



INTERIM HIGHLIGHTS

Office of Legislative Research
and General Counsel

Office of the Legislative
Auditor General

OCTOBER INTERIM COMMITTEES

Business and Labor

STUDIES:

- Reviewed the possibility of legislation to create a new insurer receivership process in Utah.
- Studied possible state and local funding mechanisms to facilitate disaster preparedness.
- Reviewed legislative options to change the process by which the legislative Occupational and Professional Licensure Review Committee and the Legislature consider proposals regarding the regulation of new occupations or professions.

ACTIONS:

Recommended as committee legislation:

- “Workers’ Compensation Fund - Board Amendments,” which addresses appointment and compensation of board members.
- “Professional Employer Organization Related Amendments,” which includes changes related to registration, taxes, and eligibility for certain economic incentives.

*Chairs: Sen. Scott K. Jenkins / Rep. Stephen D. Clark
Staff: Allison Morgan (analyst)/Patricia Owen (attorney)/Phalin Flowers (secretary)*

Education

STUDY:

- Received presentations and recommendations regarding establishing math curriculum standards. Those presenting included mathematicians from Stanford University and Brigham Young University, the president of the National Council of Teachers of Mathematics, and mathematics specialists from WestEd, an education research organization.

The presenters emphasized the importance of identifying areas of focus and concentrating instruction and assessment in those areas.

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

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Government Operations

STUDIES:

- Received presentations from committee staff and the Department of Human Resource Management on current state employee salaries and benefits, the department’s market comparison studies, and the results of an independent consultant study on how state employee benefits compare in the market.

REPORT:

- Received a sunset report from the Office of the Legislative Fiscal Analyst on a program which allows state agencies to charge extra fees to pay for processing electronic payments. The report recommended that the program be allowed to sunset and allow agencies to include the costs in their base fees.

ACTIONS:

- Recommended allowing the Electronic Transaction Fee Program to sunset.

Recommended as committee legislation:

- “Election Law Revisions,” which proposes modifications resulting from reviews of the Election Code.
- “Observing Juneteenth Day by the State,” which establishes the third Saturday in June as the day commemorating the day in 1865 that freedom was proclaimed to all slaves in the South following the Civil War.

*Chairs: Sen. Parley Hellewell / Rep. Douglas C. Aagard
Staff: Benjamin Christensen (analyst)/Eric Weeks (attorney)/Brooke Ollerton (secretary)*

Health and Human Services

REPORTS:

- Received a report from the Utah Behavioral Healthcare Network on a new model for mental health services delivery that focuses on recovery, effective practices, and accountability.
- Received a report from the Utah Commission on Aging on its work over the past year.

STUDY:

- Considered draft legislation, “Adoption Amendments,” that would make various changes related to provisions of Utah adoption law.

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ACTIONS:

Recommended as committee legislation:

- “Emergency Administration of Epinephrine,” which would broaden the category of persons authorized to administer epinephrine by auto-injection to persons exhibiting symptoms of anaphylaxis.
- “Designated Mental Retardation Professional,” which would expand the definition of “designated mental retardation professional” used in the Human Services Code to include certain licensed marriage and family therapists and professional counselors.
- “Controlled Substance Database Amendments,” which would permit limited access to the Controlled Substance Database by: 1) a medical practitioner inquiring whether the practitioner’s Drug Enforcement Authority number has been misused; and 2) law enforcement authorities investigating insurance, Medicaid, or Medicare fraud.
- “Exploitation of a Vulnerable Adult Amendments,” which would allow a court under certain circumstances to award court costs and reasonable attorney’s fees to a prevailing party in an action for exploitation of a vulnerable adult.
- “Probate Code Amendments,” which would increase the total amount of an estate which may be settled by affidavit from \$25,000 to \$75,000 and allow that amount to be adjusted yearly for inflation.

Chairs: Sen. Allen M. Christensen / Rep. Bradley G. Last

Staff: Mark Andrews (analyst)/Catherine Dupont, Thomas Vaughn (attorneys)/Joy Miller (secretary)

Judiciary

REPORT:

- Received from the Commission on Criminal and Juvenile Justice the “Fourth Annual DUI Report to the Utah Legislature.”

ACTIONS:

Recommended as committee legislation:

- “Child Support Guidelines,” which updates the child support tables.
- “Child Support Bond,” which allows the court to require a child support obligor to post a bond against nonpayment.
- “Expedited Parent-time Enforcement,” which expands a current parent-time mediation program statewide.
- “Child Support Collection Amendments,” which allows the Office of Recovery Services (ORS) to enter into agreements with child support obligors to pay by direct electronic fund transfers.
- “Driver License Privilege Suspension for Failure to Pay Child Support,” which allows ORS to suspend a driver’s license upon nonpayment of child support.

Chairs: Sen. David L. Thomas / Rep. James A. Ferrin

Staff: Jerry Howe (analyst)/Esther Chelsea-McCarty (attorney)/Brooke Ollerton (secretary)

Law Enforcement and Criminal Justice

STUDIES:

Reviewed and discussed the following draft legislation, which the committee will vote on in November:

- “Internet Sexual Predators,” which changes the penalty for enticing a minor over the Internet to a second degree felony and makes any subsequent offense a first degree felony.
- “Driver License or Identification Card Requirement for Sex Offenders,” which requires a registered sex offender to maintain a form of current identification.
- “Organized Retail Theft,” which includes retail theft in the definition of pattern of unlawful activity, and authorizes restitution.
- “Mortgage Fraud,” which creates the offense of real estate fraud, includes this offense in the definition of pattern of unlawful activity, and requires the Attorney General to employ staff to investigate and prosecute real estate fraud.

REPORT:

- Received from the Utah Department of Corrections a report on the current status of the Utah Sex Offender Registry and the requirements of the federal Adam Walsh Child Protection Act.

Chairs: Sen. D.C. Buttars / Rep. DeMar “Bud” Bowman

Staff: Stewart E. Smith (analyst)/Susan Creager Allred (attorney)/Wendy Bangertner (secretary)

Medicaid

STUDIES:

- Received reports during this interim on funding, philosophy, and issues related to programs delivered by the Department of Health, the Department of Human Services, the Department of Workforce Services, and the Division of Rehabilitation Services.
- The committee has also reviewed steps taken by other states to contain the growth of Medicaid spending, considered the impact of the recent federal Deficit Reduction Act, and received testimony from stakeholders on how to contain costs and increase accountability within the state’s health and human services programs. At its October meeting the Committee will review the results of an extensive survey of 177 health and human services programs.

Chairs: Sen. Sheldon L. Killpack / Rep. Merlynn T. Newbold

Staff: Mark Andrews (analyst)/Leif Elder (analyst)

William Greer (fiscal analyst)/Derek Byrne (fiscal analyst)

Stan Eckersley (fiscal analyst)/Debbie Headden (fiscal analyst)

Thomas Vaughn (attorney)/Catherine Dupont (attorney)/Phalin Flowers (secretary)

Natural Resources, Agriculture, and Environment

STUDY:

- Discussed the problem of rapidly increasing electronic waste, which includes obsolete computers, VCRs, TVs, and other electronic devices. *Continued on next page*

REPORT:

- Received from the State Energy Policy Advisor her annual report on the status and development of the state's energy resources, and the energy advisor's activities. The advisor also recommended energy-related executive and legislative action.

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

Revenue and Taxation

STUDIES:

- Reviewed property tax deferral programs in other states.

Reviewed the following draft legislation:

- "Income Tax Additions and Subtractions for Higher Education Savings," which amends the Individual Income Tax Act relating to additions to and subtractions from federal taxable income for higher education savings.
- "Tax Credits for Alternative Power Generation," which renews and amends the renewable energy tax credit.
- "Tax Penalty Amendments," which amends the penalty provisions for failure to file a tax return to exempt the return from a penalty if no tax is due, and also amends the mailing requirement for a notice of an assessed penalty and demand for payment.
- "Tourism, Recreation, Cultural, and Convention Facilities Tax Amendments," which clarifies that only a county of the first class may impose this tax.
- "Property Tax Deferral," which provides that a county shall defer a certain portion of the property taxes owed by an eligible claimant who is 65 years of age or older.

REPORTS:

- Received a report from the Utah State Tax Commission on recent changes to federal individual income tax laws.
- Reviewed state tax revenue collections for the first quarter of FY 2007. Combined General Fund/Uniform School Fund collections are about 13 percent above the same quarter last year while Transportation Fund collections are 1.9 percent below the same quarter last year.
- Received a demonstration from two private firms that provide sales and use tax calculation software to small and medium sized businesses.
- Received a report from committee staff on how the property tax "truth in taxation" system is implemented.
- Received a report from the Utah Commission on Aging on taxpayer awareness of property tax deferral programs.

*Chairs: Sen. Curtis S. Bramble / Rep. Wayne A. Harper
Staff: Bryant Howe & Phillip Dean (analysts)/Rebecca Rockwell & Angela D. Oakes (attorneys)
Phalin Flowers (secretary)*

Political Subdivisions

STUDIES:

- Discussed issues regarding municipal disconnection.
- Considered draft legislation, "Local Option Distribution Formula for the Distribution of the Local Option Sales and Use Tax," which allows certain counties, and the municipalities in those counties, to adopt an optional sales tax distribution formula.

ACTIONS:

- Requested that staff prepare draft legislation implementing recommendations of the ad hoc workgroup regarding inspection of school construction.
- Recommend draft legislation, "Special and Local Districts Amendments," which rewrites and, where possible, standardizes provisions applicable to independent special districts.

*Chairs: Sen. Carlene M. Walker / Rep. Brad L. Dee
Staff: Joseph Wade (analyst)/Robert Rees (attorney)/Wendy Bangerter (secretary)*

Public Utilities and Technology

REPORTS:

- Received from the Center for Energy and Economic Development an overview of how coal processing technology is rapidly changing with the goal of producing less carbon in the production of electricity. The report also included information about potential carbon sequestration and storage sites in the U.S.
- Received a briefing on the state's renewable energy tax credit, which will expire at the end of 2006.
- Received a statutory report from the State Energy Policy Advisor which included a comprehensive review of existing energy resources, uses, and demand. The report included information on traditional energy resources as well as data on the development of certain renewable energy resources. Recommendations for both executive and legislative action were also provided.
- Received a report from UEN (Utah Education Network) covering the delivery of network services for both higher and public education. UEN noted that the growth in the demand for these service is partly due to the doubling of Internet access every 18 months. UEN requested supplemental funding to complete the state's satellite program, rather than continue to pay leasing monies.

*Chairs: Sen. Gregory S. Bell / Rep. Sheryl L. Allen
Staff: Richard North (analyst)/Christopher Parker (attorney)/Tracey Fredman (secretary)*

Transportation

STUDY:

- Studied the possibility of preserving transportation corridors by using the state's bonding authority.

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REPORTS:

- Received a report from committee staff and Insure-Rite on the implementation of H.B. 17, "Uninsured Motorist Identification Database Program Amendments," which passed during the 2006 General Session.
- Received and discussed the "Fourth Annual DUI Report to the Utah Legislature" from the Utah Substance Abuse and Anti-Violence Coordinating Council.

ACTIONS:

Recommended as committee legislation:

- "Uninsured Motorist Identification Database Program Amendments," which (1) permits the Tax Commission to audit the program once every three years, rather than annually; and (2) eliminates the requirement that the Insurance Department approve commercial insurance policies that are subject to the program; and
- "Driving Under the Influence Amendments," which incorporates changes recommended by the Utah Substance Abuse and Anti-Violence Coordinating Council in the "Fourth Annual DUI Report to the Utah Legislature."

Directed that staff draft legislation based on changes to the commercial driver license program as recommended by the Driver License Division.

*Chairs: Sen. Sheldon L. Killpack / Rep. Joseph G. Murray
Staff: Mark Steinagel (analyst)/Shannon Halverson & Christopher Parker (attorneys)
Tracey Fredman (secretary)*

Workforce Services & Community and Economic Development

STUDY:

- Discussed draft legislation, "Industrial Assistance Fund Amendments."

REPORTS:

Received annual reports from the following agencies:

- The Board of Business and Economic Development;
- The Office of Tourism; and
- The Department of Workforce Services.

ACTIONS:

Recommended as committee legislation:

- "Utah Athletic Foundation Resolution," which authorizes the foundation to sell portions of the real property where the Winter Sports Park now sits, creates greater flexibility in the foundation's investment policy, facilitates public access to foundation information, and modifies board membership requirements.
- "Employment Security Act Amendments," which authorizes the Unemployment Insurance Division to make rules for determining which contribution reports must be filed electronically.

*Chairs: Sen. John W. "Bill" Hickman / Rep. David N. Cox
Staff: Art Hunsaker (analyst)/Jim Wilson (attorney)/Glenda Whitney (secretary)*

Next Interim Day – November 15

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