



INTERIM HIGHLIGHTS

Office of Legislative Research
and General Counsel

Office of the Legislative
Fiscal Analyst

Office of the Legislative
Auditor General

INTERIM COMMITTEE ACTIONS

Business and Labor

STUDIES:

- Studied allowing the sale of two-tier annuities in Utah, as they are not currently lawful in Utah.
- Considered proposed legislation, "Motor Vehicle Repairs - Consumer Rights".

REPORTS:

- HIPUtah reported on progress toward achieving the HIPUtah Task Force recommendations.
- Legislators reported their research on curbing the rising costs of healthcare.
- The Department of Financial Institutions reported on efforts to promote consumer credit education.

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

Education

STUDY:

- Received a presentation on the Fast Track Option that would allow gifted or motivated students to earn a high school diploma and a bachelor's degree at the same time.

REPORTS:

- Certiport, Inc. and the State Office of Education presented Certiport's online computer software certification that students may earn for high school credit.
- The Technology Initiative Advisory Board provided a statutorily required report on the Engineering and Computer Science Initiative.

ACTION:

- Approved as a committee bill proposed legislation directing a public school, when requested by a parent, to: 1) train volunteer school personnel in the emergency administration of glucagon; and 2) permit a student to possess and self-administer diabetes medication.

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

Government Operations

STUDIES:

- Considered four proposed bills: 1) allow voting to begin 14 days before election day; 2) expand the use of common polling places for two or more voting precincts and repeal the 4,000 active voters requirement for a common polling place; 3) recodify the Open and Public Meetings Act; and; 4) require all closed meetings to be recorded and require additional training of public bodies on the Open and Public Meetings Act.

REPORTS:

- The Disability Law Center reported on a survey of accessibility to polling places.
- The Government Records Access and Management Task Force provided an update on draft legislation addressing electronic messaging.

ACTION:

- Voted that draft legislation be prepared to repeal the Utah Digital Signature Act.

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

Health and Human Services

STUDY:

- Staff briefed the committee on Utah's Medicaid program.

REPORTS:

- Utah Hospitals and Health Systems reported on donations it has made to Utah colleges and universities in 2005 to match recent legislative appropriations for nurse training.
- The Medical Education Council reported on the status of the nurse workforce.

*Chairs: Sen. Allen M. Christensen / Rep. Bradley G. Last
Staff: Mark Andrews (analyst)/Catherine Dupont, Thomas Vaughn (attorneys)/Joy Miller (secretary)*

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Judiciary

STUDIES:

- The Utah Medical Association, Utah Hospital Association, and the Utah Trial Lawyers Association discussed admissibility standards in medical malpractice actions for statements by health care providers expressing regret or apology regarding treatment outcomes.
- The Utah State Bar Family Law Section discussed the waiver of the 90-day waiting period for couples who attend the mandatory divorce education course for divorcing parents.

ACTION:

- Adopted draft legislation "Marriage Preparation Education," as a committee bill.

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

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

Law Enforcement and Criminal Justice

STUDIES:

- Explored potential cost savings and recidivism rates in contracted corrections programs.
- Studied issues related to criminal background checks in the Department of Public Safety's Bureau of Criminal Identification.

REPORT:

- The Department of Corrections provided a statutorily required report on the housing of state inmates in county jails, including numbers and costs.

ACTION:

- Appointed a Dispatch Services Subcommittee to study whether the state should provide dispatch services for state agencies in Tooele, Davis, Weber, Morgan, Summit, and Wasatch counties by using the state's equipment.

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

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

Natural Resources, Agriculture, and Environment

STUDY:

- Discussed the status of Colorado River water rights that have been granted to state municipalities.

REPORTS:

- The Energy Policy Working Group provided a progress report.
- The Department of Natural Resources reported on its use of the \$2,000,000 appropriation it received in the 2005 General Session to improve the state's watersheds.
- The Public Lands Policy Coordination Office, created in May 2005, reported on its operations.

ACTION:

- Requested legislation implementing the recommendations of the Water Development Financing Task Force on financing the proposed Lake Powell pipeline and Bear River system projects.

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

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

Political Subdivisions

REPORTS:

- The Quality Growth Commission discussed the relationship between land conservation and economic development, and also the proposal for use of the LeRay McAllister Critical Land Conservation Fund.
- Utah's seven AOGs (Associations of Governments) presented the annual report of their purposes and services.
- A subcommittee of the Tax Reform Task Force reported on its discussions regarding proposed changes to redevelopment agency statutes.
- Discussed coordination between school districts and municipalities in siting new schools.

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

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

Public Utilities and Technology

STUDY:

- Reviewed legislation creating a legislative commission to study how international treaties affect the Legislature's ability to regulate, and Utah's involvement with, international trade.

REPORTS:

- The Energy Policy Working Group reported on progress in creating a state energy policy in the areas of energy development, transmission, conservation, and governmental organizations.
- The Governor's new energy director, Dr. Laura Nelson, provided an outline of her assignments and activities.

ACTION:

- Adopted draft legislation, "Notice Requirements For Budget Transfers From Utility Funds," as a committee bill.

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

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

Revenue and Taxation

REPORTS:

- The Tax Reform Task Force reported that its four working groups have adopted recommendations for possible changes to the sales and use tax, individual income tax, corporate franchise and income tax, property tax, and other taxes.
- The Utah State Tax Commission reported on the design of the Utah Individual Income Tax Return and various tax administration issues.

ACTION:

- Adopted draft legislation, "Tax on Insurance Premiums," as a committee bill.

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

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

Transportation

STUDY:

- Reviewed proposed Transportation Commission rules regarding: 1) a prioritization process for new transportation capacity projects; and 2) partnering with local governments to help finance state highway improvements through matching local funds.

REPORTS:

- The Utah Department of Transportation (UDOT) reported on performance measures used to evaluate UDOT's effectiveness in meeting its four strategic objectives.
- UDOT reported on the planned closure of the Lake Powell Ferry, including discussions with parties opposing the closure.

ACTION:

- Approved draft legislation, "Uninsured Motorist Identification Database Program Amendments," as a committee bill.

*Chairs: Sen. Sheldon L. Killpack / Rep. Joseph G. Murray
Staff: Mark Steinagel (analyst)/Shannon Halverson (attorney)/Tracey Fredman (secretary)*

Workforce Services & Community and Economic Development

STUDIES:

- Reviewed the transition of the state's energy, tourism, and business development functions from their previous locations in state government to the new Governor's Office of Economic Development.
- Considered the Department of Community and Culture's proposed legislation for the 2006 General Session.

REPORT:

- The Utah Defense Alliance reported regarding the use and impact of distributed monies related to military installation projects.

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

UTAH LEGISLATORS' BACK TO SCHOOL PROGRAM

Bring civics to life in the classroom? Yes, students pay attention to the political process when Utah legislators listen and let them know their ideas count!

Students receive hands-on experience with legislators via mock sessions, simulated public hearings, informal discussions, or drafting bills — learning how each person is responsible for participating in and strengthening our government.

This year-round program is designed to teach future voters and leaders about pressure, negotiation, and compromise — basic components of representative democracy in forming public policy.

Utah legislators were welcomed into classrooms again this year, beginning the week of September 19-23 to participate with students in this vital civic education program.

Utah's legislators give many hours to this program; Utah has placed in the top three states for legislator participation in America's Legislators Back to School Program for three straight years. They continue to reach out and let future voters and leaders know that their ideas count, while helping teachers enhance learning and meet objectives of the state's core curriculum.

For more information, visit Utah Legislators' Back to School Program Web site:

<http://le.utah.gov/lrgc/backtoschool.htm>

UTAH LEGISLATURE'S WEB SITE RECEIVES NATIONAL AWARD

The Utah Legislature Web site (le.utah.gov) received the 2005 National Conference of State Legislatures (NCSL) Online Democracy Award. Utah's Legislative Web site was recognized as best in the nation for making democracy user-friendly.

Utah is the first state to receive this award and was selected for outstanding achievement in the use of design, content, and technology to bring democracy closer to the citizens of Utah. Of specific note is its use of RSS feeds and audio/video streaming of legislative activity.

The design is simple and effective for user navigation.

NCSL recognized the Utah Legislature Web site as an example for other legislatures to follow in using Web technology to deliver public information to their constituents. Accepting the award at the 2005 NCSL Annual Meeting & Exhibition on behalf of the Utah Legislature were Mike Christensen, Director, and Mark Allred, IT Manager, both of the Office of Legislative Research and General Counsel.

LEGISLATIVE MANAGEMENT COMMITTEE**ACTIONS:**

- Approved requests from the Law Enforcement and Criminal Justice Interim Committee: 1) to create a Dispatch Services Subcommittee to study whether the state should provide dispatch services for state agencies in Tooele, Davis, Weber, Morgan, Summit, and Wasatch counties by using the state's equipment; and 2) to add the privatization of prisons and related treatment programs to the committee's study items.
- Approved a request from the Native American Legislative Liaison Committee to meet with the leaders of the Paiute Tribe in Cedar City on November 4, 2005. The meeting will be scheduled so that where possible some committee members may complete their travel without an overnight stay.
- Approved a request from the Higher Education Appropriations Subcommittee for a meeting September 22, 2005 regarding improving the success of students in higher education.
- Approved a request from the Commerce and Revenue Appropriations Subcommittee for a meeting on October 27, 2005 to address: 1) progress concerning e-REP; performance measures; using kindergarten spending for the child care match; and 2) larger appropriation items expected in the upcoming General Session.

**TAX REFORM TASK FORCE
PUBLIC HEARINGS SCHEDULE**

Salt Lake City - October 19 at 5:30 p.m.
House Building State Capitol Complex

Vernal - October 25 at 12:00 pm
Western Park
300 E. 200 S.

Price - October 25 at 6:00 pm
County Commission Chambers
120 E. Main

Provo - October 26 at 6:00 pm
Dixon Middle School
750 W. 200 N.

Cedar City - October 27 at 12:00 pm
Cedar City Chambers at Old Post Office
10 N. Main

St. George - October 27 at 6:00 pm
County Commission Chambers
197 E. Tabernacle St.



Office of Legislative Research and General Counsel
House Building, Suite W210 • Salt Lake City, UT • 84114
(801) 538-1032

Office of the Legislative Fiscal Analyst
House Building, Suite W310 • Salt Lake City, UT • 84114
(801) 538-1034

Office of the Legislative Auditor General
House Building, Suite W315 • Salt Lake City, UT • 84114
(801) 538-1033

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

Editors: Susan Creager Allred & Stewart E. Smith

Next Interim Day: October 19



FISCAL HIGHLIGHTS

EXECUTIVE APPROPRIATIONS COMMITTEE

CO-CHAIRS:

SENATOR LYLE HILLYARD - REPRESENTATIVE RON BIGELOW

Report: Federal Funds

Summary: Sophia DiCaro, Governor's Office of Planning and Budget, presented the list of federal fund grant applications since the July EAC meeting. The listing shows two new applications and 11 reapplications that require action by the EAC, 17 applications that have been approved by the Governor, and the tracking of 393 outstanding federal fund grants.

Committee Action: The committee approved the 13 applications to continue through the application process.

Staff Contact: Spencer Pratt

Report: Report on computers in the schools and value of current state surplus program that provides computers

Summary: State law and administrative rule both encourage state agencies to donate their surplus information technology directly to schools and persons with disabilities. The Surplus Property program honors all requests from public schools for computers and components. Many requests come through agencies that declare the equipment as surplus. Some requests come directly to the Surplus Property program from schools outside the Wasatch Front. More needs to be done to make rural schools aware of the program. Most donations are in the Salt Lake, Davis, and Weber County school districts. Donations to persons with disabilities are accomplished directly through the Department of Human Services.

Surplus computer donations to schools are down from the previous year. Schools are becoming increasingly concerned about the cost of maintaining and upgrading used equipment and are therefore accepting less. The Surplus Property program has no testing capability to determine the condition or configuration of each unit. Moreover schools are reluctant to accept equipment they may have to dispose of. New EPA requirements require the payment of a disposal fee and transportation of the surplus equipment to an out-of-state recycling location (since no e-waste recyclers exist in Utah).

Staff Contact: Steve Allred

Report: Jail Contracting, Jail Reimbursement and the Core Rate – An In-depth Budget Review

Summary: Senator Thomas, Chair of the Executive Offices and Criminal Justice Appropriation Subcommittee explained the prison housing shortage and the findings of the subcommittee hearings. Housing is already nearing operational capacity of 6,299 during the first quarter of the new fiscal year. Millard County withdrew its plans to build a jail and offer 100 beds to the State. The subcommittee has developed three possible recommendations:

- The Core Rate Committee and the Legislature should include depreciation and other "indirect" costs in the core rate.
- The Department should request 110 percent of the estimated number of days for Jail Reimbursement when it presents its budget request.
- The Legislature should remove references to the funding of medical and transportation costs regarding Jail Reimbursement.

The Core rate was discussed. Jail bed days are funded at the full core rate of \$42.32. Jail Reimbursement bed days receive 70 percent of the core rate. Since estimates of inmate counts have been low, funding has been insufficient. The average payment has been between 55 and 65 percent of the core rate. The Legislative Auditor General is currently doing an audit of Jail Reimbursement. This report is expected in January 2006.

Staff Contact: William Greer

Report: Public Education – Improving Reading Proficiency

Summary: The Legislature passed S.B. 230 "Reading Achievement Program" during the 2004 General Session. The Legislature created the K-3 Reading Improvement Program which aims to achieve the state's goal of having all third graders reading at or above grade level. Implementation of this program required school districts and charter schools to submit a reading improve-

(Continued on page 2)

UPCOMING APPROPRIATION SUBCOMMITTEE MEETINGS

- Executive Offices and Criminal Justice - October 18, 2005
9:00 W105 State Capitol Complex (Contact Gary Ricks)
 - Higher Education - November 10, 2005
Proposed Meeting (Contact Spencer Pratt)
 - Commerce and Revenue October 27, 2005
8:30 Workforce Services Building in American Fork
(Contact Stan Eckersley)
- ** Please Note the Date Change **

EXECUTIVE APPROPRIATIONS COMMITTEE

(Continued from page 1)

ment plan to qualify for program funding, report on how these funds are expended, and authorized a local board property tax leeway to fund a school district's portion of the matching program.

The State Office of Education reported on the progress of the reading program. All 40 school districts and 10 charter schools submitted reading achievement plans. The presenters reported on the progress made by school districts and charter schools, as well as, the local popularity of the program. The majority of districts and charter schools reported success in improving student performance. Many districts and charter schools met their annual proficiency goals for each of the four grade groupings. A comprehensive report, including district and charter school goals and progress was submitted to the committee. Copies of this report may be obtained through USOE or reports are available for viewing in the Fiscal Analyst's Office.

Staff Contacts: Mike Kjar and Ben Leishman

Report: Public Education – Fine Arts and Sciences Intent Language Report

Summary: During the 2005 General Session, the Legislature raised questions in regards to the review process conducted by the State Board of Education for the Fine Arts and Sciences Outreach Program. These questions focused on the overall review process used to evaluate participating organizations, as well as, new organizations seeking to participate in the program. The Legislature also requested information on the long-term objectives and funding needs for the program.

The Board recently concluded an evaluation and re-application process of Professional Outreach Program in the Schools (POPS) organizations. This re-application process occurs every four years and allows the organizations to articulate how they will meet the desired outcomes established by the Board. The arts and science program also provides the opportunity for professional organizations to participate through an annual RFP program. These organizations do not have a state-wide outreach mandate. In the future, RFP participants seeking to participate in the POPS program will need to participate in the evaluation that takes place every four years.

Staff Contact: Ben Leishman

SUBCOMMITTEE MEETING SUMMARY

Capital Facilities and Administrative Services

Co-Chairs: Senator Bill Hickman and Representative Gregg Buxton

The subcommittee met on August 22 and 23 in a joint subcommittee/State Building Board tour of capital development requests that are likely to be significant requests in the 2006 General Session. The tour focused on areas not previously seen by subcommittee or board members; therefore locations visited last year were not visited again. Stops included:

- Department of Agriculture - Request for new laboratory
- Davis Applied Technology College - Request for new manufacturing building
- Department of Health - Request for new unified laboratory
- Utah Schools for the Deaf and Blind - Request for new building to replace the Connor Street facility
- Division of Wildlife Resources - Request to renovate Midway Fish Hatchery
- Uintah Basin Applied Technology College - Request for new classroom building
- College of Eastern Utah - Request for new Fine Arts building and purchase of mining buildings
- Various Departments in Richfield - Consideration of constructing a regional center

Staff Contact: Steve Allred

NATIONAL CONFERENCE OF
STATE LEGISLATURES
COMMITTEE PARTICIPATION

Over the past year, several staff members in the Fiscal Analyst's Office have worked in various staff position assignments on NCSL committees. For the upcoming year, additional staff members have accepted assignments with NCSL standing committees. These assignments are listed below:

- **Executive Committee** - John Massey, At Large Member, Legislative Staff.
- **Energy & Electric Utilities Committee** - Mark Bleazard, Staff Vice Chair (2004)
- **Health Committee** - Spencer Pratt, Staff Chair (2004)
- **Labor & Workforce Development Committee** - Stan Eckersley, Staff Vice Chair (2004)
- **Communication, Technology, & Interstate Commerce Committee** - Jonathan Ball, Staff Vice Chair (2005)
- **Education Committee** - Michael Kjar, Staff Vice Chair (2005)