



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:

- Received a presentation outlining covenants that restrict the ability of an employee to compete against a former employer for a period of time after leaving employment.
- Discussed draft legislation “Consumer Sales Practices Act Amendments” that defines certain uses of an unsolicited check as deceptive sales practices.
- Discussed the possibility of enacting a law that limits the liability of propane professionals for actual or punitive damages.

*Chairs: Sen. Parley Hellewell/Rep. Katherine M. Bryson
Staff: Mark Steinagel (analyst)/Patricia Owen (attorney)/Tracey Fredman (secretary)*

Education

STUDY: Reviewed a comparison of state requirements under the federal law, No Child Left Behind, with programs created in Utah law that are designed to improve schools.

REPORT: Received annual reports on the Utah College of Applied Technology and on applied technology education for secondary students.

ACTION: Approved a motion to direct staff to prepare legislation addressing charter school issues.

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

Government Operations

STUDY: Received recommendations concerning standards for the verification of signatures on initiative petitions. The Committee will review draft legislation in the November meeting.

REPORT: Received a report regarding the state’s efforts to implement the Help America Vote Act and the status of a request for proposals for a statewide voting solution.

ACTION: Discussed draft legislation that modifies provisions governing bond elections. The Committee directed staff to make further modifications to the legislation. The Committee will review the legislation in November.

*Chairs: Sen. John W. Hickman/Rep. James A. Ferrin
Staff: John Cannon (analyst)/Eric Weeks (attorney)/Cassandra Bauman (secretary)*

Health and Human Services

STUDY: Reviewed draft legislation that would help persons with hemophilia or other bleeding disorders obtain necessary medications. Considered a public health proposal to ensure an adequate supply of medical professionals in times of disaster.

REPORTS:

- Received a report from the Medical Education Council on the physician workforce.
- Received reports from the Department of Health on the implementation of two programs recently enacted by the Legislature: the Prescription Drug Assistance Program; and the Center for Multicultural Health.

ACTION: Recommended draft legislation “Disease Testing of Individuals Exposed to Blood Borne Pathogens” that would amend testing provisions for emergency medical services personnel.

*Chairs: Sen. Sheldon Killpack/Rep. Mike Thompson
Staff: Mark Andrews (analyst)/Catherine Dupont, Thomas Vaughn (attorneys)/Joy Miller (secretary)*

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Judiciary

REPORT:

- Received a report from the Foster Care Citizen Review Board on its mission to review the cases of children placed in out-of-home care.
- Received the Annual DUI Report to the Legislature from the Utah Commission on Criminal and Juvenile Justice. The report included recommendations that the Legislature consolidate DUI statutes into one section of the code, create specific offender categories for those who refuse to take a blood alcohol content test, and require that Justice Courts improve electronic reporting so Utah's DUI database is more complete and accurate.
- Received a report from the Judicial Council which concluded that recent legislation which opens child welfare proceedings on children and families should remain in place. Judges report that the hearings are going smoothly, the process provides sufficient opportunity to close the hearings, and in most cases, the public, press, and extended family do not attend the open hearings.

ACTION: Approved draft legislation "Divorce Mediation Program."

Chairs: Sen. David L. Gladwell/Rep. Ben C. Ferry

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

Law Enforcement and Criminal Justice

STUDIES:

- Discussed funding needs in the Department of Corrections sex offender treatment programs.
- Received recommendations for legislation limiting the liability of medical equipment manufacturers for one-use medical devices which are reconditioned and resold for secondary use by a third party.
- Government and private experts presented a report on drug abuse trends in Utah.
- Received presentations from the Department of Corrections and the Juvenile Court on victim restitution in Utah.

REPORT:

- Received a report from the Utah Highway Patrol and representatives of private industry on the rotational use of tow-trucks and a proposal for providing incentive for superior service.

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

Staff: Jami Momberger (analyst)/Susan Creager Allred (attorney)/Wendy Bangerter (secretary)

Natural Resources, Agriculture, and Environment

REPORTS:

- As required by S.B. 1, "Appropriations Act" Item 184, 2004 General Session, the Department of Natural Resources reported on how species protection funds have been expended.
- Received a report from the executive directors of the Department of Environmental Quality and the Department of Natural Resources and the Commissioner of the Department of Agriculture and Food on legislation or issues from their respective departments that will be considered in the 2005 General Session.

Chairs: Sen. Beverly Evans/Rep. Craig W. Buttars

Staff: Brian Allred (analyst)/Jeanenne Larson (attorney)/Joy Miller (secretary)

Political Subdivisions

STUDY: Discussed S.B. 183, Local Governments - Authority for Design-Build Construction, 2004 General Session, which required the Political Subdivisions Interim Committee to study provisions relating to design-build projects.

REPORT: An interim workgroup reported its recommendations on revisions to the Municipal and County Land Use Development and Management Acts.

Chairs: Sen. Carlene M. Walker/Rep. Kory M. Holdaway

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

Public Utilities and Technology

REPORTS:

- Received the Information Technology Annual report from Utah's Chief Information Officer regarding information technology in state government.
- Received the State of Telecommunications Industry Report and information regarding the state of telephone service competition since the 1995 Utah Telephone Act. Discussion focused on regulation, the need for a level playing field, and on the need for updating the 1995 Act because of technological changes.
- Received a report from the Energy Policy Task Force regarding new energy resource legislation, energy emergency legislation, and extension of the task force.

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

Staff: Bryant Howe (analyst)/Rebecca Rockwell (attorney)/Phalin Flowers (secretary)

Revenue and Taxation

STUDIES:

- Received comments regarding the challenges of complying with certain provisions of the Streamlined Sales and Use Tax Agreement that will take effect on July 1, 2005.
- Received demonstrations of automated accounting software programs that can assist businesses to comply with certain provisions of the Streamlined Sales and Use Tax Agreement.

REPORTS:

- Received a report from the Utah Housing Finance Corporation regarding credits available under individual income and corporate franchise and income taxes for certain investments in affordable housing.
- Received a report from the Department of Community and Economic Development regarding credits available under individual income and corporate franchise and income taxes for investments and new employment in enterprise zones.
- Received a report from the Utah State Tax Commission on oil and gas severance effective tax rates.
- Received a report from the Utah State Tax Commission on recent changes to federal income tax laws.

ACTIONS:

- Approved draft legislation “Individual Income Tax - Subtraction for Certain Military Income.”
- Approved draft legislation “Individual Income Tax - Contributions for Education.”

*Chairs: Sen. Leonard M. Blackham/Rep. Stephen H. Urquhart
Staff: Richard North (analyst)/Christopher Parker (attorney)/Phalin Flowers (secretary)*

Transportation

STUDY: Discussed uninsured and unregistered vehicles and methods to increase enforcement regarding these violations.

REPORT: Received two reports from the Commission on Criminal and Juvenile Justice: the Annual DUI Report to the Legislature; and the Child Endangerment for DUI Violations Report.

(Continued next column)

ACTIONS:

- Approved draft legislation “Master Highway Designation Amendments.”
- Approved draft legislation “Person with a Disability Motorcycle Parking.”
- Approved draft legislation “Uninsured Motorist Property Damage Coverage Amendments.”

*Chairs: Sen. Dan R. Eastman/Rep. Joseph G. Murray
Staff: Benjamin Christensen (analyst)/Shannon Halverson (attorney)/Tracey Fredman (secretary)*

Workforce Services & Community and Economic Development

STUDIES:

- Discussed draft legislation “Funding for Tourism.”
- Discussed draft legislation “Economic Development Incentives.”

REPORTS:

- Received a report and comments on the the Cato Institute’s evaluation of how Utah and other states are implementing welfare reform.
- Received the third of three statutorily required unemployment insurance reports regarding the new maximum weekly unemployment benefit amount and how an employer’s overall unemployment insurance contribution is determined.
- Received a report on the Department of Heath’s “Covered at Work” program and how public assistance clients can participate in the program.
- Received a report on recent changes in the Office of Child Care in the Department of Workforce Services.
- Received a report on the workforce assistance provided by the Department of Workforce Services to the Kingdom of Jordan.
- Received a report on the effectiveness of the Recycling Market Development Zone Program.
- Received a report on the adequacy of Family Employment Program cash assistance grant levels and listened to concerns regarding the report.

ACTION: Approved draft legislation “Employment Security Act Amendments.”

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

LEGISLATIVE MANAGEMENT COMMITTEE

REPORTS:

- Received a report from the Armory Board regarding land purchases for the North Salt Lake Armory, Manti Armory, and the Murray Operation and Maintenance Station.
- Received two letters from the chairs of the Health and Human Services Interim Committee.

The first letter requested the committee be given permission to study three items at its November meeting: 1) legislation that would restore Medicaid vision and dental benefits reduced during recent budget cuts; 2) legislation that would ensure state laws and rules do not place local retail pharmacists at a competitive disadvantage relative to their out-of-state mail-order counterparts; and 3) a report by the Division of Substance Abuse and Mental Health on statutory compliance problems faced by the public mental health system as a result of revenue reductions.

The second letter requested that Legislative Management Committee do two things: 1) direct the Occupational and Professional Licensure Review Committee to adopt criteria for determining whether an occupation or profession should be included in the Sunset Act; and 2) review the current Legislative Oversight and Sunset Act and develop general, uniform criteria for determining whether an agency, program, or statute should be included in the Sunset Act.

- Received an update from Legislative General Counsel, Gay Taylor, regarding two lawsuits: 1) *Ivie v. State of Utah et al.* which is being appealed to the Utah Court of Appeals and is scheduled for oral argument on November 16, 2004; and 2) *University of Utah v. Shurtleff* which has not yet been heard. Ms. Taylor shared with the committee the state's amicus brief.
- Received a letter from the Individual Income Tax and Corporate Franchise and Income Tax Task Force to have one additional meeting on November 8, 2004 to finalize their recommendations and report to the Legislature.

ACTIONS:

- Asked the Armory Board to come back to the November meeting and present their recommendations in a detailed written report, including the pertinent property appraisals.
- Recommended that the Alcohol and Beverage Control Commission make its required report to the Business and Labor Interim Committee in November.
- Approved the request from the Health and Human Services Interim Committee to study the three items mentioned in the committee's letter.
- Chose the dates of December 6, 2004 and January 6, 2005 for Legislative Orientation.



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