changes should be made going forward.
- Community Reinvestment Agency's Affordable Housing "Set Aside." Certain project areas created by Community Reinvestment Agencies are required to use up to 20% of the increment from the project area for affordable housing, known as the affordable housing set aside. Examine whether this requirement should continue.
- Billboard Condemnation Process. HB 361 adopted the eminent domain process for billboards; however, the understanding between local governments and the outdoor advertising industry is that discussions would continue to develop a fair and more applicable process over the interim.
- Resort Community Infrastructure Costs. The population of the resort cities does not provide the tax base to cover infrastructure and services required to accommodate the influx of visitors each year. Examine the resort tax and other options these cities could/should have to manage their increased burden.
- Political Subdivision Lien Authority. Address a technical issue in HB 168 to use consistent terminology of "lienholder" in Section 11-58-103.
- Boundary Line Agreements. Stakeholders raised issues related to the implementation of modified provisions related to boundary line agreements proposed in the 2018 GS, and the Senate Government Operations and Political Subdivisions Committee recommended the issue for interim study.
- Trampoline Park Safety. Need to improve trampoline park safety across the state. Provo City, for example, has enacted local standards. Should there be statewide minimum standards? Is there another way to ensure a basic level of safety?
- Local Ordinance Penalties. Examine the penalties that local governments are authorized to enforce for violations to local ordinances. Concern that penalties may not fit the severity (or lack thereof) of the crime.
- Land Use, Development, and Management Act. Examine issues raised by the Land Use Task Force.

Public Utilities, Energy, and Technology

- Future of Coal: study coal's future and Utah's position about the future of coal.
- Customer Choice: Municipalities & Renewables: municipalities are requesting Rocky Mountain Power to assist them with becoming 100% renewable energy municipalities. What are the roles of the regulated public utility, the Legislature, and the Public Service Commission in addressing these requests? What are the additional costs, if any, to households and businesses? How is a model developed and what is the timetable for implementation?
- Regionalization: study regionalization of transmission operations throughout the Western grid, including whether, when, and how Utah utilities might join a full interstate market.
- Rural Job Creation in the Energy & Minerals Sectors: What is the role of the energy and minerals sectors in creating 8,000 new rural jobs by the end of 2020?

- Energy Infrastructure Development: What is the state and the Office of Energy Development doing regarding energy infrastructure development and access to markets? What are the opportunities going forward?
- Intermountain Power Agency: status update on plans for building a natural gas power plant in Utah. What is the status of long-term contracts? What are the ramifications for the coal industry? What is the future?
- Rural Development of Wind, Solar, & Geothermal Energy: study how to best encourage the development of wind, solar, and geothermal energy resources in rural areas of the state. See 2018GS H.C.R. 9.
- Intermittent Energy Resources: study the expansion of intermittent resources on the grid and potential impacts on energy reliability.
- Changing Fuels Market: study the changing fuels market, including Tier 3 fuels, electric vehicles, and other advancements.
- Cyber Center: currently, it is difficult to share information among government entities when a cybersecurity event takes place. There is a need to establish a central, unified state interface for coordinating cybersecurity monitoring, sharing information, performing cybersecurity threat analysis, and promoting shared and real-time situational awareness between and among executive branch agencies.
- High Resolution Aerial Photos for the Utah Automated Geographic Reference Center: DTS partnered with local/state government agencies to purchase and provide a new model for delivering high resolution aerial photos via Google. Over 300 local/state agencies and private sector companies use the aerial photography to create and manage map data. Funding is not available to update the imagery on a regular basis. The landscape of the state is constantly changing, and we need to purchase regular, updated imagery.
- Rocky Mountain Power Interstate Cost Allocation: status update on negotiations with states in Rocky Mountain Power's service area concerning future costs allocation, given the passing of an Oregon law requiring coal to be taken out of rates for Oregon ratepayers beginning in 2030.
- Data Security: the State Tax Commission requires employers to provide employees' personal information, including their name, address, and social security number. Before the information is transmitted to the Tax Commission it must be encrypted. However, when the same information is sent to the Department of Workforce Services it does not require encryption. Study the processes used by the Department of Workforce Services and other state agencies to ensure secure transmission of data and how processes can be improved.
- Damage to Underground Utilities Facilities: study limits to an operator's claim against an excavator for damage to underground utility facilities resulting from an excavator's violation of requirements related to excavation involving underground utility facilities. See 2018GS H.B. 455.

Revenue and Taxation

- Net operating loss and alignment with federal tax revisions
- Effects of federal tax reform
- Sales tax collection on remote sales
- Changes to the manufacturing exemption expansion effective date
- Nexus standard for corporate income tax
- Exempting tangible personal property below a certain threshold from taxation
- Property tax valuation process
- Equity in taxation in the sale of motor vehicles
- Pollution control sales tax exemption
- Equity in taxation of digital media
- Statutorily required income tax credit reviews

Retirement and Independent Entities

- Updates from URS on the overall status of each system, including:
 - Contribution rates;
 - Funding status;
 - Assumed investment rate of return; and
 - Investment performance.
- Pay vs. benefits for state employees
 - State Auditor report
- Follow up on the creation of the Utah Beef Council as a state Independent Entity (2018 HB 432).
- Post-retirement Reemployment
 - Can changes be made to the restrictions on post-retirement reemployment to help address potential shortages of educators and public safety officers?
- Comprehensive reports from each of the state's independent entities

Transportation

- Follow-up on SB136 issues
 - UTA and UDOT restructuring
 - Road User Charge Program
 - UTA name change
- Long-term transportation project planning
 - Review of current practices from stakeholders
 - Opportunities for improvement
- Autonomous and connected vehicles
- Unmanned air traffic management

- Explore opportunities to create regulations to facilitate the utilization of airspace under 500 feet for deliveries, etc.
- Inland Port development
- Vehicle registration freezes for unpaid parking tickets
- Roadway tolling
- Advancements in vehicle emissions testing
- Sale of surplus property by UDOT
- Roadway safety and ongoing efforts to achieve the state's "Zero Fatalities" goal.