

JUDICIAL COUNCIL MEETING

AGENDA

Monday, October 28, 2013

Judicial Council Room

Matheson Courthouse

Salt Lake City, Utah

Chief Justice Matthew B. Durrant, Presiding

1. 9:00 a.m. Welcome & Approval of Minutes Chief Justice Matthew B. Durrant
(Tab 1 - Action)
2. 9:05 a.m. New Member – Oath of Office. Chief Justice Matthew B. Durrant
3. 9:10 a.m. Chair’s Report. Chief Justice Matthew B. Durrant
4. 9:20 a.m. Administrator’s Report. Daniel J. Becker
5. 9:35 a.m. Reports: Management Committee. . . . Chief Justice Matthew B. Durrant
Liaison Committee. Justice Jill Parrish
Policy and Planning Judge Greg Orme
Bar Commission. John Lund, esq.
(Tab 2 - Information)
6. 9:45 a.m. Council Committee Appointments. . . . Chief Justice Matthew B. Durrant
(Tab 3 - Action)
7. 9:50 a.m. 2014 Council Calendar Approval. Ray Wahl
(Tab 4 - Action)
8. 9:55 a.m. 2013 Access and Fairness Survey Results. Joanne Vandestreek
(Information)
9. 10:15 a.m. Legislative Update and Interim Highlights. Rick Schwermer
(Tab 5 - Information)
- 10:30 a.m. Break
10. 10:40 a.m. Juvenile Fine and Bail Schedule. Dawn Marie Rubio
(Tab 6 - Action)
11. 10:55 a.m. GAL Oversight Committee Update. Liz Knight
(Tab 7 - Information)

- 12. 11:15 a.m. Board of District Court Judges Recommendation for
Mandatory E-Filing of Criminal Cases. Debra Moore
(Tab 8 - Action)
- 13. 11:30 a.m. Board of District Court Judges Update. Judge Kevin Allen
(Information) Debra Moore
- 14. 11:50 a.m. Certification of Senior Justice Court Judges. Tim Shea
(Tab 9 - Action) Alison Adams-Perlac
- 12:00 p.m. Lunch
- 15. 12:30 p.m. Guardianship and Conservatorship Signature Program. Tim Shea
(Tab 10 - Information)
- 16. 12:45 p.m. Certification of Minimum Performance Standards
for Judges up for Retention in 2014. Tim Shea
(Action) Alison Adams-Perlac
- 17. 1:00 p.m. Executive Session
- 18. 2:00 p.m. Adjourn

Consent Calendar

The consent items in this section are approved without discussion if no objection has been raised with the Admin. Office (578-3806) or with a Council member by the scheduled Council meeting or with the Chair of the Council during the scheduled Council meeting.

- 1. Committee Appointments
(Tab 11) Alyn Lunceford
Tom Langhorne
Ron Bowmaster
Debra Moore
- 2. Grant Approval
(Tab 12) Ron Bowmaster
- 3. Utah State Retirement Board Appointment
(Tab 13) Daniel J. Becker

TAB 3

Proposed Judicial Council Committee Assignments: 2013-2014

Management Committee

Chief Justice Matthew Durrant, Chair
Judge Kimberly Hornak, Vice-Chair
Judge James Davis
Judge George Harmond
Judge John Sandberg

Policy and Planning

Judge Glen Dawson
John Lund
Judge Paul Maughan
Judge Reed Parkin
Judge Randall Skanchy
Judge Thoms Higbee (ex-officio)

Liaison

Justice Jill Parrish
Judge Thomas Higbee
Judge David Marx
Judge David Mortensen

TAB 4

**JUDICIAL COUNCIL
2014 MEETING DATES**

Meetings are generally scheduled on the fourth Monday of the month beginning at 9:00 a.m. Meetings will be held in the Council Room of the Matheson Courthouse unless otherwise noted.

Monday, January 27, 2014

Monday, February 24, 2014

Friday, March 14, 2014 (in conjunction with the Bar's Spring Convention in St. George)

Monday, April 28, 2014 - Nephi

Monday, May 19, 2014 (NOTE: Date change with May 26 being Memorial Day)

Monday, June 23, 2014

July 14, at Matheson; July 15 in Snowmass, CO or July 28 at Matheson

Friday, August 15, 2014 (Council Budget and Planning Meeting - Matheson Courthouse)

Tuesday, September 9 or 23, 2014 (Held in conjunction with the Annual Judicial Conference)

Monday, October 27, 2014

Monday, November 24, 2014

Monday, December 15, 2014

Bar Conferences:

Spring Convention in St George - March 13-15, 2014

Summer Convention in Snowmass, CO - July 16-19, 2014

TAB 5



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 Wednesday, October 16, 2013, or as noted.

Administrative Rules Review Committee

September 30, 2013

Administrative Rulemaking Amendments

Discussed revised draft legislation "Administrative Rulemaking Amendments," which was previously discussed in the September 16 meeting. The draft bill:

- Clarifies the penalty for an agency's failure to timely comply with the statutory requirement for a five-year administrative rules review;
- Modifies the five-year review filing requirements; and
- Provides that the Division of Administrative Rules' failure to give an agency notice of a five-year review deadline does not exempt an agency from complying with the provisions of the bill.

Action: *Approved as a committee bill, draft legislation "Administrative Rulemaking Amendments."*

Confidentiality Agreement for Parent Review Committee

Discussed the confidentiality agreement that members of the new 15-member parent review committee, created in 2012 General Session H.B. 15, "Statewide Adaptive Testing," to review the computer adaptive test questions for common core, must sign and how it can be written to allow parents to discuss any concerns regarding the test questions while preserving the integrity of the test.

Educator Evaluation Data

Discussed whether recent amendments to a State Board of Education administrative rule R277-487, "Public School Data Confidentiality and Disclosure," narrow the intent of Utah Code Subsection 53A-3-602.5(1) that provides that the written school performance report, developed by the State Board of Education, "inform the state's residents of the quality of schools and the educational achievement of students in the state's public education system."

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

Business and Labor

Alcoholic Beverage Control

Received a presentation from the Pacific Institute for Research and Evaluation at the Alcohol, Policy, and Safety Research Center, which recommends that the legal blood alcohol level for operating a motor vehicle be reduced from .08 to .05. Also received public comment regarding alcohol consumption and the taxation of alcoholic products.

Disclosure of Consumer Credit Scores

Received information from a legislator on the disclosure of consumer credit scores by various organizations, including national credit reporting agencies. Also received comments from the public.

Insurance Code Changes

Received a presentation from the Insurance Department on proposed changes to the Insurance Code.

*Chairs: Rep. James A. Dunnigan / Sen. Curtis S. Bramble
Staff: Bryant R. Howe (Assistant Director) / Christine R. Gilbert (Attorney) / Patricia Owen (Attorney) / Kristen C. Ricks (Secretary)*

Economic Development and Workforce Services

Child Care Subsidy Program

Received a follow-up report from the Department of Workforce Services on the Child Care Assistance Program. The program provides child care assistance to low-income families to enable parents to work outside the home. The current child care assistance subsidy rate for Utah is 43 percent of the cost of care assistance, but the desired rate is 75 percent of the cost. The department requested an appropriation from the General Fund to reach the desired rate. The department has not received money from the General Fund since 2009.

Economic Mobility for Utah Residents

Received a report from the Utah Foundation, "Climbing Toward the American Dream, a Second Analysis of Economic

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IN THIS ISSUE:
Pages 1-9 Summaries of Legislative Meetings

Mobility in Utah," which was released in August 2013. The report provides an analysis of the ability of Utah residents to move on the economic ladder and includes details on mobility across generations, income, wealth, and housing.

Free Market Protection and Privatization Board Report

Received a statutorily required annual report from the Governor's Office of Management and Budget on the Free Market Protection and Privatization Board regarding the board's activities, the board's recommendations on privatizing an activity provided by an agency, and the status of the Commercial Activities Inventory and Review.

Refugee Program

Received a report from the Department of Workforce Services on the refugee services program, which provides cash and medical assistance to newly arriving refugees, new asylees, and victims of human trafficking. Assistance is based on need and may only be provided during the first eight months after arrival. In FY 2012, the department provided assistance to 394 individuals.

Management of Agency Reports and Information

Received a report from committee staff and the Department of Workforce Services, the Department of Heritage and Arts, and the Governor's Office of Economic Development on improving the process of providing needed reports and other information on an annual basis to the committee and to the public.

Action: Directed committee staff to prepare legislation to provide for consolidation of annual agency reports into a comprehensive annual report from the Department of Workforce Services, the Department of Heritage and Arts, and the Governor's Office of Economic Development.

Unemployment Insurance Program

Received information from the Department of Workforce Services on draft legislation that the committee had directed staff to prepare to address issues raised by the Department of Workforce Services.

Action: Approved as a committee bill, draft legislation "Workforce Services Amendments," which removes a provision regarding the overlapping of base periods when determining when certain benefits costs will not be charged to an employer for unemployment insurance claims.

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

Economic Development Task Force

October 17, 2013

Potential Task Force Recommendations

Discussed potential task force recommendations for continued economic development success in Utah.

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Action: Directed that the task force chairs and staff consolidate and refine potential task force recommendations for future consideration.

*Chairs: Rep. Brad R. Wilson / Sen. Stuart C. Reid
Staff: Benjamin N. Christensen (Policy Analyst) / Peter Asplund (Attorney)
Jennifer K. Christopherson (Secretary)*

Education

Funding for Public Schools

Reviewed draft legislation, "School Funding Through Income Tax Revisions," which eliminates the personal exemption from state personal income taxes and directs the new revenue generated to public schools. Ten percent of the new revenue would be allocated in an equal amount to each public school and the remainder would be allocated to public schools on a per student basis.

Investment of State School Fund

Received a report of the School Trust Investment Task Force, which was created by the State Board of Education to study the governance and management of the permanent State School Fund. The School Trust Investment Task Force recommended that:

- An independent board be created with responsibility to manage the State School Fund; and
- Policy on the distribution of State School Fund money be studied.

The Utah state treasurer identified legal issues relating to the recommendations of the School Trust Investment Task Force.

Utah Schools for the Deaf and the Blind

Received the annual report of the Utah Schools for the Deaf and the Blind. The superintendent of the Utah Schools for the Deaf and the Blind requested that a new facility be built in Salt Lake County to replace buildings in need of significant repair and leased space currently in use.

*Chairs: Rep. Francis D. Gibson / Sen. Stuart C. Reid
Staff: Constance C. Steffen (Policy Analyst) / Tiffany A. Stanley (Policy Analyst) / Angela Oakes Stallings (Attorney) / Debra Hale (Secretary)*

Education Task Force

September 26, 2013

Best Practices of High Achieving At-risk Schools

Received comments from 10 principals regarding implemented strategies that result in high student achievement. The principals represented schools that have a high proportion of at-risk students and received an A or B grade on the 2012-13 school year school grading report.

College and Career Advisement and Counseling

Reviewed a proposal to establish a pilot program in high schools to hire college and career coaches who would provide information to students on how to prepare, apply, and pay for

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postsecondary education as well as information on careers, career pathways, and educational requirements. Unlike a school counselor, a college and career coach would not be required to have a graduate degree.

Perspectives on Student Achievement

Received a report on from education stakeholders regarding strategies to improve student learning.

The task force chair highlighted the following points discussed by the group:

- Focusing on student learning or outputs rather than inputs;
- The importance of soft skills and character education;
- Strategies to improve teacher quality, including year-long internships and professional development, targeted to improve instruction;
- Technology as a tool for learning and the need for educators to learn how to use technology; and
- The need to help students make the connection between school and careers.

*Chairs: Speaker Rebecca D. Lockhart / President Wayne L. Niederhauser
Staff: Constance C. Steffen (Policy Analyst) / Tiffany A. Stanley (Policy Analyst) / Angela Oakes Stallings (Attorney) / Debra Hale (Secretary)*

Government Communications Task Force

October 10, 2013

DTS and UCAN Merger

Received an update on the merger of the radio communications part of the Department of Technology Services and the Utah Communications Agency Network.

Radio Communications — Use of 800 MHz and 150 MHz

Discussed the plan for the future use of 800 MHz and 150 MHz radio communication systems in Utah.

Technical Working Group

Received recommendations from a working group that discussed options on how best to proceed in solving technical and budgetary problems relating to radio communications.

*Chairs: Rep. Brad L. Dee / Sen. Wayne A. Harper
Staff: Joseph T. Wade (Policy Analyst) / Victoria Ashby (Attorney) / Tracey Fredman (Secretary)*

Government Operations

Constitutional Officers and Personal Vehicles

Discussed code provisions that allow constitutional officers to use state-provided vehicles for personal and private use. The committee determined that no significant problems exist and no revisions are needed at this time.

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Election Offense Amendments

Discussed draft legislation "Election Offense Amendments," which amends provisions related to investigating and adjudicating election complaints.

Firefighter Procurement Code Exemptions

Action: Approved as a committee bill, draft legislation "Amendment to Procurement Code Exemptions," which exempts from the Utah Procurement Code purchases of certain firefighting equipment by the Division of Forestry, Fire, and State Lands.

Governmental Purchases from the Division of Correctional Industries

Discussed draft legislation "Governmental Purchases from the Division of Correctional Industries," which:

- Requires the executive branch to purchase from the Division of Correctional Industries items that the division produces;
- Establishes rulemaking authority to provide for exemptions; and
- Establishes an appeal process for procurement decisions.

Procurement Code Revisions

Received a presentation from the Division of Purchasing and General Services on recommendations for revisions to the Utah Procurement Code. Potential revisions include changes to the handling of gratuities and kickbacks, clarification on the definition of a request for statement of qualifications, changes to state contracting processes, and other technical corrections.

School Construction Amendments

Discussed draft legislation "School Construction Amendments," which requires local education agencies to follow the Utah Procurement Code when constructing a public facility and follow certain retention requirements in the contracting process.

Seasonal Crop Sales — Construction Code Exemptions

Action: Approved as a committee bill, draft legislation "State Construction Code Amendments," which exempts from the state construction code a structure that is solely used by a producer to sell certain seasonal crops.

*Chairs: Rep. Jack R. Draxler / Sen. Margaret Dayton
Staff: Brian J. Bean (Policy Analyst) / Thomas R. Vaughn (Attorney) / Anna M. Allen (Secretary)*

Health and Human Services

Controlled Substance Database Access by Medicaid Accountable Care Organizations

Considered whether the state should grant Medicaid Accountable Care Organizations limited access to the state's controlled substance database in order to support Medicaid's

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Restriction Program. The Restriction Program prevents inappropriate and excessive use of Medicaid services by limiting a client to one primary care provider and one pharmacy.

Action: Prioritized the drafting of legislation that would grant Medicaid Accountable Care Organizations limited access to the state's controlled substance database.

Federal Government Shutdown

Discussed impacts of the partial federal government shutdown on Utahns and Utah businesses. Recognized the attendance of staff representing three members of Utah's congressional delegation.

Following the discussion, those representatives answered questions about the shutdown. Received letters regarding the shutdown from two other members of the congressional delegation.

Sunset Review — Utah Health Data Authority Act

Action: Approved as a committee bill, draft legislation "Reauthorization of Utah Health Data Authority Act," which changes the sunset date for the Utah Health Data Authority Act to 2024 and amends the data-sharing authority of the Utah Health Department's Health Data Committee.

Underage and Binge Drinking

Considered draft legislation "Beer Excise Tax Amendments," which funds programs to prevent underage and binge drinking of alcohol by increasing the beer tax. Received presentations from researchers on programs designed to reduce alcohol misuse and on the gap between the costs of alcohol misuse and the revenue generated by alcohol consumption. Considered concerns about the bill raised by the Utah Beer Wholesalers Association, the Utah Food Industry Association, the Utah Retail Merchants Association, and the Utah Taxpayers Association.

Chairs: Rep. Paul Ray / Sen. Evan J. Vickers

Staff: Mark D. Andrews (Policy Analyst) / Samuel C. Johnston (Attorney) / Cathy J. Dupont (Attorney) / Lee A. Killian (Attorney) / Lori R. Rammell (Secretarial Supervisor)

Health Reform Task Force

October 17, 2013

Received reports from the three Utah organizations that have received federal funding to educate people about the federal government's health insurance exchange for individuals and families, which opened October 1.

Received a report from the task force's Insurance Market Team on a study to determine what would be required for the state to run its own risk adjustment program under the federal Patient Protection and Affordable Care Act.

Received a report from the Health Department on Medicaid eligibility expansion options studied by the Governor's Medicaid Expansion Options Community Workgroup. Many of the options would require a federal waiver of certain Medicaid requirements.

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Also received a report from the department on the recommendations of five workgroups created by the governor to develop a health innovation plan for the state. The recommendations address health information technology, the health care workforce, prevention and wellness, payment reform, and quality and safety.

Action: Voted to support and encourage the Insurance Department to continue working on a state-run risk adjustment program and to continue pursuing an exchange establishment grant to upgrade the state's All-payers Claims Database.

Action: Voted to support use of the exchange grant for enhancement of the All-payers Claims Database when it is reviewed by the Executive Appropriations Committee.

Chairs: Sen. Allen M. Christensen / Rep. James A. Dunnigan

Staff: Mark D. Andrews (Policy Analyst) / Cathy J. Dupont (Associate General Counsel) / Samuel C. Johnston (Associate General Counsel) / Lori R. Rammell (Secretarial Supervisor)

Judiciary

Administrative Subpoenas

Reviewed draft legislation, "Administrative Subpoena Reporting Requirements," which amends the reporting requirement in Utah Code Subsections 77-22-2.5 (9) and (10) to provide a more accessible report, as prepared by the Commission on Criminal and Juvenile Justice. The committee discussed the legislation, as well as other policy considerations related to reporting data collected by the issuance of administrative subpoenas.

Annual Reports

Received presentations from the Commission on Criminal and Juvenile Justice and the Department of Workforce Services on annual statutorily required reports. The Commission on Criminal and Juvenile Justice presented DUI-related data and reported that in CY 2011 to CY 2012, DUI and drug-related fatalities increased from 30 to 37.

The Department of Workforce Services presented on the Intergenerational Welfare Reform Commission's annual report, which is part of the Legislature's efforts to end intergenerational poverty in Utah. The report provides poverty-related data and an in-depth analysis on the commission's current studies.

Court System Modifications

Received a presentation from a legislator on draft legislation, "Court System Modification Amendments," which creates a new circuit court with limited jurisdiction. The Administrative Office of the Courts presented on the history of circuit courts in Utah and recent policy changes in justice courts related to the selection, retention, and compensation of judges.

Chairs: Rep. Kay L. McIff / Sen. Mark B. Madsen

Staff: Chelsea B. Lloyd (Policy Analyst) / Esther Chelsea-McCarty (Attorney) / Kristen C. Ricks (Secretary)

Law Enforcement and Criminal Justice

Concealed Weapon Permit Fees

The committee received a statutorily required report from the Bureau of Criminal Identification on the amount and use of fees collected for concealed firearms permit applications. The bureau projects 138,720 application requests for 2013. This number is an increase over the 81,122 requests in 2012 and 76,943 requests in 2011.

Drug Offender Reform Act

Received a status update from the Utah Substance Abuse Advisory Council regarding the report on the Drug Offender Reform Act that is to be provided to the committee on November 1, 2013. The report will include information and analysis that has not previously been available regarding participants in the Drug Offender Reform program versus offenders who have not participated.

Housing State Inmates in County Jails

Received a report from the Utah Department of Corrections regarding the state's use of county jail facilities to house state inmates and the contracted rates at which the state reimburses the jails. The Department of Corrections uses this practice to manage its inmate population when the number of state inmates exceeds the number of available prison beds.

Prison Facilities in Other States

Received a presentation from a legislator regarding a tour of prison facilities in other states, including privately operated prison facilities.

Chairs: Rep. Curtis Oda / Sen. Todd Weller

Staff: Nathan W. Brady (Policy Analyst) / Susan Creager Allred (Attorney) / Lori R. Rammell (Secretarial Supervisor)

Legislative Management Committee

October 14, 2013

Received a presentation from the Division of Risk Management concerning two settlement agreements the division has entered into recently, but which need the committee's approval in order to be finalized.

Received notification from committee staff that the Prison Relocation and Development Authority, to which four legislators are appointed, was not placed on the list of authorized committee meetings at the beginning of the interim.

Received a presentation from committee staff regarding the legislative intern program, including the cost of the current program and the increased cost of the program if it were expanded by 15 more interns.

Action: *Approved a motion recommending that the executive branch enter into the two settlement agreements presented by the Division of Risk Management.*

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INTERIM HIGHLIGHTS • October 2013

Action: *Approved the placing of the Prison Relocation and Development Authority on the list of approved meetings in order for those legislators appointed to the committee to receive compensation.*

Action: *Authorized the Office of Legislative Research and General Counsel to work with the state's colleges and universities to increase by up to 15, the number of interns working for the Legislature during the legislative session.*

*Chair & Vice Chair: President Wayne L. Niederhauser / Speaker Rebecca D. Lockhart
Staff: Michael E. Christensen (Director) / John L. Fellows (General Counsel) / Phalin L. Flowers (Administrative Assistant)*

Natural Resources, Agriculture, and Environment

Executive Water Task Force Report

Received a report from the Department of Natural Resources on requests for legislation recommended by the Executive Water Task Force.

Action: *Passed a motion to, under committee sponsorship, open and prioritize bill files that incorporate the changes recommended by the Executive Water Task Force by amending Utah Code Sections 17-21-6, 73-3-26, 73-3-18, 73-5-3, and 73-3-29.*

Management Plans for Water Conveyance Facilities

Received a report from the Board of Water Resources on water conveyance facilities reporting requirements that are intended to improve canal safety in those areas where potential risk to human life or extensive economic loss exist.

Utah Outdoor Recreation Report

Received a report from the Utah Office of Outdoor Recreation on the organization and objectives of the newly created office.

Reduction of Nutrient Pollution in Utah Waters

Received a report from the Division of Water Quality, Division of Wildlife Resources, Utah Waterfowl Association, and the Utah Office of Outdoor Recreation on the need to reduce nutrient pollution in Utah waters. The committee discussed the elements of potential legislation proposed by the Department of Agriculture and Food.

Wolf Management in Utah

Received a review of the audit conducted by the Office of the Legislative Auditor General on appropriated funds for wolf management.

The Division of Wildlife Resources responded to the review and gave an update on the status of delisting of wolves under the Endangered Species Act.

*Chairs: Rep. Michael E. Noel / Sen. Scott K. Jenkins
Staff: J Brian Allred (Policy Analyst) / RuthAnne Frost (Attorney) / Anna M. Allen (Secretary)*

Occupational and Professional Licensure Review Committee

October 15, 2013

Alternatives to Licensing

Received information regarding less restrictive alternatives to licensure, including registration, certification, bonding, title licensing, and promoting the use of private markets and the judicial system.

Sunset Review — Massage Therapy Practice Act

Action: Approved as a committee bill, draft legislation "Reauthorization of the Massage Therapy Licensing Act," which changes the sunset date of the act to July 1, 2024.

Chairs: Rep. Derek E. Brown / Sen. John L. Valentine

Staff: Bryant R. Howe (Assistant Director) / Peter Asplund (Attorney) / Tracey Fredman (Secretary)

Political Subdivisions

Associations of Governments

Received a presentation explaining the purpose and the activities of Utah's seven associations of governments.

Eminent Domain

Received a report from a legislator and the state property ombudsman, who have been working with a group of parties interested in eminent domain issues.

This month's report included recommendations regarding two issues:

- Physical occupation of property without negotiation or court order; and
- Definition of condemning entity.

Government Records Ombudsman

Received a report from the Utah State Archives on the work performed by the government records ombudsman.

Interlocal Cooperation Act

Discussed draft legislation, "Interlocal Act Amendments," which:

- Requires parties entering into an interlocal agreement to identify with specificity the rules, policies, and procedures that will govern the interlocal entity;
- Amends provisions governing an interlocal entity's compliance with public meeting requirements; and
- Requires an interlocal entity to adopt certain budget and fiscal procedures.

Quality Growth Commission

Received a report from the Utah Quality Growth Commission on the state of quality growth in Utah, including the LeRay McAllister Conservation Program.

Chairs: Rep. R. Curt Webb / Sen. Daniel W. Thatcher

Staff: Joseph T. Wade (Policy Analyst) / Victoria Ashby (Attorney) / Sara J. Thomas (Secretary)

Public Utilities and Technology

Report — S.B. 275, Energy Amendments

Received statutory reports regarding enacted 2013 General Session S.B. 275, "Energy Amendments," from the Utah Public Service Commission and the Alternative Energy Interlocal Entity regarding policy and regulatory measures that would advance cleaner air through the enhanced use of alternative fuel vehicles. Primary concerns for this study issue include air pollution, financing, distribution, and balancing of interests.

The Future of Energy Development

Received presentations from PacifiCorp, the Governor's Office of Energy Development, the Utah Public Service Commission, and the Division of Public Utilities about the future of energy development, including environmental concerns, distributed energy generation, financing, and net metering. In addition, the presenters provided information on how the regulatory process balances the needs of all classes of electric power users and the utility providers of the electric power.

Chairs: Rep. Roger E. Barrus / Sen. David P. Hinkins

Staff: Richard C. North (Policy Analyst) / Rebecca L. Rockwell (Attorney) / Tracey Fredman (Secretary)

Retirement and Independent Entities

September 25, 2013

Annual Utah Retirement System Modifications

Received an explanation from the Utah Retirement Systems on its recommended changes in statute to keep the Utah State Retirement and Insurance Benefit Act updated. Each year a bill is introduced to address issues identified in the previous year by the Utah Retirement Systems and to make technical changes.

Heber Valley Historic Railroad Authority

Received a request from the Heber Valley Historic Railroad Authority for a \$250,000 appropriation to restore two steam locomotives for operation. The authority is an independent state agency responsible for the railroad.

Judges' Retirement Systems

Received a presentation from committee staff and received comments from the judicial branch on the current judges' retirement system.

New State Employee Matching 401(k) Contribution

Received an update from the Office of the Legislative Fiscal Analyst and the Department of Human Resource Management on the new state employee matching 401(k) contribution that begins on January 3, 2014. H.B. 194, "State Employee Benefits Amendments," which passed during the 2013 General Session, eliminates future accumulation of unused sick leave for the postretirement benefit known as the Unused Sick Leave Retirement Program II for state employees and established the new benefit for state employees.

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The amount of the matching contribution is determined annually by the Legislature, but may not exceed \$26 biweekly (\$676 per year) for each employee. The matching amount from the state has not yet been finalized.

Postretirement Employment Restrictions

Received a presentation from committee staff and Utah Retirement Systems on postretirement employment restrictions. The 2010 retirement reforms implemented stricter postretirement reemployment restrictions, including a one-year employment separation requirement after retirement and a prohibition on collecting a retirement allowance while receiving any employer retirement contribution or while earning additional service credit. The restrictions are to discourage or eliminate incentives for early retirement. The committee heard additional policy options for postretirement employment restrictions from committee staff.

Action: Approved as a committee bill, draft legislation "Reemployment Restrictions Amendments," which exempts an active senior justice court judge appointed to hear cases from postretirement employment restrictions and exempts a reemployed retiree who serves as a judge from reemployment earnings limitations.

Public Access to URS Records and Meetings

Received a report from Utah Retirement Systems on providing increased public access to URS records and meetings in response to a February 2013 state audit recommendation. URS described a new public website, www.retirement.utah.gov, which provides access to URS reports, audits, board resolutions, and other information. URS also announced that it will open URS board administrative meetings to the public.

Total Compensation Analysis for State Employees

Received a report from the Hay Group, an independent consulting firm contracted by the Department of Human Resource Management to study total compensation for state employees compared to the market and to make compensation recommendations. In "State of Utah: Total Compensation Market Survey and Analysis Study," Hay Group reported that the state's market position for cash compared to overall market is at approximately the same level as in 2011.

Excluding private sector pay in annual incentives, base salary for state workers is 11.2% below market, while benefits are 27.6% above market.

*Chairs: Rep. Craig Powell / Sen. Todd Weller
Staff: Benjamin N. Christensen (Policy Analyst) / Peter Asplund (Attorney) / Shannon C. Halverson (Attorney) / Linda Error (Secretary) / Anna M. Allen (Secretary)*

Revenue and Taxation

Deduction to Taxable Motor Fuel

Received a presentation from a legislator and retail dealers of gasoline regarding an existing 2% deduction to the gross

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amount of taxable motor fuel allowed in state statute to allow for evaporation, loss in handling, and expenses of collection. Producers and refiners are required to pay an amount equal to one half of the deduction to retail dealers.

Action: Directed that the presenting legislator work with committee members to draft legislation that would clarify who receives the benefit of the existing 2% deduction.

Pollution Control Sales Tax Exemption Amendments

Action: Directed committee staff to prepare legislation to amend the sales tax exemption for investment in pollution control and pollution elimination facilities.

Property Tax — Calculation of the Certified Rate

Action: Directed committee staff to prepare legislation that would mitigate the impacts that a large reduction in the taxable value of centrally assessed property might have on the calculation of the certified rate.

Tax Commissioner Qualifications

Discussed draft legislation "Appointment and Qualification of Members of the State Tax Commission," which amends provisions related to the appointment and qualification of members of the Utah State Tax Commission.

Timing of "Truth in Taxation" Public Hearings

Received a report from a legislator on a solution related to calendar year taxing entities that hold budget hearings for a proposed budget increase in December, but do not hold a truth in taxation hearing for an increase to the property tax until August, when two-thirds of the budget has been spent.

Specie Legal Tender

Discussed a proposal from the Utah Precious Metals Association that would address issues related to specie legal tender, including legal tender escrow agents and taxation.

*Chairs: Rep. Ryan D. Wilcox / Sen. Deldre M. Henderson
Staff: Bryant R. Howe (Assistant Director) / Leif G. Elder (Policy Analyst) / Rebecca L. Rockwell (Attorney) / Sara J. Thomas (Secretary)*

Senate Judicial Confirmation Committee

October 8, 2013

The committee recommended to the Senate the confirmation of Brian G. Cannell as a judge for the First District Court.

October 9, 2013

The committee recommended to the Senate the confirmation of Samuel P. Chiara as a judge for the Eighth District Court, Ryan B. Evershed as a judge for the Eighth District Juvenile Court, and Keith E. Eddington as a judge for the Eighth District Juvenile Court.

October 14, 2013

The committee recommended to the Senate the confirmation

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of Catherine S. Conklin as a judge for the Second District Court.

The Senate met on October 16, 2013, and confirmed Mr. Cannell, Mr. Chiara, Mr. Evershed, and Mr. Eddington.

*Chair: Sen. Scott K. Jenkins
Staff: Michael E. Christensen (Director) / Susan Creager Allred (Associate General Counsel) / Jennifer Christopherson (Legislative Secretary)*

State Water Development Commission

October 15, 2013

Canal Safety

Discussed the need for reliable data concerning the safety of water conveyance facilities in the state and current canal safety management plan requirements. The Utah Association of Conservation Districts reported on its efforts to acquire canal safety data in certain Utah counties.

Change Application Procedures

Received a report from the Utah Irrigators Alliance on proposed modifications to water right change application procedures. The commission also considered draft legislation "Water Rights—Change Application Amendments," which amends change application procedure requirements under Utah Code Title 73, Water and Irrigation.

State and Federal Water Rights

Received a report from the Utah Farm Bureau Federation on its efforts to protect water rights holders from federal government impairment of water rights.

*Chairs: Rep. Keith Grover / Sen. Margaret Dayton
Staff: J Brian Allred (Policy Analyst) / RuthAnne Frost (Attorney) / Anna M. Allen (Secretary)*

Subcommittee on Oversight

October 15, 2013

Received a presentation from the Office of the Legislative Fiscal Analyst reviewing the FY 2014-15 base budgets of the Senate and House of Representatives.

Received from the Office of the Legislative Fiscal Analyst reviews of the proposed budgets of the following offices:

- Office of Legislative Research and General Counsel;
- Office of the Legislative Fiscal Analyst; and
- Office of the Legislative Auditor General.

Action: The subcommittee approved the proposed base budgets for the three staff offices.

*Chairs: President Wayne L. Niederhauser / Speaker Rebecca D. Lockhart
Staff: Bryant R. Howe (Assistant Director) / Eric N. Weeks (Deputy General Counsel) / Phalin L. Flowers (Administrative Assistant)*

Transportation

Bonding for Transportation

Received a presentation from the Office of the Legislative Fiscal Analyst regarding the state bonding process, current transportation bonding levels, and future transportation bonding options.

Condition of Utah's Roads

Continued a discussion from the June meeting with representatives of cities and counties regarding the current condition of roads in their jurisdictions and heard their recommendations for how to generate additional funding to improve road conditions.

Driver License Amendments

Action: Approved as a committee bill, draft legislation "Driver License Amendments," which makes a person who is less than 18 years of age eligible for a driver license certificate if, for six months, the person has held for six months an equivalent learner permit issued by another state or a branch of the United States Armed Forces.

DUI Annual Report

Received an annual, statutorily required report on DUI-related data from the Commission on Criminal and Juvenile Justice, including:

- Data necessary to allow DUI sentencing and enhancement decisions to be made;
- DUI-related data elements collected and maintained by the state courts; and
- Any measures for which data are available to evaluate the profile and impacts of DUI recidivism and to evaluate the DUI-related processes of law enforcement, adjudication, sanctions, driver license control, and alcohol education, assessment, and treatment.

Reducing the Legal Blood Alcohol Level

Received a presentation from the Pacific Institute for Research and Evaluation at the Alcohol, Policy, and Safety Research Center, which recommends that the legal blood alcohol level for operating a motor vehicle be reduced from .08 to .05.

State Highway System Report

Received an annual, statutorily required report from the Utah Department of Transportation regarding changes to the state highway system.

Transit Funding

Discussed a committee study item regarding the funding of public mass transit.

*Chairs: Rep. Johnny Anderson / Sen. Kevin T. Van Tassell
Staff: Art L. Hunsaker (Policy Analyst) / Shannon C. Halverson (Attorney) / Tracey Fredman (Secretary)*

Veterans Reintegration Task Force

October 18, 2013

College Credit for Military Service & Training

Received a report from the Utah Board of Regents about the implementation of H.B. 254, "College Credit for Veterans," which passed during the 2013 General Session and requires Utah institutions of higher education to participate in a nationwide program for granting uniform credit for military training and experience. The board formally adopted the American Council on Education's program and military guide.

Veterans' Courts

Received a presentation from the Utah Office of the Court Administrator about the creation of a pilot Veterans' Court program. The office indicated that it will be creating a pilot Veterans' Calendar for addressing veterans in the judicial process. Additional information about federal government and other states' veterans' court programs was provided by the task force staff.

Veterans' Employment Opportunities

Received a presentation from the Utah Department of Workforce Services about the reporting of employment opportunities to the department by governmental entities and private contractors who receive a governmental entity contract. The task force discussed draft legislation that requires governmental entities to report employment opportunities to the department.

(Continued next column)

Action: Approved as a committee bill, draft legislation "Workforce Services Job Listing Amendments," which requires certain governmental entities to report employment opportunities to the Utah Department of Workforce Services for public listing.

Veterans' Services Coordinator

Received a report from the Utah Department of Veterans' and Military Affairs about the implementation of S.B. 126, "Coordination of Services for Veterans," which passed during the 2013 General Session, and the requirement for hiring a Veterans' Services Coordinator in the department and the appointment of Veterans' Services Specialists at certain state agencies. The former executive director of the department noted that money was appropriated in the 2012-13 budget for the coordinator position.

Federal Government Shutdown

Discussed impacts of the partial federal government shutdown on Utahns and Utah businesses. Recognized the attendance of staff representing three members of Utah's congressional delegation.

Following the discussion, those representatives answered questions about the shutdown. Received letters regarding the shutdown from two other members of the congressional delegation.

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



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Utah State Legislature's website at: le.utah.gov

*Editors: Susan Creager Allred, Nathan W. Brady, Leif G. Elder, and Anna M. Allen
Office of Legislative Research and General Counsel*

Next Interim Day — November 20, 2013

TAB 6

Definitions.

Fine. The amount a juvenile must pay as a consequence for the offense committed, as set by statute and/or the Juvenile Court Fine Schedule. The fine amount includes surcharges and Court security fee.

Citation. An abbreviated referral submitted consistent with Utah Code section 78A-6-603, sufficient to invoke the jurisdiction of the juvenile court in lieu of a petition.

Non-judicial adjustment. A case that can be handled by a probation officer or a judicial assistant without filing a petition.

Juvenile Court Fine Schedule

	Status / Infraction	Class C Misdemeanor	Class B Misdemeanor	Class A Misdemeanor	3 rd Degree Felony	2 nd Degree Felony	1 st Degree Felony
Maximum (as determined by Statute)		750	1000	2500	5000	10000	10000
*Standard	150	225	300	375	500	550	600
Minimum	25	50	100	150	200	250	300

The standard fine should be recommended, then increased or decreased based on any aggravating or mitigating circumstances. The user should refer to the aggravating and mitigating circumstances outlined by the Juvenile Sentencing Guidelines and included herein.

**Considering a youth's limited earning potential and fairness, standard fines do not apply to minor traffic and wildlife offenses. Recommended fines for these offenses are noted on the Juvenile Fine and Bail Schedule Offense List.*

Juvenile Court
Fine Schedule
by
Offenses

July

2013

Juvenile Court Fine Schedule by Offenses | 2013

INDEX

Rules 58, 70, 614, 651, 652, and 657 – Administrative and Wildlife Rules	Titles 3&4 – Agricultural Code	Title 7 – Financial Institutions Act	Title 8 – Cemeteries
Title 9 – Community and Culture Development	Title 10 – Utah Municipal Code	Title 11 – Cities and Counties	Title 12 – Collection Agencies
Title 13 – Commerce and Trade	Title 15 – Contracts and Obligations	Title 16 – Corporations	Title 17 - Counties
Title 19 – Environmental Quality Code	Title 20A – Election Code	Title 23 – Wildlife Code	Titles 26 and 26 A – Health Code
Title 30 – Husband and Wife	Title 31A – Insurance Code	Title 32B – Alcoholic Beverage Control Act • Chapter 4 – Alcohol Offenses	Titles 34 and 34A – Labor
Title 36 – Legislature	Title 38 – Liens	Title 40 – Mines and Mining	Title 41 – Motor Vehicles • Chapter 6a- DUI, Impaired Driving
Title 42 – Names	Title 46 – Authentication of Documents	Title 53 – Public Safety	Title 53A – Public Education
Title 53C – School Trusts	Title 54 – Public Utilities	Title 55 – Public Welfare	Title 58 – Occupations and Professions • Chapter 37 – Drug Offenses
Title 59 – Taxation	Title 61 – Securities	Title 62A – Human Services	Title 63A – Administrative Services
Title 63C – State Commissions and Councils	Title 63G – General Government	Title 63K – Emergency Management	Title 63M – Governor’s Programs
Title 65A – State Lands	Title 72 – Transportation	Title 73 – Water and Irrigation	Title 77 – Criminal Procedure
Title 76 – Criminal Code <ul style="list-style-type: none"> • Chapter 4 – Attempt, Conspiracy, Criminal Solicitation • Chapter 5 – Assault, Stalking, Hazing, Child Abuse, Murder, Manslaughter • Chapter 6 – Arson, Criminal Mischief, Burglary, Robbery, Theft, Shoplifting • Chapter 10 – Tobacco Offenses 			

Juvenile Court Fine Schedule by Offenses | 2013

Violation Code	Description	Default Severity	Mandatory Court Appearance	Standard Fine	Other Statute or Penalties
R 657-4-9	POSSESSION OF LIVE GAME BIRDS	MB		300	
R 657-5	BIG GAME RULE VIOLATION	INF		150	
R 657-5-3	NON-RESIDENT HUNTING BIG GAME WITHOUT A LICENSE	MB		300	
R 657-5-7	UNLAWFUL POSSESSION OF A FIREARM ON TEMPORARY GAME PRESERVE	INF		150	
R 657-5-11(3)	POSSESSION OF UNQUIVERED ARROWS IN A VEHICLE	INF		150	
R 657-5-12(4)(a)	UNLAWFUL POSSESSION/CONTROL OF FIREARM FOR ARCHERY HUNT – BIG GAME	INF		150	
R 657-5-13	UNLAWFUL METHODS OF SPOTLIGHTING W/WEAPON IN POSSESSION	INF		150	
R 657-5-14(2)(a)	AERIAL LOCATION OF PROTECTED WILDLIFE WITHIN 48 HOURS OF BIG GAME HUNT	INF		150	
R 657-5-16	UNLAWFUL TAKING BIG GAME BY PARTY HUNTING AND/OR USE OF DOGS	MB		**182	← Example of the proposed fine for this wildlife offense. Standard recommended fine per current schedule is \$300.
R 657-5-17	NO REQUIRED EVIDENCE OF SEX/SPECIES/AGE ATTACHED TO CARCASS	INF		150	
R 657-5-17(2)	HUNTING BIG GAME WITH A USED OR DETACHED TAG	INF		150	
R 657-5-21	UNLAWFUL TAKING/POSSESSION OF PROTECTED WILDLIFE – ANTLERS	MB		300	
R 657-5-39(7)	FAILURE TO HAVE WILDLIFE CHECKED/SEALED IN SPECIFIED AMOUNT OF TIME	INF		150	
R 657-6	UPLAND RULE VIOLATION	INF		150	
R 657-6-3	HUNTING MIGRATORY BIRDS WITHOUT HIP REGISTRATION	INF		150	
R 657-6-7	UNLAWFUL POSSESSION OF TOXIC SHOT	MB		300	
R 657-6-8	UNLAWFUL POSSESSION OF A FIREARM	MB		300	
R 657-6-10	SHOOTING IN A RESTRICTED OR CLOSED AREA	MB		300	
R 657-6-10	UNLAWFUL TAKING/POSSESSING PROTECTED WILDLIFE BEFORE/AFTER LEGAL HOURS – MIGRATORY BIRDS	MB		300	

Juvenile Court Fine Schedule by Offenses | 2013

*Standard fine based on Juvenile Fine Schedule. Fine may be increased or decreased based on aggravating or mitigating circumstances.

Amounts include surcharge and court security fee

**The standard fines listed on the Juvenile Fine Schedule do not apply to wildlife and minor traffic offenses. The recommended fines for these offenses take into account a youth's limited earning potential and fairness.

F=Unspecified Felony

MU= Unspecified Misdemeanor

U=Unspecified

TAB 7



Utah
Office of Guardian ad Litem
& CASA

2013 Annual Report

OFFICE OF GUARDIAN AD LITEM

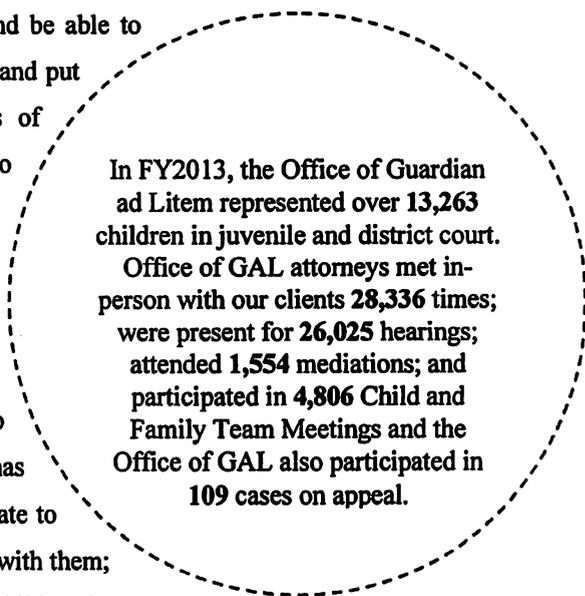
A MESSAGE FROM THE DIRECTOR

Dear Friends and Colleagues,

Having re-joined the Office of Guardian ad Litem (GAL) in May of this year, I am reminded of all of the expectations we have for GAL attorneys. An attorney with the Office of Guardian ad Litem is required to have all of the skills of a trial lawyer. That means that a GAL attorney must know the law and be able to apply the law to the facts of a case; know how to draft pleadings and put forth evidence in support of those pleadings; know the rules of evidence and practice the rules in the courtroom; know how to perform direct and cross-examination of witnesses; know how to summarize the evidence and persuade the judge; and know how to recognize issues that require appellate review.

However, in addition to having these trial skills, a GAL attorney must also have a deep commitment to helping Utah children who have been abused or neglected. That means that a GAL attorney has to: have specialized knowledge about child abuse and neglect; relate to children and know how to effectively interview and communicate with them; travel to the homes and schools of these children; evaluate the child's placement to make sure that it is safe and appropriate; gather information from relatives, therapists, teachers, religious leaders, friends and others who are connected to these children and their families in order to understand their needs; make sure that the individual needs of the children are being met, including those related to their education, and their physical and mental health; assure that there are appropriate services in place to either keep children safely in their homes or to reunify children with their families; and be prepared to make recommendations to the court about what is in the child's best interest, as well as inform the court about the child's wishes.

The job of a GAL attorney carries with it tremendous responsibility. Children cannot speak for themselves and it is the job of the GAL attorney to stand in the shoes of the child and zealously advocate for the children the Office of GAL represents. Office of GAL attorneys are committed and well trained, and are an asset to the State of Utah.



In FY2013, the Office of Guardian ad Litem represented over **13,263** children in juvenile and district court. Office of GAL attorneys met in-person with our clients **28,336** times; were present for **26,025** hearings; attended **1,554** mediations; and participated in **4,806** Child and Family Team Meetings and the Office of GAL also participated in **109** cases on appeal.

OFFICE OF GUARDIAN AD LITEM

This year, the Office of GAL is requesting from the Legislature a building block in the amount of 1.3 million dollars in on-going funds for salary parity. While the request is entitled salary parity, it truly is a request for a salary adjustment to bring the Office of GAL closer to salary parity with other state-paid attorneys, particularly those similarly employed by the Utah Attorney General's Office. The disparity between the salaries of attorneys with the Attorney General's Office and the Office of Guardian ad Litem has grown such that the amount being requested won't achieve salary parity but will help to narrow the gap, and assist with the retention of the experienced and knowledgeable attorneys currently employed by the Office of GAL.

Low pay directly impacts the Office of GAL. The Office of GAL experiences a turnover rate of approximately 20-25% each year. The majority of attorneys who leave the Office of GAL have more than four years of experience with the Office, and leave after the Office of GAL has invested significant time and money in training them. Historically, many GAL attorneys have left the Office of GAL to work for the Utah Attorney General's Office, with a more recent trend of leaving to enter private practice. Low pay is most often cited as the reason for the leaving the Office of GAL.

A sincere thanks to all of our attorneys who tirelessly advocate for the children they represent. Thanks too to our staff, CASA volunteers, Friends of CASA and the Administrative Office of the Courts, who support the work that we do and ease our burden. Finally, thanks to the GAL Oversight Committee who ensures that we are effectively fulfilling our mission and meeting our Legislative mandates.



Elizabeth Knight
Director, Office of Guardian ad Litem

OFFICE OF GUARDIAN AD LITEM

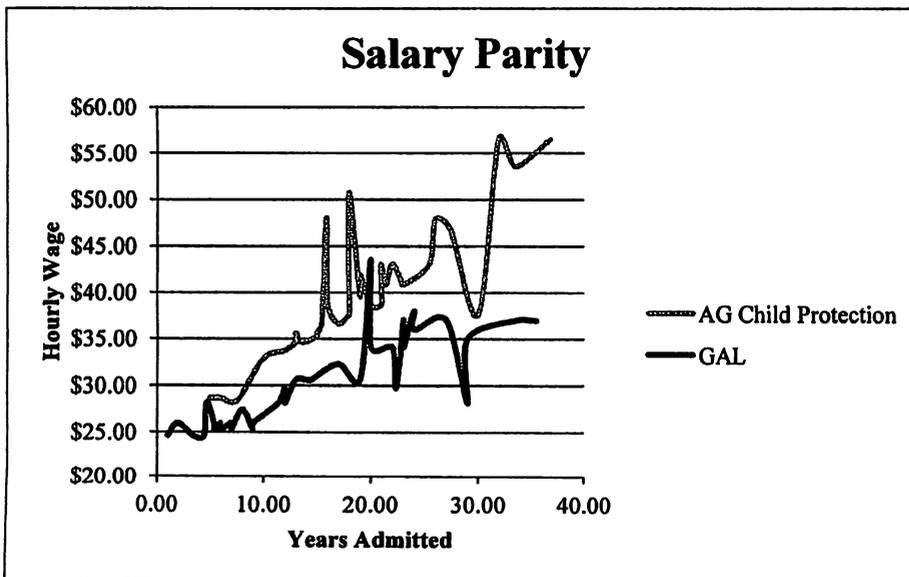
CRITICAL ISSUE

The most critical issue for the Office of GAL continues to be salary parity. This year, the Office of GAL is requesting from the Legislature a building block in the amount of 1.3 million dollars. While the request is entitled salary parity, it truly is a request for a salary adjustment to

Years Admitted	Attorney General Child Protection Division		Guardian ad Litem	
	Attorneys	Average Wage	Attorneys	Average Wage
0-4	1	\$28.67	5	\$25.60
5-9	3	\$29.97	12	\$25.75
10-14	7	\$34.89	6	\$29.64
15-19	10	\$40.61	4	\$35.11
20-24	7	\$41.14	7	\$34.98
25-28	3	\$45.94	3	\$33.40
29-32	2	\$47.06	1	\$36.98
33-36	2	\$56.60	1	\$36.98

bring the Office of GAL closer to salary parity with other state-paid attorneys, particularly those similarly employed by the Utah Attorney General's Office in the Child Protection Division. Specifically, the average hourly rate for an attorney in the Child Protection Division of the Utah Attorney General's Office is \$39.97, with the average number of years admitted to the Bar at 18.94 years. The average hourly rate for a GAL attorney is \$30.11, with the average number of years admitted to the Bar at 14.56 years. Additionally, the highest hourly rate of \$38.00 paid to a GAL attorney who has

practiced for 24 years and provides direct representation to children is less than the average hourly rate of \$39.97 for an attorney in the Child Protection Division of the Utah Attorney General's Office. Finally, more than half of GAL attorneys are paid less than the lowest hourly rate paid to an attorney in the Child Protection Division of the Utah Attorney General's Office.



OFFICE OF GUARDIAN AD LITEM

OVERVIEW

The Office of GAL has offices in all eight judicial districts and provides state-funded attorneys to represent the best interests of minors in juvenile court when there are allegations of child abuse, neglect or dependency. The Office of GAL also represents the best interests of minors in protective order hearings and other limited district court proceedings. Specifically, SB49, which was enacted during the 2013 General Legislative Session, allows for the district court to appoint the Office of GAL to represent the best interests of minors in protective order hearings and other district court proceedings where there are allegations of abuse and neglect that have been pled and reported; and where both adult parties are indigent. However, these provisions of SB49 are set to sunset in July of 2014 when all cases in district court will be handled by the Private Guardian ad Litem program.

The Office of GAL also oversees the Private Guardian ad Litem (PGAL) program that recruits, trains and manages private attorneys who are appointed by the district court in cases where abuse or neglect is alleged but both adult parties are not indigent; and cases that involve child custody or parent-time. This fall, the Office of Guardian ad Litem provided two opportunities for Continuing Legal Education (CLE) to all PGAL attorneys. One was held in Salt Lake City and was sponsored by the Litigation Section of the Utah State Bar. The other was held in St. George and was sponsored by the Southern Utah Bar Association. In addition to the Director, two attorneys in the Office of GAL provide support to attorneys participating in the PGAL program.

Finally, the Office of GAL oversees the Court Appointed Special Advocate (CASA) program. The CASA program provides trained volunteers to assist Guardian ad Litem attorneys in their representation of minors in juvenile court.

OFFICE OF GAL

The Office of GAL has identified two major areas of focus for FY14. One area of focus is in regard to establishing permanency for older youth who are in the custody of the State of Utah. The other area of focus is in regard to increasing efficiencies within the office. The Office of GAL has identified two different ways to measure productivity within the Office. The first is by establishing standards and measuring performance in relation to those standards. The second is by conducting performance reviews of all GAL attorneys. Permanency, Performance Reviews and Performance Measures will be discussed in further detail below.

OFFICE OF GUARDIAN AD LITEM

PERMANENCY

In FY2013, over 400 foster care youth in the State of Utah had a primary goal of individualized permanency. That means that for those youth, their primary goal was no longer adoption. The Office of GAL believes that it is important to make sure that all efforts have been made to secure a permanent placement for these youth, as well as to identify supports for when these youth exit the foster care system. To that end, the Office of GAL now has a GAL staff attorney who allocates part of her time to reviewing cases where the primary goal for a youth is individualized permanency and makes recommendations in order to achieve permanency or to help these youth be better prepared when they leave the child welfare system.

Additionally, at the September Child Welfare Legislative Oversight Panel (CWLOP) Meeting, several youth from the Foster Care Youth Council addressed Legislators about their foster care experiences and recommendations they had to improve the system. The Office of GAL is committed to working with the Youth Council to identify potential legislation to address their concerns and to bring that proposed legislation back to members of the CWLOP who have indicated a willingness to assist these youth.

Whenever possible, the Office of GAL supports keeping a child in their own home if services can be implemented to keep them safe. However, if a child cannot safely remain in the home, the Office of GAL advocates for placement with appropriate relatives or other persons with whom the child is familiar.



OFFICE OF GUARDIAN AD LITEM

PERFORMANCE REVIEWS

In addition to identifying standards and performance measures, the Office of GAL has developed a comprehensive performance review process for its state-funded attorneys. The primary goal of the review process is to evaluate compliance with the above-stated standards and to ensure that the Office of GAL is effectively providing competent representation to abused and neglected children. Additionally, the process is intended to provide guidance and constructive feedback to each attorney and to provide direction for improvements to the program as a whole.

The performance reviews will include a review of the Office of GAL “VOICE” database; surveys and/or interviews of stakeholders; courtroom observation; and GAL attorney self-evaluation and interview. Summary data in regard to performance reviews will be available at the end of FY2014.

PERFORMANCE MEASURES

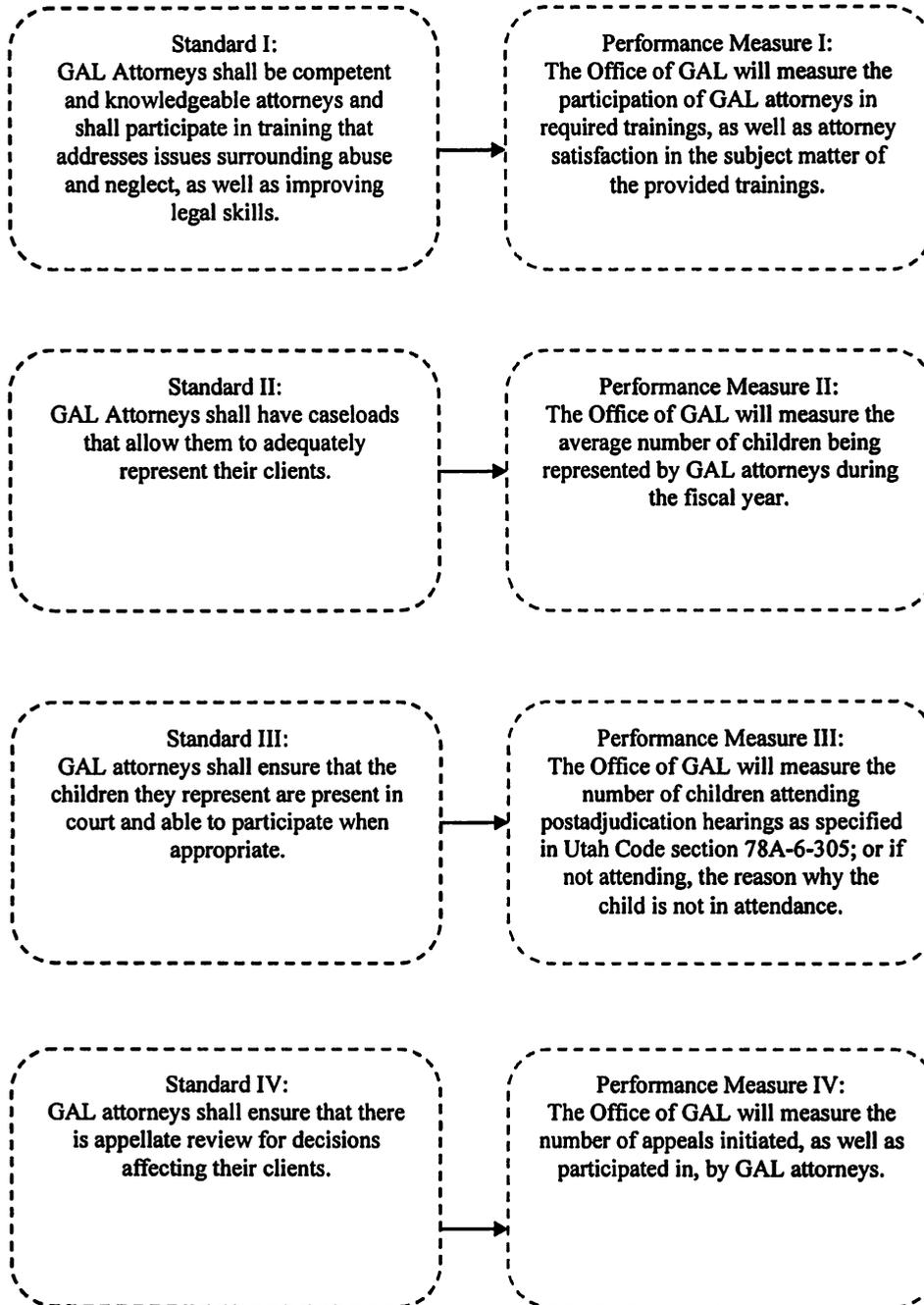
The Office of Guardian ad Litem (GAL) was given the following intent language in regard to performance measures by the Legislature during the 2013 General Session.

“The Legislature intends that the Guardian ad Litem (GAL) develop several options to measure performance and submit these to the Executive Offices and Criminal Justice Subcommittee for review and input during one of the 2013 interim meetings. Measures should include industry benchmarks, metrics from model state GAL offices, and other relevant metrics. After receiving input from the Subcommittee, the GAL is to report measures annually to the Subcommittee.”

In response to the above intent language, the Office of GAL developed standards and performance measures, and presented those to the Executive Offices and Criminal Justice Subcommittee on August 23, 2013. The Office of GAL is currently gathering data in regard to the performance measures, listed below, and will present that data to the Legislature at the end of FY2014.

It is in the best interests of children to be raised under the care and supervision of their parents. However, when a parent is unable to provide a safe home to a child, and allegations of abuse, neglect or dependency are brought to the attention of the juvenile court, the Office of GAL is appointed to represent the best interests of that child.

OFFICE OF GUARDIAN AD LITEM



OFFICE OF GUARDIAN AD LITEM

Standard V:
GAL attorneys will complete an independent investigation and communicate regularly with their clients.

Performance Measure V:
The Office of GAL will measure the number of completed independent investigations by GAL attorneys, including non-client contacts, measure the number of client contacts by GAL attorneys, as well as the frequency of those contacts.

Standard VI:
GAL attorneys shall ensure clients and their families receive appropriate services to keep children safely with their families or reunite them whenever practical by attending court hearings and participating in Family Team Meetings.

Performance Measure VI:
The Office of GAL will measure the number of hearings attended by GAL attorneys and the number of Family Team Meetings in which GAL attorneys participated.

Standard VII:
GAL attorneys shall be provided with and shall use technology in order to be more efficient, and to move towards a paperless practice.

Performance Measure VII:
The Office of GAL will measure the use of E-filing by GAL attorneys in both juvenile and district court, the use of the VOICE database, as well as a shared document library on Google, by GAL attorneys.



COURT APPOINTED SPECIAL ADVOCATE (CASA) PROGRAM

CASA volunteers continue to provide an amazing service to the Office of GAL and the children we represent. In order to grow and continue to provide support, the Legislature appropriated fifty-thousand dollars (\$50,000) for CASA volunteer coordination during the 2013 General Session. In an attempt to maximize the number of children that the CASA program can serve, the Office of GAL and CASA hired a new CASA coordinator in the Uintah Basin. The Uintah Basin has not had a CASA program for two years and given the growth in that area, the Office of GAL and CASA are committed to supporting our volunteer efforts in that area of the State.

In FY2013, the CASA program had 668 volunteers who served 1,246 children. CASA volunteers donated 36,062 hours on behalf of abused and neglected children in Utah.

Additionally, in an effort to address the growing educational concerns for children in the foster care system, the Utah Office of Guardian ad Litem and CASA recently increased our focus on educational

advocacy. Children involved in the juvenile court process are twice as likely as the general population to be in need of special educational services. In order to address this concern, CASA volunteers are now trained to be educational advocates. Once assigned, the CASA advocate becomes familiar with the child's experiences, behavior, and early development, and completes an educational questionnaire that identifies the child's immediate educational needs. The CASA advocate also observes and speaks with the child, and communicates regularly with caregivers, teachers and service providers. If the child is found to have educational challenges, the advocate will work to locate all available resources to provide the child with the help he or she needs.

Early intervention and provision of necessary educational services assists greatly with reducing the need for services later. This approach encourages academic and social competence, which builds confidence and a foundation for future success, both of which are of great concern for the Utah Office of Guardian ad Litem and CASA.

UTAH'S FRIENDS OF CASA

Utah's Friends of CASA is a 501(c)(3) nonprofit organization that invests in the Utah CASA program by providing supplemental funding for volunteer recruitment, training and retention. The Utah Friends of CASA Board supports the vision and mission of the Office of GAL and CASA Program, and in FY2013 sponsored "Building Bridges out of Poverty" Training for all Office of GAL attorneys, staff and CASA volunteers.



PRIVATE GUARDIAN AD LITEM PROGRAM

The Private GAL (PGAL) Program continues to add attorneys to its roster, and with that growth, there are additional needs that have been identified. Specifically, the Office of GAL has recognized a need for more training and support to PGAL attorneys. In regard to training, the Office of Guardian ad Litem provided two opportunities for Continuing Legal Education (CLE) to all PGAL attorneys during the fall. One was held in Salt Lake City and was sponsored by the Litigation Section of the Utah State Bar. The other was held in St. George and was sponsored by the Southern Utah Bar Association. It is anticipated that additional training opportunities will be made available, including on-line trainings, in the upcoming months ahead. In regard to support, in addition to the Director, two staff attorneys in the Office of GAL provide support to attorneys participating in the PGAL program. These attorneys are available for consultation and are also gathering resources to be made available to all PGAL attorneys.

There are currently 107 Private Guardian ad Litem attorneys statewide who have agreed to take cases for a fee. Sixty-nine (69) attorneys have agreed to serve as Pro-Bono Private Guardian ad Litem attorneys.

While the Private GAL Program is growing, there are concerns about changes that will occur at the end of FY2014. Specifically, pursuant to legislation that was passed last session, on July 1, 2014, all district court proceedings involving the abuse and neglect of minors are to be handled by the PGAL program. Currently the Office of GAL is responsible for district court protective order hearings where children are involved; and district court proceedings where abuse or neglect has been pled and reported to the Division of Child and Family Service, and where both adult parties are indigent. The Office of GAL is concerned that it is untenable to have the PGAL Program assume responsibility for protective order hearings. The law requires that a hearing on a protective order be held within twenty (20) days of the ex-parte order being issued. It is difficult to have a private attorney assigned and prepared in such a short period of time. Accordingly, it is anticipated that many private attorneys would have to seek a continuance, which would result in a delay of the proceedings. This would be detrimental to both children and their families. Additionally, the Office of GAL is concerned that while additional attorneys are joining the Private GAL Program, there are insufficient resources for the Private GAL program to handle all of District Court proceedings involving abuse and neglect. This is especially concerning in the rural areas and for proceedings in which the parties have very few resources.

Based on these concerns, the Office of GAL is working with Legislators to reach a compromise that would allow the Office of GAL to continue to be responsible for all protective order hearings involving abuse or neglect; and district court proceedings where abuse or neglect is pled and reported, both adult parties are indigent, and there is no Private GAL reasonably available. The Office GAL believes that these amendments will address the concerns and protect the best interests of children.

TAB 8

1 **Rule 4-~~503~~603. Mandatory electronic filing.**

2 Intent:

3 To require that documents in district court ~~civil~~criminal cases be filed electronically.

4 To provide for exceptions.

5 Applicability:

6 This rule applies in the district court.

7 Statement of the Rule:

8 (1) Except as provided in Paragraph (2), pleadings and other papers filed in ~~civil~~
9 criminal cases in the district court on or after ~~April 1, 2013~~March 31, 2014 shall be
10 electronically filed using the electronic filer's interface.

11 (2)(A) A self-represented party who is not a lawyer may file pleadings and other
12 papers using any means of delivery permitted by the court.

13 (2)(B) A lawyer whose request for a hardship exemption from this rule has been
14 approved by the Judicial Council may file pleadings and other papers using any means
15 of delivery permitted by the court. To request an exemption, the lawyer shall submit the
16 request to the Judicial Council's General Counsel on a form approved by the Judicial
17 Council.

18 (2)(C) ~~Pleadings and other papers in probate cases~~The Information may be filed
19 using any means of delivery permitted by the court until ~~July 1, 2013~~January 1, 2015, at
20 which time they shall be electronically filed using the electronic filer's interface.

21 (3) The electronic filer shall be an attorney of record and shall use a unique and
22 personal identifier that is provided by the filer's service provider.

23

TAB 11



Chief Justice Matthew Durrant
Chair, Utah Judicial Council

Daniel J. Becker
State Court Administrator
Raymond H. Wahl
Deputy Court Administrator

MEMORANDUM

To: Judicial Council Management Committee
From: Courts Facility Planning Committee
Date: October 2, 2013
Re: Courts Facility Planning Committee Membership

Judge James Davis has been appointed to the Judicial Council and is no longer eligible to represent the Court of Appeals on the Courts Facility Planning Committee. The Court of Appeals has recommended Judge Stephen Roth fill this position.

Judge Davis also served as the Chair of the Courts Facility Planning Committee and the committee is requesting Judge Charles Behrens be appointed by the Judicial Council as the new chair. Judge Behrens has agreed to accept this appointment.

The Committee requests the appointment of Judge Stephen Roth to fill the Appeals Court position on the committee.

The Committee also requests the appointment of Judge Behrens to serve as committee Chair.

Thank you for your consideration.

**The mission of the Utah judiciary is to provide the people an open, fair,
Efficient, and independent system for the advancement of justice under the law.**

Agenda Item for the Management Committee Meeting

Standing Education Committee's Nominee to Replace Jason Ralston

The Rules governing the composition of the Standing Education Committee require a "data processing manager" to serve on that standing committee. During the Standing Education Committee's September 27, 2013 meeting, the following three names were presented for the committee's consideration to fill Mr. Ralston's vacant position:

Mr. Dave Hayward (bio attached)

Ms. Wendy Densley (bio attached)

Ms. Stacy Walker (bio attached)

The committee had a difficult time selecting from such three outstanding candidates. However, with considerable deliberation, Ms. Tracy Walker was selected as the nominee to be placed before the Management Committee's consideration.

Respectfully submitted,

Tom Langhorne

Judicial Institute Director

Utah Court of Appeals

Chambers of
Judge Carolyn B. McHugh

450 South State Street
Salt Lake City, Utah 84114 - 0230
(801) 578-3950
FAX (801) 238-7981

October 1, 2013

Judicial Council
Management Committee
Matheson Courthouse
450 South State Street
Salt Lake City, Utah 84111

Attention: Jody Gonzales

Re: The Standing Committee on Court Technology

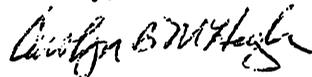
Dear Council Members:

The Technology Committee develops and makes recommendations to the Judicial Council relating to the plans, priorities, and strategies that guide and govern technology as applied to Utah's courts and management structure.

There exists a vacancy on the Committee consisting of one of the two staff members of the Administrative Office of the Courts. The Administrative Office has nominated Dawn Marie Rubio to fill the position left vacant by Lisa Michele Church's resignation.

I request you act favorably on the nomination of ^{Dawn Marie}~~Lisa Michele~~ Rubio to the Technology Committee.

Sincerely,



Carolyn B. McHugh
Presiding Judge,
Utah Court of Appeals

c: Ron Bowmaster



Administrative Office of the Courts

Chief Justice Matthew B. Durrant
Utah Supreme Court
Chair, Utah Judicial Council

October 21, 2013

Daniel J. Becker
State Court Administrator
Ray Wahl
Deputy Court Administrator

MEMORANDUM

TO: Judicial Council

FROM: Mark Bedel, District Court Program Administrator

RE: Recommendation for appointment to the Judicial Council's Ethics Advisory Committee

Judge Randall Skanchy was recently appointed to the Judicial Council. He was a member of the Ethics Advisory Committee. Because he is on the Council he can no longer serve on the ethics committee.

Rule 1-205 on standing and ad hoc committees provides that the Ethics Advisory Committee shall consist of one judge from the Court of Appeals, one district court judge from Judicial Districts 2, 3, or 4, one district court judge from Judicial Districts 1, 5, 6, 7, or 8, one juvenile court judge, one justice court judge, and an attorney from either the Bar or a college of law. Judge Skanchy serves in the Third District.

Having considered the recommendations from the Board of District Court Judges of interested judges in Districts 2, 3, and 4, the Management Committee recommends that Judge Samuel McVey, District 4 presiding judge, be appointed to replace Judge Skanchy on the Ethics Advisory Committee.

The mission of the Utah judiciary is to provide an open, fair, efficient, and independent system for the advancement of justice under the law.

TAB 12

**Judicial Council Grant Application Proposal
Code of Judicial Administration 3-411**

FEDERAL GRANTS

Contact Person/Phone: Ron Bowmaster Date: 8/28/2013

Judicial District or Location: AOC/Information Technology Division

Grant Title: CORIS Data Exchange using NIEM standard Grantor: CCJJ

Grant type (check one); New Renewal Revision

Grant Level (check one): Low Med. High.
 Under \$1,000,000 \$1,000,000 to \$10,000,000 Over \$10,000,000

Issues to be addressed by the Project: Rewrite criminal disposition reporting to the Department of Public Safety in response to their project to rewrite the criminal history system.

Explanation of how the grant funds will contribute toward resolving the issues identified: The Department of Public Safety is rewriting the criminal history system which will change the way the court reports criminal dispositions. The grant funds will be used for contract programmers to make the changes in the court's criminal disposition reporting system. The funds will also be used to upgrade the hardware that will be used to report dispositions.

Fill in the chart(s) for estimated state fiscal year expenditures for up to three years:

Total Funding Sources

		(PROVIDE EXPLANATION OF ALL MATCHES IN THE COMMENTS SECTION)						
		MATCHING STATE DOLLARS						
		Other Matching Funds from Non-State Entities	General Fund	Dedicated Credits	Restricted Funds	Other (Write In)	Maintenance of Effort	Total Funds
CASH MATCH								
State Fiscal Year	Grant Amount							\$0
FY								\$0
FY								\$0

IN-KIND MATCH

		(PROVIDE EXPLANATION OF ALL MATCHES IN THE COMMENTS SECTION)						
		MATCHING STATE DOLLARS						
		Other Matching Funds from Non-State Entities	General Fund	Dedicated Credits	Restricted Funds	Other (Write In)	Maintenance of Effort	Total Funds
								\$96,000
FY 2014	\$85,334	\$10,666						\$96,000
FY								\$0
FY								\$0

Comments: _____

Will additional state funding be required to maintain or continue this program or its infrastructure when this grant expires or is reduced? Yes _____ No XX If yes, explain: _____

Will the funds to continue this program come from within your exiting budget: Yes XX No _____ N/A _____

How many additional permanent FTEs are required for the grant? _____ 0 Temp FTEs: _____ 0

This proposal has been reviewed and approved by the following:
 The court executives and judges in the affected district(s).
 The Grant Coordinator and the Budget Manager at the Administrative Office of the Courts.
 The affected Board(s) of Judges.

Approved by the Judicial Council _____ by _____
 Date Court Administrator

Copy forwarded to Legislative Fiscal Analyst _____ date _____

<p align="center">State of Utah Commission on Criminal and Juvenile Justice Utah State Capitol Complex East Office Building, Suite E330 Salt Lake City, Utah 84114-2330 Ph: (801) 538-1031 Fax: (801) 538-1024</p> <p align="center">National Criminal History Improvement (NCHIP)</p>	1. Your Agency Name and Address:	
	Administrative Office of the Courts - AOC 450 South State Street Salt Lake City, UT 84111-3101	
2. Level of Government (check one)	3. Phone Number: (801) 578-3800	
<input type="checkbox"/> State <input type="checkbox"/> City	Fax Number: 801-578-3968	
<input type="checkbox"/> County <input type="checkbox"/> Private non-profit or faith based	E-mail Address: ronb@utcourts.gov	
4. Federal Tax Identification Number (87-?????) 87-6000545	5. Grant Start Date and End Date: September 1, 2013 – August 31, 2014	
6. Project Title: CORIS Data Exchange using NIEM standard		
7. Budget Summary	NCHIP Grant Funds	10% Match
Personnel	\$ 0.00	
Contract Services	\$ 66,000.00	\$ 10,666.00
Equipment, Supplies, & Operating (ESO)	\$ 30,000.00	
Travel/Training	\$ 0.00	
Column Totals	\$ 96,000.00	\$ 10,666.00
8. *Print Name and Title of Official Authorized to Sign Daniel J Becker, Court Administrator	9. Print Name and Title of Project Director Ron Bowmaster, Director	
10. *Signature of Official Authorized to Sign	11. **Signature of Project Director	
For CCJJ use ONLY		
Ronald Gordon, Executive Director of CCJJ		

* The Project Director is the individual responsible for the day-to-day management of the grant program.



Gary R. Herbert
Governor
Ronald B. Gordon, Jr.
Executive Director

State of Utah

COMMISSION ON CRIMINAL AND JUVENILE JUSTICE

Suite E330, Senate Building • PO Box 142330, Salt Lake City, Utah 84114
801-538-1031 • Fax: 801-538-1024 • www.justice.utah.gov

August 27, 2013

Ron Bowmaster
Administrative Office of the Courts
450 S State St,
Salt Lake City UT 84129

Dear Ron,

It is my privilege to inform you that the Utah Commission on Criminal and Juvenile Justice (CCJJ) has approved an award in support of the *Criminal Disposition Reporting Grant* in the amount of \$ 96,000. Please use the assigned grant number, 13H02, in all correspondence regarding this project. The award period is from September 1, 2013 through August 31, 2014.

By accepting this award, you assume certain administrative and financial responsibilities including the timely submission of all financial and programmatic reports, and resolution of all audit findings. Should your organization not adhere to the terms and conditions of this award, it is subject to termination for cause or other administrative action as appropriate. For these reasons, I encourage you to read the Certified Assurances and Grant Conditions, as they summarize important grant management issues.

All CCJJ grants are based on the reimbursement of actual costs. No funding will be provided up-front. Also, do not begin spending funds prior to the start date of your award or on any item not approved in your grant budget or an approved grant adjustment.

Please note that Narrative Progress Reports, Financial Status Reports (FSR), and Program Income Reports (where applicable) are due quarterly on January 15, April 15, July 15 and October 15 each year.

Note that all project-related materials and accounting records must be maintained for a period of three years from the date of your last financial status report, unless an audit has been initiated or unresolved audit findings remain. All records must be maintained until the audit findings are resolved.

If you have any questions regarding this award, please contact me at (801) 538-1047 or e-mail clairwebster@utah.gov. We look forward to working with you in the months ahead.

Sincerely,

Clair Webster

TAB 13

October 22, 2013

To: Members of the Judicial Council

From: Dan Becker

Subject: Appointment to the Utah State Retirement Board's Membership Council

Judge Greg Orme has completed a four year term on the above Council and is not eligible for reappointment. The Management Committee recommends the appointment of Judge James Davis as the Judicial Council representative for the 2013-2017 term.