

JUDICIAL COUNCIL MEETING

AGENDA

Monday, September 12, 2016

Judicial Council Room

Matheson Courthouse

Salt Lake City, Utah

Chief Justice Matthew B. Durrant, Presiding

1. 9:30 a.m. Welcome & Approval of Minutes Chief Justice Matthew B. Durrant
(Tab 1 - Action)
2. 9:35 a.m. Chair's Report. Chief Justice Matthew B. Durrant
3. 9:40 a.m. Administrator's Report.Ray Wahl
4. 9:50 a.m. Reports: Management Committee. . . . Chief Justice Matthew B. Durrant
Liaison Committee. Justice Thomas Lee
Policy and Planning Judge Reed Parkin
Bar Commission. John Lund, esq.
(Tab 2 - Information)
5. 10:00 a.m. Rule for Final Action. Nancy Sylvester
(Tab 3 - Action)
6. 10:05 a.m. Problem Solving Court Certification –
Fourth District Veterans Court. Judge Dennis Fuchs
(Action) Rick Schwermer
7. 10:20 a.m. Legislative Update and Interim Highlights. Rick Schwermer
(Information)
- 10:30 a.m. Break
8. 10:40 a.m. Senior Judge and Commissioner Certifications. Nancy Sylvester
(Tab 4 – Action)
9. 10:55 a.m. Amendments to the FY 2017 Spending Plan. Ray Wahl
(Action)

- 10. 11:15 a.m. Report on the Implementation of Mandatory E-Filing
in Juvenile Court Dawn Marie Rubio
(Information) Brody Arishita
- 11. 11:25 p.m. Executive Session
- 12. 12:05 p.m. Adjourn/Lunch

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 Ron Bowmaster
(Tab 5) Keisa Williams
- 2. Grant Approval Nini Rich
(Tab 6)

TAB 1

**JUDICIAL COUNCIL
Budget and Planning Session
Minutes
Friday, August 19th, 2016
Large Conference Room A
Matheson Courthouse
Salt Lake City, UT**

Chief Justice Matthew B. Durrant, Presiding

ATTENDEES:

Chief Justice Matthew B. Durrant
Hon. Randall Skanchy, Vice Chair
Justice Thomas Lee
Hon. Marvin Bagley
Hon. Ann Boyden
Hon. Mark DeCaria
Hon. Paul Farr
Hon. Thomas Higbee
Hon. David Marx
Hon. Mary Noonan
Hon. Reed Parkin
Hon. Samuel McVey for Hon. Derek Pullan
Hon. Kate Toomey
John Lund, esq.

EXCUSED:

Hon. Derek Pullan

STAFF PRESENT:

Daniel J. Becker
Ray Wahl
Jody Gonzales
Dawn Marie Rubio
Debra Moore
Rick Schwermer
Derek Byrne
Geoff Fattah
Alyn Lunceford
Tucker Samuelson
Nancy Sylvester
Jessica Van Buren
Keisa Williams
Karolina Abuzyarova

GUESTS:

Phil Dean, GOMB
Gary Syphus, LFA
David Walsh, GOMB
Judge John Walton
Rick Davis, 5th Dist TCE
Judge James Brady
Judge David Connors
James Peters, 4th Dist Juv TCE
Larry Webster, 2nd Dist TCE
Judge Greg Orme
Judge Noel Hyde
Judge Marsha Thomas
Judge James Taylor
Judge Brendan McCullagh

1. WELCOME: (Chief Justice Matthew B. Durrant)

Chief Justice Durrant welcomed everyone to the meeting. Chief Justice Durrant welcomed Mr. David Walsh from the Governor's Office, as well as, other guests attending the Judicial Council Budget and Planning Session.

2. GOVERNOR'S OFFICE OF PLANNING AND BUDGET ECONOMIC PRESENTATION: (Phil Dean)

Chief Justice Durrant welcomed Mr. Phil Dean, Budget Director and Chief Economist, from the Governor's Office of Management and Budget to the meeting.

Mr. Dean highlighted the following in his economic update: 1) Utah population, 2) Utah population change, 3) Utah total employment, 4) employment growth rate, 5) employment rates by state, 6) Utah unemployment rate, 7) Utah labor force participation rate, 8) Utah personal income growth rate, 9) Utah nominal GDP growth rate, 10) components of Utah GDP, 11) U.S. oil prices, 12) inflation rate, and 13) tax revenue collections.

Chief Justice Durrant thanked Mr. Dean for his update.

3. OVERVIEW OF BUDGET PLANNING SESSION: (Daniel J. Becker)

Mr. Becker mentioned that the first part of the day will be spent addressing the FY 2018 Annual Budget Plan. The objective for the budget and planning session is to: 1) set a prioritized budget request, and 2) develop a plan to address the courts budget needs for FY 2018. He reported that the budget process begins in January of each year. This year there are 15 requests totaling \$4.5 million dollars. In April of 2017, the Council will review what the legislature appropriated in the 2017 Legislative Session, and address one-time funding needs.

Information included with the budget and planning session materials and information to be provided later in the meeting include: 1) FY 2018 Annual Budget Plan prepared by Mr. Derek Byrne, 2) Navigating the Budget in Utah's State Courts prepared by Mr. Geoff Fattah, 3) court administrator's review and recommendations – FY 2018 budget request, 4) fiscal trends and restricted funds report to be provided by Mr. Derek Byrne, 5) caseload data presentation overview to be provided by Mr. Tucker Samuelsen, 6) reports and budget requests from the appropriate boards and committees, 7) recommendation review, discussion, debate and voting on budget priorities, and 8) review of proposed legislation.

The afternoon will consist of a brief Council meeting and a brief Management Committee meeting.

4. FISCAL TRENDS AND RESTRICTED FUNDS REPORTS: (Derek Byrne)

Mr. Byrne was welcomed to the meeting. Mr. Byrne reviewed the fiscal trends and data relative to the Utah courts budget summary. Available funding for use by the courts is categorized as follows: 1) general fund; 2) general fund, one-time; and 3) general fund, restricted accounts.

Mr. Byrne highlighted the following relative to courts restricted accounts: 1) Children's Legal Defense Fund (CLDF), 2) Alternative Dispute Resolution, 3) Court Complex Fund, 4) Actual/Projected Complex Revenues and Expenditures, 5) Law Library Non-Lapsing Dedicated Credit Fund, 6) Security Fee, 7) Courts Traffic Caseload, 8) Justice Court Technology, Security and Training Account, and 9) Trust Interest Account.

5. CASELOAD DATA PRESENTATION OVERVIEW: (Tucker Samuelsen)

Chief Justice Durrant welcomed Mr. Samuelsen to the meeting.

Mr. Samuelsen provided a caseload review of FY 2016 for the Council. He highlighted the following in his caseload review:

Supreme Court. There were 607 case filings in FY 2016 compared to 608 case filings in FY 2015. A review of the Supreme Court case filings by case type was provided.

Court of Appeals. There were 945 case filings in FY 2016 compared to 1,020 case filings in FY 2015 which represents a 7% decrease. A review of the Court of Appeals case filings by case type was provided.

District Court. There were 256,604 case filings in FY 2016 compared to 269,143 in FY 2015 which represents a 5% decrease. By removing judgment and debt collection case types, there were 112,124 case filings in FY 2016 compared to 113,035 in FY 2015 which represents a 1% decrease. Mr. Samuelsen highlighted the following relative to district court case filings: 1) case filings by case type, 2) criminal case filings in FY 2016 represent a 1% increase, 3) case types – provided with a 10 year view by district, 4) case type per 100K population provided by the National Center for State Courts (NCSC), 5) district court filings compared to weighted hours, 6) district court judicial weighted caseload – total hours needed, 7) district court judicial weighted caseload - % of standard, 8) district court judicial weighted caseload – judicial officers needed, 9) district court time to disposition, and district court age of pending cases.

Justice Court. There were 428,809 cases in FY 2016 compared to 551,023 cases in FY 2015 which represents a 7% decrease. Mr. Samuelsen highlighted the following relative to justice court case filings: 1) justice court – filing trend, 2) case filings by case type, 3) justice court traffic cases – a six year view by district, 4) justice court time to disposition, and 5) justice court age of pending cases.

Juvenile Court. There were 30,641 referrals and filings in FY 2016 compared to 34,135 in FY 2015 which represents a 10% decrease. Mr. Samuelsen highlighted the following relative to juvenile court referrals and filings: 1) referrals by case type, 2) referrals by district, 3) juvenile court referrals compared to weighted hours, 4) juvenile court judicial weighted caseload – total hours needed, 5) juvenile court judicial weighted caseload – % of standard, 6) juvenile court judicial weighted caseload – judicial officers needed, and 7) juvenile court time to disposition.

6. REPORTS AND BUDGET REQUESTS FROM BOARDS AND COMMITTEES

Board of District Court Judges

Chief Justice Durrant welcomed Judge Hyde to the meeting.

The Board of District Court Judges has the following budget requests: 1) an additional judgeship and staff in the Fifth District, and 2) five law clerks.

Judge John Walton, Fifth District Court Judge, and Mr. Rick Davis, Fifth District TCE, spoke on behalf of the Fifth District Court's request for an additional judgeship and staff. Coverage is currently being provided by senior judges, Fifth District Court judges and visiting judges.

Technology Standing Committee: (Ray Wahl)

Chief Justice Durrant welcomed Mr. Wahl to the meeting.

The Technology Standing Committee has the following budget requests: 1) implementation of a five-year computer replacement schedule, 2) FY 2018 CORIS Modernization Project. and 3) courts AV support.

Court Facilities Planning Committee: (Judge Samuel McVey & Alyn Lunceford)

Chief Justice Durrant welcomed Judge McVey and Mr. Lunceford to the meeting.

The Court Facilities Planning Committee has the following requests: 1) adoption of the recommended priority list for capital development projects, 2) approval to proceed with the Manti Courthouse project, and 3) funding to cover the contract and lease obligations.

Self-Help Center: (Judge Marsha Thomas and Jessica Van Buren)

Chief Justice Durrant welcomed Judge Thomas and Ms. Van Buren to the meeting.

The Committee on Self-Represented Parties has requested funding to expand the part-time Self-Help Center attorneys from 30 hours per week to full-time employees.

Volunteer Court Visitor Program: (Judge David Connors, Judge James Brady, and Nancy Sylvester)

Permanent funding of the Volunteer Court Visitor Program has been requested. This is the third time the request has been made. Nancy Sylvester, Judge Brady, and Judge Connors provided information on program uses that have been beneficial to guardianship and conservatorship proceedings.

District Court Program Administrator: (Debra Moore)

Ms. Moore requested permanent funding for the remaining 25 percent of the District Court Program Administrator's position.

Domestic Violence Program Coordinator: (Debra Moore)

Ms. Moore requested the following relative to funding of the Domestic Violence Program Coordinator position: 1) fund the deficit not currently funded by the VAWA grant, and 2) fund the position on a full-time basis.

SYSTEM-WIDE REQUESTS:

The following system-wide budget requests have been made:

- Replace Main Line Item Court Complex Account with General Fund
- Ongoing Increase for FY 17 Internal Service Fund Increases in FY 18
- Supplemental for FY 17 Internal Service Fund Increases
- Juror/Witness/Interpreter – ongoing
- Juror/Witness/Interpreter – supplemental

7. STATE COURT ADMINISTRATOR'S REVIEW AND RECOMMENDATIONS

Mr. Becker thanked the Executive Budget Committee for their assistance in preparing the budget recommendations for consideration by the Council, and he recognized the participation of Mr. Jim Peters, Fourth District Juvenile Court TCE, and Mr. Larry Webster, Second District Court TCE. Mr. Becker reviewed the FY 2018 budget requests, totaling \$4,746,000, with the following recommendations:

Fifth District Court Judgeship. This request is the top priority of the Board of District Court Judges and was advanced during the 2016 Legislative Session. Mr. Becker recommended advancement for funding of the Fifth District Court judgeship.

Law Clerks. This request was the second priority of the Board of District Court Judges. Mr. Becker recommended advancement for funding of three positions that would replace the law clerk/bailiff positions in the Fourth District Court. He also recommended that the other two law clerk positions be deferred to the May 2017 Council meeting for consideration when approving the FY 2018 spending plan.

Volunteer Court Visitor Program. This is the third year a request for permanent funding of the program has been made. Mr. Becker recommended advancement for funding of the Court Visitor Program in the amount of \$159,000.

Lease Increases. The Court Facilities Planning Committee has requested funding for lease increases, in the amount of \$327,700, associated with non-state owned buildings. Mr. Becker recommended advancement for funding of the lease increases.

Replace Main Line Item Court Complex Account with GF. This request addresses a need to restore general fund dollars in the court complex fund in the FY 2018 budget to provide the necessary ongoing funding to cover the bond obligation for the new Provo courthouse. Mr. Becker recommended advancement for funding of this request.

CORIS, AIS, Jury Management System Re-Write. An appropriations request for \$750,000 for each year over a two-year period was submitted during the 2016 Legislative Session. Funding was provided, in part, by the legislature transferring \$549,100 appropriated for operations and maintenance for the new Provo courthouse, but not required until occupancy in FY 2019 took place. Mr. Becker recommended an appropriations request be advanced to fund the second year, in the same manner as was done for FY 2017.

Internal Service Fund Increase. Typically, the internal service fund adjustment is built into the budget each year. In 2016, the Legislature failed to do so. Mr. Becker recommended an appropriations request be advanced to supplement the FY 2017 Internal Service Fund in the amount of \$84,500 and an ongoing request for the FY 2018 Internal Service Fund.

Juror/Witness/Interpreter. Mr. Becker requested advancement for funding of the following: 1) \$975,000 in ongoing funding to bring the base budget in line with actual expenditures, and 2) \$910,900 to cover the FY 2016 deficit through a FY 2017 supplemental.

Mr. Becker recommended that the following budget requests be deferred for consideration at the May meeting when the Council reviews and approves the FY 2018 spending plan: 1) two law clerk positions, 2) five-year computer replacement schedule, 3) additional funding for the District Court Program Administrator, 4) additional funding for the Domestic Violence Program Coordinator, 5) increasing the part-time Self-Help Center attorneys to full-time status, and 6) audio-visual support position.

8. BUILDING BLOCK DISCUSSION AND JUDICIAL COUNCIL DECISIONS ON PROPOSED FY 2018 LEGISLATIVE REQUESTS

Mr. Schwermer reviewed the process of prioritizing the budget requests. He mentioned the importance of assessing each request, reviewing the options, and making a decision on each request.

He reviewed the budget categories to be considered when prioritizing the budget requests to include: 1) obligations, 2) deferral or alternative funding, 3) elimination, 4) building blocks, 5) supplemental, and 6) fiscal note building blocks.

Categorization of Each Request:

5th District Court Judge and Staff - fiscal note/legislation
Reduce Main Line Item Court Complex Account with GF – obligation
Reduce Court Complex in Main Line Item – obligation
Ongoing Increase for FY 17 Internal Service Fund Increases in FY 18 – obligation
Supplemental for FY 17 Internal Service Fund Increases - obligation
Juror/Witness/Interpreter – ongoing – building block
Juror/Witness/Interpreter – supplemental – building block
Lease Increases – building block
Law Clerks – building block – deferral of 2
Domestic Violence Program Coordinator – defer
District Court Program Administrator – defer
Five-Year Computer Replacement Schedule- defer
Courts AV Support Specialist – defer
CORIS Modernization Project – alternate funding, partial deferral
Volunteer Court Visitor Program – building block
Self-Help Center – defer

Motion: Judge Noonan moved to defer consideration of funding the Self-Help Center part-time attorneys to full-time status until the May Council meeting for consideration when approving the FY 2018 spending plan. Judge Toomey seconded the motion. The motion passed with Judge Skanchy voting no.

Motion: Judge Bagley moved to prioritize and advance the items in the following order:
1) Fifth District Court Judge, 2) Law Clerks, 3) Volunteer Court Visitor Program, 4) Lease Increases, 5) CORIS Modernization Project, 6) FY 17 Supplemental to Cover FY 16 Juror/Witness/Interpreter Deficit, 7) Ongoing Juror/Witness/Interpreter funding, and 8) to advance the Manti Courthouse project. Judge DeCaria seconded the motion, and it passed unanimously.

Judicial Council Annual Budget Meeting Actions & Prioritizations of Requests 8-19-16

| Priority | District | Request | Request \$ | Obligation | Fiscal Note / Legislation | Building Block | Alternative Funding | Eliminate | Deferral | TOTALS |
|---------------|---------------------|---|------------------|----------------|---------------------------|------------------|---------------------|-----------|----------------|------------------|
| Obligation | AOC | Replace Main Line Item Court Complex Account with GF | 313,400 | 313,400 | | | | | | 313,400 |
| Obligation | AOC | Reduce Court Complex in Main Line Item | (313,400) | (313,400) | | | | | | (313,400) |
| Obligation | AOC | Ongoing Increase for FY 17 ISF Increases in FY 2018 | 84,500 | 85,400 | | | | | | 85,400 |
| Obligation | AOC | Supplemental for FY 17 ISF Increases | 84,500 | 85,400 | | | | | | 85,400 |
| Fiscal Note | 5th D | District Court Judge and Staff (3 FTEs) | 433,000 | | 433,000 | | | | | 433,000 |
| | 1 District Court | Law Clerks (5 FTEs) | 471,500 | | | 282,900 | | | 188,600 | 471,500 |
| | 2 Legal | Volunteer Court Visitor Program | 179,700 | | | 159,000 | | | | 159,000 |
| | 3 C & L | Lease Increases | 325,700 | | | 325,700 | | | | 325,700 |
| | 4 IT | CORIS Modernization Project | 750,000 | | | 549,100 | | | 200,900 | 750,000 |
| | 5 AOC | FY17 Supplemental to Cover FY16 JWI Deficit | 919,900 | | | 919,900 | | | | 919,900 |
| | 6 AOC | Ongoing JWI Funding | 975,000 | | | 975,000 | | | | 975,000 |
| N/A | District Court | Domestic Violence Program Coordinator | 58,900 | | | | | | 58,900 | |
| N/A | District Court | District Court Program Administrator | 21,500 | | | | | | 21,500 | |
| N/A | IT | 5-Year Computer Replacement Schedule | 250,000 | | | | | | 250,000 | |
| N/A | IT | Courts AV Support Specialist | 101,000 | | | | | | 101,000 | |
| N/A | Self-Help Committee | Self-Help Center--Increase All Self-Help Attorneys to Full-time Hours | 99,800 | | | | | | 99,800 | 99,800 |
| Totals | | | 4,755,000 | 170,800 | 433,000 | 3,211,600 | - | - | 920,700 | 4,736,100 |

= One-time Request

C:\Users\jody.gonzales\Downloads\[Jud Coun Final Priority List 8-19-16 (2).xlsx]FY18 Jud Coun Final

9. **PROPOSED LEGISLATION**

Mr. Schwermer reported that the Liaison Committee met prior to the Budget and Planning Session, and they considered several matters of legislation. Mr. Schwermer highlighted the draft judiciary amendments.

Motion: Judge Toomey moved to approve the draft judiciary amendments, in concept. Judge Higbee seconded the motion, and it passed unanimously.

10. **ADJOURN**

The meeting was adjourned.

JUDICIAL COUNCIL MEETING

Minutes

Friday, August 19, 2016
Judicial Council Room
Matheson Courthouse
Salt Lake City, Utah

Chief Justice Matthew B. Durrant, Presiding

ATTENDEES:

Chief Justice Matthew B. Durrant
Justice Thomas Lee
Hon. Marvin Bagley
Hon. Ann Boyden
Hon. Mark DeCaria
Hon. Paul Farr
Hon. Thomas Higbee
Hon. David Marx
Hon. Mary Noonan
Hon. Reed Parkin
Hon. James Taylor for Hon. Derek Pullan
John Randall Skanchy
Hon. Kate Toomey
John Lund, esq.

STAFF PRESENT:

Daniel J. Becker
Ray Wahl
Jody Gonzales
James Ishida
Debra Moore
Dawn Marie Rubio
Rick Schwermer

GUESTS:

James Peters

1. **WELCOME AND APPROVAL OF MINUTES: (Chief Justice Matthew B. Durrant)**

Chief Justice Matthew B. Durrant welcomed everyone to the meeting.

Motion: Judge Toomey moved to approve the minutes from the July 18, 2016 Judicial Council meeting. Judge DeCaria seconded the motion, and it passed unanimously.

2. **CHAIR'S REPORT: (Chief Justice Matthew B. Durrant)**

Chief Justice Durrant, Mr. Becker and Mr. Schwermer met with JPEC at their monthly meeting. Discussion topics were mentioned.

Chief Justice and Mr. Becker attended the CCJ/COSCA Annual meeting in Jackson Hole, Wyoming at the end of July. Mr. Becker provided a presentation on the changes made in the civil justice process at the meeting.

Chief Justice Durrant and Governor Herbert provided remarks at the National Conference of Sentencing Commission earlier in the month.

3. **ADMINISTRATOR'S REPORT: (Daniel J. Becker)**

Mr. Becker reported on the following items:

Justice Court Administrator. Mr. Jim Peters has been appointed as the justice court administrator. He will begin working in this new capacity on August 29.

Legislative Audit on Cash Bail. The second legislative audit on cash bail will close shortly with a report to the Audit Committee, tentatively to be provided in October.

Judicial Retirement. Judge Jeffrey Burbank, First District Juvenile Court Judge has announced his upcoming retirement, effective March 15, 2017.

JPEC Update. Mr. Schwermer highlighted the following in his update: 1) JPEC has approved a design of a new website, and a press release will be sent out when the new website is functioning.

4. COMMITTEE REPORTS:

Management Committee Report:

Chief Justice Durrant reported that the Management Committee meeting minutes accurately reflect the issues discussed. The items needing to be addressed by the Council have been placed on today's agenda.

Liaison Committee Report:

No meeting was held in July.

Policy and Planning Meeting:

Judge Parkin had nothing new to report.

Bar Commission Report:

Mr. Lund had nothing new to report.

5. CIVIL JUSTICE INITIATIVE REPORT: (Daniel J. Becker)

Mr. Becker mentioned that a copy of the Executive Summary and the Full Report entitled *Call to Action: Achieving Civil Justice for All* which is included with the Council material.

Mr. Becker highlighted the following regarding the civil justice initiative report:

- the study was conducted over a 2.5 year period commissioned by the Conference of Chief Justices
- the full report was adopted by the Conference of Chief Justices and the Conference of State Court Administrators at their annual conference in July
- the effort to move forward with the adoption of the recommendations in each state is recommended
- all the western states will attend a working conference, in Park City in late May, dedicated to the implementation of the recommendations with teams led by the chief justice and the state court administrator from each state
- Mr. Becker referenced a complementary document entitled *Landscape – Civil Litigation*
- Statistics were reviewed relative to civil litigation in state courts
- 13 recommendations are included in the report founded on several core principals

Mr. Becker recommended that the recommendations be considered in the context of the above May conference.

Motion: Judge Skanchy moved to enter into an executive session to discuss a matter of professional competence. Judge Toomey seconded the motion, and it passed unanimously.

6. EXECUTIVE SESSION

An executive session was held at this time.

7. ADJOURN

The meeting was adjourned.

Administrative Office of the Courts

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

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

Sworn Statement under Rule 2-103(4)(B) of the Utah Code of Judicial Administration Regarding Judicial Council Meeting Closure

I, Justice Matthew B. Durrant, state as follows:


1. On 8-19-16 (date), the Judicial Council closed its meeting. The meeting was closed only to discuss:

- the character, competence, or physical or mental health of an individual;
- litigation;
- the deployment of security personnel, devices, or systems;
- allegations of criminal misconduct;
- consideration of a private, protected, sealed, juvenile court social, juvenile court legal, or safeguarded record;
- the purchase, or exchange or lease of real property because public discussion would prevent the Council from completing the transaction on the best possible terms; or
- the sale of real property because public discussion would prevent the Council from completing the transaction on the best possible terms.

2. For the reason(s) noted above, a recording and minutes were not kept during the closed portion of the meeting.

I declare under penalty of perjury that the statements made in this document are true and correct.

8-19-16
Date


Justice Matthew B. Durrant
Chair, Utah Judicial Council

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.

TAB 2

**JUDICIAL COUNCIL MANAGEMENT COMMITTEE
MINUTES**

**Friday, August 19, 2016
Matheson Courthouse
450 South State Street
Salt Lake City, Utah 84111**

MEMBERS PRESENT:

Chief Justice Matthew B. Durrant, Chair
Hon. Randall Skanchy
Hon. Thomas Higbee
Hon. David Marx
Hon. Kate Toomey

STAFF PRESENT:

Daniel J. Becker
Ray Wahl
Jody Gonzales
Dawn Marie Rubio
Rick Schwermer

EXCUSED:

1. WELCOME AND APPROVAL OF MINUTES: (Chief Justice Matthew B. Durrant)

Chief Justice Durrant welcomed everyone to the meeting.

2. PRE-TRIAL RELEASE COMMITTEE: (Daniel J. Becker)

Judge Todd Shaughnessy is being recommended for appointment to fill the vacancy on the Council due to Judge Randall Skanchy's term ending in October. With this, Judge Shaughnessy currently serves as the chair of the Pre-Trial Release Committee. If appointed to serve on the Council, he will no longer be able to participate as the chair and member of the Pre-Trial Release Committee.

Judge Paige Peterson has been recommended to serve as a member and chair of the Pre-Trial Release Committee replacing Judge Shaughnessy.

Motion: Judge Skanchy moved to approve the appointment of Judge Paige Peterson to serve as a member and chair of the Pre-Trial Release Committee, effective with the appointment of Judge Todd Shaughnessy to the Council. Judge Toomey seconded the motion, and it passed unanimously.

Judge Shaughnessy also serves as a member of the Judicial Conduct Commission. The matter of him serving on the Commission if appointed to the Judicial Council was discussed with Mr. Brent Johnson, general counsel.

If a matter comes before the Judicial Council that will be forwarded to the Judicial Conduct Commission for consideration, Judge Shaughnessy could elect to take the conflict either on the Council or on the Commission, per Mr. Johnson.

3. ADJOURN

The meeting was adjourned.

**JUDICIAL COUNCIL MANAGEMENT COMMITTEE
MINUTES**

**Tuesday, September 6, 2016
Matheson Courthouse
450 South State Street
Salt Lake City, Utah 84111**

MEMBERS PRESENT:

Hon. Randall Skanchy, vice chair
Hon. Thomas Higbee (by phone)
Hon. David Marx
Hon. Kate Toomey

EXCUSED:

Chief Justice Matthew B. Durrant

GUESTS:

STAFF PRESENT:

Daniel J. Becker
Ray Wahl
Jody Gonzales
James Ishida
Dawn Marie Rubio
Jim Peters
Rick Schwermer
Rob Godfrey
Brent Johnson
Tom Langhorne
Nini Rich
Keisa Williams

1. WELCOME AND APPROVAL OF MINUTES: (Randall Skanchy)

Judge Skanchy welcomed everyone to the meeting. He mentioned that Chief Justice Durrant was out of town and unable to attend. After reviewing the minutes, the following motion was made:

Motion: Judge Marx moved to approve the August 2, 2016 Management Committee meeting minutes. Judge Higbee seconded the motion, and it passed unanimously.

2. ADMINISTRATOR'S REPORT: (Daniel J. Becker)

Mr. Becker reported on the following items:

Judicial Compensation Committee Meeting. Chief Justice Durrant and Mr. Schwermer attended the Judicial Compensation Committee meeting last week. Mr. Becker noted that the committee is interested in the Commission on Criminal and Juvenile Justice providing the committee with data relative to the applicants to include: 1) the number of applicants per vacancy, 2) the makeup of the applicants, and 3) the experience of the applicants.

MSU Graduation. A graduation ceremony was held on August 23 in the Supreme Court for the first graduating class of the Utah court system.

Annual Judicial Conference. The Governor is available to provide opening comments at this year's Annual Judicial Conference. Mary McQueen, the president of the National Center for State Courts, will be presenting the National Service Award to Judge Bill Thorne at the beginning of the conference.

Finance Director. Mr. Derek Byrne has accepted a position as one of the Appellate Court Administrator positions for Washington State, and he will be leaving the Utah court system in mid-October. Dan acknowledged all he has done on behalf of the Utah court system.

3. COMMITTEE APPOINTMENTS: (Ron Bowmaster and Keisa Williams)

The Standing Committee on Technology recommended the appointment of Judge David Mortensen to fill the vacancy, temporarily filled by Judge Stephen Roth, for a member of the Court of Appeals staff.

Motion: Judge Toomey moved to appoint Judge David Mortensen to fill the vacancy on the Standing Committee on Technology for a representative from the Court of Appeals and place it on the September Judicial Council consent calendar for approval. Judge Marx seconded the motion, and it passed unanimously.

The Pretrial Release and Supervision Committee recommended the appointment of Sheriff Jim Winder to serve as a county sheriff representative as Mr. Scott Carver, the previous appointment, declined the invitation to serve on the committee at the end of August.

Motion: Judge Marx moved to appoint Sheriff Jim Winder to serve as a county sheriff representative on the Pretrial Release and Supervision Committee and place it on the September Judicial Council consent calendar. Judge Toomey seconded the motion, and it passed unanimously.

4. GRANT APPROVAL: (Nini Rich)

Judge Skanchy welcomed Ms. Rich to the meeting.

Ms. Rich provided background information on the Child Access Visitation grant application proposal in the amount of \$100,000 with a general fund match of \$11,111 for a total of \$111,111.

The grant funds will be used for the Co-Parenting Mediation Program which gives parents the opportunity to resolve differences in a safe environment with the assistance of a trained mediator. Parents have the opportunity to discuss parenting issues and the needs of their children. This allows parent-time plans to be individualized to maximize the non-custodial parent's access to children.

Motion: Judge Toomey moved to approve the Child Access Visitation grant application proposal in the amount of \$111,111 and place it on the September Judicial Council consent calendar. The motion was seconded, and it passed unanimously.

5. AMENDMENTS TO FY 2017 SPENDING PLAN: (Ray Wahl)

Upon closing out FY 2016, an additional \$400,000 in carry forward money is available to be allocated by the Judicial Council. The following amendments to the FY 2017 spending plan are being recommended: 1) an additional \$200,000 for the CORIS Rewrite, 2) an additional \$100,000 for Incentive Awards, and 3) an additional \$100,000 for desk and laptop equipment purchase.

The Council will consider these amendments at the September 12 meeting.

6. REQUEST FOR EXCUSAL FROM THE 2016 ANNUAL JUDICIAL CONFERENCE: (Tom Langhorne)

Judge Skanchy welcomed Mr. Langhorne to the meeting.

Mr. Langhorne mentioned that Rule 3-403 – Judicial branch education requires that active senior judges shall attend unless excused by the Management Committee for good cause.

Judge Robin Reese requested to be excused from attending the conference as he has a trip during the conference that was planned prior to the date of the conference being announced. If excused from attending the conference, Judge Reese will do what is necessary to complete the required education hours before the end of the year.

Motion: Judge Higbee moved to approve Judge Reese's request to excuse him from attending the 2016 Annual Judicial Conference due to a pre-planned trip during the same time frame. Judge Toomey seconded the motion, and it passed unanimously.

7. APPROVAL OF JUDICIAL COUNCIL AGENDA: (Randall Skanchy)

Judge Skanchy reviewed the proposed Judicial Council agenda for the September 12 Council meeting.

Motion: Judge Toomey moved to approve the agenda for the September 12 Judicial Council meeting as amended. Judge Marx seconded the motion, and it passed unanimously.

Motion: Judge Toomey moved to enter into an executive session to discuss a matter of professional competence and personnel issues. Judge Higbee seconded the motion, and it passed unanimously.

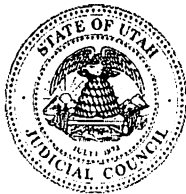
8. EXECUTIVE SESSION:

An executive session was held at this time.

9. ADJOURN

The meeting was adjourned.

TAB 3



Administrative Office of the Courts

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

MEMORANDUM

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

To: Judicial Council
From: Nancy Sylvester *Nancy Sylvester*
Date: September 2, 2016
Re: Rule for Final Action

The public comment period for rule 3-104 of the Utah Code of Judicial Administration has now closed. The proposal received no public comments. This rule is now ready for final action by the Council.

CJA03-0104. Presiding judges. Amend. Affirms the authority of presiding judges to appoint senior judges to fill judicial vacancies for up to 14 judicial days without prior approval. Provides that if more than 14 judicial days of coverage is needed, the presiding judge will present to the State Court Administrator a plan for meeting the needs of the court and the budget needed to implement the plan. If any part of the plan is contested by the State Court Administrator, the plan will be reviewed by the Management Committee of the Judicial Council for final determination.

If the Council approves this proposal, the amendments will be effective November 1, 2016.

Encl. CJA 03-0104

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.

1 **Rule 3-104. Presiding judges.**

2 Intent:

3 To establish the procedure for election, term of office, role, responsibilities and authority of presiding
4 judges and associate presiding judges.

5 Applicability:

6 This rule shall apply to presiding judges and associate presiding judges in the District and Juvenile
7 Courts.

8 Statement of the Rule:

9 (1) Election and term of office.

10 (1)(A) Presiding judge. The presiding judge in multi-judge courts shall be elected by a majority vote of
11 the judges of the court. The presiding judge's term of office shall be at least two years. A district, by
12 majority vote of the judges of the court, may re-elect a judge to serve successive terms of office as
13 presiding judge. In the event that a majority vote cannot be obtained, the presiding judge shall be
14 appointed by the presiding officer of the Council to serve for two years.

15 (1)(B) Associate presiding judge.

16 (1)(B)(i) In a court having more than two judges, the judges may elect one judge of the court to the
17 office of associate presiding judge. An associate presiding judge shall be elected in the same manner and
18 serve the same term as the presiding judge in paragraph (1)(A).

19 (1)(B)(ii) When the presiding judge is unavailable, the associate presiding judge shall assume the
20 responsibilities of the presiding judge. The associate presiding judge shall perform other duties assigned
21 by the presiding judge or by the court.

22 (1)(C) A presiding judge or associate presiding judge may be removed as the presiding judge or
23 associate presiding judge by a two-thirds vote of all judges in the district. A successor presiding judge or
24 associate presiding judge shall then be selected as provided in this rule.

25 (2) Court organization.

26 (2)(A) Court en banc.

27 (2)(A)(i) Multi-judge courts shall have regular court en banc meetings, including all judges of the court
28 and the court executive, to discuss and decide court business. The presiding judge has the discretion to
29 excuse the attendance of the court executive from court en banc meetings called for the purpose of
30 discussing the performance of the court executive. In single-judge courts, the judge shall meet with the
31 court executive to discuss and decide court business.

32 (2)(A)(ii) The presiding judge shall call and preside over court meetings. If neither the presiding judge
33 nor associate presiding judge, if any, is present, the presiding judge's designee shall preside.

34 (2)(A)(iii) Each court shall have a minimum of four meetings each year.

35 (2)(A)(iv) An agenda shall be circulated among the judges in advance of the meeting with a known
36 method on how matters may be placed on the agenda.

37 (2)(A)(v) In addition to regular court en banc meetings, the presiding judge or a majority of the judges
38 may call additional meetings as necessary.

39 (2)(A)(vi) Minutes of each meeting shall be taken and preserved.

40 (2)(A)(vii) Other than judges and court executives, those attending the meeting shall be by court
41 invitation only.

42 (2)(A)(viii) The issues on which judges should vote shall be left to the sound discretion and judgment
43 of each court and the applicable sections of the Utah Constitution, statutes, and this Code.

44 (2)(B) Absence of presiding judge. When the presiding judge and the associate presiding judge, if
45 any, are absent from the court, an acting presiding judge shall be appointed. The method of designating
46 an acting presiding judge shall be at the discretion of the presiding judge. All parties that must necessarily
47 be informed shall be notified of the judge acting as presiding judge.

48 (3) Administrative responsibilities and authority of presiding judge.

49 (3)(A)(i) Generally. The presiding judge is charged with the responsibility for the effective operation of
50 the court. He or she is responsible for the implementation and enforcement of statutes, rules, policies and
51 directives of the Council as they pertain to the administration of the courts, orders of the court en banc
52 and supplementary rules. The presiding judge has the authority to delegate the performance of non-
53 judicial duties to the court executive. When the presiding judge acts within the scope of these
54 responsibilities, the presiding judge is acting within the judge's judicial office.

55 (3)(A)(ii) Caseload. Unless the presiding judge determines it to be impractical, there is a presumption
56 that the judicial caseload of the presiding judge shall be adjusted to provide the presiding judge sufficient
57 time to devote to the management and administrative duties of the office. The extent of the caseload
58 reduction shall be determined by each district.

59 (3)(A)(iii) Appeals. Any judge of the judicial district may ask the Chief Justice or Judicial Council to
60 review any administrative decision made by the presiding judge of that district.

61 (3)(B) Coordination of judicial schedules.

62 (3)(B)(i) The presiding judge shall be aware of the vacation and education schedules of judges and
63 be responsible for an orderly plan of judicial absences from court duties.

64 (3)(B)(ii) Each judge shall give reasonable advance notice of his or her absence to the presiding
65 judge consistent with Rule 3-103(4).

66 (3)(C) Authority to appoint senior judges.

67 (3)(C)(i) The presiding judge is authorized to use senior judge coverage for up to 14 judicial days if a
68 judicial position is vacant or if a judge is absent due to illness, accident, or disability. Before assigning a
69 senior judge, the presiding judge will consider the priorities for requesting judicial assistance established
70 in Rule 3-108. The presiding judge may not assign a senior judge beyond the limits established in Rule
71 11-201(6).

72 (3)(C)(ii) The presiding judge will notify the State Court Administrator when a senior judge assignment
has been made.

74 (3)(C)(iii) If more than 14 judicial days of coverage will be required, the presiding judge will promptly
 75 present to the State Court Administrator a plan for meeting the needs of the court for the anticipated
 76 duration of the vacancy or absence and a budget to implement that plan. The plan should describe the
 77 calendars to be covered by judges of the district, judges of other districts, and senior judges. The budget
 78 should estimate the funds needed for travel by judges and for time and travel by senior judges.

79 (3)(C)(iv) If any part of the proposed plan is contested by the State Court Administrator, the plan will
 80 be reviewed by the Management Committee of the Judicial Council for final determination.

81 (3)(DG) Court committees. The presiding judge shall, where appropriate, make use of court
 82 committees composed of other judges and court personnel to investigate problem areas, handle court
 83 business and report to the presiding judge and/or the court en banc.

84 (3)(DE) Outside agencies and the media.

85 (3)(DE)(i) The presiding judge or court executive shall be available to meet with outside agencies,
 86 such as the prosecuting attorney, the city attorney, public defender, sheriff, police chief, bar association
 87 leaders, probation and parole officers, county governmental officials, civic organizations and other state
 88 agencies. The presiding judge shall be the primary representative of the court.

89 (3)(DE)(ii) Generally, the presiding judge or, at the discretion of the presiding judge, the court
 90 executive shall represent the court and make statements to the media on matters pertaining to the total
 91 court and provide general information about the court and the law, and about court procedures, practices
 92 and rulings where ethics permit.

93 (3)(EF) Docket management and case and judge assignments.

94 (3)(EF)(i) The presiding judge shall monitor the status of the dockets in the court and implement
 95 improved methods and systems of managing dockets.

96 (3)(EF)(ii) The presiding judge shall assign cases and judges in accordance with supplemental court
 97 rules to provide for an equitable distribution of the workload and the prompt disposition of cases.

98 (3)(EF)(iii) Individual judges of the court shall convey needs for assistance to the presiding judge. The
 99 presiding judge shall, through the ~~Administrative Office~~ State Court Administrator, request assistance of
 100 visiting judges or other appropriate resources when needed to handle the workload of the court.

101 (3)(EF)(iv) The presiding judge shall discuss problems of delay with other judges and offer necessary
 102 assistance to expedite the disposition of cases.

103 (3)(FG) Court executives.

104 (3)(FG)(i) The presiding judge shall review the proposed appointment of the court executive made by
 105 the ~~s~~State Ceourt Aadministrator and must concur in the appointment before it can beeffectedbe effective.
 106 The presiding judge shall obtain the approval of a majority of the judges in that jurisdiction prior to
 107 concurring in the appointment of a court executive.

108 (3)(FG)(ii) The presiding judge for the respective court level and the state level administrator shall
 109 jointly develop an annual performance plan for the court executive.

10 | (3)(~~FG~~)(iii) Annually, the state level administrator shall consult with the presiding judge in the
11 | preparation of an evaluation of the court executive's performance for the previous year, also taking into
112 | account input from all judges in the district.

113 | (3)(~~FG~~)(iv) The presiding judge shall be aware of the day-to-day activities of the court executive,
114 | including coordination of annual leave.

115 | (3)(~~FG~~)(v) Pursuant to Council policy and the direction of the state level administrator, the court
116 | executive has the responsibility for the day-to-day supervision of the non-judicial support staff and the
117 | non-judicial administration of the court. The presiding judge, in consultation with the judges of the
118 | jurisdiction, shall coordinate with the court executive on matters concerning the support staff and the
119 | general administration of the court including budget, facility planning, long-range planning, administrative
120 | projects, intergovernmental relations and other administrative responsibilities as determined by the
121 | presiding judge and the state level administrator.

122 | (3)(~~GH~~) Courtrooms and facilities. The presiding judge shall direct the assignment of courtrooms and
123 | facilities.

124 | (3)(~~HJ~~) Recordkeeping. Consistently with Council policies, the court executive, in consultation with the
125 | presiding judge, shall:

126 | (3)(~~HJ~~)(i) coordinate the compilation of management and statistical information necessary for the
127 | administration of the court;

128 | (3)(~~HJ~~)(ii) establish policies and procedures and ensure that court personnel are advised and aware of
129 | these policies;

130 | (3)(~~HJ~~)(iii) approve proposals for automation within the court in compliance with administrative rules.

131 | (3)(~~IJ~~) Budgets. The court executive, in consultation with the presiding judge, shall oversee the
132 | development of the budget for the court. In contract sites, the court executive shall supervise the
133 | preparation and management of the county budget for the court on an annual basis and in accordance
134 | with the Utah Code.

135 | (3)(~~JK~~) Judicial officers. In the event that another judge or commissioner of the court fails to comply
136 | with a reasonable administrative directive of the presiding judge, interferes with the effective operation of
137 | the court, abuses his or her judicial position, exhibits signs of impairment or violates the Code of Judicial
138 | Conduct, the presiding judge may:

139 | (3)(~~JK~~)(i) Meet with and explain to the judge or commissioner the reasons for the directive given or
140 | the position taken and consult with the judge or commissioner.

141 | (3)(~~JK~~)(ii) Discuss the position with other judges and reevaluate the position.

142 | (3)(~~JK~~)(iii) Present the problem to the court en banc or a committee of judges for input.

143 | (3)(~~JK~~)(iv) Require the judge or commissioner to participate in appropriate counseling, therapy,
144 | education or treatment.

145 | (3)(~~JK~~)(v) Reassign the judge or commissioner to a different location within the district or to a different
146 | case assignment.

- 147 | (3)(JK)(vi) Refer the problem to a the Judicial Council or to the Chief Justice.
- 48 | (3)(JK)(vii) In the event that the options listed above in subsections (i) through (vi) do not resolve the
- 149 | problem and where the refusal or conduct is willful, continual, and the presiding judge believes the
- 150 | conduct constitutes a violation of the Code of Judicial Conduct, the presiding judge shall refer the problem
- 151 | to the Council or the Judicial Conduct Commission.
- 152 | (3)(KL) Cases under advisement.
- 153 | (3)(KL)(i) A case is considered to be under advisement when the entire case or any issue in the case
- 154 | has been submitted to the judge for final determination. The final determination occurs when the judge
- 155 | resolves the pending issue by announcing the decision on the record or by issuing a written decision,
- 156 | regardless of whether the parties are required to subsequently submit for the judge's signature a final
- 157 | order memorializing the decision.
- 158 | (3)(KL)(ii) Once a month each judge shall submit a statement on a form to be provided by the
- 159 | ~~Administrative Office~~ State Court Administrator notifying the presiding judge of any cases or issues held
- 160 | under advisement for more than two months and the reason why the case or issue continues to be held
- 161 | under advisement.
- 162 | (3)(KL)(iii) Once a month, the presiding judge shall submit a list of the cases or issues held under
- 163 | advisement for more than two months to the appropriate state level administrator and indicate the
- 164 | reasons why the case or issue continues to be held under advisement.
- 165 | (3)(KL)(iv) If a case or issue is held under advisement for an additional 30 days, the state level
- 166 | administrator shall report that fact to the Council.
- 167 | (3)(LM) Board of judges. The presiding judge shall serve as a liaison between the court and the
- 168 | Board for the respective court level.
- 169 | (3)(MN) Supervision and evaluation of court commissioners. The presiding judge is responsible for
- 170 | the development of a performance plan for the Court Commissioner serving in that court and shall
- 171 | prepare an evaluation of the Commissioner's performance on an annual basis. A copy of the performance
- 172 | plan and evaluation shall be maintained in the official personnel file in the Administrative Office.
- 173 |

TAB 5



Chambers of
Justice John A. Pearce

Supreme Court State of Utah

450 South State Street, S520
PO Box 140210
Salt Lake City, Utah 84114-0210
Telephone: (801) 238-7933
Fax: (801) 238-7980
Email: supremecourt@utcourts.gov

August 30, 2016

Chief Justice Matthew B. Durrant
Utah State Courts
450 South State Street
Salt Lake City, UT 84114

In re: Appointment to the Standing Committee on Technology

To Chief Justice Durrant:

The Technology Committee develops and makes recommendations to the Judicial Council relating to the plans, priorities, and strategies that guide and govern technology used by the Utah Courts.

There exists a vacancy on the Committee consisting of one member of the Court of Appeals staff. The Court of Appeals has nominated Judge David Mortensen to fill the position temporarily filled by Judge Stephen Roth.

I would ask that you act favorably on the nomination of Judge David Mortensen to the Technology Committee.

Sincerely,

A handwritten signature in black ink, appearing to read "John A. Pearce".

John A. Pearce
Chair, Standing Committee on Technology

cc: Ron Bowmaster



Administrative Office of the Courts

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

MEMORANDUM

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

To: Management Committee
From: Keisa L. Williams
Date: September 6, 2016
Re: Pretrial Release & Supervision Committee Appointment

On April 12, 2016, the Management Committee approved several appointments to the new Standing Committee on Pretrial Release and Supervision. Utah Code of Judicial Administration Rule 1-205(1)(B)(xiii) sets the committee's composition and it includes one county sheriff. This committee approved the appointment of Undersheriff Scott Carver, based on the belief that he would be an active participant.

On August 31, 2016, Scott Carver declined his appointment. The Pretrial Release and Supervision Committee's first meeting will be held on September 8, 2016. Salt Lake County Sheriff Jim Winder has volunteered to serve on the committee and indicated that he will clear his calendar to participate fully. A copy of Sheriff Winder's bio is attached. As you know, it is extremely important to gain stakeholder support for pretrial release and supervision initiatives. Sheriff Winder's enthusiasm, desire to serve on this committee and extensive experience indicates that he may be the voice we need in the law enforcement community.

I highly recommend Sheriff Winder's appointment.

Encl. CJA 1-205(1)(B)(xiii)
Sheriff Jim Winder's Bio

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.

Sheriff Jim Winder Salt Lake County



Salt Lake County Sheriff Jim Winder is a 29-year veteran of the Salt Lake County Sheriff's Office. He has been the Sheriff of Salt Lake County since January 2007. Prior to taking office, Jim led Special Operations, Training, Investigative and Community Oriented Policing Units within the Salt Lake County Sheriff's Office. He has extensive knowledge of best practices in law enforcement graduating from Utah POST, North Rhine German State Police School and an Anti-Terrorism program in Northern Ireland. Jim attended Westminster College and currently instructs leadership classes through the University of Utah. He is a nationally and internationally recognized law enforcement consultant.

During his time as Sheriff he re-opened Oxbow jail to address overcrowding in the Adult Detention Center, developed an Acute Medical Unit to service the prisoner population and created the Unified Police Department. Jim has been married for 17 years and his wife, Shawn, is a full-time Captain Paramedic in the fire service. They have two children and enjoy participating in a variety of outdoor activities with them.

Rule 1-205. Standing and ad hoc committees.

(1) Standing committees.

(1)(B) Composition.

(1)(B)(xiii) The Committee on Pretrial Release and Supervision shall consist of two district court judges, one juvenile court judge, two justice court judges, one prosecutor, one defense attorney, *one county sheriff*, one representative of counties, one representative of a county pretrial services agency, one representative of the Utah Insurance Department, one representative of the Utah Commission on Criminal and Juvenile Justice, one commercial surety agent, one state senator, one state representative, and the court's general counsel or designee.

TAB 6

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

FEDERAL GRANTS

Contact Person/Phone: Nini Rich Date: 8/30/2016

Judicial District or Location: AOC/ADR

Grant Title Child Access Visitation Grantor: US Administration for Children and Families

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: The Co-Parenting Mediation Program provides mediation services to help disputing parents increase visitation between their children and the non-custodial parent

Explanation of how the grant funds will contribute toward resolving the issues identified: The Co-parenting Mediation Program gives parents the opportunity to resolve differences in a safe environment with the assistance of a trained mediator. Parents have the opportunity to discuss parenting issues and the needs of their children. This allows parent-time plans to be individualized to maximize the non-custodial parent's access to the children.

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 | | | | | |
| CASH MATCH | | General Fund | Dedicated Credits | Restricted Funds | Other (Write In) | Maintenance of Effort | Total Funds |
| State Fiscal Year | Grant Amount | | | | | | |
| 2017 | \$100,000 | \$11,111 | | | | | \$111,111 |
| FY | | | | | | | \$0 |
| FY | | | | | | | \$0 |

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

for over 15 years and we don't anticipate that the grant will expire or be reduced Yes, but this block grant has been in place

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

How many additional permanent FTEs are required for the grant None Temp FTEs? _____

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



ADMINISTRATION FOR
CHILDREN & FAMILIES

Child Access and Visitation Grant Application Form

Directions: Provide a narrative description for sections 1-12 of the application. Instructions for each section are italicized above the response field.

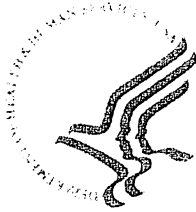
1) Target population to be served with grant funds.

Describe the target population for AV services and include the following details:

- a. *Describe the parents the state/territory plans to serve with AV grant funded services and resources (e.g. noncustodial parents who were not married to the other parent, low-income parents, and parents establishing child support orders in the Title IV- D system), how those parents were identified as the service population, and an estimated number of parents the state/territory plans to serve in the grant year.*
- b. *Describe outreach and recruitment efforts the state/territory will take to ensure the target population is aware of and effectively reached with AV program services.*
- c. *If the state plans to use AV Grant funds to provide services to parents involved in the child welfare system (Title IV-E or Title IV-B), describe how the state will ensure the AV grant funded services do not duplicate services funded through Title IV-E or Title IV-B.*

Target population to be served with grant funds:

- a. The Co-Parenting Mediation Program (CMP) plans to provide mediation services to help disputing parents increase visitation between their children and the non-custodial parent. The program operates on the premise that a child's best interests is served when their parents work together to meet the physical, mental and emotional needs of the child. The program helps parents resolve parent-time issues without formal court intervention and attempts to foster a healthy climate in which disputes can be discussed. Eligible parties are identified per Utah Code Annotated §30-3-38 which states "if a parent files a motion in the third district court alleging that court-ordered parent-time rights are being violated, the clerk of the court, after assigning the case to a judge, shall refer the case to the administrator of [the CMP] program for assignment to a mediator." The program anticipates serving approximately 500 parents during FFY 2017.



ADMINISTRATION FOR
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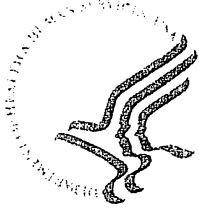
- b. Utah insures that eligible parties are aware of program services by multiple means. Judicial assistants (court clerks) provide program information directly to moving parties and refer parties to the program at the time a motion is filed. The website provides parents with direct access to program forms and information. Additionally, a link to the CMP website is provided on the local IV-D agency website. Program brochures are available in the public areas of the court house as well as in the IV-D agency office.
- c. The CMP program does not provide services to parents involved in the child welfare system.

2) Direct Services.

Describe the direct services the state/territory plans to provide and how those direct services will support increased non-custodial parent time with and access to their children. Allowable activities include, but are not limited to: parent education, visitation enforcement, development of parenting plans/orders, mediation, counseling, development of guidelines for visitation (parenting time). Include the following details:

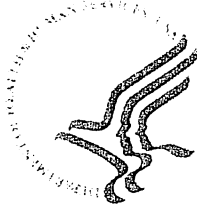
- a. *Location of services - indicate where the state/territory plans to implement program services and a rationale for areas chosen if less than statewide.*
- b. *Coordination with Title IV-D Child Support Agency - describe efforts or plans to integrate delivery of AV grant services with state/local child support services.*
- c. *Rationale - describe the process used by the state to determine funding priorities for planned activities and how those activities are likely to maximize the impact of the AV grant on noncustodial parenting time.*
- d. *Service Providers – describe the process used to secure professional service providers, including the standards for examining their qualifications, determining the reasonableness of the costs for their services, establishing deliverables, measuring the work quantity, and evaluating its quality.*

Direct Services:



ADMINISTRATION FOR
CHILDREN & FAMILIES

- a. The Co-Parenting Mediation Program (CMP) operates in the Third Judicial District which includes Salt Lake, Tooele and Summit Counties. The Third District Court was chosen as the site for the program due to it representing approximately 41% of the state's population, has the highest number of divorce cases, and has access to qualified and experienced mediators. Utah Code Annotated § 30-3-38 requires all parents that file a motion with the Third District Court alleging a violation of court-ordered visitation rights be referred to the CMP program to attempt mediation prior to receiving a court hearing date. The CMP program is mandatory and failure to attend mediation is reported to the court.
- b. Utah coordinates activities with the Title IV-D Child Support Agency via links on both parties' websites. We regularly assist Title IV-D Child Support Agency clients who are referred to us by that agency.
- c. Utah believes that mediation services maximize the impact of the AV grant on the non-custodial parents' parenting time. Mediation gives parties the opportunity to resolve their differences in a safe/controlled environment. The opportunity to discuss and resolve parent-time issues themselves, leads to a better understanding of the child's needs as well as the needs of both parents. This allows parenting time plans to be individualized thus maximizing the non-custodial parent's access to the children.
- d. The CMP is directly operated by the Alternative Dispute Resolution Department of the Administrative Office of the Courts. Sub-grantees are not utilized to provide services. All program mediators are directly contracted with the CMP and have agreed to accept the rate established. The CMP utilizes a closed roster of mediators who have been thoroughly vetted by program staff. Program mediators are selected from the members of the Court Roster of Mediators. CMP mediators have met all domestic court roster requirements including 40 hours of basic mediation training plus 40 hours of domestic mediation training. The domestic mediation training includes six hours of domestic violence training. In addition, once added to the CMP roster, they are observed mediating by program staff bi-annually to insure compliance with program requirements.



ADMINISTRATION FOR
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3) Indirect Services/Activities.

Describe planned indirect services and activities that support increased parenting time for NCPs. Examples of in-direct activities include: training for family court judges or child support staff regarding domestic violence and safe parenting time, outreach to community organizations to build support for parenting time services, inclusion of parenting time information on child support agency or court websites, and development of parenting time templates/forms.

Indirect Services/Activities:

The CMP supports increased parenting time by including parenting time information on the Utah courts website. The CMP website includes all current statutes pertaining to in-state and out of state visitation. The website also includes information on establishing parent time rights as well as court forms for enforcing visitation. The CMP is listed on the IV-D website and acts as a point of contact for IV-D clients who are experiencing difficulties with visitation or, who wish to learn more about establishing parent-time. The CMP provides pertinent training biannually to its roster of mediators to insure that mediators are informed of any changes made to statute and to increase their knowledge of trending issues. The CMP coordinates efforts with the Utah State Courts Self-Help Center to provide non-represented participants with the information they need to file mediated agreements or move forward with court proceedings. The CMP also provides training to judicial assistants in identifying program-eligible cases.

4) Administrative Structure:

Describe how AV grant oversight and administration will be conducted including: rationale used to determine the state agency responsible for administration, a description of staff qualifications for the program coordinator, expected amount of staff time dedicated to program administration, and accounting controls in place to ensure grant funds are expended for allowable purposes.

Administrative Structure:

The Utah Administrative Office of the Courts (AOC) was selected as the state agency responsible for administering the AV grant due to their access to parents experiencing parent-time conflict and their commitment to operating a mediation



ADMINISTRATION FOR
CHILDREN & FAMILIES

program that gives the non-custodial parent the opportunity to address parent-time issues. The Director of the Alternative Dispute Resolution (ADR) department, within the AOC, provides administrative oversight of the CMP program. Accounting services are provided by the accounting department of the AOC. These administrative services are not billed to the AV grant. The program employs one full time Program Coordinator and one part-time Case Load Coordinator. Minimum qualifications for the program coordinator position are as listed in the attached job description. The Program Coordinator is responsible for the daily operation of the CMP program. All accounts payable are reviewed by the program coordinator to insure that payment is only for allowable services. The Program Coordinator then submits bills to the ADR director who also reviews them and issues a final authorization prior to submission for payment. Monthly accounting reports are reviewed by the program coordinator to insure accuracy of data entry.

5) Safeguards:

Describe how the state will ensure the safety of parents and children who are served through AV grant funded services. Include the following details as required:

- a. If the state/territory plans to fund supervised visitation and/or neutral drop-off and pick-up services, this description must provide details of the operational standards with which providers of supervised visitation services must comply (e.g. state standards, Supervised Visitation Network standards, Department of Justice- Safe Havens standards). Include descriptions of screening procedures and provide copies of screening tools and protocols.*
- b. For services other than supervised visitation/neutral exchange, describe how the state/territory will incorporate a domestic violence informed approach to parenting time services, including a description of current and planned collaborations with domestic violence experts.*
- c. If grant services are provided by a sub-recipient, how will the state monitor sub-grantee safety procedures?*

Safeguards

- a. Utah does not intend to fund supervised visitation and/or neutral drop-off and pick-up services.



ADMINISTRATION FOR
CHILDREN & FAMILIES

b. Utah incorporates a domestic violence informed approach to mediation services provided through the AV grant. §UCA 30-3-38 requires that mediation take place whenever a motion is filed in the third district court alleging that court-ordered parent-time rights are being violated. §UCA 30-3-38 gives the CMP the ability to excuse either party from the requirement to mediate for good cause. The program coordinator is responsible for screening all cases for domestic violence allegations and determining the initial appropriateness for mediation. The program coordinator uses many sources of information in making this decision. One of these sources is the state protective order data base. All cases that have a current Child Protective Order are immediately screened out and referred back to court. All current Adult Protective Orders have been evaluated by a judge and indicate if contact for mediation is allowed. If contact for mediation is allowed, the case is further evaluated and appropriate precautions taken to insure safety of participants. The program coordinator also utilizes Utah's court Xchange system to determine if there are any other court cases that may impact the mediation. Additionally, the CMP utilizes a program specific intake form to elicit information regarding potential issues surrounding domestic violence. This form gives parties the opportunity to provide information that may or may not have been reported to law enforcement previously. This is also where parties have the ability to provide information regarding ongoing DCFS involvement.

Safety and security measures utilized during mediation are:

- Mediators are informed of participants' history of domestic violence.
- All mediations are held at the court-house.
- All participants must go through security scanners.
- Court security offices are located near the mediation suites.
- The protected person may mediate in a room with a secondary exit that exits next to the security office.
- Arrival time and leave time is staggered.
- Court security is available to escort parties to and from their cars.
- Mediation may be held as "shuttle" mediation; utilizing two rooms.
- Participant preferences are respected.
- Participants are informed of their ability to discontinue the mediation at any time.



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The CMP has utilized many different domestic violence training sources and is exploring the option of collaborating with domestic violence experts to insure annual training.

- c. Utah does not utilize sub-recipients to provide AV services.

6) Expenditures by program activity.

*Estimate the amount and percent of total AV grant funds the state/territory plans to use for each direct activity, in-direct activity, and **for administrative purposes**. Include estimated travel costs for the program coordinator to attend the annual coordinators' meeting. Include estimated numbers of parents to be served by direct activity area.*

Estimated expenditures by program activity:

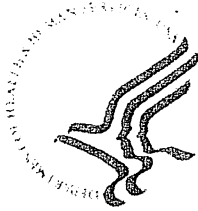
Grant Award Amount – 100,000

Mediation

AV Grant Funds

| | Total | Direct Activity | Indirect Activity |
|-----------|---------|-----------------|-------------------|
| Salaries | 46,600 | 44,270 | 2,330 |
| Benefits | 31,200 | 29,640 | 1,560 |
| Mediators | 20,000 | 20,000 | 0 |
| Meetings | 200 | | 200 |
| Travel * | 2,000 | | 2,000 |
| Total | 100,000 | 93,910 | 6,090 |

* Travel expense for attending mandatory AV Coordinators' meeting



ADMINISTRATION FOR
CHILDREN & FAMILIES

The CMP anticipates serving approximately 500 parents.

Approximately 94% of AV funds are utilized for direct activities. Approximately 6% of AV funds are utilized for indirect activities.

The AOC does not bill the AV grant for the cost of administering the program.

7) Other funding sources.

Describe any funds (state funds, private foundation funds, local funds) the state/territory expects to be dedicated to AV program activities. Also describe any plans the state/territory has to try and secure additional funding for AV program activities.

Other funding sources:

The CMP utilizes State General Funds allocated to the AOC to provide the grant match and additional funding for the AV program.

8) Partner agencies.

Describe any existing partnerships with other government agencies, community, or faith-based agencies the AV grant program has to serve as referrals or resources for families participating in AV grant funded activities. Also list partnerships you are exploring or ones that you would like to explore with assistance from OCSE.

Partner agencies:

The CMP partners with Utah's Third Judicial District to receive referrals. It also partners with the Utah State Courts Self-Help Center to provide legal and procedural information to pro se participants.

9) Funds obligation process.

Briefly describe the procedure the state is likely to use in obligating the FY2017 grant funds, such as: request-for-proposals, sole source, interagency transfer of funds (e.g., Administrative Office of the Courts), and/or continuing grants/contracts



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to existing providers. If the state/territory plans to distribute funds to other entities, include copies of MOUs or contracts controlling use of funds.

Funds obligation process:

The Alternative Dispute Resolution Department of the Administrative Office of the Courts directly operates the CMP. Grant funds are only utilized by the CMP.

10) Monitoring and Reporting.

Describe how the state intends to conduct the required monitoring to ensure funds are properly spent, including a schedule and planned methods for sub-recipient monitoring. If an issue is identified requiring a special review, notify OCSE within 10 business days.

Monitoring and reporting:

The ADR Director requires monthly financial reports to ensure funds are properly spent. These reports are pulled directly from the state data warehouse and are reviewed for accuracy. Any discrepancies are documented and corrected immediately. Utah does not utilize sub-recipients.

11) Data collection and accuracy.

Describe how the state will gather data on AV grant services and ensure the accuracy of program performance data submitted to OCSE by December 30 of each year. Describe reporting required of sub-recipients in addition to federal reporting requirements.

Data collection and accuracy:

All parents that receive program services are required to complete an intake form that includes that data elements required to complete the annual Access and Visitation annual report. To ensure the accuracy of data, each case is entered into a data collection program (Microsoft Access) and tracked at each point as it moves through the program. The CMP annually conducts an internal audit of the case management system to check the accuracy of data input and reporting.



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12) Evaluation.

Describe the current or planned evaluation of AV grant activities and include copies of evaluation reports/findings from any evaluations conducted in the previous three grant years.

Evaluation:

The AV grant program solicits evaluations from all program participants directly following mediation. These voluntary evaluations are reviewed upon receipt. Any issues identified are addressed immediately. Quarterly reports are submitted to the ADR Director by the CMP program coordinator. In order to evaluate the continued efficacy of mediation, program staff complete a six month follow-up of mediated cases that reached an agreement and determine if further court intervention has been required to facilitate parent-time. In addition, each active mediator is observed bi-annually to verify that they are meeting program requirements. Mediators' credentials are also reviewed annually to verify that court-roster status has been maintained

Submission Date: Click here to enter text

Submission Instructions:

Send an electronic copy of the signed cover letter and accompanying application to: michael.hayes@acf.hhs.gov with a copy to john.langrock@acf.hhs.gov . If you have questions regarding this application or the requirements of the AV grant, please contact Michael Hayes via email.

JUDICIAL COUNCIL MEETING

**AGENDA
Tuesday, October 4, 2016
Silver Mine A
Park City Marriott
Park City, Utah**

Chief Justice Matthew B. Durrant, Presiding

Lunch will be served at 12:00 p.m.

1. 12:30 p.m. Welcome & Approval of Minutes Chief Justice Matthew B. Durrant
(Tab 1 - Action)
2. 12:35 p.m. Chair’s Report. Chief Justice Matthew B. Durrant
3. 12:40 p.m. Administrator’s Report. Daniel J. Becker
4. 1:00 p.m. Reports: Management Committee. . . . Chief Justice Matthew B. Durrant
Liaison Committee. Justice Thomas Lee
Policy and Planning Judge Reed Parkin
Bar Commission. John Lund, esq.
(Tab 2 - Information)
5. 1:10 p.m. Standing Committee on Education Update. . . Justice Christine M. Durham
(Information) Tom Langhorne
6. 1:30 p.m. Legislative and Interim Highlights. Rick Schwermer
(Tab 2.5 – Information)
7. 1:50 p.m. Judicial Performance Evaluation Commission Update. Jennifer Yim
(Information) Nate Alder
- 2:15 p.m. Break
8. 2:30 p.m. Standing Committee on Technology Update. Justice John Pearce
(Information) Ron Bowmaster
9. 2:50 p.m. Board of Justice Court Judges Update. Judge Reuben Renstrom
(Information) Jim Peters
10. 3:10 p.m. Report from the Uniform Fine and Bail Committee. . . Judge James Brady
(Tab 3 – Information) Debra Moore

- 11. 3:30 p.m. Board of District Court Judges Update. Judge Noel Hyde
(Information) Debra Moore
- 12. 3:50 p.m. Commissioner Nominee Approval. Judge Brent West
(Tab 4 – Action)
- 13. 4:00 p.m. Senior Judge and Court Commissioner Certifications. . . . Nancy Sylvester
(Tab 5 – Action)
- 14. 4:15 p.m. Executive Session.
- 15. 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.

TAB 1

JUDICIAL COUNCIL MEETING

Minutes

Monday, September 12, 2016

Judicial Council Room

Matheson Courthouse

Salt Lake City, Utah

Chief Justice Matthew B. Durrant, Presiding

ATTENDEES:

Chief Justice Matthew B. Durrant
Justice Thomas Lee
Hon. Marvin Bagley
Hon. Ann Boyden
Hon. Mark DeCaria
Hon. Paul Farr
Hon. Thomas Higbee
Hon. David Marx
Hon. Mary Noonan
Hon. Reed Parkin
Hon. Derek Pullan
Hon. Randall Skanchy
Hon. Kate Toomey
John Lund, esq.

STAFF PRESENT:

Ray Wahl
Jody Gonzales
James Ishida
Debra Moore
Jim Peters
Dawn Marie Rubio
Rick Schwermer
Derek Byrne
Brent Johnson
Nancy Sylvester
Brody Arishita

GUESTS:

Hon. Todd Shaughnessy
Hon. Dennis Fuchs

EXCUSED:

Daniel J. Becker

1. **WELCOME AND APPROVAL OF MINUTES: (Chief Justice Matthew B. Durrant)**

Chief Justice Matthew B. Durrant welcomed everyone to the meeting.

Motion: Judge Higbee moved to approve the minutes from the August 19, 2016 Judicial Council meeting. Judge Toomey seconded the motion, and it passed unanimously.

2. **CHAIR'S REPORT: (Chief Justice Matthew B. Durrant)**

He reported on the following items:

Judge Matthew Bates swearing-in ceremony was held on Friday, September 9.

Chief Justice Durrant and Mr. Schwermer recently met with the Elected Offices and Judicial Compensation Commission.

Chief Justice Durrant participated in the first meeting of the Pre-Trial Release Committee.

3. **ADMINISTRATOR'S REPORT: (Ray Wahl)**

Mr. Wahl reported on the following items:

Elected Offices and Judicial Compensation Commission Meeting. Mr. Schwermer reported on the meeting with the Elected Offices and Judicial Compensation Commission he and Chief Justice attended recently.

The commission has been interested in obtaining data pertaining to judicial recruitments and judicial retirements to support the increase in judicial salaries. The Commission on Criminal and Juvenile Justice (CCJJ) has been asked over the past couple of years to provide recruitment data to the Elected Offices and Judicial Compensation Commission. To date, the requested data has not yet been compiled.

Discussion took place.

MSU Graduation. The first graduating class of the Utah court system was honored at a graduation ceremony held on August 23 in the Supreme Court.

Annual Judicial Conference. Mary McQueen, the president of the National Center for State Courts (NCSC), will be presenting Judge Bill Thorne with the National Center for State Courts Distinguished Service Award at the opening of the Annual Judicial Conference.

Finance Director. Mr. Derek Byrne has accepted a position as one of the Appellate Court Administrators for Washington State, and he will be leaving the Utah court system in mid-October. The job announcement to fill this vacancy has been posted. Mr. Wahl acknowledged Mr. Byrne's contributions to the Utah court system.

4. COMMITTEE REPORTS:

Management Committee Report:

Chief Justice Durrant reported that the Management Committee meeting minutes accurately reflect the issues discussed. The items needing to be addressed by the Council have been placed on today's agenda.

Liaison Committee Report:

No meeting was held in September.

Policy and Planning Meeting:

Judge Parkin reported on the following items: 1) a rule for final action will be considered later on the agenda, and 2) changes to the committee were noted with Judge Pullan being appointed to serve on the committee, and Judge Mark DeCaria moving from Policy and Planning to the Liaison Committee. Judge Parkin thanked Judge DeCaria for his contributions to the committee.

Bar Commission Report:

Mr. Lund reported on the following items: 1) Mr. James Ishida presented information on the Limited Licensed Paralegal Program to the Bar Commission at their last meeting and requested support on specific elements of the program from the Utah State Bar, specifically the employee assistance program with Blomquist Hale and participation in the Bar's referral service; 2) the commission recognized the importance of their continued efforts to help members of the Bar understand that the Limited Licensed Paralegal Program is a positive development to the profession; 3) approval of sending a letter to the senators from the Utah delegation, regarding the full set of vacancies that exist in the federal judiciary, and urging that they support replacement of the federal judges in due course; 4) added complicit bias training to the new lawyer training program for new lawyers; and 5) Mr. Nate Alder has been appointed as an ABA delegate for the 2016-2018 term; and 6) the ABA delegation for the Bar includes Justice Christine Durham, Ms. Margaret Plane, Ms. Angelina Tsu, and Mr. Nate Alder.

5. RULE FOR FINAL ACTION: (Nancy Sylvester)

The Policy and Planning Committee recommended final action be taken on Rule 3-104 – Presiding Judges. The rule was sent out for public comment with no public comments received. The rule has been amended to affirm the authority of presiding judges to appoint senior judges to fill judicial vacancies.

Motion: Justice Lee moved to approve Rule 3-104 – Presiding judges for final action as recommended. Judge DeCaria seconded the motion, and it passed unanimously.

6. PROBLEM SOLVING COURT CERTIFICATION – FOURTH DISTRICT COURT VETERAN’S COURT COURT: (Judge Dennis Fuchs and Rick Schwermer)

Chief Justice Durrant welcomed Judge Fuchs and Mr. Schwermer to the meeting.

Judge Fuchs reminded members of the Council that they conditionally certified the Utah County Veteran’s Court in the Fourth District at the July meeting to allow for an acceptable drug and alcohol testing program to be established. He reported that the Utah County Veteran’s Court in the Fourth District is now in compliance with providing an acceptable drug and alcohol testing program for program participants.

Motion: Judge Pullan moved to certify the Utah County Veteran’s Court in the Fourth District for full certification. Judge Skanchy seconded the motion, and it passed unanimously.

7. LEGISLATIVE UPDATE AND INTERIM HIGHLIGHTS: (Rick Schwermer)

Mr. Schwermer highlighted the following in his legislative update: 1) Judge Nielsen, the Governor’s appointment to fill the Fourth District Juvenile Court vacancy, will go before the Senate Confirmation Committee on September 16 and before the full Senate on September 21; 2) legislative interim session to be held on September 21; 3) judiciary committee agenda to include: surcharges and surcharge accounts, update on divorce education and divorce orientation, and a report on the expedited jury trials pilot; 4) discussion of a rule of evidence regarding what was, last year, called hate crimes by the Law Enforcement Committee; and 5) the Executive Office of Criminal Justice Appropriations Subcommittee has requested a report be provided by the courts at a meeting to be held on November 20.

Discussion took place.

Mr. Schwermer provided information on a draft statutory proposal to be discussed at the Judicial Performance Evaluation Commission’s meeting to be held on September 13.

Discussion took place.

Chief Justice Durrant welcomed Jim Peters, new Justice Court Administrator, to the meeting.

8. SENIOR JUDGE AND COMMISSIONER CERTIFICATIONS: (Nancy Sylvester)

Chief Justice Durrant welcomed Ms. Sylvester to the meeting.

She mentioned that information pertaining to the senior judge and commissioner certifications was included in the Council materials and at their places today. Ms. Sylvester reviewed the process for certifying senior judges and commissioners with members of the Council.

Ms. Sylvester reported that Commissioner Joshua Faulkner’s and Commissioner Kim Luhn’s terms of office will expire on December 31, 2016. Both commissioners meet all of the

performance standards under Rule 3-111.

Ms. Sylvester reviewed the senior judge new appointments and senior judges up for recertification: 1) Judge Mark Andrus, request for appointment as an active senior judge, effective upon retirement; 2) Judge Paul Maughan, request for appointment as an inactive senior judge, effective upon retirement; 3) Judge Kent Bachman, active senior judge; 4) Judge Darold Butcher, active senior justice court judge; 5) Judge Hans Chamberlain, active senior judge; 6) Judge Dennis Fuchs, active senior judge; 7) Judge Denise Lindberg, active senior judge; 8) Judge Sandra Peuler, active senior judge; 9) Judge Robin Reese, active senior judge; 10) Judge Gary Stott, active senior judge; 11) Judge Paul Iwasaki, inactive senior judge; 12) Judge Andrew Valdez, inactive senior judge; and 13) Judge Diane Wilkins, inactive senior judge.

Motion: Judge Parkin to move into executive session to discuss matters of personnel. Judge Bagley seconded the motion, and it passed unanimously.

Motion: Judge Higbee moved to forward the following recommendations for senior judge certification to the Supreme Court, on behalf of the Council: 1) Judge Mark Andrus, request for appointment as an active senior judge, effective upon retirement; 2) Judge Paul Maughan, request for appointment as an inactive senior judge, effective upon retirement; 3) Judge Kent Bachman, active senior judge; 4) Judge Darold Butcher, active senior justice court judge; 5) Judge Hans Chamberlan, active senior judge; 6) Judge Dennis Fuchs, active senior judge; 7) Judge Denise Lindberg, active senior judge; 8) Judge Sandra Peuler, active senior judge; 9) Judge Robin Reese, active senior judge; 10) Judge Gary Stott, active senior judge; 11) Judge Paul Iwasaki, inactive senior judge; 12) Judge Andrew Valdez, inactive senior judge; and 13) Judge Diane Wilkins, inactive senior judge. Judge Toomey seconded the motion, and it passed unanimously.

Motion: Judge Higbee moved to defer action on certification of the court commissioners to allow for the appropriate information to be prepared and available for consideration at the October Council meeting. Judge DeCaria seconded the motion, and it passed unanimously.

Motion: Judge Skanchy moved to enter back into an executive session to discuss the character, competence, or physical or mental health of an individual. Judge Higbee seconded the motion, and it passed unanimously.

9. AMENDMENTS TO THE FY 2017 SPENDING PLAN: (Ray Wahl)

Upon closing out FY 2016, an additional \$400,000 in carry-forward funding became available for allocation by the Judicial Council. The following amendments to the FY 2017 spending plan were recommended: 1) an additional \$100,000 for incentive awards, 2) an additional \$200,000 for the CORIS rewrite, and 3) an additional \$100,000 for desk and laptop equipment replacement.

Motion: Judge Toomey moved to accept the recommended amendments to the FY 2017 spending plan. Judge Farr seconded the motion, and it passed unanimously.

10. REPORT ON THE IMPLEMENTATION OF MANDATORY E-FILING IN JUVENILE COURT: (Dawn Marie Rubio and Brody Arishita)

Chief Justice Durrant welcomed Ms. Rubio and Mr. Arishita to the meeting:

Ms. Rubio highlighted the following regarding the implementation of mandatory e-filing in juvenile court: 1) the timeline of events regarding phase 1 – existing cases and phase 2 – case creation, 2) e-filing statistics, and 3) available training resources, 4) enhancements to e-filing to include – transition of CARE to a Linux environment, create a shopping cart for filing fees, CARE Access review, and ongoing enhancements.

The following juvenile court e-filing statistics were highlighted: 1) firm users increased by 931, 2) 526,255 e-filings, 3) 122,101 e-filings entered into the review queue, 4) 123,184 entered into the judge/order queue, and 5) 5,483 entered into the other queue.

Mr. Arishita demonstrated the following: 1) case creation, 2) MyCases/MyCalendar, 3) the “red folder”, 4) linking documents, and 5) order queue and judge review/signature.

Mr. Arishita provided answers to questions asked of the juvenile e-filing system.

Chief Justice Durrant thanked Ms. Rubio and Mr. Arishita for their update.

11. EXECUTIVE SESSION

An executive session was held at this time.

12. ADJOURN

The meeting was adjourned.

Administrative Office of the Courts

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

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

Sworn Statement under Rule 2-103(4)(B) of the Utah Code of Judicial Administration Regarding Judicial Council Meeting Closure

I, Justice Matthew B. Durrant, state as follows:


1. On 9-12-16 (date), the Judicial Council closed its meeting. The meeting was closed only to discuss:

- the character, competence, or physical or mental health of an individual;
- litigation;
- the deployment of security personnel, devices, or systems;
- allegations of criminal misconduct;
- consideration of a private, protected, sealed, juvenile court social, juvenile court legal, or safeguarded record;
- the purchase, or exchange or lease of real property because public discussion would prevent the Council from completing the transaction on the best possible terms; or
- the sale of real property because public discussion would prevent the Council from completing the transaction on the best possible terms.

2. For the reason(s) noted above, a recording and minutes were not kept during the closed portion of the meeting.

I declare under penalty of perjury that the statements made in this document are true and correct.

9-12-16
Date


Justice Matthew B. Durrant
Chair, Utah Judicial Council

**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.**

TAB 2

**Management Committee
Minutes**

**JUDICIAL COUNCIL MANAGEMENT COMMITTEE
MINUTES**

**Monday, September 12, 2016
Matheson Courthouse
450 South State Street
Salt Lake City, Utah 84111**

MEMBERS PRESENT:

Chief Justice Matthew B. Durrant
Hon. Thomas Higbee
Hon. David Marx
Hon. Kate Toomey

STAFF PRESENT:

Ray Wahl
Jody Gonzales
Dawn Marie Rubio

EXCUSED:

Daniel J. Becker
Hon. Randall Skanchy

GUESTS:

1. WELCOME AND APPROVAL OF MINUTES: (Chief Justice Matthew B. Durrant)

Chief Justice Durrant welcomed everyone to the meeting. After reviewing the minutes, the following motion was made:

Motion: Judge Toomey moved to approve the August 19, 2016 and September 6, 2016 Management Committee meeting minutes. Judge Higbee seconded the motion, and it passed unanimously.

2. APPROVAL OF JUDICIAL COUNCIL AGENDA: (Chief Justice Matthew B. Durrant)

Chief Justice Durrant reviewed the proposed Judicial Council agenda for the October 4 Council meeting.

Motion: Judge Toomey moved to approve the agenda for the October 4 Judicial Council meeting as amended. Judge Marx seconded the motion, and it passed unanimously.

9. ADJOURN

The meeting was adjourned.

**Policy and Planning
Committee Minutes**

Policy and Planning Committee
Matheson Courthouse
Council room
450 South State St.
Salt Lake City, Utah 84111

August 5, 2016

Members Present

Hon. Marvin Bagley
Hon. Ann Boyden
Hon. Mary Noonan
John Lund - by phone

Members Excused

Hon. Reed S. Parkin
Hon. Mark DeCaria
Hon. Derek Pullan

Staff

Nancy J. Sylvester
Keisa L. Williams

Guests

(1) Approval of minutes

Judge Reed Parkin was unable to attend the meeting. Judge Ann Boyden presided and welcomed the members to the meeting. The committee then addressed the June 24 minutes.

Judge Boyden moved to approve the June 24 minutes. Judge Bagley seconded the motion and it passed unanimously.

(2) CJA 3-104. Presiding Judges.

CJA 11-201. Senior Judges.

Judge Boyden stated that Rules 3-104 and 11-201 were approved by the Policy and Planning Committee, were approved for public comment by the Judicial Council, and the public comment period has now expired and are before the Committee for final approval. Nancy Sylvester noted there were no comments received for either rule.

Judge Mary Noonan moved to recommend CJA 3-104 and CJA 11-201 as written to the Judicial Council. John Lund seconded the motion and it passed unanimously.

(3) CJA 4-403. Electronic Signature and Signature Stamp Use.

Keisa Williams reviewed the discussion the committee had about this rule at the June 24th meeting. Brent Johnson made an edit based on the committee's feedback and has resubmitted the rule for consideration. Mr. Johnson suggested when clerks are using a judge's e-signature they should always use their first and last name, but when using a judge's wet signature (stamp) a clerk can use full name or initials. Judge Boyden wanted further confirmation as to how the clerks are signing for a judge electronically.

Judge Marvin Bagley noted it was not a uniform system if there are full names required on one and initials on another.

Judge Noonan said she believes CARE allows the same signature each time once it has been established. Ms. Sylvester stated this has been a problem for several departments and Kim Allard and her department raised the issue with Brent. Judge Noonan and Judge Boyden would like clarification from Brent and the court clerks about the exact issue and need for this rule change, including how it looks in each system: justice courts, juvenile courts, district courts, and appellate courts (if applicable).

The committee agreed to table this issue until a future meeting where Brent Johnson and perhaps Kim Allard can attend to discuss this further.

(4) CJA 9-301. Record of Enhancement Warning.

Nancy Sylvester stated she spoke with Brent Johnson who believes Rule 9-301 should be repealed because the more important consideration is what is in Criminal Procedure Rule 11. Rule 9-301 contains much of the same language and also some unnecessary and onerous requirements. The committee discussed the fact that justice courts are not a court of record. Judge Bagley noted rule 11 conflicts with this rule; therefore he is in favor of repealing this rule.

Judge Boyden said she believes this should be addressed by Judge Parkin with the Justice Court Board. The committee agreed to table CJA 9-301 until the next meeting.

(5) CJA 4-503. Pro-se e-filing.

Regarding Rule 4-503, Ms. Sylvester noted that a pro-se litigant received special permission to file electronically and has now asked that permission be expanded to all pro se litigants. Ms. Sylvester said the system is not ready for this to happen on a regular basis. Ms. Sylvester said Ron Bowmaster (IT Director) had discussed this issue with her and had said that pro se e-filing would be part of the CORIS re-write, but that it could be mandated by rule as long as the Council did so with a 1 year to 18 months time frame. Ms. Sylvester noted that part of the CORIS rewrite would include a process to walk pro-se litigants through the judicial system and e-filing. Judge Noonan expressed concern that this will have a ripple-type effect with the other courts since CORIS is only used in district courts. Judge Boyden said there are several reasons at this time why pro-se litigants are not required to efile. The committee discussed concerns about pro-se litigants attempting to speed up or circumvent the implementation of the system. Judge Boyden opined that there is no need to create a rule now when the system is not set to accommodate this.

Judge Noonan asked how pro-se litigants are filing in juvenile and justice courts. Ms. Sylvester stated only attorneys are e-filing in the juvenile courts and the justice courts are just barely starting e-filing. Judge Boyden stated she thinks this request should start

with a different level, not Policy & Planning because there needs to be more discussion with other committees on this issue. Ms. Sylvester will contact others to get their input.

The committee agreed to move this issue to a future meeting after contact is made with other committees and departments.

(7) Other business

Judge Boyden noted September 9 is the next meeting. Judge Boyden said any new members to this committee would start October 14. Judge Noonan moved to adjourn the meeting. Judge Bagley seconded the motion and it passed unanimously.

There was no other business and the meeting was adjourned at 1:30 pm.

TAB 2.5



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 September 21, 2016, or as noted.

IN THIS ISSUE:

(Click on the committee you would like to view)

Business and Labor

***Economic Development and
Workforce Services***

Education

Federal Funds Commission

Government Operations

Health and Human Services

Judiciary

***Law Enforcement and Criminal
Justice***

Legislative Management Committee

***Natural Resources, Agriculture, and
Environment***

Political Subdivisions

Prison Development Commission

***Public Utilities, Energy, and
Technology***

Retirement and Independent Entities

Revenue and Taxation

Senate Judicial Confirmation

***State Water Development
Commission***

Transportation

Utah Tax Review Commission

***Veterans' and Military Affairs
Commission***

Business and Labor

Applications for a New or Relocated Automobile Dealership

Received a [report](#) from the [Utah Motor Vehicle Franchise Advisory Board](#) regarding the number of applications for a new or relocated dealership and information regarding how each application was processed. The board reported it has not received any applications during the past year.

Grand Boulevards Corridor Plan

Received an update from the Salt Lake Chamber of Commerce regarding discussions related to the Grand Boulevards Corridor Plan, which is a master planning effort to create a first-class entrance and exit to Salt Lake City. The chamber reported on the status of discussions regarding billboards.

Insurance Premium Tax

Discussed issues relating to changes in how insurance companies report certain premium taxes. The changes caused a decrease in monies being allocated to firefighter-related purposes.

State Construction Code

Received a [report](#) from the [Uniform Building Code Commission](#) regarding whether the Legislature should amend or repeal one or more provisions of the [State Construction Code](#). The commission recommended adding a provision regarding installation of passive radon controls.

State Fire Code

Received a report from the [Utah Fire Prevention Board](#) regarding whether the Legislature should amend or repeal one or more provisions of the [State Fire Code](#). The board did not recommend any changes to the State Fire Code.

Utah Fund of Funds

Received a [presentation](#) and [report](#) from the [Utah Capital Investment Corporation](#), prepared in consultation with the [Utah Capital Investment Board](#), regarding the activities conducted by the [Utah Fund of Funds](#).

Worker Classification Coordinated Enforcement

Received a [report](#) from the [Worker Classification Coordinated Enforcement Council](#) regarding:

- The nature and extent of misclassification in the state;
- The results of regulatory and law enforcement efforts related to the council; and
- The status of sharing information by member agencies.

The council reported that it is an effective body in addressing misclassification of workers and that misclassification of workers remains an important issue in Utah.

Chairs: Rep. Val L. Peterson / Sen. Curtis S. Bramble

Staff: Joseph T. Wade (Policy Analyst) / Patricia Owen (Attorney) / Samuel C. Johnston (Attorney) / Lucy W. Daynes (Legislative Assistant)

Economic Development and Workforce Services

Community Services Block Grant

Received a presentation from the Housing and Community Development Division of the Department of Workforce Services regarding the state's Community Services Block Grant plan. Federal regulations require recipients of Community Services Block Grant funds to report to the Legislature every three years. The division administers \$3.6 million of federal funding through local community partners to combat poverty in those communities.

Earned Income Tax Credit

Received a presentation from the American Enterprise Institute and Voices for Utah Children regarding the Earned Income Tax Credit (EITC). The presenters explained how the federal EITC works and indicated that the EITC is an efficient program for increasing workforce participation and reducing poverty. The presenters noted that Utah has 191,000 recipients of the federal credit and suggested that a state EITC would help reduce rising poverty in Utah.

Paid Family Leave

Received a presentation from a legislator regarding paid family leave. Legislative staff provided an overview of the Family Medical Leave Act and the paid leave options available to state employees. The legislator described proposed legislation that would provide six weeks paid family leave as a benefit for state employees, and suggested this change would improve retention, productivity, and loyalty. The committee raised questions regarding eligibility, compatibility with other forms of leave, and costs.

STEM Action Center

Received a follow-up presentation from the Science, Technology, Engineering, and Math (STEM) Action Center on issues raised during the July interim committee meeting. The presenters noted that the STEM Action Center has faced challenges in being able to select the best products to support the center through its grant program. The presenters also indicated that internal conversations between the Governor's Office of Economic Development and the Division of Purchasing and General Services have identified ways to overcome these challenges, and the center no longer believes legislative changes are necessary.

Targeted Business Tax Credit

Received a presentation from the Governor's Office of Economic Development regarding the Targeted Business Tax Credit. The presenters suggested changes to the credit that would:

- Change the entity that approves eligibility from the enterprise zone administrator to the Governor's Office of Economic Development;
- Adjust application timelines;
- Eliminate unemployment restrictions for counties with a population below 25,000; and
- Eliminate multi-year projects from the program.

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INTERIM HIGHLIGHTS • September 2016

Action: Directed staff to open a committee bill file to address the suggested changes to the credit.

*Chairs: Rep. Rebecca P. Edwards / Sen. Brian E. Shiozawa
Staff: Ryan M. Hunter (Policy Analyst) / Peter Asplund (Attorney) /
Debra Hale (Legislative Assistant)*

Education

September 20, 2016

Assessment and Accountability

Discussed assessment and accountability in a joint meeting with the State Board of Education. Considered changes to the state's assessment and accountability systems that were recommended by the State Board of Education. Also discussed possible timelines for making the proposed changes and the appropriate balance of statute and State Board of Education rules in defining the state's assessment and accountability systems.

Action: Directed staff to open a committee bill file to amend the state's current assessment and accountability framework.

(Continued next page)



September 21, 2016

Competency-Based Education

Discussed findings from the mastery-based education working group formed during the committee's June interim meeting, including barriers to expanding mastery-based learning.

Action: Directed staff to open a committee bill file to address an element of the education funding formula that presents a barrier to mastery-based learning.

Equalization

Considered draft legislation "School Funding Amendments," which would:

- Direct the Legislature to annually appropriate certain funds to the voted and board local levy guarantee programs; and
- Amend the number of local levy increments (.0001 per dollar of taxable value) guaranteed.

Received public comment regarding the draft legislation.

Teacher Preparation

Considered draft legislation "Teacher Pedagogical Assessment," which would require the State Board of Education to:

- Establish a teacher pedagogical assessment to determine an individual's pedagogical knowledge and performance; and
- Require an individual to pass a teacher pedagogical assessment to receive or retain a certain license to teach.

Received feedback from the State Board of Education and a higher education institution.

Chairs: Rep. Bradley G. Last / Sen. Ann Millner

Staff: Allyson R. Goldstein (Policy Analyst) / Victoria Ashby (Attorney) / Rebekah M. Bradway (Attorney) / Michael E. Curtis (Attorney) / Debra Hale (Legislative Assistant)

Federal Funds Commission

September 12, 2016

Economic Risk Analysis

Received a report from the author of an economic risk analysis that the commission received earlier in the year. The report highlights the primary risks to federal funding, including:

- A financial crisis;
- A rapid reduction in spending; and
- A substantial increase in taxation.

Federal Funds Update

Received a staff presentation on the Federal Funds Procedures Act.

Received an update from the State Board of Education on the implementation of 2016 General Session H.B. 329, "Federal Funds Procedure Act Amendments," which provides

(Continued next column)

INTERIM HIGHLIGHTS • September 2016

that the State Board of Education is subject to certain review and approval requirements for receipt of federal funds.

Received a presentation from the Office of the Legislative Fiscal Analyst on maintaining structural balance with federal funds, including ways to:

- Strengthen the Federal Funds Procedure Act;
- Improve the general budgeting process for federal funds; and
- Modify fiscal notes to better reflect the impact of federal funds.

Chairs: Rep. Ken Ivory / Sen. Lincoln Fillmore

Staff: Leif G. Elder (Policy Analyst) / Shannon C. Halverson (Attorney) / Joshua M. Weber (Legislative Assistant)

Government Operations

Plurality

Discussed whether the committee should address the issue of plurality regarding election votes before the 2017 General Session.

Postmark Deadlines

Received a legislative staff presentation regarding deadlines for by-mail ballots in the 50 states.

Received a presentation from the United States Postal Service on the postal service's postmarking processes.

Also heard from the Daggett County clerk regarding how the state's by-mail ballot postmark deadline affects rural counties.

Action: Directed staff to open a committee bill file to require a county that conducts an election entirely by mail to create ballot drop boxes for a voter to deposit the voter's ballot for collection by the county clerk.

Purchase and Sale of State Land

Received reports from the Division of Facilities Construction and Management, the Department of Transportation, the Department of Natural Resources, and the School and Institutional Trust Lands Administration regarding each respective entity's compliance with 2008 General Session H.B. 354, "Appraisals for State Land Purchases," which requires appraisals to be conducted whenever the respective entity purchases or sells real property.

State Facilities Energy Efficiency Fund

Received an update from the Division of Facilities Construction and Management regarding savings resulting from energy efficiency measures implemented using loan money from the State Facilities Energy Efficiency Fund.

Utah Communications Authority Audit

Received a presentation from the Office of the Legislative Auditor General on an audit of the Utah Communications Authority's implementation of controls after the internal theft of approximately \$800,000.

Chairs: Rep. Jack R. Draxler / Sen. Margaret Dayton

Staff: Brian J. Bean (Policy Analyst) / Thomas R. Vaughn (Attorney) / Katie LeFevre (Legislative Assistant)

Health and Human Services

Intergenerational Poverty

Received policy recommendations on how to promote child development and reduce intergenerational poverty from:

- A child advocacy organization;
- A pediatrician;
- A sociology professor; and
- A think tank scholar.

The recommendations included:

- Expanding access to public health insurance;
- Enacting a state earned income tax credit; and
- Investing early in children's cognitive and noncognitive development.

Medicaid—Home and Community-Based Services

Received feedback from an advocate for persons with disabilities regarding a Department of Health evaluation provided to the committee earlier this year on the costs and benefits of several Medicaid long-term services and support options. The advocate recommended further evaluation, including expanding the time horizon for cost and benefit analyses.

Opioid Misuse

Reviewed the state of Washington's policy of referring opioid patients to a pain specialist under certain circumstances.

Received reports from commercial and public health insurers on whether they pay health care providers to perform substance use assessments and conduct ongoing monitoring of opioid patients.

Also considered draft legislation "Insurance Coverage for Opioids," that prohibits a health insurer from paying for an opioid prescription under certain circumstances, unless the insurer grants prior authorization for

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the prescription.

Utah Health Care Workforce Financial Assistance

Considered draft legislation that reauthorizes the Utah Health Care Workforce Financial Assistance Program within the Department of Health.

Action: Approved as a committee bill, draft legislation "Utah Health Care Workforce Financial Assistance Program Reauthorization."

Chairs: Rep. Kay L. McCliff / Sen. Evan J. Vickers

Staff: Mark D. Andrews (Policy Analyst) / Michael E. Curtis (Attorney) / Cathy J. Dupont (Attorney) / Lee A. Killian (Attorney) / Lori Rammell (Legislative Assistant)

Judiciary

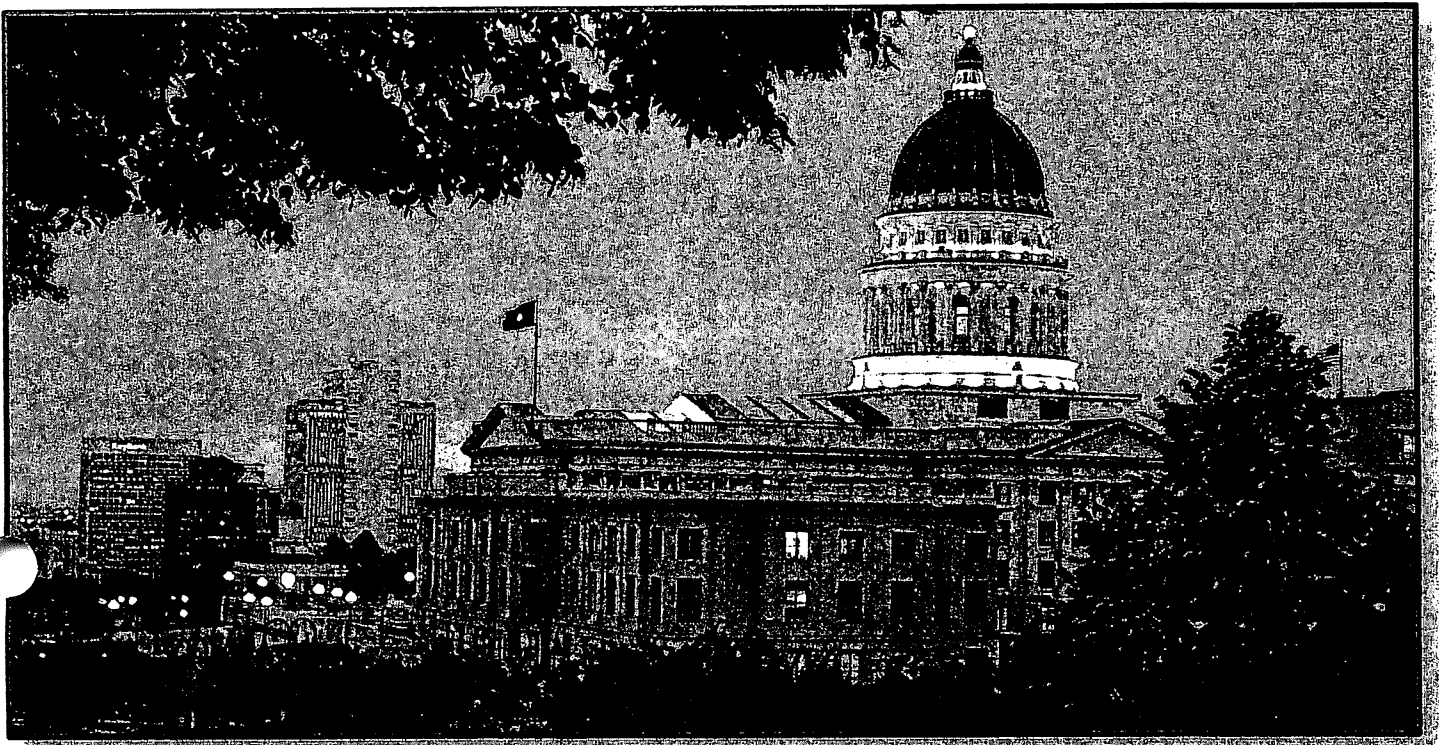
Court Surcharge

Received a staff presentation on fines and surcharges levied on convicted individuals in Utah courts. The presentation focused on the "35/90 Surcharge," how the surcharge is calculated, and the results of a study of justice court data to determine the courts' effectiveness in assessing the correct surcharge amount. The analysis of the data suggested that the courts were not collecting as much of the surcharge as required in statute and included suggestions on how to improve the surcharge assessment process.

Expedited Jury Trials Report

Received a statutory report from the Administrative Office of the Courts on the Expedited Jury Trials program. The committee was informed that the program may be unnecessary, as individuals have access to speedy trials without the program.

(Continued next page)



Family Law

Received a summary of draft legislation "Alimony Amendments," which provides that a court consider as part of alimony proceedings whether a parent has lost workplace experience opportunities while caring for a child.

Also received two statutory reports from the Administrative Office of the Courts:

- Divorce Education Program Summary; and
- Divorce Orientation Program Summary.

Action: Approved as a committee bill, draft legislation "Alimony Amendments."

Sunset Review—Crime Victim Reparations and Assistance Board

Conducted a sunset review of the Crime Victims Reparations and Assistance Board.

Action: Voted to extend the sunset date of the Crime Victims Reparations and Assistance Board for 10 years.

Chairs: Rep. LaVar Christensen / Sen. Daniel Hemmert

Staff: Gregg A. Girvan (Policy Analyst) / Esther Chelsea-McCarty (Attorney) / Lucy W. Daynes (Legislative Assistant)

Law Enforcement and Criminal Justice**Felony Assault Amendments**

Received information from prosecutors regarding acts of assault that impede breathing or interrupt blood flow to or from the brain.

Action: Approved as a committee bill, draft legislation "Offenses Against the Person Amendments," which would add strangulation as a felony assault offense.

Law Enforcement Cyber Security Issues

Discussed draft legislation "Protection of Law Enforcement Officers' Personal Information," which would provide criminal penalties for posting the personal information of a law enforcement officer or the officer's spouse or child to the Internet.

Opioid Overdose Reversal Kits

Received presentations from a legislator, the Utah Department of Health, and a police chief regarding the naloxone rescue kit program that seeks to reduce opioid overdose deaths in Utah. This year 1,033 kits have been purchased for dissemination and \$90,647 in grant funds have been awarded.

Offenses Based on Victim Selection

Discussed draft legislation "Victim Selection Penalty Enhancements," which would add a penalty enhancement to offenses committed against a person due to certain personal attributes.

Also discussed draft legislation "Joint Rules Resolution on Victim Selection Evidence," which would amend the Utah Rules of Evidence regarding the admissibility of evidence regarding the defendant's selection of the victim.

Chairs: Rep. Don L. Ipson / Sen. Todd Weiler

Staff: Nathan W. Brady (Policy Analyst) / Susan Creager Allred (Attorney) / Lori Rammell (Legislative Assistant)

Legislative Management Committee

September 20, 2016

Committee Study Items

Action: Approved the request of the Political Subdivisions Interim Committee to add the Utah 3-1-1 Help Line to its committee study items.

Meeting Requests

Action: Approved the requests of the following committees:

- *Native American Legislative Liaison Committee: to hold a meeting in San Juan County September 29, 2016, to meet with the Utah Navajo Commission.*
- *Law Enforcement and Criminal Justice Interim Committee:*
 - ◊ *To study how the state can protect children from sexualized images and pornography; and*
 - ◊ *To hold an extra meeting to hear public comment and expert witnesses regarding the impact of sexualized images and pornography on children.*
- *Natural Resources, Agriculture, and Environment Interim Committee: to allow the previously approved site visit scheduled for September 22 and 23, 2016, to include the Natural Resources, Agriculture, and Environmental Quality Appropriations Subcommittee.*

State Homeless Coordinating Committee

Received a report from the State Homeless Coordinating Committee regarding the entities that will be receiving grants from the Homeless to Housing Account. This is the second report the committee has presented to the Legislative Management Committee this interim.

Chairs: Speaker Gregory H. Hughes / President Wayne L. Niederhauser

Staff: Michael E. Christensen (Director) / John L. Fellows (General Counsel) / Denise L. Udy (Administrative Assistant)

Natural Resources, Agriculture, and Environment**Air Quality**

Received a report from the Division of Air Quality on:

- Air quality standards;
- Challenges;
- Long-term planning; and
- The Storage Tank Emissions Pilot Program (<http://le.utah.gov/interim/2016/pdf/00003804.pdf>).

Discussed implementation of Tier 3 fuel and vehicle requirements and discussed potential electric vehicle tax incentives.

Potential State Park Expansion Opportunities

Received a report from the Division of State Parks and the School and Institutional Trust Lands Administration on potential opportunities to expand state parks in areas where the trust lands are near or adjacent to existing state parks.

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State Agency Stewardship Efforts to Improve Air Quality

Received a report from the State Coordinator of Resource Stewardship on the efforts of state agencies to implement best practices to promote improved air quality. The coordinator also reviewed the resource stewardship annual report.

United States Forest Service—Forest Plan Revisions

Received a report from the forest supervisors from Ashley National Forest and Manti-Lasal National Forest on the status of forest plan revisions. Discussed public notice of, and involvement in, the forest plan revision process.

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

Political Subdivisions

Associations of Governments

Received an annual report from Utah's Associations of Governments (AOGs). The report provided a history of the AOGs, summarized the variety of services that AOGs provide, and provided the number of employees and funding sources for each AOG.

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Historic Preservation Amendments

Discussed draft legislation "Historic Preservation Amendments," which:

- Authorizes a local legislative body to create a historic preservation commission or board to advise and make recommendations on matters affecting historically significant property; and
- Prohibits the historic preservation commission or board from acting on a land use application.

Audit of Culinary Water Improvement Districts

Discussed "A Performance Audit of Culinary Water Improvement Districts" and the recommendations of the Office of the Legislative Auditor General.

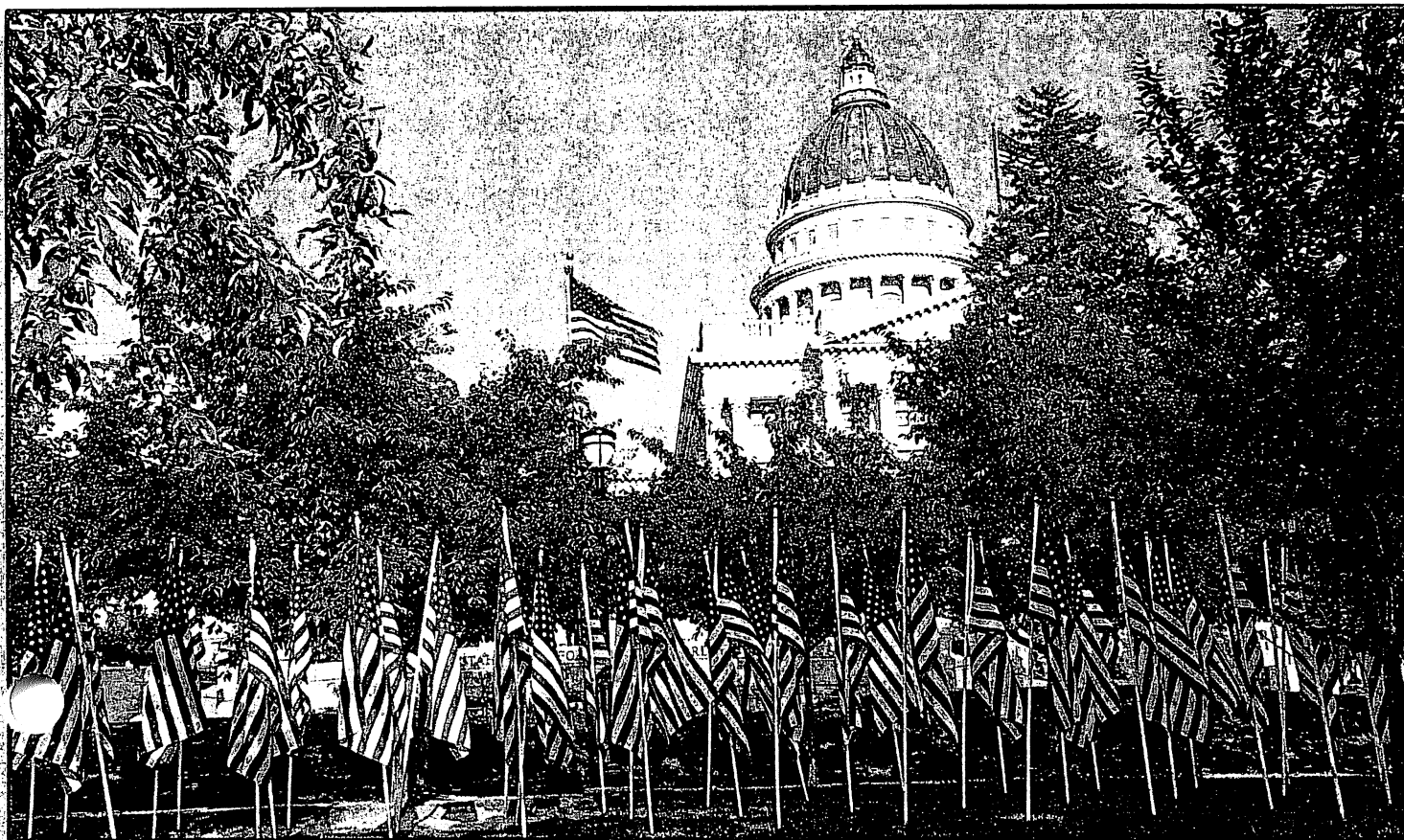
Action: Directed staff to open a committee bill file to address an issue identified in the audit regarding a municipality's ability to annex an area and provide a service that a local district already provides.

Statewide Crisis Line

Discussed the need for a dedicated, statewide crisis line that would connect a caller with the appropriate crisis intervention resources in the caller's area. Stakeholders are evaluating potential phone numbers that could be used for the crisis line.

Action: Directed staff to open a committee bill file to create the crisis line.

*Chairs: Rep. R. Curt Webb / Sen. Daniel W. Thatcher
Staff: Megan L. Bolin (Policy Analyst) / Christine R. Gilbert (Attorney) /
Joshua M. Weber (Legislative Assistant)*



Prison Development Commission

September 19, 2016

Cash Flow

Discussed the rate at which the Division of Facilities Construction and Management is expending the initial \$80 million appropriation for the new correctional facility. The division anticipates that the state will need to issue bonds for the construction of the facility in the second quarter of 2017.

Design and Programming

Received an update from the master architect team for the new correctional facility team on the impact of the facility programming on the preliminary design.

Architect and Construction Teams

Received an introduction from the Division of Facilities Construction and Management of the new correctional facility's master architect team and the construction manager and general contractor team.

Land Acquisition

Received an update from the Division of Facilities Construction and Management on the acquisition of the property for the new correctional facility. The target closing date is October 28, 2016.

Project Timeline

Received an update from the Division of Facilities Construction and Management on the timeline for the completion of the new correctional facility.

Chairs: Rep. Brad R. Wilson / Sen. Jerry W. Stevenson

Staff: Brian J. Bean (Policy Analyst) / Bryant R. Howe (Deputy Director) / Robert H. Rees (Attorney) / Bree Frehner (Legislative Assistant)

Public Utilities, Energy, and Technology

Administration of 911 Surcharges

Received a presentation from the Office of the Legislative Auditor General about the administration of 911 surcharges. The Utah Communications Authority Board responded to the audit's findings. The Audit Subcommittee requested that the committee review and take action on the audit's recommendations

Action: Voted to table this item in anticipation of the release of another audit report, and also to allow more time to study the recommendations.

Emergency Telephone Service

Action: Approved as a committee bill, draft legislation "Emergency Telephone Service Amendments," which requires:

- *Certain multiline telephone systems to automatically provide key information to a public safety answering point; and*
- *A multiline telephone system to be capable of accessing 911 services directly without first dialing "9" to exit the multiline telephone system.*

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Utah Data Alliance

Received a presentation on the Statewide Longitudinal Data System from the Utah Data Alliance, Utah State Board of Education, and Utah System of Higher Education. Discussed existing operations and the benefits of producing longitudinal data.

Action: Voted to provide committee support to a work group studying governance and management of the Statewide Longitudinal Data System and the Utah Data Alliance.

Chairs: Rep. Ken Ivory / Sen. David P. Hinkins

Staff: Adam J. Sweet (Policy Analyst) / Samuel C. Johnston (Attorney) / Tracey Fredman (Legislative Assistant)

Retirement and Independent Entities

September 14, 2016

Increasing Pay for Certain Public Safety Officers and Firefighters

Considered draft legislation "Concurrent Resolution on Increasing Pay for Certain Public Safety Officers and Firefighters," which would encourage a pay increase for the public safety officers and firefighters who are Tier II retirement system members.

Firefighters' Disability Retirement Benefit Amendments

Action: Approved as a committee bill, draft legislation "Firefighters' Disability Retirement Benefit Amendments," which would modify the standard for determining a disability and modify the disability payment period for certain firefighter retirement system disability payments.

Phased Retirement Amendments

Action: Approved as a committee bill, draft legislation "Phased Retirement Amendments," which would address issues related to the implementation of the phased retirement program by the Utah Retirement Systems.

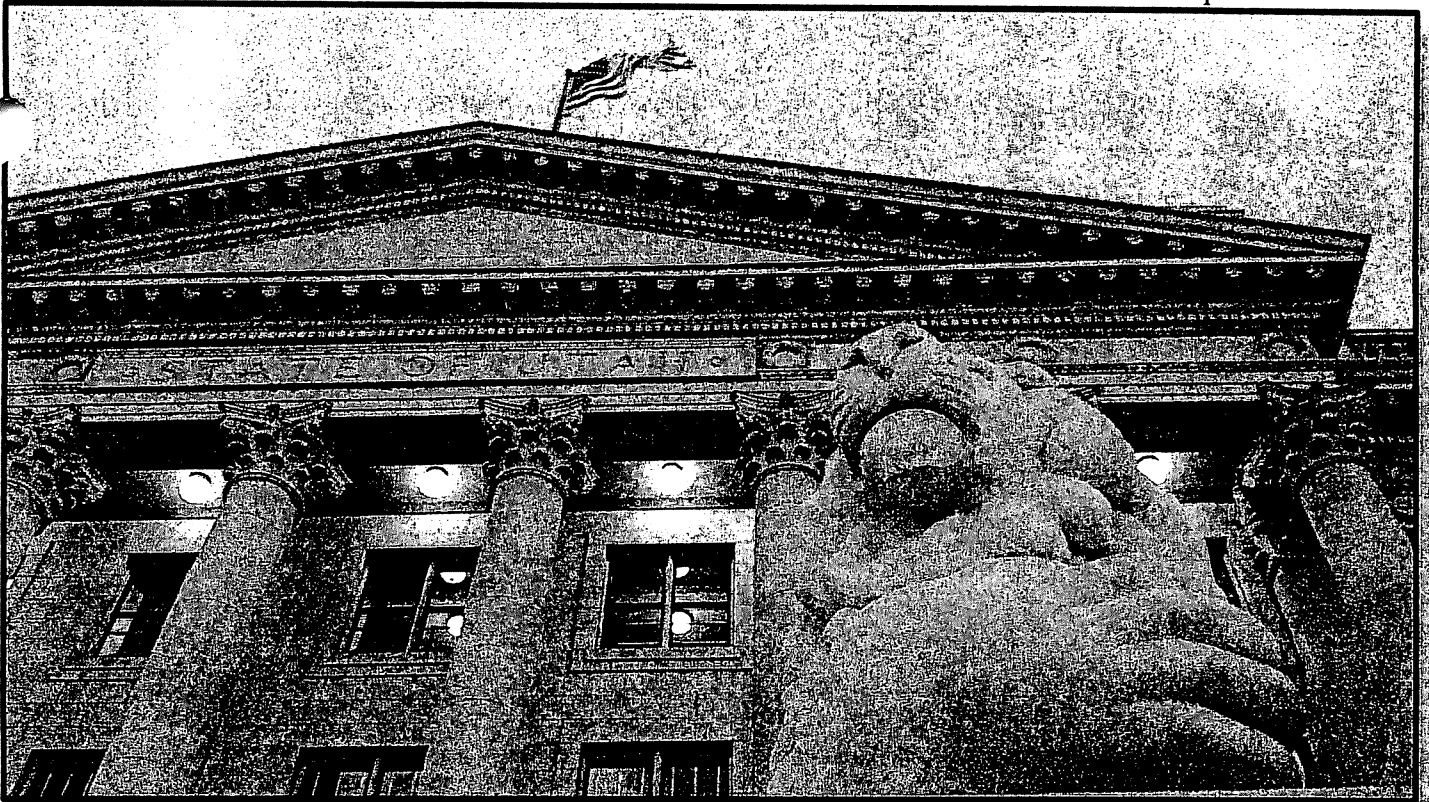
Public Employees Long-Term Disability Act Amendments

Action: Approved as a committee bill, draft legislation "Public Employees Long-Term Disability Act Amendments," which would modify certain disclosure requirements for eligible employees as established in the Public Employees Long-Term Disability Act.

Utah State Retirement Systems Amendments

Action: Approved as a committee bill, draft legislation "Retirement Systems Amendments," which would make technical and administrative changes to update the Utah State Retirement and Insurance Benefit Act.

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Retirement Systems Payments to Survivors Amendments

Action: Approved as a committee bill, draft legislation "Retirement Systems Payments to Survivors Amendments," which would amend provisions relating to retirement beneficiary designations, including the divorce or annulment of a member's marriage.

Audits Performed on Utah's Independent State Entities

Received a presentation from the Utah State Auditor summarizing the findings of several audits regarding Utah's independent state entities. Representatives of several of the independent state entities addressed the committee in response to the audits' findings.

Preliminary Retirement Contribution Rates and Assumed Rate of Return

Received a presentation from the Utah State Retirement Board on the preliminary contribution rates and assumed rate of return recently adopted by the Utah State Retirement Board.

Chairs: Rep. Kraig Powell / Sen. Todd Weiler

Staff: Alex R. Janak (Policy Analyst) / Peter Asplund (Attorney) / Shannon C. Halverson (Attorney) / Katie LeFevre (Legislative Assistant)

Revenue and Taxation

Assessment of Land in Agricultural Use

Received a presentation from the Utah State Tax Commission on the qualification criteria for the Farmland Assessment Act, which include requirements that:

- At least five acres of land, currently and for the two years prior to qualifying, be used for agricultural purposes;
- The land produce in excess of 50% of the average agricultural production per acre for the given crop and land quality; and
- The owner make application to the county assessor.

Received a presentation from Utah State University regarding the annual study used to determine the taxable value of agricultural land and the average agricultural production for a given crop and quality of land.

Also received a staff presentation on qualifications among the 50 states for farmland assessment. Utah's qualifications are similar to other states, but Utah is the only state to have qualification criteria based on crop production and one of ten states that do not have a primarily agricultural use requirement.

Assessment of Property

Received a presentation from a legislator and discussed current statutory provisions, case law, and county assessor practices regarding assessment of fair market value in Utah for purposes of property taxes.

Earned Income Tax Credit

Received a presentation from the American Enterprise Institute and Voices for Utah Children regarding the Earned Income Tax Credit (EITC). The presenters explained how the federal EITC works and indicated that the EITC is an efficient program for increasing workforce participation and reducing poverty. The presenters noted that Utah has 191,000 recipients of the federal credit and suggested that a state EITC would help reduce rising poverty in Utah.

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Recycling Market Development Zone Income Tax Credits

Received a presentation from the Governor's Office of Economic Development on recycling market development zone income tax credits. The credits are used as incentives for companies to recycle primary and secondary materials. In 2015, 19 companies received a total of \$1.8 million in tax credits.

Tax-Related Business Incentives

Received a staff presentation on tax-related business incentives in Utah and an overview from the Salt Lake County mayor on Salt Lake County economic development efforts. The presentations focused on a property tax incentive known as tax increment financing. Statewide in 2015, entities that levy property taxes (counties, school districts, cities, and local districts) paid approximately \$166 million in tax increment to redevelopment agencies.

Chairs: Rep. Daniel McCoy / Sen. Deidre M. Henderson

Staff: Bryant R. Howe (Deputy Director) / Leif G. Elder (Policy Analyst) / Andrea Valenti Arthur (Attorney) / Bree Frehner (Legislative Assistant)

Senate Judicial Confirmation Committee

September 16, 2016

Confirmation of Mr. Douglas Nielsen

Recommended to the Senate the confirmation of Mr. Douglas Nielsen as a judge to the Fourth District Juvenile Court.

The Senate met in extraordinary session on September 21, 2016, and confirmed the appointment of Mr. Nielsen.

Chair: Sen. Scott K. Jenkins

Staff: Nathan W. Brady (Policy Analyst) / Susan Creager Allred (Attorney) / Lucy W. Daynes (Legislative Assistant)

State Water Development Commission

September 20, 2016

United States Forest Service

Received a report from the United States Forest Service regarding livestock water rights on National Forest System land.

Water Infrastructure Funding

Received a report from the Division of Water Resources regarding rules, criteria, targets, processes, and plans related to water data reporting and water system infrastructure projects.

Action: Designated a working group to consult with the Division and Board of Water Resources on the creation of rules and the scope of potential requests for proposals related to water data reporting and water system infrastructure projects.

Chairs: Rep. Keith Grover / Sen. Margaret Dayton

Staff: J Brian Allred (Policy Analyst) / RuthAnne Frost (Attorney) / Katie LeFevre (Legislative Assistant)

Transportation

Audit of the Utah Department of Transportation

Received a presentation from the Office of the Legislative Auditor General outlining the findings and recommendations from the recently completed Performance Audit of the Utah Department of Transportation.

The Department of Transportation responded to the audit findings and to questions from the committee.

Action: Directed staff to open a committee bill file to address any necessary statutory changes recommended by the Office of the Legislative Auditor General and the Department of Transportation.

Department of Transportation Budget Review

Received a presentation from the Office of the Legislative Auditor General highlighting the findings and recommendations from a recent audit performed by the office, titled "An In-Depth Budget Review of the Utah Department of Transportation."

The Department of Transportation responded to the audit findings and to questions from the committee.

Action: Directed staff to open a committee bill file to address any necessary statutory changes recommended by the Office of the Legislative Auditor General and the Department of Transportation.

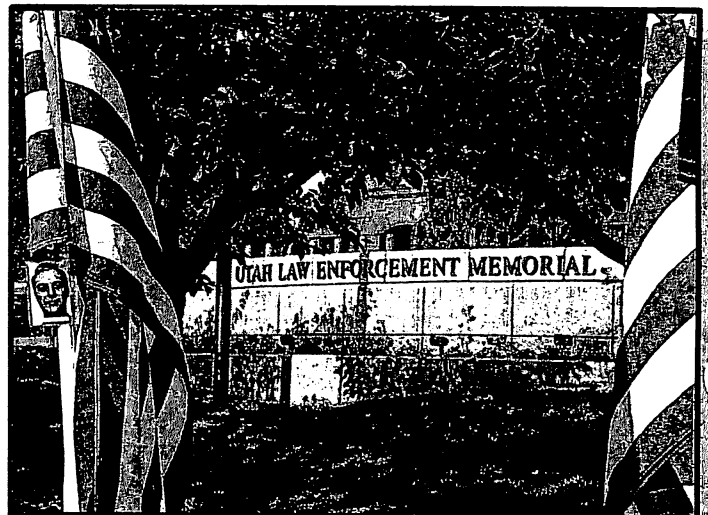
Motor Carrier Size and Weight Restrictions

Received a presentation from the Department of Transportation regarding the recommendations of the working group that was formed in June to study motor carrier size and weight restrictions.

Mountain Accord Update

Received a presentation from the Mountain Accord regarding the group's efforts to implement and improve immediate and long-term transportation solutions in the Wasatch Mountains' Big and Little Cottonwood Canyons.

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Utah Transit Authority Governance Structure

Received introduction of the new CEO of the Utah Transit Authority. Due to time constraints, the Utah Transit Authority will address the committee again at the October interim meeting.

Chairs: Rep. Johnny Anderson / Sen. Wayne A. Harper

Staff: Alex R. Janak (Policy Analyst) / Kurt P. Gasser (Attorney) / Shannon C. Halverson (Attorney) / Joshua M. Weber (Legislative Assistant)

Utah Tax Review Commission

August 25, 2016

Apportionment of Income under the Utah Corporate Income Tax

Received comments regarding whether Utah should allow additional corporations to elect to use a single sales factor apportionment formula under the Utah corporate income tax from:

- Public education representatives;
- Public policy experts;
- Business organizations; and
- The public accountant industry.

Action: Approved a motion to defer action, if any, on this issue until a future meeting.

Payment of Income Taxes by Pass-Through Entities

Received a presentation from the Utah State Tax Commission and a tax practitioner regarding payment of Utah individual income taxes by a nonresident pass-through entity taxpayer. It was noted that certain nonresident taxpayers who do not meet certain requirements are not allowed to waive the withholding of income by a pass-through entity.

Action: Directed staff to open a committee bill file regarding this issue.

INTERIM HIGHLIGHTS • September 2016

September 22, 2016

Payment of Income Taxes by Pass-Through Entities

Received a presentation from the Utah State Tax Commission and a tax practitioner regarding pass-through entity taxpayers who cannot claim a waiver from the withholding requirement because the taxpayer and owner have different tax years. As a result, some nonresident taxpayers are burdened by the excessive withholding of tax. Discussed the feasibility of allowing certain pass-through entity taxpayers to claim a refund of the withholding.

Action: Directed staff to confer with the Utah State Tax Commission in drafting legislation to allow certain pass-through entity taxpayers to claim a refund of the withholding.

Sales and Use Tax Exemption for Certain Equipment Used in the Manufacturing Process

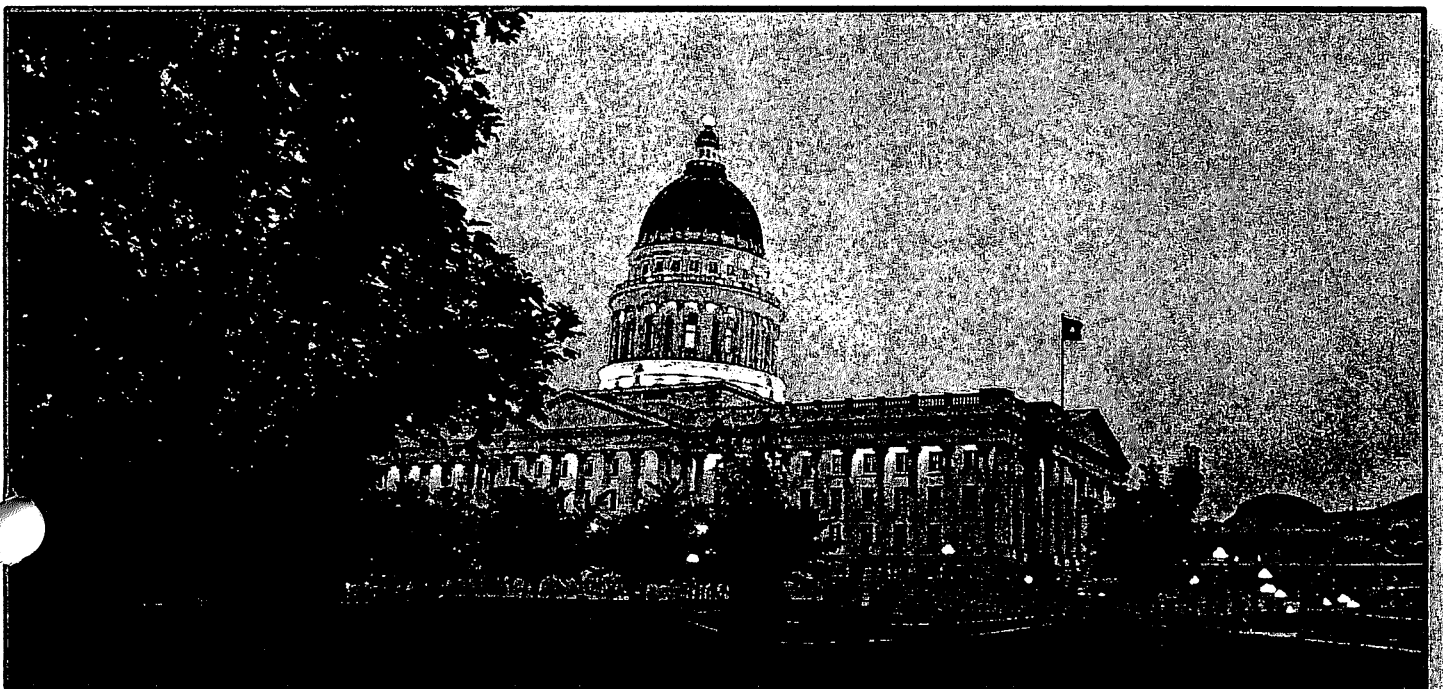
Received staff reports providing an overview of the sales and use tax exemption for certain equipment used in the manufacturing process:

- Manufacturing Inputs Sales and Use Tax Exemptions
- Selected Excerpts from Utah Code Ann. Section 59-12-104
- Manufacturing Charts
- Review of the Manufacturing Machinery and Equipment Sales Tax Exemption

Also received a 50-state survey of the sales tax exemption in other states, and a presentation comparing the economic effects of expanding this exemption compared with allowing a company to use a single sales factor apportionment formula under the Utah corporate income tax provisions. Discussed recommendations regarding this issue.

Chair: Mr. Curtis Trader

Staff: Bryant R. Howe (Deputy Director) / Leif G. Elder (Policy Analyst) / Andrea Valenti Arthur (Attorney) / Bree Frehner (Legislative Assistant)



Veterans' and Military Affairs Commission

August 03, 2016

Commission Membership

Discussed issues relating to the appointment of a representative of the Department of Veterans Affairs to serve on the commission and the commission's sunset date.

Action: *Approved as a commission bill, draft legislation "Veterans' and Military Affairs Commission Amendments," which:*

- Provides for a representative of the United States Department of Veterans Affairs to be appointed as a permanent member of the commission; and
- Removes the commission's sunset date.

Interstate Compact on Educational Opportunity

Discussed the need to modify the state's statute that establishes Utah's participation in the Interstate Compact on Educational Opportunity for Military Children.

Action: *Approved as a commission bill, draft legislation "Interstate Compact on Military Children Amendments," which clarifies a citation to the United States Code in the compact.*

The CHOICE Program

Received a staff presentation on the Veterans CHOICE Program, which is designed to provide a means for military veterans to receive needed medical services in their local communities. Also heard from the George E. Wahlen Department of Veterans Affairs Medical Center that acknowledged that the CHOICE Program has not worked out well for veterans and addressed how the department is working to meet veterans' healthcare needs.

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Veterans Affairs Reform

Utah Congressman Chris Stewart discussed the need for the United States Department of Veterans Affairs to improve military veterans' accessibility to services. He indicated that legislation in 2017 would provide more specific direction to the department on how to implement the federal Veterans Access, Choice, and Accountability Act of 2014. Congressman Stewart also addressed the need for increased accountability on the part of medical service providers serving military veterans.

August 23, 2016

Concussion Injuries and Treatment

Received a presentation from a business regarding its work to treat concussions, also known as mild traumatic brain injuries, and the overlap of concussions and mental health conditions in returning servicemembers and veterans.

Effects of Multiple Deployments on Servicemembers and Families

Received a staff presentation focusing on:

- The challenges faced by families of servicemembers who experience multiple deployments; and
- The possible community support resources the commission may wish to discuss in future meetings.

Post-Traumatic Stress Disorder and its Effects

Discussed Post-Traumatic Stress Disorder (PTSD) and its effects, including suicide, on veterans, servicemembers, and their families, and the treatments and other resources available to assist individuals and families struggling with the effects of PTSD. Received information concerning an upcoming report on veteran suicide as well as a report from the Office of Suicide Prevention.

Chairs: Rep. Paul Ray / Sen. Peter C. Knudson

Staff: Art L. Hunsaker (Policy Analyst) / Gregg A. Girvan (Policy Analyst) / Esther Chelsea-McCarthy (Attorney) / Tracey Fredman (Legislative Assistant)

Next Interim Day — October 19, 2016



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TAB 3

UNIFORM FINE AND BAIL COMMITTEE INTERIM REPORT TO THE JUDICIAL COUNCIL

September 23, 2016

COMMITTEE MEMBERS

Hon. James Brady, Chair
Hon. John Baxter
Hon. James Blanch
Hon. Augustus Chin
Hon. Scott Cullimore
Hon. Keith Eddington
Hon. David Hamilton
Hon. Paul Parker

STAFF

Debra Moore
Kim Allard
Lisa Crenshaw
Emily Iwasaki
Clayson Quigley

At its June 23, 2016 meeting, the Judicial Council authorized the Uniform Fine and Bail Committee to address the following three categories of concerns raised by the Committee:

Fine and Bail Committee Assignment from the Judicial Council:

1. Study and recommend changes to the current Uniform Fine and Bail Schedule to:
 - a. Identify all crimes with minimum mandatory and minimum maximum fines established by the legislature and confirm that they reflect the proper amount.
 - b. Treat similar types of crimes with similar fine recommendations (e.g., person crimes, property crime, crimes against public order, crimes against moral order, regulatory crimes, traffic offenses, etc).
 - c. Significantly reduce the number of different recommended fine amounts within each category of crime.
 - d. Recommend fine levels that would demonstrably result in no, or minimal deviation of the total amount of fines ordered by the courts in 2015 and 2016.
2. Study and recommend changes in the current rules and or statutes necessary to separate a Uniform Bail Schedule from a Uniform Fine Schedule. Prepare to issue a Uniform Fine Schedule without linkage to a Uniform Bail Schedule.
3. Study and recommend alternatives for obtaining Offense Tracking Numbers (OTNs) for defendants that are not arrested, which do not create a conflict between BCI's purposes, and the operations of the Committee, or create constitutional issues for the courts.

During the summer months UFBC staff and Committee members have addressed the following portions of their assignments:

1. a. Identify all crimes with minimum mandatory and minimum maximum fines established by the legislature and confirm that they reflect the proper amount.

The UFBC Staff and Committee have identified thirty-eight specific sections that mandate fines levels and one section that mandates a doubling of standard speeding fines in construction zones. We have located some discrepancies between the statutory mandates and the current Fine and Bail schedule. We will recommend specific changes to make the schedule consistent with statutory requirements.

The Staff and Committee could not find an existing set of guiding principles for determining recommended fine amounts. To avoid an ad hoc system, the Committee decided to adopt guiding principles, similar to those adopted by the Rules Committee for setting uniform recommended fine amounts. The principles are still a work in progress but currently we believe that changes, and new fine amounts should promote:

- Certainty
- Clarity
- Comprehensiveness
- Internal Consistency
- Improvement
- Simplicity
- Stability

b. Treat similar types of crimes with similar fine recommendations (e.g., person crimes, property crime, crimes against public order, crimes against moral order, regulatory crimes, traffic offenses, etc).

Committee members continue to work on this assignment but have not yet recommended specific offenses categories for enhanced or reduced fine amounts. The Committee has requested input from the Department of Wildlife Resources to help us understand their system for requesting specific fine amounts and changes in fine amounts. They have provided a point person who has been helpful in explaining their processes and statutory issues unique to their area of enforcement.

c. Significantly reduce the number of different recommended fine amounts within each category of crime.

Committee members agree on the need to reduce the number of recommended fines, and have generally adopted a mechanism for assessing one recommended fine per category of offense (MB, MC, Inf.) with one recommended increase level and one recommended decrease level based on type of offense committed. It is expected that the current one hundred twenty five (125)

recommended fine levels will be reduced to nine (9) recommended fine levels. This anticipates three fine levels for each of the three categories of offense, but does not account for the statutorily mandated fine levels. The Committee's final recommendation must wait for item 1.b. to be resolved.

d. Recommend fine levels that would demonstrably result in no, or minimal deviation of the total amount of fines ordered by the courts in 2015 and 2016.

Staff has created a system for calculating revenue neutral fine amounts. The system is based on calculations of total fine revenues during the last budget year, then determining the appropriate level of fines for each category of offense to arrive at a near neutral impact for new recommended fines. Once a final decision is made regarding item 1.b., this system should be able to calculate nearly revenue neutral fine levels for each offense.

2. Study and recommend changes in the current rules and or statutes necessary to separate a Uniform Bail Schedule from a Uniform Fine Schedule. Prepare to issue a Uniform Fine Schedule without linkage to a Uniform Bail Schedule.

Separation of a "Bail Schedule" from a "Fine Schedule" will require action by the Courts or legislature. We have identified current statutes and rules that combine Fine and Bail functions into one category. The UFBC unanimously supports separating bail recommendations from fine recommendations because of the different purpose and basis for each. Our final report to the Council will include reference to each rule, and proposed changes to the rule for the Council's consideration. This year, the UFBC is prepared to recommend a Uniform Fine Schedule without reference to Bail, if approved.

3. Study and recommend alternatives for obtaining Offense Tracking Numbers (OTNs) for defendants that are not arrested, which do not create a conflict between BCI's purposes, and the operations of the Committee, or create constitutional issues for the courts.

UFBC members have reached out to BCI for discussions and input regarding BCI's need for OTNs, their purpose and current use, and the current methods for obtaining them. Unfortunately a face to face meeting has not yet occurred, but should take place on September 30th, prior to our report on October 4th. An update on this topic will be presented at the October 4th meeting.