



INTERIM HIGHLIGHTS

Office of Legislative Research and General Counsel
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LEGISLATIVE INTERIM MEETINGS

Meetings were held September 21, 2011 or as noted.

Administrative Rules Review Committee

September 13, 2011

Utah Indoor Clean Air Act

Discussed whether the smoking of hookah pipes in public establishments violates recent changes made to the administrative rules written to implement the Utah Indoor Clean Air Act.

Action: Voted unanimously to send a letter to the Utah Department of Health and to all of Utah's local health departments requesting that the Department of Health suspend enforcement of the recent administrative rules changes that implement the Utah Indoor Clean Air Act until after the Legislature clarifies the act to address concerns raised regarding the smoking of hookah pipes in public establishments. The letter would also request that Utah's local health departments suspend enforcement of the recent administrative rule changes until after the Legislature is able to make a statutory clarification.

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

Staff: Art L. Hunsaker (Policy Analyst) / Susan Creager Allred (Attorney) / Tracey Fredman (Secretary)

Business and Labor

Medical Spas

Received a staff presentation and public testimony regarding the operation and licensing of "medical spas." Information on supervision by physicians of persons who operate laser equipment for cosmetic purposes was also provided.

Prevailing Wages

Discussed how a prevailing wage law would work in conjunction with a state guest worker program.

Sunset Review - Motor Fuel Marketing Act

Action: Voted to reauthorize the Motor Fuel Marketing Act for an additional five years.

Weatherization Programs

Received a presentation from the Utah Weatherization Training Center. This center provides training to community-based agencies that provide services to low income families. The center trains construction trade workers on how to improve the energy efficiency of a residence by improving insulation and by constructing effective barriers to outside air.

(Continued next column)

Wine Tasting

Discussed a proposal to allow a licensed industry representative to provide samples of the representative's product to potential customers.

Workers Compensation for Unincorporated Entities

Action: Approved as a committee bill, "Workers' Compensation and Unincorporated Entities Amendments." The draft legislation addresses workers' compensation coverage requirements for unincorporated entities.

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

Staff: Bryant R. Howe (Assistant Director) / Patricia Owen (Attorney) / Robert H. Rees (Attorney) / Jennifer K. Christopherson (Secretary)

Education

Education Governance

Received a presentation from a legislator on how public and higher education could be restructured. This proposal includes the possibility of creating a single education department that would have governance authority over both public and higher education. The governor would have increased authority and oversight.

High School Graduation Rates

Received a report from the State Office of Education on how graduation rates are calculated by various entities and why there are discrepancies in the reported rates.

School Grading

Received a status report from the State Office of Education on the implementation of S.B. 59, "School Grading System" (2011 General Session), which requires the State Board of Education (SBOE) to develop a system to annually assign each school an A, B, C, D, or F grade. During this first year of implementation, the SBOE is modeling the school grading system and looking at factors, including student proficiency and growth.

Utah Futures Steering Committee

Received a status report from the Utah Futures Steering Committee (UFSC), which the governor established by executive order to improve the effectiveness of the education and career-planning website, www.utahfutures.org. The UFSC is collecting and analyzing data.

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Utah Schools Data Portal

Received a demonstration from the State Office of Education on a website allowing the public to access data, view a school's performance report and its demographic profile, and also compare public schools on multiple indices.

Utah Schools for the Deaf and the Blind

Received a report from the Utah Schools for the Deaf and the Blind, including data regarding student enrollment, participation in assessments, and achievement.

Chairs: Rep. Bill Wright / Sen. Howard A. Stephenson

Staff: Allison M. Nicholson (Policy Analyst) / Constance C. Steffen (Policy Analyst) / Angela Oakes Stallings (Attorney) / Debra Hale (Secretary)

Government Operations and Political Subdivisions

Definition of Countywide Services

Received a request from the Utah Association of Counties (UAC) for statutory clarification on which public services constitute countywide services. The Committee requested that UAC and the League of Cities and Towns prepare separate lists of public services that counties and cities should provide and present them in the October meeting.

Draft Legislation, "Election Law Amendments"

Discussed draft legislation, "Election Law Amendments," which makes several technical changes to the state's election law. The Committee requested additional drafting changes and directed that they be prepared for the October meeting.

Draft Legislation, "Voter Information Pamphlets"

Discussed draft legislation, "Voter Information Pamphlets," which makes mailing a voter information pamphlet optional in certain circumstances, and authorizes a notice of the website on which a voter information pamphlet is published and the phone number to call to request a voter information pamphlet by mail. The Committee requested that voter information pamphlet deadlines be added to the draft for discussion at a future meeting.

State Agency Consolidation

Received an update from a legislator on efforts to prepare legislation to consolidate the functions of several departments of state government.

Chairs: Sen. Peter C. Knudson / Rep. Kraig Powell / Rep. R. Curt Webb

Staff: Art L. Hunsaker (Policy Analyst) / Joseph T. Wade (Policy Analyst) / Victoria Ashby (Attorney) / Emily R. Brown (Attorney) / Wendy Bangerter (Secretary)

Health and Human Services

Prescription Drug Abuse

Received a report from the Utah Department of Health on the Drug Overdose Mortality Survey. The report stated that the reduction in prescription drug overdose deaths has been the result of a media campaign, increased prescriber education, the development of prescribing guidelines, and research. The Committee also received reports from the Utah Pharmaceutical Drug Crime Project and the Utah Commission on Criminal and Juvenile Justice.

University of Utah Health Care

Met at the University Hospital and received a briefing by University of Utah Health Care on the role it plays in Utah's health care system. Discussed medical education, health disparities, and Utah Science and Technology and Research innovation. The Committee toured the hospital's emergency department and AirMed operation.

Chairs: Rep. Paul Ray / Sen. Allen M. Christensen

Staff: Mark D. Andrews (Policy Analyst) / RuthAnne Frost (Attorney) / Cathy J. Dupont (Attorney) / Kimberly A. Heiner (Secretary)

Health System Reform Task Force

Dental Care

Received a presentation from the nation's largest dental insurance carrier, who proposed that the state allow dental benefits to be offered within the Utah Health Exchange in 2012 or 2013, one or two years before they must be offered in an exchange under the federal Affordable Care Act.

Federal Health Care Reform

Received reports from legislators who have been meeting with, and making recommendations to, federal officials and others concerning the development of federal rules to implement the 2010 Affordable Care Act.

Action: *Approved a draft letter from the Task Force to the federal Department of Health and Human Services outlining three areas of concern regarding proposed federal rules that address implementation of health insurance exchanges under the federal Affordable Care Act.*

Payment and Delivery Reform Demonstration Projects

Received reports from HealthInsight and a pediatrician on the progress of three health care payment and delivery reform demonstration projects. The pediatric medical home project is still moving forward, but the diabetes and pregnancy/delivery projects are no longer considered as relevant as they once were and are not moving forward.

Chairs: Rep. James A. Dunnigan / Sen. Wayne L. Niederhauser

Staff: Mark D. Andrews (Policy Analyst) / Cathy J. Dupont (Attorney) / Wendy Bangerter (Secretary)

Judiciary, Law Enforcement, and Criminal Justice

Amount and Use of Concealed Weapons Fees

Received a report from the Bureau of Criminal Identification (BCI) regarding the amount and use of fees collected for concealed weapons permits. BCI reported that total applications for the calendar year 2010 were slightly lower than those received in 2009, but were significantly higher than prior calendar years. Additionally, BCI reported that permit revocations in 2011 through August are significantly higher than total revocations in 2010.

Forfeited Property Report

Received a report from the Commission on Criminal and Juvenile Justice regarding the \$1.9 million of federal seizures and forfeitures received by Utah agencies from July 2010 through June 2011, and how those funds were distributed.

Involuntary Civil Commitment

Discussed amending the process for civil commitments by modifying the Substance Abuse and Mental Health Act to include harmful sexual conduct by mentally ill persons as grounds for civil commitment.

Kidnap Offender Registry Amendments

Discussed draft legislation, "Kidnapping Offender Amendments," that would provide a procedure for a person on the Sex Offender and Kidnap Offender Registry to petition the court for removal from the registry if the person was convicted of kidnapping (Utah Code Section 76-5-301) or unlawful detention (Utah Code Section 76-5-304), and meets specified requirements.

Sex Offender Registry Amendments

Action: Adopted as a committee bill, "Sex Offender Registry Review," which would amend the Sex Offender and Kidnap Offender Registry to allow a person who is required to register as a sex offender to petition the court for removal from the registry after five years if the person was convicted of specified offenses and has met specified requirements.

Use of Criminal Surcharges and Fines Report

Received the final report from the Commission on Criminal and Juvenile Justice regarding the \$19.9 million in surcharges and fines that were collected and the distribution of those funds to state agencies.

Chairs: Sen. Mark B. Madsen / Rep. Curtis Oda / Rep. Kay L. McCliff

Staff: Jerry D. Howe (Policy Analyst) / Nathan W. Brady (Policy Analyst) / Susan Creager Allred (Attorney) / Esther Chelsea-McCarty (Attorney) / Jennifer K. Christopherson (Secretary)

Legislative Information Technology Steering Committee

August 23, 2011

Streaming of Legislative Meetings

Action: Recommended issuance of a request for proposal for streaming audio and video services within the Legislature.

Voting Systems

Received demonstrations from International Roll Call and a system built by Utah legislative staff on the voting systems in the House and Senate chambers.

Action: Recommended that the Legislature adopt the voting system designed by Utah legislative staff.

Cloud-Based Email Solution

Action: Recommended issuance of a request for proposal on cloud-based email solutions that are compatible with various mobile devices.

Chairs: Rep. John Dougall / Sen. Curtis S. Bramble

Staff: Thomas R. Vaughn (Attorney) / Mark J. Allred (IT Manager) / Chelsea B. Lloyd (Secretary)

Legislative Management Committee

September 20, 2011

Action: Approved the following:

- The Business, Economic Development, and Labor Appropriations Subcommittee request to hold two meetings: the first on Tuesday, October 11, 2011, and the second on Tuesday, November 8, 2011. Also approved the agendas for those meetings.
- The Infrastructure and General Government Appropriations Subcommittee request to hold two meetings on Thursday and Friday, October 20-21, 2011. Also approved the agendas for those meetings.
- The Public Education Appropriations Subcommittee request to hold two meetings: the first on Tuesday, October 11, 2011 and the second on Wednesday, November 9, 2011. Also approved the agendas for those meetings.
- The Natural Resources, Agriculture, and Environment Interim Committee request to study the Utah Lands Protection Act.
- The Workforce Services and Community and Economic Development Interim Committee request to study "health insurance for school districts."
- The "general concept" of the Division of Facilities and Construction Management signing a long-term lease agreement with Uintah County to house state artifacts in a new Vernal Curatorial Facility. The funding for the lease payments would come from the Uintah Impact Mitigation Special Service District and the operation and maintenance cost would be paid for by Division of Parks and Recreation.
- The Legislative Information Technology Steering Committee requests to:
 - Adopt the in-house voting system developed by legislative staff as the official voting technology for the Utah Legislature.
 - Issue a Request for Proposal (RFP) for streaming audio and video capabilities, with the intention of outsourcing the project to non-legislative staff, for implementation before the 2012 General Session.
 - Issue an RFP for a cloud-based email solution that is compatible with multiple mobile devices.

Chairs: President Michael G. Waddoups / Speaker Rebecca D. Lockhart

Staff: Michael E. Christensen (Director) / John L. Fellows (General Counsel) / Phalin L. Flowers (Administrative Assistant)

Native American Legislative Liaison Committee

August 30, 2011

Meeting With Tribal Leaders

Met with tribes, received comments, heard from state agencies, and discussed issues of importance to tribes, tribal members, and the Committee. The discussion focused on issues relating to veterans, environmental issues including air

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quality and water quality, energy, housing and weatherization, transportation, health, and broadband and other telecommunication issues.

Staff: John Q. Cannon (Managing Policy Analyst) / Patricia Owen (Attorney) / Wendy Bangerter (Secretary)

Natural Resources, Agriculture, and Environment

Department of Environmental Quality - Board Adjudicative Proceedings

Discussed potential legislation that would modify requirements and procedures when a party challenges an initial order relating to a permit, plan, license, or approval order made under the Environmental Quality Code.

Energy Producer States' Agreement

Received a report on the activities of the legislators appointed to create an energy producer states' agreement under Utah Code Section 36-12-20. The legislators worked with legislators from other energy producing states to develop plans of action with the goal of strengthening states' common energy voice, opposing over-reaching regulations, and increasing domestic energy production.

Predator Control

Received a report from the Department of Agriculture and Food, the Division of Wildlife Resources, and the State Director, United States Department of Agriculture-Federal Wildlife Services Program, on current activities and challenges in controlling livestock predators in Utah.

State Energy Advisor Report and Review of State Energy Policy

Received a report from the State Energy Advisor on the status and development of the state's energy resources. The governor has a multi-point plan for ensuring access to energy resources which is in the "2011 Energy Initiative & Imperatives: Utah's 10-Year Strategic Energy Plan," which was provided to the Committee. The Committee reviewed state energy policy and received a report on the newly created Office of Energy Development.

Sunset Review - Section 36-12-20, Development of Energy Producer States' Agreement

Action: Voted to recommend that Utah Code Section 36-12-20, Development of Energy Producer States' Agreement, be repealed on June 30, 2012.

Sunset Review - Title 19, Chapter 3, Radiation Control Act

Received a report from the Division of Radiation Control on the need of the Radiation Control Act. The division reviewed licensing and registering radioactive materials and x-ray systems, regulation of low-level radioactive waste, and activities of the Radiation Control Board.

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Action: Voted to recommend that the Radiation Control Act be reauthorized for an additional 10 years.

Chairs: Rep. Roger E. Barrus / Sen. Ralph Okerlund
Staff: J Brian Allred (Policy Analyst) / Tracy J. Nuttall (Attorney) / Kimberly A. Heiner (Secretary)

Public Utilities and Technology

Electronic Charter School Board Meetings

Discussed the successful trial implementation of electronic charter school board meetings in 2011.

Action: Voted to draft a committee bill that would broaden the use of electronic school board meetings.

Energy Tax Incentives

Discussed the need to develop Utah's energy resources and how states such as Texas, Pennsylvania, North Dakota, and South Dakota have capitalized on their energy resources.

Green Jobs

Received presentations from traditional power and "green" power providers about the value of green jobs, which are derived from renewable electric power production such as wind and solar.

Utah Energy Advisor Report

Received a presentation from the Governor's Energy Advisor about the status of energy consumption, production, and costs in Utah, which has the fifth lowest cost in the nation at 8.7 cents per kilowatt hour. She indicated that the governor has a multi-point plan for access to energy resources, which is in the "2011 Energy Initiative & Imperatives: Utah's 10-Year Strategic Energy Plan," which was provided to the Committee.

Chairs: Rep. Michael E. Noel / Sen. J. Stuart Adams
Staff: Richard C. North (Policy Analyst) / Robert H. Rees (Attorney) / Tracey Fredman (Secretary)

Redistricting Committee

July 26 (Vernal and Park City), August 19, August 22, September 7, September 12, and September 22
(State Capitol Complex)

Public Hearings

Completed the last two public hearings in Vernal and Park City to:

- gather public input on boundaries for congressional, legislative, and state school board districts;
- equalize the population in all districts; and
- ensure equal representation throughout the state.

The August 19 and 22 meetings were dedicated to reviewing redistricting plans submitted by the public on RedistrictUtah.com. A base school board map was adopted at the August 22 meeting. A modified base school board map was adopted at the September 7 meeting. Base Senate and House maps were adopted at the September 12 meeting.

Chairs: Rep. Kenneth W. Sumsion / Sen. Ralph Okerlund
Staff: J Brian Allred (Policy Analyst) / Benjamin N. Christensen (Policy Analyst) / Art L. Hunsaker (Policy Analyst) / Allison M. Nicholson (Policy Analyst) / John Q. Cannon (Managing Policy Analyst) / Jerry D. Howe (Policy Analyst) / Leif G. Elder (Policy Analyst) / Mark D. Andrews (Policy Analyst) / Phillip V. Dean (Policy Analyst) / Richard C. North (Policy Analyst) / Joseph T. Wade (Policy Analyst) / Angela Oakes Stallings (Attorney) / Emily R. Brown (Attorney) / Eric N. Weeks (Deputy General Counsel) / John L. Fellows (General Counsel) / Kimberly A. Heiner (Secretary)

Retirement and Independent Entities

Overview - Retirement and Independent Entities

Received an overview from committee staff on retirement changes and the functions of the Retirement and Independent Entities Committee. After study by the Committee, the Legislature passed significant retirement reforms during the 2010 General Session. The changes affect retirement benefits for new employees and for employees who wish to return to work after retirement.

Retirement Contribution Rates

Received a presentation from the Utah Retirement Systems on the proposed retirement contributions for fiscal year 2013. Contribution rates are based on actuarial projections, and are the percentage of an employee's salary that a participating employer must pay to the Retirement Fund for each eligible employee. For FY 2013, the contribution rate in the Public Employees Noncontributory System for state and school employees is recommended at 18.76 percent, up from the 16.86 percent for FY 2012 by 1.90 percent of salary.

Chairs: Rep. Don L. Ipson / Sen. Daniel R. Liljenquist

Staff: Benjamin N. Christensen (Policy Analyst) / Shannon C. Halverson (Attorney) / Cathy J. Dupont (Attorney) / Debra Hale (Secretary)

Revenue and Taxation

Income Tax Credits

Examined income tax credits for research and development and recycling market development zones.

Action: *Voted to draft a committee bill extending the sunset date for recycling market development zone tax credits.*

Local Sales and Use Tax

Discussed local sales and use taxes, including the impacts of sales tax exemptions and sourcing provisions enacted in recent years.

Action: *Voted to draft a committee bill requiring the Community Impact Board to forgive all, or a substantial portion, of a bond to be repaid by a city to the Permanent Community Impact Fund.*

Property Tax

Discussed increasing a property tax exemption for personal property, including estimates of tax shifts that may occur.

Sales & Use Tax - Streamlined Sales Tax

Discussed sales and use tax provisions relating to computer software.

Water Project Financing

Received a presentation on water project financing, including estimated project costs and funding sources.

Chairs: Rep. Patrick Painter / Sen. Curtis S. Bramble

Staff: Bryant R. Howe (Assistant Director) / Phillip V. Dean (Policy Analyst) / Rebecca L. Rockwell (Attorney) / Chelsea B. Lloyd (Secretary)

Transportation

Driving Under the Influence

Action: *Approved as a committee bill, "Amendments to Driver License Suspension for Driving Under the Influence Offenses," which makes a technical correction.*

Federal Highway Program Update

Received an update from the Department of Transportation on federal highway funding. Future funding has been authorized but has not yet been appropriated.

Utah Transit Authority

Received a presentation from the Office of the Legislative Auditor General of "A Limited Review of Conflict of Interest Allegations at the Utah Transit Authority Board."

The Committee also received an update from UTA on current construction and transit projects, including progress on future TRAX lines and Transit Oriented Developments.

Chairs: Rep. Bradley M. Daw / Sen. Kevin T. Van Tassell

Staff: Leif G. Elder (Policy Analyst) / Shannon C. Halverson (Attorney) / Tracey Fredman (Secretary)

Utah International Relations and Trade Commission

September 22, 2011

Economic Impact of Utah Exports

Received a report from the Utah Bureau of Economic and Business Research on a study examining the economic impact of Utah exports. From 2007 through 2010, the impact of exports of non-gold commodities on Utah's gross state product grew from \$4.4 billion to \$5.9 billion, an increase of 33.2 percent.

Impact of International Students on Utah's Economy

Received a report from the Utah World Trade Center on the impact of international students on the Utah economy. In the 2009-10 school year, more than 7,500 foreign students attended higher education institutions in Utah, resulting in a net contribution of greater than \$145 million.

International Trade

Received a report from the Governor's International Trade and Diplomacy Office on activities to promote international trade, including trade missions to China and Canada.

Chairs: Rep. Eric K. Hutchings / Sen. Mark B. Madsen

Staff: Richard C. North (Policy Analyst) / Peter Asplund (Attorney) / Debra Hale (Secretary)

Water Issues Task Force

August 24, 2011

Water Use Issues

Discussed language to modify existing law regarding nonprofit mutual benefit corporations. Also discussed project delivery and general financing options for the Lake Powell Pipeline project. Discussed the need to consolidate legislative committees studying water issues and streamline efforts to formulate water policy.

September 20, 2011

Water Development Financing

Received a report on the Water Issues Task Force's presentation to the Executive Appropriations Committee. The Task Force also discussed public-private partnerships as an alternative project delivery method for the Lake Powell pipeline development project. The Office of the State Treasurer discussed constitutional bonding limits and the potential impact of using the public-private partnership alternative on the state's credit rating.

Action: Voted to recommend draft legislation, "State Water Development Commission Amendments."

Chairs: Rep. Patrick Painter / Sen. Peter C. Knudson

Staff: J Brian Allred (Policy Analyst) / Nathan W. Brady (Policy Analyst) / Tracy J. Nuttall (Attorney) / Wendy Bangerter (Secretary)

Workforce Services and Community and Economic Development

Breaking the Cycle of Generational Poverty

Received presentations on breaking the cycle of generational welfare from a University of Utah professor in social work, the Department of Workforce Services, and the Road Home, a private, non-profit social service organization.

State Contracts for Purchases from a Community Rehabilitation Program

Received a presentation on community rehabilitation programs from Utah Works and a community rehabilitation center. The centers provide employment and training of persons with a disability. Through an exception in the Procurement Code, a public agency must purchase goods and services produced by a community rehabilitation program under certain conditions.

Action: Voted to open a bill file to address possible changes to the provisions regarding state purchases from a community rehabilitation program.

Chairs: Rep. Jim Bird / Sen. Stuart C. Reid

Staff: Benjamin N. Christensen (Policy Analyst) / Peter Asplund (Attorney) / Robert H. Rees (Attorney) / Debra Hale (Secretary)

Next Interim Day—October 19, 2011



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