



INTERIM HIGHLIGHTS

Office of Legislative Research and General Counsel
House Building, Suite 210 • Salt Lake City, Utah 84114 • (801) 538-1032

INTERIM LEGISLATIVE MEETINGS

Meetings were held November 18, 2009, or as noted.

Administrative Rules

(October 30, 2009)

STUDY:

- Discussed the role of physicians in helping their patients avoid addiction to prescribed medications. The committee also discussed whether amendments to state statutes or administrative rules are needed to address the issue.

ACTION:

- Voted to recommend that the Legislature repeal a rule of the Department of Human Services directing certain employees within the department to conduct child protective services investigations. The committee determined that the rule did not comply with state law which requires that the investigations be conducted by an independent child protective services investigator.

Chairs: Sen. Howard A. Stephenson / Rep. Curtis Oda

Staff: Art L. Hunsaker (analyst)/Susan Creager Allred (attorney)/Tracey Fredman (secretary)

Business and Labor

STUDIES:

- Received an update on a proposed recodification of the Alcoholic Beverage Control Act.
- Received a committee staff report regarding the number of sublicenses granted in connection with a resort license under the Alcoholic Beverage Control Act.

REPORTS:

- Received a report from the Labor Commission and Workers' Compensation Advisory Council regarding workers' compensation premium assessments.
- Received a preliminary report from the Health System Reform Task Force.
- Received a report from the Division of Real Estate regarding certain regulatory issues involving appraisal management companies.

ACTIONS:

- Approved as committee bills:
 - "Insurance Related Amendments," which modifies the Insurance Code and related provisions to make various amendments. The bill modifies definitions,

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addresses fees, nonlapsing money, and the creation of restricted accounts, and also addresses provisions related to licensure and insurance adjusting;

- "Deferred Deposit Lending Amendments," which modifies the Check Cashing and Deferred Deposit Lending Registration Act to address operational requirements related to deferred deposit lending;
- "State Construction Contracts and Drug and Alcohol Testing," which modifies the Utah Procurement Code to address requirements for random drug and alcohol testing for state construction contracts;
- "Licensing of Elevator Contractors and Elevator Mechanics," which provides for the qualifications and licensing of elevator contractors and elevator mechanics; and
- "Foreclosure Rescue and Loan Modification Amendments," which modifies provisions related to licensure and prohibited conduct for those engaging in foreclosure rescue or loan modification assistance.

Chairs: Sen. John L. Valentine / Rep. James A. Dunnigan

Staff: Bryant R. Howe (analyst)/Patricia Owen & Robert H. Rees (attorneys)

Phalin L. Flowers (secretary)

Child Welfare Legislative Oversight Panel

(November 17, 2009)

STUDIES:

- Received a briefing from the Division of Child and Family Services (DCFS) on worker caseloads.
- Received comments from the Utah Foster Care Foundation and other DCFS providers on the impact of recent reductions in reimbursement rates and provider funding, and the potential impact of further reductions.

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Page 8 Legislative Audit Reports

- Received the annual report of the Office of the Guardian ad Litem and reviewed the office's progress in addressing issues raised in the November 2008 follow-up audit of the office by the Legislative Auditor General.

ACTION:

- Reviewed the recent recommendation of the Administrative Rules Review Committee to not reauthorize R495-888, a Department of Human Services administrative rule that addresses related-party investigations. Received testimony from the department on options for addressing related-party investigations. Directed the panel's chairs to develop a proposal to resolve the issue and recommended that the Legislature fund the proposal.

Chairs: Sen. Allen M. Christensen / Rep. Trisha S. Beck

Staff: Mark D. Andrews (analyst)/Thomas R. Vaughn (attorney)/Wendy Bangerter (secretary)

Education

STUDIES:

- Considered a proposal to require a school district in a county of the first class that receives property tax revenue from a capital outlay levy equalization program to adopt schedules to increase the enrollment capacity of certain school buildings.
- Continued committee discussion of proposed legislation that: (1) sets the statewide minimum basic tax rate at a fixed rate; (2) consolidates eight school district property tax levies into three property tax levies; and (3) provides a formula to set a school district's certified tax rate beginning with the 2011 taxable year.
- Discussed potential modifications to the New Century Scholarship and the Regents' Scholarship, including policy options that would increase academic requirements, limit use of scholarships to public institutions, and give the Board of Regents the authority to set application deadlines.

REPORTS:

- Received the following written reports from the Utah State Office of Education:
 - Grades 4-6 Math Improvement Program;
 - Financial and Economic Literacy Education;
 - School Discipline;
 - Sorenson Elementary Arts Initiative;
 - Utah Schools for the Deaf and the Blind; and
 - UPSTART.
- Received a written annual report from the Technology Initiative Advisory Board on the Engineering and Computer Science Initiative.

ACTION:

- Approved as a committee bill, "School District Employees - Career Status Requirements," which modifies the Utah Orderly School Termination Procedures Act regarding

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requirements for school district employees to obtain career status.

Chairs: Sen. Howard A. Stephenson / Rep. Gregory H. Hughes
Staff: Constance C. Steffen & Allison M. Nicholson (analysts)/Angela Oakes Stallings (attorney)
Glenda S. Whitney (secretary)

Ethics

REPORT:

- Received from staff, in response to the committee's request, a draft of legislative rules changes, "Joint Resolution on Ethics Complaint Procedures."

ACTION:

- Approved as a committee bill, "Joint Resolution on Ethics Complaint Procedures," which establishes an independent ethics commission and establishes procedures for filing and adjudicating ethics complaints against legislators.

Chairs: Sen. Sheldon L. Killpack & Rep. John Dougall
Co-chairs: Sen. Patricia W. Jones & Rep. Rebecca Chavez-Houck
Staff: Michael Christensen (Director)/John L. Fellows (General Counsel)/Eric N. Weeks (Deputy General Counsel)/John Q. Cannon (Managing Policy Analyst)/Chelsea Barrett (secretary)

Government Operations and Political Subdivisions

STUDY:

- Discussed draft legislation, "Elected Municipal Officials Amendments," which prohibits an elected municipal official from being considered for or appointed to a paid, appointed position in the municipality.

ACTIONS:

- Approved as committee bills:
 - "Amended Campaign Financial Statements," which provides requirements for filing an amended financial statement, including showing in detail the amendments, summarizing the amendments, and explaining the reasons for the amendments;
 - "Campaign Finance Revisions," which requires a corporation's and a political issues committee's expenditures be reported as of five days, instead of three days, before the required filing date of a financial statement;
 - "Election Modifications," which amends the Election Code, including the filing deadline for a declaration of candidacy, the definition of "date of the election," Senate consent to fill a vacancy in the office of the lieutenant governor, valid Utah driver license or ID card used for voter registration, voter ID presented to election officials after an election, and the meeting period for the board of canvassers to canvass the returns for a municipal primary election;
 - "Notary Public Amendments," which provides that a notarial certificate shall include a description of the type of notarial act and other specified information;

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- “Per Diem and Travel Expense Modifications,” which replaces language used to describe per diem and travel expense for members of boards and commissions with standardized language; and
- “Referendum Ballot Proposition Amendments,” which clarifies the definition of referendum and provides that a vote “for” on a referendum question means that the voter is in favor of the law taking effect.

Chairs: Sen. Peter C. Knudson / Rep. Craig A. Frank / Rep. Fred R Hunsaker
Staff: Benjamin N. Christensen & Joseph T. Wade (analysts)
Emily Brown & Victoria S. Ashby (attorneys)/Wendy L. Bangertner (secretary)

Health and Human Services

STUDIES:

- Received a briefing from the Utah Department of Health on the roles and functions of the medical and dental clinics operated by the department’s Bureau of Clinical Services.
- Received a briefing from the Department of Health’s Tobacco Prevention and Control Program, Phoenix Alliance, a tobacco prevention and control contractor, and a local health department on the introduction and marketing of new smokeless tobacco products and the importance of tobacco prevention and control programs.

ACTIONS:

- Approved as committee bills:
 - “Drug Law Definitions - Amendments,” which amends the Utah Controlled Substance Act, the Utah Medical Practice Act, the Pharmacy Practice Act, the Utah Osteopathic Medical Practice Act, and the Naturopathic Physician Practice Act to provide consistency in the use of definitions, including those for “prescribe,” “prescription drug or device,” and “drug”;
 - “Scheduling of Controlled Substances,” which creates a committee process for determining whether a drug should be recommended for scheduling as a controlled substance under Utah Code Title 58, Chapter 37, “Controlled Substances”;
 - “Controlled Substance Database - Reporting for Overdose of a Prescribed Controlled Substance,” which requires hospitals to report to the Division of Occupational and Professional Licensing (DOPL) overdoses involving prescription drugs. DOPL is required to provide the overdose reports made by hospitals to prescribers who may have prescribed the abused substances;
 - “Controlled Substance Database - Reporting Convictions for Driving Under the Influence or Impaired Driving,” which requires courts to report to DOPL convictions for driving under the influence of a prescription drug. DOPL is required to report convictions to prescribers who may have prescribed the abused substances;

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- “Controlled Substance Database Amendments,” which requires a person who is licensed or applying for a license to prescribe a controlled substance, or who is renewing a license, to register to use the Controlled Substance Database and to take a tutorial and pass a test relating to the database and the prescribing of a controlled substance;
- “Amendments to Social Worker Licensing,” which amends the education program accreditation requirements for the licensing of clinical social workers, certified social workers, and social service workers; and
- “Abortion Amendments,” which amends provisions of the Utah Criminal Code to describe the difference between abortion and criminal homicide of an unborn child and to remove prohibitions against prosecution of a woman for killing her unborn child or committing criminal homicide of her unborn child.

Chairs: Sen. D. Chris Butters / Rep. Paul Ray
Staff: Mark D. Andrews (analyst)/Catherine J. Dupont & Thomas R. Vaughn (attorneys)
Joy L. Miller (secretary)

Health System Reform Task Force

REPORTS:

- Received updates from the Office of Consumer Health Services, the Governor’s Office of Economic Development, and the Utah Defined Contribution Risk Adjuster Board on the implementation of the Utah Health Exchange. Reviewed comparisons of exchange and non-exchange insurance plan rates and discussed what remains to be resolved before the exchange is expanded beyond the initial limited enrollment.
- Received a briefing from a representative of Together Rx Access, a pharmaceutical assistance program operated by eight pharmaceutical manufacturers. The program provides income-based discounts to individuals purchasing pharmaceuticals.

ACTIONS:

- Approved as committee bills:
 - “Health Reform - Uniform Electronic Standards - Insurance Information,” which amends provisions related to the use of uniform electronic standards for health insurance claims processing, insurance eligibility, and coordination of benefits, and establishes a voluntary registry of software vendors who comply with electronic standards; and
 - “Amendments to Health Insurance Coverage in State Contracts,” which amends provisions adopted during the 2009 General Session requiring certain government contractors to provide health insurance to their employees.

Chairs: Sen. Sheldon L. Killpack / Rep. David Clark
Staff: Mark D. Andrews (analyst)/Catherine J. Dupont (attorney)
Chelsea Barrett (secretary)

Judiciary, Law Enforcement, and Criminal Justice

STUDIES:

- Reviewed information on issues relating to dating violence with the Office of Domestic and Sexual Violence.
- Discussed draft legislation, "Penalties for Violent Crime in the Presence of a Child," which modifies the Criminal Code to provide graduated penalties for committing a violent criminal offense in the presence of a child younger than 14 years of age.

REPORTS:

- Received the following statutorily required reports from the Commission on Criminal and Juvenile Justice:
 - a progress report on the implementation, impact, and results of the Drug Offender Reform Act; and
 - a report on the effectiveness of sex offender treatment within the Department of Corrections.

ACTIONS:

- Approved the following as committee bills:
 - "Post-Conviction Remedies Amendments," which clarifies a statutory limitation on claims for relief under the Post-Conviction Remedies Act;
 - "Juvenile Transfers from Justice Court," which allows a justice court judge to transfer a matter concerning a child to the juvenile court if the justice court determines the transfer is in the child's best interest;
 - "Criminal Background Checks on Motor Vehicle Dealer and Sales Person Licenses," which allows the Motor Vehicle Enforcement Division to have access to the Bureau of Criminal Identification information on motor vehicle dealer's and sales person's prior arrests under state law involving motor vehicles, controlled substances, fraud, and registerable sex offenses for the purposes of issuing, revoking, or suspending a license;
 - "Expungement Revisions," which creates a new chapter known as the Utah Expungement Act that sets out procedures and conditions upon which an expungement may be granted by the court; and
 - "Joint Resolution on Combating and Reducing Gang Activity," which urges state and local governments to work together to address and reduce gang activity.

*Chairs: Sen. Jon J. Greiner / Rep. Douglas C. Aagard / Rep. Lorie D. Fowlke
Staff: Stewart E. Smith & Jerry D. Howe (analysts)/Susan Creager Allred & Esther Chelsea-McCarty (attorneys)/Amanda K. Majers (secretary)*

Native American Legislative Liaison Committee

(November 17, 2009)

REPORTS:

- Received the following statutorily required reports from the:
 - Uintah Basin Revitalization Fund;
 - Navajo Revitalization Fund;
 - Utah Division of Indian Affairs; and
 - Native American Remains Review Committee.
- Received reports from committee staff about issues raised in the September committee meeting held at the Native American Summit, including a tax code adopted by the Cedar Band of the Paiute Indian Tribe of Utah, and issues related to the repealed Navajo Trust Fund.

ACTION:

- Approved a letter, to be sent to Utah's Senator Bob Bennett, regarding congressional efforts involving certain royalties benefitting San Juan Navajos.

*Chairs: Sen. Kevin T. Van Tassell / Rep. Jack R. Draxler
Staff: John Q. Cannon (analyst)/Patricia Owen (attorney)/Wendy Bangertner (secretary)*

Natural Resources, Agriculture, and Environment

REPORTS:

- Received a report from the Public Lands Coordination Office regarding the activities and expenditures of the office.
- Received a report from the State Energy Office regarding renewable energy model ordinances.

ACTIONS:

- Approved as committee bills:
 - "Escalante Heritage Hole-in-the-Rock Center Joint Resolution," which expresses support for the construction of a Heritage Center in Escalante, Utah, to highlight the journey of the San Juan/Hole-in-the-Rock colonizing expedition;
 - "Land Exchange Distribution Account Amendments," which modifies the distribution of monies from the Land Exchange Distribution Account;
 - "Livestock Damage Compensation Amendments," which amends provisions relating to livestock damage caused by a wolf;
 - "Local District Amendments," which allows the creation of a local district to develop and execute a groundwater management plan in cooperation with the state engineer;
 - "Utah Generated Renewable Energy Electricity Network Authority Amendments," which modifies the membership of the Utah Generated Renewable Energy Electricity Network Authority Board;

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- “Utah State-made Firearms Protection Act,” which addresses the manufacture of firearms within the state for in-state use; and
- “Wildlife Licenses, Certificates, or Permit Amendments,” which allows the Wildlife Board to establish additional grounds for the refund of a license fee.

*Chairs: Sen. Dennis E. Stowell / Rep. Roger E. Barrus
Staff: J Brian Allred (analyst)/Christopher R. Parker (attorney)/Joy L. Miller (secretary)*

Public Utilities and Technology

REPORTS:

- Received a report from Magnum Energy about the use of compressed air technology for storing natural gas in salt domes.
- Received a report from the Utah Association of Energy Users about and in support of existing utility regulation and recently adopted Utah laws modifying the regulatory process.
- Received a report from Rocky Mountain Power about the company’s demand-side energy management programs for promoting energy efficiency among residential and business customers.
- Received a report from Markron Technologies about the use of solar energy in existing coal-fired power plants for greater efficiencies in the production of electrical energy.
- Received statutory annual reports and executive summaries from the Governor’s Energy Office, the Public Service Commission, and the Department of Technology Services.

ACTION:

- Approved as a committee bill, “Utah E-Commerce Integrity Act,” which prohibits certain Internet-related conduct involving fraud, spyware, phishing, pharming, and cybersquatting.

*Chairs: Sen. Stephen H. Urquhart / Rep. Michael E. Noel
Staff: Richard C. North (analyst)/Christopher R. Parker (attorney)/Tracey Fredman (secretary)*

Revenue and Taxation

REPORTS:

- Received a report from the Tax Commission on tax credits and checkoff contributions that will be removed from tax returns for not meeting minimum usage thresholds.
- Received a report from the Tax Review Commission regarding the sales tax on food.

ACTIONS:

- Approved as committee bills:
 - “Real Property Sales Information Disclosure,” which requires disclosure of the sales price upon sale of real property;
 - “Local Option Sales and Use Taxes for Transportation Act,” which makes changes to local option sales and use taxes for transportation;

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- “Amendments to the Tourism, Recreation, Cultural, Convention, and Airport Facilities Tax Act,” which makes changes to restaurant taxes;
- “Joint Resolution on Property Tax Exemption for Water Facilities,” which addresses constitutional provisions regarding the property tax exemption for water facilities;
- “Property Tax Exemption for Water Facilities,” which expands the property tax exemption for water facilities;
- “Amendments to Individual Income Tax Definition of Resident Individual,” which addresses the definition of a resident individual for income tax purposes; and
- “Amendments Related to a Tax, Fee, or Charges Administered by the State Tax Commission,” which makes changes related to taxes, fees, and charges administered by the State Tax Commission.

*Chairs: Sen. J. Stuart Adams / Rep. Todd E. Kiser
Staff: Phillip V. Dean & Bryant R. Howe (analysts)/Rebecca L. Rockwell & Robert H. Rees (attorneys)/Phalin L. Flowers (secretary)*

Retirement and Independent Entities

(November 12, 2009)

STUDIES:

- Received a presentation from committee staff providing an overview of the total employer-paid compensation for public employees including salary, benefits, and employment taxes. The state will need an additional \$75 million to fund the fiscal year 2011 recommended contribution rate increase from 14.22 percent of salary in the Public Employees’ Noncontributory System to 16.32 percent. Similar increases are projected to be needed in each of the next four to six years.
- Received testimony and recommendations from interest groups responding to potential retirement reform issues. Generally, the comments urged caution against reacting too quickly, further study, keeping the defined benefit system, and considering the fact that salary increases have been sacrificed for many years for public employees to fund benefit stability.

REPORTS:

- Received a report from the Utah Retirement System actuaries on potential scenarios related to contribution rates and possible investment returns in the Retirement Trust Fund over time. The actuary outlined some tools to reduce the contribution rate increases, including eliminating the employer’s 1.5% 401(k) contribution, reducing benefits for new employees, making modest benefit reductions for current employees, and requiring current members to contribute.
- Received an audit report from the Office of the Legislative Auditor General, “Costs of Benefits for Reemployed Retirees and Part-Time Employees.” The recommendations included suspending the retirement allowance and eliminating the 401(k) contribution to reemployed retirees,

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pro-rating health care benefits for part-time employees, and studying ways to prevent part-time employees from inflating retirement benefits.

Chairs: Sen. Daniel R. Liljenquist / Rep. Melvin R. Brown

*Staff: Benjamin N. Christensen (analyst)/Catherine J. Dupont & Shannon C. Halverson (attorneys)
Glenda S. Whitney (secretary)*

Senate Education Confirmation Committee

(November 9, 2009)

ACTIONS:

- Recommended that the Senate confirm the following gubernatorial appointments:
 - Mr. Stanley B. Parrish as a member of the Utah College of Applied Technology Board of Trustees; and
 - Dr. Craig E. Coleman as a member of the Utah State Board of Education

*Chair: Sen. Curtis S. Bramble
Staff: Allison M. Nicholson (analyst)*

Senate Judicial Confirmation Committee

(November 10, 2009)

ACTION:

- Recommended that the Senate confirm Mr. Frederic Voros as an appellate court judge.

*Chair: Chris Buttars
Jerry Howe (analyst)*

Senate Revenue and Taxation Confirmation Committee

(November 17, 2009)

ACTION:

- Recommended that the Senate confirm Mr. Michael Cragun as a member of the State Tax Commission.

*Chair: Wayne Niederhauser
Bryant Howe & Phil Dean (analysts)*

Senate Transportation and Public Utilities and Technology Confirmation Committee

(November 17, 2009)

ACTION:

- Recommended that the Senate confirm Mr. Dannie R. McConkie as a member of the Transportation Commission.

*Chair: Sen. Stephen H. Urquhart
Staff: Leif G. Elder (analyst)*

Legislative Management Committee - Subcommittee on Oversight

(November 17, 2009)

REPORT:

- Received from the Legislative Fiscal Analyst the proposed FY 2010-11 budget for the Legislature. This budget includes the budgets of the Senate and the House of Representatives, and also the offices of the Legislative Auditor General, Legislative Fiscal Analyst (including Legislative Printing), and Legislative Research and General Counsel.

ACTION:

- Approved unanimously the Legislature's budget as presented by the Legislative Fiscal Analyst.

*Chairs: Sen. Michael G. Waddoups/ Rep. David Clark
Staff: John L. Fellows (attorney)/Beverlee LeCheminant (secretary)*

Transportation

STUDIES:

- Discussed a proposal to allow those who have a vehicle that is registered with a veterans' special group license plate and that is otherwise eligible for a clean fuel special group license plate to travel in the high occupancy vehicle lane regardless of the number of occupants.
- Received an update from the Driver License Division on the implementation of the Federal REAL ID Act of 2005 and related state legislation. The division is preparing information to inform the public of changes to the process of obtaining or renewing a driver license, such as providing evidence of lawful presence in the United States.
- Received a briefing from Go Natural CNG on converting large vehicles to operate on compressed natural gas and existing incentives to undertake these conversions. Some states offer greater tax incentives for conversions and fuel station construction than Utah currently offers.

ACTIONS:

- Adopted as committee bills:
 - "Extension of Sunset for Design-Build Contract Award Authorization," which extends the sunset of a provision relating to the procurement of design-build transportation project contracts that have an estimated cost of \$5,000,000 or less;
 - "Motor Vehicle Act Amendments," which modifies the Motor Vehicle Act; and
 - "Vehicle Safety Flags on Off-Highway Vehicles," which provides that a safety flag may be attached to the protective headgear of a person operating an off-highway vehicle rather than attaching the safety flag to the off-highway vehicle as required when operating on certain sand dunes.

*Chairs: Sen. Kevin T. Van Tassell / Rep. Julie Fisher
Staff: Leif G. Elder (analyst)/Shannon C. Halverson (attorney)/Tracey Fredman (secretary)*

Utah Constitutional Revision Commission

(November 12, 2009)

ACTION:

- Approved as a committee bill, "Joint Resolution Amending Provision on Municipal Water Rights," which authorizes a municipality to lease, on a short term basis, water rights owned or controlled by the municipality, and to renew the lease.

Chairs: Judge Jon Memmott, Chair / Mr. Roger Tew, Vice Chair

Staff: Jerry D. Howe (analyst)/Robert H. Rees (attorney)/Amanda K. Majers (secretary)

Utah International Trade Commission

(November 19, 2009)

REPORTS:

- Received a report from the Governor's Office of International Trade and Diplomacy, about trade between Utah and Asian countries, as well as an update on the South Korean Trade Act.
- Received a report from the Utah World Trade Center about its international trade initiatives and upcoming diplomatic and trade missions.
- Received a report from the Governor's Office of International Trade and Diplomacy on current international trade numbers in millions of dollars and with trend indicators.
- Received a report from commission staff about the legislative and executive branches' official international trade policies.
- Received a report from commission staff about federal HR 3012, "Trade Act," and Vermont's international trade principles.
- Received a report from Quantronix, an international exporter, about its software and technology services sold overseas.
- Received a report from a commission member about expanding commission duties to include other business interests in addition to international trade.

ACTION:

- Approved as a commission bill, "Concurrent Resolution on International Trade and State Governments," which urges Congress to improve federal-state consultation on international treaties.

Chairs: Sen. Mark B. Madsen / Rep. Sheryl L. Allen

Staff: Richard C. North (analyst)/James L. Wilson (attorney)/Wendy Bangertner (secretary)

Utah Tax Review Commission

(November 12, 2009)

STUDY:

- Received a commission staff report comparing Utah's state and local tax burden with other states.

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ACTIONS:

- Recommended that the state sales and use tax on food be restored to the general sales and use tax rate of 4.7% along with policies to mitigate the regressive impact of increasing the tax rate.
- Adopted a letter to the chairs of the Revenue and Taxation Interim Committee responding to certain issues regarding the sales tax on food.

Chairs: Mr. M. Keith Prescott / Mr. David J. Crapo

Staff: Bryant R. Howe & Phillip V. Dean & Leif G. Elder (analysts)

Rebecca L. Rockwell & Robert H. Rees (attorneys)/Phalin L. Flowers (secretary)

Workforce Services & Community and Economic Development

REPORT:

- Received a report from the Governor's Rural Partnership Board regarding its actions in attracting economic development to rural Utah and its recommendations for legislation.

ACTIONS:

- Approved as committee bills:
 - "Department of Community and Culture Grants Amendments," which provides for quarterly disbursement and progress reports of pass-through funding grants of at least \$25,000 administered by certain divisions, offices, and boards within the Department of Community and Culture;
 - "Economic Development Incentives Amendments," which requires an applicant for a tax credit under the Economic Development Incentives Act to provide documentation that it has satisfied the act's performance benchmarks, including significant capital investment, the creation of high paying jobs, significant purchases from Utah vendors or providers, or any combination of these economic factors; and
 - "Amendments to Programs for People with Disabilities," which:
 - provides that the competitive career service schedule include positions filled through an on-the-job examination intended to appoint a qualified person with a disability; and
 - grants authority to the Department of Human Resource Management to establish an on-the-job examination to appoint a qualified person with a disability.

Chairs: Sen. Mark B. Madsen / Rep. Steven R. Mascaro

Staff: Arthur L. Hunsaker (analyst)/James L. Wilson (attorney)/Glenda S. Whitney (secretary)

LEGISLATIVE AUDIT REPORTS

(November 11, 2009)

AUDIT REPORTS RELEASED:

- **A Performance Audit of the Cost of Benefits for Re-employed Retirees and Part-time Employees (#2009-17)**

This report contains actuarial estimates showing a \$401 million additional impact in allowing URS retirees from 2000 to 2008 to return to work full-time within the retirement system while collecting full retirement benefits. It is estimated that there will be future additional liabilities of \$897 million over the next 10 years if the Legislature does not make statutory changes. The report also discusses potential cost savings regarding benefits given to part-time employees.

- **A Performance Audit of the 9-1-1 System in Salt Lake County (#2009-16)**

This report identifies inefficiencies regarding how the 911 system is organized in Salt Lake County. The report recommends legislative changes to clarify state policy on allowable and intended uses of 911 fees.

- **A Performance Audit of Career and Technical Education Costs (# 2009-15)**

This report shows that the cost per hour of technical education is less expensive at Applied Technology Colleges than at two-year colleges. The report also identifies

institutions that have received funding for instruction they did not provide.

- **A Review of the Association Leave in Utah's School Districts (#ILR2009-B)**

This limited review found that most sampled school districts do not account for the education association president's time and there are no guidelines defining what a district benefit includes.

ACTIONS:

- Approved as new audits to be staffed (requester is listed):
 - Working 4 Utah Initiative, 4 Day Work Week (Rep. Curtis Oda)
 - Halfway House Programs (Sen. Sheldon Killpack)
 - School District Travel Accountability (Rep. Jim Bird)
 - Charter School Oversight (Rep. Jim Dunnigan)
- Priorities for future staffing (requester is listed):
 - Medicaid Provider Case Review (Audit Subcommittee - previously prioritized 8/18/09)
 - ZAP Taxes (Sen. Lyle Hillyard)

President Michael Waddoups / Speaker David Clark

**General Session Begins
January 25, 2009**

For more information about legislative activities, visit the Utah State Legislature's website at: www.leg.utah.gov

*Editors: Susan Creager Allred & Stewart E. Smith
Office of Legislative Research and General Counsel*

RETURN SERVICE REQUESTED

Office of Legislative Research and General Counsel
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LEGISLATION RECOMMENDED BY LEGISLATIVE COMMITTEES FOR THE 2010 GENERAL SESSION

Business and Labor

- *Deferred Deposit Lending Amendments
- *Licensing of Elevator Contractors and Elevator Mechanics
- *Foreclosure Rescue and Loan Modification Amendments
- *Insurance Related Amendments
- State Construction Code Adoption
- *State Construction Contracts and Drug and Alcohol Testing
- Utah Life and Health Insurance Guaranty Association Amendments
- Workplace Drug and Alcohol Testing

Education

- School District Division Amendments
- *School District Employees - Career Status Requirements
- Utah Performance Assessment System for Students (U-PASS) Amendments

Ethics

- *Joint Resolution on Ethics Complaint Procedures

Government Operations and Political Subdivisions

- *Amended Campaign Financial Statements
- *Campaign Finance Revisions
- *Election Modifications
- *Notary Public Amendments
- *Per Diem and Travel Expense Modifications
- *Referendum Ballot Proposition Amendments

Health and Human Services

- *Abortion Amendments

Alzheimer's and Dementia Awareness Concurrent Resolution

- *Amendments to Social Worker Licensing
- *Controlled Substance Database Amendments
- *Controlled Substance Database - Reporting Convictions for Driving Under the Influence or Impaired Driving
- *Controlled Substance Database - Reporting for Overdose of a Prescribed Controlled Substance
- Drug Law Amendments
- *Drug Law Definitions - Amendments
- Health Family Partnership House Resolution
- *Scheduling of Controlled Substances

Health System Reform Task Force

- *Amendments to Health Insurance Coverage in State Contracts
- Health Reform - Administrative Simplification
- *Health Reform - Uniform Electronic Standards - Insurance Information

Judiciary, Law Enforcement, and Criminal Justice

- Board of Pardons and Parole Technical Amendments
- Constables Amendments
- Court Fees For Inmates
- *Criminal Background Checks on Motor Vehicle Dealer and Sales Person Licenses
- Criminal Offense Penalties Amendments
- *Expungement Revisions
- Inmate Health Insurance Amendments
- *Joint Resolution on Combating and Reducing Gang Activity
- *Juvenile Transfers from Justice Court
- Parent-time Amendments
- *Post Conviction Remedies Amendments

** Bills recommended at the November interim meeting*

**LEGISLATION RECOMMENDED BY LEGISLATIVE COMMITTEES
FOR THE 2010 GENERAL SESSION
(Continued)**

**Natural Resources, Agriculture, and
Environment**

- *Escalante Heritage Hole-in-the-rock Center Joint Resolution
- Groundwater Recharge and Recovery Act Amendments
- *Land Exchange Distribution Account Amendments
- *Livestock Damage Compensation Amendments
- *Local District Amendments
- *Utah Generated Renewable Energy Electricity Network Authority Amendments
- *Utah State-made Firearms Protection Act Water Storage Projects
- *Wildlife Licenses, Certificates, or Permit Amendments"

Public Utilities and Technology

- *Utah E-Commerce Integrity Act

Revenue and Taxation

- *Amendments Related to a Tax, Fee, or Charge Administered by the State Tax Commission
- *Amendments to Individual Income Tax Definition of Resident Individual
- Amendments to Individual Income Tax Return Filing Requirements
- *Amendments to the Tourism, Recreation, Cultural, Convention, and Airport Facilities Tax Act
- Brine Shrimp Royalty Act Amendments
- Corporate Franchise and Income Tax Amendments
- Individual Income Tax Contribution for Methamphetamine Housing Reconstruction and Rehabilitation Fund
- *Joint Resolution on Property Tax Exemption for Water Facilities
- *Local Option Sales and Use Taxes for Transportation Act
- *Property Tax Exemption for Water Facilities
- *Real Property Sales Information Disclosure
- Sales and Use Tax Definition of Tangible Personal Property

Sales and Use Tax Modifications

State Water Development

- Groundwater Recharge and Recovery Act Amendments
- Water Storage Projects

Tax Review Commission

- Corporate Franchise and Income Tax Amendments

Transportation

- *Extension of Sunset for Design-build Contract Award Authorization
- *Motor Vehicle Act Amendments
- State Highway System Modifications
- Uniform Commercial Driver License Act Amendments
- Utah Scenic Byway Amendments
- *Vehicle Safety Flags on Off-highway Vehicles

Utah Constitutional Revision Commission

- *Joint Resolution Amending Provision on Municipal Water Rights

Utah International Trade Commission

- *Concurrent Resolution on International Trade and State Governments

**Workforce Services & Community and
Economic Development**

- *Amendments to Programs for People with Disabilities
- Building and Construction Projects - Technical Corrections
- *Department of Community and Culture Grants Amendments
- *Economic Development Incentives Amendments
- Family Employment Program - Cash Assistance to Single Minor Parent
- Unemployment Compensation Amendments
- Unemployment Insurance Amendments

** Bills recommended at the November interim meeting*