

OFFICE OF
LEGISLATIVE
RESEARCH AND
GENERAL
COUNSEL

Utah State Legislature

**2001
GENERAL SESSION
PREVIEW**

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A Report to the 54th Legislature
on recommended legislation and studies
from the 2000 Legislative Interim Committees
Report No. 22

Utah State Legislature

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**Prepared by the
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INTRODUCTION

Introduction

The *General Session Preview* is prepared each year by the Office of Legislative Research and General Counsel. The yellow pages contain summaries of legislation recommended by the interim committees and task forces for the upcoming legislative session. It also contains a summary of pertinent interim committee and task force studies. In this publication, the summaries are categorized by committee. More information on these studies may be obtained by contacting staff members in the Office of Legislative Research and General Counsel. The list of staff is provided on page 151 of this publication. Minutes of committee meetings are available on the Internet (www.le.state.ut.us).

Selection of Studies

Each study item selected by a committee is approved for study by the Legislative Management Committee. Many of the items studied by interim committees are selected from “The Master Study Resolution” passed during the previous legislative session. Task forces function as temporary committees and are created by separate legislation to study a specific area. Task force reports can generally be found under the interim committee to which they report.

The Office of Legislative Research and General Counsel

The Office of Legislative Research and General Counsel conducts research and drafts legislation for committees and individual legislators. In addition to staffing interim and standing committees, task forces, and commissions of the legislature, the office assists in the bill process during legislative sessions and serves as legal counsel to the legislature.

TABLE OF CONTENTS

Page

SUMMARY OF RECOMMENDED LEGISLATION	1
COMMITTEE STUDIES	13
Administrative Rules Review Committee	15
Annual Administrative Rules Sunset Legislation.....	17
Other Studies	
Foster Care and Adoption Placement Priority.....	17
Business, Labor, and Economic Development Interim Committee	19
Professional Boxing Regulation Act.....	21
Residence Lien Restriction and Lien Recovery Act.....	21
Committee	
Occupational and Professional Licensure Review Committee.....	22
Other Studies	
Alcoholic Beverage Server Training.....	23
Corporations and Commercial Code.....	23
Hours of Service for Trucking Industry.....	24
Olene Walker Housing Trust Fund.....	24
Education Interim Committee	25
Best Practices in Public Education.....	27
Charter Schools.....	27
Comprehensive Elementary Reading Programs.....	28
Extended School Year.....	29
Families, Agencies, and Communities Together.....	30
Quality Teaching in Public Schools.....	31
Utah State Textbook Commission.....	32
Committee	
Strategic Planning for Public and Higher Education Committee.....	32
Task Forces	
Applied Technology Education Task Force.....	34
Funding of Public Education Task Force.....	36
Task Force on Learning Standards and Accountability in Public Education.....	38
Government Operations Interim Committee	41
Boards and Commissions.....	43
Election Law Issues.....	43
Repeal, Recodification, or Consolidation of Sections of Utah Code.....	44

Other Studies	
Mini-Appropriations Act.	44
Performance Audit of the 911 Systems in Utah.	45
Primary Elections Issues.	45
Reorganization of Veteran-related Programs.	45
State Financial Advisor – Bonding Conflicts of Interest.	45
Sunset Reviews.	45
Health and Human Services Interim Committee.	47
Lisa P. Settlement Agreement.	49
Safe Relinquishment of Infants.	49
Tobacco Settlement.	50
Utah Medical Assistance Program.	50
Committee	
Child Welfare Legislative Oversight Panel.	51
Other Studies	
Mental Health Commitment.	52
Prescription Drug Costs.	53
Utah Comprehensive Health Insurance Pool.	53
Information Technology Commission.	55
Digital Divide.	57
Digital State Issues: Barriers.	57
Filing Employee Tax Information Electronically.	58
Geography Information System.	58
Information Technology Commission Amendments.	59
Information Technology Worker Compensation.	59
Privacy.	60
Technology Infrastructure Innovation Fund.	60
Judicial Rules Review Committee.	63
2000 Activities.	65
Judiciary Interim Committee.	67
Civil Stalking Amendments.	69
Repeal Definition of Law	69
Repeal of Attorneys and Counselors Provisions.	70
Standards for Illegal Drug Lab Cleanup.	70
Other Studies	
Voter Information on Judicial Retention Elections.	71
Law Enforcement and Criminal Justice Interim Committee.	73
Interstate Compact for Adult Offender Supervision.	75
Prohibition of Intimacy With Person in Custody.	75
Utah Correctional Industries Business Park.	76

Other Studies	
Fees for Warrant Service.	76
Lifetime Sex Offender Registration.	77
Legislative Process Committee.	79
In-depth Budget Review.	81
Individual Appropriation Bills.	81
Legislative Review Notes.	82
Long Title Bill Summary.	83
Media Guide.	83
Other Studies	
Broadcasting Session Proceedings.	84
Duplication of Study Topics.	84
Sunset Review Process.	84
Natural Resources, Agriculture, and Environment Interim Committee.	85
Certification and Training of Underground Wastewater Disposal System Installers.	87
Disposal of Low-level Radioactive Waste.	87
Sensitive Species and Critical Habitat.	88
Commission	
State Water Development Commission.	89
Other Studies	
Arsenic Standard for Drinking Water.	90
Cultural Resource Protection on Trust Lands.	91
Replacement of Water Affected by Mining.	91
Source Protection.	91
Transfer of Development Rights.	91
Olympic Coordination Committee.	93
Political Subdivisions Interim Committee.	95
Classification of Municipalities.	97
Redevelopment Agencies Statutes Recodification.	97
The '911' Emergency System.	98
Subcommittee	
Special Districts Subcommittee.	98
Other Studies	
Consolidation of Fire Services.	99
County Statutes Recodification.	99
Development of the Jordan River Corridor.	100
Eminent Domain and the Private Property Ombudsman.	100
Eminent Domain for Public Transit Districts.	100
Municipal Incorporations and Annexations in First Class Counties.	100

Process for Municipal Annexations.	101
Quality Growth Commission.	101
Special Service Districts in Wasatch County.	101
Transfer of Development Rights.	101
Public Utilities and Technology Interim Committee.	103
Digital State Issues.	105
Filing Employee Tax Information Electronically.	105
Information Technology Commission Amendments.	106
Public Utility Amendments (H.B. 320).	106
Technology Infrastructure Innovation Program.	107
Unauthorized Charges on Utilities – Cramming.	107
Task Force	
Electrical Deregulation and Customer Choice Task Force.	108
Quasi-governmental Entities Committee.	111
Review of Quasi-governmental Entities.	113
Revenue and Taxation Interim Committee.	115
Individual Income Tax – Additions to Federal Taxable Income.	118
Individual Income Tax – Brackets Adjustments.	118
Navajo Nation – Motor and Special Fuel Taxes.	119
Sales and Use Tax Exemption for Mining Establishments.	120
Sunset Review of the Residential Energy Systems Tax Credits.	120
Sunset Review of the Steam Coal Tax Credit.	121
Commission	
Tax Review Commission.	122
Other Studies	
Imposition of Fees by Municipalities on Wireless Telecommunications Service.	123
Individual Income Tax Deduction for Certain Interest Income.	124
Property Tax Exemption for Tangible Personal Property.	124
Property Taxes on Secondary Residences.	124
Replacing References to the Standard Industrial Classification Manual with References to North American Industry Classification System.	125
Resort Community Sales and Use Tax.	125
Transient Room Tax Issues.	125
Transportation Interim Committee.	127
Construction Bid Limits.	130
I-15 Reconstruction and Highway Funding.	130
Traffic Management Committee.	132
Vehicle Impound and Release Issue.	132
Task Force	
Decriminalization of Traffic Offenses Task Force.	133

Other Studies	
Air Quality Conformity.	135
Annual State Highway System Changes.	136
Bicycle Laws.	136
Commuter Rail and Light Rail Update.	137
Eminent Domain and Public Rights-of-Way.	137
Eminent Domain for Public Transit Districts.	138
Public-use Airport Funding.	138
Utah Sports Advisory Committee.	139
Utah Tomorrow Strategic Planning Committee.	141
The 2000 Report of the Utah Tomorrow Strategic Plan.	143
Workforce Services Interim Committee.	145
Fund and Program Elimination.	147
Unemployment Insurances.	147
Other Studies	
Child Care Cash Out.	148
Employment and Training Programs Audit.	148

OFFICE OF LEGISLATIVE RESEARCH AND GENERAL COUNSEL	
STAFF.	151

**SUMMARY OF
RECOMMENDED LEGISLATION**

SUMMARY OF RECOMMENDED LEGISLATION

Administrative Rules Review Committee

Reauthorization of Administrative Rules, H.B. 37 - annually reauthorizes all administrative rules of state agencies except those specified in the legislation.

Business, Labor, and Economic Development Interim Committee

Athletic Commission Responsibilities, S.B. 25 - repeals the Professional Boxing Regulation Act and replaces it with the Utah Athletic Commission Act; and removes the regulation of boxing from the Division of Occupational and Professional Licensing and creates an independent Utah Athletic Commission within the Department of Commerce. The bill also prohibits ultimate fighting, levies fees on ticket proceeds and broadcast revenues from contests, and provides funding for amateur boxing within the state.

Ice Cream and Milk Dispenser Requirements, S.B. 19 - amends the Utah Dairy Act to provide a license application process for the distribution of dairy products and allows ice cream cabinets and milk coolers to be loaned or sold to a retailer under certain conditions.

Reporting Requirements for Science Center Authority, S.B. 20 - requires the Science Center Authority to report to the Legislative Quasi-governmental Entities Committee.

Child Welfare Legislative Oversight Panel

Mental Health Service for Foster and Adopted Children Task Force, S.B. 33 - creates an eight-member task force to develop recommendations for the legislature, the Department of Human Services, and the Department of Health to ensure that a system is implemented no later than July 1, 2003 to allow mental health services for foster children and adopted children to be provided entirely within a capitated system of Medicaid providers.

Decriminalization of Traffic Offenses Task Force

Penalties for Traffic Offenses, H.B. 39 - changes all class C misdemeanor penalties in the traffic code (Title 41, Chapter 6, Traffic Rules and Regulations) to infractions, except speeding in a reduced speed school zone. The bill also specifies that there is no jury trial for infractions.

Education Interim Committee

Applied Technology Education Governance, H.B. 34 - establishes a new applied technology education (ATE) governance structure by creating nine ATE regions throughout the state with a regional governing board for each region. The bill repeals the Joint Liaison Committee and establishes a Joint Applied Technology Education Council as the statewide entity to coordinate applied technology education.

Certified Revenue Tax Levy for Public Education - requires the legislature to discuss the impact of inflation during the previous year before imposing a certified revenue levy to help fund education. The certified levy requires districts to impose a minimum basic tax rate on property that is based on the prior year revenue plus growth, in order to qualify for the state contribution toward their basic program.

Families, Agencies, and Communities Together for Children and Youth at Risk Amendments, S.B. 29 - changes the FACT repeal date from 2001 to 2011.

Funding for Textbooks and Instructional Supplies - provides for a one-time appropriation of \$30.6 million adjusted by the amount received for textbooks, replacements, and purchases since May 2000 to purchase an adequate supply of textbooks, workbooks, or computer software and replace those that are outdated or in poor condition. The bill requires the State Board of Education to provide a uniform definition of textbooks and requires an ongoing monitoring of appropriations to meet needs.

Public Education Capital Outlay Act Amendments, S.B. 35 - deletes the emergency school building program that terminates a component of the capital outlay foundation program on June 30, 2000. The bill increases the state funding contribution toward the cost of district capital outlay programs by \$10,000,000 for fiscal year 2001-2002.

School District Voted Leeway Amendments, H.B. 38 - increases the value of the state guarantee for voted and board leeway programs from .0075 times the value of the prior year's weighted pupil unit to .008 and by an additional .0005 times that prior year's value for each succeeding year until the guarantee is equal to .0105 times the value of the prior year's weighted pupil unit.

State Textbook Commission Amendments, S.B. 7 - changes the name of the State Textbook Commission to the State Instructional Materials Commission and expands the scope of materials reviewed and approved by the commission to include workbooks, computer software, laserdiscs or videodiscs, and multiple forms of communication media. The bill reauthorizes the existence of the commission through July 1, 2011 under the Legislative Oversight and Sunset Act.

Teacher Quality Amendments, S.B. 16 - acknowledges the relationship of quality teacher performance to student achievement and success in school. The bill provides for a comprehensive policy on teacher quality which includes components of recruitment, preservice preparation, induction, licensure, professional development, and evaluation.

Utah Performance Assessment for Students Amendments, S.B. 28 - expands the categories for disaggregating student performance data to include limited English proficiency. The bill requires each school board to provide its staff with a professional development program to ensure effective implementation and maintenance of the statewide student performance assessment. The bill also requires that additional data on test scores, trends, grade averages, volunteerism, student discipline, and fee waivers be reported electronically. Additional data is required in the annual school performance report on issues related to student proficiency, student absenteeism, average daily attendance, and disaggregated enrollment totals.

Government Operations Interim Committee

Accounts of Political Subdivisions – Repeal, S.B. 14 - repeals certain obsolete and duplicative provisions governing public construction work.

Disaster Relief Appropriation Repeal, S.B. 5 - repeals an obsolete and lapsed appropriation.

Election Law – Technical Amendments, H.B. 29 - modifies the Election Code to address the municipal primary canvass process, tie votes, misconduct of electors and offices in local initiatives and referenda, and the form of the special military write-in absentee ballot. The bill also directs county clerks to prepare overseas citizen absentee voter ballots.

Fees Recodification, H.B. 19 - renumbers and amends sections related to fees in order to move them to more appropriate sections.

Mailing Requirements to State and Political Subdivisions, H.B. 21 - modifies provisions relating to mailing reports and payments by renumbering and consolidating sections relating to general filing requirements.

Repeal of Utah State Defense Force Act, H.B. 8 - repeals provisions authorizing the Utah State Defense Force.

Repeal of Commissioners of Deeds Provisions, S.B. 15 - repeals certain obsolete and lapsed sections relating to Commissioners of Deeds.

Repeal of Bedding, Upholstered Furniture, Quilted Clothing Advisory Committee, H.B. 23 - repeals the Bedding, Upholstered Furniture, Quilted Clothing Advisory Committee.

Repeal of 1933 Utah Code Revision Statutes, S.B. 6 - repeals certain obsolete and lapsed provisions.

Repeal of Dairy Advisory Board, H.B. 24 - repeals the Dairy Advisory Board.

Repeal of Obsolete Bonding Authorizations and Related Provisions, H.B. 9 - repeals obsolete and lapsed bonding authorizations and repeals a duplicate section relating to State Bonding Commissioners. The bill also moves language relating to certain water loans.

Repeal of Public Works Programs, H.B. 4 - repeals obsolete provisions governing a public works program required by federal laws enacted in response to the 1932 depression.

Repeal of Authorization for Construction of Certain Facilities Completed, S.B. 9 - repeals obsolete and lapsed construction authorizations and accompanying requirements.

State Symbol Remodification, H.B. 20 - recodifies provisions relating to state symbols into one section.

State Loan Commissioners and Loan Authorization Repeal, H.B. 11 - modifies code sections creating and governing State Loan Commissioners by repealing obsolete and lapsed sections governing State Loan Commissioners. The bill also repeals provisions authorizing certain paid-off loans.

State Institutions Provisions Repeal, H.B. 10 - repeals obsolete and lapsed sections.

Sunset Authorizations, S.B. 10 - reauthorizes certain state entities and programs that would otherwise sunset before the 2002 General Session.

Health and Human Services Interim Committee

Utah Area Health Education Center Reauthorization Act, S.B. 31 - appropriates \$1.3 million to the University of Utah Health Science Center to fund Utah Area Health Education Centers and designates the five centers that already exist or are yet to be developed.

Clarification of Time Limits for Reunification Services, H.B. 33 - modifies the starting point for measuring the length of time reunification services may be provided to families in the child welfare system with children two years of age and younger; requires a finding to be made when a Juvenile Court consolidates a hearing on termination of parental rights with a permanency hearing; and requires that the six month review and permanency hearing be scheduled by a juvenile court at the time of the adjudication or dispositional hearings.

Child Welfare Oversight Panel Amendments, H.B. 31 - requires reporting by the Juvenile Court, the Attorney General, and the Division of Child and Family Services on cases that do not meet statutory time frames for judicial hearings; and directs the Child Welfare Legislative Oversight Panel to receive reports from the executive and judicial branches on budgetary issues impacting the child welfare system and recommend, as it considers advisable, budgetary proposals to the Health and Human Services Joint Appropriations Subcommittee and the Executive Appropriations Committee.

Provision for Legal Relinquishment of a Newborn, H.B. 12 - provides a process for the safe relinquishment of a newborn child by a parent or a parent's designee; provides processes for hospitals and fire stations to receive a relinquished child and for the Division of Child and Family Services to care for the child and petition for termination of parental rights and adoption; eliminates certain civil abuse and neglect requirements and proceedings when a newborn child is safely relinquished; amends the civil definition of neglect; and provides for a limited affirmative defense to any potential criminal liability based upon neglect or abandonment.

Judiciary Interim Committee

Civil Stalking Amendments, H.B. 25 - establishes a procedure that includes hearing requirements for both parties and that allows a court to issue a civil stalking injunction.

Repeal of Attorneys and Counselors Provisions, S.B. 13 - repeals Title 78, Chapter 51, Attorneys and Counselors, because the provisions probably violate Article VIII, Section 4 of the *Utah Constitution* which requires the Utah Supreme Court by rule, not the legislature by statute, to govern the practice of law.

Standards for Illegal Drug Lab Decontamination, H.B. 6 - requires local health officials to identify and decontaminate sites used to manufacture controlled substances; requires law enforcement to notify local health officials when a drug lab site is found; and provides rulemaking authority to the Utah Solid and Hazardous Waste Control Board to establish standards and license inspectors and contractors to decontaminate these sites.

Criminal Restitution Amendments, H.B. 26 - defines terms and establishes procedures for collecting restitution from people convicted of a crime and ordered by a court to pay restitution to their victims. The bill also provides priority, enforcement, and collection of restitution orders and requires that a restitution order be enforced through a civil action and declares that it is nondischargeable in bankruptcy.

Repeal of Definition of Law, S.B. 18 - repeals the statutory definition of law.

Recovery of Special Damages for Injuries, H.B. 13 - clarifies the circumstances under which a person may collect damages by statutorily defining "special damages" to include such things as medical expenses, crutches, wheelchairs, and other quantifiable damages.

Law Enforcement and Criminal Justice Interim Committee

Prohibition of Intimacy With Person in Custody, S.B. 4 - creates criminal penalties for correctional officers, law enforcement officers, and probation and parole officers who engage in sexual conduct with an inmate, a person under arrest, or a probationer or parolee.

Interstate Compact for Adult Offender Supervision, H.B. 18 - creates a new interstate compact to replace the existing and seriously outdated compact authority and structure which provide for the controlled movement of adult parolees and probationers across state lines. The new compact allows for the more effective management of offenders, thus increasing public safety and offender accountability. Thirty-five states must pass this same legislation in order for the compact to go into effect.

Sex Offender Registration Amendments, H.B. 22 - requires a previously registered sex offender who commits a subsequent serious sexual offense to be registered for the offender's lifetime.

Serious Habitual Offender Comprehensive Action Program Amendment, H.B. 5 - requires that parents be notified of their child's status in the Serious Habitual Offender Comprehensive Action Program.

Legislative Process Committee

Joint Rules Resolution – Mini Appropriations Process, S.J.R. 1 - provides a process for a legislator to file a Request for Appropriation with the Office of the Legislative Fiscal Analyst rather than a Request for Legislation with the Office of Legislative Research and General Counsel when that legislator wants to obtain funding for a project, program, or entity that does not require that a statute be enacted, repealed, or amended. The request for funding will be referred by the Legislative Fiscal Analyst to the appropriate appropriations subcommittee where the sponsor may present and discuss the request with the subcommittee. The subcommittee may include the request in the budget it sends to the Executive Appropriations Committee, deny the request, or direct that the request be part of the funding prioritization process.

Joint Rules Resolution – In-depth Budget Review Selection, S.J.R. 2 - shifts the statutory responsibility for annual agency in-depth budget reviews from the Legislative Process Committee to the Joint Executive Appropriations Committee, which will assign the review to an appropriate appropriations subcommittee, which can then recommend reductions or additions to the budget of the agency and report its recommendations back to the Joint Executive Appropriations Committee.

Legislative Process Committee – Duties and Responsibilities, S.B. 32 - eliminates both the increase in membership of the Legislative Process Committee by four public members and the statutory responsibility of the committee to conduct annual agency in-depth budget reviews.

Joint Rules Resolution – Printing Legislative Review Note - removes the requirement of printing the constitutional impact of a piece of legislation on the bill.

Natural Resources, Agriculture, and Environment Interim Committee

Certification and Training for Underground Wastewater Disposal System Installers, H.B. 14 - requires certification for individuals who design, install, inspect, maintain, or conduct percolation tests or soils tests for underground wastewater disposal systems. The Water Quality Board is directed to make rules to implement the certification and training program, and a fee is imposed on new underground wastewater disposal systems.

Political Subdivisions Interim Committee

Recodification and Amendment of Redevelopment Agencies Statutes, H.B. 7 - modifies special district provisions by repealing, reenacting, and rewriting statutory provisions relating to redevelopment agencies.

Special District and Local District Amendments, S.B. 23 - modifies provisions relating to special districts and limited purpose local government entities to rewrite and standardize annexation, withdrawal, and dissolution provisions for specified special districts and for local districts.

Public Utilities and Technology Interim Committee

Electronic Government Services Amendments: Administrative Rules and Procedures, H.B. 27 - modifies existing code to allow the use of electronic process in addition to paper-based methods for the provisions of government goods and services.

Electronic Government Services Amendments: Drivers License, S.B. 11 - modifies existing code to allow the use of electronic process in addition to paper-based methods for the provisions of drivers licenses and related government services.

Electronic Government Services Amendments: Environmental Quality, H.B. 16 - modifies existing code to allow the use of electronic process in addition to paper-based methods for the provisions of government goods and services.

Electronic Government Services Amendments: Natural Resources, H.B. 17 - modifies existing code to allow the use of electronic process in addition to paper-based methods for the provisions of government goods and services.

Filing Employee Tax Information Electronically, S.B. 30 - requires Utah's large business employers (more than 250 employees) to file their employee tax information electronically in the same manner as required by the federal government.

Information Technology Commission Amendments, S.B. 21 - specifies who the "public" members are for purposes of removal in the event that they are unable to serve on the commission.

Unauthorized Charges on Utilities – Cramming Amendments, H.B. 32 - authorizes utility companies to include on their utility bill charges from local government for utility-type services.

Utah Technology Infrastructure Innovation Program Amendments, H.B. 35 - allows program grant money to be used in cross-agency technology innovation projects.

Quasi-governmental Entities Committee

Independent Entities Act, H.B. 28 - recodifies provisions relating to the Legislative Quasi-governmental Entities Committee and its oversight functions and renames it the Legislative Independent Entities Committee. This bill also enacts the Independent Corporations Act which establishes the general default provisions for Independent Corporations. For an entity to become an independent corporation under the act, a separate authorizing statute is required that includes a specific public purpose. This act takes effect July 1, 2002.

Retirement Office Amendments, H.B. 36 - allows an employing unit, when an employee leaves the system, to take the employee's vested contributions and transfer them to another qualified plan. This bill also: makes post retirement restrictions consistent for all retirees; clarifies payment process under domestic relations orders and prevents alternate payee from receiving double benefits; clarifies which party bears the burden of proof in administrative hearings; clarifies that disability retirement benefits are not payable if the firefighter is no longer disabled and that a firefighter cannot receive double service for the same period of time; specifies how service credit is accrued upon returning to work after a period of disability; and allows firefighter disability to be tax exempt in accordance with federal law.

Revenue and Taxation Interim Committee

Individual Income Tax – Additions to Federal Taxable Income, S.B. 24 - amends an addition to federal taxable income for certain lump sum distributions and requires an addition to federal taxable income for certain amounts of a child's income. The bill has retrospective operation for taxable years beginning on or after January 1, 2001.

Individual Income Tax – Bracket Adjustments, S.B. 36 - requires the State Tax Commission to make adjustments for inflation or deflation to the individual income tax brackets and amounts of tax. The bill has retrospective operation for taxable years beginning on or after January 1, 2001.

Navajo Nation – Motor and Special Fuel Taxes, S.B. 22 - provides for a reduction of state motor and special fuel taxes if the motor or special fuel is also taxed by the Navajo Nation. The bill provides for agreements between the Navajo Nation and the State Tax Commission to administer the reduction of tax, and grants rulemaking authority to the State Tax Commission to implement the reduction.

Reauthorization of Utah Steam Coal Tax Credit, S.B. 8 - delays the repeal of the Utah steam coal tax credit until taxable years beginning on or after January 1, 2007.

Sales and Use Tax Exemption for Mining Establishments, S.B. 27 - provides a sales and use tax exemption for certain machinery, equipment, or a part for machinery or equipment purchased or leased by a mining establishment. The bill also requires amounts of the exemption to be reported to the State Tax Commission.

Tax Review Commission

Individual Income Tax Relief for Low-income Individuals, S.B. 34 - establishes an income level below which a taxpayer is not subject to state individual income taxes. A taxpayer who is not required to pay federal individual income taxes is not required to pay state individual income taxes.

Transportation Interim Committee

Bicycle Law Amendments, H.B. 15 - allows a bicyclist to use the right arm for a right-hand-turn signal; provides an exception from staying right when a bicyclist is traveling straight through a right-turn-only lane; and allows, instead of requires, a bicyclist to use a bicycle path adjacent to a roadway. The bill allows bicycles on sidewalks, except where specifically prohibited, and provides a speed limit for bicycles on sidewalks or paths. The duration of turn signals is made uniform for vehicles and bicycles. A red taillight and a flashing red taillight on a bicycle are allowed, and bicycle headlamps must be approved by the Department of Public Safety. Bicyclists are also required to operate in the designated direction of traffic.

Highway Construction Bid Limit, S.B. 17 - increases the bid limit for construction or improvement projects on state highways from \$40,000 to the bid limit amount for class B and C road projects, which is currently \$100,000.

Master Road Amendments, S.B. 26 - affects six state highways by realigning, renumbering, transferring, or adding sections of highways on the state highway system. The net decrease to the state highway system is .63 miles.

Traffic Management Committee Amendments, S.B. 12 - increases the membership of the Traffic Management Committee from 7 members to up to 13 members, including a second member designated by UDOT, a member designated by a public transit district, and up to four additional members which may be designated by the committee for one-year terms. Term limitation provisions for members designated by an agency are repealed, counties and municipalities are added as recipients to the recommendations of the committee, and the committee may establish technical advisory committees as needed.

Vehicle Towing and Reporting Requirements, H.B. 30 - consolidates and makes uniform reporting, notification, and retrieval requirements for a vehicle, vessel, and outboard motor that is towed due to abandonment, improper registration, DUI, theft, or public safety concerns. A vehicle removal is required to be reported immediately by both the peace officer and the tow truck operator. The report is made to the Motor Vehicle Division in a form the division specifies, which may include an electronic form compatible with a database. The division may charge a fee for utilizing the database based on the cost of administering the database. A person may not remove an unattended vehicle without prior authorization of a law enforcement agency or the owner of the property the vehicle is on. An unattended vehicle is considered abandoned if left for 48 hours, instead of 24 hours. An authorized towing certificate is required prior to performing any tow truck service that is done without the knowledge of the vehicle owner. The Department of Transportation is required to make rules for the inspection, investigation, and certification of tow truck motor carriers, tow trucks, and drivers; and the department may charge a biennial fee to cover the department's costs. A tow truck operator who removes a vehicle from private property without the owner's knowledge must immediately report the removal to law enforcement and send a certified letter to the owner within two business days. Until a tow truck motor carrier reports the removal of a vehicle, no fee may be collected for the removal and no storage fees may be charged. All towing and storage fees must be conspicuously posted.

Workforce Services Interim Committee

Unemployment Insurance Amendments - requires businesses with 250 or more employees to submit quarterly reports to the Department of Workforce Services magnetically or electronically. The bill permits the Labor Commission to obtain Department of Workforce Services records for the administration of its programs; permits the Department of Workforce Services to use its unemployment insurance records in its administration of other department programs; and requires those seeking department records to obtain a court order under the Government Records Access and Management Act (GRAMA) instead of a subpoena.

Workforce Services Amendments - repeals the Child Care Expendable Trust Fund and the Workforce Reentry Program.

COMMITTEE STUDIES

ADMINISTRATIVE RULES REVIEW COMMITTEE

Membership

Sen. Howard A. Stephenson, Senate Chair
Rep. David Ure, House Chair

Sen. Mike Dmitrich
Sen. L. Alma "Al" Mansell
Sen. Eddie "Ed" P. Mayne

Sen. Howard C. Nielson
Rep. Judy Ann Buffmire
Rep. James R. Gowans

Rep. Martin R. Stephens
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Ms. Audrey Wendel, Legislative Secretary

Index

Studies and recommendations for action in the 2001 General Session:

	Page
Annual Administrative Rules Sunset Legislation.	17
Other Studies	
Foster Care and Adoption Placement Priority.	17

Committee Overview

The Administrative Rules Review Committee was established by the legislature in the 1983 General Session. Section 63-46a-11(3)(b), *Utah Code Annotated 1953*, requires that the committee review agency rules to ensure they do not exceed the bounds of legislative authority and intent and to determine their impact on the economy, state and local government operations, and affected persons.

The committee primarily reviewed proposed agency rules, which are published twice monthly in the Utah State Bulletin by the Division of Administrative Rules. However, committee members expressed concern that existing rules, many of them based on overly broad grants of statutory authority, were still unreviewed.

In the 1988 General Session, funds were appropriated for full-time staff support to provide an existing rules component to the committee's review process. The committee directed staff to prepare legislation deleting the broad grants of rulemaking authority in several state agencies and instructed staff to work with each affected agency to ensure that their statutes, as rewritten, would still provide the specific rulemaking authority they needed. The committee felt that the effort to delete such grants from all agency statutes would require several years to complete.

As part of an agreement reached between members of the Administrative Rules Review Committee and the governor during the 1989 General Session, legislation was passed which granted the committee authority to prepare annual legislation reauthorizing all rules of the state except for rules enumerated in each year's bill. The committee delayed any action on broad statutory grants until after the 1990 General Session.

From 1989 through 1994, the committee examined the rules of every state agency. Agency representatives were presented with a detailed analysis of their rules and met with the committee to establish agreements regarding what rule changes would be made. This process prompted agencies to file more concise, carefully prepared rules that were in harmony with Utah statutes.

With the passage of H.B. 182, "Administrative Rules Review Committee Amendments," 1997 General Session, committee membership increased from six to ten. Currently, the committee reviews the large number of proposed agency rules published twice monthly in the Utah State Bulletin and addresses specific concerns raised by the public with proposed and existing rules.

Annual Administrative Rules Sunset Legislation

Background

During the 1989 General Session, the legislature enacted a law repealing all state agency rules annually. However, all rules of the state are reauthorized except rules that are specifically enumerated in annual legislation.

Committee Action

The committee met with various state agencies throughout the year regarding specific rules of concern to committee members and citizens. In most cases, agency representatives agreed to make changes requested by the committee and filed those changes with the Division of Administrative Rules. With a rule agencies chose not to change, or agreed to change but never filed with the division, the committee members decided they would vote to reauthorize the rule or consider the rule for nonreauthorization when preparing its annual sunset legislation.

The committee considered this issue at its November 28 and December 14, 2000 meetings and recommended legislation titled "Reauthorization of Administrative Rules."

Other Studies

Foster Care and Adoption Placement Priority

The committee heard testimony from the sponsor of H.B. 103, "Amendments to Child Welfare," which passed during the 2000 General Session indicating that the intent of the legislation had been altered by R512-1 and R512-41, published by the Division of Child and Family Services. The sponsor said that the agency's decision to define "residing" to include "living in the same household on . . . an intermittent basis" went beyond the term's legal definition and could be used to circumvent the priority standard, established in statute, for foster care and adoptive placement.

The wording of both rules was changed to include a suggestion by the committee that placement with an individual who is not cohabiting may be considered "if the Region Director determines it is in the best interest of the child." The sponsor argued that the new language added a requirement for adoption by single persons that is not authorized by statute.

The committee also heard from representatives of the division who claimed that the rule was an attempt to give guidance to their workers in balancing various priority placement requirements in

statute. The director of the Division of Child and Family Services agreed to change the rules to conform the definition of “residing” to the correct legal definition and to further protect the rights of single parents to be considered in foster care and adoption placements. The committee considered this issue at its May 2 and November 14, 2000 meetings but did not recommend legislation.

BUSINESS, LABOR, AND ECONOMIC DEVELOPMENT INTERIM COMMITTEE

Membership

Sen. Parley Hellewell, Senate Chair
Rep. John William "Bill" Hickman, House Chair

Sen. Gene Davis	Rep. Patrice M. Arent	Rep. Ben C. Ferry
Sen. Eddie "Ed" P. Mayne	Rep. Afton B. Bradshaw	Rep. Wayne A. Harper
Sen. Robert M. Muhlestein	Rep. Katherine M. Bryson	Rep. Brad King
Sen. John L. Valentine	Rep. Don E. Bush	Rep. Lowell A. Nelson
Rep. Gerry A. Adair	Rep. Carl W. Duckworth	Rep. David L. Zolman, Sr.

Staff

Ms. Mary Catherine Perry, Research Analyst
Ms. Patricia Owen, Associate General Counsel
Mr. Keith M. Woodwell, Associate General Counsel
Ms. Sandra Wissa, Legislative Secretary

Index

Studies and recommendations for action in the 2001 General Session:

	Page
Professional Boxing Regulation Act.	21
Residence Lien Restriction and Lien Recovery Act.	21
Committee	
Occupational and Professional Licensure Review Committee.	22
Other Studies	
Alcoholic Beverage Server Training.	23
Corporations and Commercial Code.	23
Hours of Service for Trucking Industry.	24
Olene Walker Housing Trust Fund.	24

Committee Overview

The Business, Labor, and Economic Development Interim Committee considers issues relating to the interests of business owners, employees, and consumers. Safeguarding these interests involves balancing the need for appropriate regulation with the need to foster a healthy economy by avoiding unnecessary governmental interference in free enterprise.

The committee has legislative responsibility for seven departments and commissions: the Alcoholic Beverage Control Commission, the Department of Alcoholic Beverage Control, the Department of Commerce, the Department of Community and Economic Development, the Department of Financial Institutions, the Department of Insurance, and the Labor Commission. Issues addressed by the committee in recent years include regulation of alcoholic beverages, motor fuel marketing, business assistance and recruitment programs, consumer access to financial services, economic and fiscal impacts of the 2002 Olympic Winter Games, workers' compensation, affordable housing, anti-discrimination, consumer protection, professional licensing, real estate, and travel and tourism.

Professional Boxing Regulation Act

Background

Professional boxing in Utah is regulated by state and federal law. In Utah, the Professional Boxing Regulation Act creates the Utah Boxing Commission; provides for the regulation of licensing of professional boxers, referees, judges, promoters and managers; sets standards and regulations for professional contests that are held in the state; and prohibits certain types of fighting matches. Additionally, federal law requires state boxing commissions to regulate boxing contests, register and identify professional contestants, and supervise the activities of boxing promoters.

The Utah Boxing Commission serves as an advisory board to the Division of Occupational and Professional Licensing within the Department of Commerce. The commission's duties include assisting in developing administrative rules, reviewing complaints concerning licensees, and screening applicants for licensure.

Committee Action

The committee studied several issues related to the act, including alternative methods of administering the act, model acts from other states, and concerns raised by the Division of Occupational and Professional Licensing.

The committee considered legislation that repeals the current act and replaces it with the Utah Athletic Commission Act. The legislation removes the regulation of boxing from the Division of Occupational and Professional Licensing and creates an independent Utah Athletic Commission within the Department of Commerce. The legislation also prohibits ultimate fighting, levies fees on ticket proceeds and broadcast revenues from contests, and provides funding of amateur boxing within the state. The committee studied these issues at its June and November 2000 meetings and recommended legislation titled "Utah Athletic Commission Responsibilities."

Residence Lien Restriction and Lien Recovery Act

Background

In 1994, the legislature passed the Residence Lien Restriction and Lien Recovery Fund Act. The act was amended and funded in 1995, became effective on May 1, 1995, was amended again in 1996, 1997, and 1998, and is currently administered and enforced by the Division of Occupational and Professional Licensing within the Department of Commerce.

The act has two primary functions. First, it prohibits anyone who provides services or materials for residential housing construction from either maintaining a mechanic's lien against a residence or obtaining a civil judgment against a homeowner for construction expenses, provided the homeowner complies with certain requirements. Second, the act creates the Residence Lien Recovery Fund which is a last-resort source of payment for persons, including subcontractors, suppliers, and laborers, who can no longer recover for goods and services by bringing mechanics' liens against residential property or by bringing civil action against the homeowner.

Committee Action

In response to a legislative audit conducted by the Office of the Legislative Auditor General, the committee studied multiple issues related to the act including issues raised by the audit, concerns raised by industry representatives, and potential alternatives to the act. The committee studied these issues at its April, June, and November 2000 meetings but did not recommend legislation.

Occupational and Professional Licensure Review Committee

Membership

Sen. L. Alma "Al" Mansell, Senate Chair
Rep. David L. Gladwell, House Chair

Sen. Gene Davis
Sen. Terry Spencer
Rep. Carl W. Duckworth
Rep. Glenn. L. Way

Mr. Brian Allen
Mr. James S. Bailey
Mr. Phil Hancock
Mr. Reed Mackley

Mr. Stan Nielson
Mr. Bert Smith
Mr. Noel Williams

Staff

Ms. Mary Catherine Perry, Research Analyst
Mr. Keith M. Woodwell, Associate General Counsel
Ms. Cassandra Bauman, Legislative Secretary

Background

During the 1999 General Session, the legislature created the Occupational and Professional Licensure Review Committee to review applications from occupational groups seeking statutory

regulation through formal licensure. The committee meets on an as needed basis to review applications as they are submitted to the legislature. After holding a public hearing and receiving public testimony, the committee votes to recommend or not recommend licensure for the occupation or profession under consideration.

Committee Action

In January the committee approved a formal application for groups seeking licensure. In October the committee reviewed applications from three groups seeking licensure: genetic counselors, estheticians, and nail technicians. At the committee's November 2000 meeting, the committee voted to recommend licensure for genetic counselors, estheticians, and nail technicians.

Other Studies

Alcoholic Beverage Server Training

During the 2000 General Session, the legislature passed H.J.R. 12, "Joint Resolution Encouraging Study of Alcoholic Beverage Server Training." This resolution urged the Governor's Council on Driving Under the Influence to study ways to strengthen existing law governing training in the responsible service of alcoholic beverages by persons in establishments licensed to serve alcoholic beverages and encouraged the council to present legislative recommendations to the Business, Labor, and Economic Development Interim Committee by November 2000. The committee received the council's report and reviewed draft legislation at its November 2000 meeting but did not recommend legislation.

Corporations and Commercial Code

The Division of Corporations and Commercial Code within the Department of Commerce was asked by the legislature during the 2000 General Session to review amendments that are needed to bring more uniformity to the statutes governing the various types of business entities in the state. The division informed the committee that it has formed an advisory board to make legislative recommendations in anticipation of the 2001 General Session. The committee considered this issue at its August 2000 meeting but did not recommend legislation.

Hours of Service for Trucking Industry

In response to the Federal Motor Carrier Safety Administration's (FMCSA) proposed rule changes regulating hours of service for the trucking industry, the committee studied possible economic and labor-related impacts of the rule changes in Utah. The committee unanimously voted to draft a letter from the committee to Utah's congressional delegation expressing the committee's opposition to FMCSA's proposed changes in hours of service rules for the trucking industry. The committee considered this issue at its August 2000 meeting but did not recommend legislation.

Olene Walker Housing Trust Fund

The Olene Walker Housing Trust Fund consists of state and federal monies that assist in the construction, rehabilitation, and purchase of multi-family and single family housing throughout Utah. The fund, first created as a restricted account in 1987, operates generally as a revolving loan fund with a focus on low and moderate income housing. The committee studied several issues related to the fund with an emphasis on finding a potential dedicated funding source for the fund. The committee considered this issue at its May 2000 meeting but did not recommend legislation.

EDUCATION INTERIM COMMITTEE

Membership

Sen. David H. Steele, Senate Chair
Rep. Lloyd Frandsen, House Chair

Sen. Ron Allen	Rep. Duane Bourdeaux	Rep. Evan L. Olsen
Sen. Dan Eastman	Rep. Judy Ann Buffmire	Rep. Tammy J. Rowan
Sen. Karen Hale	Rep. Fred Fife III	Rep. LaWanna Shurtliff
Sen. Howard A. Stephenson	Rep. James R. Gowans	Rep. Nora B. Stephens
Rep. Jeff Alexander	Rep. David L. Hogue	Rep. Matt Throckmorton
Rep. Ron Bigelow	Rep. Bradley T. Johnson	Rep. Bill Wright
	Rep. Keele Johnson	

Staff

Mr. J. Wayne Lewis, Research Analyst
Mr. James L. Wilson, Associate General Counsel
Ms. Wendy Bangerter, Legislative Secretary

Index

Studies and recommendations for action in the 2001 General Session:

	Page
Best Practices in Public Education.	27
Charter Schools.	27
Comprehensive Elementary Reading Programs.	28
Extended School Year.	29
Families, Agencies, and Communities Together.	30
Quality Teaching in Public Schools.	31
Utah State Textbook Commission	32
Committee	
Strategic Planning for Public and Higher Education Committee.	32
Task Forces	
Applied Technology Education Task Force.	34
Funding of Public Education Task Force.	36
Task Force on Learning Standards and Accountability in Public Education.	38

Committee Overview

During the 2000 interim, the Education Interim Committee studied seven education policy issues that have statewide application, reviewed seven task force recommendations, and monitored an equal number of new policy issues and educational programs. Most studies were selected from the legislative Master Study Resolution or were priority concerns suggested by representatives of public and higher education.

The committee met eight times and agreed to concentrate only on prioritized issues that could be supported with research-based data. It focused on conducting in-depth studies and on monitoring significant public and higher education statewide policy.

The education community and interested citizens closely followed the interim agenda and often were invited to participate in monthly committee meetings. In a number of meetings, they presented both objective research data and personal or institutional perspectives on key topics and then proposed solutions they believed would strengthen student achievement, teacher performance, and institutional development.

During this past interim period, the committee reviewed policy questions on teacher quality, best practices in public education, quality teaching, comprehensive elementary reading programs, charter schools, extended school year programs, strategic planning, and reauthorization of the State Textbook Commission and the Families, Agencies, and Communities Together for Children and Youth At-Risk (FACT) initiative. The committee heard and endorsed recommendations for the 2001 General Session from the Funding of Education Task Force, Applied Technology Task Force, Task Force on Learning Standards and Accountability in Public Education, and the Strategic Planning Committee for Public and Higher Education Committee.

Best Practices in Public Education

Background

“Best Practice” in education is a program or strategy that has survived a vigorous scientific validation process and has successfully achieved the purpose for which it was designed. It satisfies specific educational needs more often and in more settings than other program options. Effective use of any best practice program first requires that resources, strategies, and innovations that enhance teaching and student learning are clearly identified and then implemented correctly.

All the elements of any best practices program, which include educational partnerships and professional development, must be part of a comprehensive operational strategy. Even after a new best practice has been implemented, policy makers and educators must continue to communicate their expectations for applying the new best practice in a public school environment.

Committee Action

The committee encouraged the State Board of Education and the Center for the School of the Future to continue to identify best practices that will raise the level of student performance in public education. The committee considered this issue at its April 2000 meeting.

Charter Schools

Background

In the 1998 General Session, the legislature authorized the creation of eight charter schools in a three-year pilot program as part of the Schools for the 21st Century initiative. Charter schools are part of the state’s public education system and are established by either creating a new school or converting an existing public school to charter school status.

The purpose of charter schools is to offer parents curriculum options they feel will improve student learning and to encourage innovative teaching methods. Each school must comply with federal and Utah Public School regulations and is required to employ certified staff, meet state Core Curriculum standards, participate in state-prescribed student assessment programs, and prepare annual accountability and financial reports.

Proponents of charter schools want to expand the number of schools statewide by increasing the number that may be created next year and each year thereafter. They also want state funding to make

up the difference in the amount local districts pay to a charter school when it resides in their district. State funding follows charter school students and districts where a charter school resides must pay one-half of the amount that the district's per student expenditure that exceeds the value of state funding. Other charter school proponents want to update current law by amending the statute to remove the "pilot program" status in current law and provide a procedure to remedy noncompliance with charter school law.

Committee Action

The committee considered this issue at its October and November 2000 meetings but did not recommend legislation.

Comprehensive Elementary Reading Programs

Background

In 1999, the legislature enacted H.B. 312, "State Literacy Program." The bill declared that every student in the state's public education system will be able to read at or above grade level by the end of the third grade.

Funding provisions in the bill were not exclusively reserved to achieve the state goal, but were provided instead to develop and operate a comprehensive statewide literacy program. Consequently, funding of a teacher preparation reading skills program, specifically for kindergarten through third grade, has only been partially addressed.

An effective comprehensive training program in reading instruction requires that teachers receive both pre-service and ongoing inservice training. Only nine hours of reading instruction are offered through most pre-service teacher preparation institutions, and no available comprehensive reading program includes inservice training for K-3 teachers. Only 70% of Utah students read independently at the conclusion of the 3rd grade; and in order for all K-3 students to achieve the state goal, their teachers will need to be given comprehensive inservice training in reading.

Committee Action

The committee recommended that the Joint Public Education Appropriations Subcommittee fund training to teach reading skills to 5,000 teachers in grades K-3. The training program will require each teacher to receive five days of basic instruction in current research-based training strategies, phonemic awareness, reading fluency, and assessment and intervention techniques. The final phase of the training will require a two-day follow-up session to complete the staff development program.

The committee also encouraged the State Board of Education to expand the duties and membership of its State Reading Panel. The recommendation specifies enlarging the panel membership and strengthening best practices in reading education by requiring the panel to prepare a mandatory checklist of research-based best practices reading programs to be used in each district. The new panel would also address the reading needs of diverse learners and students with cultural differences.

The committee considered this issue at its October and November 2000 meetings, but did not recommend legislation.

Extended School Year

Background

Creating an extended year curriculum for middle school and high school students has been discussed by educators and legislators for several years. In the 1997 General Session, the legislature enacted H.B. 35, which authorized an extended school year pilot program. The program was funded through a special category in the experimental and developmental account in the State Office of Education and expanded learning and teaching options for Utah students and teachers. All school districts were invited to compete for the extended year grant, but only four districts were selected to participate.

The typical extended school year curriculum is offered during the summer and provides four categories of instruction. Accelerated classes are similar to regular school year core classes, while remedial classes offer students a catch-up option. Enrichment classes differ from regular school year classes and offer hands-on projects and field days. Promotion classes include advanced placement, concurrent enrollment, and other special programs that may be offered during the regular school year.

Pilot program outcomes have been positive and beyond committee expectations. Administrators initially assumed the majority of classes offered outside the regular school would be occupied by students needing subject remediation. During the first year of the pilot, a large number of students enrolled in make up classes, but in the second year, less than half enrolled for remediation, while the majority of students chose to register for accelerated, enrichment, and promotion classes.

Committee Action

The committee was impressed with the student achievement gains made through the pilot program and will recommend to the Joint Public Education Appropriations Subcommittee that the pilot program be expanded through an additional appropriation to the Experimental and Developmental

category in the State Board of Education budget. The committee further recommended that data showing student achievement gains, improved space utilization, and expanded teacher contract benefits be reviewed during the 2001 interim to justify statewide expansion of the program in 2002. The committee considered this issue at its November 30, 2000 committee meeting but did not recommend legislation.

Families, Agencies, and Communities Together

Background

Families, Agencies, and Communities Together for Children and Youth At-Risk (FACT) is the coordinated effort of five state agencies to provide a variety of services to Utah children. It is an initiative designed to unite the efforts of the State Board of Education, the Department of Health, the Office of the Court Administrator, and the Department of Workforce Services to develop and implement a comprehensive system of services and support for at-risk youth and their families. The initiative assists these children and families through a comprehensive intervention program designed to resolve interrelated problems.

The FACT initiative is scheduled to be repealed July 1, 2001. The committee reviewed organizational data to determine if it had provided the quality of public service that would justify its reauthorization. FACT reported that it interfaces with the public to provide a collaborative delivery system of social, educational, and health services to disadvantaged youth. Its goals include ensuring that all at-risk children can be safe and healthy, their communities will be safe and supportive, and they can succeed in school and be taught to choose healthy and safe behaviors.

Committee Action

Based upon the number of children and families served and the types of services provided, the committee believes that the public purpose and intent of the initiative are being met and that other children and families will benefit from the ongoing services of the FACT initiative. The committee considered this issue at its August and November 30, 2000 meetings and recommended legislation titled "Families, Agencies, and Communities Together for Children and Youth At-Risk Amendments," which reauthorizes FACT for ten years.

Quality Teaching in Public Schools

Background

Research-based best practices in teacher education strengthens both the pre-service and inservice curriculum. Teacher induction programs orient new teachers to their profession. Mentors, through an induction program, work with beginning teachers to help them make the transition from the college classroom to becoming a teacher in a public school classroom.

Collaborative arrangements between public schools and post-secondary teacher preparation programs create a positive interdependency for job enrichment. Through cooperative partnerships, teachers may, for example, collaborate with post-secondary faculty in research projects that not only generate educational data but produce a value-added dimension to professional credibility.

Research confirms that continuous professional development is an essential element in every profession. Well prepared teachers are an integral part of every classroom and are essential to fostering student achievement. The practice of education is dynamic and all teachers should continuously participate in extensive, on-going professional development programs if they hope to continue to be effective in their classrooms. Many elements of teacher quality are currently found in statute, but they are scattered throughout Title 53A of the *Utah Code* and need to be readily accessible or easily referenced.

A comprehensive teacher quality policy will centrally locate and cross reference in statute all the standards and training components for professional development. It will also serve as a statutory guide for teacher preparation and continuous improvement and it will integrate all the elements for teacher quality in one central location, providing access to professional recruitment practices, preparation standards, performance expectations, induction and licensure requirements, and all the critical elements for teacher preparation and continued training in the teaching profession.

Committee Action

The Education Interim Committee supports a long-term commitment to teacher quality and student achievement. The committee recommended that all statutes in the *Utah Code* describing professional expectations and requirements be consolidated into a single comprehensive policy on teacher quality. The committee considered this issue at its May, June, July, and August 2000 meetings and recommended legislation titled “Teacher Quality Amendments.”

Utah State Textbook Commission

Background

The Utah State Textbook Commission recommends classroom textbooks to the State Board of Education for use in Utah public schools. The commission will be statutorily repealed on July 1, 2001 unless it is reauthorized by the legislature in the 2001 General Session. The committee heard arguments that the commission is a viable part of the system of public education and significantly contributes to its quality.

The committee was informed that the scope of educational materials currently reviewed by the State Textbook Commission has expanded. For that reason, the State Board of Education recommended that the name of the commission be changed to the State Institutional Materials Commission to accurately reflect its current function and responsibility.

Committee Action

The committee considered this issue at its May and June 2000 meetings and recommended legislation titled "State Textbook Commission Amendments" to reauthorize the commission for ten years and to change its name to more accurately reflect its expanded responsibilities.

Strategic Planning for Public and Higher Education Committee

Membership

Sen. David H. Steele, Senate Chair
Rep. Lloyd Frandsen, House Chair

Sen. Joseph L. Hull
Sen. Howard Stephenson
Rep. Patrice Arent
Rep. Keele Johnson
Ms. Aileen Clyde
Ms. Maria Farrington
Ms. Jan Ferré

Mr. Val Finlayson
Ms. Cecilia Foxley
Ms. Joyce Gray
Dr. David Greene
Ms. Sal Jansson
Ms. Jill Kennedy
Ms. Mary Kay Kirkland
Mr. Steve Laing

Mr. Anthony Morgan
Ms. Delores Riley
Mr. Stephen Ronnenkamp
Mr. Con Rowley
Ms. Phyllis Sorenson
Mr. Paul Sybrowsky
Pres. Paul H. Thompson

Staff

Mr. J. Wayne Lewis, Research Analyst
Mr. James L. Wilson, Associate General Counsel
Ms. Wendy L. Bangerter, Legislative Secretary

Background

For more than a decade, the Strategic Planning for Public and Higher Education Committee has provided strategic planning for public and higher education. During the 2000 interim, the committee monitored both systems' strategic plans and then evaluated the action plans.

In accordance with 53A-1a-102(3)(a), each board is required to submit a copy of its written plan of action to the Strategic Planning for Public and Higher Education Committee. The committee reviewed the mission of each educational system and their proposed action plans.

State Board of Education staff reviewed its Strategic Plan which emphasizes improving academic achievement, assisting schools using extended learning schedules, supporting teacher and principal developmental programs, and sustaining programs and personnel that reinforce literacy as fundamental to all learning.

The Master Plan for Higher Education describes responsibilities of the State Board of Regents and its system of nine Utah public colleges and universities. Its primary focus is on serving the scholastic needs of all students through applied technology education, providing lower division and upper division training, and offering a broad range of advanced degree and professional programs.

The objectives of the master plan serve specific academic needs and the larger needs of the state to advance Utah economically, intellectually, socially, and culturally. The Board of Regents pledges to achieve these goals by offering students superior educational opportunities through quality programs and clear institutional missions which are designed to respond to individual needs.

The committee reviewed a report of a comprehensive plan to monitor and sustain teacher quality in Utah. It reviewed data on research-based best practices that provide for teacher quality, including professional development strategies for recruitment, preservice, licensure, and teacher induction.

Since teacher quality is the foundation of all student achievement, the committee supported teacher quality policies that would strengthen student achievement, statutorily recognize teaching as a profession, maintain an adequate supply of well-prepared teachers, support high standards for teacher preparation programs, identify induction and professional development programs as long-term priorities, recruit and develop key educational leadership, and establish a partnership with the State Board of Education, the State Board of Regents, local school boards, and the legislature.

Committee Action

The Strategic Planning Committee for Public and Higher Education commended both public and higher education for their strategic planning efforts. The committee recognized that major efforts have been made to prepare and implement public and higher education goals and indicated it will continue to monitor their progress as they realize their planning goals.

The committee considered this issue at its April, June, September, and November 2000 meetings and recommended legislation to the Education Interim Committee titled “Teacher Quality Amendments.”

Applied Technology Education Task Force

Membership

Sen. Leonard M. Blackham, Senate Chair
Speaker Martin R. Stephens, House Chair

Sen. Ron Allen
Sen. John L. Valentine
Rep. Ron Bigelow

Rep. Judy Ann Buffmire
Rep. Craig Buttars
Rep. James R. Gowans

Rep. Bradley T. Johnson
Rep. Bill Wright

Staff

Mr. John Q. Cannon, Research Analyst
Mr. John L. Fellows, Associate General Counsel
Ms. Alicia Gambles, Legislative Secretary

Background

During the 2000 General Session, the legislature passed H.B. 336, “Applied Technology Education Task Force,” which created a ten-member task force (three senators and seven representatives) charged with studying the issue of applied technology education.

The bill required the task force to review and make recommendations on the following applied technology issues: the role and mission of applied technology education providers in the state; the governance of applied technology education; the criteria for determining new facility requirements to provide applied technology education services; policies regarding standards of accountability and articulation among stakeholders; funding mechanisms; the applied technology education role and mission of the Joint Liaison Committee within the state's education systems; the development and use of measurable standards, including uniformity in developing databases and common methods of distributing information; duplication of applied technology education programs between the state's public and higher education systems; and other issues related to applied technology education as determined by the task force. The task force was also required to make a final report, including any proposed legislation, to the Education Interim Committee before November 30, 2000.

Applied Technology Education (ATE) involves educational programs or competencies to prepare people for employment without necessarily pursuing a college degree. There are multiple ATE occupational categories and programs delivered in Utah. ATE programs in Utah have primarily been delivered through the 40 school districts, five Applied Technology Centers, higher education institutions, and Applied Technology Center Service Regions (ATCSRs), which function as a joint effort between higher and public education. Governance of ATE in Utah has been shared between higher education and public education. In addition, the Joint Liaison Committee also has some responsibility for ATCSRs.

A number of issues were raised regarding ATE in Utah, but the key issues revolved around governance and funding of ATE. Capital facilities, access to programs, regional discrepancies in program offerings, and funding inequities between regions of the state were also significant issues discussed by the task force.

Committee Action

The task force focused its discussion on the issue of ATE governance, although many other issues, including funding, were also discussed. The task force considered legislation that establishes a new ATE governance structure for Utah. It establishes nine ATE regions for Utah and sets up a regional board to govern ATE within each of those regions. The bill also defines the appointment process, powers, and duties of regional boards and regional superintendents.

The legislation establishes the Joint Applied Technology Education Council as the statewide entity responsible for ATE. Its membership includes five representatives from higher education, five representatives from public education, nine representatives of the regional boards (one from each region), and two business and industry representatives. The bill defines the powers and duties of the council and repeals the Joint Liaison Committee.

The bill also makes a number of technical and conforming changes to other sections of the *Utah Code* to make those sections consistent and in conformity with the substantive provisions of the legislation. The task force reported to the Education Interim Committee at its November 30, 2000

meeting. The task force considered these issues at 12 meetings, from May to November, and recommended legislation titled “Applied Technology Education Governance.”

Funding of Public Education Task Force

Membership

Sen. Lyle W. Hillyard, Senate Chair
Rep. Kevin S. Garn, House Chair

Sen. Paula F. Julander

Sen. Michael G. Waddoups

Rep. Patrice M. Arent

Rep. Greg J. Curtis

Rep. Brad King

Rep. David Ure

Staff

Mr. Bryant R. Howe, Research Analyst

Mr. O. William Asplund, Assistant Director

Mr. James L. Wilson, Associate General Counsel

Mr. Dee S Larsen, Associate General Counsel

Ms. Alicia Gambles, Legislative Secretary

Background

The Funding of Public Education Task Force was created by H.B. 426 in the 2000 General Session. This group of three senators and five representatives was charged under the act with taking a comprehensive look at the way in which public education is funded in Utah and to make recommendations to the Education Interim Committee before November 30, 2000, as to appropriate changes and additional resources that could provide for enhanced funding of public education within the state. The task force was to seek input from all elements of the public education community.

Committee Action

The task force held nine meetings during the interim and received hours of input from education and community representatives. The task force discussed the demographics of Utah, with its large population of school age children and its impacts on per pupil spending in the state. It also discussed the 85.1% increase in funding of public education from fiscal year 1992 to fiscal year 2001, with critics still feeling the need for a greater commitment to funding education. The task force

considered other public education issues, including teacher compensation, textbooks and supplies, class-size reduction, new school construction, and inservice training programs.

The task force made the following recommendations to the Education Interim Committee on November 30, 2000:

1. *Continue the Capital Outlay Foundation Program with a \$10 Million Increase*

The Capitol Outlay Foundation Program, established to provide school districts revenues for building construction and renovation, will increase from \$28.4 million to \$38.4 million under this proposal. More districts will directly benefit as a result from this increase in school building construction subsidies.

2. *Dedicate \$30.6 Million to Textbooks*

Based on the textbook audit report of the Legislative Auditor General, an appropriation of \$30.6 million—subject to appropriations made this year—should be made toward the purchase of new textbooks. This is a one-time appropriation to meet immediate needs and would be subject to certain conditions.

3. *Increase the Guarantee for Board and Voted Leeways*

Give school districts the ability to enhance their education programs by implementing a five-year plan to increase the guarantees for board and voted leeways at the local level. This guarantee will provide additional funds for education each year and after five years will be worth more than \$60 million.

4. *Consider an Inflation Factor in the Statewide School Levy*

Require the legislature to consider inflation costs in setting the statewide levy for funding the basic school program. Presently, the rate is established by taking last year's revenues and adding to it only increases in revenue that would come from new growth.

5. *Use New Waste Fees for Education*

Although no decision will be made before next year, if the state decides to accept additional types of waste or to raise fees on present disposal of wastes, revenues generated by these additional fees should be used for public educational purposes. This does not include high-level nuclear waste that Private Fuel Storage has proposed to store at the Goshute Indian Reservation. The state continues to strongly oppose storing high-level nuclear waste in Utah.

6. *Examine Property Tax Exemption and Special Treatment of Value in the Constitution*

Direct the Constitutional Revision Commission and the Tax Review Commission to look at the exemptions to the property tax and the special treatment of value contained in the tax article and recommend changes that could eliminate the continued challenges of values by centrally-assessed businesses.

7. *Examine the Tax Exemptions of Government and Non-profit Enterprises*

Direct the Tax Review Commission and the Revenue and Taxation Interim Committee to examine the income, sales, and property tax exemptions provided to government and non-profit business enterprises which compete with or operate similarly to regular businesses.

Task Force on Learning Standards and Accountability in Public Education

Membership

Sen. Howard A. Stephenson, Senate Chair
Rep. Jeff Alexander, House Chair

Sen. Karen Hale
Sen. L. Steven Poulton
Rep. Karen Morgan
Rep. Loraine T. Pace

Rep. LaWanna “Lou” Shurtliff
Rep. John E. Swallow
Mr. Kim Burningham
Ms. Ila Rose Fife

Ms. Jill Kennedy
Ms. Linda B. Ogden
Lt. Gov. Olene S. Walker

Staff

Mr. Bryant R. Howe, Research Analyst
Mr. James L. Wilson, Associate General Counsel
Ms. Wendy L. Bangerter, Legislative Secretary

Background

A Task Force on Learning Standards and Accountability in Public Education was created for a two-year period by H.B. 144 in the 1999 General Session and was directed to study student performance standards and assessments and review existing public education accountability programs. The task force recommended actions the legislature and the State Board of Education should take in order to establish effective statewide standards and accountability programs in public education.

The task force was required to issue its final report to the Education Interim Committee no later than November 30, 2000 and inform the committee of the extent to which a statewide standards and accountability program has been implemented at the district, school, and classroom level.

Committee Action

The Education Interim Committee heard recommendations for enhancing learning standards and improving accountability in Utah public education at its November 2000 meeting and recommended legislation titled “Utah Performance Assessment System for Students Amendments.” The task force considered these issues at its June, July, August, September, October, and November 2000 meetings.

GOVERNMENT OPERATIONS INTERIM COMMITTEE

Membership

Sen. Beverly A. Evans, Senate Chair
Rep. Bryan Holladay, House Chair

Sen. Millie M. Peterson
Sen. Terry Spencer
Rep. Roger Barrus

Rep. Perry L. Buckner
Rep. Neil A. Hansen
Rep. Neal B. Hendrickson
Rep. Dennis H. Iverson

Rep. Loraine T. Pace
Rep. Marlon O. Snow
Rep. Michael R. Styler

Staff

Mr. John Q. Cannon, Research Analyst
Mr. John L. Fellows, Associate General Counsel
Ms. Alicia Gambles, Legislative Secretary

Index

Studies and recommendations for action in the 2001 General Session:

	Page
Boards and Commissions.....	43
Election Law Issues.....	43
Repeal, Recodification, or Consolidation of Sections of Utah Code.....	44
Other Studies	
Mini-Appropriations Act.....	44
Performance Audit of the 911 System in Utah.....	45
Primary Elections Issues.....	45
Reorganization of Veteran-related Programs.....	45
State Financial Advisor – Bonding Conflicts of Interest.....	45
Sunset Reviews.....	45

Committee Overview

The Government Operations Interim Committee considers a broad range of issues, including elections, campaign finance, ethics, personnel, boards and commissions, and administrative services. The committee considers policy questions with statewide implications, receives testimony from concerned groups and state agencies, and makes recommendations to the legislature. The committee primarily addresses the state portion of issues that in past years were considered by the State and Local Affairs Interim Committee before it was divided into two new committees: Political Subdivisions and Government Operations. While not all of the issues mentioned above were directly studied during the 2000 interim, many of these issues are still expected to be debated, and legislation impacting these areas will probably be introduced during the 2001 General Session.

The committee has legislative responsibility for several departments and agencies of state government, including: Governor, Lieutenant Governor, Attorney General, Utah State Auditor, Utah State Treasurer, Governor's Office of Planning and Budget, Department of Administrative Services, and the Department of Human Resource Management. The committee also has primary responsibility over the following titles of the *Utah Code*: Title 20A, Election Code; Title 36, Legislature; Title 63, State Affairs in General; Title 63A, Administrative Services; and Title 67, State Officers and Employees.

Boards and Commissions

Background

There are approximately 400 boards and commissions in Utah, including several types of boards with differing authority. Included in this number are approximately 160 policy boards, 160 advisory boards, 65 licensing boards, and 12 nominating committees. Policy boards set state policy, while advisory boards make recommendations to policy makers. Licensing boards have an advisory role and manage occupational licensing in the state. Nominating committees nominate individuals for various volunteer and full-time positions in state government.

Committee Action

The committee reviewed a number of boards and commissions, examining the purposes, costs, and the possible elimination or consolidation of certain boards and commissions. The committee considered this issue at its May, June, July, August, and October 2000 meetings and recommended the following legislation: “Repeal of Bedding, Upholstered Furniture, Quilted Clothing Advisory Committee” and “Repeal of Dairy Advisory Board.”

Election Law Issues

Background

The committee heard testimony from the Elections Office concerning possible changes to the election code. The discussion included the following election law issues: recounts for municipal primary elections, requirements for local initiatives, and ballots for military and overseas citizen voters.

Committee Action

The committee considered legislation that would revise requirements governing the municipal primary canvass, tie votes, and misconduct of electors and offices in local initiatives and referenda. The bill also changes the form of the special military write-in absentee ballot and directs clerks to prepare overseas citizen absentee voter ballots. The committee considered this issue at its August and October 2000 meetings and recommended legislation titled "Election Law – Technical Amendments.”

Repeal, Recodification, or Consolidation of Sections of Utah Code

Background

The committee has primary responsibility over the following titles of the *Utah Code*: Title 20A, Election Code; Title 36, Legislature; Title 63, State Affairs in General; Title 63A, Administrative Services; and Title 67, State Officers and Employees. Included among these titles are some sections that are obsolete or otherwise questionable. Some of these code sections were adopted by the legislature to meet the needs of a particular time, such as the Utah State Defense Force Act adopted in 1941, and did not appear to be needed today. Other sections simply needed to be reorganized or placed in different sections of the code for clarity and accessibility.

Committee Action

The committee considered several bills that would repeal, recodify, or otherwise reorganize or clarify approximately 380 sections of the *Utah Code*. The committee considered this issue at its May, June, July, August, October, and November 2000 meetings and recommended the following legislation: “Repeal of 1933 Utah Code Revision Statutes”; “Repeal of Utah State Defense Force Act”; “Repeal of Public Works Program”; “State Loan Commissioners and Loan Authorization Repeal”; “Repeal of Commissioners of Deeds Provisions”; “Repeal of Authorization for Construction of Certain Facilities Completed”; “Disaster Relief Appropriation Repeal”; “Accounts of Political Subdivisions – Repeal”; “Repeal of Obsolete Bonding Authorizations and Related Provisions”; “State Institutions Provisions Repeal”; “Fees Recodification”; “State Symbol Recodification”; and “Mailing Requirements to State and Political Subdivisions.”

Other Studies

Mini-Appropriations Act

The committee discussed a proposed change to the legislature’s Joint Rules that would modify the way certain appropriation requests are managed in the legislature. Similar legislation was introduced during the 2000 General Session (S.J.R. 1, “Joint Rules Resolution – Appropriations Process”). The committee considered this issue at its May 2000 meeting but did not recommend legislation.

Performance Audit of the 911 System in Utah

The committee heard a report concerning the 911 system in Utah. Issues included the possible establishment of a state office to provide planning and technical assistance to the 911 system and issues relating to 911 fees. The committee considered this issue at its April 2000 meeting but did not recommend legislation.

Primary Elections Issues

The committee heard a report concerning a United States Supreme Court decision declaring California's blanket primary unconstitutional and regarding other research about primary election options in Utah. The committee considered this issue at its July 2000 meeting but did not recommend legislation.

Reorganization of Veteran-related Programs

During the 2000 General Session, the legislature passed H.B. 140, "Reorganization of Veteran-Related Programs," which moved the Office of Veteran's Affairs and the administrative responsibility for the Veteran's Memorial Park and Nursing Home to the Utah National Guard. The committee heard a statutorily required report concerning the transition of these entities to the Utah National Guard. The committee considered this issue at its November 2000 meeting but did not recommend legislation.

State Financial Advisor – Bonding Conflicts of Interest

During the 2000 General Session, the legislature passed S.B. 100, "State Financial Advisor Amendments," which allowed the State Financial Advisor's firm to bid, along with other firms, on certain state bond issues. The committee discussed and heard testimony concerning any potential conflict of interest based on the new legislation. The committee considered this issue at its May 2000 meeting but did not recommend legislation.

Sunset Reviews

The committee reviewed the status of certain state programs or entities that are scheduled to sunset before the 2002 General Session. The committee considered legislation to extend the sunset dates for the following programs or entities: Lead Acid Battery Disposal; Department of Health Organization; Preneed Funeral Arrangement Act; Sentencing Commission; Nonstate entities' participation in the Risk Management Fund; and Assessment on Title Insurers. The committee considered this issue at its November 2000 meeting and recommended legislation titled "Sunset Authorizations."

HEALTH AND HUMAN SERVICES INTERIM COMMITTEE

Membership

Sen. Robert F. Montgomery, Senate Chair
Rep. Carl R. Saunders, House Chair

Sen. D. Edgar Allen	Rep. Jackie Biskupski	Rep. Karen W. Morgan
Sen. Paula F. Julander	Rep. Mary Carlson	Rep. Jack A. Seitz
Sen. Peter C. Knudson	Rep. Margaret Dayton	Rep. Jordan Tanner
Sen. Steven L. Poulton	Rep. Kory M. Holdaway	Rep. A. Lamont Tyler
Rep. Trisha S. Beck	Rep. Rebecca D. Lockhart	Rep. Richard L. Walsh

Staff

Mr. Mark D. Andrews, Research Analyst
Ms. Catherine J. Dupont, Associate General Counsel
Ms. Jennifer Markham, Legislative Secretary

Index

Studies and recommendations for action in the 2001 General Session:

	Page
Lisa P. Settlement Agreement.	49
Safe Relinquishment of Infants.	49
Tobacco Settlement.	50
Utah Medical Assistance Program.	50
Committee	
Child Welfare Legislative Oversight Panel.	51
Other Studies	
Mental Health Commitment.	52
Prescription Drug Costs.	53
Utah Comprehensive Health Insurance Pool.	53

Committee Overview

The Health and Human Services Interim Committee considers a wide range of issues. In addition to dealing with public health issues like smoking, immunizations, and AIDS testing, the committee considers topics related to mental health, aging, child abuse, substance abuse, health insurance, health facility and occupational licensing, adoption, abortion, sex offenses, and family law. The committee provides oversight to many of the programs carried out by the Department of Health and the Department of Human Services.

During the 1999 and 2000 interim meetings the committee has given particular attention to the state's legal settlement with tobacco manufacturers and the use of monies received as a result of that agreement.

Lisa P. Settlement Agreement

Background

In 1993, the state entered into a settlement agreement following legal action in 1989 by the Arc of Utah and the Legal Center for People with Disabilities concerning residents of the American Fork Training School (now the Utah State Developmental Center).

Committee Action

The committee received reports concerning efforts by the Division of Services for People with Disabilities to seek dismissal of the settlement agreement. The Division reported that it filed a motion for dismissal November 2, 2000. The committee considered this issue at its July, October, and November 2000 meetings but did not recommend legislation.

Safe Relinquishment of Infants

Background

Fourteen states have adopted legislation to allow a mother to relinquish custody of her newborn infant to the state without the threat of civil or criminal prosecution. This legislation has been developed to provide an alternative for mothers who would otherwise abandon their babies in dumpsters or other settings that would result in harm or death of the child.

Committee Action

The committee considered this issue at its August and November 2000 meetings and recommended legislation titled "Provision for Legal Relinquishment of a Newborn."

Tobacco Settlement

Background

During the 2000 General Session, the legislature passed several bills specifying how proceeds from the state's legal settlement with leading tobacco manufacturers in 1998 would be appropriated in FY 2000 and subsequent years.

Committee Action

The committee reviewed how the Department of Health, the Department of Human Services, the Department of Corrections, the Administrative Office of the Courts, the Board of Pardons, and the University of Utah Health Sciences Center are using \$10 million in tobacco settlement monies appropriated for fiscal year 2000. The monies were appropriated for tobacco reduction, cessation, and control; drug courts; a drug board pilot program; and in-state research, treatment, and educational activities. The committee considered this issue at its April, August, and November 2000 meetings but did not recommend legislation.

Utah Medical Assistance Program

Background

The Utah Medical Assistance Program (UMAP) funds health care costs for persons with a monthly income of \$337 or less who do not qualify for Medicaid and who do not have other options for receiving care for acute, infectious, or life-threatening conditions. As a result of recent funding shortfalls, program administrators have changed program benefits and eligibility criteria.

Committee Action

The committee reviewed recent changes to UMAP and considered the recommendations of the program administrator, health care providers, and a UMAP client. The committee considered this issue at its October 2000 meeting and recommended to the Executive Appropriations Committee and the Health and Human Services Joint Appropriations Subcommittee a \$1.4 million increase in UMAP funding for fiscal year 2002 to restore state funding to the fiscal year 2000 level.

Child Welfare Legislative Oversight Panel

Membership

Sen. Dan R. Eastman, Senate Chair

Rep. Nora Stephens, House Chair

Sen. Gene Davis

Rep. Trisha S. Beck

Rep. Matt Throckmorton

Staff

Mr. Mark D. Andrews, Research Analyst

Ms. Catherine J. Dupont, Associate General Counsel

Ms. Tracey Fredman, Legislative Secretary

Background

The Child Welfare Legislative Oversight Panel, created in 1995 to provide oversight of the state's child welfare system, recommended that the legislature:

- (1) specify the types of post-adoption support to which adoptive parents may be entitled and consider development of a formula to measure the future need for that support;
- (2) support a Department of Human Services proposal to improve the Medicaid capitated delivery system of mental health services over the next two years by creating a legislative task force;
- (3) modify the starting point for measuring the length of time reunification services may be provided to families in the child welfare system with children two years of age and younger;
- (4) require reporting by the Juvenile Court, the Attorney General, and the Division of Child and Family Services on cases that do not meet statutory time frames for judicial hearings; and
- (5) direct the Panel to:
 - (a) receive reports on budgetary issues affecting child welfare; and

- (b) make recommendations to the Executive Appropriations Committee and the Health and Human Services Joint Appropriations Subcommittee prior to the beginning of the legislature's normal budget season.

The Panel also noted that the legislature may need to consider:

- (1) improving compensation for Division of Child and Family Services employees to reduce turnover, increase professionalism, and improve service quality;
- (2) improving financial and other support of foster and adoptive parents to improve foster parent retention;
- (3) reducing the length of time required to license foster parents to improve recruitment;
- (4) strengthening the Office of the Child Protection Ombudsman's information gathering authority and confidentiality provisions;
- (5) modifying state law to authorize conflict of interest investigations by third-party contractors; and
- (6) examining the future role of the Child Welfare Legislative Oversight Panel.

Committee Action

The committee considered the Panel's recommendations at its November 2000 meeting and recommended legislation titled "Clarification of Time Limits for Reunification Services" and "Child Welfare Oversight Panel Amendments."

Other Studies

Mental Health Commitment

During the 2000 General Session, the legislature considered but did not pass S.B. 200, "Mental Health Commitment Amendments." S.B. 200 would have removed the "immediacy" provision from the criteria for involuntary commitment of a person to a local mental health authority. The committee discussed the bill and related issues, including commitment criteria used by other states. The committee considered this issue at its June 2000 meeting but did not recommend legislation.

Prescription Drug Costs

The committee received testimony concerning recent increases in prescription drug prices and state spending on pharmaceuticals. The committee considered this issue at its August and October 2000 meetings but did not recommend legislation.

Utah Comprehensive Health Insurance Pool

The committee received an in-depth briefing on the Utah Comprehensive Health Insurance Pool. The committee discussed enrollee costs, eligibility criteria, and the role of the pool in the insurance market. The committee discussed this issue at its July and November 2000 meetings but did not recommend legislation.

INFORMATION TECHNOLOGY COMMISSION

Membership

Sen. David H. Steele, Senate Chair
Rep. Richard M. Siddoway, House Chair

Sen. Scott N. Howell	Mr. Cameron V. Francis	Mr. O. Leon Miller
Sen. Robert F. Montgomery	Mr. Peter R. Genereaux	Mr. David C. Moon
Rep. Brent Goodfellow	Ms. Nancy CW Gibbs	Mr. Jerold G. Oldroyd
Rep. David L. Zolman	Mr. Robert W. Hood	Mr. David A. Packer
Mr. Daniel J. Becker	Mr. Garth Howard	Dr. Mike Petersen
Mr. Ronald L. Fox	Comm. Stephen F. Mecham	Mr. Jerry P. Peterson

Staff

Mr. Richard C. North, Research Analyst
Mr. Keith M. Woodwell, Associate General Counsel
Ms. Junie G. Anderson, Legislative Secretary

Index

Studies and recommendations for action in the 2001 General Session:

	Page
Digital Divide.....	57
Digital State Issues: Barriers.	57
Filing Employee Tax Information Electronically.	58
Geographic Information Systems.....	58
Information Technology Commission Amendments.....	59
Information Technology Worker Compensation.....	59
Privacy.....	60
Technology Infrastructure Innovation Fund.....	60

Committee Overview

The Information Technology Commission was established in 1994 by the legislature to develop and coordinate information technology public policy and budgets. The commission has authority to study information technology issues and practices in all areas of state government, including the legislative, executive, and judicial branches, and the education community.

The commission reviews and studies information technology issues which affect the public and private sectors in Utah. Because information technology is an area of dynamic change without precedence or existing practices to follow, the commission has often been a pioneer in exploring the issues and, in the case of digital signatures, creating model legislation for other states and countries to follow.

Commission membership provides representation from state and local governments, the private sector, and the business community. The public, private sector, and local government members may serve two four-year terms. The members represent the interests of information technology providers, suppliers, and users.

Digital Divide

Background

The information technology revolution and the resulting nationwide shift to computer-based processing have raised the issue of whether those unable to afford access to a computer have been left behind. The term “digital divide” is used to describe this question and generally refers to the computer “haves and have nots.”

Committee Action

The Information Technology Commission heard testimony describing the issue, including how the lack of access is creating a two-tiered society of those with computers and those without computers. After two days of hearings, the commission concluded that the issue has serious ramifications and that additional study focusing on solutions is needed. The commission considered this issue at its August and October 2000 meetings but did not recommend legislation.

Digital State Issue: Barriers

Background

In 1999, the legislature adopted language directing the state to migrate from a paper-based provision of governmental goods and services to a digital state where those same items are provided electronically. The digital barriers issue focuses on identifying and amending those sections of the *Utah Code* that require: certain governmental transactions to be on paper, handwritten signatures, first-class mail, or meetings in person.

Committee Action

Testimony was heard from the Departments of Administrative Services, Environmental Quality, Motor Vehicles, and Natural Resources regarding statutory barriers to using electronic processes in providing governmental goods and services. The Public Utilities and Technology Interim Committee also considered this issue. The commission considered this issue at its July, August, October, and November 2000 meetings and recommended legislation titled “Electronic Government Services Amendments: Administrative Rules”; “Electronic Government Services Amendments: Drivers License”; “Electronic Government Services: Environmental Quality”; and “Electronic Government Services: Natural Resources.”

Filing Employee Tax Information Electronically

Background

The federal government, via the Internal Revenue Service, requires all large business employers with more than 250 employees to file their tax information electronically for the purposes of efficiency and lowering costs.

Committee Action

The Information Technology Commission heard testimony from the Utah State Tax Commission requesting statutory authority to require large business employers to report their Utah tax information electronically. Following discussion, the commission agreed with the Utah State Tax Commission's request. The Public Utilities and Technology Interim Committee also considered this issue. The commission considered this issue at its November 2000 meeting and recommended legislation titled "Filing Employee Tax Information Electronically."

Geographic Information Systems

Background

Geographic Information Systems involve software that is used to link data with a particular geographic location. The state uses this type of software in a variety of agencies such as Natural Resources and Transportation for research, mission planning, and implementation. By using this type of software, a map or other graphical representation can be created to aid in understanding issues and reaching decisions.

The continued funding for building a standard base map upon which all Utah geography is registered is a critical issue, because the use of non-standard base maps by state and local governments would result in serious problems relating to land records, zoning, and planning.

Committee Action

After hearing testimony regarding ongoing funding for the statewide base-map project, the commission concluded that the request was justified and directed staff to send a letter to the Joint Executive Appropriation Committee and the Governor's Office. The commission considered this issue at its August 2000 meeting but did not recommend legislation.

Information Technology Commission Amendments

Background

The statute governing the selection and removal of commission members was amended in 1997 to allow commission chairs to remove any member who had more than the statutorily specified number of unexcused absences. However, the amendment did not specify which members, governmental or public, could be removed. Because only public members are selected by the commission, the membership statute needed to be amended to specify public members.

Committee Action

The Information Technology Commission heard testimony regarding this issue and concluded the statute needed to be amended to specify public members. The Public Utilities and Technology Interim Committee also considered this issue. The commission considered this issue at its November 2000 meeting and recommended legislation titled “Information Technology Commission Amendments.”

Information Technology Worker Compensation

Background

Because of the worldwide information technology revolution, the demand for workers in this sector has outstripped the current supply, thereby forcing government at all levels and the private sector to compete with each other for employees. This competition has resulted in private sector and local government information technology compensation plans exceeding those offered by state government. As a result, state employees are accepting higher paying positions, which is leaving the state without experienced computer personnel and has caused additional training costs.

Committee Action

The Information Technology Commission heard testimony from the Department of Human Resources regarding this problem. The commission considered this issue at its October 2000 meeting but did not recommend legislation.

Privacy

Background

Personal privacy has become an issue because the information technology revolution has provided online access between databases that previously were not accessible. This online access has resulted in some cases where personal information has been erroneously revealed or used without knowledge or approval of the person described by the information. As a result, the sales and use of personal information is being reviewed nationwide to determine what privacy protection standards are in place and what additional protections are needed.

The Information Technology Commission began a multi-year project in 1999 to review the sale of public data, the privacy protection plans for the data, to whom the data is being sold, and for what purpose.

Committee Action

Agencies testifying about personal data sales and privacy protection plans this year are the Tax Commission and the Departments of Commerce, Health, and Public Safety. Additional hearings will be held in 2001, with the goal of improving state policy regarding future sales of personal information. The commission considered this issue at its May, June, July, August, October, and November 2000 meetings but did not recommend legislation.

Technology Infrastructure Innovation Fund

Background

In order to stimulate information technology infrastructure innovation, Utah's chief information officer proposed the creation of a limited, self-sustaining grant fund to provide additional information technology infrastructure funds to those state agencies tendering a successful grant proposal. Any cost savings gained from the transition to providing services digitally would be transferred back to the fund for future use. This fund would also be part of the Information Technology Commission's digital state initiatives.

Committee Action

The Information Technology Commission received its first technology innovation program report which outlined the various proposals that have been funded with grants this year. Because the grant program requires a year or more of time for the fund to become self-sustaining, the chief information officer requested additional funds to support the current program. The commission

approved sending a letter to the Governor's Office and the Joint Executive Appropriation Committee indicating the commission's support of additional funding in 2001 and of legislation allowing grants to be used for "cross-agency" programs. The Public Utilities and Technology Interim Committee also considered this issue. The commission considered this issue at its November 2000 meeting and recommended legislation titled "Utah Technology Infrastructure Innovation Program Amendments."

JUDICIAL RULES REVIEW COMMITTEE

Membership

Sen. Robert F. Montgomery, Senate Chair
Rep. Greg J. Curtis, House Chair

Sen. Scott N. Howell

Sen. L. Steven Poulton
Rep. Perry L. Buckner

Rep. David L. Gladwell

Staff

Mr. Jerry D. Howe, Research Analyst
Ms. Susan Creager Allred, Associate General Counsel
Ms. Audrey Wendel, Legislative Secretary

Index

Studies and recommendations for action in the 2001 General Session:

	Page
2000 Activities.....	65

Committee Overview

Article VIII, Section 4 of the *Utah Constitution* provides rulemaking authority to the Utah Supreme Court to adopt rules and manage the appellate process and rules of procedure and evidence. Article VIII, Section 12 of the *Utah Constitution* provides rulemaking authority to the Judicial Council for the administration of the courts. By a two-thirds vote, the legislature may amend the rules of procedure and evidence promulgated by the Supreme Court. However, the legislature has no constitutional authority to amend Judicial Council rules in the Code of Judicial Administration.

In the 1993 General Session, the legislature enacted S.B. 11, "Judicial Rules Review Committee," which created a legislative forum to resolve conflicts between statutes developed by the legislature and rules developed by the courts. Because it is often difficult to clearly distinguish between substantive and procedural aspects of the law, this legislative committee fulfills an important duty by fostering better communication and preventing infringement on the respective powers of the judiciary and the legislature.

The Supreme Court has created six advisory committees representing civil procedure, criminal procedure, evidence, juvenile procedure, appellate procedure, and professional conduct. These advisory committees formulate proposed rules or amendments to rules in their respective areas. The Judicial Rules Review Committee reviews and comments on the proposed rules or amendments to rules in these six areas as well as the Rules of Judicial Administration, which are promulgated by the Judicial Council. The committee's primary focus is to identify whether these rules are substantive or procedural in nature and whether they conflict with statute.

2000 Activities

Background

The committee focused on the ongoing work of the Supreme Court's advisory committees of civil, criminal, appellate, and juvenile procedure, as well as professional and judicial conduct. Draft rules served as the source for committee discussion and action.

Committee Action

The committee monitored potential changes and offered recommendations to the courts on certain rules. The committee considered these issues at its May 2000 meeting but did not recommend legislation.

JUDICIARY INTERIM COMMITTEE

Membership

Sen. Terry Spencer, Senate Chair
Rep. A. Lamont Tyler, House Chair

Sen. Lyle W. Hillyard
Sen. David H. Steele
Sen. Pete Suazo
Rep. Patrice M. Arent
Rep. Chad E. Bennion

Rep. Afton B. Bradshaw
Rep. Katherine M. Bryson
Rep. Gary F. Cox
Rep. Greg J. Curtis
Rep. David L. Gladwell
Rep. Neal B. Hendrickson

Rep. J. W. Hickman
Rep. LaWanna "Lou" Shurtliff
Rep. Martin R. Stephens
Rep. John E. Swallow
Rep. Glenn L. Way

Staff

Mr. Jerry D. Howe, Research Analyst
Ms. Esther D. Chelsea-McCarty, Associate General Counsel
Ms. Glenda S. Whitney, Legislative Secretary

Index

Studies and recommendations for action in the 2001 General Session:

	Page
Civil Stalking Amendments.....	69
Repeal Definition of Law.....	69
Repeal of Attorneys and Counselors Provisions.....	70
Standards for Illegal Drug Lab Cleanup.....	70
Other Studies	
Voter Information on Judicial Retention Elections.....	71

Committee Overview

The Judiciary Interim Committee serves as an important link for the three branches of government in considering issues pertaining to the substantive rights of litigants and the administration of justice. The committee oversees policy aspects of Utah's justice system, including the structure and administration of the courts.

The committee's scope of policy oversight includes the jurisdictional powers associated with Utah's Justice Court, Juvenile Court, District Court, Court of Appeals, and Supreme Court. The committee also has statutory oversight of certain programs delegated by the legislature to the Judicial Council, including the Mandatory Education Course for Divorcing Parents, Alternative Dispute Resolution, and the Judicial Nominating Commissions.

Civil Stalking Amendments

Background

In both the 1999 and 2000 General Sessions of the legislature, only the House of Representatives passed legislation which would have allowed the court to issue ex parte civil protective orders against stalkers. The legislation was originally drafted in response to an incident in which a stalker killed his former girlfriend's father, seriously wounded her mother, and then took his own life. In this case, a protective order could not be issued because the stalker and his former girlfriend had not cohabitated. This legislation provides a procedure for the protection of stalking victims in similar circumstances.

Committee Action

The committee discussed this issue at its October 2000 meeting and recommended legislation titled "Civil Stalking Amendments."

Repeal Definition of Law

Background

The current *Utah Code* defines the term "law" to include the *Utah Constitution*, the *Utah Code*, court rules, Judicial Council rules, and decisions of the Supreme Court and the Court of Appeals. This definition differs from the definition of law in other western states. In fact, Arizona, Colorado, Idaho, New Mexico, Oregon, Washington, and Wyoming do not define law in statute. Although California, Montana, and Nevada define law by statute, those definitions of law are limited to include the state constitution and statutes. Utah's definition of law is unique in that it provides within its definition of law, court rules and rules of the Judicial Council.

The committee considered amending the statute to define "law" as the *Utah Constitution* and *Utah Code*, but the Administrative Office of the Court recommended that the definition be repealed rather than exclude court rules and rules of the Judicial Council.

Committee Action

The committee considered this issue at its July 2000 meeting and recommended legislation titled "Repeal of Definition of Law."

Repeal of Attorneys and Counselors Provisions

Background

In 1985, Article VIII, Section 4 of the *Utah Constitution* was amended. Among other things, the amendment provided that the Utah Supreme Court shall govern the practice of law, not the legislature as it had done prior to the amendment. After this constitutional amendment had taken effect, the statutes adopted by the legislature were not repealed. Some time after the constitutional amendment had taken effect, the court adopted rules governing the practice of law.

Committee Action

Recognizing that any statute attempting to govern the practice of law is probably unconstitutional, the committee considered the issue at its July 2000 meeting and recommended legislation titled “Repeal of Attorneys and Counselors.”

Standards for Illegal Drug Lab Cleanup

Background

Drug dealers use dangerous chemicals to manufacture illegal drugs in many locations, including rental homes and apartment buildings. It is reported that the Department of Public Safety cleans up approximately 300 contaminated drug labs each year, of which approximately 100 may affect future occupants. The concern is that there is no standard by which to determine whether any of these sites are actually decontaminated. As a consequence, the committee was informed that even though a site may be cleaned, it may still represent a health risk to future occupants unless it is chemically decontaminated. The committee considered a bill that proposes to protect occupants from these health risks by requiring that contaminated sites be decontaminated to a specified standard.

Committee Action

The committee considered this issue at its May 17 and June 14, 2000 meetings and recommended legislation titled “Standard for Illegal Drug Lab Decontamination.”

Other Studies

Voter Information on Judicial Retention Elections

In 1985, the *Utah Constitution* was amended to change the manner of judicial selection and retention. Since that time the judicial retention process has provided very little information to voters concerning the record of the judges standing for retention election. At its April meeting, the committee formally requested the Judicial Council to study the information that it makes available to the public and provide recommendations to the committee at its October meeting.

At the committee's October 2000 meeting, the Judicial Council reported that it intends to take a more active role in the certification process. Moreover, the Judicial Council made other recommendations concerning the information reported in the voter information pamphlet, which are recorded in the committee's minutes.

LAW ENFORCEMENT AND CRIMINAL JUSTICE INTERIM COMMITTEE

Membership

Sen. Michael G. Waddoups, Senate Chair
Rep. David L. Hogue, House Chair

Sen. Paula F. Julander	Rep. Trisha Beck	Rep. Carl R. Saunders
Sen. L. Alma "Al" Mansell	Rep. Duane Bourdeaux	Rep. Marlon O. Snow
Rep. Doug Aagard	Rep. DeMar "Bud" Bowman	Rep. Nora B. Stephens
Rep. Roger Edward Barrus	Rep. Perry L. Buckner	

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Ms. Chyleen A. Arbon, Research Analyst
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Index

Studies and recommendations for action in the 2001 General Session:

	Page
Interstate Compact for Adult Offender Supervision.	75
Prohibition of Intimacy With Person in Custody.	75
Utah Correctional Industries Business Park.	76
 Other Studies	
Fee for Warrant Service.	76
Lifetime Sex Offender Registration.	77

Committee Overview

The Law Enforcement and Criminal Justice Interim Committee was established in 1997 to study issues related to law enforcement, criminal law, illegal drug activity, weapons, the correctional system, public safety, and criminal justice. In studying these issues, the committee attempts to maintain a balance between public safety, victim rights, and offender accountability and rehabilitation.

The committee's statutory oversight in this area includes law enforcement agencies, the courts, the Department of Public Safety, the Department of Corrections, the Division of Youth Corrections, the Utah Board of Pardons and Parole, the Youth Parole Authority, the Commission on Criminal and Juvenile Justice, the Utah Sentencing Commission, the Utah Substance Abuse and Anti-Violence Coordinating Council, and Crime Victim Reparations.

The committee focuses on increasing the efficiency and effectiveness of law enforcement agencies, the use of correctional and judicial resources, crime prevention, and reducing drug-related crime and gun-related violence.

Interstate Compact for Adult Offender Supervision

Background

The existing Parole and Probation Interstate Compact, which provides for the controlled movement of adult parolees and probationers across state lines, was created in 1937 when only a few thousand offenders were being supervised in states other than where they were sentenced. Today that number exceeds a quarter of a million parolees and probationers. The existing compact authority and structure are seriously outdated. Thirty-five states must pass the same new legislation in order for a new compact to go into effect. This new compact will allow for the effective management of offenders, thus increasing public safety and offender accountability.

Committee Action

The committee considered this issue at its August and October 2000 meetings and recommended legislation titled “Interstate Compact for Adult Offender Supervision.”

Prohibition of Intimacy With Person in Custody

Background

Currently, there are no criminal penalties for a correctional officer, law enforcement officer, or a probation and parole officer who engages in sexual conduct with an inmate, a person under arrest, or a probationer or parolee. Legislation considered by the committee would eliminate consent as a defense to this type of sexual conduct, align Utah’s legal standard with most other states, enhance the professionalism and safety of the Utah prison system, and reduce the risk of the state being sued for the inappropriate conduct of a state employee. The proposed bill is supported by the Department of Corrections, the Statewide Association of Prosecutors, and the Anomalies Subcommittee of the Sentencing Commission.

Committee Action

The committee considered this issue at its May and October 2000 meetings and recommended legislation titled “Prohibition of Intimacy With Person in Custody.”

Utah Correctional Industries Business Park

Background

In the 2000 General Session, S.B. 183, “Correctional Industries Business Park,” was introduced but did not pass. The bill sought to establish a correctional industries business park at the state prison on existing state land which is located within the Draper City limits. This issue was then sent to the Law Enforcement and Criminal Justice Interim Committee as a potential study item and was selected as one of the five issues to be studied during the interim. The central issue is the balance of control between state and local governments over land use. The committee heard testimony and recommendations from Utah Correctional Industries, the Division of Facilities and Construction Management within the Department of Administrative Services, Draper City, and the Utah League of Cities and Towns, but no consensus was reached.

Committee Action

The committee considered this issue at its August and November 2000 meetings but did not recommend legislation.

Other Studies

Fee for Warrant Service

The committee studied the issue of whether a new fee for warrant service should be assessed. After receiving information regarding the recommendations of two previous attempts of task forces staffed by the Commission on Criminal and Juvenile Justice (CCJJ) which were designed to study and recommend changes to improve the statewide warrant system, official representatives of state and local law enforcement agencies, the courts, and CCJJ agreed that assessing a new fee would not improve the statewide warrant system. Instead, the representatives of the various agencies concluded that the most cost-effective solution would be increased communication and coordination among the interested parties that work within the statewide warrant system. The committee agreed with the recommendation that the progress of the increased communication and coordination be monitored and evaluated under the existing Utah Crime Reduction Plan Committee within CCJJ. The committee considered this issue at its June and November 2000 meetings but did not recommend legislation.

Lifetime Sex Offender Registration

In order for the Commission on Criminal and Juvenile Justice to continue receiving certain federal grant money, the state must require the lifetime registration of a previously registered sex offender who commits a subsequent serious sexual offense. The commission encouraged changing the statute not simply because the state would otherwise lose funding, but because the change would reflect good public policy. The committee considered this issue at its October 2000 meeting and recommended legislation titled "Sex Offender Registration Amendments."

LEGISLATIVE PROCESS COMMITTEE

Membership

Sen. Leonard M. Blackham, Senate Chair
Rep. Melvin R. Brown, House Chair (resigned 09/01/00)

Sen. D. Edgar Allen
Sen. Terry Spencer

Rep. Patrice M. Arent
Rep. Brent H. Goodfellow

Rep. Evan L. Olsen
Rep. Raymond W. Short

Staff

Mr. Stewart E. Smith, Managing Research Analyst
Mr. John L. Fellows, Associate General Counsel
Ms. Glenda S. Whitney, Legislative Secretary

Index

Studies and recommendations for action in the 2001 General Session:

	Page
In-depth Budget Review.	81
Individual Appropriation Bills.	81
Legislative Review Notes.	82
Long Title Bill Summary.	83
Media Guide.	83
Other Studies	
Broadcasting Session Proceedings.	84
Duplication of Study Topics.	84
Sunset Review Process.	84

Committee Overview

The Legislative Process Committee was created in 1991 and given responsibility for reviewing all legislative procedures, including: 1) preparing the budget; 2) requesting, preparing, pre-filing, and prioritizing legislation; 3) examining the role of standing and interim committees; 4) improving the rules governing floor actions; and 5) recommending alternative measures to meet the constitutional requirements for Utah's legislative process. Recommendations for change to the legislative process are made to the Legislative Management Committee.

The eight member Legislative Process Committee is increased by four members from the community at large when the committee conducts its annual in-depth budget review of a state government agency. The Legislative Process Committee can make recommendations for reductions or additions to the budget of that agency and present its findings to the appropriate appropriations subcommittee. The agency to be studied in this annual in-depth budget review is generally referred to the Legislative Process Committee by the Joint Executive Appropriations Committee from a list provided by the Legislative Auditor General.

In-depth Budget Review

Background

The Legislative Process Committee membership is expanded each year to include four citizen members who assist in making recommendations relating to the in-depth budget review required in statute. The committee requested that a pilot performance-based budget be conducted on the Division of Wildlife Resources to meet the statutory requirement for this annual review. The committee also discussed whether statutes and rules should be modified to refer the responsibility for this annual in-depth budget review to the Joint Executive Appropriations Committee for referral to an appropriate appropriation subcommittee.

Committee Action

The committee considered bills that would remove the responsibility of the annual in-depth budget review from the Legislative Process Committee and give it to the Joint Executive Appropriations Committee for assignment to an appropriations subcommittee. The committee also recommended to the Legislative Management Committee that: 1) the budget of the Division of Wildlife Resources be presented at the 2001 General Session in a performance-based budget format; 2) the Natural Resources Appropriations Subcommittee meet as necessary in the interim to help set the needed standards and goals and to receive updated information; 3) the Natural Resources Appropriations Subcommittee meet before the 2001 General Session to be introduced to the new performance-based budget format; and 4) the legislature refer to this type of budget as “performance-informed budget” rather than “performance-based budget.” The committee considered this issue at its October 2000 meeting and recommended legislation titled “Joint Rules Resolution – In-depth Budget Review Selection” and “Legislative Process Committee – Duties and Responsibilities.”

Individual Appropriation Bills

Background

The Legislative Process Committee requested to do further work and provide refinement on the issue of mini-appropriation bills and the committee’s legislation S.J.R. 1, “Joint Rules Resolution – Mini Appropriations Process,” which passed both the House and Senate during the 2000 General Session, but ultimately failed to pass because the Senate did not concur with a House amendment. During the 1999 interim, the Legislative Process Committee reviewed the 42 numbered mini-appropriation bills. The current process for mini-appropriation bills is the same as for any other bill

with a fiscal note over \$10,000. As provided in Joint Rule 19.03, the bill, after a committee hearing, is held in the opposite house of origin pending prioritization on the 33rd day of the session. The amount allocated in the 1999 General Session for fiscal notes was approximately \$3 million for each house. The fiscal impact of the bills which passed one house and were held pending prioritization was \$87,654,665.

Committee Action

Legislation that was introduced in the 2000 General Session was revised by the committee. The committee considered this issue at its May and June 2000 meetings and recommended legislation titled “Joint Rules Resolution – Mini Appropriations Process.”

Legislative Review Notes

Background

Utah is the only state of the 13 who responded to the committee’s survey that prints a constitutional note on a bill. The other states indicated that constitutional notes are discussed with the sponsor and then placed in the bill file or attached to the official version of the bill.

Since 1996, the highest number of constitutional notes completed in one year that indicated a potential constitutional concern was 22. Ironically, of the bills which carried a constitutional warning in the 2000 General Session, 59% passed compared to 52% for bills that did not have a constitutional note.

Some committee members considered it advantageous to have as much information as possible regarding the constitutionality of a bill, so that all legislators would have access to the same information without having to individually request it. Others pointed out that varying attorney opinions could unfairly prejudice a bill, especially if the opinion is printed on legislation that ends up in litigation. Also the note may be used against the legislature by putting the legislature’s staff in the unwanted position of potentially receiving a subpoena to testify against the bill. Another concern the committee had was that an amended constitutional note is seldom requested when a bill is amended.

Committee Action

The committee considered this issue at its June and August 2000 meetings and recommended legislation titled “Joint Rules Resolution – Printing Legislative Review Note.” This resolution would remove the requirement of printing a constitutional note on a bill.

Long Title Bill Summary

Background

A “bill summary” may be referred to differently in other states as a long title, analysis, synopsis, digest, explanatory note, brief explanation, short abstract, or statement of purpose. In Utah, a bill summary is referred to as a “long title.” Joint Rule 4.08 states, “Every bill shall have . . . a long title, which is a clear but brief general description of the subject matter in the bill.” States use a great variety of bill summaries, and the size of legislative staff and the length of the legislative session in each state seem to be factors in how much staff time is dedicated to preparing bill summaries. Utah’s legislative staff ranks 41st in size among the 50 states, while Utah’s population ranks 34th. A bill summary’s accuracy comes into question any time a bill is amended. One of the concerns of the committee is to keep the bill summary as brief and accurate as possible, while still giving a clear general description of the subject matter of the bill, thus maintaining the focus on the bill. The summary is not designed to be used to argue the merits of the legislation.

Committee Action

The committee made the following recommendations for change to the long title summary: 1) provide a general description in narrative form using complete sentences with normal capitalization; 2) delete the phrase “An act relating to . . .”; and 3) specify the exact effective date and appropriation amount rather than simply indicating the existence of either. The committee considered this issue at its June and July 2000 meetings and supported the implementation which requires no legislation.

Media Guide

Background

The committee considered issues relating to the access of media representatives to the House and Senate floors and concluded that a media guide would benefit both the legislature and the media. The guide would assist in educating the media on the rules and procedures affecting them, as well as facilitate an understanding among legislators, sergeants-at-arms, and other staff, thereby assisting the presiding officers in maintaining decorum. The committee considered providing a media orientation session but instead supported the idea of providing a printed brochure.

Committee Action

The committee considered this issue at its August, October, and November 2000 meetings and prepared a draft media guide for the Legislative Management Committee but did not recommend legislation.

Other Studies

Broadcasting Session Proceedings

The committee discussed cost, feasibility, and other issues relating to broadcasting session proceedings using the Intranet/Internet. The committee reviewed the practices in other states regarding broadcasting live session proceedings and discussed the sensitivity of microphones to pick up private conversations. The committee discussed this issue at its July 2000 meeting but did not recommend legislation.

Duplication of Study Topics

The committee concluded that the issue of study duplication during the interim is not a significant problem. The Legislative Management Committee intentionally assigns the same study item to different committees to get alternative perspectives on an issue. The committee applauded the role of the Management Committee in managing duplication of studies and recommended that the Legislative Fiscal Analyst work with the Director of the Office of Legislative Research and General Counsel in providing information and recommendations to the Legislative Management Committee on potentially duplicated studies at its first meeting of each interim. The committee discussed this issue at its May 2000 meeting but did not recommend legislation.

Sunset Review Process

The committee studied the sunset review process in Utah and the changes in that process since its establishment in 1977. The committee also reviewed how other states deal with periodic reviews of government programs and agencies. The committee discussed this issue at its July and August 2000 meetings but did not recommend legislation.

NATURAL RESOURCES, AGRICULTURE, AND ENVIRONMENT INTERIM COMMITTEE

Membership

Sen. Howard C. Nielson, Senate Chair
Rep. Bradley T. Johnson, House Chair

Sen. Leonard M. Blackham	Rep. Mary Carlson	Rep. Evan L. Olsen
Sen. Beverly A. Evans	Rep. David M. Cox	Rep. Morgan Philpot
Sen. Joseph L. Hull	Rep. Fred J. Fife, III	Rep. Jordan Tanner
Sen. Millie M. Peterson	Rep. James R. Gowans	Rep. Matt Throckmorton
Rep. Eli H. Anderson	Rep. Tom Hatch	Rep. Bill Wright
Rep. Craig W. Buttars	Rep. Keele Johnson	

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Ms. Joy L. Miller, Legislative Secretary

Index

Studies and recommendations for action in the 2001 General Session:

	Page
Certification and Training of Underground Wastewater Disposal System Installers.	87
Disposal of Low-level Radioactive Waste.	87
Sensitive Species and Critical Habitat.	88
Commission	
State Water Development Commission.	89
Other Studies	
Arsenic Standard for Drinking Water.	90
Cultural Resource Protection on Trust Lands.	91
Replacement of Water Affected by Mining.	91
Source Protection.	91
Transfer of Development Rights.	91

Committee Overview

The work of the committee extends over a wide variety of topics. Under the broad subject of natural resources, the committee deals with water rights, water development, wildlife, mining, forestry, parks, and recreation. Within the field of agriculture, the committee is concerned with promoting agricultural production, preventing disease among domesticated animals, and insuring a wholesome food supply. Environmental issues under the purview of the committee include air quality, water quality, solid and hazardous waste disposal, and radioactive waste.

Much of the committee's efforts involve coping with rapid growth and urbanization of the state's population. A top priority has been to assure that the state has ample water supplies. Maintaining and improving the quality of the state's water is as critical as developing adequate water supplies.

Wildlife is another natural resource affected by growth. Land development has diminished wildlife habitat and increased competition for the use of the remaining habitat. Wildlife interests and agricultural interests are frequently in the position of vying for use of the same land. Accommodating these competing interests, as well as addressing the increased demand for recreational opportunities created by the state's growing population, present significant challenges to the committee.

The committee oversees three state departments: the Department of Natural Resources, the Department of Agriculture and Food, and the Department of Environmental Quality.

Certification and Training of Underground Wastewater Disposal System Installers

Background

In areas of the state that are not served by centralized sewer systems, homes and other buildings have individual underground wastewater disposal systems, such as septic systems. Each year 3,000 to 5,000 new septic systems are installed within the state. Improperly installed or sited septic systems can pose a threat to human health.

Committee Action

Representatives of the Division of Water Quality and local health departments made a presentation on the hazards of improperly installed or sited septic systems. Impervious soils or high groundwater may prevent wastewater from draining properly, resulting in contamination of underground aquifers or pooling of wastewater on the surface of the ground. Officials have observed drain fields situated adjacent to water wells.

The state has received some federal funds to create training programs on the design and installation of underground wastewater disposal systems. However, additional funds are needed to provide training in the different regions of the state and to expand training to include alternative wastewater disposable systems. Alternative systems are used where traditional septic systems do not work.

The committee considered this issue at its May, October, and November 2000 meetings and recommended legislation titled “ Certification and Training for Underground Wastewater Disposal System Installers.”

Disposal of Low-level Radioactive Waste

Background

On November 1, 1999, Envirocare of Utah, Inc., submitted a license amendment request to the Department of Environmental Quality to dispose of class B and C low-level radioactive waste. Unlike class A low-level radioactive waste, which Envirocare currently receives, class B and C waste must be containerized and remotely handled. Class B and C low-level radioactive waste are generated primarily by nuclear power plants and include all parts of a power plant except the spent fuel rods, which are classified as high-level radioactive waste.

To dispose of class B and C low-level radioactive waste, Envirocare needs the approval of the Department of Environmental Quality's Radiation Control Board, the governor, the legislature, and the local planning and zoning agency. Envirocare is expected to seek the legislature's approval in the 2001 General Session.

Committee Action

The director of the Division of Radiation Control briefed the committee on his site visits to low-level radioactive waste disposal facilities in Barnwell, South Carolina and Richland, Washington. The regulatory programs for those facilities include: 1) a closure fund; 2) a perpetual care fund; 3) an annual licensing fee; and 4) the permitting of waste generators. The two states also impose a tax on the waste. The committee considered this issue at its May and July 2000 meetings but did not recommend legislation.

Sensitive Species and Critical Habitat

Background

The Division of Wildlife Resources is responsible for the propagation, protection, and management of all wildlife species in the state. In accordance with those responsibilities, the division identifies sensitive species, which are species that may be federally listed as threatened or endangered if measures are not taken to protect them. The agency also identifies critical habitat for big game and other wildlife species. The designation of sensitive species and critical habitat has no consequence for land owners or users under Utah law. If sensitive species occupy or critical habitat exists on a person's land, Utah law does not place restrictions on the use of the land. However, if sensitive species or critical habitat are on federal land, federal land managers may impose land use restrictions.

The Bureau of Land Management (BLM) is required by rule to prevent species from becoming listed as threatened or endangered, and it relies on the state's sensitive species list in identifying species requiring special protection. Users of BLM land, such as oil and gas developers, are required to take measures to prevent interference with sensitive species. Similarly, the BLM is cognizant of critical habitat in its land use planning and management.

Committee Action

Representatives of the oil and gas industry and the Division of Wildlife Resources made a series of progress reports on new rules regarding sensitive species and critical habitat. The industry and the division have agreed conceptually to a process that will be set forth in rules for the designation of sensitive species. The process will give the public several opportunities to provide information and

comment on proposed listings. The Wildlife Board will make rules listing sensitive species. A process for the designation of critical habitat will require further development. Some flexibility and discretion can be used in the designation of critical habitat; therefore, the Wildlife Board will not list critical habitat in rules. The committee considered this issue at its August and October 2000 meetings but did not recommend legislation.

State Water Development Commission

Membership

Sen. Leonard M. Blackham, Senate Chair

Rep. Evan L. Olsen, House Chair

Sen. Mike Dmitrich

Sen. Joseph L. Hull

Sen. Peter C. Knudson

Rep. James R. Gowans

Rep. Wayne A. Harper

Rep. Dennis H. Iverson

Rep. Bradley T. Johnson

Rep. Brad King

Mr. Larry Andher

Mr. Tom Christensen

Mr. Don Christiansen

Ms. Kathleen Clarke

Mr. Ivan Flint

Mr. Chris Fullmer

Ms. Natalie Gochnour

Mr. Irvin Haws

Mr. Dallin Jensen

Mr. Darrell H. Mensel

Ms. Dianne Nielson

Mr. Cary Peterson

Mr. Dale Pierson

Mr. Paul Riley

Mr. Ron Thompson

Mr. Thorpe Waddingham

Staff

Ms. Constance C. Steffen, Research Analyst

Ms. Jeanenne B. Larson, Associate General Counsel

Ms. Joy L. Miller, Legislative Secretary

Background

The State Water Development Commission was created to determine the state's role in the development and management of its water resources. The commission may study any water issue of statewide significance. Two important issues studied in 2000 were: 1) partial forfeiture of water rights; and 2) the role of water corporations in the filing of change applications by shareholders.

Under Utah law, if a water right holder fails to use the water for a period of five years, and within that period does not apply for an extension of time to use the water, the water right is forfeited

and reverts back to the public. If the water right holder uses part of the right, there is some question as to whether the partial use preserves the entire water right or the unused portion is forfeited.

Until the early 1990s, the state engineer routinely considered applications filed by water share owners to change the purpose of use, place of use, or point of diversion of the water represented by their water shares. The East Jordan Canal Company filed suit against the state engineer, arguing that the state engineer may not consider a change application filed by one of the company's shareholders, because it is the company, not the shareholder, that owns the water rights. The Utah Supreme Court agreed with the East Jordan Canal Company, and since the court's decision, the state engineer has refused to consider a change application filed by a shareholder without the consent of the water corporation.

Committee Action

The commission received testimony on whether the partial forfeiture of water is the policy of the state, and if it is not, should it be. The state engineer stated that for several decades water rights have been partially forfeited in the course of general water adjudications. The Utah Farm Bureau argued that there should be no partial forfeitures until some future date. The commission considered this issue at its October 2000 meeting and decided the issue is too complex to be quickly resolved and suggested that it be studied further during the 2001 interim.

On the matter of change applications filed by water shareholders, both shareholders and the water corporations outlined their interests to the commission. Shareholders have been thwarted in selling their water shares to developers or cities for municipal and industrial use, which has much greater value than agricultural use-the water's existing use. The water corporations argued that if too much water is transferred out of the area, the viability of the corporation could be threatened. The commission considered this issue at its October 2000 meeting and decided that this issue also warrants further study during the 2001 interim.

Other Studies

Arsenic Standard for Drinking Water

Congress has directed the Environmental Protection Agency (EPA) to set a new standard for arsenic in drinking water. The standard proposed by the EPA is lower than existing arsenic levels of some water supplies in Utah, and the treatment costs may be prohibitive. The committee directed staff to write a letter to the state's congressional delegation and the EPA requesting further study by EPA of an appropriate arsenic standard. The committee considered this issue at its April, July, and August 2000 meetings.

Cultural Resource Protection on Trust Lands

Before a project is undertaken on school trust lands, the state historic preservation officer is given an opportunity to comment on whether cultural resources, such as archeological or historical artifacts, may be impacted by the project. If cultural resources are present, steps are taken to protect those resources. The committee asked the School and Institutional Trust Lands Administration (SITLA) to consider whether the cultural resource requirements imposed by law should be changed. SITLA declined to make any recommendations. The committee considered this issue at its May and October 2000 meetings but did not recommend legislation.

Replacement of Water Affected by Mining

In 1997, the legislature enacted a bill requiring a coal mine permittee to replace any state-appropriated water in existence prior to the permit application that has been affected by contamination, diminution, or interruption resulting from underground coal mining operations. An Emery County water corporation has sued the Board of Oil, Gas and Mining over rules enacted to implement the law. The Division of Oil, Gas and Mining brokered a settlement with the water corporation, but the board refused to adopt the settlement. In frustration, the water corporation appealed to the committee for help. The committee chair wrote a letter to the Board of Oil, Gas and Mining requesting the board to expedite new rulemaking on the matter. The committee considered this issue at its October 2000 meeting but did not recommend legislation.

Source Protection

In response to changes in federal law, the Drinking Water Board enacted rules requiring public water suppliers to create and implement a plan to protect surface water sources. Public water suppliers are directed to identify potential sources of pollution nearby streams, lakes, and reservoirs that are the source of their water supply. The public water suppliers have limited powers, however, to stop pollution of their sources. Water districts and private water companies have no authority under Utah law to regulate activities in watersheds affecting their water supplies, and municipalities only have regulatory authority within their municipal boundaries. The committee considered this issue at its November 2000 meeting and recognized the need for further study of the issue during the 2001 interim.

Transfer of Development Rights

Transfer of development rights programs allow landowners to transfer the right to develop one parcel of land to a different parcel of land. The programs are generally established through local zoning ordinances and are used to shift development from agricultural lands or other open spaces to areas planned for growth. An attorney specializing in land use law proposed that legislation be created to facilitate the transfer of development rights. The legislation would: 1) at the request of a landowner, require the local government to certify the development rights on the land; and 2) require counties to develop a recording system to track development rights. The committee considered this issue at its July 2000 meeting but did not recommend legislation.

OLYMPIC COORDINATION COMMITTEE

Membership

Sen. L. Alma “Al” Mansell, Senate Chair
Rep. David Ure, House Chair

Sen. Beverly Evans
Sen. Karen Hale
Sen. Paula Julander

Sen. John L. Valentine
Rep. Duane Bourdeaux
Rep. Perry L. Buckner
Rep. David L. Gladwell

Rep. Neal B. Hendrickson
Rep. Jordan Tanner
Rep. A. Lamont Tyler

Staff

Mr. Brian Allred, Research Analyst
Mr. Robert H. Rees, Associate General Counsel
Ms. Jennifer Markham, Legislative Secretary

Background

The Olympic Coordination Committee may review and make recommendations on any issue that relates to the state’s involvement in hosting the Olympics, the state’s role as a creditor and a secured party in relationship to the Olympics, the impact on the state after the Olympics have concluded, or any other Olympic-related issue.

Committee Action

The committee heard a report from the Salt Lake Olympic Organizing Committee (SLOC) on the status of SLOC’s revenue and expense projections. The Soldier Hollow Legacy Foundation reported on the development, maintenance, and post-Olympic operation of the cross-country and biathlon venue at Wasatch Mountain State Park. The Department of Community and Economic Development (DCED) reported on the use of appropriations intended to take advantage of Olympic related economic development opportunities. The Department of Health, Department of Transportation, Olympic Public Safety Command (UOPSC), and DCED reported on lessons learned from visits to the 2000 Olympic Summer Games in Sydney, Australia. UOPSC also reported on the status of its budget and planning process in preparing security for the 2002 Olympic Winter Games. The State Olympic Officer reported on state budgetary impacts from the games and the Governor’s Office of Planning and Budget reported on the economic, demographic, and fiscal impacts of the games. SLOC reported on the revenue sources it intends to use to fully fund all obligations it owes to

the state. The committee considered these issues in its August, October, and November 2000 meetings but did not recommend legislation.

POLITICAL SUBDIVISIONS INTERIM COMMITTEE

Membership

Sen. R. Mont Evans, Senate Chair
Rep. Joseph G. Murray, House Chair

Sen. Scott N. Howell	Rep. Loretta Baca	Rep. David L. Gladwell
Sen. L. Alma "Al" Mansell	Rep. DeMar "Bud" Bowman	Rep. Raymond W. Short
Sen. Pete Suazo	Rep. Craig W. Buttars	Rep. Richard M. Siddoway
Sen. Michael G. Waddoups	Rep. Greg J. Curtis	Rep. Glenn L. Way
Rep. Eli H. Anderson	Rep. Marda Dillree	

Staff

Mr. Joseph Wade, Research Analyst
Mr. Robert H. Rees, Associate General Counsel
Ms. Joy Miller, Legislative Secretary

Index

Studies and recommendations for action in the 2001 General Session:

	Page
Classification of Municipalities.....	97
Redevelopment Agencies Statutes Recodification.	97
The '911' Emergency System.....	98
Subcommittee	
Special Districts Subcommittee.....	98
Other Studies	
Consolidation of Fire Services.....	99
County Statutes Recodification.	99
Development of the Jordan River Corridor.	100
Eminent Domain and the Private Property Ombudsman.....	100
Eminent Domain for Public Transit Districts.	100
Municipal Incorporations and Annexations in First Class Counties.....	100
Process for Municipal Annexations.....	101
Quality Growth Commission.	101
Special Service Districts in Wasatch County.....	101
Transfer of Development Rights.	101

Committee Overview

Prior to 1997, the State and Local Affairs Interim Committee considered issues relating to both state and local government affairs. In 1997, the legislature split the committee into two committees: the Government Operations Interim Committee and the Political Subdivisions Interim Committee. The Government Operations Interim Committee deals with state-related issues, while the Political Subdivisions Interim Committee deals with local government-related issues.

The Political Subdivisions Interim Committee has primary jurisdiction over political subdivisions of the state which include: cities, counties, dependent and independent special districts, and entities created by interlocal agreements. Although school districts are technically political subdivisions of the state, the Education Interim Committee has primary jurisdiction over school districts. The Political Subdivisions Interim Committee has statutory responsibility for: Title 10, Cities and Towns; Title 11, Cities, Counties, and Local Taxing Units; Title 17, Counties; Title 17A, Special Districts; and Title 17B, Limited Purpose Local Government Entities.

Classification of Municipalities

Background

The *Utah Constitution* requires the classification of municipalities based on population. Statute delineates the population ranges for each classification. First class cities have a population of 100,000 or more; second class cities have a population of 60,000 through 99,999; and third class cities have a population of 800 through 59,999. Towns have a population of less than 800. Under the current population ranges, approximately 121 of the 236 municipalities fall into the third class city classification. Current statute provides for different default forms of government based on classification; and the powers, duties, and requirements of a municipality are dependent upon its classification.

Committee Action

Policy questions the committee considered include: Do the current statutory population ranges for municipal classifications group municipalities together that have similar needs? Should additional classes be established to include the smaller third class cities? Are the default forms of government suitable for each class? Are the powers and duties for each of the classes appropriate?

The committee reviewed draft legislation titled "Cities and Towns – Classification, Duties, and Related Issues." The legislation would create new fourth and fifth classes, adjust population ranges, modify forms of government, and modify powers and duties for each of the classifications. The committee considered this issue at its April, June, August, October, and November 2000 meetings but did not recommend legislation.

Redevelopment Agencies Statutes Recodification

Background

Redevelopment agencies are created to undertake or promote redevelopment, economic development, or educational housing development. Proponents assert that the current statutes need updating and recodifying.

Committee Action

The committee considered legislation that would modify special districts provisions by repealing, reenacting, and rewriting statutory provisions relating to redevelopment agencies. The committee considered this issue at its April, August, October, and November 2000 committee meetings

and recommended legislation titled "Recodification and Amendment of Redevelopment Agencies Statutes."

The '911' Emergency System

Background

In December 1999, the Legislative Auditor General released an audit on the '911' emergency system in Utah. The audit recommended creating a state office that could assist in planning for the statewide '911' emergency system; provide technical assistance and coordination to the 35 Public Safety Answering Points in Utah; and centralize the collection of the '911' fee on a statewide basis under the State Tax Commission. The audit also recommended that the legislature review issues relating to '911' fees collected, such as specifying appropriate levels and uses of '911' funds.

Committee Action

The Legislative Auditor General presented the audit to the committee, and the interested parties presented their concerns. Legislation implementing some of the audit recommendations is expected to be introduced in the 2001 General Session. The committee considered this issue at its April, May, October, and November 2000 meetings.

Special Districts Subcommittee

Membership

Sen. R. Mont Evans, Co-chair
Rep. Joseph G. Murray, Co-chair

Sen. Scott N. Howell
Rep. Eli H. Anderson

Rep. Loretta Baca

Rep. Marda Dillree
Rep. David L. Gladwell

Staff

Mr. Joseph Wade, Research Analyst
Mr. Robert H. Rees, Associate General Counsel
Ms. Joy Miller, Legislative Secretary

Background

In 1990, at the recommendation of a two-year legislative study committee on special districts, relevant statutory provisions which were scattered throughout the code were moved into a new Title 17A, Special Districts; however, the provisions were not modified. Currently there are 26 different types of special districts (15 independent and 11 dependent) contained in approximately 810 sections of the code. Special districts receive about 10.6% of property tax revenues, while cities receive about 13%.

In 1997, a Special Districts Subcommittee of the Political Subdivisions Interim Committee developed uniform special district creation procedures as the first step in recodifying the code. The legislature passed this uniform creation process. In 1999, the Special Districts Subcommittee continued its recodification by updating and standardizing statutes relating to the special districts governing bodies, which resulted in the legislature passing S.B. 173, "Special District and Local District Governing Body Issues," in the 2000 General Session.

During the 2000 interim, the Special Districts Subcommittee focused its efforts on standardizing provisions relating to annexation, withdrawal, and dissolution for certain independent special districts. The subcommittee discussed these issues at its August 1, August 22, September 5, October 23, November 14, and November 28, 2000 meetings.

Committee Action

The Political Subdivisions Interim Committee recreated the Special Districts Subcommittee and considered special district issues at its April, May, June, October, and November 2000 meetings and recommended legislation titled "Special District and Local District Amendments."

Other Studies

Consolidation of Fire Services

The committee considered a proposal to create special fire districts in counties with multiple fire jurisdictions in order to consolidate fire services. The committee considered this issue at its May 2000 meeting but did not recommend legislation.

County Statutes Recodification

In the 1999 interim, at the recommendation of the Utah Association of Counties (UAC), the committee recodified parts of Title 17 to clarify legislative and executive duties and powers when a county changes its form of government to one with separated legislative and executive powers. H.B.

130, "County Statutes Recodification," which passed in the 2000 General Session, was phase I of the recodification. This year, the UAC has been discussing phase II of the recodification. The committee discussed this issue at its April, June, August, and November 2000 meetings but did not recommend legislation.

Development of the Jordan River Corridor

In 1999, the committee was briefed on efforts to provide coordinated and unified management of all publicly-owned lands along the Jordan River in Salt Lake and Utah Counties. This year, the committee was updated on the coordination and development of the Jordan River corridor including trails, wild life areas, and sovereign lands. The committee considered this issue at its July 2000 meeting but did not recommend legislation.

Eminent Domain and the Private Property Ombudsman

In 1997, the legislature created a private property ombudsman to provide information and mediate disputes regarding constitutional takings. A constitutional taking is a governmental action that results in a taking of private property so that compensation to the owner of the property is required by the *United States Constitution* or the *Utah Constitution*. The private property ombudsman formed a working group with interested parties on eminent domain reform. The working group reported that they had jointly produced a draft pamphlet titled "Your Rights to Private Property: What to Do When the Government Wants to Acquire Your Land" that could be given to private property owners whose land may need to be acquired for a government purpose. The working group also reported that annual training would be held on eminent domain issues to help improve property acquisition processes for both government and property owners affected. No legislation was recommended by the working group. This issue was also discussed by the Transportation Interim Committee. The committee considered this issue at its April and October 2000 meetings but did not recommend legislation.

Eminent Domain for Public Transit Districts

The Utah Transit Authority (UTA) requested that the legislature consider granting the transit district eminent domain power to allow them to acquire private property for a public transit purpose from owners who are unwilling to sell their property or who demand unreasonable terms for the sale. The committee heard UTA's request, and a draft bill was prepared granting powers of eminent domain to transit districts that serve a multicounty area. This issue was also discussed by the Transportation Interim Committee. The Special Districts Subcommittee considered this issue at its August 22, September 5, and October 23, 2000 meetings. The Political Subdivisions Interim Committee considered this issue at its October and November 2000 meetings but did not recommend legislation.

Municipal Incorporations and Annexations in First Class Counties

S.B. 242, "Annexation of Unincorporated Areas," which passed in the 2000 General Session, stated: "It is the intent of the Legislature that . . . those affected by and interested in these issues [annexations and incorporations] will work together to resolve those issues this year." The committee

was briefed on: 1) the status of discussions; 2) the status of currently proposed municipal incorporations and annexations in Salt Lake County; and 3) the budget projections for Salt Lake County's Municipal Services Fund. The committee considered this at its July 2000 meeting but did not recommend legislation.

Process for Municipal Annexations

A representative of the Quality Growth Commission and the Utah Advisory Council on Intergovernmental Relations presented problems with and suggested improvements to the process for municipal annexation. The committee considered this issue at its July 2000 meeting but did not recommend legislation.

Quality Growth Commission

H.B. 119, "Quality Growth Act of 1999," which passed in the 1999 General Session, created the Quality Growth Commission. The commission is required to advise the legislature on growth management issues. The committee heard the Quality Growth Commission's report on: 1) administration of the LeRay McAllister Land Conservation Fund; 2) allocation of planning grants among local governments; 3) development of its working draft "Utah's Guiding Principles for Quality Growth"; and 4) the commission's accomplishments. The committee considered this issue at its August and November 2000 meetings but did not recommend legislation.

Special Service Districts in Wasatch County

The committee considered a legislative audit of Special Service Districts in Wasatch County. The audit examined allegations concerning special service districts in Wasatch County. The committee considered this issue at its May 2000 meeting but did not recommend legislation.

Transfer of Development Rights

Transfer of development rights programs allow landowners to transfer the right to develop one parcel of land to a different parcel of land. The programs are generally established through local zoning ordinances and are used to shift development from agricultural lands or other open spaces to areas planned for growth. An attorney specializing in land use law proposed that legislation be created to facilitate the transfer of development rights. The legislation would: 1) at the request of a landowner, require the local government to certify the development rights on the land; and 2) require counties to develop a recording system to track development rights. This issue was also discussed by the Natural Resources, Agriculture, and Environment Interim Committee. The committee considered this issue at its July 2000 meeting, but did not recommend legislation.

PUBLIC UTILITIES AND TECHNOLOGY INTERIM COMMITTEE

Membership

Sen. Lorin V. Jones, Senate Chair
Rep. Sheryl L. Allen, House Chair

Sen. Leonard M. Blackham	Rep. Chad E. Bennion	Rep. David M. Jones
Sen. Mike Dmitrich	Rep. David N. Cox	Rep. J. Morgan Philpot
Sen. Joseph L. Hull	Rep. Gary F. Cox	Rep. Gordon E. Snow
Sen. Howard C. Nielson	Rep. Kevin S. Garn	Rep. Martin R. Stephens
Rep. Doug Aagard	Rep. Brent H. Goodfellow	Rep. John E. Swallow
Rep. Ralph Becker	Rep. Tom Hatch	Rep. David Ure

Staff

Mr. Richard C. North, Research Analyst
Ms. Patricia Owen, Associate General Counsel
Ms. Junie G. Anderson, Legislative Secretary

Index

Studies and recommendations for action in the 2001 General Session:

	Page
Digital State Issue: Barriers.	105
Filing Employee Tax Information Electronically.	105
Information Technology Commission Amendments.	106
Public Utility Amendments (H.B. 320).	106
Technology Infrastructure Innovation Program.	107
Unauthorized Charges on Utilities – Cramming.	107
Task Force	
Electrical Deregulation and Customer Choice Task Force.	108

Committee Overview

Since the early 1990s, deregulation of certain public utilities has been studied across the United States to determine whether it would result in lower costs, more choices, and greater efficiencies. As a result of extensive reviews of the regulatory environment, policymakers have established permanent committees at the federal and state levels to provide ongoing monitoring.

In January 1997, the Utah House of Representatives created the Public Utilities and Technology Standing Committee to review legislation on regulated public utilities such as telecommunications and energy. During the following legislative interim study period, the legislature created the Public Utilities and Technology Interim Committee to review issues related to utility deregulation and make recommendations.

Digital State Issue: Barriers

Background

In 1999, the legislature adopted language directing the state to migrate from a paper-based provision of governmental goods and services to a digital state where those same items are provided electronically. The digital barriers issue focuses on identifying and amending those sections of the *Utah Code* that require: certain governmental transactions to be on paper, handwritten signatures, first-class mail, or meetings in person.

Committee Action

Testimony was heard from the Departments of Administrative Services, Environmental Quality, Motor Vehicles, and Natural Resources regarding statutory barriers in using electronic processes for providing governmental goods and services. The Information Technology Commission also considered this issue. The committee considered this issue at its July, August, October, and November 2000 meetings and recommended legislation titled “Electronic Government Services Amendments: Administrative Rules”; “Electronic Government Services Amendments: Drivers License”; “Electronic Government Services: Environmental Quality”; and “Electronic Government Services: Natural Resources.”

Filing Employee Tax Information Electronically

Background

The federal government, via the Internal Revenue Service, requires all large business employers with more than 250 employees to file their tax information electronically for the purposes of efficiency and lowering costs.

Committee Action

The committee heard testimony from the Utah State Tax Commission requesting statutory authority to require that large business employers report their Utah tax information electronically. Following discussion, the commission agreed with the Utah State Tax Commission’s request. The Information Technology Commission also considered this issue. The committee considered this issue at its November 2000 meeting and recommended legislation titled “Filing Employee Tax Information Electronically.”

Information Technology Commission Amendments

Background

The statute governing the selection and removal of commission members was amended in 1997 to allow commission chairs to remove any member who had more than the statutorily specified number of unexcused absences. However, the amendment did not specify which members, governmental or public, could be removed. Because only public members are selected by the commission, the membership statute needed to be amended to specify public members.

Committee Action

The committee heard testimony regarding this issue and concluded that the statute needed to be amended to specify public members. The Information Technology Commission also considered this issue. The committee considered this issue at its November 2000 meeting and recommended legislation titled “Information Technology Commission Amendments.”

Public Utility Amendments (H.B. 320)

Background

H.B. 320, “Public Utility Amendments,” which passed during the 2000 General Session, reorganized the utility regulatory process to increase efficiency and to create a less formal regulatory mechanism. Because of questions raised about substantive issues in the bill, a delayed effective date of July 1, 2001 was included to allow an interim study by the Public Utilities and Technology Interim Committee.

Committee Action

The committee, over the course of several formal and informal working group meetings, heard testimony from anyone wishing to address the unresolved issues in H.B. 320. Those meetings also included testimony from out-of-state experts on the issues and a review of multiple draft bills created from input by concerned parties.

Due to the complexities of the issues in H.B. 320, it was not possible for the committee to reach a final decision. At the last committee meeting in November, the sponsor of H.B. 320 distributed an additional draft of legislation and indicated he would take further input from any concerned party. The

committee considered this issue at its April, May, June, July, August, October, and November 2000 meetings but did not recommend legislation.

Technology Infrastructure Innovation Program

Background

In order to stimulate information technology infrastructure innovation, Utah's chief information officer proposed the creation of a limited, self-sustaining grant fund to provide additional information technology infrastructure funds to those state agencies tendering a successful grant proposal. Any cost savings gained from the transition to providing services digitally would be transferred back to the fund for future use. This fund would also be part of the Information Technology Commission's digital state initiatives.

Committee Action

The committee received its first technology innovation program report which outlined the various proposals that have been funded with grants this year. Because the grant program requires a year or more of time for the funds to become self-sustaining, the chief information officer requested additional funds to support the current program. The committee approved sending a letter to the Governor's Office and the Joint Executive Appropriations Committee indicating the committee's support for additional funding in 2001. The Information Technology Commission also considered this issue. The committee considered this issue at its November 2000 meeting and recommend legislation titled "Utah Technology Infrastructure Innovation Program Amendments."

Unauthorized Charges on Utilities – Cramming

Background

The issue of cramming involves charges unrelated to utility costs that are included on utility bills. Because utility customers were finding charges included on their utility bills that they did not authorize, cramming legislation was adopted in the 2000 General Session, which prohibited the practice.

Following implementation of the legislation, it was discovered that utility companies were not allowing local governments who operate utility-like functions, such as waste landfills, to include their charges on customer bills sent out by the utility companies.

Committee Action

The committee received testimony regarding the problem of including municipal government charges on utility bills and approved legislation amending the process to allow those charges. The committee considered this issue at its November 2000 meeting and recommended legislation titled “Unauthorized Charges on Utilities – Cramming Amendments.”

Electrical Deregulation and Customer Choice Task Force

Membership

Sen. Leonard M. Blackham, Senate Chair
Rep. Tom Hatch, House Chair

Sen. Lorin V. Jones	Sen. Michael G. Waddoups	Rep. Kevin S. Garn
Sen. Eddie "Ed" P. Mayne	Rep. Sheryl L. Allen	Rep. Jack A. Seitz
Sen. Millie M. Peterson	Rep. Ralph Becker	Rep. David Ure
	Rep. Judy Ann Buffmire	

Staff

Mr. Brian Allred, Research Analyst
Ms. Patricia Owen, Associate General Counsel
Ms. Jennifer Markham, Legislative Secretary

Background

The Electrical Deregulation and Customer Choice Task Force was originally created by H.B. 313 in the 1997 General Session. The bill directed the task force to study and make recommendations on issues relating to the replacement of comprehensive regulation of monopoly electric suppliers with retail competition. In addition to creating and directing the task force, H.B. 313 froze PacifiCorp's rates at January 31, 1997 levels until May 4, 1998, and prohibited the Public Service Commission from issuing an order or holding any hearings during the rate freeze period regarding an increase or decrease in PacifiCorp's January 31, 1997 rate levels.

The original task force presented its final report to the legislature in November 1998. The task force concluded that consideration of a comprehensive electrical restructuring plan during the 1999 General Session was premature and that a restructuring plan should be deferred until conditions were appropriate. In the 2000 General Session, the legislature passed S.B. 250, "Electric Deregulation and Customer Choice Task Force Amendments," which reauthorized the task force until November 2002 and required the preparation of "legislation that intends to implement an electrical restructuring plan to be presented to the Legislature for consideration during the 2001 Annual General Session, unless it is not in Utah's best interest."

The electric power system is generally divided into three main parts: generation, transmission, and distribution. Proposals to deregulate are limited primarily to the generation system. Transmission and distribution of electricity continue to be regulated by state and federal governments.

Most residents of the state are served by one of three main types of electric utilities: investor-owned utilities, municipal utilities, and rural electric cooperatives. Customers of electric service can generally be divided into three groups: residential, commercial, and industrial.

Twenty-three states have passed detailed electric restructuring legislation. In one state, the utility commission has issued a regulatory order that restructured their electric industries. The restructuring plans enacted by these states vary greatly. Some states allow competition to begin at a certain date, while others phase in competition over a number of years. Some states explicitly direct how deregulation will occur, while others grant broad authority to state utility commissions to determine how deregulation will occur.

In states that have restructured, litigation has often followed. Suits have been brought by consumer groups, investor-owned utilities, state attorneys general, and others opposing various aspects of restructuring plans. The suits involve multiple issues, the most common being the appropriate method and amount of recovery of stranded costs. Restructuring through federal legislation has been discussed, and several bills have been introduced in Congress that would restructure the electrical industry. In addition, the U.S. President has developed a restructuring plan. The congressional and presidential efforts have generally included a grandfathering or opt-out provision for states.

Committee Action

The task force focused on: monitoring restructuring activities in other states; determining which customers should be given the option to receive power from the open market; protecting customers not given the option to receive power from the open market; deciding what electrical related services should be open to competition; reviewing legislative proposals from interested parties; taxation; regional transmission organizations; stranded costs/benefits; regulation of market participants; aggregation; default provider; market power; development of the wholesale market; generation capacity and load within Utah; and recent developments in the electrical market.

The task force did not recommend legislation in its report to the Public Utilities and Technology Interim Committee. Volatility of market prices, experiences in other states that have adopted

deregulation, and concerns regarding adequacy of generation capacity impacted the debate. The task force intends to continue its study in the 2001 interim. The task force considered these issues at its April, May, June, July, August, October, and November 2000 meetings.

QUASI-GOVERNMENTAL ENTITIES COMMITTEE

Membership

Sen. David H. Steele, Senate Chair
Rep. Ron Bigelow, House Chair

Sen. D. Edgar Allen	Rep. Eli H. Anderson	Rep. Raymond W. Short
Sen. Beverly Evans	Rep. Trisha Beck	Rep. A. Lamont Tyler
Sen. Pete Suazo	Rep. Judy Ann Buffmire	Rep. David Ure
Sen. John L. Valentine	Rep. Kevin S. Garn	Rep. Richard L. Walsh

Staff

Mr. Stewart E. Smith, Managing Research Analyst
Mr. Dee S Larsen, Associate General Counsel
Ms. Glenda S. Whitney, Legislative Secretary

Index

Studies and recommendations for action in the 2001 General Session:

	Page
Review of Quasi-governmental Entities.	113

Committee Overview

The Quasi-governmental Entities Committee was created during the 2000 General Session to expand the scope of the former Retirement Committee to include oversight of other quasi-governmental entities. The membership of the Quasi-governmental Entities Committee is comprised of the members of the Quasi-governmental Entities Standing Committees in the respective houses. The combined membership functions as an appropriations subcommittee and an interim study committee.

The list of quasi-governmental entities in the statute includes the Dairy Commission, Heber Valley Railroad Authority, School and Institutional Trust Lands Administration, Utah Communications Agency Network, Utah Housing Finance Agency, Utah Science Center Authority, Utah State Fair Corporation, Utah State Retirement Office, Utah Technology Finance Corporation, and the Workers' Compensation Fund.

The Quasi-governmental Entities Committee is charged with the responsibility to:

- 1) determine which entities should be treated as quasi-governmental entities;
- 2) determine if consistency in the statutes for quasi-governmental entities would be desirable;
- 3) determine from which provisions of the code, if any, quasi-governmental entities should be exempt;
- 4) determine whether the state should receive services from or provide services to quasi-governmental entities;
- 5) request and hear reports from each quasi-governmental entity;
- 6) review the annual audits of each quasi-governmental entity;
- 7) follow statutory guidelines in reviewing a proposal to create a new quasi-governmental entity;
- 8) recommend the appropriate method of changing the organizational status of any entity;
- 9) meet at least twice during the interim; and
- 10) report annually to the Legislative Management Committee.

Review of Quasi-governmental Entities

Background

Each quasi-governmental entity was invited to make a presentation to the Quasi-governmental Entities Committee and prepare a written response to the following questions:

- 1) What are the functions, duties, and stated public purpose of the quasi-governmental entity?
- 2) Does the quasi-governmental entity need to be part of state government or can the public purpose be met another way?
- 3) From which specific oversight statutes does the entity require exemption and why, e.g., Funds Consolidation Act, Money Management Act, Administrative Services Act, Budgetary Procedures Act, Procurement Code, Personnel Management Act, Administrative Procedures Act, Revenue and Procedures Control Act, Sales and Use Taxes, and special assessments?
- 4) In what state services does the entity participate, e.g., motor pool, fuel dispensing, information technology services, building management, archives, risk management coverage, surplus property, retirement, etc.?

Committee Action

A review of the responses from the quasi-governmental entities to the questions asked by committee members of the Quasi-governmental Entities Committee resulted in an evaluation of the appropriateness of: 1) state funded services; 2) statutory oversight exemptions granted to these entities in their enabling legislation; 3) the private sector providing the service now provided by the quasi-governmental entity; 4) legislation bringing all these entities under the same code title with some uniformity; and 5) legislation ensuring that any future quasi-governmental entities will be created with consistency in accountability and purpose.

The committee heard from each of the quasi-governmental entities and made the following recommendations: 1) prepare legislation to privatize the Utah Technology Finance Corporation; 2) encourage the Utah Science Center Authority to pursue its objectives for a science center location and report again next year; 3) make the Utah Communication Agency Network a state agency or prepare additional state oversight after reviewing its statutory exemption, eliminating its power of eminent domain, limiting its bonding authority and requiring bonding approval, and requiring budget oversight by an appropriation subcommittee; 4) prepare legislation to exempt the Workers' Compensation Fund and the Utah Retirement Systems from the statutory requirements of "Open and Public Meetings" and "Government Records Access and Management Act"; and 5) endorse legislation "Retirement Office Amendments" and "Independent Entities Act."

REVENUE AND TAXATION INTERIM COMMITTEE

Membership

Sen. Howard A. Stephenson, Senate Chair
Rep. Raymond W. Short, House Chair

Sen. Ron Allen	Rep. Loretta Baca	Rep. David M. Jones
Sen. Mike Dmitrich	Rep. Ralph Becker	Rep. Loraine Pace
Sen. Robert F. Montgomery	Rep. Judy A. Buffmire	Rep. Tammy J. Rowan
Sen. L. Steven Poulton	Rep. Margaret Dayton	Rep. Jack A. Seitz
Sen. John L. Valentine	Rep. Kevin S. Garn	Rep. Richard L. Walsh
	Rep. Wayne A. Harper	

Staff

Mr. Bryant R. Howe, Research Analyst
Mr. O. William Asplund, Assistant Director
Ms. Rebecca L. Rockwell, Associate General Counsel
Ms. Sandra Wissa, Legislative Secretary

Index

Studies and recommendations for action in the 2001 General Session:

	Page
Individual Income Tax – Additions to Federal Taxable Income.....	118
Individual Income Tax – Brackets Adjustments.	118
Navajo Nation – Motor and Special Fuel Taxes	119
Sales and Use Tax Exemption for Mining Establishments.	120
Sunset Review of the Residential Energy Systems Tax Credits.	121
Sunset Review of the Steam Coal Tax Credit	121
Commission	
Tax Review Commission.....	122
Other Studies	
Imposition of Fees by Municipalities on Wireless Telecommunication Service	123
Individual Income Tax Deduction for Certain Interest Income	124
Property Tax Exemption for Tangible Personal Property	124
Property Taxes on Secondary Residences	124

Replacing References to the Standard Industrial Classification Manual with References to the North American Industry Classification System.....	125
Resort Community Sales and Use Tax	125
Transient Room Tax Issues.....	125

Committee Overview

The Revenue and Taxation Interim Committee studies a wide range of policy questions and reviews potential legislation affecting the structure and administration of Utah's state and local tax systems. These studies range from establishing new policy to implementing existing policy.

In addition to its regular policymaking emphasis, the committee makes a special effort to focus on its revenue responsibility. The committee regularly receives detailed updates from the State Tax Commission on the collection of taxes and other revenues.

Since 1984, the committee has received significant input from the Tax Review Commission which is an independent study group. This body consists of legislators, tax practitioners, academics, and citizen representatives and has made periodic reports to the committee, usually at the direction of the legislature or the governor.

Individual Income Tax – Additions to Federal Taxable Income

Background

Under current state individual income tax provisions, a taxpayer adds certain amounts to federal taxable income in determining state taxable income. One of these additions is for a lump sum distribution, which in general is a distribution of a taxpayer's entire interest in certain retirement plans. While it is unclear why this provision was originally added to state statutes, a potential reason is that on the federal individual tax return, a taxpayer under certain circumstances may report lump sum distributions after calculating federal taxable income to take advantage of preferential tax rates.

In addition to lump sum distributions, there is another type of income not included in federal taxable income: certain income earned by a child that a parent elects to report on the parent's individual income tax return. Because federal taxable income is the starting point for calculating state taxable income, unless this type of income is added to federal taxable income for state individual income tax purposes, the income would be taxable for federal purposes but not for state purposes.

Committee Action

The committee considered the issue of whether certain income earned by a child should be added to federal taxable income in determining state taxable income. The committee received testimony that the legislature did not intentionally create this preferential tax treatment for this type of income and that it is bad tax policy to allow preferential tax treatment on the basis of how income is reported—in this case exempting from state taxation certain income if it is reported by a parent and taxing that income if a child files a return under the child's name. The committee considered the policy that similar transactions should receive similar tax treatment. The committee was also told that this modification would increase individual income tax revenues from \$50,000 to \$100,000.

The committee considered this issue at its October and November 2000 meetings and recommended legislation titled "Individual Income Tax – Additions to Federal Taxable Income."

Individual Income Tax – Brackets Adjustments

Background

Utah's individual income tax imposes graduated tax rates on state taxable income ranging from 2.55% to 7%. For example, married taxpayers filing a joint return pay a tax of 2.55% on their first

\$1,500 of state taxable income and a 3.5% tax on their next \$1,500 of state taxable income. This rate increases to 7% on state taxable income above \$7,500.

The current state individual income tax brackets were adopted by the legislature in 1973. Since that time, most taxpayer's income is now taxed at the top rate of 7%. Sixty-two percent of all taxpayers and 80% of state taxable income is taxed at the top rate.

Committee Action

The committee considered legislation to index individual income tax brackets to compensate for the effects of inflation or deflation. The possible revenue effects of this change would be a reduction in individual income tax revenue of about \$3.5 million starting next year.

The committee considered this issue at its October and November 2000 meetings and recommended legislation titled "Individual Income Tax – Bracket Adjustments."

Navajo Nation – Motor and Special Fuel Taxes

Background

The Navajo Nation recently imposed a tax on the sale of motor and special fuels. Part of the Navajo Nation lies within Utah. Utah fuel retailers that are located within the Navajo Nation are required to collect both the 24.5 cent per gallon tax imposed by the state and the 18 cent per gallon tax imposed by the Navajo Nation. This could potentially place these retailers at a price disadvantage in competing with other retailers located outside the boundaries of the Navajo Nation.

Committee Action

The committee received testimony from officials from the Navajo Nation, Utah State Tax Commission, and persons who own and operate businesses within the Navajo Nation. The committee was told that the Navajo Nation and the Utah State Tax Commission have entered into an intergovernmental agreement. This agreement provides that fuel tax revenue collected by the Navajo Nation within Utah will be expended within the state. The committee considered this issue at its October and November 2000 meetings and recommended legislation titled "Navajo Nation – Motor and Special Fuel Taxes."

Sales and Use Tax Exemption for Mining Establishments

Background

Utah is home to considerable oil, gas, coal, and mineral production. In 1998, Utah ranked 10th in the nation in the value of nonfuel mineral production and 14th in coal production. However, declining commodity prices have dampened exploration and development of new resources. The value of Utah coal production has declined from \$500 million in 1996 to \$460 million in 1999. The value of base metals has declined from \$960 million in 1996 to \$596 million in 1999. The value of precious mineral production has declined from \$326 million in 1996 to \$152 million in 1999. However, the value of industrial minerals such as sand, gravel, lime, gilsonite, and gypsum has increased from \$433 million in 1996 to \$583 million in 1999.

Committee Action

The committee received testimony that the Utah mining industry has been negatively affected by low worldwide commodity prices. The committee was told that mining in Utah is important and provides high wage jobs with good benefits. It also considered arguments that because the ore bodies are in Utah, there is no place else for mining to occur. However, today's mining companies are national and international operations. Therefore, if conditions are not favorable in one location, production simply shifts to other locations. Companies can now find reserves elsewhere and take the jobs and investment overseas.

The committee also received testimony that the manufacturing sales and use tax exemption has been reviewed by the legislature numerous times and has been found to return in tax dollars more than the exemption costs in lost revenue. The committee considered the issue of whether it is good public policy for the legislature to tax business inputs.

Another issue considered by the committee was the effect of a sales and use tax exemption on local government revenues. Local governments could face a reduction in revenues but still be required to provide services. A possible alternative would be to phase in an exemption over several years. The committee was also told that local governments benefit from strong property tax values in the mining sector.

The committee considered this issue at its October 2000 meeting and recommended legislation titled "Sales and Use Tax Exemption for Mining Establishments."

Sunset Review of Residential Energy Systems Tax Credits

Background

Utah provides an individual income credit and a corporate franchise and income tax credit equal to the cost of 25% of a residential energy system up to \$2,000 per unit. Businesses may claim a credit equal to 10% of a commercial energy system up to \$50,000 per unit. For the 1998 tax year, 66 individual income taxpayers and 2 corporate income taxpayers claimed this credit. The average credit was \$410 per individual income taxpayers and about \$557 for corporate income taxpayers. Under this credit, a residential energy system means any active solar, passive solar, wind, hydro energy, or biomass system used to supply energy for a residential or commercial unit.

Committee Action

The committee received testimony from the Utah Energy Office and residential energy system vendors on the importance of this credit. The committee considered this issue at its June 2000 meeting but did not recommend legislation.

Sunset Review of Steam Coal Tax Credit

Background

The Utah Steam Coal Credit was enacted by the legislature in 1990 and reauthorized in 1992 and 1997. The credit is \$1 per ton of coal that exceeds the number of tons of coal sold by the taxpayer during 1992 to a purchaser outside of the United States. This is a nonrefundable credit with a 15 year carry forward. The credit is allowed against taxes imposed by Title 59, Chapter 7, Corporate Franchise and Income Taxes; and Title 59, Chapter 8, Gross Receipt Taxes on Certain Corporations Not Required to Pay Corporate Franchise or Income Tax, *Utah Code Annotated 1953*.

Committee Action

The committee received testimony from the Utah coal industry on the importance of this credit for coal mined for export. The committee was told that nearly all exported Utah coal is sold to Japan and Taiwan and is used to generate electricity. Utah's competitors in the Asian coal market are producers in Australia, China, and other far east countries. Recent changes in Australian currency has put Utah coal at a price disadvantage. Industry representatives who appeared before the committee emphasized the importance of the credit to be able to sell coal in the Asian market. They also reported that some Utah companies have built a new state-of-the-art coal ship loading facility in Los Angeles.

This new facility will enable Utah coal producers to compete in the Asian market. The Mexican market will be opening soon because of a large power plant that is converting to coal use. Utah coal is at a disadvantage because of inland freight costs, but industry representatives told the committee that this credit helps Utah companies compete in the export market.

The committee also carefully considered whether this credit violates the North American Free Trade Agreement (NAFTA) and the World Trade Organization/General Agreement on Tarriffs and Trade (WTO/GATT). The committee was told that it is not possible to predict with certainty the likelihood or outcome of a challenge under WTO/GATT or NAFTA. The legislation considered by the committee does not make the existing coal tax credit any more or less consistent with WTO/GATT or NAFTA.

The committee considered this issue at its May, July, and August 2000 meetings and recommended legislation titled "Reauthorization of Utah Steam Coal Tax Credit."

Tax Review Commission

Membership

Mr. Gary Cornia, Chair
Mr. James B. Lee, Vice-chair

Sen. Lyle W. Hillyard
Sen. Millie M. Peterson
Rep. Judy Ann Buffmire
Rep. Greg J. Curtis

Mr. Mark Buchi
Ms. Anne Clark
Mr. Robert M. Graham
Comm. Bruce Johnson

Judge Jon Memmott
Ms. Bonnie Miller
Ms. Dorothy P. Owen
Mr. Keith Prescott

Staff

Mr. Bryant Howe, Research Analyst
Mr. O. William Asplund, Assistant Director
Ms. Rebecca L. Rockwell, Associate General Counsel
Ms. Sandra Wissa, Legislative Secretary

Background

The Tax Review Commission (TRC) is a committee established by law to provide an ongoing review of the tax laws of Utah and to recommend changes on specific tax issues and tax policy. This

past year the Tax Review Commission, under an executive order from the Governor, focused its attention on the issue of tax simplification. The emphasis was to be on the sales tax and particularly on remote sales. The charge was to develop a fair and administratively sound method of collecting sales tax on remote sales and using the proceeds to reduce the sales tax on food or other reductions in sales and use tax burdens.

TRC also examined the issue of changes to the income tax brackets and obligations of low-income people who are required to pay a state tax, but are not required to pay a federal tax.

Committee Action

As a result of study done by TRC in 1999, a first attempt to get vendors to collect use tax through voluntary compliance was proposed and S.B. 172, "Sales and Use Tax Modifications," was enacted by the legislature during its 2000 General Session and will become effective on July 1, 2001. The law will allow vendors who will voluntarily collect the use tax to do so at the lowest universal rate in the state. Recognizing that collecting sales tax on remote sales is a national issue, TRC has successfully encouraged Utah's participation in national and regional efforts to arrive at some systemic policies in the sales and use tax area.

The Streamlines Sales Tax Project, under the direction of the National Conference of State Legislators and the National Governor's Association, involves 39 states and is committed to drafting uniform legislation by the end of the year. This uniform sales and use tax law would simplify the sales and use tax system so as to encourage collection and compliance by internet and other remote sales vendors. TRC will meet in early January to consider the appropriateness of this legislation for Utah.

In its study of the income tax, TRC recommended two changes to the system: the indexing of rates and legislation titled "Individual Income Tax – Brackets Adjustments," which were forwarded to the Revenue and Taxation Committee for its consideration. TRC will also be recommending to the governor and the legislature a bill that would eliminate the need for people who are not required to pay a federal tax to also not pay a state tax. The commission considered these issues at its April, May, June, August, September, October, and November 2000 meetings and recommended legislation titled, "Individual Income Tax Relief for Low-Income Individuals."

Other Studies

Imposition of Fees by Municipalities on Wireless Telecommunication Service

Municipalities impose various franchise fees on utility companies. Under state law, total fees and taxes may not exceed 6% of the utility's gross receipts. As more telecommunication services are being provided using wireless technology, municipalities have sought a way to collect franchise fees on

revenues from this service. The committee heard testimony from the telecommunication industry and municipalities regarding this issue. Together, these two groups have developed a model ordinance for municipalities to adopt that desire to impose the franchise fee on wireless services. Representatives of the telecommunication industry strongly urged that a comprehensive study of all taxes imposed on the industry be conducted. They told the committee that the telecommunication industry is overburdened with too many taxes and fees. The committee considered this issue at its June and November 2000 meetings but did not recommend legislation.

Individual Income Tax Deduction for Certain Interest Income

Utah's individual income tax system taxes any interest income that is included in federal taxable income. The committee considered whether a deduction for all or part of a taxpayer's interest income should be allowed. It considered the revenue effects of such a deduction, how the deduction would be administered, and how to define an allowable interest income deduction. The committee considered this issue at its August 2000 meeting but did not recommend legislation.

Property Tax Exemption for Tangible Personal Property

Most personal property in Utah is subject to the property tax. Personal property, such as household furnishings, is generally exempt from the property tax. Business personal property, such as equipment and fixtures, is assessed by county assessors. The imposition of transitory personal property poses unique challenges to county assessors. Under current practice, the only type of transitory personal property used by businesses on which the property tax is collected is equipment used in road construction and in oil, gas, and mineral production and exploration.

This issue developed when a county assessor attempted to ascertain the value and impose the property tax on the equipment of an out-of-state film making company that was operating in his county for an extended time. The company objected to the imposition of the tax and asked state film promotion officials for assistance. Others expressed concern that film and television production equipment brought to the state for the 2002 Olympic Winter Games would also be subject to the property tax. The committee considered this issue at its April 2000 meeting but did not recommend legislation.

Property Taxes on Secondary Residences

The *Utah Constitution* requires that all property in the state is taxed at a uniform and equal rate in proportion to its value. However, the constitution allows the legislature to exempt from taxation up to 45% of the value of a residence. The constitution also allows the legislature to define "residence." Under current law, only a taxpayer's "primary" residence is granted this exemption. A secondary residence, such as a vacation home or cabin, is taxed at its full market value. The legislature has considered, but never enacted, legislation that would grant a partial reduction in the taxable value of a secondary residence on which the property tax is imposed. The committee considered this issue at its April and May 2000 meetings but did not recommend legislation.

Replacing References to the Standard Industrial Classification Manual with References to the North American Industry Classification System

Utah statutes and administrative rules currently contain references to the Standard Industrial Classification Manual (SIC Manual), including references used to determine eligibility for certain sales and use tax exemptions. In 1997, the federal Office of Management and Budget, within the Executive Office of the President developed the North American Industry Classification System (NAICS) to replace the SIC Manual. The committee considered whether to replace SIC Manual references in Utah statutes with references to NAICS and approved a motion to request the Tax Review Commission to study potential impacts of making such replacements. The committee considered this issue at its July 2000 meeting but did not recommend legislation.

Resort Community Sales and Use Tax

Utah sales tax law allows a “resort community” to impose a 1% additional local option sales and use tax. A resort community is a municipality whose transient room capacity is equal to or greater than 66% of its permanent population.

The committee considered two issues related to this tax: (1) how should “transient room capacity” be defined; and (2) should there be a regular review to monitor a municipality’s eligibility to impose this tax. Several options were discussed on how to resolve these issues. The committee considered this issue at its June and November 2000 meetings but did not recommend legislation.

Transient Room Tax Issues

Utah’s sales and use tax statutes provide that under certain circumstances a county, city, or town may impose a transient room tax on occupancies of certain public accommodations and services, such as hotel or motel occupancies, if the occupancy is for a time period of less than 30 consecutive days. The committee discussed a recent Utah Supreme Court case interpreting Utah’s transient room tax statutes. In addition, the committee considered issues relating to these statutes, including: (1) the impact of the 2002 Olympic Winter Games on transient room tax revenues; (2) an audit conducted by the Office of the Legislative Auditor General; and (3) the impact on transient room tax revenues of purchases of public accommodations and services by hotel brokers, including Internet hotel brokers or block purchases by companies such as airlines or trucking operations. The committee considered this issue at its August 2000 meeting but did not recommend legislation.

TRANSPORTATION INTERIM COMMITTEE

Membership

Sen. Peter C. Knudson, Senate Chair
Rep. Marda Dillree, House Chair

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Sen. R. Mont Evans
Sen. Karen Hale
Sen. Eddie "Ed" P. Mayne
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Index

Studies and recommendations for action in the 2001 General Session:

	Page
Construction Bid Limits.....	130
I-15 Reconstruction and Highway Funding.....	130
Traffic Management Committee.....	132
Vehicle Impound and Release Issues.....	132
Task Force	
Decriminalization of Traffic Offenses Task Force.....	133
Other Studies	
Air Quality Conformity.....	135
Annual State Highway System Changes.....	136
Bicycle Laws.....	136
Commuter Rail and Light Rail Update.....	137
Eminent Domain and Public Rights-of-Way.....	137
Eminent Domain for Public Transit Districts.....	138
Public-use Airport Funding.....	138

Committee Overview

The Transportation Interim Committee has responsibility for issues relating to the safe and efficient movement of people and property within the state. The committee has oversight responsibility for the Utah Department of Transportation (UDOT), the Driver License Division of the Department of Public Safety, and the Motor Vehicle and Motor Vehicle Enforcement Divisions of the Tax Commission. In addition, the committee hears periodic reports by the Utah Transit Authority (UTA) relating to mass transit issues.

UDOT provides transportation-related services in the form of construction and maintenance of state highways. The department also regulates motor carriers for safety, size, and weight compliance. The Utah Constitution requires that the proceeds of any tax or fee related to the operation of a motor vehicle on a highway, excluding collection costs and driver education administration, be used for highway purposes (see Article XIII, Section 13, *Utah Constitution*). Highway user-related taxes and fees are deposited in the Transportation Fund. Motor fuel and special fuel tax make up approximately 85% of the revenue of the Transportation Fund. A maximum of \$10.6 million may be appropriated from the fund to other agencies for tax collection costs and law enforcement (see Section 72-2-103, *Utah Code Annotated 1953*). Of the amount remaining in the Transportation Fund, 25% is appropriated to counties and municipalities for local roads, using a formula based on weighted road mileage and population (see Sections 72-2-107 and 72-2-108, *Utah Code Annotated 1953*). The remaining 75% is appropriated to UDOT for state highway construction and maintenance.

The Centennial Highway Fund, created in 1996, consists of appropriations made by the legislature, a portion of the motor vehicle registration fees, voluntary contributions, and, beginning January 1, 2000, revenues generated by the 1/64% sales and use tax rate. This fund must be used for construction, major reconstruction, or major renovation to state and federal highways (see Section 72-2-118, *Utah Code Annotated 1953*). The fund is being used for the I-15 reconstruction in Salt Lake County and other previously unfunded state highway projects throughout the state.

Driver licensing is provided by the Driver License Division of the Department of Public Safety (see Title 53, Chapter 3, Uniform Driver License Act, *Utah Code Annotated 1953*). Registration and licensing of motor vehicles are provided by the Motor Vehicle Division of the Tax Commission (see Title 41, Chapter 1a, Motor Vehicle Act, *Utah Code Annotated 1953*). The Motor Vehicle Enforcement Division of the Tax Commission regulates motor vehicle dealers and enforces vehicle theft statutes (see Title 41, Chapter 3, Motor Vehicle Business Regulation Act, *Utah Code Annotated 1953*).

UTA provides public mass transit services within local political subdivisions that include 70% to 80% of the state's population. The UTA is a special district formed by municipalities and counties by a vote of the people authorizing a 1/4% sales tax dedicated to the district (see Section 59-12-501, *Utah Code Annotated 1953*). On November 7, 2000, voters in Salt Lake, Davis, and Weber Counties approved a 1/4% sales tax increase to fund additional light rail extensions, expanded bus service, and

commuter rail. Beginning January 1, 2001, the total sales tax rate for transit will be 1/2% in those counties. In Salt Lake County, 25% of the additional 1/4% sales tax must be used for improvements to I-15 (see Section 59-12-502, *Utah Code Annotated 1953*).

Construction Bid Limits

Background

In 1963, the legislature enacted a law which required the use of competitive bidding for all state highway projects exceeding \$25,000. In 1967, the same bid limit was enacted for county and municipality road projects. The bid limit was increased to \$40,000 for county and municipal road projects in 1973 and for state highways in 1976. In 1991, the bid limit was increased to \$100,000 for counties and municipalities. The bid limit required for state highways has remained at \$40,000 since 1976.

Committee Action

The committee studied whether UDOT's bid limit should be adjusted and the pros and cons of any adjustment. A representative from UDOT explained the difficulties this bid limit presents to the department as they respond to urgent safety or pavement problems and recommended an increase to \$100,000. The committee voted to raise the state's construction bid limit to \$100,000 and link the amount to the bid limit for county and municipal roads. The committee considered this issue at its July and October 2000 meetings and recommended legislation titled "Highway Construction Bid Limit."

I-15 Reconstruction and Highway Funding

Background

On March 26, 1997, Wasatch Constructors was awarded a bid for a project to demolish, design, and reconstruct I-15 in Salt Lake County from 600 North to 10800 South. UDOT issued the notice to proceed with the design/build project on April 15, 1997. The total project cost is \$1.59 billion. Wasatch Constructors' proposal calls for the project to be completed in July 2001, three months ahead of the contract deadline; with the mainline traffic and all interchanges open by mid May 2001, five months ahead of the contract schedule.

During the 1997 General Session, the legislature began a ten-year finance plan for the I-15 reconstruction project and for other Centennial Highway Fund projects. General Fund appropriations, Transportation Fund contributions, bonding, and federal funding are the primary revenue sources for the Centennial Highway Fund, as shown in the adjacent table. New projects added to the centennial highway project list, greater than anticipated project costs, and less than expected revenues from the General Fund and from federal assistance will require adjustments to be made to the plan or its funding. In addition, most of the Centennial Highway Fund projects add capacity to the state's

transportation system. Additional funds will be needed to maintain the new facilities.

Centennial Highway Fund					
Primary Sources					
	General Fund	Transportation Fund	Bonding	Debt Service	Federal Funds
FY 1997	\$110,000,000	\$720,000	\$0	\$0	\$0
FY 1998	\$78,000,000	\$68,351,000	\$600,000,000	-\$23,400,000	\$11,453,000
FY 1999	\$110,000,000	\$61,194,000	\$240,000,000	-\$40,400,000	\$69,357,000
FY 2000	\$122,000,000	\$65,675,000	\$68,000,000	-\$42,200,000	\$46,929,000
FY 2001	\$134,000,000	\$66,031,000	\$0	-\$44,700,000	\$71,697,000
Total	\$554,000,000	\$261,971,000	\$908,000,000	-\$150,700,000	\$199,436,000

Source: UDOT November 2000

As of December 2000, the 54-month I-15

reconstruction project has been underway for 44 months, and the project remains ahead of schedule and under budget. Total project payments to the contractor, as of the end of October 2000, are \$1,235,289,879, or 92% of the total contract project amount. The design phase of the project was completed in late 1998. Since the fall of 1999, mainline traffic has been solely on new pavement. The freeway south of 5300 South was completed in October 2000. Newly reconstructed interchanges are open at 600 North, 5300 South, 7200 South, 9000 South, and 10600 South. The 4500 South interchange is expected to be completed by December 2000. The northbound off-ramp at 600 South and the 400 South viaduct and its northbound on-ramp opened in the fall of 1999. The 1300 South northbound and southbound on-ramps opened in the summer of 2000, and the southbound off-ramp opened in October of 2000. The connection from eastbound I-80 to northbound I-15 opened in September 2000. In October 2000 the following facilities were opened:

- the eastbound I-80 to the 600 South off-ramp;
- I-80 westbound to SR-201 (the 2100 South freeway) westbound;
- SR-201 eastbound to I-80 eastbound;
- I-15 southbound to SR-201 westbound;
- SR-201 eastbound to I-15 southbound;
- I-15 northbound to SR-201;
- I-15 northbound to I-80 eastbound; and
- the I-80 off-ramp to State Street.

Committee Action

The committee heard reports on the reconstruction of I-15, the Statewide Transportation Improvement Program (STIP), and highway funding. The committee considered these issues at its May, August, and November 2000 meetings but did not recommend legislation.

Traffic Management Committee

Background

In 1991, the legislature created the Traffic Signal Coordination Committee composed of experts from state, regional, and local governments. In 1995, the name was changed to the Traffic Management Committee, and its membership and duties were expanded. The Traffic Management Committee coordinates efforts with state, regional, and local governments, and makes recommendations to the Department of Transportation for increasing the safety and efficiency of highways using current traffic management systems, including traffic signal coordination, traffic monitoring, freeway ramp metering, variable message signing, and incident management. The Traffic Management Committee also evaluates the cost-effectiveness of implementing specific traffic management systems on highways. Until this year, its efforts have been almost exclusively in the Salt Lake County Area.

Committee Action

The committee looked at how other areas of the state could benefit from the work and expertise of the Traffic Management Committee and whether the duties or membership should be further adjusted by the legislature. A representative from UDOT explained the roles, goals, and accomplishments of the Traffic Management Committee. The committee asked the Traffic Management Committee to make recommendations on how it could use its work and expertise to benefit more areas of the state. Based on the Traffic Management Committee's suggestions, a draft bill was prepared and considered. The committee considered this issue at its April and July 2000 meetings and recommended legislation titled "Traffic Management Committee Amendments."

Vehicle Impound and Release Issues

Background

A vehicle may be impounded by law enforcement for a variety of reasons, including when the driver is arrested for a DUI, the vehicle is believed stolen, the vehicle identification number is defaced, the vehicle is not properly registered, or the vehicle is abandoned. In order to retrieve a vehicle that is impounded by law enforcement, the owner of a vehicle must pay the Motor Vehicle Division an administrative impound fee, learn where the vehicle is stored, and pay the towing and storage fees to the private impound yard. For several years, owners of impounded vehicles have sometimes had trouble finding their vehicles because of failures in reporting and notification. Slightly different statutory provisions govern various kinds of impounded vehicles and are scattered throughout the *Utah*

Code. Some vehicles are towed without a request from law enforcement or property owners. Some tow truck motor carriers have charged rates that are less than fair and have given the tow truck industry a bad reputation.

Committee Action

The committee studied a variety of vehicle impound and release issues. Several working group meetings were held. The history of current statutes were reviewed, and representatives of the tow truck industry, the Tax Commission, law enforcement, UDOT, and the Governor's Office of Planning and Budget were involved in the discussions. Key issues were identified and legislation was drafted to address the issues where agreement was reached. The committee considered this issue at its May and October 2000 meetings and recommended legislation titled "Vehicle Towing and Reporting Requirements."

Decriminalization of Traffic Offenses Task Force

Membership

Sen. Peter C. Knudson, Senate Chair
Rep. Glenn L. Way, House Chair

Sen. Joseph L. Hull
Sen. Terry Spencer

Rep. Loretta Baca
Rep. Katherine M. Bryson

Rep. Gary F. Cox
Rep. Bryan D. Holladay

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Ms. Esther Chelsea-McCarty, Associate General Counsel
Ms. Junie G. Anderson, Legislative Secretary

Background

S.B. 240, "Decriminalization of Traffic Offenses," which passed during the 2000 General Session, allowed Salt Lake City and West Valley City to continue to use a civil penalty and administrative traffic proceeding for two years. These proceedings are allowed only for class C

misdemeanors and infraction traffic offenses. Traffic offenses that are class B misdemeanors, including DUI, reckless driving, and violations that occur in conjunction with other criminal violations, remain under normal criminal proceedings. Salt Lake City and West Valley City are required to pay the state the estimated fine revenue that would be due to the state if the traffic offenses were heard in a district court. All other local governments were prohibited from using this type of system. Court filing fees, surcharges, and driver points were not changed with an administrative traffic proceeding. The bill also established the Decriminalization of Traffic Offenses Task Force to study and make recommendations on the decriminalization of traffic offenses, including administrative adjudication proceedings and related fiscal and oversight issues.

The task force considered several key issues including:

1. Should minor traffic violations be criminal offenses where "beyond reasonable doubt" is the standard of proof and there is a possibility of jail time, or should minor traffic violations be civil offenses where "a preponderance of evidence" is the standard of proof and there is no possibility of jail time?
2. How should contested traffic violations be adjudicated? Are there better or smarter ways to settle them?
3. Must all jurisdictions have the same standard of proof and the same adjudication procedures to ensure due process and equal protection?
4. How will fine revenue distribution change?

The task force visited the Davis County Justice Court, observed traffic case arraignments, and heard from representatives of the justice court judges. The task force also visited the West Valley City Administrative Traffic Proceedings, observed cases being adjudicated, and heard from representatives of West Valley City and Salt Lake City. Differences were reviewed in the traffic citation adjudication process by comparing the Davis County Justice Court and the West Valley City Administrative Traffic Proceedings.

The task force prepared and discussed four alternative bills:

1. "Classification of Traffic Offenses," which would repeal the authorization to have administrative traffic proceedings in Salt Lake City and West Valley City;
2. "Adjudication of Traffic Offenses," which would allow all counties and municipalities to use administrative traffic proceedings;
3. "Penalties for Traffic Offenses," which would change all class C misdemeanor penalties in the traffic code (Title 41, Chapter 6, Traffic Rules and Regulations) to infractions, except speeding in a reduced speed school zone; and

4. "Traffic Offense Adjudication," which would allow counties and municipalities served by a justice court to use administrative traffic proceedings and allow justice court judges to conduct administrative proceedings and to serve as an administrative law judge.

The task force made the following recommendations:

1. Adopt "Penalties For Traffic Offenses" legislation that changes all class C misdemeanor penalties in the traffic code (Title 41, Chapter 6, Traffic Rules and Regulations) to infractions, except speeding in a reduced speed school zone.
2. Take no additional action at this time on the decriminalization of traffic offenses. Before a decision is made, Salt Lake City and West Valley City should be allowed to continue their administrative traffic proceedings, as provided in current law, in order to more fully test and evaluate their system.
3. Request the Legislative Management Committee to assign a group of legislators during the 2001 interim to address the issues associated with the decriminalization of traffic offenses and to review the draft legislation that was prepared, but not adopted, by the task force. This group would hold at least one meeting to accomplish its tasks and to make any further recommendations on the issues.

Committee Action

A task force chair presented the final report to the Judiciary, Law Enforcement and Criminal Justice, and Transportation Interim Committees. The committee considered this issue at its November 2000 meeting but did not recommend legislation.

Other Studies

Air Quality Conformity

Under federal law, the state must certify to the United States Department of Transportation (USDOT) that urban counties which have violated air quality standards in the past will maintain a federally-determined level of air quality. This is demonstrated, in part, by showing that the implementation of the 20-year Long Range Transportation Plan does not cause these counties to exceed emissions as documented in the Statewide Implementation Plan (SIP) for air quality. The federal Environmental Protection Agency (EPA) notified UDOT last year that all future analyses must use an updated mobile source emissions model. UDOT was also notified that air quality conformity will lapse by August 2000 in Utah County and by January 2001 in Salt Lake County, unless the SIP and the Long Range Transportation Plan can be shown to conform with the new model. Therefore, any project in

these counties that is not cleared for construction before the lapse date that increases capacity on a regionally-significant highway will be delayed until conformity is demonstrated.

The Wasatch Front Regional Council has prepared a draft conformity analysis that shows that Salt Lake County will conform using the new emissions model. The conformity analysis must be accepted by EPA and USDOT before it is final. The Division of Air Quality is also in the process of updating the SIP using the new model. An updated SIP would also allow both counties to demonstrate air quality conformity. Some projects may be delayed for 9-18 months, until conformity can be demonstrated and accepted. The committee considered this issue at its May and October 2000 meetings but did not recommend legislation.

Annual State Highway System Changes

Under Section 72-4-102, *Utah Code Annotated 1953*, UDOT annually submits to the Transportation Interim Committee a list of highways that the Transportation Commission recommends be added to or deleted from the state highway system. All recommendations must be based on minimum qualifying standards established by the commission. This list, along with any fiscal recommendations, is reviewed by the committee before being submitted to the legislature. This year's changes include:

- realigning SR-48 by transferring 7800 South beginning at Redwood Road to 700 West and north to 7200 South to West Jordan City and Midvale City in exchange for the connection of 7000 South beginning at Redwood Road to the intersection of 700 West and 7200 South, which provides a net gain of .31 miles;
- consolidating SR 98 in Hooper into SR 97;
- transferring 2.05 miles of SR-147 to Utah County and Payson City from 5600 West to the intersection of SR-6 and Utah Avenue in Payson;
- adding 1.34 miles onto SR-178 from I-15, along 800 West to 300 West in Payson;
- making a slight description change to SR-301 near Steinaker Reservoir; and
- deleting .23 miles from SR-319 near Jordanelle State Park.

The net decrease to the state highway system is .63 miles. The committee considered this issue at its November 2000 meeting and recommended legislation titled "Master Road Amendments."

Bicycle Laws

Bicycle advocates requested changing state law to better support bicycling as a means of transportation and recreation. Based on their suggestions, a draft bill was prepared for the committee's consideration. The draft bill included provisions to allow a bicyclist to give a right-hand signal with the right arm; to allow a bicyclist to yield rather than stop at a stop sign; to provide an exception for a bicyclist from staying right when traveling straight through a right-turn only lane; and allowing, instead of requiring, a bicyclist to use a bicycle path adjacent to a roadway. The draft bill also provides a speed limit for bicycles on a sidewalk or path, makes duration of turn signals uniform for vehicles and

bicycles, allows a red taillight and a flashing red taillight on a bicycle, and allows bicycles on sidewalks except where specifically prohibited. The committee amended the draft bill to remove the provision allowing a bicyclist to yield rather than stop at a stop sign, require a bicyclist to operate in the designated direction of traffic, and require bicycle headlamps to be approved by the Department of Public Safety. The committee considered this issue at its July 2000 meeting and recommended legislation titled "Bicycle Law Amendments."

Commuter Rail and Light Rail Update

S.B. 1, "Appropriations Act," which passed during the 2000 General Session, included intent language directing UTA to develop a proposal for a commuter rail project, pursue federal funding, and begin negotiations for right-of-way acquisition. Negotiations with the Union Pacific Railroad have resulted in general agreement that a new dedicated track within the existing Union Pacific rights-of-way is needed so that commuter rail operations do not interfere with freight operations in the mainline corridors. Final cost estimates for the acquisition of the corridor are expected to be available in February 2001. Capital costs for commuter rail are estimated at between \$155 and \$275 million. Annual operating costs are estimated at between \$10 and \$15 million.

On June 26, 2000, UTA began construction on a 2.5 mile light rail extension from downtown Main Street, along 400 South, to the Rice-Eccles football stadium at the University of Utah. The cost of this project is \$105 million. UTA has signed a full funding agreement with the federal government for 80% federal funding of the project by the Federal Transit Administration. Construction is scheduled to be completed by February 2002, in time for the Olympics. If delays do not permit the project to be completed for the Olympics, the construction will be stopped and the corridor will be restored to allow normal traffic during the Olympics. The project would then resume and be completed by November 2002.

On November 7, 2000, voters in Salt Lake, Davis, and Weber Counties approved an additional 1/4% sales tax increase to fund additional light rail extensions, expanded bus service, and commuter rail to bring the total sales tax rate for transit to 1/2% in those counties. The tax increase is expected to bring in about \$12 million from Davis and Weber Counties and \$39 million from Salt Lake County. The effective date of the new tax is January 1, 2001. According to state law, 25% of the revenue generated in Salt Lake County will go to fund I-15. The committee heard an update at its August and October 2000 meetings but did not recommend legislation.

Eminent Domain and Public Rights-of-Way

The acquisition of private property by a government entity for a public purpose involves sensitive communication, negotiation, and legal processes. Fairness for both property owners and taxpayers may not always be achieved, resulting in complaints and distrust. Improving the disclosure of the rights of property owners, increasing the use of alternative dispute resolution, using uniform government procedures, and limiting the costs to landowners are among the suggestions from parties that expressed an interest in this issue. The committee heard briefings on these issues from the

Department of Transportation, the state private property ombudsman, and representatives of municipalities. These parties then formed a working group on eminent domain reform to study the issues and report back to the committee. The working group reported that they had produced a draft pamphlet titled “Your Rights to Private Property: What to Do When the Government Wants to Acquire Your Land” that could be given to private property owners whose land may need to be acquired for a government purpose. The working group also reported that annual training would be held on eminent domain issues to help improve property acquisition processes for both government and property owners affected. No legislation was recommended by the working group. The committee heard this issue at its June and October 2000 meetings but did not recommend legislation.

Eminent Domain for Public Transit Districts

UTA requested that the legislature consider granting the transit district eminent domain power to allow them to acquire private property for a public transit purpose from owners who are unwilling to sell their property or who demand unreasonable terms for the sale. According to UTA, of the 328 independent special service districts in the state, transit districts and cemetery districts are the only type of districts without eminent domain powers. The committee heard UTA’s request, and a draft bill was prepared granting powers of eminent domain to transit districts that serve a multicounty area. The committee considered this issue at its August and November 2000 meetings but did not recommend legislation.

Public-use Airport Funding

Utah has 51 public-use airports sponsored by local governments. Except for the Salt Lake City International Airport, existing funding sources are insufficient for needed repair and maintenance. In 1999, the legislature increased the aviation fuel tax for non-federally certified air carriers and redistributed the tax revenues. A representative of the Department of Transportation provided the committee three options regarding needed additional annual airport maintenance funding: \$1.25 million to slow the deterioration of runway pavements, \$2.5 million to maintain the pavements to current conditions, or \$4.5 million to improve the pavements. Without additional funding, the Division of Aeronautics will not recommend the allocation of any state or federal funding for any construction or maintenance projects for the 20 least-used public-use airports in the state. If an airport sponsor is unable to maintain the airport pavements in a safe condition, the division will not continue to license the airport, and the airport will be closed as a public-use airport. The committee heard an update on this issue at its June 2000 meeting but did not recommend legislation.

UTAH SPORTS ADVISORY COMMITTEE

Membership

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Rep. Jordan Tanner, House Chair

Sen. Karen Hale
Sen. Paula F. Julander
Sen. L. Alma "Al" Mansell
Sen. John L. Valentine
Rep. Duane Bourdeaux
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Ms. Jennifer Markham, Legislative Secretary

Background

The Utah Sports Advisory Committee has the authority to review and make recommendations regarding any issue that relates to the coordination of state and local governments in hosting the 2002 Olympic Winter Games.

Committee Action

The committee heard a report from the Utah Olympic Public Safety Command on public safety planning and costs. The State Olympic Officer and the Office of Attorney General reported on compliance with the conditions of 2000 General Session S.J.R. 11, "Resolution Addressing Olympic Financing," which allowed the deferral of a \$58,000,000 repayment from the Salt Lake Olympic Organizing Committee (SLOC) to state and local governments. The State Olympic Officer also provided a report on state budget impacts from the 2002 Olympic Winter Games. SLOC reported on post-Olympic dissolution, collection of sponsorship revenue, and payment to creditors, including the payment of \$31.6 million for the State Building Ownership Authority Bond in 2005. The committee considered the appropriate roles of the Utah Sports Authority, the Utah Athletic Foundation, the Utah Sports Commission, the Soldier Hollow Legacy Foundation, and the Department of Community and

Economic Development in coordinating the effort to develop and promote sport in Utah. The committee considered these issues at its August and November 2000 meetings but did not recommend legislation.

UTAH TOMORROW STRATEGIC PLANNING COMMITTEE

Membership

Sen. Beverly A. Evans, Senate Chair
Rep. Afton B. Bradshaw, House Chair

Sen. Joseph L. Hull
Sen. Lorin V. Jones
Rep. Loretta Baca
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Mr. Daniel Becker
Comm. Kenneth A. Bischoff
Mr. Christopher Blake
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Index

Studies and recommendations for action in the 2001 General Session:

	Page
The 2000 Report of the Utah Tomorrow Strategic Plan.	143

Committee Overview

The Utah Tomorrow Strategic Planning Committee, established by the legislature in 1990, develops an ongoing and comprehensive strategic planning process to enable Utahns to focus on and achieve a single set of goals for the future. During the 1990 interim, the committee developed a vision statement describing where Utahns would like the state to be in 20 years and focused the broad goals of the vision statement into specific, measurable objectives. The first draft of these goals was created by ten task forces whose total participation included more than 350 citizens.

In subsequent years, the Utah Tomorrow Strategic Planning Committee continued to refine the vision statement, goals, and performance measures in a cooperative effort with state agencies and departments. The committee has also strengthened ties with different branches and levels of government in implementing the goals of Utah Tomorrow. The legislature, governor's office, executive branch agencies, judicial branch, and local governments combined their efforts to refine the goals and measures. Working together with the Governor's Office of Planning and Budget, the committee emphasized coordination with the planning activities of the executive branch.

The Utah Tomorrow Strategic Planning Committee continues to emphasize performance measurement and data collection in cooperation with the Governor's Office of Planning and Budget. Executive departments and local governments play a key role in the implementation of statewide strategic goals—their involvement is critical to its success.

The 2000 Report of the Utah Tomorrow Strategic Plan

Background

During the 1999 and 2000 interims, the Utah Tomorrow Strategic Planning Committee focused on simplifying the strategic plan, considering different formats for the annual report, and finding ways to present the new simplified report to the legislature. The committee requested that state agencies reduce the number of performance measures, use performance measures that have targets for achieving goals, and identify the agency responsible for reporting data on each performance measure. The new format will include an executive summary of the most important goals and measures in the various subject areas.

Committee Action

The committee adopted the final draft of the 2000 Report of the Utah Tomorrow Strategic Plan. The committee considered this issue at its June, August, October, and November 2000 meetings but did not recommend legislation.

WORKFORCE SERVICES INTERIM COMMITTEE

Membership

Sen. Robert M. Muhlestein, Senate Chair
Rep. Michael R. Styler, House Chair

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Index

Studies and recommendations for action in the 2001 General Session:

	Page
Fund and Program Elimination.	147
Unemployment Insurance.	147
Other Studies	
Child Care Cash Out.	148
Employment and Training Programs Audit.	148

Committee Overview

To simplify and make the welfare and job training programs of the state more efficient, the legislature created the Department of Workforce Services by passing H.B. 375, "Department of Workforce Services," in the 1996 General Session and S.B. 166, "Workforce Services and Labor Commission Implementation and Amendments," in the 1997 General Session.

The two bills consolidated the following into the new department: Quality Control and the Office of Family Support from the Department of Human Services; the Department of Employment Security; Job Training and the Office of Child Care from the Department of Community and Economic Development; and the Turning Point Program from the State Office of Education. The new department includes the following divisions: Adjudication, Administrative Services, and Employment Development. The department also includes five Regional Workforce Service Areas designed to provide services in geographic areas throughout the state.

Fund and Program Elimination

Background

Agency representatives explained that because the Child Care Expendable Trust Fund does not have 501(c)(3) status, the Child Care Advisory Committee has struggled to secure donations without the flexibility to offer a tax deduction to the donor. The Child Care Advisory Committee recommended the elimination of the fund. Agency representatives also pointed out that the Workforce Reentry Program, currently required by statute, is a duplication of existing services and recommended that the statute be repealed.

The department's draft bill also modified statutory language related to individual development accounts for public assistance clients. However, due to concerns expressed by committee members regarding the state's role in potential contributions to the accounts, the department agreed to remove the individual development account language from the draft bill.

Committee Action

The committee considered the department's proposed statutory changes at its October and November 2000 meetings and recommended, in concept, legislation titled "Proposed Technical Amendments."

Unemployment Insurance

Background

Agency representatives testified that current law allows all employers to submit their quarterly report to the department on paper, diskette, magnetic cartridge or electronic file transfer. Changing the law to require those businesses employing 250 or more individuals to submit their report magnetically or electronically will expedite the processing of the data, reduce reporting burdens on businesses, and reduce the chance of data entry error by 50%.

The committee was told that statutory changes were needed to: 1) improve access to unemployment insurance records by the department and the Labor Commission for the administration of programs and for use by the Labor Commission as evidence in legal actions; 2) require a court order pursuant to the Government Records Access and Management Act to acquire Department of Workforce Services records rather than by subpoena; and 3) permit the department to provide records to insurers providing workers' compensation to aid in the detection of fraud.

Committee Action

The committee considered the department's proposed statutory changes at its October and November 2000 meetings and recommended, in concept, legislation titled "Unemployment Insurance Amendments."

Other Studies

Child Care Cash Out

The Department of Workforce Services "Payment-to-Parents" program was designed to both encourage financial responsibility and enhance the range of child care choices available to public assistance recipients. Participating families used program funds available through an automatic teller machine to pay for the child care they determine will best meet their needs.

Early in 1999, several reports of recipient fraud surfaced. The Department of Workforce Services received complaints from several child care providers regarding incidents of fraud and other aspects of the program. The Department of Workforce Services conducted an internal audit, published September 15, 1999, in which they confirmed several instances of fraud.

Item 34, H.B. 1, "Supplemental Appropriations Act," 2000 General Session, stated the legislature's intent that the department evaluate and make changes to the cash out program. During the 2000 interim, the department reported to the Workforce Services Interim Committee that they were instituting modifications to the program, including a two-party check system, to reduce instances of fraud. The committee considered this issue at its April, May, June, and November 2000 meetings but did not recommend legislation.

Employment and Training Programs Audit

A 1992 legislative audit of Utah's employment and training programs led to legislation passed in 1996 and 1997 that consolidated the state's welfare and job training efforts into the new Department of Workforce Services. A new audit was requested in order to determine how effectively the department has accomplished the goals envisioned by the 1992 audit and subsequent legislation.

The Office of the Legislative Auditor General presented "A Follow-up Review of Utah's Employment and Training Programs" to the committee. The report stated that while the department has done an excellent job of streamlining job training and welfare functions to meet customer needs, the number of employees has not been reduced to the extent expected, and the regional councils have deferred to the department's management team rather than exercise the degree of authority granted in statute. The report also recommended that the Utah State Office of Rehabilitation be consolidated

within the Department of Workforce Services as a separate division due to the duplication of clients served and the inefficiency in program coordination.

The department's response to the audit was followed by representatives of the regional councils and the Utah State Office of Rehabilitation, who disputed the audit report's findings regarding their entities. The committee considered the audit at its August 2000 meeting but did not recommend legislation.

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