



INTERIM HIGHLIGHTS

Office of Legislative Research and General Counsel
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LEGISLATIVE INTERIM MEETINGS

Meetings were held November 14, 2012, or as noted.

Administrative Rules Review Committee

October 19, 2012

Rulemaking Related to Complaints and Fines Issued by the Division of Securities and the Division of Occupational and Professional Licensing

Discussed practices of the Division of Securities and the Division of Occupational and Professional Licensing regarding concerns with the divisions' handling of complaints and the assessment of fines against individuals the divisions found were in violation of state law. The committee also discussed whether the divisions should prepare administrative rules to address the concerns.

October 30, 2012

Requirements for Food Handlers

Received a report from the Department of Health regarding its efforts to prepare administrative rules, as required by state statute, to establish minimum requirements for food handler certification and training. The committee and representatives of the food industry discussed concerns with the department's proposed rulemaking process, while other food industry representatives and local health department representatives expressed support for the department's proposal.

Action: Directed committee staff to prepare a letter referring the issue to the Legislature's Business and Labor Interim Committee.

Definition of "Abuse or Neglect" in Statute and Administrative Rule

Discussed the definition of "abuse or neglect," as it relates to children, in Utah law and administrative rules, and in other western states.

Legislation Requiring Administrative Rulemaking

Received a statutorily required report from the Governor's Office of Economic Development explaining the reasons that the office was late in filing administrative rules to implement 2009 General Session H.B. 188, "Health System Reform — Insurance Market."

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

Staff: Art L. Hunsaker (Policy Analyst) / Susan Creager Allred (Attorney) / Tracey Fredman (Secretary)

Business and Labor

Alcoholic Beverage Control Act Amendments

Discussed draft legislation "Alcoholic Beverage Control Act and Master Licenses," which modifies the Alcoholic Beverage Control Act to create certain master licenses, modifies the definition of "retail license," and addresses the authority of the Alcoholic Beverage Control Commission.

Division of Occupational and Professional Licensing

Action: Approved as a committee bill, draft legislation "Professional Licensing Revisions," which modifies the duties and responsibilities of the Division of Occupational and Professional Licensing. The bill also modifies the division's oversight of factory-built housing and requirements for nursing education.

Exemption from Licensure for Hair Braiding

Action: Approved as a committee bill, draft legislation "Cosmetology and Hair Braiding," which adds an exemption for licensure for a person who braids hair and creates new licensing classifications related to hair braiders.

Insurance Amendments

Action: Approved as a committee bill, draft legislation "Insurance Amendments," which modifies the Insurance Code by making amendments to definitions, addressing rules related to the title and escrow commission, addressing monies deposited into the Insurance Fraud Investigation Restricted Account, and creating the Insurance Fraud Victim Restitution Account.

Recommendations of the Uniform Building Code Commission

Reviewed draft legislation "Construction Code Amendments" and "Energy Construction Amendments," which modify the editions of nationally recognized building codes incorporated by reference and adopted by the state.

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Insert Legislation Recommended by Legislative Committees for the 2013 General Session

Recommendations of the Utah State Fire Prevention Board

Reviewed draft legislation “State Fire Code Act Amendments,” which amends the State Fire Code Act, including updating the edition of nationally recognized codes that are incorporated by reference, amends provisions related to certain group care facilities, and modifies requirements regarding the installation of automatic fire suppression sprinkler systems.

Sunset Review — Hearing Instrument Specialist Licensing Act

Action: *Approved as a committee bill, draft legislation “Hearing Instrument Specialist Licensing Act,” which reauthorizes the Hearing Instrument Specialist Licensing Act until July 1, 2023, and modifies the requirements for obtaining a license as a hearing instrument specialist and as a hearing instrument intern.*

Title and Escrow Commission

Received information from the Insurance Department and the Title and Escrow Commission regarding rulemaking by the commission to define the term “minimum mandatory search” in connection with title insurance policies.

Workers' Compensation Coordination of Benefits

Reviewed draft legislation “Workers' Compensation Coordination of Benefits Amendments,” which amends the Insurance Code and Utah Labor Code to coordinate the benefits paid to an injured employee by a workers' compensation carrier and a group health insurance plan.

*Chairs: Rep. James A. Dunnigan / Sen. John L. Valentine
Staff: Bryant R. Howe (Assistant Director) / Patricia Owen (Attorney) / Robert H. Rees (Attorney) / Jennifer K. Christopherson (Secretary)*

Economic Development Task Force

November 15, 2012

Education

Received presentations from education leaders in Utah regarding the impact that education has on economic development, barriers that exist to increasing the impact of education on economic development, and strategies that the Legislature might consider to increase economic development through education.

Presenters noted that persons who complete a post-secondary degree earn approximately 75% more in wages than those who do not and that investment in higher education in Utah has resulted in over 200 patents and 120 start-up businesses. Presenters also noted that 66% of all jobs in the state will require a post-secondary degree by 2018.

Presenters encouraged task force members to consider increasing investment in higher and public education now in order to meet that future need.

*Chairs: Rep. Brad R. Wilson / Sen. Stuart C. Reid
Staff: Benjamin N. Christensen (Policy Analyst) / Nathan W. Brady (Policy Analyst) / Robert H. Rees (Attorney) / Jennifer K. Christopherson (Secretary)*

Economic Development and Workforce Services

Economic Development Organizational Structure and Mission

Received presentations from the Governor's Office of Economic Development, Economic Development Corporation of Utah, Utah Science Technology and Research Initiative, and World Trade Center Utah, which focused on respective functions, organization, teamwork between these entities, and efforts to integrate economic development on behalf of the state.

Economic Development Task Force — Update

Received a statutorily required report from the Economic Development Task Force. The task force has met eight times to discuss economic development issues and listen to presenters with a variety of backgrounds and expertise. A written report, “Economic Development Task Force Interim Report,” was distributed to the committee.

*Chairs: Rep. Jim Bird / Sen. Stuart C. Reid
Staff: Benjamin N. Christensen (Policy Analyst) / Peter Asplund (Attorney) / Robert H. Rees (Attorney) / Debra Hale (Secretary)*

Education

Proposed Legislation on Public Lands

Received a report from the Constitutional Defense Council regarding its study of public land management required by 2012 General Session H.B. 148, “Transfer of Public Lands Act and Related Study.” The council made recommendations for future actions, including investing more money to further study and implement H.B. 148, and studying how a transfer of public lands, from federal control to state control, could be implemented.

Reporting Test Scores

Received a report from the Utah State Office of Education explaining why reading proficiency test scores on a state test are higher than the test scores on a national test. The office explained that the two tests were designed for different purposes, and that the national test sets a higher standard for proficiency.

School Finance Data and Calculations

Discussed how school districts and charter schools could standardize reporting financial data.

U-PASS Reporting Requirements

Discussed draft legislation “School Reporting Amendments,” which modifies requirements pertaining to school report cards and school performance reports. The committee discussed whether to report and how to report the average growth score of a teacher's students.

Utah Schools for the Deaf and the Blind

Received a statutorily required report from the Utah Schools for the Deaf and the Blind, including information on student enrollment, participation in assessments, financial status, and student achievement.

The majority of students served by the organization are located in traditional neighborhood classrooms, receiving outreach services, as opposed to being served in campus or magnet school classes.

Voted and Board Levy Program

Action: Approved as a committee bill, draft legislation "Voted and Board Levy Program Amendments," which requires the full amount of the state contribution appropriated for the Voted and Board Levy Programs to be distributed each year, and requires the State Board of Education to increase the value of the state guarantee per weighted pupil unit sufficient to fully distribute the legislative appropriation.

Chairs: Rep. Francis D. Gibson / Sen. Howard A. Stephenson
Staff: Allison M. Nicholson (Policy Analyst) / Constance C. Steffen (Policy Analyst) / Angela Oakes Stallings (Attorney) / Debra Hale (Secretary)

Government Operations

Absentee Ballot Amendments

Action: Approved as a committee bill, draft legislation "Absentee Ballot Amendments," which:

- Prohibits a person from filling out an absentee ballot application for another person, except under certain circumstances; and
- Prohibits a person from filing an absentee ballot application with an election officer for another person, except under certain circumstances.

Account for People With Disabilities Amendments

Action: Approved as a committee bill, draft legislation "Account for People with Disabilities Amendments," which requires a two-thirds vote of the Legislature to repeal the section creating the Account for People with Disabilities Restricted Account and prohibits the Legislature from using money in the account to eliminate an operating deficit.

Anonymous Campaign Contributions

Action: Approved as a committee bill, draft legislation "Campaign Contribution Amendments," which:

- Prohibits an anonymous cash contribution over \$99;
- Requires a candidate to disburse an anonymous cash contribution or public service assistance over \$99 to either the state or political subdivision for deposit into its general fund or an organization that is exempt from federal income taxation under Section 501(c)(3), Internal Revenue Code;
- Prohibits a filing entity, other than a candidate, from using an anonymous cash contribution for a political purpose or as a political issues expenditure;
- Allows a filing entity to aggregate on a report contributions that do not exceed \$99; and
- Increases the amount at which certain filing entities must report the recipient of an expenditure.

Boards and Commissions

Action: Approved as a committee bill, draft legislation "Boards and Commissions Amendments," which repeals several boards and commissions created in statute with the amendment that all references to the Board of Examiners be removed from the bill.

Campaign Finance Reporting by Corporations

Action: Approved as a committee bill, draft legislation "Campaign Finance Reporting by Corporations," which requires a corporation that makes expenditures to influence the outcome of an election to:

- Report on a financial statement money received from a donor in certain circumstances; and
- Notify a donor that the corporation may use the money to influence the outcome of an election and that the corporation may disclose the donor in certain circumstances.

Election Law Amendments

Action: Approved as a committee bill, draft legislation "Election Law Amendments," which makes conforming amendments for the date of the Western Presidential Primary, addresses the submittal of an absentee ballot, repeals references to the county in a municipal ballot, and makes conforming amendments regarding the voter information pamphlet.

Election Polling

Action: Approved as a committee bill, draft legislation "Election Polling," which requires the disclosure of the identity of a person who pays for a poll regarding a candidate or ballot proposition.

Political Consultant Registration

Discussed draft legislation "Political Consultant Registration," which requires a political consultant to register with the lieutenant governor.

Veterans Reintegration Task Force

Received a report from the legislative Veterans Reintegration Task Force, which addressed the efforts and actions of the task force during the 2012 interim. The committee also reviewed draft legislation "Reauthorization of Veterans Reintegration Task Force."

Action: Approved as a committee bill, draft legislation "Reauthorization of Veterans Reintegration Task Force," which:

- Reauthorizes the Veterans Reintegration Task Force and limits its composition to not more than 21 members;
- Requires the task force to further study the difficulties encountered by returning service members after deployments and create a statewide action plan for assisting with reintegration into communities, finding employment, pursuing education, and locating services; and

- Charges the task force with creating a statewide action plan for collaborating, assisting, and coordinating with reintegration.

Chairs: Rep. Craig Powell / Sen. Peter C. Knudson
Staff: Art L. Hunsaker (Policy Analyst) / Emily R. Brown (Attorney) / Thomas R. Vaughn (Attorney) / Anna M. Allen (Secretary)

Health and Human Services

Cancer Awareness

Received reports on pancreatic cancer awareness, the relationship between radon exposure and cancer, and increasing tobacco taxes to decrease smokeless tobacco use.

Controlled Substances

Action: Approved as a committee bill, draft legislation "Controlled Substances Revisions," which adds new "spice" and "bath salts" analogs to the list of unscheduled controlled substances and makes technical changes.

Medical Reserve Corps Amendments

Received comments from a multi-county medical reserve corps.

Action: Approved as a committee bill, draft legislation "Medical Reserve Corps Amendments," which:

- Authorizes local health departments to train health care professionals who volunteer to participate in a medical reserve corps during public health emergencies and other situations; and
- Amends the Healthcare Providers Immunity from Liability Act to provide liability protections to professionals participating in medical reserve corps training.

Obesity

Received reports from the Utah National Guard, Rio Tinto, the Salt Lake County Board of Health, Intermountain Healthcare, and a legislator on:

- The negative relationship between obesity and Utah National Guard recruiting, retention, and combat readiness;
- Why Rio Tinto has made a large investment in an employee wellness program;
- The role of local health departments in addressing obesity; and
- The relationship between physical activity and academic performance.

Pharmacy Practice Act — Exemptions from Licensure

Received a report from the Division of Occupational and Professional Licensing on its evaluation of Pharmacy Practice Act exemptions related to dispensing and other practices involving contact lenses, cosmetic drugs, injectable weight loss drugs, and cancer drugs. The University of Utah Health Sciences Center conducted the evaluation, which included a national review of state statutes and rules, and a survey of health practitioner practices and consumer perceptions.

State Security Standards for Personal Information

Considered draft legislation "State Security Standards for Personal Information" in response to a Medicaid data breach earlier this year. Received comments from the Department of Technology Services, the Department of Health, and the Utah Hospital Association.

Action: Approved as a committee bill, draft legislation "State Security Standards for Personal Information," which amends the Medical Assistance Act to require a health care provider to give a patient notice that personal identifying information about the patient may be shared with the state's Medicaid and Children's Health Insurance Program eligibility database, and amends provisions in the Utah Technology Governance Act related to statewide security standards for personal information stored or transmitted on state servers.

Statutory Reports

Received a report from committee staff regarding reports that are statutorily required to be made to the committee.

Sunset Review — Expansion of 340b Drug Pricing Programs

Conducted a sunset review of Utah Code Section 26-18-12, Expansion of 340b drug pricing programs.

Sunset Review — Hospital Provider Assessment Act

Conducted a sunset review of Utah Code Title 26, Chapter 36a, Hospital Provider Assessment Act.

Sunset Review — Standard of Proof for Emergency Care When Immunity Does Not Apply

Continued October's sunset review of Utah Code Section 58-13-2.5, Standard of proof for emergency care when immunity does not apply.

Action: Approved as a committee bill, draft legislation "Health Care Provider Immunity Sunset Amendment," which repeals the requirement for Utah Code Section 58-13-2.5, Standard of proof for emergency care when immunity does not apply, to sunset July 1, 2013, but does not repeal a separate requirement for the section to sunset July 1, 2016, as part of Utah Code Title 58, Chapter 13, Health Care Providers Immunity from Liability Act.

Sunset Review — Timing of Implementation of Clearance for Direct Patient Access

Conducted a sunset review of Utah Code Section 26-21-211, Timing of implementation.

Action: Recommended allowing Utah Code Section 26-21-211, Timing of implementation, to sunset July 1, 2013, as scheduled.

Traumatic Brain Injuries — Addressing Service Gaps

Received a report from the Department of Human Services on gaps in the state's ability to help persons who have a traumatic brain injury but do not have an intellectual disability or a mental illness. The department reported that the Commission on Criminal and Juvenile Justice is working on this issue.

Chairs: Rep. Paul Ray / Sen. Allen M. Christensen
Staff: Mark D. Andrews (Policy Analyst) / RuthAnne Frost (Attorney) / Cathy J. Dupont (Attorney) / Lori R. Rammell (Secretarial Supervisor)

Health System Reform Task Force

November 1, 2012

Responding to the Federal Patient Protection and Affordable Care Act

Received information from the Governor's Health Policy Adviser on the implications of the three models the state could use to implement the two health insurance exchanges required by the federal Patient Protection and Affordable Care Act (PPACA) in 2014. The U.S. Department of Health and Human Services has indicated it will release further implementation guidance after the November 6 election, including clarification that state "blueprints" for exchanges may be submitted after the November 16 deadline.

Received reports from task force staff and the Insurance Department on the potential use of "stop loss" insurance (reinsurance for employers) as a means of avoiding the impact of various provisions of the PPACA.

Received a briefing by Avenue H (the Utah Health Exchange), the Insurance Department, and other interested parties on whether stand-alone dental or vision plans should be offered in Avenue H and the two health insurance exchanges required by the PPACA.

Received information from Aarches Community Health Care, a "consumer operated and oriented plan," or "CO-OP," created as a result of the PPACA. Aarches is scheduled to provide health insurance beginning January 1, 2014.

Action: Voted to have the Insurance Market Issues Workgroup look further into whether stand-alone dental or vision plans should be offered in Avenue H and the two health insurance exchanges required by the PPACA.

Chairs: Rep. James A. Dunnigan / Sen. Wayne L. Niederhauser

Staff: Mark D. Andrews (Policy Analyst) / RuthAnne Frost (Attorney) / Cathy J. Dupont (Attorney) / Lori R. Rammell (Secretarial Supervisor)

Judiciary

Children's Participation in Custody Proceedings

Action: Approved as a committee bill, draft legislation "Child Custody Proceedings Amendments," which reduces the age from 16 to 14 for children to express their opinion in custody cases regarding which parent with whom they would prefer to reside.

Expungement Process

Action: Approved as a committee bill, draft legislation "Expungement Process Amendments," which creates a process to expunge drug-related offenses, requires the petitioner to be free of illegal substance abuse and to be successfully managing any substance addiction, and clarifies the difference between a pardon and an expungement.

Justice Courts' Jurisdiction

Discussed removing DULs from the jurisdiction of justice courts and limiting justice courts' authority to impose consecutive sentences on individuals convicted of multiple misdemeanors.

Rights of Parents and Children

Action: Approved a memorandum from two committee members requesting that the Division of Child and Family Services provide during the 2013 General Session information and data to the Judiciary Standing Committee, the Health and Human Services Standing Committee, and the Social Services Appropriation Committee pursuant to 2012 General Session H.B. 161, "Rights of Parents and Children."

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

Staff: Chelsea B. Lloyd (Policy Analyst) / Esther Chelsea-McCarty (Attorney) / Jennifer K. Christopherson (Secretary)

Law Enforcement and Criminal Justice

Campus Safety Amendments

Action: Approved as a committee bill, draft legislation "Campus Safety Amendments," which amends the Criminal Code provisions relating to persons interfering or trespassing on property owned by an institution of higher education.

Capital Punishment

Discussed aspects of the death penalty in Utah. Received an updated fiscal impact estimate from the Office of the Legislative Fiscal Analyst regarding the cost of imposing the death penalty compared to imposing life in prison without parole. The Fiscal Analyst estimates that imposing the death penalty in Utah costs the state approximately \$1.7 million per year more than the costs of seeking a sentence of life without the possibility of parole.

Received comments from the Office of the Utah Attorney General regarding the concepts of deterrence and retribution.

Received comments from individuals who have been personally affected by the death penalty as family members.

Received comments from Utahns for Alternatives to the Death Penalty.

Dating Protection Act

Action: Approved as a committee bill, draft legislation "Dating Violence Protection Act," which provides for the issuance, modification, and enforcement of protective orders between individuals in a dating relationship.

Enticing a Minor

Action: Approved as a committee bill, draft legislation "Enticing a Minor Amendments," which amends the Criminal Code by clarifying that enticing a minor does not include the intent to complete the commission of a sexual offense with a minor and provides that the penalty for enticing a minor is based on the level of sexual conduct that the offender solicits.

Material Harmful to Minors

Received a presentation regarding the effects that soft-core or gateway pornography has on the developing brains of children and the need to ensure that children are protected from viewing sexually oriented material in public.

Vulnerable Users of Roads

Received a report from Bike Utah and the Utah Highway Patrol regarding the need to encourage motorist awareness of pedestrians, construction and utility workers, cyclists, and other vulnerable users of roads.

Chairs: Rep. Curtis Oda / Sen. Todd Weiler

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

Legislative Management Committee

November 13, 2012

School and Institutional Trust Lands Administration and Ute Land Exchange

Received a report from a senator regarding a proposed land exchange between the federal government, the School and Institutional Trust Lands Administration, and the Ute Tribe.

Action: *Approved the drafting of a letter of support for the School and Institutional Trust Lands Administration and Ute Tribe land exchange with the federal government.*

Division of Risk Management — Settlement

Received a request from the division for the committee to approve an insurance settlement. The settlement money would come from the division.

Action: *Unanimously approved the insurance settlement requested by the division.*

Americans with Disabilities Act

Action: *Approved the Americans with Disabilities Act grievance and appeals procedure process as presented by the Office of Legislative Research and General Counsel.*

Reappointment of Legislative Fiscal Analyst

Action: *Approved the drafting of a resolution to be submitted to the 2013 General Session appointing Jonathan Ball to a second term as the Legislative Fiscal Analyst.*

Interim Committee Request

Action: *Approved a request from the Health and Human Services Interim Committee to study listed additional items.*

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

Native American Legislative Liaison Committee

November 13, 2012

Division of Indian Affairs

Received the 2012 annual report reviewing the division's work and the 2012 American Indian Remains Report.

Discussed three legislative initiatives the division will pursue for the 2013 General Session:

- Utah Tribal Leaders Definition;
- Utah Indian Education Act; and
- Utah Native American Remains Review Committee Membership.

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Department of Health

Received the 2012 annual report from the American Indian/Alaska Native Health Liaison.

Housing and Community Development Services

Received reports on the Uintah Basin and Navajo revitalization funds.

Chairs: Sen. Kevin T. Van Tassell / Rep. Jack R. Draxler

Staff: Mike Christensen (Director) / Patricia Owen (Attorney) / Lori R. Rammell (Secretary)

Natural Resources, Agriculture, and Environment

Economic Development Task Force Report

Received a statutorily required report from the Economic Development Task Force on its study during the 2012 interim and its plans for continued study in 2013.

Performance Audit — Division of Radiation Control

Received a report from the Office of the Legislative Auditor General on the Division of Radiation Control's oversight of low-level radioactive waste disposal in Utah. The Department of Environmental Quality and the Division of Radiation Control responded to the recommendations of the Legislative Auditor.

Transfer of Public Lands

Received a statutorily required report from the Constitutional Defense Council and the Public Lands Policy Coordinating Office on the council's final findings and recommendations on the transfer of public lands.

Water Rights Study

Discussed draft legislation "Change Application Procedure," which requires that a person who applies for a permanent or temporary change to a water right must meet certain qualifications and allows the state engineer, upon receiving a change application, to determine the quantity of water that is being beneficially used and limit approval of the change application based on that determination.

Action: *Adopted as a committee bill, draft legislation "Adjudication of Water Rights," which makes changes to the procedure for a general adjudication of water rights.*

Chairs: Rep. Roger E. Barrus / Sen. Ralph Okerlund

Staff: J Brian Allred (Policy Analyst) / Tracy J. Nuttall (Attorney) / Anna M. Allen (Secretary)

Political Subdivisions

Assessment Areas

Discussed draft legislation "Assessment Area Act Amendments," which amends the definition of "adequate protest" for provisions governing an assessment area. The legislation lowers the threshold of adequate protests from 50% to 15%.

Condominium and Community Associations

Discussed draft legislation "Condominium and Community Association Amendments," which enacts and modifies provisions relating to condominium associations and community associations.

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Quality Growth Commission

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

Veterans Reintegration Task Force Report

Action: *Approved as a committee bill, draft legislation "Reauthorization of Veterans Reintegration Task Force," which reauthorizes the task force for the 2013 interim.*

*Chairs: Rep. R. Curt Webb / Sen. Casey O. Anderson
Staff: Joseph T. Wade (Policy Analyst) / Victoria Ashby (Attorney) / Samantha Coombs (Secretary)*

Public Utilities and Technology

Electric Power Service Area Exchange

Received presentations from the Utah Associated Municipal Power Systems and a regulated utility provider. The presentations discussed potential draft legislation that authorizes municipalities and regulated utilities to exchange, by contractual agreement and filing with the Utah Public Service Commission, electric power service areas.

Network and Data Security

Received a presentation from the Department of Technology Services concerning the Deloitte Touche Security Assessment of state network and computer security. The presentation included discussion of the newly created State Security Council, geo-blocking, and 24-hour security monitoring.

Remote Utility Tax Incentives

Received presentations from Millard County and the governor's office about using tax incentives for the development of utility infrastructure. Utilities would build the infrastructure, but would have the incentive process in place to encourage taking the risk and constructing the facilities.

Storm Water Capture Amendments

Action: *Approved as a committee bill, draft legislation "Storm Water Capture Amendments," which authorizes limited capture and use of storm water runoff without creating a water right.*

Utility Infrastructure in Rural Utah

Received a presentation from a regulated natural gas utility provider about how it can provide infrastructure to rural Utah. The presentation included discussion about how to bring costs down by requests for proposals and by discussing pricing options with the Public Services Commission.

*Chairs: Rep. Michael E. Noel / Sen. J. Stuart Adams
Staff: Richard C. North (Policy Analyst) / Robert H. Rees (Attorney) / Tracey Fredman (Secretary)*

Retirement and Independent Entities

Line-of-duty Death and Disability

Action: *Approved as a committee bill, draft legislation "Line-of-duty Death and Disability Amendments."*

The bill:

- *Provides that a line-of-duty death or line-of-duty disability for a public safety service employee or a firefighter service employee includes a death or disability that results from strenuous activity that occurs during training or another activity required by an act of duty; and*
- *Clarifies that a line-of-duty death and a line-of-duty disability for a public safety service or firefighter service employee does not include certain incidents.*

Post-retirement Health Coverage for Governors and Legislators

Action: *Approved as a committee bill, draft legislation "Health Insurance Coverage Restrictions on Retired Governors and Legislators," which amends post-retirement health coverage provisions for governors and legislators by:*

- *Clarifying that only service as a governor or legislator qualifies a recipient for governors' and legislators' group health coverage or Medicare supplemental coverage; and*
- *Providing that only service as a governor or legislator that began before July 1, 2013, qualifies a recipient for Medicare supplemental coverage.*

Public Employee Exemptions From the Utah Retirement Systems

Received a presentation from committee staff on exempting public employees from the Utah Retirement Systems. Current state law provides a list of public employees who are either not eligible for limited membership in a Utah Retirement Systems-defined benefit system or who can elect to be exempt from a defined benefit system in favor of a defined contribution. If the Legislature finds it difficult to recruit and retain qualified applicants for certain positions, the Legislature could consider expanding the list.

Retirement Analysis Requirements for Newly Created Public Entities

Action: *Approved as a committee bill, draft legislation "Retirement Analysis for New Public Entities," which requires a person or body submitting a notice to the lieutenant governor of an impending boundary action that creates or incorporates a local entity to include a letter from the Utah State Retirement Office identifying potential retirement provisions that the local entity is required to comply with if the impending proposed boundary action may result in a local entity that employs personnel.*

Risk Management Coverage for Independent Entities

Action: *Approved as a committee bill, draft legislation "Risk Management for Independent Entities," which amends requirements for a state independent entity to participate in coverage under the Risk Management Fund.*

Tier II Benefit Protection Program for Long-term Disability Employees

Received a presentation from the Utah Retirement Office on benefit protection programs for Tier II public employees. A benefit protection program allows a member with a disability to continue to earn retirement service credits during the disability. Funding for this program is usually built into the defined benefit contribution rates. However, under Tier II, an employee may choose a defined contribution plan for which this funding arrangement may not be feasible.

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

Staff: Benjamin N. Christensen (Policy Analyst) / Cathy J. Dupont (Attorney) / Peter Asplund (Attorney) / Shannon C. Halverson (Attorney) / Mark Bleazard (Fiscal Manager) / Debra Hale (Secretary)

Revenue and Taxation

Cigarette and Tobacco Taxes

Action: *Approved as a committee bill, draft legislation "Cigarette and Tobacco Tax and Licensing Amendments," which addresses the taxation and licensing of cigarette and tobacco products, including "roll-your-own" cigarettes.*

Income Tax Credits

Action: *Approved as a committee bill, draft legislation "Special Needs Adoption Tax Credit," which provides a tax credit for the adoption of a child who has a special need.*

Income Tax Credits and Taxation of Food

Discussed draft legislation "Tax Revisions," which would:

- Enact a refundable state earned income tax credit;
- Enact a refundable income-based tax credit;
- Increase the state sales and use tax rate on food and food ingredients to the general state sales and use tax rate;
- Add food and food ingredients back into the sales and use tax base for certain local option sales and use taxes; and
- Modify state and local sales and use tax rates and revenue allocations.

Property tax

Action: *Approved as a committee bill, draft legislation "Property Tax and Appraiser Amendments," which establishes requirements related to county property tax appeal hearing officers, addresses evidence in a property tax appeal, and allows a person to present evidence or assist a person in a property tax appeal.*

Review of Tax Credits and Exemptions

Action: *Approved a motion recommending continuation of existing tax credits for:*

- Solar projects and renewable energy systems; and
- A reduced tax rate on certain variable premium life insurance policies above a certain threshold.

Sales and Use Tax

Action: *Approved as a committee bill, draft legislation "Sales and Use Tax Revisions," which enacts sales and use tax exemptions for:*

- Certain related party leases or sales; and
- The sale of certain machinery and equipment if a percentage of the purchaser's sales revenues comes from admission or user fees subject to sales and use tax.

Special Election Date for Ballot Propositions

Action: *Approved as a committee bill, draft legislation "Special Election Date for Ballot Propositions," which requires an election for a bond, debt, leeway, levy, or tax to take place at a November general election, except as specified.*

Water Funding and Pricing

Discussed the pricing and funding of water projects, including the use of sales and use tax, property tax, and user fees.

Chairs: Rep. Patrick Painter / Sen. Curtis S. Bramble

Staff: Bryant R. Howe (Assistant Director) / Phillip V. Dean (Policy Analyst) / Rebecca L. Rockwell (Attorney) / Samantha Coombs (Secretary)

State Water Development Commission

November 13, 2012

Change Application Procedure

Discussed proposed legislation addressing water right change application procedures and the role of the state engineer in the process.

Proposed Snake Valley Water Agreement

Discussed the proposed Snake Valley Water Agreement between Utah and Nevada which addresses the disposition, division, and distribution of water in the Snake Valley area in Utah and Nevada.

Public Trust Doctrine

Action: *Voted to endorse potential statutory language intended to protect water rights under the public trust doctrine.*

Chairs: Rep. Patrick Painter / Sen. Margaret Dayton

Staff: J Brian Allred (Policy Analyst) / Tracy J. Nuttall (Attorney) / Anna M. Allen (Secretary)

Transportation

Annual DUI Report

Received a presentation from the Department of Public Safety regarding the training officers receive to recognize drug or metabolite-related driving under the influence offenders. The department reported that there are about 160 officers in the state that are currently certified in drug recognition.

Annual State Highway System Changes

Action: *Approved as a committee bill, draft legislation "State Highway System Modifications," which adds a small portion of highway to the west end of SR-92 and completed portions of the Mountain View Corridor Highway to SR-85.*

Commercial Driver License Issues

Action: *Approved as a committee bill, draft legislation "Commercial Driver License Amendments," which modifies provisions relating to commercial driver licenses to comply with federal laws and regulations.*

Driver License Motorcycle Endorsement Amendments

Action: *Approved as a committee bill, draft legislation "Driver License Motorcycle Endorsement Amendments," which amends motorcycle endorsement requirements for certain persons who are ordered to active duty and stationed outside of Utah in any of the armed forces of the United States.*

Motor Vehicle Dealer Bonding

Received a presentation from the Independent Auto Dealers Association regarding a proposal that would address cases where a motor vehicle dealer's corporate surety bond is not sufficient to cover the total aggregate liability on the bond for all persons making claims.

Special Group License Plate

Action: *Approved as a committee bill, draft legislation "Special Group License Plate Amendments," which creates an "In God We Trust" special group license plate.*

Chairs: Rep. Bradley M. Daw / Sen. Kevin T. Van Tassell

Staff: Leif G. Elder (Policy Analyst) / Shannon C. Halverson (Attorney) / Tracey Fredman (Secretary)

Utah International Relations and Trade Commission

October 23, 2012

Copyrights, Patents, Trademarks, and Trade Secrets

Received a presentation from commission staff about copyrights, patents, trademarks, trade secrets, federal and state law, and what role the state plays in enforcement. Copyrights, patents, and trademarks are all federally based, and trade secrets are protected by the Uniform Trade Secrets Act, which has been adopted by 45 states, including Utah.

Action: *Voted to open a bill file that amends Utah's Trade Secret Act by enhancing penalties for violation of that act.*

International Trade Representatives

Received introductions to Utah's six foreign-based international trade representatives by the Governor's International Trade and Diplomacy Office. Those countries represented are Chile, China, Germany, Japan, Mexico, and South Korea. Each trade representative gave a brief presentation about the foreign country that person represented and identified how efforts to promote Utah's international trade could be enhanced with additional resources.

One Stop Shop for Utah Export Businesses

Received presentations from the Utah World Trade Center about setting up a process for assisting Utah businesses that want to develop an international trade capacity. Discussion included adding a locally based regional representative to assist businesses in rural parts of Utah.

The commission requested recommendations from the Governor's International Trade and Diplomacy Office and the Utah World Trade Center regarding needed resources in the 2013-14 budget.

November 13, 2012

Utah's Latin American Trade Strategy

Received a report and presentation from the Americas Section of the Governor's International Trade and Diplomacy Office about Utah's Latin American trade strategy. The report identified Brazil, Columbia, Mexico, and Peru as the primary trade partners for the 2013-14 trade cycle and chemicals, computers, electronics, and machinery as the targeted sectors.

Copyrights, Patents, Trademarks, and Trade Secrets

Received an update from the law firm of Kirton McConkie about the protection of intellectual property and the recovery of damages. Two specific proposals were distributed for commission members to consider.

Doubling Utah's International Trade Exports

Received presentations from the Governor's Office of International Trade and Diplomacy and the Utah World Trade Center about how to double Utah's international trade exports. The focus of the presentations was to identify what governmental processes, including budgets, are inhibiting governmental and private sector entities from promoting international trade with Utah businesses. Topics included grants, protocol training, social media, trade representatives, and hosting trade shows.

International Small Arms Treaty

Received a presentation from committee staff about a United Nations proposal to recommence talks on drafting a treaty for regulating the illicit international small arms trade. These talks will begin in March 2013.

Chairs: Rep. Eric K. Hutchings / Sen. Mark B. Madsen

Staff: Richard C. North (Policy Analyst) / Peter Asplund (Attorney) / Debra Hale (Secretary)

Veterans Reintegration Task Force

October 19, 2012

Military Occupational Specialty — College Credit Transfer Process

Received presentations from the Board of Regents, Weber State University, and Utah Applied Technology Colleges about how veterans can get credit for military training and experience, and how institutions evaluate, transfer, and grant credits toward a college degree.

Veterans' Needs and Services Subcommittee Reports

Received presentations from the Veterans' Needs and Veterans' Services Subcommittee about the identification of returning veterans, coordination of services, single point of contacts, regional representatives, and funding.

Veterans' Courts

Received a presentation from the Utah Office of the Court Administrator about Veterans' Courts, including how they originated, the characteristics of successful courts, and why the Utah judicial system does not currently offer this type of court.

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

The 2013 General Session begins on Monday, January 28, 2013.

Office of Legislative Research and General Counsel


Editors: Susan Creager Allred, Nathan W. Brady, & Lef G. Elder

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Legislation Recommended by Legislative Committees for the 2013 General Session

Business and Labor

Alarm Company Employee Licensing
Cosmetology and Hair Braiding
Hearing Instrument Specialist Licensing Act
Industrial Accident Restricted Account
Insurance Law Amendments
Professional Licensing Revisions
Reauthorization of Provisions for Insurance Coordination with Other States
Repeal of Health Insurance Mandate Review
Repeal of Reporting Requirements
Unincorporated Business Entities
Worker Classification Coordinated Enforcement Council

Economic Development and Workforce Services Interim Committee

Agency Reporting Provisions
Utah Commission on Service and Volunteerism
Workforce Services Amendments

Education Interim Committee

Voted and Board Levy Program Amendments

Government Operations Interim Committee

Absentee Ballot Amendments
Account for People with Disabilities Amendments
Boards and Commissions Amendments
Campaign Contribution Amendments
Campaign Filing by Media Owner
Campaign Finance Reporting by Corporations
Campaign Finance Reporting Penalties
Candidate Amendments
Election Code Criminal Provisions
Election Law Amendments
Election Polling
Elections During Declared Emergency
Lieutenant Governor Candidate Amendments
Personal Use of Campaign Funds
Reauthorization of Veterans Reintegration Task Force
Requirements to Change Form of County Government
Scheduling of Special Elections

Health and Human Services Interim Committee

Health Care Provider Immunity Sunset Amendment
Medical Reserve Corps Amendments
Protection of Children Riding in Motor Vehicles
Research Using Pharmaceuticals
State Security Standards for Personal Information

Judiciary Interim Committee

Alimony Amendments
Child Custody Proceedings Amendments
Expungement Process Amendments

Law Enforcement and Criminal Justice Interim Committee

Campus Safety Amendments
Dating Violence Protection Act
Enticing a Minor Amendments
Inmate Medical Donation Act
Sex Offense Amendments
Threat of Terrorism Penalty Amendments

Legislative Management Committee

Joint Resolution Reappointing Legislative Fiscal Analyst

Natural Resources, Agriculture, and Environment Interim Committee

Adjudication of Water Rights
Water and Irrigation Amendments

Political Subdivisions Interim Committee

Reauthorization of Veterans Reintegration Task Force
Wrongful Documents

Public Utilities and Technology Interim Committee

Storm Water Capture Amendments

Retirement and Independent Entities Interim Committee

Health Insurance Coverage Restrictions on Retired Governors and Legislators
Line-of-duty Death and Disability Amendments
Retirement Analysis for New Public Entities
Retirement Eligibility Amendments
Risk Management for Independent Entities
Utah Retirement System Amendments

Revenue and Taxation Interim Committee

Cigarette and Tobacco Tax and Licensing Amendments
Joint Resolution on Remote Sales
Property Tax and Appraiser Amendments
Property Taxation of Business Personal Property
Sales and Use Tax Revisions
Special Election Date for Ballot Propositions
Special Needs Adoption Tax Credit
Time Period for Paying a Tax, Interest, or Penalties after a Judicial Decision

State Water Development Commission

Sales and Use Tax Allocations for Water Resources Funding

Transportation Interim Committee

Amendments to Ignition Interlock Program
Commercial Driver License Amendments
Disposal of Certain Surplus Property
Driver License Motorcycle Endorsement Amendments
High Occupancy Vehicle Lane Amendments
Local Transportation Corridor Preservation Fund Amendments
Public Transit District Customer Information
Special Group License Plate Amendments
State Highway System Modifications
State Park Access Amendments