



INTERIM HIGHLIGHTS

Office of Legislative Research
and General Counsel

Office of the Legislative
Auditor General

INTERIM LEGISLATIVE MEETINGS

Meetings held June 20, 2007, or as noted.

Administrative Rules

(June 12, 2007 meeting)

STUDY:

- Discussed various definitions of “supervision” in statutes and rules governing the Division of Occupational and Professional Licensing (DOPL) and ways to increase uniformity.

ACTION:

- Recommended that interim committees review the authority, granted in statute to agencies they oversee, to establish criminal penalties by rule. Committees will be asked to determine whether the authority should continue and send their findings to the Administrative Rules Review Committee.

*Chairs: Sen. Howard A. Stephenson / Rep. Ben C. Ferry
Staff: Art L. Hunsaker (analyst)/Susan Creager Allred (attorney)/Tracey Fredman (secretary)*

Business and Labor

STUDY:

- Discussed regulation of professional employer organizations and possible changes to the state’s oversight.

REPORTS:

- Received reports from:
 - the Rocky Mountain Center for Occupational and Environmental Health at the University of Utah; and
 - DOPL on efforts to standardize how building permits are issued across the state.

ACTION:

- Recommended eliminating Sunset Act references to the State Construction Registry regarding mechanics’ liens.

*Chairs: Sen. Kevin Van Tassell / Rep. Stephen D. Clark
Staff: Allison Nicholson (analyst)/Patricia Owen (attorney)/Phalin L. Flowers (secretary)*

Child Welfare Legislative Oversight Panel

(June 19, 2007 meeting)

STUDY:

- Discussed management and licensing information systems for child abuse and neglect, including listing names, making findings, due process protections, and records retention.

REPORT:

- Received an Attorney General briefing on the proposed agreement to end federal court oversight of the state’s child welfare system. Oversight could end by December 30, 2008.

*Chairs: Sen. Dan Eastman/ Rep. Steven R. Mascaro
Staff: Mark Andrews (analyst)/Tom Vaughn (attorney)/Wendy Bangertner (secretary)*

Education

STUDIES:

- Received a presentation from the Office of the Attorney General on the duties and authority of the attorney general to provide legal counsel to state officers and agencies, including the State Board of Education.
- Received a presentation from the Center for the School of the Future at Utah State University on aspects of the school environment that influence academic achievement.

REPORT:

- Received a report from the Utah State Office of Education recommending that schools continue to be allowed to reduce the school calendar by up to 22 hours for the purpose of providing professional development to instructional staff.

*Chairs: Sen. Howard A. Stephenson / Rep. Greg Hughes
Staff: Constance Steffen & Phillip Dean (analysts)/Dee Larsen (attorney)/Glenda Whitney (secretary)*

Government Operations

STUDY:

- Received reports on ombudsman functions and duties regarding property rights, child protection, and long term care.

REPORT:

- Received a State Capitol Preservation Board briefing on the long-range master plan for the Capitol Hill complex. The Capitol Renovation is expected to be completed and the Capitol will be ready for occupancy by December 19, 2007. Received an overview of the Capitol Preservation Board’s functions.

Continued

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ACTIONS:

- Recommended extending the sunset date of bonding authorization for the Veterans Nursing Home in Ogden to December 31, 2013.
- Recommended the recodification of Title 63, State Affairs in General.

*Chairs: Sen. Peter C. Knudson / Rep. Glenn Donnelson
Staff: Benjamin Christensen (analyst)/Eric Weeks (attorney)/Brooke Ollerton (secretary)*

Health and Human Services

REPORTS:

- Received a report on the Department of Health's (DOH) Gold Medal Schools Program, including the cost of expanding the program, which promotes physical activity and good nutrition.
- Reviewed legislation to require health insurers to offer coverage for surgical procedures for morbid obesity.
- Received a DOH report on health care cost and quality data available to consumers and funding needed to implement H.B. 9, "Health Care Cost and Quality Data" (2007).

*Chairs: Sen. D. Chris Butters / Rep. Paul Ray
Staff: Mark Andrews (analyst)/Catherine Dupont, Thomas Vaughn (attorneys)/Joy Miller (secretary)*

Higher Education Task Force

(May 17, 2007 meeting)

STUDIES:

- Received a presentation from the Utah Commissioner on Higher Education on the missions of the institutions of higher education within the state system.
- Received a presentation by committee staff on the history of applied technology education governance in Utah.

ACTION:

- Identified issues for future study.

*Chairs: Sen. Greg Bell / Rep. Kory Holdaway
Staff: Connie Steffen, Allison Nicholson (analysts)/Dee Larsen (attorney)/Glenda Whitney (secretary)*

Judiciary

STUDIES:

- Discussed creating a statutory presumption against awarding custody of a minor to a person convicted of a sexual offense against a minor.
- Discussed the issue of statutorily providing for a presumptive personal representative to present and resolve claims regarding wrongful death, liability, and uninsured motorists.
- Conducted a sunset review of the Administrative Office of the Courts (AOC).

REPORT:

- Received a report from the AOC regarding: the Mandatory Education Course; Small Claims Court; and the Alternative Dispute Resolution Program.

ACTION:

- Recommended "Exoneration and Innocence Assistance" as a committee bill.

*Chairs: Sen. Greg Bell / Rep. Douglas Aagard
Staff: Jerry Howe (analyst)/Esther Chelsea-McCarty (attorney)/Brooke Ollerton (secretary)*

Judicial Retention Election Task Force

(May 18, 2007 & June 19, 2007 meetings)

REPORT:

- Received a committee staff report comparing the judicial performance programs reported in various states' Voter Information Pamphlets.
- Received a committee staff review of voting trends in Utah's judicial retention elections.

*Chairs: Sen. D. Chris Butters / Rep. Curtis Oda
Staff: Jerry Howe (analyst)/Mark Steinagel (analyst)/Esther Chelsea-McCarty (attorney)
Chris Parker (attorney)/Brooke Ollerton (secretary)*

Law Enforcement and Criminal Justice

REPORTS:

- Received a report from the Utah Department of Corrections and the Utah Sexual Violence Council on the effectiveness of sex offender treatment and the need for more treatment resources.
- Received a report from the Office of Crime Victim Reparations regarding the storage of Sexual Assault Forensic Exam (Code-R) Kits.

ACTIONS:

- Recommended as committee bills: "Parole Amendments;" "Controlled Substances and Paraphernalia;" and "Disclosure of Identity to Officer."

*Chairs: Sen. Jon Greiner / Rep. DeMar "Bud" Bowman
Staff: Stewart E. Smith (analyst)/Susan Creager Allred (attorney)
Wendy Bangerter (secretary)*

Legislative Process Committee

(June 15, 2007 meeting)

STUDIES:

- Discussed potential interim study items.
- Discussed General Session schedule issues, including starting date, federal holidays, and a mid-session recess.

*Chairs: Sen. Lyle Hillyard / Rep. Roger Barrus
Staff: John Cannon (analyst)/John Fellows (attorney)/Joy Miller (secretary)*

Local Issues Task Force

(May 23, 2007 meeting)

STUDIES:

- Discussed issues relating to forms of municipal government.
- Discussed issues concerning financing of school buildings.

Local Issues Task Force

(June 19, 2007 meeting)

STUDIES:

- Discussed school building funding equalization proposals, including proposed legislation for statewide equalization and a proposal for countywide equalization.
- Discussed a proposal by the Utah League of Cities and Towns related to changes in municipal forms of government.

REPORT:

- Received a committee staff presentation on school finance.

*Chairs: Sen. Carlene M. Walker / Rep. Aaron Tilton
Staff: Joseph T. Wade (analyst)/Phillip V. Dean (analyst)/Robert H. Rees (attorney)
Angela D. Oakes (attorney)/Wendy Bangertner (secretary)*

Natural Resources, Agriculture, and Environment

STUDIES:

- Discussed case law regarding nonprofit water companies and proposed modifications to Title 16, Chapter 6a, Utah Revised Nonprofit Corporations Act.
- Discussed a groundwater management proposal for the Escalante Valley area of Southern Utah.

REPORTS:

- Received a report from the State Energy Advisor on the Utah Energy Summit, the Blue Ribbon Advisory Council on Climate Change, climate registry, the Western Climate Initiative, and energy efficiency.
- Received a report prepared by water conservancy districts, the Division of Water Resources, and other water entities on state river systems and state water development projects in Utah.
- Received a report from the Department of Agriculture and Food on controlling the Japanese Beetle infestation in Utah County.

*Chairs: Sen. Darin Peterson / Rep. Roger E. Barrus
Staff: Brian Allred (analyst)/Emily R. Brown (attorney)/Joy Miller (secretary)*

Political Subdivisions

STUDIES:

- Discussed issues relating to the process for incorporation of a town, including changes made by H.B. 466, "Incorporation of a Town Amendments" (2007 General Session).
- Discussed issues relating to eminent domain, including severance damages for property remaining after a portion is taken by eminent domain but no structure is built on the taken property.

REPORT:

- Received a report from the Envision Utah Public/Private Partnership regarding its history and activities.

*Chairs: Sen. Dennis Stowell / Rep. Fred Hunsaker
Staff: Joseph Wade (analyst)/Robert Rees (attorney)/Wendy Bangertner (secretary)*

Public Utilities and Technology

REPORTS:

- Received reports from PacifiCorp Energy and others on the use of nuclear power for generating electric energy and how nuclear power compares to other fuel sources. Discussed Utah's future energy needs and fuel sources.
- Received a report from Mid-American Holding Company describing Renewables (Energy) Portfolio Standards (RPS). RPS is an agreement to use a variety of renewable energy fuel sources to provide electric power.
- Received a report from the State's Energy Advisor on:
 - the Utah Energy Summit, state energy efficiency workshops, and the Western Climate Initiative signed by Governor Huntsman on behalf of Utah.
 - the reduction of greenhouse gases as related to the use of coal and oil.

*Chairs: Sen. Scott K. Jenkins / Rep. Michael Noel
Staff: Richard North (analyst)/Christopher Parker (attorney)/Tracey Fredman (secretary)*

Revenue and Taxation

REPORTS:

- Received a report on state tax collection trends. General Fund revenues are expected to exceed target by \$58 to \$85 million in FY 2007 and Education Fund revenues are expected to exceed target by \$102 to \$175 million.
- Received a report from the Office of Legislative Fiscal Analyst on recent trends in the Utah economy.
- Received a report on Utah state and local taxes and total own source revenue compared to other states. For FY 2005, state and local taxes were 10.94% of personal income, 21st highest in the nation. Total own source revenue, which includes both taxes and fees, were 15.9% of personal income, 10th highest in the nation.
- Received a report regarding Department of Commerce fees that accrue to the General Fund.

*Chairs: Sen. Wayne Niederhauser / Rep. John Dougall
Staff: Bryant Howe, Phillip Dean, & Leif Elder (analysts)/Rebecca Rockwell & Angela D. Oakes (attorneys) Phalin Flowers (secretary)*

Tax Review Commission

(June 15, 2007 meeting)

STUDIES:

- Reviewed guiding principles and issues regarding the development of an ideal sales and use tax system.
- Reviewed options for defining business inputs for purposes of exempting these inputs from the sales and use tax.
- Reviewed policy and statutory issues regarding the General Fund Budget and the Education Budget Reserve Accounts.

REPORT:

- Received a report on trends in funding public education.

*Chairs: M. Keith Prescott / David J. Crapo
Staff: Phillip V. Dean (analyst)/Leif G. Elder (analyst)/Bryant R. Howe (assistant director)
Angela D. Oakes (attorney)/Rebecca L. Rockwell (attorney)/Phalin L. Flowers (secretary)*

Transportation

STUDIES:

- Discussed whether the current B & C Road Fund formula, including its hold harmless provisions, is still effective in dividing resources among local highway authorities.
- Discussed Utah laws on driver licensing and the elderly.

REPORT:

- Received a report from the Utah Department of Transportation on potential highway jurisdictional transfers and the state's long-range transportation plan.

*Chairs: Sen. Carlene Walker / Rep. Todd Kiser
Staff: Mark Steinagel (analyst)/Shannon Halverson (attorney)
Tracey Fredman (secretary)*

Utah International Trade Commission

(June 17, 2007 meeting)

REPORTS:

- Received a report that the United States is withdrawing its World Trade Organization (WTO) commitment to allow Internet gambling.
- Received a report from committee staff and the Forum on Democracy on the terms of China's entry to the WTO in 2001, and key facts about Chinese international trade.
- Received a report from the Forum on Democracy on key treaty terms and their impact on state government.
- Received a report on the possible renewal of the federal trade fast track authority.

*Chairs: Sen. Mark Madsen / Rep. Sheryl L. Allen
Staff: John Cannon (analyst)/John Fellows (attorney)/Joy Miller (secretary)*

Workforce Services & Community and Economic Development

STUDIES:

- Discussed public assistance that is provided through the Department of Community and Culture.
- Discussed public assistance hardship extensions available through the Family Employment Program.
- Discussed structuring child care aid so single working parents do not lose assistance when receiving a raise.

ACTION:

- Recommended "Economic Development Incentives Modifications" as a committee bill.

*Chairs: Sen. Mark B. Madsen / Rep. Steven Mascaro
Staff: Rich North (analyst)/Chris Parker (attorney)/Tracey Fredman (secretary)*

Injunction Lifted on Partial-Birth Abortion Statute

As noted in the May issue of the Interim Highlights, the United States District Court for the District of Utah issued an injunction in 2004 that prohibited enforcement of Utah's partial-birth abortion ban statute. On April 18, 2007, the United States Supreme Court upheld the federal partial-birth abortion ban statute in *Gonzales v. Carhart*. Utah's statute is almost identical to the federal partial-birth abortion ban statute.

In light of the *Gonzales* decision, on May 31, 2007, Utah's federal district court lifted the injunction on Utah's statute and dismissed the case that challenged the statute. Consequently, Utah's partial-birth abortion ban statute may now be enforced.

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Next Interim Day – July 18th

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

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