



# INTERIM HIGHLIGHTS

Office of Legislative Research and General Counsel  
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## LEGISLATIVE INTERIM MEETINGS

*Meetings were held September 15, 2010 or as noted.*

### Business and Labor

#### Alcoholic Beverage Control Act Modifications

*Action: Approved as a committee bill, "Alcoholic Beverage Control Act Modifications," which modifies the Alcoholic Beverage Control Act to correct omissions or errors made as part of the recodification of the act, including defining the term "container."*

#### Classification of Workers

Received an update on the progress of the working group on worker classification. The working group has reviewed the efforts of the Department of Commerce, Labor Commission, Department of Workforce Services, and the Utah State Tax Commission as they work to address this issue. The Department of Commerce provided a recommendation regarding this issue.

#### Corporation Action Without Shareholder Meeting

Received a presentation from a committee member regarding issues surrounding actions taken by a corporation without holding a shareholder meeting. Reviewed draft legislation, "Shareholder Action Without Meeting," which modifies the Utah Revised Business Corporation Act to address actions taken without a shareholder meeting.

#### Structure and Organization of Limited Liability Companies, Partnerships, and Corporations

Received a presentation from a committee member regarding several uniform laws recommended by The National Conference of Commissioners on Uniform State Laws. These include the Uniform Limited Partnership Act, Uniform Partnership Act, and the Revised Uniform Limited Liability Company Act.

#### Sunset Review - Utah Uniform Securities Act

Received a presentation from the Division of Securities and the Securities Commission regarding their duties and responsibilities. The division and commission told the Committee that they operate in the public interest by protecting investors and ensuring a healthy business climate through fair regulation of the investment industry.

*Action: Recommended that the Utah Uniform Securities Act be removed from the Sunset Act.*

*Chairs: Rep. James A. Dunnigan / Sen. John L. Valentine  
Staff: Bryant R. Howe (Assistant Director) / Patricia Owen (Attorney) /  
Amanda K. Majers (Secretary)*

### Child Welfare Legislative Oversight Panel

*August 24, 2010*

#### Foster Care

Received a report from the Utah Foster Care Foundation that many foster families feel they can no longer afford to provide foster care because reimbursement rates from the state are inadequate.

#### Integrating Feedback

Received a report from the Division of Child and Family Services on its nine quality improvement committees located throughout the state and how it responds to the results of various assessment tools used to measure its work.

#### Agency Reports

Received annual reports from the Office of the Child Protection Ombudsman and the Office of Child Welfare Parental Defense.

Received a report from Division of Child and Family Services on the state's participation in the Federal Child and Family Services Review.

*Chairs: Rep. Merlynn T. Newbold / Sen. Allen M. Christensen  
Staff: Mark D. Andrews (Policy Analyst) / Thomas R. Vaughn (Attorney) /  
Wendy Bangerter (Secretary)*

### Education

#### Early Childhood Education

Received a presentation from a representative of Voices for Utah Children on an evaluation of high quality preschool programs in Utah and other states. The evaluation indicates that high quality preschool programs have a significant impact on the school readiness of at-risk children.

#### Extended Day Kindergarten

*Action: Approved a motion to consider the reauthorization of the optional extended-day kindergarten program at a subsequent meeting.*

*(Continued on page 2)*

#### IN THIS ISSUE:

Pages 1-6 Summaries of Legislative Meetings

**Internet Access for Public Schools**

Received a request from the Utah Electronic Network for a \$40,000 appropriation for the next fiscal year to provide Internet access for new public schools opening in the state.

**Online Learning**

Received information and presentations regarding online education programs available to public school students in Utah. Representatives of the Utah Electronic High School, Davis School District, the Utah Virtual Academy, and the Open High School of Utah described the students served by their online programs and the reasons why students elect to participate in online education.

*Chairs: Rep. Gregory H. Hughes / Sen. Howard A. Stephenson  
Staff: Allison M. Nicholson (Policy Analyst) / Constance C. Steffen (Policy Analyst) /  
Angela Oakes Stallings (Attorney) / Glenda S. Whitney (Secretary)*

## Government Operations and Political Subdivisions

**Election Law Changes from the County Clerks**

Received recommendations from the county clerks on suggested changes to the Election Code. The recommended substantive changes included support for vote centers, candidate replacement changes, and compliance with the federal Military and Overseas Voter Empowerment Act.

**Election Law Changes**

Received recommendations from the Office of the Lieutenant Governor and a report from committee staff on Election Code amendments that could be considered. The chairs directed staff to coordinate with the Office of the Lieutenant Governor to prepare draft legislation to incorporate the changes presented.

**Quality Growth Commission Annual Report**

Received a report from the Quality Growth Commission on statewide progress to achieve quality growth. The commission recommends providing financial assistance to small entities for land use planning assistance and adding agricultural elements to land use general plans. The commission assists local governments with quality growth planning, advises the Legislature and the governor on growth management issues, and administers the LeRay McAllister Critical Land Conservation Fund, which provides grants for preserving or restoring open land and agricultural land.

**Voter Participation**

Received a staff presentation on current voter engagement programs and recommendations from a legislator, representatives of the American Civil Liberties Union, and county clerks.

Received a proposal from a legislator recommending using vote centers in the counties and counting provisional ballots of voters who are not currently registered. State and local governments use voter engagement programs to encourage and facilitate voter registration, voter information, and voting convenience.

*Chairs: Rep. Craig A. Frank / Rep. Fred R Hunsaker / Sen. Peter C. Knudson  
Staff: Benjamin N. Christensen (Policy Analyst) / Joseph T. Wade (Policy Analyst) /  
Victoria Ashby (Attorney) / Emily R. Brown (Attorney) / Wendy Bangerter (Secretary)*

## Health and Human Services

**Authentic Charity Care Medicaid Pilot Program**

Considered draft legislation, "Authentic Charity Care Medicaid Pilot Program," which requires the Utah Department of Health to develop a proposal for an authentic charity care pilot program and to apply for a waiver from the federal Centers for Medicare and Medicaid Services to implement the program within Medicaid. The Department of Health spoke in favor of the draft legislation's intent. Community advocates and the Utah Cancer Action Network expressed concerns about the bill.

**Controlled Substance Database**

Received a report from the Division of Occupational and Professional Licensing on three bills passed during the 2010 General Session affecting the use of the division's controlled substance database. The division is in contract negotiations for the development of a 24-hours, 7-days a week, real-time reporting to and access of the database.

*Action: Approved as a committee bill, "Controlled Substance Database - Licensing Amendments," which allows a prescriber 30 days to register with the Division of Occupational and Professional Licensing to use the Controlled Substance Database.*

**Direct-entry Midwife Administrative Rules Advisory Committee**

Conducted a sunset review of Utah Code Annotated Section 58-77-204, which created the direct-entry midwife administrative rules advisory committee. The Division of Occupational and Professional Licensing, the Utah Midwives Association, and the Utah Medical Association commented, but did not recommend reauthorization of the statute. The Committee did not take action.

**Pharmacy Benefits Manager Act**

Considered draft legislation, "Pharmacy Benefits Manager Act," which requires pharmacy benefits managers to provide itemized statements to the insurers for whom they work and to pay the entire amounts they receive from insurers for pharmacy services to the pharmacies that provide the services. A Public Employees Health Plan representative spoke in favor of the bill. Two pharmacy benefits managers expressed concerns.

*Chairs: Rep. Paul Ray / Sen. D. Chris Butters  
Staff: Mark D. Andrews (Policy Analyst) / Thomas R. Vaughn (Attorney) /  
Cathy J. Dupont (Attorney) / Joy L. Miller (Administrative Assistant)*

## Health System Reform Task Force

### All Payer Database

The Department of Health presented its first All Payer Database report, "Antidepressant Use in Utah," and reviewed its timeline for the release of several more reports in October and November.

### Federal Health Care Reform

The Department of Health reported on the response it is preparing to a federal Department of Health and Human Services' request for comments on the implementation of exchanges under the Patient Protection and Affordable Care Act. The response is due October 4, 2010. The Insurance Department reported that insurance carriers expect they will have to increase plan rates 1 to 16 percent to cover the requirements of the act.

### Prescription Drug Misuse and Abuse

Received a report from Intermountain Health Care (IHC) on the overprescribing of opioid pain medications. IHC reported that its hospital system alone accounts for 750,000 to 890,000 of the unused prescription Vicodin tablets stored in people's homes and that orthopedists and trauma physicians regularly prescribe 100 narcotic pain reliever tablets in cases where the patient uses only 12. IHC is developing procedure-based guidelines for the prescribing of narcotics, starting with urology, and hopes that the Utah Medical Association and others will develop similar guidelines for other specialties. IHC reported that unused prescriptions are a source of drugs for those who abuse prescription drugs.

### Utah Health Insurance Exchange

The Office of Consumer Health Services reported that 129 small employers representing 1,300 employees have registered for insurance coverage in the Utah Health Exchange beginning January 1, 2011. It expects 116 insurance plans to be available in the exchange at that time. The office also reported on its plan to use a \$1 million federal grant for health exchange planning.

The Office of Consumer Health Services reported that 10 large employers, each representing 51 to several thousand employees, plan to participate in the exchange's large employer pilot project beginning January 1, 2011. The Utah Defined Contribution Risk Adjuster Board reported that four insurance carriers will each offer six different plans to large employers.

*Chairs: Speaker David Clark / Sen. Wayne L. Niederhauser  
Staff: Mark D. Andrews (Policy Analyst) / Cathy J. Dupont (Attorney) /  
Wendy Bangerter (Secretary)*

## Judiciary, Law Enforcement, and Criminal Justice

### Concealed Firearms Permit Report

Received a report from the Bureau of Criminal Identification concerning the number of concealed firearm permits issued by Utah.

To date, beginning with FY2010, the bureau reported that 28 percent of the permits have been issued to in-state applicants, while in that same period, 72 percent of the permits have been issued to out of state applicants. It is projected that the total number of concealed firearm permits will be slightly lower in FY 2010 than in FY2009.

### Emergency Medical Services Bureau

Received a report from the State Emergency Medical Services Committee indicating that the highest priorities of the state emergency medical services (EMS) system, which is comprised of 127 licensed ground ambulance and paramedic rescue agencies and 53 designated quick response units that provide various levels of pre-hospital care, is creating a comprehensive and integrated EMS system. To accomplish this objective, priorities include a centralized dispatch, reduction in the taxing consequences of duplication of services, and an improvement in identifying and implementing the closest responders. In addition to this annual report, the Committee was given a written report detailing the five year strategic plan of the EMS system.

### Expedited Parent-time

Received a report from the Administrative Office of the Courts regarding the Expedited Parent-time Enforcement Program, which has handled 346 cases so far in 2010. Of those cases, 206 cases have been referred to mediation, of which 72 percent reached an agreement in mediation. After a mediated agreement was established, 29 percent of the cases returned to court regarding parent-time issues within six months of the mediated agreement.

### Controlled Substances Advisory Committee

Received a report from the Controlled Substances Advisory Committee regarding "spice" or "peppercorn," which is an herb or other substance treated with chemically produced THC, the active ingredient in marijuana. The advisory committee also reported on salvia divinorum, which is a hallucinogenic herb. The advisory committee stated that it would provide a recommendation on these substances in the coming months.

### Statutorily Required Reports

Discussed proposed legislation, "Statutorily Required Reports Amendments," which expands the discretion of the interim committee in requiring and scheduling statutorily required reports.

*Chairs: Sen. Jon J. Greiner / Rep. Douglas C. Aagard / Rep. Lorie D. Fowlke  
Staff: Jerry D. Howe (Policy Analyst) / Stewart E. Smith (Policy Analyst/Sp Proj Mgr) /  
Susan Creager Allred (Attorney) / Esther Chelsea-McCarty (Attorney) /  
Amanda K. Majers (Secretary)*

## Native American Legislative Liaison Committee

September 1, 2010

### Dialogue With Tribal Leaders

Met with leaders of tribes, received comments, and discussed issues of importance to tribes, tribal members, and the Committee. The discussion focused on education and transportation issues. Received a committee staff presentation concerning how tribal leaders, the Committee, and the Legislature may more effectively interact.

*Chairs: Rep. Jack R. Draxler / Sen. Kevin T. Van Tassell  
Staff: John Q. Cannon (Managing Policy Analyst) / Patricia Owen (Attorney) / Wendy Bangerter (Secretary)*

## Natural Resources, Agriculture, and Environment

### Federal Land Use Policies

Received a report from the Governor's Balanced Resource Council on recent activities, including progress on determination of R.S. 2477 roads in Kane County. Representatives of several state agencies reported on interaction with the Bureau of Land Management (BLM) on public lands access and use. The state director of the BLM discussed public lands issues. A representative of Congressman Rob Bishop's office discussed congressional actions regarding public lands.

### Public Lands Policy Coordinating Office — Activities and Expenditures

Received a presentation from the Public Lands Policy Coordinating Office reviewing the responsibilities of the office and provided its annual report on recent activities related to public lands.

### R.S. 2477 Plan

Received a presentation from the coordinator of the Public Lands Policy Coordinating Office on behalf of the Constitutional Defense Council, regarding a R.S. 2477 plan that establishes the broad framework of a proposed working relationship between the state and local governments concerning R.S. 2477.

*Chairs: Rep. Roger E. Barrus / Sen. Dennis E. Stowell  
Staff: J Brian Allred (Policy Analyst) / Christopher R. Parker (Attorney) / Joy L. Miller (Administrative Assistant)*

## Public Utilities and Technology

### Renewable Energy Utility Programs

Received a presentation by Rocky Mountain Power about its renewable energy programs that are provided to Utah ratepayers. Those programs include Blue Sky, Net Metering, Solar, and Geothermal. The Blue Sky program, for example, is a utility-owned wind power project with 28,000 participants and is environmentally equivalent to planting 11 million trees. The utility requested that the Legislature consider ways to align all the laws and regulations governing renewable energy programs.

### Utility Under-grounding

Discussed under-grounding utility lines, which consists of burying new power lines and moving existing utility pole lines on to utility right-of-way land. Discussion focused on a current project to bury utility lines along North Temple Street in Salt Lake City and how projects like this can be funded.

*Chairs: Rep. Michael E. Noel / Sen. Stephen H. Urquhart  
Staff: Richard C. North (Policy Analyst) / Christopher R. Parker (Attorney) / Tracey Fredman (Secretary)*

## Revenue and Taxation

### Petroleum Industry and Gas Taxes

Considered a proposal to reduce gas taxes and replace the revenue with a tax imposed on refineries.

### Property Tax

Received reports from committee staff on property tax historical trends, interest rates on delinquencies and refunds, and annual property tax notices.

Received information from the Utah State Tax Commission and a county assessor on local assessment practices, including computer assisted mass appraisal, and the commission's oversight of local assessment.

### Sales and Use Tax Exemptions — Mining Equipment

Received information from legislators and a local government official on a proposal to mitigate the impact of enacting a sales and use tax exemption for certain mining equipment.

### School Funding and Property Taxes

Considered a proposal to equalize taxes for public schools by imposing a sales and use tax increase statewide, allocating those sales and use taxes to school districts, and offsetting the sales and use tax allocations with property tax reductions.

*Chairs: Rep. Todd E. Kiser / Sen. J. Stuart Adams  
Staff: Bryant R. Howe (Assistant Director) / Phillip V. Dean (Policy Analyst) / Robert H. Rees (Attorney) / Rebecca L. Rockwell (Attorney) / Chelsea Barrett (Secretary)*

## Senate Judicial Confirmation Committee

August 31 and September 1, 2010

### Judicial Confirmations

Recommended that the Senate confirm the appointment of Michelle E. Heward to the Second District Juvenile Court.

Recommended that the Senate confirm the appointment of Karla Staheli to the Fifth District Juvenile Court.

Recommended that the Senate confirm the appointment of Noel S. Hyde to the Second District Court.

(Continued on page 5)

Recommended that the Senate confirm the appointment of Jeffrey J. Noland to the Second District Juvenile Court.

Recommended that the Senate confirm the appointment of David R. Hamilton to the Second District Court.

*(The Senate confirmed the above appointments on September 15, 2010 in an extraordinary session held for that purpose.)*

*Chair: Sen. Scott K. Jenkins  
Staff: Jerry D. Howe (Policy Analyst) / Esther Chelsea-McCarty (Attorney) /  
John L. Fellows (General Counsel) / Amanda K. Majers (Secretary)*

## Transportation

### Accident Responsibility Amendments

*Action: Approved as a committee bill, "Accident Responsibility Amendments," which amends provisions relating to leaving the scene of an accident that resulted in the injury of a person or the death or serious bodily injury of a person.*

### Contract Settlements

Discussed the \$13 million settlement between the Utah Department of Transportation and one of the losing bidders on the contract for the reconstruction of I-15 in Utah County.

### HOV Lane Report

Received a report from the Utah Department of Transportation (UDOT) on established High Occupancy Vehicle (HOV) Lanes. UDOT reported that during peak hours, the HOV lane is handling more vehicles per lane per hour than the general purpose lanes. Crash data shows that less than 1 percent of crashes that occurred on stretches of I-15 where there is an HOV lane actually involved the HOV lane.

### Railroads and Railroad Crossings

Discussed draft legislation, "Railroad and Railroad Crossing Amendments," which amends provisions relating to railroad crossings and criminal trespassing on restricted railroad property.

### Special Group License Plates

Discussed draft legislation, "Special Group License Plate Amendments," which prohibits the Motor Vehicle Division from issuing a new or existing special group license plate if certain conditions are not met.

*Chairs: Rep. Julie Fisher / Sen. Kevin T. Van Tassell  
Staff: Leif G. Elder (Policy Analyst) / Shannon C. Halverson (Attorney) /  
Tracey Fredman (Secretary)*

## Utah Constitutional Revision Commission

*September 16, 2010*

### Review of Affirmative Action

Approved a course of study concerning proposed constitutional amendments that address equal treatment by government.

*Chairs: Judge Jon Memmott / Mr. Roger Tew  
Staff: Jerry D. Howe (Policy Analyst) / Robert H. Rees (Attorney) /  
Amanda K. Majers (Secretary)*

## Utah International Relations and Trade Commission

*September 16, 2010*

### International Relations — Pakistan

Received a presentation from a visiting political delegation from Pakistan hosted by the U.S. State Department as part of a program to develop both international relations and trade. The Pakistani elected officials expressed their appreciation for the foreign aid provided to help with the flood crisis, the officials also requested development of a process to increase international trade between Utah and Pakistan.

### Utah-Peru Trade Relations

Received a committee staff follow-up report on the Peruvian trade delegation visit to Utah in July of this year, including education and business oriented visits, memorandums of agreement in regard agricultural products, and the development of a process to increase trade. Another Peruvian trade delegation visit to Utah is planned for November of this year.

### Utah Council on Citizen Diplomacy

Discussed the Utah Citizen's Council on International Diplomacy (UCCD), an organization dedicated to connecting Utah to the world through a variety of professional exchange and education programs. UCCD hosted over 400 foreign visitors to Utah in 2009.

### Utah International Trade Organizations

Discussed the various Utah organizations involved in international relations and trade, and how to optimize communications and coordination of their efforts. The Governor's Office of International Trade and Diplomacy will provide an email and master calendar for the Utah International Relations and Trade Commission and other interested parties in order to improve communications.

*Chairs: Rep. Sheryl L. Allen / Sen. Mark B. Madsen  
Staff: Richard C. North (Policy Analyst) / James L. Wilson (Attorney) /  
Glenda S. Whitney (Secretary)*

## Utah Waterways Task Force

August 25, 2010

### Cooperative Fish Management Units

Discussed the possibility of creating cooperative fish management units modeled after cooperative wildlife management units.

### Funding Walk-in Access

Received a presentation from The Division of Wildlife Resources on potential options for funding walk-in access, including general fund appropriations, a general fishing license increase of \$1, and a \$10 user fee for walk-in access.

### Walk-in Access and Stream Access Development

Visited sites on the Sevier River to see examples of walk-in access and stream access development.

*Chairs: Rep. Melvin R. Brown / Sen. Dennis E. Stowell  
Staff: J Brian Allred (Policy Analyst) / Christopher R. Parker (Attorney) /  
Joy L. Miller (Administrative Assistant)*

## Workforce Services and Community and Economic Development

### Replacing Regional Workforce Services Model

Discussed the need to replace the current regional workforce services areas and councils. The new system would focus on coordinating with the business and education communities throughout the state to assess their employment needs and help prepare the workforce to fill those needs.

*Action: Approved as a committee bill, "Department of Workforce Services' Regional Workforce Service Area Amendments," which would replace regional workforce service areas and councils with economic service areas, provide jurisdiction to the department's executive director over each economic service area, and require the economic service area directors to develop economic service area plans.*

### Sharing Department Information with Government Agencies

Received a report from the Department of Workforce Services regarding information in the department's possession that it is legally permitted to share with other government agencies.

*Chairs: Rep. Steven R. Mascaró / Sen. Mark B. Madsen  
Staff: Art L. Hunsaker (Policy Analyst) / James L. Wilson (Attorney) /  
Glenda S. Whitney (Secretary)*

Next Interim Day—October 20, 2010

For more information about legislative activities, visit the Utah State Legislature's website at: [le.utah.gov](http://le.utah.gov)  
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