



INTERIM HIGHLIGHTS

Office of Legislative Research and General Counsel
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INTERIM LEGISLATIVE MEETINGS

Meetings were held June 17, 2009, or as noted.

Administrative Rules

(June 8, 2009)

STUDIES:

- Discussed a Utah State Health Department rule that increases local health department regulation of geothermal pools.
- Discussed a proposed Board of Education rule that inadvertently imposed additional requirements on teachers who are applying under an alternative route to licensure.
- Discussed a Division of Wildlife Resources rule that requires an online course be completed by anyone who desires to gather antlers on public lands between March 1 to April 15 of each year.

Chairs: Sen. Howard A. Stephenson / Rep. Curtis Oda

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

Business and Labor

STUDIES:

- Received a sunset review report from the Department of Insurance regarding auto and property insurance rates comparison tables. These tables are published on the department's web site and provide consumers with premium information on certain types of policies at various levels of insurance coverage.
- Reviewed issues regarding the committee's role in the implementation of S.B. 211, "Building Code Amendments" (2009 General Session). Received information from the home builders' industry, building inspectors' community, and the State Fire Prevention Board.
- Reviewed a proposed process for the committee to undertake a technical recodification of Title 32A, Alcoholic Beverage Control Act.
- Reviewed several issues related to real estate transactions and professions regulated by the Division of Real Estate, including implementation of new regulations regarding appraisal management companies and residential mortgage lending entities, and the adequacy of appraisals for lending.

Chairs: Sen. John L. Valentine / Rep. James A. Dunnigan

Staff: Bryant R. Howe (analyst)/Patricia Owen (attorney)

Phalin L. Flowers (secretary)

Constitutional Revision Commission

(June 11, 2009)

STUDY:

- Continued review of the post-conviction appeals process, including receiving information from representatives of the Office of the Utah Attorney General and the Administrative Office of the Courts regarding the general objectives and obstacles involved in the post-conviction appeals process.

Chairs: Judge Jon Memmott, Chair/ Mr. Roger Tew, Vice Chair

Staff: Jerry D. Howe (analyst)/Robert H. Rees (attorney)/Amanda K. Majers (secretary)

Education

STUDIES:

- Received comments from the recently appointed State Superintendent of Public Instruction.
- Discussed issues related to the use of educational materials and resources created by teachers and school districts, and the availability of these resources to other teachers, school districts, and the public.
- Received information from the Commissioner of Higher Education and the Technology Initiative Advisory Board regarding possible approaches to increase the number of students educated in the state as engineers, computer scientists, and engineering technicians.
- Received a briefing from committee staff on a process to streamline the number of education reports mandated by statute and rules of the State Board of Education.

REPORT:

- Received an update from the State Board of Education on states' efforts to create national standards in English, language arts, and math instruction.

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

Staff: Constance C. Steffen & Allison M. Nicholson (analysts)/Dee S Larsen (attorney)

Glenda S. Whitney (secretary)

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Ethics

REPORTS:

- Received a committee staff report explaining how the Utah State Bar handles ethics complaints within its organization.
- Received a committee staff report comparing the ethics commissions in the 40 states that have these commissions. The report focused on:
 - the commissions' powers and duties; and
 - the breadth of their jurisdiction.
- Received a committee staff report discussing the authority of ethics commissions and the possible conflicts these commissions may have with the separation of powers concept inherent in state constitutions.

Chairs: Sen. Sheldon L. Killpack & Rep. John Dougall

Co-chairs: Sen. Patricia W. Jones & Rep. Rebecca Chavez-Houck

Staff: Michael Christensen (Director)/John L. Fellows (General Counsel)/Eric N. Weeks (Deputy General Counsel)/John Q. Cannon (Managing Policy Analyst)/Chelsea Barrett (secretary)

Government Operations and Political Subdivisions

STUDY:

- Received from a legislator a proposal to study the consolidation of state agency functions to reduce expenses and eliminate duplication.

REPORTS:

- Received a briefing from the Office of the Lieutenant Governor on suggested Election Code changes for the committee's consideration.
- Received a briefing from committee staff on state employee compensation which indicated that on average state employees are paid \$44,903. The benefits amount for an employee earning this average salary is \$23,908. Federal employer taxes on this average salary are \$3,143. The total cost to the state for this average salary is \$71,954.
- Received updates from the Department of Human Resource Management on:
 - the "Working 4 Utah" initiative, which requires most state employees to shift to a four-day, ten-hour work schedule; and
 - annual salary and benefits research performed by the department.

ACTION:

- Directed committee staff to prepare draft legislation incorporating changes in the Election Code as recommended to the committee by Office of the Lieutenant Governor.

Chairs: Sen. Peter C. Knudson / Rep. Craig A. Frank / Rep. Fred R Hunsaker

Staff: Benjamin N. Christensen & Joseph T. Wade (analysts)/Christopher R. Parker & Robert H. Rees (attorneys)/Wendy L. Bangarter (secretary)

Health and Human Services

STUDIES:

- Received a report from the Department of Human Services concerning how the Division of Services for People with Disabilities has responded and might respond in the future to budget reductions made during the 2009 General Session.
- Considered a legislator's proposal to create a two-track system for sex education in public schools based on 2009 North Carolina legislation.

One track would be limited to an abstinence only approach and would not require parental consent. The other track would provide additional information and would be available only with parental consent.

- Considered a proposal to allow municipalities to contract for non-911 ambulance transport services without meeting existing certificate of need and necessity requirements. Received comments from legislators, Southwest Ambulance, Lone Peak Fire District, and Utah League of Cities and Towns.

An assistant state attorney general presented an opinion letter prepared for the Department of Health indicating that existing law would not permit Salt Lake City to contract with an entity for non-911 ambulance services using a request for proposal process.

REPORT:

- Received an update from the Department of Health on the current and expected status of the novel H1N1 flu (swine flu) pandemic. Also received information from the Summit County Department of Health on its role in responding to the virus.

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

*Staff: Mark D. Andrews (analyst)/Catherine J. Dupont & Thomas R. Vaughn (attorneys)
Joy L. Miller (secretary)*

Judiciary, Law Enforcement, and Criminal Justice

STUDIES:

- Discussed implications of changing the statute of limitations for commencing action on bad checks from three to six years after a check is dishonored.
- Discussed using the private health insurance of inmates in the custody of the Utah Department of Corrections as the first payer for their covered medical expenses.
- Studied inappropriate use of controlled substances obtained by both legitimate and illegitimate means and the potential consequences, including accidental overdoses.
- Discussed policy changes relating to the duration and termination of alimony.

*Chairs: Sen. Jon J. Greiner / Reps. Douglas C. Aagard & Lorie D. Fowlke
Staff: Stewart E. Smith & Jerry D. Howe (analysts)/Susan Creager Allred & Esther Chelsea-McCarty(attorneys)/Amanda K. Majers (secretary)*

Natural Resources, Agriculture, and Environment

STUDIES:

- Studied the economic and technical considerations of coal gasification.
- Studied the requirements for, and availability of, water needed to generate energy through the development of oil shale and nuclear power.

REPORTS:

- Received a report from the Division of Air Quality, Department of Environmental Quality, on the state implementation plan for new federal PM 2.5 air quality standards.
- Received a report from the Public Lands Policy Coordination Office on the plan for asserting, defending, or litigating state and local government rights under the federal R.S. 2477.

*Chairs: Sen. Dennis E. Stowell / Rep. Roger E. Barrus
Staff: J Brian Allred (analyst)/Emily R. Brown (attorney)/Joy L. Miller (secretary)*

Public Utilities and Technology

REPORTS:

- Received a report from Questar Corporation regarding the development of natural gas fueling stations along the I-15 corridor from Arizona to Idaho.
- Received a report from the governor's energy advisor identifying renewable energy in the state, phase I and II goals, and estimated electric energy generation for solar, wind, and geothermal.
Transmission corridors and hubs for supplying energy were also identified, as well as barriers to the development of renewable energy resources.
- Received a presentation from Rocky Mountain Power regarding:

- demand-side resource management goals, including energy efficiency, net metering, and load management;
- the monitoring of federal stimulus monies for potential future application regarding state energy programs; and
- electric power generation capacity and efficiency measured by fuel source.
- Received a presentation from the Department of Technology Services about the state-wide consolidation of state-provided information technology services, including personnel consolidation, monies saved in procurement, application development, and performance metrics.
- Received presentations from the Utah Public Service Commission, Qwest, Utah Rural Telephone Association, and Comcast regarding the Universal Service Fund (USF), which is statutorily designed to ensure access to telephone services at an equitable rate across the state.

Other uses of the USF funds, such as for providing broadband and Internet, must be statutorily authorized. Federal broadband stimulus monies may be available for these other uses, rather than using USF funds.

*Chairs: Sen. Stephen H. Urquhart / Rep. Michael E. Noel
Staff: Richard C. North (analyst)/Victoria Stirling (attorney)/Tracey Fredman (secretary)*

Revenue and Taxation

STUDIES:

- Received background information and public comment on Title 59, Chapter 23, Brine Shrimp Royalty Act, and requested that committee staff prepare draft legislation making technical changes.
- Examined the property tax authority of various local entities with non-elected boards, including cemetery districts, drainage districts, and metropolitan water districts.

ACTION:

- Voted to create working groups to study local option transportation sales and use taxes, property tax, and tax penalties and apportionment of tax credits.

*Chairs: Sen. Wayne L. Niederhauser / Rep. Todd E. Kiser
Staff: Phillip V. Dean & Bryant R. Howe (analysts)/Rebecca L. Rockwell & Angela D. Oakes (attorneys)/Phalin L. Flowers (secretary)*

Transportation

STUDY:

- Received a presentation from the Utah Transit Authority on paratransit services.

REPORT:

- Received statutorily required reports from the Department of Transportation on proposed additions to and deletions from the state highway system and new transportation capacity projects.

ACTIONS:

- Conducted a sunset review of Section 31A-22-315, Motor Vehicle Insurance Reporting, and recommended that the sunset provision be eliminated.
- Conducted a sunset review of Title 41, Chapter 12a, Part 8, Uninsured Motorist Identification Database Program, and recommended that the sunset provision be eliminated.
- Conducted a sunset review of Subsection 41-6a-702(5), HOV Lane Exception for Clean Fuel Special Group License Plates, and recommended that the sunset provision be eliminated.
- Directed the Driver License Division to work with committee staff to draft legislation that will bring Utah into compliance with the Federal Motor Carrier Safety Improvement Act.

*Chairs: Sen. Kevin T. Van Tassell / Rep. Julie Fisher
Staff: Leif G. Elder (analyst)/Shannon C. Halverson (attorney)
Tracey Fredman (secretary)*

Utah Tax Review Commission

(June 11, 2009)

STUDY:

- Received public comment and committee staff reports regarding the state excise taxes on cigarettes and tobacco products.

Reviewed information regarding tax rate trends in other states, other states' uses of cigarette excise tax revenue, use of tobacco settlement revenue in Utah, and other issues.

ACTIONS:

- Voted to study issues regarding the state sales and use tax as identified by the Sales and Use Tax Working Group.
- Voted to form a working group to develop responses to the questions presented by the chairs of the Revenue and Taxation Interim Committee regarding the state excise taxes on cigarettes and tobacco products.

- Received a presentation from a tax practitioner noting the current income deduction for a foreign operating company under the state corporate income tax is 50 percent.

Directed committee staff to work with the Utah State Tax Commission and taxpayer representatives to draft legislation regarding the deduction.

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

Workforce Services & Community and Economic Development

STUDIES:

- Discussed the creation of a new Eligibility Services Division within the Department of Workforce Services and directed committee staff to open a bill file on changes in the department's infrastructure.
- Discussed implementation of the Department of Workforce Service's eREP (Electronic Resource and Eligibility Product) system which is designed to more effectively deliver services to the public.
- Discussed providing a tax credit to businesses in Utah that make a significant investment in land, buildings, and machinery in the state.
- Discussed the policy and legal issues related to testing for illegal drug use by welfare recipients.
- Discussed the function and impact of Utah's business resource centers. These centers are partnerships between the Governor's Office of Economic Development and state institutions of higher education to connect Utah business owners and entrepreneurs with private, public, and academic resources.

REPORT:

- Received a report from the director of the Unemployment Insurance Division, Department of Workforce Services, on the status and solvency of the Unemployment Insurance Trust Fund.

*Chairs: Sen. Mark B. Madsen / Rep. Steven R. Mascaro
Staff: Arthur L. Hunsaker (analyst)/James L. Wilson (attorney)/Glenda S. Whitney (secretary)*

Legislative Auditor General's Office Receives National Award

The Utah Office of the Legislative Auditor General has been selected to receive the 2009 NLPES Excellence in Evaluation Award at the upcoming annual National Conference of State Legislatures. The NLPES (National Legislative Post Evaluation Society) is NCSL's staff section for auditors and evaluators.

The Excellence in Evaluation Award is given to the organization determined to have contributed the most to the field of legislative program evaluation over the last four years. It is the highest award given to legislative audit offices, and speaks well for the state of Utah, the Legislature, and the Legislative Auditor General's staff.

LEGISLATIVE MANAGEMENT COMMITTEE**REPORTS:**

- Received a committee staff report regarding HJR 4, "Resolution Revising Executive Officer Succession Provisions," which passed in the 2007 General Session and then passed in the November 2008 general election, on how this constitutional amendment functions.

ACTIONS:

- Approved without changes the prioritized study lists of the following interim committees:
 - Business and Labor
 - Education
 - Government Operations and Political Subdivisions
 - Health and Human Services
 - Judiciary, Law Enforcement, and Criminal Justice
 - Natural Resources, Agriculture, and Environment
 - Public Utilities and Technology
 - Revenue and Taxation
 - Transportation
 - Workforce Services and Community and Economic Development

- Approved the request of the Retirement and Independent Entities Appropriations Subcommittee to hold two meetings:
 - the first will be on September 9, 2009 from 9:00 AM to 4:00 PM at the state capitol; and
 - the second one is to be scheduled in November 2009.
- Approved the request of the Revenue and Taxation Interim Committee to establish three working groups to more effectively study the items before the committee this interim
- Approved the request of the Health System Reform Task Force to create three working groups to focus on specific technical issues and report back to the task force.

*Chairs: Sen. Michael G. Waddoups / Rep. David Clark
Staff: Michael E. Christensen (Director) / John L. Fellows (General Counsel)
Beverlee LeCheminant (Administrative Assistant)*

Next Interim Day – August 19

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

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