



INTERIM HIGHLIGHTS

Office of Legislative Research and General Counsel
House Building, Suite W210 * Salt Lake City, Utah 84114 * (801) 538-1032

INTERIM LEGISLATIVE MEETINGS

Meetings were held August 18, 2010 or as noted.

Child Welfare Legislative Oversight Panel

June 29, 2010

Caseloads

Received a report from the Division of Child and Family Services (DCFS) that the average caseload for child protective services workers is just under 14 cases per caseworker. The average caseload for in-home services caseworkers is a little over 13, up one case per caseworker from last year. DCFS reported that the caseload standards identified in a legislative audit several years ago are 12 cases per caseworker for in-home cases and 15 cases per caseworker for child protective services cases and home-based cases.

DCFS Budget

The Division of Child and Family Services reported that it has reduced its full-time-equivalent-employee count by 111. The majority of this reduction is due to a decrease in the number of caseworkers. The division has limited in-state travel and, except where mandated, eliminated out-of-state travel. Other cost reduction measures have been implemented, including the relocation of offices to reduce rent overhead.

Investigations of Alleged Abuse or Neglect of Children in the Custody of DCFS

Received a report from the Department of Human Services that no one responded to the department's request for proposals to provide private sector investigations of alleged cases of abuse or neglect of children in the custody of the Division of Child and Family Services (DCFS). Conduct of the investigations by the private sector is required by legislation passed during the 2010 General Session. The department suggested two options for carrying out investigations until the situation can otherwise be resolved: 1) have the Office of the Attorney General do the investigations; and 2) have a DCFS region, other than the one where the alleged abuse or neglect took place, conduct the investigation and have the Office of the Attorney General review the results to ensure independence. The Panel discussed two other options as well: 1) issuing a sole-source contract, and 2) amending the Utah Code to allow for investigations by an entity other than a private contractor when no private contractor is available.

Chairs: Rep. Merlynn T. Newbold / Sen. Allen M. Christensen

Staff: Mark D. Andrews (Policy Analyst) / Thomas R. Vaughn (Attorney) / Wendy Bangerter (Secretary)

Education

Assessing Student Career and College Readiness

Received a report from the State Office of Education on a program piloting the use of tests to assess students' career and college readiness. Schools in 22 school districts and 10 charter schools will administer different tests, including the ACT and computer adaptive tests.

Online Learning

Received a presentation from the president of the International Association of K-12 Online Learning on the use of online learning in schools. Research shows online learning is rapidly expanding and can be more effective than traditional teaching methods.

State Instructional Materials Commission

Action: Recommended that the State Instructional Materials Commission be reauthorized.

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

Staff: Allison M. Nicholson (Policy Analyst) / Constance C. Steffen (Policy Analyst) / Angela Oakes Stallings (Attorney) / Glenda S. Whitney (Secretary)

Government Operations and Political Subdivisions

A Performance Audit of the "Working 4 Utah Initiative"

Received an audit from the Office of the Legislative Auditor General on the "Working 4 Utah Initiative," which began as a one-year pilot program in August 2008 by executive order. The Initiative changes the work week schedule of most state agencies to four, 10-hour days. Conserving energy and enhancing customer service were two objectives given for the Initiative. Actual savings and benefits of the Initiative have been less than expected.

Election Administration by County Clerks

Received a briefing from staff and heard comments from local government officials on whether all elections should be administered by counties. The Committee also discussed whether current practice of political entities contracting with counties should be made part of the Election Code.

Online Voter Registration - Update

Watched a demonstration from the Office of the Lieutenant Governor on the implementation of S.B. 25, "Online Voter Registration," which was recommended by the Committee and passed during the 2009 General Session. The bill allows the

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lieutenant governor to create an online system for voter registration that is now available for use at <http://elections.utah.gov>.

Privatization of the Sale of Surplus State Vehicles

Received a report from the Privatization Policy Board on whether the Division of Fleet Operations and Surplus Services, which provides motor vehicles for use by state agencies, should contract with a private entity to sell surplus state vehicles. In a letter dated May 19, 2010, the Committee had requested the board review the issue and present its findings.

Privatization Policy Board -- Annual Report

Received a report from the Privatization Policy Board on the board's activities, recommendations for privatization, and on the status of a commercial activities inventory. The board is required to review whether an agency-provided good or service could be privatized to achieve cost savings.

*Chairs: Rep. Craig A. Frank / Rep. Fred R Hunsaker / Sen. Peter C. Knudson
Staff: Benjamin N. Christensen (Policy Analyst) / Joseph T. Wade (Policy Analyst) / Victoria Ashby (Attorney) / Emily R. Brown (Attorney) / Wendy Bangarter (Secretary)*

Health and Human Services

"Liberally Construed"---Use of the Term in Department of Health Administrative Rule

Received a report from the Utah Department of Health affirming that it plans to remove the use of the term "liberally construed" from Administrative Rule R392-200 (Design, Construction, Operation, Sanitation, and Safety of Schools). The Committee was asked by the Administrative Rules Review Committee to determine whether "liberally construed" should be removed from the rule.

Flavored Tobacco and Nicotine Product Restriction Act

Considered draft legislation "Flavored Tobacco and Nicotine Product Restriction Act," which outlaws all flavored tobacco products, other than cigarettes and cigars, and all nicotine products that do not contain tobacco, except for e-cigarette refills, tobacco cessation products, and medical products.

Healthcare-associated Infections

Received a report from the Utah Department of Health on the state's program for collecting and using information about infections acquired in health care settings.

*Chairs: Rep. Paul Ray / Sen. D. Chris Butters
Staff: Mark D. Andrews (Policy Analyst) / Thomas R. Vaughn (Attorney) / Cathy J. Dupont (Attorney) / Joy L. Miller (Administrative Assistant)*

Health System Reform Task Force

Electronic Clinical Health Information Exchange

Received a report from the Utah Health Information Network (UHIN) on the implementation of electronic clinical health information exchange (CHIE) in Utah. UHIN reported it is starting to implement pricing models for CHIE participants that make good business sense.

Federal Reform Update

Received a report from the governor's health care reform coordinator on how the efforts of executive branch agencies are being coordinated to address state and federal health care reform.

Health Information Technology Funding Opportunities

Received a report from the Department of Health that entities within the state have received or been awarded over \$42 million in federal funding for activities related to the implementation or use of Health Information Technology.

High Risk Pool for Persons with Pre-existing Conditions

Received a report from the Utah Comprehensive Health Insurance Pool (HIPUtah) stating that the federally required high risk health insurance program for persons with pre-existing conditions will be operated by the state under the Utah Insurance Department. The program will be called "Federal HIPUtah." It will not be operated as part of HIPUtah, the state's existing program for uninsurable individuals, but it will rely on the same administrative structure and providers.

Payment and Delivery Reform Demonstration Projects

Received a report from HealthInsight on the development and implementation of payment and delivery reform demonstration projects. The report included a timeline for the accomplishment of specific objectives.

Task Force Workgroups

Received reports from the Task Force's Cost Containment and Implementation Oversight Working Groups on their activities.

Utah Health Exchange

Received a report from The Utah Defined Contribution Risk Adjuster Board that expansion of the Utah Health Exchange to all small group employers is on track. Development of a pilot project for large employer groups is running about two to three weeks behind but much work is being done. Received a report from the Office of Consumer Health Services on the implementation of changes to the Utah Health Exchange, including the establishment of a call center to assist participating employers. Enrollment for coverage of small employer groups will start September 1 and run for two weeks.

*Chairs: Speaker David Clark / Sen. Wayne L. Niederhauser
Staff: Mark D. Andrews (Policy Analyst) / Cathy J. Dupont (Attorney) / Wendy Bangarter (Secretary)*

Judiciary, Law Enforcement, and Criminal Justice

Activities of the Multi-agency Strike Force

Received a report from the Office of the Utah Attorney General on the creation and activities of the Statewide Enforcement of Crimes Committed by Undocumented Residents ("S.E.C.U.R.E.") Strike Force. The Strike Force is focusing on criminal organizations that engage in narcotics distribution, document forgery, and human trafficking. Forty-seven percent of the criminal activity the Strike Force has pursued involves document forgery and fraud at an organizational level.

Alimony Issues

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Discussed the following issues relating to divorce and alimony:

- considerations of fault as it relates to alimony;
- defining cohabitation that ends alimony;
- the size and duration of alimony awards; and
- providing incentives for the receiving spouse to become independent.

Forfeited Property

Received the report from the Commission on Criminal and Juvenile Justice, required by Utah Code Subsection 24-1-19(11), on the equitable share of funds of property reported by Utah law enforcement agencies on federal asset forfeiture issues. The total amount shared with Utah agencies from July 1, 2009 to June 30, 2010 totaled \$1,191,301.66.

Funding Drug Task Forces with Criminal Surcharges and Fines

Received the report from the Commission on Criminal and Juvenile Justice, required by Utah Code Subsection 51-9-411(10), on the amounts and uses of grants allocated from criminal surcharges and fines for funding law enforcement drug operations. State and local law enforcement, criminal justice agencies, drug courts, and drug and crime task force projects received a total of \$734,305 in FY 2010.

Immigration Enforcement

Discussed draft legislation, "Illegal Immigration Enforcement Act," which includes a number of provisions regarding enforcement of laws regarding the presence of illegal immigrants. The Committee heard from a Russian and two Hispanic immigrants who are now U.S. citizens, and a mother whose daughter's Social Security number had been stolen and used by illegal immigrants.

Statutorily Required Reports

Received requested information from the Commission on Criminal and Juvenile Justice (CCJJ) on the amount of CCJJ staff time required to prepare five of the statutorily required reports they present each year. The total staff hours required to prepare these reports was 510 hours.

Chairs: Sen. Jon J. Greiner / Rep. Douglas C. Aagard / Rep. Lorie D. Fowlke

Staff: Jerry D. Howe (Policy Analyst) / Stewart E. Smith (Policy Analyst/Spe Proj Mgr) / Susan Creager Allred (Attorney) / Esther Chelsea-McCarty (Attorney) / Amanda K. Majers (Secretary)

Natural Resources, Agriculture, and Environment

Carbon Sequestration Pore Space Ownership and Liability

Discussed carbon capture and sequestration, ownership and liability of sequestration pore space, and the status of sequestration pilot projects.

Energy Education Funding

Received a report from the Division of Oil, Gas, and Mining and the School and Institutional Trust Lands Administration on ways to educate the public on energy needs and how Utah's natural resources can help meet those needs. Possible funding sources were discussed.

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Oil Shale and Tar Sands

Received reports from three private companies currently exploring the extraction and processing of oil shale and tar sands in Utah.

Utah State Energy Program Use of American Recovery and Reinvestment Act Funds

Received a report from the Utah State Energy Program on how the program has used American Recovery and Reinvestment Act funds to create jobs and stimulate the economy.

Chairs: Rep. Roger E. Barrus / Sen. Dennis E. Stowell

Staff: J Brian Allred (Policy Analyst) / Christopher R. Parker (Attorney) / Joy L. Miller (Administrative Assistant)

Public Utilities and Technology

Department of Technology Services

Committee staff presented a follow-up report on the provision of information technology services to state agencies by the Department of Technology Services (DTS). After reviewing multiple service level agreements and requests for proposals representing twenty-one state agencies that were generated over a two-year period, it was concluded that DTS was providing state agencies with in-house services and was contracting with outside vendors to provide agencies with specialized information technology services where needed.

Net Neutrality

Received a committee staff presentation on the topic of net neutrality, which is the premise that an Internet Service Provider should not restrict access, equipment, content, and types of communication over the Internet. Proposals by Internet Service Providers before the Federal Communications Commission and bills before Congress are putting forth details for addressing business needs, consumer needs, and what type of regulations, if any, are needed.

Utility Energy Efficiency Programs

Received a report from Rocky Mountain Power and Questar Gas on electrical and gas energy conservation programs, including types of energy saving devices such as appliances, windows, doors, and insulation. Cool Keeper and Thermwise are the main programs for each utility, respectively, and the return to customers who participate in the programs is for every \$1 invested the customers saves \$2.65.

Chairs: Rep. Michael E. Noel / Sen. Stephen H. Urquhart

Staff: Richard C. North (Policy Analyst) / Christopher R. Parker (Attorney) / Tracey Fredman (Secretary)

Revenue and Taxation

School Funding and Property Taxes

Discussed two proposals for equalizing school capital outlay funding. One proposal imposes a uniform statewide capital outlay property tax and allocates funds based on total enrollment and enrollment growth. The other proposal uses a state-imposed sales tax and allocates funds based on total enrollment and enrollment growth.

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Tax Commission Administration & Collection

Discussed proposals related to Utah State Tax Commission administration and collection procedures, including filing time lines and other administration and collection provisions for certain taxes, fees, and charges, and a State Tax Commission Administrative Charge Account, and data match processes.

Action: Approved as a committee bill, "State Tax Commission Tax, Fee, or Charge Administration and Collection Amendments," which addresses filing deadlines and other administration and collection provisions, including renaming and making various changes to a State Tax Commission Administrative Charge Account.

Chairs: Rep. Todd E. Kiser / Sen. J. Stuart Adams

Staff: Bryant R. Howe (Assistant Director) / Phillip V. Dean (Policy Analyst) / Robert H. Rees (Attorney) / Rebecca L. Rockwell (Attorney) / Chelsea Barrett (Secretary)

Senate Judicial Confirmation Committee

August 09, 2010

Judicial Confirmation

Recommended that the Senate confirm the appointment of Katherine Bernards-Goodman to the Third District Court. (The Senate confirmed the appointment of Ms. Bernards-Goodman on August 18, 2010 in an extraordinary session held for that purpose).

Recommended that the Senate confirm the appointment of Clark McClellan to the Eighth District Court. (The Senate confirmed the appointment of Mr. McClellan on August 18, 2010 in an extraordinary session held for that purpose).

Chairs: Sen. Scott K. Jenkins

Staff: Jerry D. Howe (Policy Analyst) / Esther Chelsea-McCarty (Attorney) / John L. Fellows (General Counsel) / Amanda K. Majers (Secretary)

Transportation

Coordinated Human Service Transportation

Received an update from Wasatch Front Regional Council (WFRC) on coordinating human service transportation. WFRC has recently formed a regional coordination council composed of several local agencies that provide transportation services, hired a full-time regional mobility manager, and established a strategy to continue to coordinate transportation services.

Licensing and Motor Vehicle Coverage for Foster Children

Received a report from the Division of Child and Family Services (DCFS) on the impacts on DCFS and a foster parent of a foster child getting a driver's license. The financial impact on DCFS of reimbursing foster parents for the cost of providing motor vehicle insurance for a foster child has been minimal. Most foster parents seem to think it is important that their foster child have the opportunity to drive, but some are hesitant to sign for the driver's license.

Maintenance of Transportation Infrastructure

Received a presentation from the Utah Department of Transportation (UDOT) on the ability of the state to maintain its

roads, bridges, and other transportation infrastructure in the upcoming years. UDOT stated that the condition of Utah's transportation infrastructure is sufficient today but given current maintenance funding levels, the condition of it will deteriorate over time.

Public Transit Issues

Received a report from Utah Transit Authority (UTA) on transit-oriented developments (TOD). UTA believes that TODs will increase ridership and revenue as well as enhance economic growth. There are several potential TOD sites along the Wasatch Front. UTA is currently trying to partner with a developer on a potential TOD in West Jordan.

Chairs: Rep. Julie Fisher / Sen. Kevin T. Van Tassell

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

Utah Constitutional Revision Commission

August 19, 2010

Eight Hour Work Day

Discussed Article XVI, Section 6 of the Utah Constitution that provides that eight hours shall constitute a day's work on all works or undertakings carried on or aided by the state, county or municipal government. In the context of the Working 4 Utah Initiative, the Auditor General has recommended that the apparent inconsistency between the state's current personnel practices and Article XVI, Section 6 be reviewed.

Power Vested in Senate, House, and People

Discussed Article VI, Section 1 of the Utah Constitution allowing legal voters, under conditions provided by statute, to "require any law or ordinance passed by the law making body of the county, city, or town to be submitted to voters before the law or ordinance may take effect. Utah Code Subsection 20A-7-601(3)(b) provides that the "local law remains in effect until repealed by the voters via a referendum." The Government Operations and Political Subdivisions Interim Committee requested that the Commission review this conflict and recommend whether, and if so, in what manner, this conflict could be addressed.

Review of Affirmative Action

Requested by the Minority Leader of the Utah House of Representatives to have the Commission review affirmative action milestones.

Chairs: Judge Jon Memmott / Mr. Roger Tew

Staff: Jerry D. Howe (Policy Analyst) / Robert H. Rees (Attorney) / Amanda K. Majers (Secretary)

Utah International Relations and Trade Commission

July 19, 2010

Governor's International Trade & Diplomacy Office Initiatives - 2010

Discussed the four primary international trade and diplomacy goals outlined by Governor Herbert, which are: strengthen and

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grow existing Utah businesses; encourage entrepreneurship and investment; attract national and international businesses; and support education as an important component to Utah's long-term business viability.

Latin America & Trans-Pacific Trade Treaties

Received a Commission chair and staff presentations on the status of Latin American Free Trade Agreements (FTAs), and Trans-Pacific Trade Partnerships. Currently, Latin American FTAs discussions are on hold over several issues including worker's rights, while the Trans-Pacific Trade Partnership talks are moving progressing. The United States would like to participate in the Trans-Pacific Trade Partnerships involving approximately \$25 billion dollars in trade and which is projected to save approximately 200,000 American jobs.

Utah - Peru Trade Relations

Received a presentation from the president of Piura, Peru and his trade delegation to Utah.

Utah International Consulate Corp

Discussed with the director and staff of the Governor's Utah International Trade and Diplomacy Office the history and function of Utah's Consulate Corp.

Utah International Export Trade

Received a presentation from The Utah World Trade Center and the Governor's International Trade and Diplomacy Office on Utah's export trade in commodity goods, services, and related monies. Primary exports by dollars are metals (gold), electronics, medical equipment, and industrial and aerospace machinery. Utah's exports increased 47% from 2009 to 2010 and led the nation in commodity export growth.

Chairs: Rep. Sheryl L. Allen / Sen. Mark B. Madsen

Staff: Richard C. North (Policy Analyst) / James L. Wilson (Attorney) / Glenda S. Whitney (Secretary)

Workforce Services and Community and Economic Development

Potential Legislation Regarding Enterprise Zones

Received a report from a legislator regarding his intention to prepare legislation addressing his concerns with current law governing enterprise zones.

Rules Governing Food Stamp Eligibility

Received a report from the Department of Workforce Services explaining that, due to a recent administrative rule change, the income generated by ineligible alien household members will no longer be prorated and the full value of all assets will continue to be counted toward determining food stamp eligibility. The effect of this change is that households that include one or more ineligible aliens may receive less food stamps.

Solvency of the Unemployment Insurance Trust Fund

Received a report from the Department of Workforce Services concluding that, according to the latest projections, the Unemployment Insurance Trust Fund (UTF) will not go

insolvent until 2013. The department had previously reported that the UTF could go insolvent as early as the fall of 2011.

Tax Credits for Motion Picture Productions

Received a request from the Governor's Office of Economic Development (GOED) that the state's funding of motion picture cash rebates and tax credits be ongoing. GOED also requested that the current 20% rebate given to qualifying film projects on the money they spend in the state be raised to 25%. The Committee asked GOED to also calculate revenue projections if the rebate was raised to 30%.

Use of the Phrase "Liberally Construed" in Workforce Services Administrative Rule

Discussed and concluded with the Department of Workforce Services, that a particular department rule that included the phrase, "liberally construed" was used exclusively in the department's adjudicative proceedings and should remain in the rule to protect the rights of the public involved in those proceedings.

Chairs: Rep. Steven R. Mascaró / Sen. Mark B. Madsen

Staff: Art L. Hunsaker (Policy Analyst) / James L. Wilson (Attorney) / Glenda S. Whitney (Secretary)

Legislative Staff Awards

Staff Achievement Awards are presented at the National Conference of State Legislatures (NCSL) Annual Summit to recognize staff excellence in supporting the work of their state legislature and strengthening the legislative institution.

This year, Mark Allred (Legislative Research and General Counsel) and Stan Eckersley and Richard Amon (Legislative Fiscal Analyst) received the Legislative Staff Achievement Award from the National Association of Legislative Information Technology Staff Section for their team work on software redesign that expedites the preparation of legislative fiscal notes.

Notable Document Awards, which are sponsored by the Legislative Research Librarians Staff Section, were presented to:

The Legislative Fiscal Analyst's Office for 2010-2011 Appropriations Report; and

The Office of Legislative Research and General Counsel for Utah's Economy: What's Happened and Where Do We Go From Here?

The Office of the Legislative Auditor General was presented with two awards from the National Legislative Program Evaluation Society this year:

Excellence in Research Methods Award, and the Certificates of Impact Award, both awarded for A Performance Audit of the Cost of Benefits for Reemployed Retirees and Part-time Employees.

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America's Legislators Back to School Program

Utah's Legislators Rank First for Participation.

NCSL recently announced the 2009-2010 "Top 10" state participants in America's Legislators Back to School Program.

It's no surprise that Utah ranked Number One again this year; the Utah Legislature has consistently ranked in the top three since this civic education program began a decade ago.

This ranking reflects Utah legislators' dedication in going the extra mile and reaching out to Utah's future voters and leaders in meaningful ways.

Their interaction with students builds a deeper understanding and appreciation for the legislative process, and encourages the involvement of young people in making and securing effective public policy.

Next Interim Day - September 15

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