

INTERIM HIGHLIGHTS

Office of Legislative Research
and General Counsel

Office of the Legislative
Fiscal Analyst

Office of the Legislative
Auditor General

The three legislative offices have combined efforts to create a single newsletter to better serve the Legislature.

INTERIM COMMITTEE ACTIONS

Business and Labor

STUDIES:

- Received information from Sen. Gene Davis regarding his efforts to prepare legislation addressing fair credit reporting. Draft legislation will be presented at the October Interim meeting.
- Discussed the need for a comprehensive study on change orders made during state construction projects.
- Discussed the need to change the structure of the state entities that regulate the construction industry and the need for legislation addressing prompt payment under construction contracts.

*Chairs: Sen. Dan R. Eastman/Rep. Katherine M. Bryson
Staff: Mary Catherine Perry (analyst)/Patricia Owen (attorney)/Jennifer Markham (secretary)*

Education

STUDIES:

- Received a presentation on Utah's electronic high school, which offers courses to students over the Internet.
- Received a presentation from committee staff and representatives of school districts and insurance companies on how to contain the costs of rising health insurance rates.

*Chairs: Sen. Howard A. Stephenson/Rep. Marda Dillree
Staff: Connie Steffen (analyst)/Dee Larsen (attorney)/Wendy Bangerter (secretary)*

Government Operations

STUDY: Discussed the results of a study on state advisory boards and commissions and received recommendations to repeal or further review certain advisory boards and commissions.

ACTIONS:

- Directed staff to draft legislation to revise the distribution requirements of monies received from people who have checked a box on their state income tax form to donate to a political party.
- Prioritized six election reform items for further review and possible legislation: 1) provisional ballots; 2) certification of voting equipment; 3) counting processes, criteria, and standards; 4) recount procedures and standards; 5) overseas citizen voters; and 6) a statewide voter registration database.

*Chairs: Sen. John W. Hickman/Rep. Craig W. Butters
Staff: John Cannon (analyst)/John Fellows (attorney)/Alicia Gambles (secretary)*

Health and Human Services

STUDIES:

- Received a presentation regarding: 1) the standard used for removing from a home a child who has been allegedly abused or neglected; 2) one of the therapies available to abused or neglected children; and 3) the rights of parents in the child welfare system.
- Discussed issues related to genetic privacy and discrimination.

ACTIONS:

- Recommended draft legislation that changes the reporting provisions for 18 reports statutorily required to be made to the Health and Human Services Interim Committee or the Legislature.
- Directed staff to draft genetic discrimination and consent legislation based on bills from 1999 and 2000.

*Chairs: Sen. Terry R. Spencer/Rep. Carl R. Saunders
Staff: Mark Andrews (analyst)/Paul Hess, Catherine Dupont (attorneys)/Sandra Wissa (secretary)*

Judiciary

STUDIES:

- Discussed draft legislation "Sentencing Amendments," which provides increased penalties for crimes committed for the purposes of interfering with or preventing a person's lawful exercise of protected activities.
- Discussed proposed rule changes to the Code of Judicial Administration and discussed other issues of concern, including the opportunity for judges to exclude attorneys from the retention election survey, the scoring mechanism of the survey, and the reporting of survey results.

*Chairs: Sen. David L. Gladwell/Rep. Glenn L. Way
Staff: Jerry Howe (analyst)/Esther Chelsea-McCarty (attorney)/Glenda Whitney (secretary)*

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Law Enforcement and Criminal Justice

STUDY: Discussed ways to increase both state and local law enforcement agencies' ability to share information.

REPORT: Received a report on the creation of a Criminal and Juvenile Justice Consortium, which would consist of a partnership between the University of Utah and the Commission on Criminal and Juvenile Justice.

ACTIONS:

- Recommended to sunset the provisions related to weapons and explosives during the Olympics on their original dates of April 1, 2002.
- Recommended extending the sunset date for the Public Safety Command Act for one year and the Commission on Criminal and Juvenile Justice for 10 years.
- Directed staff to draft legislation to change the name of the Criminal Investigations Bureau within the Department of Public Safety to the State Bureau of Investigations and authorized the bureau to begin using the new name immediately.

*Chairs: Sen. D. Chris Butters/Rep. DeMar "Bud" Bowman
Staff: Chyleen Arbon (analyst)/Susan Creager Allred (attorney)/Wendy Bangerter (secretary)*

Natural Resources, Agriculture, and Environment

REPORTS:

- Received an update from the Division of Plant Industry on cricket and grasshopper infestation in the state. The Attorney General's Office reported on the state's ability to file suit against federal agencies that own or manage infested lands where control measures are not being implemented.
- Received a report from the state veterinarian on animal disease control programs currently administered by the Department of Agriculture.
- Received a report from the School and Institutional Trust Lands regarding recent and planned trust land transactions as well as the change in director.

*Chairs: Sen. Parley G. Hellewell/Rep. Bradley T. Johnson
Staff: Brian Allred (analyst)/Jeanenne Larson (attorney)/Joy Miller (secretary)*

Political Subdivisions

STUDIES:

- Discussed the problems presented by a new housing development in Draper City that resides on the boundary line between Salt Lake County and Utah County, resulting in residential parcels being bisected by the county line. This situation affects most county services and jurisdictions.
- Received an update on issues regarding the proposed change of the county boundary line between Emery and Grand Counties in Green River.

*Chairs: Sen. Carlene M. Walker/Rep. David L. Hogue
Staff: Joseph Wade (analyst)/Keith Woodwell (attorney)/Joy Miller (secretary)*

Public Utilities and Technology

STUDIES:

- Continued discussion of proposed net metering legislation. Draft legislation will be heard in the September Interim meeting.
- Reviewed conservation and efficiency programs currently being used by both the private and public sector to determine what legislative policies could be implemented in the future.
- Discussed broadening the tax credit for energy efficient systems to include geothermal energy and discussed adjusting the tax credit for inflation.

*Chairs: Sen. Leonard M. Blackham/Rep. John E. Swallow
Staff: Richard North (analyst)/Robert Rees (attorney)/Junie Anderson (secretary)*

Revenue and Taxation

REPORTS:

- Received a preliminary revenue report for major state taxes for the fiscal year that ended on June 30, 2001. Total General Fund and Uniform School Fund collections are \$59 million below legislative estimates and total Transportation Fund collections are \$10 million below legislative estimates. While total Individual Income Tax revenues are 3.4% higher than last fiscal year, they are still \$55 million below legislative estimates. State Sales and Use Tax collections are 4.4% higher than last year and almost \$9 million above legislative estimates.
- Received a report from a task force that is studying taxes and fees imposed on the telecommunications industry.
- Received a report that contributions made via the state tax form for higher education libraries and library equipment has generated less than \$30,000 for the 1998 and 1999 tax years, putting it in jeopardy of being discontinued.

ACTIONS:

- Directed staff to draft legislation to bring Utah into compliance with the federal Telecommunications Mobile Sourcing Act.
- Requested that information be presented to the committee at a future meeting regarding the imposition of fees to pay for training of public safety personnel who respond to highway accidents involving the transportation of high-level nuclear waste.

*Chairs: Sen. Curtis S. Bramble/Rep. Wayne A. Harper
Staff: Bryant Howe (analyst)/Rebecca Rockwell (attorney)/Sandra Wissa (secretary)*

Transportation

REPORTS:

- Received an update on the completed I-15 reconstruction project.
- Received a report that West Valley City and Salt Lake City have experienced increased efficiency and public satisfaction with the new administrative traffic proceedings.

ACTION: Recommended draft legislation "Motorboat Driver Licensing and Boating Under the Influence Provisions."

*Chairs: Sen. David H. Steele/Rep. Joseph G. Murray
Staff: Benjamin Christensen (analyst)/Cheryl Felt (attorney)/Junie Anderson (secretary)*

Workforce Services and Community and Economic Development

STUDY: Discussed tourism issues, including increasing the accountability of counties; requiring annual reports by the Utah Travel Council; exploring performance-based budgeting alternatives; and moving all tourism-related sections of the code into one chapter or cross-referencing related sections.

REPORT: Received a report regarding methods to improve tourism marketing programs, policies, and accountability.

ACTION: Directed staff and committee chairs to prepare proposed statutory changes to address tourism promotion.

*Chairs: Sen. Beverly Evans/Rep. Richard M. Siddoway
Staff: Wayne Lewis (analyst)/Jim Wilson (attorney)/Jennifer Markham (secretary)*

HEALTH AND HUMAN SERVICES APPROPRIATIONS SUBCOMMITTEE

On July 16, subcommittee members toured the American Fork Developmental Center and heard reports on its budget, current and future roles, and surplus assets. The committee also heard reports on the state's efforts to comply with the requirements of the U.S. Supreme Court's *Olmstead* decision, as well as the efforts of the Division of Services for People with Disabilities to serve more people on the waiting list.

EXECUTIVE APPROPRIATIONS COMMITTEE

The following reports were received by the Executive Appropriations Committee at its July 17 meeting. Full reports are available at: www.le.state.ut.us/lfa

Basic Education: Definition Survey of States

Traditionally, basic education was defined at the local level. After equity and adequacy issues arose, states increased their roles in funding and defining what constitutes a basic education.

Three areas relating to basic education are: equity and adequacy, assessment and accountability, and constitutional and court mandates. Each state defines and assesses each category through statute, established curriculum, or funding systems.

ACTION: Revisit this item during the next meeting and have the Office of Legislative Research and General Counsel summarize court mandates relating to basic education.

Staff: Michael Kjar

Legal Counsel Personnel in the Attorney General's Office and other Executive Branch Agencies

The Attorney General employs 195 attorneys, while other executive branch agencies employ 36 individuals requiring a juris doctorate degree. Agencies maintain that their attorneys are not legal counsel in the traditional sense, but are needed in addition to the services provided by the Attorney General's Office. There appears to be a conflict between current statute and the practice of some agencies retaining counsel without the Attorney General's approval.

ACTION: Adopted the analyst's recommendations that the Executive Offices and Criminal Justice Appropriation Subcommittee assess: whether duplication of legal services is occurring in state agencies, attorney workloads, statewide management of legal services, and statutory conflicts.

In addition, the subcommittee should review indemnification issues regarding agency attorneys, wage discrepancies between the Attorney General's Office and other agencies, and the growth in the number of agency attorneys in the last few years. The updated report should be presented at the November 13 Executive Appropriations Committee meeting.

Staff: Gary Ricks

Utah Technology Infrastructure Innovation

Program (UTIIP)

The Annual Appropriations Act requires the Chief Information Officer to report to the Executive Appropriations Committee on grants allocated under UTIIP.

Of the \$500,000 appropriated for UTIIP in FY 2002, \$84,000 was allocated to the Department of Human Resource Management for online recruiting tools. The CIO has not granted the remaining funds and may consider a second round of grant applications.

Staff presented a tracking document, available online, showing the status of projects funded with previous appropriations. Staff also suggested that given the low response to the program and the limited return on investment, UTIIP is a prime prospect for budget hold-backs.

Staff: Jonathan Ball

Calculation Method for Local Provider COLA

Staff reported on state appropriations for cost of living adjustments (COLA) for employees of local health and human service agencies and private service contract providers. Historically, the calculation has been based on an assumption that personal service costs for providers were 80% of the total budget. However, information from a legislative fiscal analyst survey of local agencies as well as providers' financial data showed that personal service costs are generally less than 80%. The report included a history of funds appropriated for this purpose and how these adjustments are calculated.

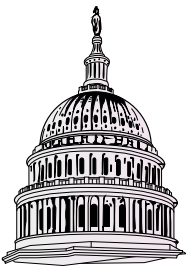
ACTION: Adopted the analyst's recommendations listed in the report. Also, the committee requested a letter from the Office of the Legislative Fiscal Analyst, detailing the contractual obligations that local agencies and providers have in using such appropriations for salary adjustments.

Staff: Thor Nilsen

APPLIED TECHNOLOGY GOVERNANCE

H.B. 1003, "Applied Technology Governance," which passed during the 2001 First Special Session, will go into effect on September 1, 2001. The following provides an overview of the main points of the bill:

- The new Utah College of Applied Technology (UCAT) will be created out of the currently existing applied technology centers and service regions. UCAT will offer a wide range of open-entry, open-exit competency-based programs, as well as an associate applied technology degree.
- The state's 40 school districts and the State Board of Education will continue to oversee applied technology programs offered through the public schools.
- UCAT will be comprised of 10 regional applied technology colleges, each of which will be governed by a regional board that consists of representatives of, in order of greatest membership, the business community, public education, and higher education. Each regional college will have a regional president as its chief executive officer who will be appointed by the UCAT president from three names submitted by its own regional board.
- As an institution within the system of higher education, UCAT will be under the purview of the State Board of Regents, although the board's authority will be limited. One of the board's powers will be to appoint UCAT's chief executive, the UCAT president. Final candidates for UCAT president must be publicly disclosed.
- UCAT will be governed by a 15-member board of trustees, which includes 10 business members representing each of the regional colleges. The board of trustees will be responsible for prioritizing the budget and capital facilities requests made by the ten regional colleges.
- The State Board of Regents and the State Board of Education will each provide two nonvoting members to the other board for all purposes, not just those relating to applied technology education.
- Legislators will have a key governance role over UCAT, with the Legislature directly appropriating operating funds to each regional college, receiving capital facilities requests (through the State Building Board), and receiving reports detailing how the applied technology education needs of secondary students are being met (through the Education Interim Committee).



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