



INTERIM HIGHLIGHTS

Office of Legislative Research
and General Counsel

Office of the Legislative
Auditor General

INTERIM LEGISLATIVE MEETINGS

Meetings held October 17, 2007, or as noted.

Administrative Rules

(September 25, 2007 Meeting)

STUDY:

- Discussed recent changes to the Department of Public Safety's concealed firearm permit rule, particularly the impact on those seeking a permit who reside outside the United States.

REPORTS:

- Received a new version of a State Board of Education rule that addresses student enrollment options. The prior version was repealed by the Legislature in the 2007 General Session.
- Received a report on the impact of a proposed recodification of Title 63, State Affairs in General, on the Division of Administrative Rules.

Chairs: Sen. Howard A. Stephenson / Rep. Ben C. Ferry

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

Business and Labor

STUDIES:

- Received a presentation from the Governor's Office of Economic Development and discussed the creation of a statewide system of "business resource centers" to serve as a one-stop guidance resource for businesses in the state.
- Reviewed the statutes related to the Division of Securities, the Department of Labor, and the Department of Insurance that impose criminal penalties for violation of administrative rules, and received comments from representatives of these agencies and the public.
- Considered draft legislation that would repeal Utah Code Title 57, Chapter 15, "Assumption of Indebtedness on Real Property."
- Discussed the statutory health insurance mandate review process and possible changes to that process.

REPORTS:

- Received a statutorily required report from the Department of Financial Institutions on its efforts to promote consumer credit education.

- Received an update on discussions between legislators and the Department of Financial Institutions concerning the collection and dissemination of information related to payday lending in the state.

ACTION:

- Approved as a committee bill "Repeal Provisions Related to Assumption of Indebtedness on Residential Real Property," which repeals outdated sections of the Utah Code.

Chairs: Sen. Kevin T. Van Tassell / Rep. Stephen D. Clark

Staff: Stewart E. Smith (analyst)/Patricia Owen (attorney)/Phalin L. Flowers (secretary)

Education

STUDIES:

- Received information from The Commission on the Skills of the American Workforce on a plan to reform the American education system to better prepare the workforce for an increasingly competitive global economy.
- Discussed proposed legislation that would create a task force to review math and science education.
- Discussed proposed legislation to prohibit a student who does not pass the basic skills competency test from receiving a high school diploma, with certain exceptions.

REPORT:

- Received a report from the state treasurer on the performance of the State School Fund, which had a value of \$877 million as of June 30, 2007.

Chairs: Sen. Howard A. Stephenson / Rep. Gregory H. Hughes

Staff: Constance Steffen & Phillip Dean (analysts)/Dee S. Larsen (attorney)/Glenda Whitney (secretary)

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Equalization Task Force

(September 20, 2007 Meeting)

STUDY:

- Received a presentation from committee staff on the background of the existing public education finance system and received public comment.

ACTION:

- Voted to approve a motion to focus on developing a statewide equalization proposal.

(October 9, 2007 Meeting)

STUDY:

- Reviewed statewide equalization proposals from legislators.

(October 15, 2007 Meeting)

STUDY:

- Reviewed statewide equalization proposals from legislators and from school district officials.

Chairs: Sen. Dan R. Eastman / Rep. David Clark

*Staff: Phillip Dean (analyst)/Angela D. Oakes (attorney)/Andrea Wilko (economist)
Ben Leishman (fiscal analyst)/Chelsea Barrett (secretary)*

Government Competition and Privatization Subcommittee

(September 26, 2007 Meeting)

STUDIES:

- Discussed requiring local governments to conduct a study before they offer certain services.
- Discussed establishing requirements for the amount a government entity may charge for the private use of a public facility.
- Received briefings from committee staff on the federal Telecommunications Act of 1996 and the Utah Telecommunication Open Infrastructure Agency's (UTOPIA) financial information.
- Received a presentation from UTOPIA representatives on the importance of broadband access for global competitiveness.

Chairs: Sen. Howard A. Stephenson / Rep. Craig A. Frank

Staff: Leif G. Elder (analyst)/Patricia Owen (attorney)/Phalin L. Flowers (secretary)

Government Operations

STUDY:

- Received presentations from committee staff and Department of Human Resource Management representatives on state employee compensation. Health insurance premiums for state employees have doubled in the last eight years.

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REPORT:

- Received an update from committee staff on the recodification of Title 63, State Affairs in General. The bill is currently 3,094 pages and includes 2,266 sections, or 11 percent of the Utah Code. The bill renumbers the chapters of the title and moves them to new areas of the code. A draft is available on the committee's website and input has been sought from affected state agencies.

ACTIONS:

- Approved as committee bills:
 - "Access to Voter Date of Birth Records," which provides that the month and day of a voter registration application is classified as private under GRAMA;
 - "Election Law Modifications," which makes various clean-up amendments to the Election Code;
 - "Candidate Residency Requirements," which provides a one-year residency requirement, as of the election date, for state school board and local school board candidates;
 - "Lieutenant Governor Powers - Administration of Oaths," which allows the lieutenant governor and designated employees to administer oaths in the performance of their duties;
 - "Campaign Finance Disclosure Revisions," which amends campaign reporting requirement dates and reporting frequency; and
 - "Notary Public Revisions," which amends personal identification requirements for notaries and amends notary address provisions.

Chairs: Sen. Peter C. Knudson / Rep. Glenn A. Donnelson

Staff: Benjamin Christensen (analyst)/Eric Weeks (attorney)/Chelsea Barrett (secretary)

Health and Human Services

STUDIES:

- Discussed addressing the needs of persons waiting to receive services from the Division of Services for People with Disabilities. The Department of Human Services, the Board of Services for People with Disabilities, and the Disability Law Center provided information and made recommendations.
- The Utah Department of Health explained problems arising from ambiguities created by Utah Code Subsection 26-39-106 (6), which exempts from licensure child care services related to certain educational institutions.
- Received information from the Utah Prader-Willi Syndrome Association and considered its request for an appropriation to fund a case manager for persons with the syndrome.
- Considered draft legislation "Child Welfare Definitions," that amends definitions and related provisions in Title 62a, Chapter 4a, Child and Family Services, which is in the Human Services Code, and Title 78, Chapter 3a, Juvenile Court Act of 1996.

(Continued next page)

- In response to a recent case where a man allegedly attacked his grandmother, the Division of Aging and Adult Services addressed questions from the committee regarding protection of the elderly.
- The Utah Ambulatory Surgery Center Association expressed concern that some centers are unable to provide services to a large portion of the Medicaid population because they are not allowed to participate in Medicaid managed care panels.

REPORTS:

- Received a briefing by a member of the Utah Methamphetamine Joint Task Force and viewed video excerpts from a recently developed methamphetamine abuse media campaign.
- University of Utah School of Medicine physicians briefed the committee on organ donation in Utah.
- The committee received a report from the Bear River Health Department on the implementation of 2007 S.B. 46, "Health Care Amendments," which appropriated \$500,000 to the Utah Department of Health to assist local health departments with the development and implementation of plans to investigate disease outbreaks, expand education efforts, and expand local capacity to respond to disasters or disease outbreaks.

ACTIONS:

- Approved as committee bills:
 - "Resolution Supporting Obesity Awareness," which urges health care suppliers, communities, businesses, and schools to develop obesity awareness programs that focus on the causes, consequences, prevention, and treatment of obesity; and
 - "Amendments to Utah Digital Health Service Commission Act," which modifies the membership requirements and duties of the Utah Digital Health Service Commission to better support the Utah Department of Health's e-health initiative.

Chairs: Sen. D. Chris Buttars / Rep. Paul Ray

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

Judicial Retention Election Task Force

(October 1, 2007 Meeting)

REPORT:

- Received a report from the Institute for the Advancement of the American Legal System regarding the creation of a judicial evaluation program.

Chairs: Sen. D. Chris Buttars / Rep. Curtis Oda

Staff: Jerry D. Howe & Mark Steinagel (analysts)/Esther Chelsea-McCarty & Christopher R. Parker (attorneys)/Amanda K. Majers (secretary)

Judiciary

REPORTS:

- Received a report from the Utah Commission on Criminal and Juvenile Justice regarding amendments to Utah's DUI statutes.
- Received a report from the Utah Child Support Guidelines Advisory Committee, which recommended changes to Utah's child support statutes, including an increase in the child support amount for one child.

ACTION:

- Approved as committee bills:
 - "Exoneration and Innocence Assistance," which modifies provisions regarding postconviction DNA testing, creates a process for postconviction claims of factual innocence, and also provides for financial assistance if the petitioner is found to be factually innocent; and
 - "Child and Family Protection," which amends portions of the Utah Criminal Code relating to child abuse and the Pattern of Unlawful Activity Act.

Chairs: Sen. Gregory S. Bell / Rep. Douglas Aagard

Staff: Jerry D. Howe (analyst)/Esther Chelsea-McCarty (attorney)/Amanda K. Majers (secretary)

Law Enforcement and Criminal Justice

REPORTS:

- Received a status report from the Utah Department of Corrections (UDC) on the 1,533 offenders housed in county jails under state contract or the jail reimbursement program.
- Received an update from the Commission on Criminal and Juvenile Justice and UDC on plans to amend Utah's sex offender registry statute so Utah's law will be in compliance with the federal Adam Walsh Act.

ACTIONS:

- Approved as committee bills:
 - "Vehicle Concealing Illegal Items," which provides a penalty for modifying any motor vehicle to facilitate the illegal transportation, concealment, or storage of contraband and also for possessing a modified motor vehicle with intent to use in concealing or transporting contraband; and
 - "Honoring Heroes Special Group License Plate," which authorizes a special group license plate to provide financial support to the families of fallen Utah Highway Patrol troopers and other Department of Public Safety employees.
- At the the sponsor's request, voted to hold draft legislation "Controlled Substance Schedule Amendment," pending federal action on classifying salvia divinorum as a controlled substance.

Chairs: Sen. Jon Greiner / Rep. DeMar "Bud" Bowman

*Staff: Stewart E. Smith (analyst)/Susan Creager Allred (attorney)
Wendy Bangarter (secretary)*

Legislative Information Technology Steering Committee

(October 12, 2007 Meeting)

STUDIES:

- Discussed business continuity and disaster recovery for the Legislature.
- Discussed the availability of the Utah Code on the Internet and ways to make it more accessible for state agencies and constituents.
- Received a report about the technology that is installed in the renovated State Capitol Building.
- Discussed the sharing of information technology staff resources among the legislative offices.

Chairs: Sen. Sheldon L. Killpack / Rep. David Clark
Staff: Christopher R. Parker (attorney)/Mark J Allred (IT Manager)
Chelsea Barrett (secretary)

Legislative Process Committee

(September 21, 2007 Meeting)

STUDIES:

- Discussed the transition back to the renovated State Capitol Building and the potential impact on the Legislature.
- Discussed the need for and possible ways to provide constituent services for legislators.
- Discussed legislative standing committees, including the number, size, workload, and subject areas of the committees.

Chairs: Sen. Lyle W. Hillyard / Rep. Roger E. Barrus
Staff: John Q. Cannon (Managing Policy Analyst)/John Fellows (Deputy General Counsel)
Chelsea Barrett (secretary)

Local Issues Task Force

(September 28, 2007 Meeting)

ACTION:

- Recommended draft legislation "Municipal Government Amendments," regarding forms of municipal government.

Chairs: Sen. Carlene M. Walker/ Rep. Aaron Tilton
Staff: Philip Dean & Joseph Wade (analysts)/Angie Oakes & Robert H. Rees (attorneys)/Wendy Bangert (secretary)

Medicaid Interim Committee

(July 20, 2007)

STUDY:

- Received a committee staff briefing on long-term care insurance options, nursing home reimbursement, and a forecast of 2025 long-term care expenditures. The Division of Aging and Adult Services presented a potential pilot program that would train hospital discharge planners to direct patients to less expensive long-term care settings.
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REPORT:

- Received information from the state Attorney General's Medicaid Fraud Control Unit on three separate cases it has brought against pharmaceutical manufacturers for either failing to warn the public of known drug risks or inflating measures used as the basis for payments to pharmacists.

Chairs: Sen. Allen M. Christensen/ Rep. Merlynn T. Newbold
Staff: Mark D. Andrews & Leif G. Elder (analysts)/Catherine J. Dupont & Thomas R. Vaughn (attorneys)/Phalin L. Flowers (secretary)

Natural Resources, Agriculture, and Environment

STUDY:

- Discussed proposed legislation that would exempt municipalities from forfeiture of water rights for non-use.

REPORT:

- Received a report from the Department of Natural Resources on how species protection funds are expended for the Colorado River, June Sucker, and Virgin River plans.

ACTION:

- Approved as a committee bill "Definition of Agri-tourism," which provides an affirmative defense for an owner or operator of an agri-tourism activity.

Chairs: Sen. Darin Peterson / Rep. Roger E. Barrus
Staff: Brian Allred (analyst)/Emily R. Brown (attorney)/Joy Miller (secretary)

Oversight Subcommittee

REPORT:

- Received a report on the Fiscal Year 2009 base budgets of:
 - The Utah State Legislature;
 - The Senate;
 - Senate dues to NCSL;
 - Senate dues to CSG;
 - The House of Representatives;
 - House of Representatives dues to NCSL;
 - House of Representatives dues to CSG;
 - Legislative Research and General Counsel;
 - Tax Review Commission;
 - Constitutional Revision Commission;
 - Legislative Auditor General;
 - Legislative Fiscal Analyst; and
 - Legislative Printing.

ACTION:

- A quorum was not present, so no motion was made. However, the four members attending recommended the base budgets go forward to the Governor's office and to the Legislature in 2008 for its consideration.

Chairs: President John L. Valentine/ Speaker Greg J. Curtis
Staff: M. Gay Taylor(attorney)/Beverlee LeCheminant (secretary)

Political Subdivisions

STUDIES:

- Compared the process to incorporate a town with the process to incorporate a city, and considered changes to the process for towns.
- Considered draft legislation “Safe Drinking Water Revisions,” which would:
 - require counties and municipalities to adopt an ordinance to protect a source of public drinking water; and
 - require the Drinking Water Board to provide guidelines and technical resources to the counties and municipalities, and to report to the Legislature.
- Reviewed problems regarding local referenda statutes.
- Received an update on the Special Districts Subcommittee.

ACTION:

- Approved as a committee bill “Election Law - Financial Reporting,” which requires that state and local governments make campaign finance disclosure statements available to the public promptly after the statements are filed.

Chairs: Sen. Dennis Stowell / Rep. Fred Hunsaker

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

Public Utilities and Technology

REPORTS:

- Received a report from the Governor’s Energy Advisor regarding prioritized, proactive measures to mitigate the impact of greenhouse gases and develop renewable energy resources. High priority items include preservation of open spaces, agricultural lands, and forests, and creating a renewable energy portfolio standard.
- Received a report from Rocky Mountain Power addressing Utah’s energy consumption, generation capacity, and the costs of various alternatives. The report also identified Utah’s population as the 5th fastest growing nationwide, and requiring significant investment in new generation capacity.
- Received a report from Utah Clean Energy including priorities for saving energy. The priorities are demand-side management and pricing, buildings and appliances, industrial, public sector, and transportation.
- Received a report from the Idaho National Laboratory regarding the economics, safety, waste management, productivity, and reliability of nuclear power. The report also identified how energy is consumed and the growing demand in the U. S. and worldwide for more energy sources.
- Received a report from the former chair of the United States Nuclear Regulatory Commission about suitable sites in Utah for the development of a safe, environmentally sound, and economically prudent nuclear power facility.
- Received a report from Shoshone Energy regarding building a 500 megawatt geothermal energy power plant in Utah. This renewable energy fuel source has no emissions and is not water polluting.

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ACTION:

- Approved as a committee bill “Email Information Required of Registered Sex Offenders,” which requires sex offenders to provide online identifiers when registering, due to the use of email and the Internet by sex offenders contacting victims.

Chairs: Sen. Scott K. Jenkins / Rep. Michael Noel

Staff: Richard North (analyst)/Christopher R. Parker (attorney)/Tracey Fredman (secretary)

Revenue and Taxation

STUDIES:

- Received recommendations from water conservancy districts, the Utah League of Cities and Towns, the Utah Association of Counties, and the Utah School Boards Association on ways to improve the state’s property tax system. Also reviewed a proposal for legislation from selected members of the Legislature who are considering making changes to the state’s property tax system.
- Received a proposal for a uniform statewide sales and use tax rate of 6.8%.

Chairs: Sen. Wayne Niederhauser / Rep. John Dougall

Staff: Bryant Howe, Phillip Dean, & Leif G. Elder (analysts)/Rebecca Rockwell & Angela D. Oakes (attorneys)/Phalin L. Flowers (secretary)

Rural Development Legislative Liaison Committee

(October 16, 2007 Meeting)

STUDY:

- Discussed potential funding streams and the need for grant and loan criteria for the Rural Disadvantaged Communities Fund.

REPORT:

- Received a report from the Governor’s Rural Partnership Board with recommendations to:
 - expand the reach of higher education in rural areas;
 - increase health care availability;
 - develop rural public utility infrastructure;
 - support rural microlending; and
 - reauthorize the Rural Broadband Service Fund.

Chairs: Sen. Dennis Stowell/ Rep. DeMar “Bud” Bowman

Staff: Stewart E. Smith (analyst)/James Wilson (attorney) Joy Miller (secretary)

Special Districts Subcommittee

(October 16, 2007 Meeting)

STUDIES:

- Reviewed draft legislation rewriting statutes in Title 17A, Chapter 2, Part 13, Special Service Districts.
- Discussed how to proceed in revising or repealing the five types of dependent districts established in Title 17A, Chapter 3, which are:

(Continued next page)

- Parking and Business Improvement Districts;
- Municipal Building Authorities;
- Special Road Districts;
- Historic Districts; and
- Conservation Districts.

Chair: Sen. Dennis Stowell

Staff: Joseph T. Wade (analyst)/Robert H. Rees (attorney) Wendy Bangarter (secretary)

Education Subcommittee on Teacher Shortages, Quality, and Compensation

(September 27, 2007 Meeting)

STUDIES:

- Received a presentation from subcommittee staff on alternative systems of teacher compensation that have been implemented by states and school districts.
- Addressed teacher shortages, quality, and compensation. Received proposals from legislators, the public, and higher education representatives to:
 - implement a trimester school calendar to more efficiently use teacher and building resources;
 - extend the number of contracted days for teachers in critical shortage areas;
 - expand financial aid for students entering the teaching profession; and
 - simplify the relicensure process for former teachers.

Chairs: Sen. Howard A. Stephenson / Rep. Gregory H. Hughes

Staff: Constance Steffen (analyst)/Dee S. Larsen (attorney) Glenda S. Whitney (secretary)

Transportation

STUDIES:

- Considered the following draft legislation:
 - “Motorcycle License and Endorsement Amendments;” and
 - “Penalties for Failing to Secure a Load or Littering on a Highway.”

REPORTS:

- Received an audit report from the Legislative Auditor General on “A Review of the Transportation Prioritization Process.”
- Received a report from the Utah Department of Transportation on a federal law change that limits the types of clean fuel vehicles that may use the high occupancy vehicle lane with a single occupant.
- Received and discussed the DUI Report from the Utah Substance Abuse and Anti-Violence Coordinating Council.

ACTION:

- Approved as a committee bill “Driving Under the Influence Amendments.”

Chairs: Sen. Carlene Walker / Rep. Todd Kiser

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

Utah International Trade Commission

(October 16, 2007)

STUDY:

- Reviewed draft legislation creating the International Trade Database, which will be a public listing of businesses in Utah that are involved in international trade. The state Automated Geographic Information Center presented information on creating this Geographic Information System database.

REPORTS:

- Received a report on the relationship between hosting international cultural or sporting events and developing international trade connections. The report also included information on the DownTown Rising initiative to provide Salt Lake City a unified vision for future commercial and other activities.
- Received a report from the Governor’s Office of Economic Development (GOED) regarding the upcoming trade mission to India for developing more international export trade between India and Utah.

ACTIONS:

- Approved as committee bills:
 - “Resolution Addressing International Trade Issues,” which suggests methods for the consideration of state sovereignty issues raised by international treaties.
 - “State Trade Database,” which creates a geographic information system database housed in the state’s geographic information library and maintained by GOED.

Chairs: Sen. Mark Madsen / Rep. Sheryl Allen

Staff: Richard North (analyst)/Christopher R. Parker (attorney)/Tracey Fredman (secretary)

Workforce Services & Community and Economic Development

STUDIES:

- Discussed affordable housing issues, including factors that affect housing costs, the impact of local government regulation, planning and zoning, and actions the Legislature might consider to address housing cost increases.
- Discussed issues related to the Department of Workforce Services’ lack of statutory authority to conduct background checks on child care providers operating through the department’s Family, Friend or Neighbor program.
- Discussed draft bill “Community and Economic Development Technical Changes.”

REPORT:

- Received an annual report from the Governor’s Rural Partnership Board regarding economic development programs in the state’s rural areas.

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

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

Demographic Profiles of Utah's 104 Legislative Districts

The demographics of legislative districts, based on the 2000 U.S. Census, are at:

<http://www.le.state.ut.us/Documents/censusrpt/Profile.htm>

This report can also be found by going to the Legislature's home page at le.utah.gov and then:

1. Click on "Publications" at the left side of the page.
2. Click on "Briefing Papers" from the drop down menu.
3. The Demographic Profiles are under "April 2003."

The Office of Legislative Research and General Counsel received the 2003 NCSL Notable Document Award in recognition of this reference tool.

DEMOGRAPHICS INCLUDED IN THIS REPORT:

| | |
|----------------------------|---------------------------|
| Age | Household Income |
| Race | Poverty Status |
| Hispanic or Latino | Child Living Arrangements |
| Birthplace and Citizenship | Home Ownership |
| Residence in 1995 | Household Type |
| Language Spoken at Home | Household Size |
| Educational Attainment | Commuting Method |
| Employment by Industry | |

Online Listing of Bill Requests for 2008 General Session

Review unprotected bill requests for the 2008 General Session at the Legislature's web site:

1. Go to le.utah.gov
2. In the left column, click on "Bills."
3. Then click on "Search bills/Bill requests."
4. The next screen provides search capabilities for 2008 unprotected bill requests, and their status - at "Search" click on the "2008 General Session" option.
5. To produce a list of all 2008 bill requests available, go to "by Subject" and click on "All Subjects."

This resource page also provides searches of prior legislation. The direct link is:

<http://www.le.utah.gov/asp/billsintro/>

UPCOMING DATES

- **November 14, 2007** - Interim Day (**second** Wednesday of month)
- **December 1, 2007** (Saturday) - Last day for legislators to designate up to three priority bills.
- **December 1, 2007** (Saturday) - Last day for governmental entities to request bills
- **December 19, 2007** (Wednesday) - Last day for Executive Appropriations Committee to set initial budget
- **January 21, 2007** (Monday) - First day of 2008 General Session

Next Interim Day – November 14
The Second Wednesday

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