

# INTERIM HIGHLIGHTS

Office of Legislative Research and General Counsel  
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## INTERIM LEGISLATIVE MEETINGS

*Meetings were held September 16, 2009, or as noted.*

### Administrative Rules

*(September 10, 2009)*

#### STUDY:

- Received comments from a licensed clinical social worker regarding a conflict between a state law and administrative rule. The state law authorizes only independent child protective services employees to investigate reports of abuse or neglect of a child while the child is in the custody of the Division of Child and Family Services. The division rule directs that the investigation be conducted within the Department of Human Services. The committee discussed the statute and rule.

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

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

### Business and Labor

#### STUDIES:

- Reviewed draft legislation, "Construction and Fire Code Related Amendments," that addresses the processes for adopting and modifying a state construction code or state fire code.
- Reviewed draft legislation, "Foreclosure Processes on Residential Rental Properties."

#### REPORTS:

- Received a compilation of executive branch agency written reports that are required by statute.
- Received a report from the State Fire Prevention Board on its recommendation regarding a state fire code.
- Received a report from the Uniform Building Code Commission on its progress towards adopting a recommendation regarding a state fire code.
- Received a report from the Department of Alcoholic Beverage Control regarding penalties for violations by licensees that involve minors.
- Received a report from the Utah Health Policy Project regarding health insurance for small businesses and the need for a reinsurance mechanism for small businesses.

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

*Staff: Bryant R. Howe (analyst)/Patricia Owen (attorney)  
Phalin L. Flowers (secretary)*

### Education

#### STUDIES:

- Received presentations on a pilot program for computer adaptive testing from a nonprofit agency and the Sevier County School District. The State Board of Education recommended that state law be modified to give the board greater flexibility in constructing the state assessment system to allow for a transition to computer adaptive testing statewide.
- Received a presentation from San Francisco Unified School District on the use of school-based budgeting in the school district. Funds are distributed to schools based on a weighted student formula and spent in accordance with academic plans and budgets developed by School Site Councils.

#### REPORTS:

- Received annual reports as required by statute regarding:
  - the Permanent State School Fund; and
  - strategies to recruit and retain qualified teachers.

*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)*

### Ethics

#### REPORT:

- Received a review by the Legislative General Counsel of the Joint Rules of the Fifty-Seventh Legislature, Title 6, Legislative Ethics and Adjudication of Ethics Complaints.

#### ACTION:

- Directed committee staff to work with the committee chairs to prepare legislation that creates a legislative ethics commission composed of five members: 1) three retired judges; and 2) two former legislators, one Republican and one Democrat.

*Continued next page*

#### IN THIS ISSUE:

**Pages 1-4 Summaries of Legislative Meetings**

The proposed commission would:

- replace the preliminary hearing process currently in Legislative rules; and
- evaluate the merits of any complaint filed against a legislator and make a recommendation to the House or Senate to either dismiss the complaint or hold a public disciplinary hearing.

*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 a briefing from the Division of Fleet Operations and Surplus Services on state vehicle fleet operations efficiency and on the federal surplus property program.

### REPORTS:

- Received an annual report from the Governor's Office of Planning and Budget on the Quality Growth Commission which advises the Legislature and the governor on growth management issues.
- Received an update from the Governor's Commission on Strengthening Utah Democracy regarding its activities and recommendations in the areas of campaign finance, lobbying regulations, and elections.

### ACTION:

- Received a presentation from committee staff regarding "for" and "against" votes for a referendum and directed committee staff to prepare draft legislation to clarify that a vote "for" a referendum on a ballot is a vote to allow the law that is the subject of the referendum to take effect.

*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. Bangertner (secretary)*

## Health and Human Services

### STUDY:

- Considered the impact of substance abuse on individuals and the state budget. Reviewed strategies to curb the misuse and abuse of prescription drugs and received comments from agencies and members of the public.

### ACTION:

- Approved as a committee bill, "Drug Law Amendments," which would make carisoprodol, marketed under the brand name Soma, a Schedule IV controlled substance under the Utah Controlled Substances Act.

*Chairs: Sen. D. Chris Butters / Rep. Paul Ray*

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

## Health System Reform Task Force

### REPORTS:

- Received progress reports on the development and implementation of health care reform from the Utah Health Exchange, the Utah Defined Contribution Risk Adjuster Board, HealthInsight, and three of the task force's technical advisory groups.

### ACTIONS:

- Directed task force staff to begin drafting a health insurance administrative simplification bill for consideration in October.
- Directed task force staff to draft specified amendments to H.B. 331, "Health Reform - Health Insurance Coverage in State Contracts," (2009 General Session).

*Chairs: Sen. Sheldon L. Killpack / Rep. David Clark*

*Staff: Mark D. Andrews (analyst)/Catherine J. Dupont (attorney)  
Chelsea Barrett (secretary)*

## Judiciary, Law Enforcement, and Criminal Justice

### STUDIES:

- Discussed draft legislation, "Drug Law Amendments."
- Discussed with a district court judge and a University of Utah professor evidence-based sentencing practices for felony convictions with the goal of reducing recidivism, victimization, days of incarceration, and costs. The committee also discussed the need to increase half-way house effectiveness and drug offender treatment funding.

### REPORTS:

- Received a performance audit of the conversion of the 137 justice courts to the Court Records Information Systems computer program, which is required by state law to be completed by July 1, 2011.
- Received the following statutorily required reports:
  - the Bureau of Criminal Identification provided information on the amount and use of concealed weapons permit fees during the past year;
  - the Department of Health's Emergency Medical Services Committee reported on its recommendations and priorities; and
  - the Administrative Office of the Courts provided an update on the expedited parent-time enforcement with mediation and the status of the mandatory education course for divorcing parents.

### ACTIONS:

- Approved as committee bills:
  - "Constables Amendments", and
  - "Parent-time Amendments."

*Chairs: Sen. Jon J. Greiner / Rep. Douglas C. Aagard / Rep. 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

### REPORTS:

- Received reports from:
  - the Division of Wildlife Resources on land acquisition protocol and livestock grazing on lands owned or leased by the division;
  - the Utah State Energy Program on the use of American Recovery and Reinvestment Act Funds; and
  - the Recycling Coalition of Utah on the report and recommendations of the Electronic Scrap Steering Committee.

### ACTIONS:

- Voted to take the following actions:
  - support a letter dated September 16, 2009 to the executive director of the Department of Natural Resources regarding additions to Section 5.4 of the proposed agreement regarding a division of groundwater resources in the Snake Valley, which is located in Utah and Nevada;
  - oppose the completion of the agreement until the southern Nevada advisory council has been appointed and has had the opportunity to provide input to the negotiating team; and
  - urge the negotiating team to consider the recommendations of the Millard County Commission and consider the effect of the proposed agreement on future economic opportunities.

*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 the Valley Emergency Communications Center about the capabilities of the state's e911 system and the need to develop an enhanced three-dimensional 911 system that will allow more precise location identification within large facilities.
- Received a report from the Department of Technology Services regarding the emergency radio communications challenges of moving to narrow-band radio VHF and 800 MHz communication services as mandated by the Federal Communications Commission.
- Received an audit report from the Legislative Auditor General's Office on the Department of Technology Services and the consolidation of statewide technology services.
- Received a report from Questar about the development of natural gas vehicle (NGV) fueling infrastructure across the state, including six new fueling stations.

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

## Retirement and Independent Entities

(September 9, 2009)

### STUDIES:

- Received an overview by committee staff of the Utah Retirement Systems (URS), including the benefits, participants, history, contribution rates, and funding.
- Received a briefing from the actuaries regarding the URS, their role as actuaries, financial solvency, and emerging trends in retirement systems.
- Received comments and recommendations from interest groups on potential retirement reform options. The Utah League of Cities Towns (ULCT) recommended the defined benefit system remain, but that contribution rates above current levels should be paid by employees to keep the system actuarially sound. ULCT also recommended that a portion of the contribution made for re-employed retirees should be paid into the retirement fund.

### REPORT:

- Received a briefing from a representative of the URS on the financial status of the Utah Retirement Funds, including funding levels, investment practices, and future contribution rates.

*Chairs: Sen. Daniel R. Liljenquist / Rep. Melvin R. Brown*  
*Staff: Benjamin N. Christensen (analyst)/Dee S Larsen & Shannon C. Halverson (attorneys)*  
*Glenda S. Whitney (secretary)*

## Revenue and Taxation

### STUDY:

- Reviewed property taxes imposed by local entities with non-elected boards and discussed a proposal to change the property tax procedures for certain types of local entities.

### ACTION:

- Recommended that the existing insurance premium tax rate reduction for variable life insurance policies be retained.

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

## Transportation

### STUDIES:

- Toured the UDOT Traffic Operations Center to observe how operators at the center can monitor traffic, detect roadway incidents, and take actions necessary to return traffic flow to normal by using traffic and weather sensors and almost 600 cameras.
- Toured and received an update on the 11400 South construction project that will add a new interchange on I-15 and widen 11400 South from State Street to Bangerter Highway.

*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

(September 10, 2009)

### STUDY:

- Reviewed the fiscal note for S.B. 59, "Allocation and Apportionment of Income and Deduction of a Net Loss," (2009 General Session). The Office of the Legislative Fiscal Analyst provided background information on the fiscal note.

### ACTIONS:

- Recommended by motion that the commission undertake a comprehensive study of the state's sales and use tax system to determine whether it should be revised to more closely align with the current economy.
- Adopted a report regarding the state excise taxes on cigarettes and tobacco products and directed that it be sent to the chairs of the Revenue and Taxation Interim Committee.

*Chairs: Mr. M. Keith Prescott / Mr. David J. Crapo*

*Staff: Bryant R. Howe & Phillip V. Dean & Leif G. Elder (analysts)*

*Rebecca L. Rockwell & Angela Oakes Stallings (attorneys)Phalin L. Flowers (secretary)*

## Workforce Services & Community and Economic Development

### STUDY:

- Discussed draft legislation, "Amendments to Programs for People with Disabilities."

### REPORT:

- Received a report from the Sundance Institute regarding the positive economic impact its activities, including the annual Sundance Film Festival, have on the state.

### ACTIONS:

- Approved as a committee bill, "Unemployment Insurance Amendments," which modifies the base period for qualifying for unemployment insurance benefits.
- Voted to support extending the sunset date of the current Social Security Offset on the unemployment compensation benefits of unemployed workers receiving Social Security benefits and directed committee staff to prepare legislation for the October meeting.

*Chairs: Sen. Mark B. Madsen / Rep. Steven R. Mascaro*

*Staff: Arthur L. Hunsaker (analyst)/James L. Wilson (attorney)/Glenda S. Whitney (secretary)*

**Next Interim Day – October 21**

*Editors: Susan Creager Allred & Stewart E. Smith  
Office of Legislative Research and General Counsel*

For more information about legislative activities, visit the Utah State Legislature's website at: [www.leg.utah.gov](http://www.leg.utah.gov).

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