



# INTERIM HIGHLIGHTS

Office of Legislative Research  
and General Counsel

Office of the Legislative  
Auditor General

## INTERIM LEGISLATIVE MEETINGS

Meetings held July 18, 2007, or as noted.

### Administrative Rules

*(June 25, 2007 Meeting)*

**STUDY:**

- Discussed the relationship between the Utah State Board of Education and the Utah High School Activities Association, including responsibility for policies on student participation in activities and the Association’s handling of student transfer requests.

**ACTION:**

- Received an update from the Utah State Board of Education on recent proposed changes to board rules regarding student enrollment options and charter schools.

*(July 16, 2007 Meeting)*

**STUDY:**

- Discussed the scope of authority granted by the Administrative Rulemaking Act to state agencies to make rules that are implicitly authorized by state statute.

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

### Business and Labor

**STUDIES:**

- Reviewed employer obligations regarding employee verification requirements and received presentations from committee staff, employer representatives, the Utah Labor Commission, the Department of Workforce Services, and the Office of the Attorney General.
- Discussed worker classifications, including “independent contractor” and “employee,” and the effects of misclassification, including unfair competition, lost state tax revenues, unpaid workers’ compensation insurance premiums, and lost funds for unemployment insurance.
- Received testimony from contractor representatives and the Workers’ Compensation Fund regarding employee misclassification and resulting pay practices as related to the construction industry.

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**REPORT:**

- Received a report from the assistant commissioner of the Utah Insurance Department regarding title insurance complaints and investigations.

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

### Education

**STUDIES:**

- Discussed a proposal to allow charter school students to participate in extracurricular activities at a public school if the charter school does not offer the activity.
- Received a staff presentation on exit exams as a component of high school graduation requirements.

**REPORT:**

- Received an overview by the Utah Foundation of its recently published report analyzing policy options for reducing teacher attrition.

**ACTIONS:**

- Voted to send a letter to federal agencies and Utah’s congressional delegation requesting reimbursement of the public education costs of undocumented children.
- Voted to encourage the governor and legislative leadership to work together on a legislative special session addressing amendments to state law on the creation of new school districts and school building equalization.

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

### Government Operations

**STUDY:**

- Received presentations on potential changes to Utah election law, including draft legislation and proposals from the Office of the Lieutenant Governor and the Association of County Clerks.

**REPORTS:**

- Received a briefing from the State Planning Coordinator on his functions and duties and an explanation of how plans throughout the state are coordinated.

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- Received an update on the recodification of Title 63, State Affairs in General, which will make technical changes. The bill will renumber the Title 63 sections into new titles and adjust cross references.

**ACTION:**

- Voted to direct committee staff to prepare draft legislation allowing the members of the Office of the Lieutenant Governor to administer oaths for election purposes and to establish uniform dates and monetary thresholds for entities making political expenditures.

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

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## Health and Human Services

**REPORT:**

- Received a briefing from committee staff on the recently approved settlement agreement to terminate federal court oversight of Utah's child welfare system. Also received suggestions from the Department of Human Services on sustaining the child welfare system in the future.

**STUDIES:**

- Received information from state and local health department officials, the Utah Health Insurance Association, and others about recommended childhood immunization schedules and ways of increasing compliance with those schedules.
- Considered draft legislation that would require the Department of Health to distribute information to health professionals and the public about sexually transmitted diseases (STDs) and locally available treatment providers. Received information from the Utah Department of Health, Salt Lake Valley Health Department, and others on the prevalence of STDs and efforts to provide treatment and education.
- Received a report from the Governor's Task Force for Pandemic Influenza Preparedness and discussed whether executive branch emergency powers for responding to an influenza pandemic should be modified.
- Received information from the Utah Department of Health and the Autism Council of Utah on the nature of autism and options for improving services to those with autism spectrum disorders.

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

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## Higher Education Task Force

*(June 21, 2007 Meeting)*

**STUDIES:**

- Received presentations from the Utah System of Higher Education, various state institutions of higher education, and task force staff on:
  - issues surrounding transfer of credit between institutions of higher education;

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- timely graduation of students and dynamics that contribute to students taking longer than the traditional four-year time frame to graduate; and
- efforts to increase participation in higher education of minority and low-income students.

*(July 17, 2007 Meeting)*

**STUDIES:**

- Received a presentation from task force staff on governance models of applied technology education in other states, and background information on applied technology education in Utah.
- Received presentations from the Utah College of Applied Technology (UCAT) and the Commissioner of Higher Education on issues surrounding UCAT and its role in higher education in Utah.

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

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## Judiciary

- The committee received no reports and took no action.

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

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## Law Enforcement and Criminal Justice

**STUDIES:**

- Considered policies and practices surrounding correctional officers' and other law enforcement officers' safety during transportation of offenders.
- Reviewed the statutory authority to establish criminal felony offenses by administrative rule regarding security in correctional and mental health facilities.

**ACTIONS:**

- Recommended draft legislation:
  - "Search Warrant Procedure Amendments" provides a process for a warrantless search and seizure of parolees by parole officers or by law enforcement officers regarding evidence of a parole violation or a criminal law violation.
  - "Criminal Statute of Limitations Amendments" removes the statute of limitations for prosecution of all first degree felony sex offenses.
  - "Discharge of Firearm Amendments" provides specified enhanced penalties for felony offenses involving the discharge of a firearm.
- Voted to address the issue of criminal penalties in administrative rules at a future committee meeting.

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

## Legislative Process Committee

(July 17, 2007 Meeting)

### STUDIES:

- Discussed the transition back to the renovated State Capitol Building and the potential impact on the Legislature.
- Discussed General Session schedule issues, including starting dates, observing federal holidays, and a mid-session recess.
- Discussed the need for and possible ways to provide constituent services for legislators.

*Chairs: Sen. Lyle Hillyard / Rep. Roger Barrus*

*Staff: John Cannon (analyst)/John Fellows (attorney)/Joy Miller (secretary)*

## Natural Resources, Agriculture, and Environment

### STUDY:

- Discussed the Petroleum Storage Tank Trust Fund Performance Audit conducted by the Office of the Legislative Auditor, including fund privatization, financial assurance, fund administration, fund solvency, and proposed legislation.

### REPORT:

- Received reports from the Commissioner of the Department of Agriculture and Food, the Director of the Division of Forestry, Fires and State Lands, and the Executive Director of the Department of Environmental Quality on recent wildfires in Utah.

### ACTIONS:

- Conducted a sunset review and voted to recommend the reauthorization of the Underground Storage Tank Act for ten years.
- Voted to recommend that the environmental assurance fee on petroleum not be increased.
- Voted to direct committee staff to prepare legislation on the Petroleum Storage Tank Trust Fund for further consideration by the committee.
- Conducted a sunset review and voted to recommend the reauthorization of the State Water Development Commission for ten years.
- Voted to direct staff to prepare a letter to the Utah congressional delegation supporting funding of the Basin and Range Carbonate Aquifer System Study II.

*Chairs: Sen. Darin Peterson / Rep. Roger E. Barrus*

*Staff: Brian Allred (analyst)/Emily R. Brown (attorney)/Joy Miller (secretary)*

## Political Subdivisions

### STUDIES:

- The Automated Geographic Reference Center demonstrated examples of how Geospatial Information and Technology supports local government: (1) Iron County Spatial Growth Modeling Tool; (2) Aerial Imagery and Internet Web Services; and (3) Notification of Facilities with Regional Impact.

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- Received comments from the public regarding the process to incorporate a town, including whether the property owners or the county should make the final decision on incorporating the proposed area as a town.
- Received comments from the public regarding eminent domain, including the issues of severance damages for property remaining after a portion is taken by eminent domain but no structure is built on the taken property, and if the amount of compensation should be greater than market value.

### ACTION:

- Requested that staff draft legislation that would require local government candidates to submit campaign financial reports electronically.

*Chairs: Sen. Dennis Stowell / Rep. Fred Hunsaker*

*Staff: Joseph Wade (analyst)/Robert Rees (attorney)/Wendy Bangertner (secretary)*

## Privatization-Government Competition with Private Sector Subcommittee

(June 27, 2007 Meeting)

### STUDIES:

- Received staff presentations on the Privatization Policy Board, previous legislation, and efforts in other states to govern government competition and privatization.
- Considered input from various organizations on potential approaches to government competition and privatization.
- Discussed priorities for future meetings.

*Chairs: Sen. Howard A. Stephenson / Rep. Craig A. Frank*

*Staff: Leif G. Elder (analyst)/Patricia Owen (attorney)/Phalin Flowers (secretary)*

## Public Utilities and Technology

### STUDY:

- Received a report from committee staff on SB 888, Florida Energy Diversity and Efficiency Act (passed in 2006), that provides criteria for nuclear energy sources, including nuclear power plant permitting, expedited judicial processes, public service commission adoption of alternative cost recovery mechanisms supporting nuclear energy, and spreading the cost recovery over a long period of time.

Received a summary from committee staff of eight other states' 2006 laws and resolutions that encourage the consideration of developing new nuclear power sites.

### REPORT:

- Received a report by the State Energy Policy Advisor regarding the Western Climate Initiative recently signed among six western states and two Canadian provinces for identifying, evaluating, and implementing methods to reduce greenhouse gas emissions. The report included potential benefits in energy efficiency, clean and renewable energy sources, and tailpipe standards for air quality, fuel efficiency, and energy security.

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Received comments from members of the energy generation industry regarding issues they have identified, including projected energy demand and new generation facilities, and sequestration.

**ACTION:**

- Voted to direct committee staff to draft legislation for the next meeting based on other states' recent legislation regarding nuclear energy.

*Chairs: Sen. Scott K. Jenkins / Rep. Michael Noel*

*Staff: Richard North (analyst)/Christopher Parker (attorney)/Tracey Fredman (secretary)*

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## Revenue and Taxation

**STUDIES:**

- Received a presentation from committee staff on existing funding sources for transportation and options for other potential funding.
- Reviewed draft legislation related to the income apportionment procedure for the corporate franchise and income tax.

**REPORT:**

- Received a report from committee staff on FY 2006-07 state revenue collections, which were approximately \$260 million above February revenue projections.

*Chairs: Sen. Wayne Niederhauser / Rep. John Dougall*

*Staff: Bryant Howe, Phillip Dean, & Leif Elder (analysts)/Rebecca Rockwell & Angela D. Oakes (attorneys) Phalin Flowers (secretary)*

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## Special Districts Subcommittee of the Political Subdivisions Interim Committee

**STUDIES:**

- Discussed further needs in the recodification of Title 17A, Local Government Controlled Districts (formerly Special Districts).
- Discussed the purpose of each of the dependent district types that need to be recodified in Title 17A, Chapter 3:
  - Part 4, Parking and Business Improvement Districts;
  - Part 8, Conservation Districts;
  - Part 9, Municipal Building Authorities;
  - Part 12, Special Road Districts; and
  - Part 13, Historic Districts.
- Discussed special service district statutes in Title 17A, Chapter 2, Part 13, Special Service Districts, that need recodification. The district type of special service district is one of the many different types of districts addressed.
- Discussed eight policy questions and sought drafting guidance from the Subcommittee.
- Discussed and planned how the Subcommittee will proceed in completing the recodification.

*Chairs: Sen. Dennis Stowell / Rep. Fred Hunsaker*

*Staff: Joseph Wade (analyst)/Robert Rees (attorney)/Wendy Bangerter (secretary)*

## Tax Review Commission

*(July 13, 2007 Meeting)*

**STUDIES:**

- Reviewed the historical volatility of various sectors of the sales and use tax base.
- Reviewed draft legislation changing state statutes governing the General Fund Budget Reserve Account, the Education Budget Reserve Account, and the State Disaster Recovery Restricted Account.
- Reviewed the appropriate size of state budget reserve accounts and contributions to the accounts.

**REPORTS:**

- Received a report from the Utah State Tax Commission on tax penalties and when penalties may be waived.
- Received a progress report from the Sales and Use Tax Working Group.

*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)*

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## Transportation

**STUDIES:**

- Discussed current motor carrier traffic safety laws, including:
  - how Utah compares to other states in motor carrier traffic safety;
  - Utah's current traffic safety plan for motor carriers; and
  - other states' efforts to improve motor carrier traffic safety.
- Discussed the stability of the motor fuel tax as a revenue source and whether the tax should be replaced or supplemented with other funding mechanisms.

**REPORT:**

- Received a report from the Utah Department of Transportation and regional metropolitan planning organizations regarding Utah's Unified Transportation Plan.

*Chairs: Sen. Carlene Walker / Rep. Todd Kiser*

*Staff: Mark Steinagel (analyst)/Shannon Halverson (attorney) Tracey Fredman (secretary)*

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## Workforce Services & Community and Economic Development

**STUDY:**

- Discussed the various economic development incentives provided by the state to the business community.

**ACTION:**

- Voted to extend the sunset date of Title 63, Chapter 38f, Part 4, Enterprise Zone Act, for ten years.

*Chairs: Sen. Mark B. Madsen / Rep. Steven Mascaro*

*Staff: Art Hunsaker (analyst)/Jim Wilson (attorney)/Glenda Whitney (secretary)*

## LEGISLATIVE MANAGEMENT COMMITTEE

### REPORT:

- Received a report about the itinerary, activities, and events planned for the August 15-16, 2007 site visit to Davis and Salt Lake Counties.

### ACTIONS:

- Approved the meeting requests of the following appropriations subcommittees:
  - Higher Education** - meeting on September 12, 2007.
  - Commerce and Workforce Services** - two meetings: August 29, 2007 at the American Fork Workforce Services Building; and September 12, 2007 at the Heber Wells Building in Salt Lake City.
  - Natural Resources** - site visit to South-Central Utah on September 5-6, 2007.
- Approved the requests of the following interim committees:
  - Government Operations** - for recodification of Title 63, State Affairs in General.
  - Education** - to create a subcommittee to study issues relating to teacher shortages, quality, and compensation.  
The committee will consist of three members of the Senate and six members of the House and will hold up to two committee meetings.
- Approved the creation of a Legislative Information Technology Steering Committee to improve coordination between the legislative offices and the two houses of the Legislature.

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The committee will consist of eight voting members: two Republicans and one Democrat from the House and the House Chief of Staff; and two Republicans and one Democrat from the Senate; and the Chief Deputy of the Senate.

Additionally, the directors of the three legislative staff offices will serve as non-voting members of the committee.

- Approved the hiring of Mr. Jonathan Ball as Legislative Fiscal Analyst. Mr. Ball succeeds Mr. John Massey, who is retiring. Mr. Ball's appointment is subject to approval by a majority vote of both houses of the Legislature in the 2008 General Session. The committee approved the drafting of a resolution for that purpose.
- Approved the salary of the Legislative Fiscal Analyst and a salary adjustment for the position of Legislative Auditor General.
- Requested by motion that the Legislative Fiscal Analyst:
  - Review available information on the finances and management of This is the Place Heritage Park;
  - Consider options for future management that will produce a sustainable economic condition following its historic mission; and
  - Provide recommendations to the Legislative Management Committee, the Natural Resources Appropriations Subcommittee, and the Natural Resources, Agriculture, and Energy Interim Committee.

*Chairs: Sen. John L. Valentine / Rep. Greg J. Curtis  
Staff: Mike Christensen, Director OLRGC/Gay Taylor, General Counsel OLRGC  
Beverly LeCheminant (secretary)*



## Utah's Legislators Back to School - a year round civic education program -

Legislators bring civics to life year-round in Utah classrooms.

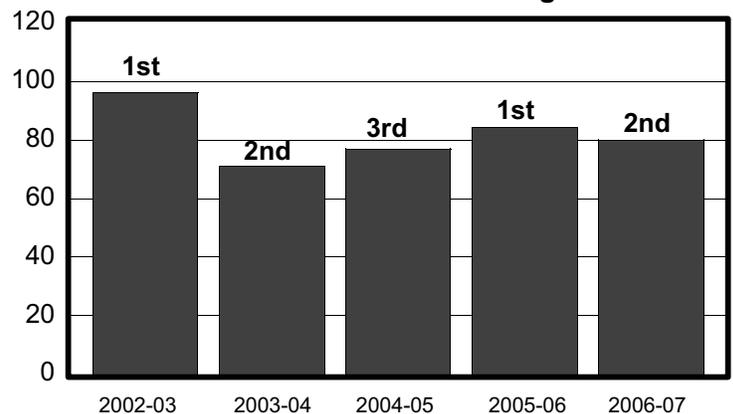
They share with students their experiences as legislators through mock hearings and sessions, bill drafting, and in-depth discussions.

During the 2006-07 school year, 80% of the members of the Utah Legislature visited schools across the state, using this opportunity to promote greater understanding and interest regarding the legislative process and to build public trust and confidence.

The Legislature expresses its support for this program that reaches out to our future voters and leaders by continuing to nationally rank in the top three states for Back To School participation.

Congratulations to Utah's Senators and Representatives!

### Utah Legislator Participation Percentages and National Ranking





**Site Visit on August 15 & 16**  
**Next Interim Day – September 19**

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 Office of Legislative Research and General Counsel

