Administrative Rules Review Committee  

License Plate Scanning — Length of Data Storage  
Discussed how the Utah Division of Motor Vehicles and state and local law enforcement agencies utilize technology to scan license plates and the protocols for storing the data.

Reporting Requirements for Nursing Homes and Assisted Living Facilities  
Received an update from the Division of Aging and Adult Services regarding its revision of abuse reporting requirements for adult facilities.  
Action: Voted to send a letter to the Health and Human Services Interim Committee chairs, advising that changes are likely needed to existing law related to abuse reporting in adult assisted living facilities and requesting committee study of these changes prior to the 2012 General Session.

Wording of Charter School Agreements  
Discussed the draft revisions to the Charter School Agreement that is entered into between each proposed charter school and the Utah Charter School Board.

Business and Labor  
State Building Code and State Fire Prevention Code Amendments  
Received reports from the Uniform Building Code Commission regarding proposed changes to the state building code and from the Utah State Fire Prevention Board regarding proposed changes to the state fire prevention board.  
Action: Directed staff to draft legislation incorporating the proposed changes.

Audit — Department of Alcoholic Beverage Control  
Received a report from the Office of the Legislative Auditor General titled "A Review of Allegations Regarding the Management of the DABC."

Construction Trades Licensing Amendments  
Reviewed draft legislation, "Construction Trades Licensing Amendments." The proposed language included modification of construction trade licensing provisions to add heating, ventilation, and air conditioning technicians.

Licensing of Court Reporters  
Received public comment on the need to update state laws governing the licensing of court reporters.

Mechanics' Liens Amendments  
Received a report on the need to reorganize, recodify, and update state laws governing mechanics' liens.

Practice of Cosmetology  
Reviewed draft legislation, "Barber, Cosmetologist, Esthetician, Electrologist, and Nail Technician Act." The proposed language would include an exemption from licensure for a person who braids hair and does not engage in any other activity requiring licensure.

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

Education  
College and Career Readiness Assessments  
Action: Approved as a committee bill, "College and Career Readiness Assessment," which requires school districts and charter schools to administer college and career readiness assessments adopted by the Utah State Board of Education.

Educator Evaluation  
Received a report from the State Board of Education on a new rule requiring school districts to implement educator evaluation systems, including observations of instructional quality, student growth measures, and parent and student input. The evaluation systems must be fully implemented by the 2014-15 school year.

Raising Student Achievement by the Third Grade  
Received a briefing from Voices for Utah Children on a report analyzing how Montgomery County, Maryland and the state of Florida improved student achievement by the third grade. The education reform measures implemented included voluntary preschool, extended day kindergarten, reduced class size, professional development, use of data to improve instruction, a school grading system, and retention of students in third grade.

(Continued next page)
Statewide Computer Adaptive Testing
Action: Approved as a committee bill, with amendments, "Statewide Adaptive Testing." The bill requires school districts and charter schools to administer computer adaptive tests aligned with the common core. The amendments increase the appropriation for computer adaptive tests from $5,300,000 to $6,700,000.

Tax Credits for Private School Scholarships
Discussed a proposal to provide nonrefundable tax credits for donations made to a scholarship organization to provide scholarships for students who are not achieving in a public school and who qualify to attend a private school.

Government Operations and Political Subdivisions
Candidate Vacancy Amendments
Action: Approved as a committee bill, "Candidate Vacancy Amendments," which authorizes a political party to replace a candidate who resigns because of a disability that prevents the candidate from continuing the candidacy, and amends a requirement that the political party have a bylaw that establishes a procedure for replacing a candidate.

Cost Savings in State Government
Discussed whether to allow a state agency to provide for its own fleet, technology, and other needs if it can show a cost savings when compared to the existing means used by an agency to meet those needs.

Definition of Countywide Services
Received a report from representatives of the Utah Association of Counties and the Utah League of Cities and Towns regarding their efforts to prepare, as requested by the Committee, separate lists of government services best provided by counties and municipalities.

Voter Information Pamphlets
Action: Approved as a committee bill, "Voter Information Pamphlets," which amends the dates when information can be submitted for the voter information pamphlet, makes the mailing the 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 the pamphlet by mail.

Government Access and Management Act - Voter Registration Records
Action: Approved as a committee bill, "Government Access and Management Act - Voter Registration Records," which amends the requirement of the Lieutenant Governor and county clerks to make certain records available for public inspection and classifies a voter's email address on a voter registration record as a private record.

Health and Human Services
Medicaid and CHIP Eligibility Determination Study
Received a report from the Department of Health on the status of a study regarding the eligibility determinations for Medicaid and the Children’s Health Insurance Program.

Medicaid Inspector General
Received a report from the Medicaid Inspector General on steps taken to organize the new Office of Inspector General of Medicaid Services within the Governor’s Office of Planning and Budget. Medicaid auditors have been transferred from the Department of Health to the new office.

Medicaid Provider Cost Control
Received a report from the Department of Health’s Division of Health Care Financing on measures it has taken to implement the recommendations and correct the problems identified in the December 2010 legislative audit, "A Performance Audit of Utah Medicaid Provider Cost Control."

Secondhand Smoke
Received a report from a pediatrician on the effects of secondhand tobacco smoke. The pediatrician recommended medical treatment for people who smoke and legislation to protect children from secondhand smoke.
Wellness Programs and Incentives

Received a report from Humana on its Vitality wellness program, which provides non-cash incentives based on the completion of wellness goals verified by electronic monitoring. Humana reported that one study showed use of the program resulted in a 45 percent reduction in insurance claims increases over a five year period.

Action: Approved as a committee bill, "Vitality Wellness Programs Amendments."

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

Civil Commitment Amendments

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.

Action: Approved as a committee bill, "Civil Commitment Amendments."

Drug Offender Reform Act (DORA)

Received a report from the Commission on Criminal and Juvenile Justice regarding the implementation, impact, and results of the Drug Offender Reform Act.

Annual Report of DUI-Related Data

Received a report from the Utah Department of Corrections on the results of the Drug Offender Reform Act.

Housing State Inmates in County Facilities

Received a report from the Utah Department of Corrections on problems created by the statutory practice to manage its inmate population when the number of state inmates exceeds the number of available prison beds.

Kidnap Offender Registry Amendments

Action: Approved as a committee bill, "Kidnapping Offender Registry Amendments." This bill provides 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 and Kidnap Offender Registry

Action: Approved as a committee bill, "Sex Offender Registry Chapter." This bill reorganizes Section 77-27-21.5, which establishes the Sex and Kidnap Offender Registry. The proposed changes are technical in nature and would increase accessibility to the current provisions.

Legislative Information Technology Steering Committee

Mobile Devices

Action: Recommended to the Legislative Management Committee (LMC) that the mobile phone contract with T-Mobile be extended until the end of 2012.

Recommended to the LMC that the Legislature issue a Request for Proposals for mobile devices no later than April 1, 2012, to allow contracts to be in place by 2013.

Staff: Thomas R. Vaughn (Attorney) / Mark J Allred (IT Manager) / Chelsea B. Lloyd (Secretary)
Legislative Management Committee
September 26, 2011

Action: Assigned responsibility for awarding the vendor contract for two Requests For Proposals (audio/video streaming and cloud-based email system) to a committee of IT staff specialists and managers from the House, the Senate, and the Office of Legislative Research and General Counsel.

Chairs: President Michael G. Waddoups / Speaker Rebecca D. Lockhart
Staff: Michael E. Christensen (Director) / John L. Fellows (General Counsel) / Phalin L. Flowers (Administrative Assistant)

Energy Amendments
Received an introduction from the legislative sponsor to draft legislation that would authorize an electrical corporation to supply electric energy from a renewable energy facility to contract customers.

Energy Production and Consumption
Received a presentation from the Utah Energy Users Association about the increasing costs of electrical energy, risk shifting, related legislation, and the need for prudence in capital expenditures by regulated utilities. Also discussed the impact of higher demand and environmental regulation on increasing electrical costs.

Western States Energy Development
Received presentations from the Western Energy Alliance and the Utah Petroleum Association about the cost of developing new energy resources and the impact of regulation.

Redistricting Committee
September 27, 29, October 4, 7, 2011

Public Hearings
The Redistricting Committee held four additional committee meetings at the Capitol to continue discussion and take action on State School Board, State Senate, State House, and U.S. Congressional redistricting plans. The Committee adopted and recommended to the full Legislature redistricting plans for consideration in a special session. The Legislature convened in a special session on October 3rd and 4th and concluded on October 17th. The Legislature passed the following redistricting bills:

- S.B. 3001 Third Substitute - Utah State Senate Boundaries and Election Designation
- S.B. 3002 Nineteenth Substitute - Congressional Boundaries Designation
- H.B. 3001 Sixth Substitute - Utah State House Boundaries Designation
- H.B. 3002 First Substitute - State Board of Education Boundaries Designation

Staff: Richard C. North (Policy Analyst) / Robert H. Rees (Attorney) / Tracey Fredman (Secretary)

Natural Resources, Agriculture, and Environment
Department of Natural Resources - Law Enforcement Efficiencies
Received a report from the Department of Natural Resources on proposals for improving efficiencies in its law enforcement responsibilities.

Executive Water Task Force Report
Received a report from the Department of Natural Resources on legislation being considered by the Executive Water Task Force.

Division of Parks and Recreation Report
Received a report from the Division of Parks and Recreation on:
- efforts to transfer management of selected parks to local governments;
- selected parks that would be candidates for privatization;
- efforts to reduce reliance on General Fund appropriations;
- park level accounting and identification of profit or loss at each park;
- financial performance incentives;
- the replacement of full time staff with seasonal employees;
- the reduction of law enforcement costs; and
- elimination of certain support staff positions where overlap exists.

Staff: J Brian Allred (Policy Analyst) / Tracy J. Nuttall (Attorney) / Kimberly A. Heiner (Secretary)

Public Utilities and Technology
Broadband Deployment and Coordination in Utah
Received a report from the state’s Broadband Advisory Council about the deployment and construction of high capacity broadband access. Currently, 98 percent of all Utah households have a choice of two or more broadband providers. However, only 79 percent have high capacity and that access is concentrated in 15 counties. In the other 14 counties, there is no residential high-capacity access.

Retirement and Independent Entities
Actuarial Study of PEHP’s Contingency Reserves
Received an audit report from the Office of the Legislative Auditor General on the Public Employees Health Program’s (PEHP) contingency reserves. The audit recommended contingency reserves of between 50 and 80 days. PEHP also reported that there are currently 111 days of reserves or $84
Revenue and Taxation

**Income Tax Credits**

*Action:* Approved as committee bill, "Extension of Recycling Market Development Zone Tax Credits," which extends the sunset date until 2021 for recycling market development zone tax credits.

**Local Sales and Use Tax**

Discussed distribution of the general local option sales and use tax, including the existing distribution methodology and alternative methodologies that incorporate total wages.

*Action:* Directed committee staff to draft legislation providing authority for the Community Impact Board to use grants to address entities affected by the enactment of certain sales tax exemptions and by changes in sales and use tax sourcing provisions.

**Sales and Use Tax - Streamlined Sales Tax**

*Action:* Approved as committee bills:

- "Sales and Use Tax Act Revisions," which addresses streamlined sales tax issues; and
- "Sales and Use Tax - Computer Software and Other Tangible Personal Property Amendments," which addresses how computer software and other tangible personal property are taxed.

**Reports and Studies**

Received statutorily-required reports on property tax assessment practices and equal payment agreements, federal tax changes impacting state revenues, a sales and use tax exemption for certain manufacturing equipment, and various income tax credits.

*Action:* Approved a motion to recommend continuation of the following tax provisions:

- a sales and use taxation exemption for services and accommodations taxed by the Navajo Nation;
- life science and technology tax credits; and
- severance and sales tax exemptions for oil shale, tar sands, and coal-to-liquids technology.

**Tax Refunds**

*Action:* Directed committee staff to draft legislation that addresses tax refunds in light of the recent Utah Supreme Court decision in Ivory Homes v. Utah State Tax Commission.

---

**Taxation of Hotel Accommodation Intermediaries**

Received public comment and discussed the taxation of hotel accommodations when the buyer uses an intermediary, such as a travel website, to make the purchase.

*Action:* Directed committee staff to draft legislation establishing the taxable base on hotel transactions made by a reseller and requiring certain disclosures of the amount of tax paid.

---

**Senate Judicial Confirmation Committee**

**Judicial Confirmations**

- Recommended that Elizabeth Hruby-Mills be confirmed by the Senate as a district court judge in the Third Judicial District.
- Recommended that Ryan Harris be confirmed by the Senate as a district court judge in the Third Judicial District.

The Senate confirmed both Ms. Hruby-Mills and Mr. Harris by unanimous vote on October 19, 2011.

**Transportation**

**Driver License and Identification Card Amendments**

*Action:* Approved as committee bill, "Driver License and Identification Card Amendments," which amends provisions relating to driver licenses and identification cards.

**Aircraft Registration Report**

Received a report on the progress and results of updating the information contained in the statewide database of all aircraft based within the state and the compliance rates for aircraft registrations for aircraft based within the state.

**Annual Report of DUI-Related Data**

Received a report from the Utah Commission on Criminal and Juvenile Justice which indicated that in CY 2010, the percentage of total crash fatalities that were DUI-related decreased from 12.7 percent to 9.9 percent. Additionally, it was reported that there were 13,816 arrests in FY 2011, 1,469 fewer than in FY 2009.

**Annual State Highway System Changes**

*Action:* Requested that committee staff draft a bill that would transfer ownership of portions of three roads (SR-73, SR-68, and SR-197) to Lehi City and Saratoga Springs.

**Driver License Issues**

*Action:* Approved as a committee bill, "Driver License Revisions," which amends provisions relating to temporary driver license certificates.

**Ignition Interlock Program Update and Review**

Received a presentation from the Driver License Division on current ignition interlock laws and a presentation from
representatives of the ignition interlock industry and the Utah Association of Criminal Defense Attorneys on the reliability of ignition interlock systems. 

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

Workforce Services and Community and Economic Development

Department of Community and Culture (DCC)
Restructuring
Received a report from the DCC on what types of restructuring would improve efficiency, reduce costs, and better focus the state and its employees on providing community and cultural development opportunities, and serving stakeholders.

Department of Workforce Services (DWS) - Organizational Efficiency
Received a presentation from the DWS on its organization and mission. The department’s mission is to "strengthen Utah’s economy by supporting the economic stability and quality of our [Utah] workforce." The Committee asked questions about the department’s functions and organization regarding potential efficiencies.

(EContinued next column)
The Legislature passed the following bills:

- H.B. 3001 Sixth Substitute, “Utah State House Boundaries Designation” (K. Sumision)
- H.B. 3002 First Substitute, “State Board of Education Boundaries and Election Designation” (K. Sumision)
- H.B. 3003, “Workers’ Compensation and Unincorporated Entities Amendments” (M. Morley)
- H.B. 3004, “State Board of Regents Amendments” (K. McIff)
- H.C.R. 301, “Concurrent Resolution Recognizing the 75th Anniversary of the Welfare System of the Church of Jesus Christ of Latter-day Saints” (R. Menlove)
- H.C.R. 302, “Concurrent Resolution on the Scofield Land Transfer” (P. Painter)
- S.B. 3001 Third Substitute, “Utah State Senate Boundaries and Election Designation” (R. Okerlund)
- S.B. 3002 Nineteenth Substitute, “Congressional Boundaries Designation” (R. Okerlund)
- S.B. 3003, “Amendments to Driver License Suspension for Driving Under the Influence Offenses” (S. Jenkins)
- S.B. 3004, “Presidential Candidate Amendments” (P. Knudson)
- S.B. 3005, “Lieutenant Governor District Determinations” (R. Okerlund)

These bills are available at: http://le.utah.gov/