



INTERIM HIGHLIGHTS

Office of Legislative Research
and General Counsel

Office of the Legislative
Auditor General

INTERIM LEGISLATIVE MEETINGS

Meetings held May 16, 2007, or as noted.

Administrative Rules

(April 25, 2007 meeting)

STUDIES:

- Discussed a preliminary draft of a State Board of Education rule governing options for secondary school student transfers and the use of a capacity standard for determining whether a transfer will be granted.
- Discussed a draft of a State Board of Education rule governing satellite campuses for charter schools.

*Chairs: Sen. Howard A. Stephenson / Rep. Ben C. Ferry
Staff: Art L. Hunsaker (analyst)/Susan Creager Allred (attorney)/Tracey Fredman (secretary)*

Business and Labor

STUDIES:

- Studied the regulation of payday lending in Utah and whether legislation is needed.
- Studied available financial services and educational opportunities, focusing on low and moderate income households.

*Chairs: Sen. Kevin Van Tassell / Rep. Stephen D. Clark
Staff: Allison Nicholson (analyst)/Patricia Owen (attorney)/Phalin L. Flowers (secretary)*

Education

STUDIES:

- Received a presentation from the K-16 Alliance on strategies to reduce teacher shortages.
- Received an update on the development of the revised elementary mathematics curriculum.

REPORT:

- Received the State Board of Education annual teacher quality report. *(Continued)*

ACTION:

- Requested the Legislative Management Committee to authorize a subcommittee to study teacher shortages, quality, and compensation.

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

Government Operations

STUDY:

- Discussed draft legislation "Access to Voter Date of Birth Records," which adds the date of birth from voter registration records to the list of records classified as private.

REPORT:

- Received a briefing from the Division of Facilities Construction and Management on the Building Board Five-Year Building Program, the Capital Budget Funding History, Construction Status Reports, and Master Plan for State Office Space Needs.

*Chairs: Sen. Peter C. Knudson / Rep. Glenn Donnelson
Staff: Benjamin Christensen (analyst)/Eric Weeks (attorney)/Brooke Ollerton (secretary)*

Health and Human Services

STUDIES:

- Reviewed the extent to which existing public programs, if expanded or otherwise modified, could reduce the number of Utahns without means of paying for health care costs.
- Received information from various groups about proposals to expand healthcare coverage.

*Chairs: Sen. D. Chris Butters/ Rep. Paul Ray
Staff: Mark Andrews (analyst)/Catherine Dupont, Thomas Vaughn (attorneys)/Joy Miller (secretary)*

Judiciary

REPORTS:

- Received information from a defense attorney, prosecutors, and law enforcement associations about whether law enforcement officials should be required to record custodial interrogations, and if so, whether a remedy should be provided if a recording is not made.

(Continued)

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- Received a request from the Office of State Debt Collection for policy direction regarding the Office's responsibilities, and to extend the statute of limitations on the civil and criminal restitution orders it collects.

Chairs: Sen. Greg Bell / Rep. Douglas Aagard

Staff: Jerry Howe (analyst)/Esther Chelsea-McCarty (attorney)/Brooke Ollerton (secretary)

Law Enforcement and Criminal Justice

REPORTS:

- Received a report from the Utah Department of Corrections (UDC) on changes in training, vehicle management, internal auditing, discipline, hiring, and promotion in response to the 2006 legislative audit. UDC also requested additional funding for correctional officers, inmate medical costs, and expansion of the Gunnison Prison Facility.
- Received a UDC update on the federal Adam Walsh Act relating to sex offender registration and the anticipated effect on the 7,118 sex offenders currently on Utah's registry. Federal regulations will be issued soon, and will clarify which Utah laws will need to be modified.
- Received a report from the Office of the Legislative Fiscal Analyst on the history, trends, and funding alternatives for reimbursing local governments for housing state inmates.

ACTION:

- Moved to encourage the Commissioner of the Department of Public Safety to prioritize the backlog of concealed weapon permit applications so that Utah citizens' applications are addressed first, followed by the applications from citizens from other states, and then those of foreign nationals.

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

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

Local Issues Task Force

(May 3, 2007 meeting)

STUDIES:

- Discussed issues relating to:
 - forms of municipal government; and
 - the financing of school buildings.

Chairs: Sen. Carlene M. Walker / Rep. Aaron Tilton

*Staff: Joseph T. Wade (analyst)/Phillip V. Dean (analyst)/Robert H. Rees (attorney)
Angela D. Oakes (attorney)/Wendy Bangarter (secretary)*

Natural Resources, Agriculture, and Environment

STUDY:

- Discussed the operations of the Department of Environmental Quality, the Department of Agriculture and Food, and the Department of Natural Resources, including each department's mission, services, challenges, and suggested legislation. *(Continued)*

REPORT:

- Received a report from the Natural Resources Conservation Service on current and projected snow pack, stream flow, and water supply conditions in Utah.

Chairs: Sen. Darin Peterson / Rep. Roger E. Barrus

Staff: Brian Allred (analyst)/Emily R. Brown (attorney)/Joy Miller (secretary)

Political Subdivisions

STUDIES:

- Received an overview of the Quality Growth Commission and discussed planning assistance and training.
- Discussed issues relating to local referenda.
- Considered requiring counties and municipalities to adopt an ordinance protecting public drinking water sources.
- Considered requiring the advice and consent of the municipal council or legislative body for the removal of employees and persons holding appointed positions.
- Considered the issue of severance damages to property remaining after a portion is taken by eminent domain but no structure is built on the taken property.
- Considered requiring voter approval or agreements from both the mayor and city council if a municipality intends to dispose of real property valued at \$1,000,000 or more.

ACTION:

- Created the Special Districts Subcommittee.

Chairs: Sen. Dennis Stowell / Rep. Fred Hunsaker

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

Public Utilities and Technology

REPORTS:

- Received a report on the hydrogasification of carbon-based feedstocks, including coal, animal waste, forest products, and municipal sludge to create motor vehicle fuels. The committee discussed environmental considerations, costs, production facilities, location, and state and federal involvement.
- Received a report on the oxidation process that converts hydrocarbons such as coal into hydrogen energy sources.
- Received a presentation regarding the state permitting program for extracting minerals and energy fuel sources, including a new online permit application process.

ACTION:

- Voted to send a letter of support to Utah's congressional delegation regarding federal funding for a hydrogasification pilot project.

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

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

Revenue and Taxation

STUDIES:

- Reviewed a proposal to establish a statewide uniform sales and use tax rate.
- Reviewed a proposal to change the formula for apportionment of taxable income under the state corporate income tax.

REPORTS:

- Received a report on trends in state tax revenue collections. The Utah State Tax Commission estimates that fiscal year 2007 actual revenue collections will exceed target revenues by \$75 million to \$125 million, with the majority coming from the individual income and corporate franchise taxes.
- Received a report on the state sales and use tax, including revenue trends, changes in the tax base and rates, and proposals to expand the sales and use tax base to include certain services
- Received a report on the use of the state's property tax as a source of revenue for local government and school districts.
- Received a report on sources of revenue and types of expenditures for municipalities and counties.

*Chairs: Sen. Wayne Niederhauser / Rep. John Dougall
Staff: Bryant Howe, Phillip Dean, & Leif Elder (analysts)/Rebecca Rockwell & Angela D. Oakes (attorneys) Phalin Flowers (secretary)*

Tax Review Commission

(April 20, 2007 meeting)

STUDIES:

- Received staff presentations on the volatility of selected major state revenue sources, and on the structure and operation of the General Fund and Education Budget Reserve Accounts.
- Considered potential sales and use tax exemptions to review.

(May 11, 2007 meeting)

STUDIES:

- Received a presentation from the Office of the Legislative Fiscal Analyst on revenue estimating, rainy day funds, and other tools for managing revenue volatility.
- Reviewed potential study issues regarding the General Fund and Education Fund Budget Reserve Accounts.
- Reviewed categorizations of sales and use tax exemptions.

ACTION:

- Appointed two working groups to develop:
 - principles for evaluating sales and use tax exemptions; and
 - recommendations regarding revenue volatility and the two state budget reserve accounts.

*Chairs: M. Keith Prescott / David J. Crapo
Staff: Phillip V. Dean (analyst)/Leif G. Elder (analyst)/Bryant R. Howe (assistant director)
Angela D. Oakes (attorney)/Rebecca L. Rockwell (attorney)/Phalin L. Flowers (secretary)*

Transportation

STUDIES:

- Discussed potential amendments to clarify that a foster parent may sign a foster child's driver license application.
- Discussed transportation issues, including bus service and 2007 House Bill 166, "Transportation Revisions."

*Chairs: Sen. Carlene Walker / Rep. Todd Kiser
Staff: Mark Steinagel (analyst)/Shannon Halverson (attorney)
Tracey Fredman (secretary)*

Workforce Services & Community and Economic Development

STUDIES:

- Discussed the public assistance benefits available through the Department of Workforce Services.
- Discussed the hardship extension available to qualifying families enrolled in the Family Employment Program.

*Chairs: Sen. Mark B. Madsen / Rep. Steven Mascaro
Staff: Art Hunsaker (analyst)/Jim Wilson (attorney)/Glenda Whitney (secretary)*

Update on Recent United States Supreme Court Opinion on Partial-birth Abortion

On April 20, 2007, the Office of Legislative Research and General Counsel provided to legislators a memorandum addressing the recent United States Supreme Court case *Gonzales v. Carhart*, 550 U.S. ____ 2007, regarding partial-birth abortion.

The memorandum noted that Utah's partial-birth abortion statute, which is nearly identical to the federal law upheld by the court, "is currently in effect," as was indicated by a thorough search of annotations and published opinions. However, it has since been determined that an unpublished order was entered in 2004, imposing a preliminary injunction on the Utah partial-birth abortion statute. A federal district court issued the injunction in *Utah Woman's Clinic v. Walker*, 2:04CV00408 (Utah Fed. Dist. Ct. 2004). The Utah Attorney General's Office had stipulated to the order with the understanding that the case, and enforcement of the law, would be placed on hold until federal appeals on similar statutes were resolved.

In light of the *Gonzales* decision, and pursuant to a stipulation of the parties, the United States District Court for the District of Utah entered an order on May 8, 2007, to reopen the *Utah Woman's Clinic* case. This action begins the process for removing the preliminary injunction on implementation of Utah's partial-birth abortion law.

**Legislative Site Visit
Salt Lake & Davis Counties
NOTE - Dates Changed to:
August 15-16 (Wed. & Thurs.)**

LEGISLATIVE MANAGEMENT COMMITTEE

ACTIONS:

Approved the study item requests from:

- Health and Human Services Interim Committee;
- Workforce Services and Community and Economic Development Interim Committee;
- Transportation, Environmental Quality, and National Guard Joint Appropriations Subcommittee;
- Transportation Interim Committee, and added the study item of railroad safety; and
- Natural Resources, Agriculture, and Environment Interim Committee to add Master Study Resolution Item 151, Nonprofit Water Companies, to its study list.

Directed that the Revenue and Taxation Interim Committee add Master Study Resolution 151, Nonprofit Water Companies, and aviation issues to its study list.

Approved the request from the Public and Higher Education Appropriations Subcommittees to conduct a joint meeting with the State Board of Education and State Board of Regents on June 13, 2007 at the Granite School District Education Center. Also approved the proposed meeting agenda.

Approved the request from the Capital Facilities and Government Operations Appropriations Subcommittee to *(Continued)*

conduct a two-day tour of sites relating to capital development requests that are likely to arise during the 2008 General Session. Approved the request from the Political Subdivisions Interim Committee to create a subcommittee to complete the rewrite of provisions of the Utah Code Title 17A relating to special districts. Authorized the subcommittee to hold up to three meetings and encouraged the subcommittee to schedule full day meetings for more effective use of time and resources. Also authorized the subcommittee to consist of two senators, one from each party, and three representatives, no more than two from one party.

Approved a motion to send a letter to the Government Competition and Privatization Subcommittee suggesting the subcommittee schedule full day meetings for more effective use of time and resources.

Adopted a change to the Legislative Management Committee's Policy Governing Use of Committee Rooms in the House Building relating to Internet broadcasts.

Adopted the changes to Legislative Management Committee policies that were initially adopted in October 2006 and that address "Commercial and Free Speech Activities in the Legislative Area of the Capitol Hill Complex"

Changed the dates for the Legislative site visit to Salt Lake and Davis counties from August 16-17, 2007 to August 15-16 (Wed.-Thurs.), 2007.

Next Interim Day – June 20th

For more information about legislative activities, visit the Utah State Legislature's website at: www.le.utah.gov.
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