



INTERIM HIGHLIGHTS

Office of Legislative Research
and General Counsel

Office of the Legislative
Fiscal Analyst

Office of the Legislative
Auditor General

INTERIM COMMITTEE ACTIONS

Business and Labor

STUDIES:

- Heard recent research concerning Utah’s high bankruptcy rate and the need for Utahns to increase their savings.
- Received an update from the Governor’s Working Group on Minimum Wage and heard public testimony regarding Utah’s minimum wage.
- Studied amending the “Condominium Ownership Act” to allow homeowner associations to limit the number of renters in condominium units.

REPORT:

- Received comments and a committee staff report on the recent Utah Supreme Court case *Workers’ Compensation Fund v. State of Utah*, that addressed the state’s relationship to the fund.

ACTION:

- Recommended that the Motor Fuel Marketing Act be reauthorized with a sunset date of July 1, 2011.

*Chairs: Sen. Scott K. Jenkins / Rep. Stephen D. Clark
Staff: Allison Morgan (analyst)/Patricia Owen (attorney)/Tracey Fredman (secretary)*

Education

STUDY:

- Received presentations on innovative practices of charter schools, including presentations from City Academy, Fast Forward High School, East Hollywood High School, the Academy for Math, Engineering and Science, and Timpanogos Academy.

REPORTS:

- Received a report on the Utah School Districts Symposium on School Facilities.

Received annual reports mandated by statute regarding:

- 1) the State School Fund;
- 2) the Utah College of Applied Technology;
- 3) Applied Technology Education for Secondary Students; and

(Continued next column)

- 4) Proposed Exemptions from Statutes and Rules for Charter Schools.

*Chairs: Sen. Howard A. Stephenson / Rep. Margaret Dayton
Staff: Constance Steffen & Phillip Dean (analysts)/Dee Larsen (attorney)/Glenda Whitney (secretary)*

Government Operations

ACTIONS:

Approved as committee bills:

- “Open and Public Meetings Act Revisions,” which recodifies, amends, and updates the act;
- “Open Meetings Law Amendments,” which requires all closed meetings to be recorded;
- “Revisions to Open and Public Meetings Law,” which requires all open meetings to have both a recording and minutes;
- “Electronic Meeting Amendments,” which requires a public body to adopt rules governing the use of electronic meetings;
- “Common Polling Places Amendments,” which repeals the 4,000 active voter limit on polling place size and increases voting precinct size from 1,000 to 2,000 active voters;
- “Early Voting,” which allows voting 14 days prior to election day;
- “Provisional Ballot Amendments,” which addresses voter identity provisions and the use of a provisional ballot; and
- “Election Code Revisions,” which makes technical corrections.

*Chairs: Sen. Parley Hellewell / Rep. Douglas C. Aagard
Staff: Benjamin Christensen (analyst)/Eric Weeks (attorney)/Cassandra Bauman (secretary)*

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Health and Human Services

STUDIES:

- Reviewed strategies adopted in Utah and other states for containing Medicaid pharmaceutical spending. Also studied other states' efforts to aggregate the purchasing of pharmaceuticals by publicly funded entities.
- Received draft legislation, "Resolution Supporting Medicaid Preferred Drug List for Acid Reflux and Statins."
- The Department of Health, the Utah Dental Association, the Utah Medical Association, and the Utah Hospitals and Health Systems Association commented on issues related to Medicaid provider reimbursement.
- The Utah Department of Health and Utah Issues commented regarding Medicaid issues anticipated during the 2006 General Session.
- Reviewed draft legislation, "Adoption and Vital Statistics Amendments," that would modify the disclosure of adoption records.

Chairs: Sen. Allen M. Christensen / Rep. Bradley G. Last

Staff: Mark Andrews (analyst)/Catherine Dupont, Thomas Vaughn (attorneys)/Joy Miller (secretary)

Judiciary

REPORTS:

- The CCJJ (Commission on Criminal and Juvenile Justice) presented the annual DUI report.
- The Department of Corrections and the CCJJ reported on sex offender treatment.

ACTIONS:

- Adopted draft legislation, "Child Protection Amendments," as a committee bill.
- Conducted a sunset review on pleas in abeyance for DUI violations. The committee then voted to extend the sunset date to July 1, 2008.

Chairs: Sen. David L. Thomas / Rep. James A. Ferrin

Staff: Jerry Howe (analyst)/Esther Chelsea-McCarty (attorney)/Cassandra Bauman (secretary)

Law Enforcement and Criminal Justice

STUDY:

- The Department of Corrections presented information on privatization of certain aspects of corrections and treatment. The committee discussed related issues.

REPORTS:

- CCJJ (Commission on Criminal and Juvenile Justice) presented the statutorily required Crime Reduction Assistance Program Report and the Federal Equitable Sharing Report relating to forfeited property and its disposition.
- The Dispatch Services Subcommittee presented a report on visits to Weber, Davis, and Salt Lake dispatch centers.

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ACTION:

- Requested draft legislation regarding DNA collection from juvenile felony sex offenders.

Chairs: Sen. D.C. Buttars / Rep. DeMar "Bud" Bowman

Staff: Stewart Smith (analyst)/Susan Creager Allred (attorney)/Wendy Bangertner (secretary)

Natural Resources, Agriculture, and Environment

REPORT:

- The Department of Natural Resources reported on funds expended for species protection.

ACTION:

- Considered draft legislation, "County Option Sales and Use Tax for Agricultural Land and Open Land," that would allow qualifying counties to impose a county option sales and use tax, that would be used to protect agricultural and open land.

Chairs: Sen. Thomas V. Hatch / Rep. Roger E. Barrus

Staff: Brian Allred (analyst)/John Fellows & Emily Brown (attorneys)/Joy Miller (secretary)

Political Subdivisions

STUDIES:

- The Automated Geographic Reference Center briefed the committee on the implementation of several bills related to the Geographic Information System.
- Representatives of Utah's seven AOGs (Associations of Governments) explained the concepts of proposed legislation that would place the AOGs in statute.
- Considered a proposal to require the courts to award costs and reasonable attorney's fees to a property owner in an eminent domain action if the compensation and damages award exceeds the highest offer by more than ten percent.

Chairs: Sen. Carlene M. Walker / Rep. Brad L. Dee

Staff: Joseph Wade (analyst)/Robert Rees (attorney)/Wendy Bangertner (secretary)

Public Utilities and Technology

REPORTS:

- Received a report from the Energy Policy Working Group regarding the creation of a state energy policy in four areas: energy development; transmission; conservation; and governmental organizations.
- The Department of Environmental Quality, Utah Geologic Survey, and the Division of Facilities Construction and Management reported as required by statute regarding the integration of energy functions following the 2005 dissolution of the Utah Energy Office.
- Received the Natural Resource Economic Cluster Report.

ACTION:

- Adopted draft legislation, "Utah International Trade Commission," as a committee bill.

Chairs: Sen. Gregory S. Bell / Rep. Sheryl L. Allen

Staff: Richard North (analyst)/Christopher Parker (attorney)/Phalin Flowers (secretary)

Revenue and Taxation

REPORTS:

- The Tax Reform Task Force reported its recommendations regarding income, sales and use, property, and other taxes.
- The Utah State Tax Commission reported on proposed legislation to prevent abusive tax avoidance practices and to impose penalties for failing to file certain tax returns.

Chairs: Sen. Curtis S. Bramble / Rep. Wayne A. Harper

*Staff: Bryant Howe & Phillip Dean (analysts)/Rebecca Rockwell & Angela D. Oakes (attorneys)
Phalin Flowers (secretary)*

Transportation

STUDY:

- Reviewed proposed Transportation Commission rules regarding a prioritization process for new transportation capacity projects.

REPORTS:

- The CCJJ (Commission on Criminal and Juvenile Justice) reported on the use of pleas in abeyance involving DUI violations.
- The CCJJ reported on DUI-related collection and maintenance of data by the courts to allow sentencing and penalty enhancement decisions for repeat DUI offenders.

ACTIONS:

- Requested draft legislation to extend the sunset date for statutory restrictions on pleas to DUI violations.
- Requested draft legislation to amend provisions regarding the use of ignition interlock devices.

Approved as committee bills the draft legislation:

- "Commercial Driver License Amendments,"
- "Identification Card Expiration Amendments," and
- "Commercial Driver Training School Act Amendments."

Chairs: Sen. Sheldon L. Killpack / Rep. Joseph G. Murray

Staff: Mark Steinagel (analyst)/Shannon Halverson (attorney)/Tracey Fredman (secretary)

Workforce Services & Community and Economic Development

REPORTS:

Received the following reports:

- Use of the Southeastern Utah Small Business Development Fund;
- Development zones and the granting of partial rebates of new state revenues, as required by U.C.A. Section 63-38f-1706;
- Providing low and moderate income housing and assistance provided to local governments, as required by U.C.A. Section 9-4-1204;

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- Reconciling child care delinquent payment records with the Office of Child Care and with certain child care providers;
- Proposed legislation for the 2006 General Session, presented by the Department of Community and Culture;
- Proposed legislative action for the 2006 General Session, presented by the Governor's Office of Economic Development; and
- Addressing the literacy and math skills of Family Employment Program (FEP) clients.

ACTION:

- Approved as committee bills the draft legislation "Employment Security Amendments" and "Unemployment Compensation - Social Security Offset".

*Chairs: Sen. John W. Hickman / Rep. David N. Cox
Staff: Art Hunsaker (analyst)/Jim Wilson (attorney)/Glenda Whitney (secretary)*

Joint Meeting of the Public Utilities and Technology Interim Committee and the Natural Resources, Agricultural, and Energy Interim Committee

STUDY:

- The Energy Policy Working Group reported regarding the creation of a state energy policy in four areas: energy development; transmission; conservation; and governmental organizations.

ACTION:

- The committees discussed the report and determined how they would proceed in reaching decisions.

*Public Utilities and Technology Interim Committee
Chairs: Sen. Gregory S. Bell / Rep. Sheryl L. Allen
Staff: Richard North (analyst)/Christopher Parker (attorney)/Phalin Flowers (secretary)*

*Natural Resources, Agricultural, and Energy Interim Committee
Chairs: Sen. Thomas V. Hatch / Rep. Roger E. Barrus
Staff: Brian Allred (analyst)/John Fellows & Emily Brown (attorneys)/Joy Miller (secretary)*

Utah's State Website Ranks First in U.S.

Utah's official web portal, Utah.gov, is the best state government Web site in the nation. In Brown University's sixth annual study of state and federal eGovernment performance, www.Utah.gov earned the highest ranking in the country, up from third place last year.

Researchers at Brown University's Taubman Center for Public Policy evaluated over 1500 state sites, including federal and state Web sites, against a broad range of criteria related to government functions and constituent services. "Utah.gov is extremely easy to navigate with the most popular online services front and center on the homepage," said Darrell M. West, director of Brown University's Taubman Center for Public Policy and American Institutions and the author of the study. "And with a link in the header to the online services menu as well as around-the-clock customer service, finding the information you need can be quick and easy."

Additionally, the Brown study notes, Utah.gov offers up-to-the-minute government news, alerts, traffic, and weather. Links to Utah's privacy and accessibility policies can be found at the bottom of every page. Utah.gov was also ranked first in the nation in the Center for Digital Government's 2003 Best of the Web competition. In 2004 alone, Utah.gov processed 2.4 million transactions and experienced over 17 million visits. (*Information from www.Brown.edu and www.TMCnet.com*)



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For more information about legislative activities, contact one of the legislative offices or visit our website at: www.le.utah.gov

Editors: Susan Creager Allred & Stewart E. Smith

Next Interim Day: November 9



FISCAL HIGHLIGHTS

EXECUTIVE APPROPRIATIONS COMMITTEE

CO-CHAIRS:

SENATOR LYLE HILLYARD - REPRESENTATIVE RON BIGELOW

Report: Federal Funds

Summary: Sophia DiCaro, Governor's Office of Planning and Budget, presented the list of federal fund grant applications since the last EAC meeting. The listing shows two new applications and five reapplications that require action by the EAC, seven applications that have been approved by the Governor, and the tracking of over three hundred outstanding federal fund grants.

Committee Action: The committee approved seven applications to continue through the application process.

Staff Contact: Juliette Tennert

Report: USTAR Initiative Long-range Plans.

Summary: The Utah Science, Technology and Research (USTAR) Economic Development Initiative is an effort to join the Utah business community and the State's research universities. The Legislature appropriated \$4 million in ongoing General Funds to fund research teams and a supplemental appropriation of \$3.35 million for equipment and supplies.

The FY 2007 proposal requests ongoing funding that includes: \$25 million for additional research teams, \$3 million for business innovation outreach centers, and \$3 million for a commercialization project. An additional \$250 million in one-time revenue is requested for four buildings. The state funding is expected to result in significant new outside grant funding, new companies, new jobs, and new tax revenues. It was noted that these results will not be immediate, but will grow significantly over time.

Committee Action: The committee approved a motion requiring semi-annual reporting from USTAR. The LFA and GOPB should develop a format for the report, which should include performance and accountability indicators reflecting key outcomes.

Staff Contacts: Spencer Pratt & Andrea Wilko

NEW LFA STAFF

We welcome two additions to our fiscal analyst staff -

- Derek Byrne - previously worked for the Legislative Auditor General. Derek will join Gary Ricks as staff support to the Executive Offices and Criminal Justice Appropriation Subcommittee.
- Juliette Tennert - recently completed graduate work in economics. Juliette's work will focus on state-wide economic analysis with Dr. Andrea Wilko. She will also track federal funds and the state retirement system.

Report: State Office of Education - School Technology Report

Summary: The State Office of Education (USOE), provided the committee with an overview on the use and funding of educational technology in the public schools. Roughly 38 percent of school computers are 4 or more years old. Often when students use school equipment they have to "power-down" in relation to equipment students use privately.

According to a Legislative Audit, for teachers and students to utilize technology in an efficient and effective manner, three components must be present: access to technology ; professional development opportunities in the use of technology; and, on-going technical support to maintain the systems.

The presenters recommend an ongoing investment of \$25 million to support educational technology in the schools. This funding reflects a goal of 2 students per computer . The USOE also recommends that the local school districts provide a match to qualify for new technology funds. Districts would focus this match on educator professional development and technical support.

Staff Contacts: Michael Kjar & Ben Leishman

Report: Washington County Flood Relief Expenditures

Verdi R. White, Director, Emergency Services and Homeland Security Division of DPS reported on the "to date" funding allocations to Washington County entities per HB 240. As of the third quarter, Washington County, Santa Clara, and St. George had spent \$3.8 million of the \$25 million appropriated. Local, county, and state officials answered questions from the Committee concerning the restoration effort.

Staff Contacts: Gary Ricks & Ivan Djambov

Report: Proposed Market Comparability Adjustment Options

Summary: Jeff Herring, Director of the Department of Human Resource Management (DHRM), discussed the effect of the Market Comparability Adjustments (MCAs) funded by the Legislature for FY 2006. Based on a Total-Comp-Index for 2005, benchmarked positions gained approximately 5 points on the index. Mr. Herring was pleased with the progress made and will be providing some MCA funding options for consideration in the 2006 General Session. There was some discussion about the impact of benefits in the total index. While DHRM does consider benefits, difficulty in getting comparable information may necessitate the hiring of an outside consultant for future MCA studies.

Staff Contact: Andrea Wilko

EAC CONTINUED

Report: Legislative Process Committee Report

Summary: Representative Ron Bigelow proposed a change to joint legislative rules that would require the Executive Appropriations Committee to receive and approve a base budget in December prior to each annual General Session. The change, contained in a draft joint resolution, defines base budget as all ongoing appropriations from the previous year plus any changes approved by the Executive Appropriations Committee. It also requires the Legislature to receive a base budget bill on the first day of the General Session and to approve or defeat the bill by the 10th day.

Committee Action: The Committee adopted this proposal.

Staff Contacts: John Massey & Jonathan Ball

UPCOMING MEETINGS

- Commerce and Revenue - October 27, 2005
8:30 Workforce Services in American Fork
(Contact Stan Eckersley)
- Higher Education - November 10, 2005
Proposed Meeting
(Contact Spencer Pratt)
****Please Note the Date Change****
- Public Education - November 16, 2005
8:00 - State Capitol Complex
(Contact Ben Leishman)
****Please Note the Early Start Time****
- Health and Human Services - December 6, 2005
Proposed Meeting
(Contact Debbie Headden or Bill Greer)

SUBCOMMITTEE MEETING SUMARIES

Higher Education

Co-Chairs: Senator Gregory Bell & Representative Kory Holdaway

Summary: The subcommittee met on September 22, 2005 at Salt Lake Community College and discussed methods to improve the success of students in higher education. This involves several different approaches and includes public education through increased graduation requirements in math, English, science and social studies. Transition strategies need to be developed to increase student success.

Institutions are making efforts to increase student retention and graduation rates through advising and other activities outside of the classroom. Concurrent Enrollment has grown significantly over the past decade, but funding has remained at FY 1990 levels. This requires additional institutional support.

A presentation was made showing future enrollment projections and demographics. A discussion of funding future enrollment growth followed. The history of funding over the past several years shows a shift toward a greater portion of the total cost being paid by tuition.

The subcommittee also received a report on Uniform Data Collection, which is a statewide system to track student progress through public and higher education. A K-16 system provides the coordination and articulation to improve the entire educational system.

Staff Contact: Spencer Pratt

Executive Offices and Criminal Justice

Co-Chairs: Senator David Thomas & Representative David Hogue

Summary: The subcommittee met on October 18th at the West Jordan Courthouse and heard the following reports: Crime Victims Reparation Trust Fund and Crime Victims Reparations; Jail Contracting and Jail Reimbursement Study Update; Rape in Utah; and, Youth Providers Association.

The committee toured the new West Jordan Courthouse. It is anticipated that the functional design of this courthouse will serve as a model for future courthouses in the state.

Staff Contacts: Gary Ricks & Derek Byrne

Natural Resources

Co-Chairs: Senator Thomas Hatch & Representative Bradley Johnson

Summary: The subcommittee participated in a field trip to central Utah on September 28-29, 2005. On the first day the committee members visited the fish hatcheries in Springville and Fountain Green, the Agriculture Diagnostic Lab in Nephi, discussed watershed conservation projects and Noxious Weed issues in Fairview Utah, and visited Palisade State Park.

During the second day the committee members visited the Great Basin Research Seed Facility in Ephraim, observed range improvement projects west of Ephraim, toured a watershed area near Scipio, stopped at Yuba State Park and made a short visit to Kuhni Rendering Plant near Mills. During the two-day trip the legislators met with representatives of the community, businesses, and state agencies to discuss budget and policy issues.

Staff Contact: Ivan Djambov

Public Education

Co-Chairs: Senator Howard Stephenson & Representative Gordon Snow

Summary: The subcommittee met on September 29, 2005, which included a joint meeting with the State Board of Education and Education Interim Committee in an afternoon session.

In its morning session, the subcommittee discussed charter school funding priorities and new formula proposals for CS Administration and CS Local Replacement Funding. The subcommittee heard a presentation on a performance review of the Fine Arts and Sciences program. The Utah Foreign Exchange Student Association provided information on the status of foreign exchange students in Utah schools since state funding was eliminated. The subcommittee will follow up on the Fine Arts and Sciences performance review and Foreign Exchange funding restoration in its November meeting.

Staff Contacts: Michael Kjar & Ben Leishman