



# INTERIM HIGHLIGHTS

Office of Legislative Research  
and General Counsel

Office of the Legislative  
Fiscal Analyst

Office of the Legislative  
Auditor General

## OLRGC RECEIVES AWARD

### BRIEFING PAPER NATIONALLY RECOGNIZED

The Office of Legislative Research and General Counsel received the National Conference of State Legislatures' Notable Document Award for its publication *Energy Policy Issues and Legislative Options* at NCSL's annual meeting in July.

NCSL's Notable Document Award is given annually to a legislative document that demonstrates excellent writing and formatting, while thoroughly exploring current legislative issues.

The briefing paper was designed to assist legislators in considering energy issues. The paper provides a background on Utah's energy markets, emphasizing electricity; addresses selected Utah electric market issues raised by stakeholders; and lists examples of possible legislative options in developing policy initiatives.

NCSL will keep a copy of the publication in its library as a model for other states. The publication team consisted of Patricia Owen, J Brian Allred, Chyleen A. Arbon, Paul W. Hess, Richard North, and Robert H. Rees.

## INTERIM COMMITTEE ACTIONS

### Business and Labor

#### STUDIES:

- Discussed draft legislation "Viatical Settlements" sponsored by Rep. Brent Parker who plans to bring a final draft to the Committee at its November meeting.
- Discussed issues related to regulation of funeral services and pre-need funeral arrangements and received input from consumer advocates, industry representatives, and the Department of Commerce.

*Chairs: Sen. Dan R. Eastman/Rep. Katherine M. Bryson  
Staff: Mary Catherine Perry (analyst)/Thad LeVar (attorney)/Sandra Wissa (secretary)*

### Education

#### STUDIES:

- Received presentations on remedial courses offered by Utah's colleges and universities, including the number and characteristics of students enrolled in remedial courses, the costs of remedial courses, and strategies to reduce costs.
- Received a presentation on the number of Utah public school students transferring to other public schools as authorized by the federal legislation "No Child Left Behind."

**REPORT:** Received a report on the Engineering and Computer Science Initiative which aims to double the number of graduates in engineering, computer science, and related technology by 2006.

*Chairs: Sen. Howard A. Stephenson/Rep. Marda Dillree  
Staff: Connie Steffen (analyst)/Dee Larsen (attorney)/Wendy Bangerter (secretary)*

### Government Operations

**REPORT:** Received a report on the *Gallivan v. Walker* case which declared portions of Utah's initiative law unconstitutional. The Committee formed a work group to propose possible changes to Utah's initiative and referendum laws.

#### ACTIONS:

- Authorized the Department of Human Resource Management to publish an Equal Employment Opportunity Plan. The Committee recommended draft legislation "Equal Employment Opportunity - Technical Changes."
- Amended and recommended draft legislation "State Armory Board Amendments."
- Recommended draft legislation "Governor's Office of Planning and Budget Recodification and Revisions."

*Chairs: Sen. John W. Hickman/Rep. Craig W. Butters  
Staff: John Cannon (analyst)/John Fellows (attorney)/Cassandra Bauman (secretary)*

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## Health and Human Services

**STUDY:** Reviewed draft legislation “Accessible Housing To Disabled” which promotes the development of housing accessible to persons with a mobility impairment.

### REPORTS:

- Received a report from the Board of Services for People With Disabilities on its review of the criteria used by the Division of Services for People With Disabilities to determine eligibility and prioritize delivery of services.
- Received a report from the Department of Health on two grants recently received from the U.S. Department of Health and Human Services totaling over \$11 million to strengthen the ability of the State’s public health system to respond to bioterrorism.

*Chairs: Sen. Terry R. Spencer/Rep. Carl R. Saunders*

*Staff: Mark Andrews (analyst)/Catherine Dupont & Stacey Snyder (attorneys)/Alicia Laughlin (secretary)*

## Judiciary

**STUDY:** Received information from the Statewide Association of Prosecutors, the Attorney General’s Office, the Utah Association of Criminal Defense Lawyers, and the Administrative Office of the Courts regarding draft legislation “Sentencing In Capital Cases Amendments” which responds to the recent U.S. Supreme Court case *Atkins v. Virginia* which prohibits the execution of the mentally retarded.

*Chair: Sen. David L. Gladwell*

*Staff: Jerry Howe (analyst)/Esther Chelsea-McCarty (attorney)/Glenda Whitney (secretary)*

## Law Enforcement and Criminal Justice

### STUDIES:

- Discussed possible options presented by the Department of Workforce Services to provide due process for claimants who make honest mistakes in collecting unemployment insurance.
- Received information from the Utah Attorney General’s Office, the Salt Lake County District Attorney’s Office, and the Division of Substance Abuse indicating that while Initiative B created innovative protections for innocent property owners, it essentially limited drug forfeiture to the point that the State is losing millions of dollars from the federal government, and the intent to direct money to the Uniform School Fund has not been realized.

**REPORT:** Received a statutorily required report from the Department of Corrections regarding the status of housing prison inmates in county jails. The new core rate for housing prisoners in county jails is \$44.33 per day, which is up \$2.01 from last year.

**ACTION:** Requested that the Department of Corrections report back to the Committee on the feasibility of housing out-of-state prisoners in Utah’s prisons.

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

*Staff: Chyleen Arbon (analyst)/Susan Creager Allred (attorney)/Alicia Laughlin (secretary)*

## Natural Resources, Agriculture, and Environment

### REPORTS:

- Received a drought report from the Department of Natural Resources and from the Department of Agriculture and Food on conditions, trends, federal assistance, agricultural impacts, wildlife impacts, and water shed preservation.
- Received a report from the Assistant State Veterinarian on Chronic Wasting Disease (CWD). CWD, which damages nerve cells in the brain, has been present in deer and elk in several western states and parts of Canada. To date, there has been no diagnosis of CWD in Utah.
- Received a report from the School and Institutional Trust Lands on the development of management strategies and on the use of funds appropriated for block management.
- Received a report from the Division of Community Development on Rural Development Fund Grants which are provided to local government entities in Garfield, Kane, Piute, and Wayne counties.
- Received a report from the Division of Community Development on Rural Electronic Commerce and Communications System Fund Grants which are provided to programs or projects that preserve or promote communications systems within the rural areas of the state.

*Chairs: Sen. Parley G. Hellewell/Rep. Bradley T. Johnson*

*Staff: Brian Allred (analyst)/Jeanenne Larson (attorney)/Joy Miller (secretary)*

## Political Subdivisions

### STUDIES:

- Received a report from Salt Lake County regarding funding and delivery of municipal services to unincorporated areas of Salt Lake County.
- Discussed whether or not school district boundaries should be automatically adjusted when municipal boundaries are changed.

**ACTION:** Requested staff to draft legislation for the October meeting regarding criminal background checks for water district employees and crimes against water district infrastructure.

*Chairs: Sen. Carlene M. Walker/Rep. David L. Hogue*

*Staff: Joseph Wade (analyst)/Robert Rees (attorney)/Joy Miller (secretary)*

## Public Utilities and Technology

### STUDIES:

- Received a report regarding personal information protection in the disclosure of public and non-public information. The Committee approved a request for draft legislation.
- Received a presentation regarding renewable energy sources, including geothermal heat pumps, wind energy, and related tax credits. The Committee considered energy efficiency tax credits and requested additional information.
- Received a presentation on energy data collection, analysis, and reporting. The Committee requested draft legislation regarding the collection of energy data.

*Chairs: Sen. Leonard M. Blackham/Rep. John E. Swallow*

*Staff: Richard North (analyst)/Patricia Owen (attorney)/Jennifer Markham (secretary)*

## Revenue and Taxation

### STUDIES:

- Reviewed state and local property tax relief programs for the poor. The Committee reviewed constitutional provisions that grant additional property tax relief for some classes of homeowners, including the elderly. The Committee reviewed property tax relief programs in other states.
- Reviewed legislative proposals and received public comment regarding extending the property tax exemption for primary residences to secondary residences.

*Chairs: Sen. Curtis S. Bramble/Rep. Wayne A. Harper  
Staff: Bryant Howe (analyst)/Rebecca Rockwell (attorney)/Sandra Wissa (secretary)*

## Transportation

### STUDIES:

- Discussed the recent 10th Circuit Court decision on the Legacy Parkway Project which requires additional environmental studies before the project can resume.
- Discussed potential refunds that should be granted to the \$200 vehicle administrative impound fee for DUI cases and created a work group.
- Discussed enforcement and administration of clean special fuel tax certificates and created a work group.

### ACTIONS:

- Recommended draft legislation "Transportation Corridor Preservation Amendments."
- Recommended draft legislation "Clean Special Fuel Tax Certificate - Exemption."

*Chairs: Sen. David H. Steele/Rep. Joseph G. Murray  
Staff: Benjamin Christensen (analyst)/Gay Taylor (attorney)/Shannon Halverson (committee staff)  
Wendy Bangarter (secretary)*

## Workforce Services & Community and Economic Development

**STUDY:** Received information from the technology industry and the Department of Community and Economic Development regarding a contingent tax credit for venture capital funds.

### REPORTS:

- Received an update from the Department of Workforce Services on the Congressional TANF reauthorization.
- Received a report from the Utah Travel Council on coordination efforts with counties and the tourism industry. The Council also reported on the economic impact of the droughts and fires on tourism.

*Chairs: Sen. Beverly Evans/Rep. Richard M. Siddoway  
Staff: Jami Mornberger (analyst)/Jim Wilson (attorney)/Jennifer Markham (secretary)*

## SCHEDULE OF LEGISLATIVE AUDITS

*Office of the Legislative Auditor General*

### Reports Recently Released

Audit Name	Date Released
Child Welfare Caseworker Workload	September 2002
Hiring Practices of the CIO and ITS	September 2002
Foster Care Foundation	June 2002

If you would like a full copy of recently released reports, please call (801) 538-1033, or visit our website at: [www.le.state.ut.us/audit/olag.htm](http://www.le.state.ut.us/audit/olag.htm)

### Current Audits

Audits in Process	Estimated Completion Date*
Judicial Conduct Commission	November 2002
Tax Commission Collections	November 2002
Retirement System Investments	December 2002
Local Mental Health System	January 2003

\*The audit completion date is tentative and may change based on the conditions incurred by the audit teams.

### Future Audits

New Audits Approved
Utah Performance Assessment System for Students (UPASS)
U-TAX Project
Legacy Highway
Public Employees Health Plan (PEHP)
Temporary Assistance for Needy Families (TANF) Grants
Use of Technology in Education
Textbook Monitoring
School Closure Procedures
Property Tax Exemptions
Decentralization of State Office of Education

The Legislative Audit Subcommittee has prioritized the audits listed above, which will be assigned as staff become available.

## LEGISLATIVE MANAGEMENT COMMITTEE

### August Committee Meeting

**ACTION:** Unanimously voted to authorize Legislative General Counsel to file an amicus brief on behalf of the Legislature in the case of *Gallivan v. Walker* that was before the Utah Supreme Court at the time of the meeting.

### September Committee Meeting

#### REPORTS:

- Viewed the “Kids’ Page,” an interactive website that educates youth about the Legislature and the legislative process, developed by the Office of Legislative Research and General Counsel. The Office asked for permission to make the Kids’ Page part of the legislative website.
- Reviewed a letter written by Legislative General Counsel to the State’s Information Technology Services agency which would be signed by Speaker Stephens and President Mansell. The letter expresses frustration with IT services to the Legislature and its staff offices, especially with the failure to renew the Corel contract, and demands that the contract renewal be completed by October 15, 2002.

### September Meeting Continued

#### ACTIONS:

- Approved a request from the Joint Public Education Appropriation Subcommittee to hold an additional meeting the first week in November (actual date not set).
- Approved a request from the Health and Human Services Appropriation Subcommittee to hold an additional meeting on November 19, 2002.
- Approved a request from the Government Operations Interim Committee for authorization to study the issue of Oversight of State Agency Operations, namely the processes of the Division of Radiation Control.
- Approved a request from the Executive Appropriations Committee to transfer the Drivers’ Education Class issue to both the Transportation Interim Committee and the Business and Labor Interim Committee.
- Authorized the placement of the “Kids’ Page” on the legislative website.
- Directed the Constitutional Revision Commission and the Government Operations Interim Committee to review the Utah Supreme Court’s decision in *Gallivan v. Walker* and recommend, respectively, constitutional and statutory changes that might address the Court’s invalidation of the multi-county statute.



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For more information about legislative activities, contact one of the legislative offices or access our website at: [www.le.state.ut.us](http://www.le.state.ut.us)

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