



INTERIM HIGHLIGHTS

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

LEGISLATIVE INTERIM MEETINGS

Meetings were held October 17, 2012, or as noted.

Business and Labor

Performance Audit of the Department of Alcoholic Beverage Control Operations

Received a report from the Office of the Legislative Auditor General regarding the operations of the Department of Alcoholic Beverage Control. Audit findings include:

- DABC has been relying on inaccurate reports to enter physical inventory adjustments;
- DABC needs to continue to address management information system errors related to inventory; and
- DABC should improve inventory safeguard controls.

Exemption from Licensure for Hair Braiding

Action: *Approved as a committee bill, draft legislation "Cosmetology and Hair Braiding," which adds a limited exemption to state law for a person who braids hair, and creates new licensing classifications related to hair braiding.*

Recommendations of the Uniform Building Code Commission

Received a progress report from a working group that is reviewing the recommendations of the Uniform Building Code Commission.

Action: *Approved a motion to open and prioritize for drafting two committee bill files that are to incorporate in statute the recommendations of the Uniform Building Code Commission.*

Recommendations of the Utah State Fire Prevention Board

Reviewed draft legislation "State Fire Code Act Amendments," which:

- Amends the State Fire Code Act by updating references to nationally recognized codes that are incorporated by reference;
- Amends provisions related to certain group care facilities and ambulatory surgical facilities;
- Modifies requirements for fire evacuation drills in secondary schools; and
- Modifies requirements for the installation of automatic sprinkler systems.

(Continued next column)

Report of the Alcohol Abuse Tracking Committee

Received a statutorily required report from the Alcohol Abuse Tracking Committee, which was created by statute to review collection of certain data regarding consumption of alcohol, information from the criminal justice system regarding convictions and arrests for alcohol-related violations, and the social costs associated with the abuse of alcohol.

Sunset Review — Hearing Instrument Specialist Licensing Act

Reviewed draft legislation "Hearing Instrument Specialist Licensing Act," which modifies the requirements for obtaining a license as a hearing instrument specialist and extends to July 1, 2023, the repeal date of the Hearing Instrument Specialist Licensing Act.

*Chairs: Rep. James A. Dunnigan / Sen. John L. Valentine
Staff: Bryant R. Howe (Assistant Director) / Patricia Owen (Attorney) / Robert H. Rees (Attorney) / Jennifer K. Christopherson (Secretary)*

Economic Development and Workforce Services

Agency Reporting Provisions

Action: *Approved as a committee bill, draft legislation "Agency Reporting Provisions," which provides uniform language for the Department of Heritage and Arts, the Department of Workforce Services (DWS), and the Governor's Office of Economic Development to submit required annual written reports to the Legislature or to legislative committees before November 1.*

Department of Workforce Services Assistance Programs

Received a presentation from committee staff and DWS on a summary table of public-assistance programs administered by the department. Prepared at the direction of the chairs, the table is designed to briefly describe 18 department programs, including the purpose, eligibility requirements, benefit amount and restrictions, administrative contact information, and law citations for each program and is meant to be a resource to legislators and others in understanding available assistance programs.

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Federal Patient Protection and Affordable Care Act Implementation by the Department of Workforce Services

Received a presentation from DWS on how the federal Patient Protection and Affordable Care Act, passed in 2010, affects the department, what flexibility is allowed for the department under the act, and how the department is preparing for the changes. The department administers Medicaid eligibility on behalf of the federal government in the state. The new unfunded cost to the state to implement the act will be significant.

Intergenerational Poverty Mitigation Report

Received a statutorily required report from DWS on intergenerational poverty. 2012 General Session S.B. 37, "Intergenerational Poverty Provisions," requires the department to "establish and maintain a system to track intergenerational poverty using available data." The initial report shows that almost 36,000 adults currently receive public assistance who also received it for at least 12 months as children.

Olene Walker Housing Loan Fund Report

Received a statutorily required report from the Housing and Community Development Division of DWS regarding the Olene Walker Housing Loan Fund. The fund works to partner with public and private organizations to create and preserve affordable housing for Utah's low-income community. The division's goal is to eliminate chronic homelessness within ten years.

Unemployment Insurance Trust Fund

Action: *Approved as a committee bill, draft legislation "Workforce Services Amendments," which requires that when the Unemployment Insurance Division issues a determination that a claimant has willfully made a false statement or representation to obtain unemployment insurance benefits, the penalty weeks begin on the Sunday before the day on which the determination is issued. The draft legislation also requires the division to deposit 15% of a civil penalty collected for fraud in obtaining benefits into the Unemployment Compensation Fund in compliance with the federal Social Security Act. This requirement begins on October 1, 2013.*

Utah Commission on Service and Volunteerism

Action: *Approved as a committee bill, draft legislation "Utah Commission on Service and Volunteerism," which changes the name of the Utah Commission on Volunteers to the Utah Commission on Service and Volunteerism, modifies the membership and size of the commission, and provides for commission duties.*

Chairs: Rep. Jim Bird / Sen. Stuart C. Reid

Staff: Benjamin N. Christensen (Policy Analyst) / Peter Asplund (Attorney) / Robert H. Rees (Attorney) / Debra Hale (Secretary)

Economic Development Task Force

October 4, 2012

Received presentations on air quality issues from business representatives, health experts, and state agencies.

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Discussed the impact that poor air quality has on the quality of life and how that potentially impacts the decision of a business considering Utah as a permanent location.

Discussed the increasing use of natural gas vehicles in Utah and the availability of natural gas refueling stations throughout the state. Received a report regarding voluntary efforts of local businesses to reduce pollution.

October 18, 2012

Discussed the following fundamental issues that affect growth and prosperity in Utah:

- What is growth;
- How growth is measured;
- Impact factors such as capital and labor; and
- How governmental policy can impact growth.

Chairs: Rep. Brad R. Wilson / Sen. Stuart C. Reid

Staff: Benjamin N. Christensen (Policy Analyst) / Nathan W. Brady (Policy Analyst) / Robert H. Rees (Attorney) / Jennifer K. Christopherson (Secretary)

Education

Career and Technology Education Funding Model

Received a statutorily required report from the State Board of Education on potential student and course-based funding models for career and technology education. The board presented various factors that may be used to determine funding for a career and technology education course and requested feedback from the Legislature on what incentives to create.

Civic and Character Education

Received a statutorily required report from the State Board of Education on how students receive instruction in civic and character education through an integrated curriculum taught in connection with regular school work. The report summarized the results of a survey of classrooms conducted in the fall of 2011, which indicate there is significant instruction in these areas in Utah classrooms, but there are opportunities for support and improvement.

Education for Parents on Providing Sex Education to their Children

Reviewed draft legislation "Parental Responsibility for Sex Education Training," which requires the State Board of Education to offer training and instructional resources to parents to assist them in providing instruction in health and human sexuality to their children.

Elimination or Modification of Reports

Received a statutorily required report from the State Board of Education on actions the board has taken to eliminate or modify reports that are required of school districts and charter schools.

To consolidate and simplify reporting requirements, a school district or charter school submits a Utah Consolidated Application to apply for and receive funding from various federal and state sources.

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Financial and Economic Literacy Education

Received a statutorily required report from the State Board of Education on the successes and areas of needed improvement in financial and economic literacy education. In 2012, 553 Utah students took the National Financial Capability Test. Utah students had an average score of 74.81% compared to the 69% national average.

New Century and Regents' Scholarship Programs

Received a statutorily required report from the State Board of Regents on the Regents' Scholarship Program. The board forecasts that an additional \$500,000 will be needed in FY 2013 to provide Regents' scholarships to qualifying students. Legislation that was enacted to increase requirements for a New Century scholarship has resulted in a reduction of students who qualify for that scholarship.

U-PASS Reporting Requirements

Discussed the State Board of Education's plan to comply with statutory requirements pertaining to school performance reports and suggested changes to modify certain requirements.

Utah law requires the State Board of Education, in collaboration with school districts and charter schools, to develop a school performance report to inform the state's residents of the quality of each school and the educational achievement of the school's students. The committee chair invited committee members to work with the State Board of Education and committee staff in developing draft legislation on school performance reports for the committee's November meeting.

Action: Approved a motion to open and prioritize for drafting a committee bill file on school performance reports.

Voted and Board Levy Program

Reviewed draft legislation "Voted and Board Levy Program Amendments," which requires the full amount of the state contribution appropriated for the Voted and Board Levy Programs to be distributed each year.

*Chairs: Rep. Francis D. Gibson / Sen. Howard A. Stephenson
Staff: Allison M. Nicholson (Policy Analyst) / Constance C. Steffen (Policy Analyst) / Angela Oakes Stallings (Attorney) / Debra Hale (Secretary)*

Government Operations

Absentee Ballot Amendments

Discussed draft legislation "Absentee Ballot Amendments," which would:

- Require a person who distributes and collects absentee ballot applications to register and receive training; and
- Establish a deadline by which an absentee ballot may be mailed.

Action: Directed staff to make additional changes to the draft legislation.

Campaign Finance Reporting Penalties

Action: Approved as a committee bill, draft legislation "Campaign Finance Reporting Penalties," which clarifies when a fine may be imposed for failing to file a campaign

financial statement.

Candidate Amendments

Action: Approved as a committee bill, draft legislation "Candidate Amendments," which:

- Specifies when the name of a replacement candidate may be printed on the ballot;
- Requires a vote cast for a candidate who dies, resigns, or is disqualified be counted for the replacement candidate;
- Increases the filing fee for a candidate for a local school board or a federal, state, or county office, except presidential and retention elections for judicial candidates;
- Establishes a form for write-in candidates; and
- Authorizes certain candidates who reside outside the state to file a declaration of candidacy or certificate of nomination through a designated agent if certain conditions are met.

Boards and Commissions

Discussed draft legislation "Boards and Commissions Amendments," which would repeal the Forestry, Fire and State Lands Advisory Council.

Action: Directed staff to contact boards and commissions that are created in statute and who have not submitted a response to the committee's boards and commissions survey, and indicate that those who do not submit survey results by November 2, 2012, may be considered for repeal by the committee in a future draft of the legislation.

Election Code Criminal Provisions

Action: Approved as a committee bill, draft legislation "Election Code Criminal Provisions," which standardizes language that establishes certain criminal penalties in Title 20A, Election Code, and repeals provisions that specify who is required to prosecute a violation of the Election Code.

Elections During a Declared Emergency

Action: Approved as a committee bill, draft legislation "Elections During Declared Emergencies," which authorizes the lieutenant governor, during a declared emergency, to establish alternative methods and deadlines for returning an absentee or military-overseas ballot.

Issues Related to an Emergency on Election Day

Discussed state and federal constitutional provisions related to an emergency affecting voting on Election Day.

Lieutenant Governor Candidate Amendments

Action: Approved as a committee bill, draft legislation "Lieutenant Governor Candidate Amendments," which allows a person to file a declaration of candidacy for the office of lieutenant governor if the person withdraws as a candidate for any other office for which the person may have filed a declaration of candidacy in the same election year. The bill also amends the deadline for a person to file a declaration of candidacy for the office of lieutenant governor.

Personal Use of Campaign Funds

Action: *Approved as a committee bill, draft legislation "Personal Use of Campaign Funds," as amended, which requires a municipality or a county to adopt an ordinance prohibiting the use of campaign funds for personal expenditures.*

*Chairs: Rep. Kraig Powell / Sen. Peter C. Knudson
Staff: Art L. Hunsaker (Policy Analyst) / Emily R. Brown (Attorney) / Thomas R. Vaughn (Attorney) / Anna M. Allen (Secretary)*

Health and Human Services

Concussions and Other Traumatic Head Injuries

Action: *Approved as a committee bill, draft legislation "Protection of Athletes with Head Injuries Act Amendments," which clarifies that making a field, facility, or other location that is owned, leased, or controlled by a government entity available to an amateur sports organization or a child does not constitute a "sporting event" for purposes of the Protection of Athletes with Head Injuries Act.*

Controlled Substances

Discussed whether the committee should request legislation authorizing the Controlled Substances Advisory Committee to add substances to the state's statutory schedule of controlled substances between sessions of the Legislature.

Discussed the need for legislation to add new controlled substances and make a technical correction.

Action: *Approved a motion to open and prioritize for drafting a committee bill to make additions and technical changes to the state's statutory schedule of controlled substances.*

Licensing Requirements for Certain Pharmaceutical Research Activities

Action: *Approved as a committee bill, draft legislation "Research Using Pharmaceuticals," which exempts individuals and entities who are doing certain research using pharmaceuticals from licensure as either a pharmacy or a pharmacist.*

Sunset Review — Standard of Proof for Emergency Care When Immunity Does Not Apply

Conducted a sunset review of a 2009 statute which establishes an evidentiary standard of "clear and convincing" for certain care provided in a hospital emergency department. Received presentations from the Utah Medical Insurance Association, the Utah Medical Association, the Utah Hospital Association, and the Utah Association for Justice.

*Chairs: Rep. Paul Ray / Sen. Allen M. Christensen
Staff: Mark D. Andrews (Policy Analyst) / RuthAnne Frost (Attorney) / Cathy J. Dupont (Attorney) / Lori R. Rammell (Secretarial Supervisor)*

Health System Reform Task Force

October 09, 2012

Responding to the Federal Patient Protection and Affordable Care Act

Received reports from individuals contributing to the task force's Risk Adjustment and Reinsurance Workgroup.

The reports related to three risk mechanisms required by the federal Patient Protection and Affordable Care Act beginning in 2014: reinsurance, risk adjustment, and risk corridors.

The task force was also briefed by the Insurance Department on the operation of the department's rate review website. The department reported that all requests by health insurers for premium increases of 10% or more have been withdrawn.

The Utah Health Exchange reported to the task force on its recently launched campaign to re-brand and market the exchange as "Avenue H, an online health care marketplace." The exchange also discussed the services provided to the exchange by its contracted vendors.

*Chairs: Rep. James A. Dunnigan / Sen. Wayne L. Niederhauser
Staff: Mark D. Andrews (Policy Analyst) / RuthAnne Frost (Attorney) / Cathy J. Dupont (Attorney) / Lori R. Rammell (Secretarial Supervisor)*

Judiciary

Alimony Draft Legislation

Action: *Approved as a committee bill, draft legislation "Alimony Amendments," which expands the circumstances in which a court may order alimony.*

Annual DUI Report

Received a statutorily required report from the Commission on Criminal and Juvenile Justice on DUI-related topics, including law enforcement arrests, injuries, fatalities, adjudications and sanctions in courts, and driver license sanctions. The report indicated that the number of DUI arrests in FY 2012 was 785 fewer than the previous year and DUI-related crash fatalities as a percentage of total crash fatalities increased from 20% to 28%.

Children's Participation in Child Custody Proceedings

Received a presentation from a legislator on reducing the age from 16 to 14 for children to express their opinion in custody cases on which parent with whom they would prefer to reside.

Statutorily Required Reports

Received a presentation from the Administrative Office of the Courts on the following statutorily created programs:

- Expedited Parent-time Enforcement;
- The Mandatory Educational Course for Divorcing Parents; and
- The Mandatory Orientation Course for Divorcing Parents.

*Chairs: Rep. Kay L. McCliff / Sen. Mark B. Madsen
Staff: Chelsea B. Lloyd (Policy Analyst) / Esther Chelsea-McCarty (Attorney) / Jennifer K. Christopherson (Secretary)*

Law Enforcement and Criminal Justice

Drug Offender Reform Act

Received a statutorily required report from the Utah Substance Abuse Advisory Council regarding the implementation, impact, and results of the drug offender reform program.

Enticing a Minor

Discussed draft legislation "Enticing a Minor," which would amend the Criminal Code by clarifying that enticing a minor does not include the intent to complete a sexual offense with a minor and provides that the penalty for enticing a minor is based on the level of sexual conduct that the offender solicits.

Gang Activities Overview

Received a presentation from Salt Lake City and Ogden law enforcement agencies regarding trends in gang activity and agencies' work to reduce gang activity in Utah. There is currently no statewide database for statewide law enforcement entities to share gang information. Each agency maintains its own database, but noted that gangs are highly mobile and do not adhere to city or county boundaries.

Inmate Medical Donation Act

Action: *Approved as a committee bill, draft legislation "Inmate Medical Donation Act," which would provide for inmates to voluntarily donate their organs posthumously.*

New Felonies and Enhancements on Existing Punishments

Received a report from the Sentencing Commission regarding new felonies and enhancements on existing crimes that have been enacted over the past five years. The committee also discussed the incremental and cumulative impact that each new felony or penalty enhancement has upon the length of stay for convicted felons.

Sex Offense Amendments

Action: *Approved as a committee bill, draft legislation "Sex Offense Amendments," which changes the offense of unlawful sexual conduct with a minor who is 16 or 17 years of age to apply to a defendant who is seven or more years older than the victim, rather than the current provision of ten or more years older than the victim.*

Threat of Terrorism Penalties

Action: *Approved as a committee bill, draft legislation "Threat of Terrorism Penalty Amendments," clarifying that threatening to commit an act of terrorism with the intent to cause action by an official or volunteer of any emergency agency is a class B misdemeanor.*

Chairs: Rep. Curtis Oda / Sen. Todd Weiler

Staff: Nathan W. Brady (Policy Analyst) / Susan Creager Allred (Attorney) / Lori R. Rammell (Secretarial Supervisor)

Natural Resources, Agriculture, and Environment

Abandonment or Forfeiture of Water Rights

Action: *Approved as a committee bill, draft legislation "Abandonment or Forfeiture of Water Rights," which modifies provisions regarding forfeiture of a water right.*

The committee passed a motion to combine this draft legislation with draft legislation "Water and Irrigation Amendments," which was also adopted in this meeting.

Energy Advisor Report and Legislative Review of State Energy Policy

Received a statutorily required report from the governor's energy advisor on the status and development of the state's energy resources and on the advisor's activities. As required by statute, the committee reviewed the state energy policy.

Petroleum Industry Update

Received a report from representatives of the petroleum industry on several current issues that have been considered recently by the committee, including Uintah Basin air quality and sage grouse habitat.

State Land Management

Received a report from the Division of Oil, Gas, and Mining and from the Division of Parks and Recreation on each division's responsibility for management of state lands and interface with the federal government.

Water and Irrigation Amendments

Action: *Approved as a committee bill, draft legislation "Water and Irrigation Amendments," which amends rulemaking authority of the state engineer, application for an extension of time to prove beneficial use, and how an engineer or land surveyor provides information for certain claims. The committee passed a motion to combine this draft legislation with draft legislation "Abandonment or Forfeiture of Water Rights," which was also adopted in this meeting.*

Chairs: Rep. Roger E. Barrus / Sen. Ralph Okerlund

Staff: J Brian Allred (Policy Analyst) / Tracy J. Nuttall (Attorney) / Anna M. Allen (Secretary)

Political Subdivisions

County Recorder Authority to Reject a Wrongful Document

Action: *Approved as a committee bill, draft legislation "Wrongful Documents," which:*

- *Modifies provisions relating to documents submitted for recording which are claimed to establish invalid liens;*
- *Applies those provisions to documents submitted for recording which improperly purport to release or extinguish a lawful lien or interest or reflect or establish a claim or obligation against a person; and*
- *Provides for joint and several liability for those who prepare, sign, or submit a wrongful document.*

Government Competition with Private Enterprise

Received a report from the Utah Taxpayers Association about privatization of services that government already provides and criteria that could be used to evaluate whether government should provide new services. The committee explored options of what the Legislature could do regarding this issue.

Government Records Ombudsman Annual Report

Received a statutorily required report from the Utah State Archives on the work performed by the government records ombudsman from April 10, 2012, until August 31, 2012. The ombudsman provided 490 total consultations.

Chairs: Rep. R. Curt Webb / Sen. Casey O. Anderson

Staff: Joseph T. Wade (Policy Analyst) / Victoria Ashby (Attorney) / Samantha Coombs (Secretary)

Public Utilities and Technology

Electronic Waste Recycling Report

Received a presentation from the Hazardous Waste Management Section, Department of Environmental Quality, on the statewide consumer electronic waste recycling program and the partnerships with local departments of health and manufacturers to provide recycling centers.

Procurement Process — Department of Technology Services

Received a presentation from the Department of Technology Services about how it procures goods and services and how state agencies can request an exemption to the standardized process.

Utah Broadband and Mobile Networks

Received presentations from the Governor's Office of Economic Development Broadband Project and from the Automated Geographic Reference Center, Department of Technology Services. The presentations included statewide maps by county which show deployment of mobile networks by speed and broadband network speeds.

Utility Infrastructure in Rural Utah

Received presentations from Millard and Sanpete Counties about how economic development is limited due to a lack of cost-effective natural gas and electric power infrastructure.

The Governor's Office of Economic Development also commented that there is currently only one rural economic development program in place.

Rocky Mountain Power supplied information about how it provides power to rural Utah via state incentives.

Chairs: Rep. Michael E. Noel / Sen. J. Stuart Adams

Staff: Richard C. North (Policy Analyst) / Robert H. Rees (Attorney) / Tracey Fredman (Secretary)

Retirement and Independent Entities

Governmental Accounting Standards Regarding Pensions

Received a presentation from the Utah Retirement Systems (URS) on the June 2012 Governmental Accounting Standards Board standards that will change how governments calculate and report the costs and obligations associated with pensions. The new standards are designed to improve the usefulness of reported pension information and to increase the transparency, consistency, and comparability of pension information across governments.

Non-governmental Entities in the Utah Retirement Systems

Received a presentation from URS on current federal agency efforts to restrict non-governmental entities from participating in state retirement systems. State law requires a department, educational institution, political subdivision of the state, or publicly funded agency to be a participating employer of URS, with very limited exceptions.

However, an organization's structure and ownership may change over time, making it less clear whether the organization should remain part of URS.

Retirement Analysis Requirements for Newly Created Public Entities

Received a presentation from URS on the need to review retirement arrangements for newly created public entities. With very limited exceptions, a department, educational institution, political subdivision of the state, or public-funded agency is required to be a participating employer of URS. Charter schools and special service district hospitals may make a one-time election of nonparticipation.

Action: *Approved a motion to open and prioritize for drafting a bill to require retirement analysis for newly created public entities before they are created.*

Retirement Contribution Rates

Received a presentation from URS on contribution rates proposed for FY 2014. Contribution rates are the percentage of salary that participating employers must pay to the Utah State Retirement Investment Fund for each eligible employee to keep retirement systems funded on an actuarially sound basis. The proposed rates will increase from 18.8% to 20.5% for Tier I state and school employees and from 16.0% to 18.3% for Tier II state and school employees.

Risk Management Coverage for Independent Entities

Received a presentation from the Division of Risk Management on the unique challenges associated with risk management assistance for independent entities. The division assists a few, but not all, independent entities with insurance coverage, including liability insurance, property insurance, and vehicle coverage.

Action: *Approved a motion to open and prioritize for drafting a bill to clarify the approvals needed for the Division of Risk Management to provide risk management assistance for independent entities.*

Tier II Benefit Protection Program for Long-term Disability Employees

Received a presentation from URS on benefit protection programs that allow a member with a disability to continue to earn retirement service credits during the disability. Under the program, the employer enters into a contract with URS to pay the employer contributions while the employee is disabled. Funding for a benefit protection program is normally built into the defined benefit contribution rates. However, under Tier II, an employee may choose a defined contribution plan for which this funding arrangement may not be feasible.

Utah Retirement Systems Amendments

Action: *Approved as a committee bill, draft legislation "Utah Retirement Systems Amendments," which:*

- *Amends definitions;*
- *Prohibits a participating employer from making retirement-related contributions for reemployed retirees;*

- Amends provisions related to benefit information forms that must be signed by each employee;
- Allows URS to communicate with members and others through electronic means;
- Excludes an employee of an institution of higher education from membership in the URS if the employee participates in other retirement systems;
- Amends certain long-term disability benefits; and
- Establishes investment requirements for employer contributions made on behalf of certain employees who are exempt from the four-year vesting requirements in the Tier II systems.

Chairs: Sen. Todd Weiler / Rep. Don L. Ipson

Staff: Benjamin N. Christensen (Policy Analyst) / Cathy J. Dupont (Attorney) / Peter Asplund (Attorney) / Shannon C. Halverson (Attorney) / Mark Bleazard (Fiscal Manager) / Debra Hale (Secretary)

Revenue and Taxation

Income Tax Credits

Discussed draft legislation "Special Needs Adoption Tax Credit," which would revise an existing adoption tax credit to include out-of-state adoptions made by Utah taxpayers.

Discussed modification of the state-earned income tax credit.

Action: Approved a motion to open a committee bill file that would create a state-level earned income tax credit that is a percentage of the federal earned income tax credit.

Interim Study Topics

Action: Approved a motion to open committee bill files related to:

- State agency confidentiality provisions concerning medical records;
- Cigarette and tobacco taxes;
- Transaction tax overpayment model legislation; and
- Sales and use tax exemptions, including for related party leases.

Property Tax

Action: Amended and approved as a committee bill, draft legislation "Property Taxation of Business Personal Property," which increases a property tax exemption for business personal property.

Special Election Date for Ballot Propositions

Discussed draft legislation "Special Election Date for Ballot Propositions," which would provide that a special election for a ballot proposition related to a bond, debt, leeway, levy, or tax may only be placed on the ballot for November elections.

Time Period for Paying a Tax, Interest, or Penalties

Action: Approved as a committee bill, draft legislation "Time Period for Paying a Tax, Interest, or Penalties After a Judicial Decision," which adjusts days a statutory reference for the time period for paying a tax, interest, or penalty after a judicial decision to 30 days.

Water Funding and Pricing

Discussed draft legislation "Sales and Use Tax Allocation for Water Resources Funding," which would set aside certain state sales and use tax revenue growth for water development projects.

Received information on water project financing and the use of general taxes such as the property tax and sales and use tax in water funding.

Chairs: Rep. Patrick Painter / Sen. Curtis S. Bramble

Staff: Bryant R. Howe (Assistant Director) / Phillip V. Dean (Policy Analyst) / Rebecca L. Rockwell (Attorney) / Samantha Coombs (Secretary)

Senate Judicial Confirmation Committee

The Senate confirmed Mr. Barry G. Lawrence as a district court judge in the Third Judicial District on October 17, 2012.

Chair: Sen. Scott K. Jenkins

Staff: Michael E. Christensen (Director) / Esther D. Chelsea-McCarty (Associate General Counsel) / John L. Fellows (General Counsel) / Jennifer Christopherson (Legislative Secretary)

State Water Development Commission

October 16, 2012

Change Application Procedure

Discussed 2012 General Session S.B. 187, "Change Application Procedure," which requires that a person who applies for a permanent or temporary change to a water right meets certain qualifications. The bill also allows the state engineer, upon receiving a change application, to determine the quantity of water that is currently being beneficially used and limit approval of the change application based on that determination.

Development of Water Resources

Received a report from the Division of Water Resources on the responsibilities of the division, state water plans, and the river basin system in Utah.

Public Trust Doctrine

Received a report from the public trust doctrine working group on potential impacts of the public trust doctrine on water rights.

State Engineer

Received a report from the state engineer on the river commission system in Utah.

Chairs: Rep. Patrick Painter / Sen. Margaret Dayton

Staff: J. Brian Allred (Policy Analyst) / Tracy J. Nuttall (Attorney) / Anna M. Allen (Secretary)

Transportation

Amendments to Ignition Interlock Program

Action: Approved as a committee bill, draft legislation "Amendments to Ignition Interlock Program," which provides that the Driver License Division may only clear the suspension for an ignition interlock violation if the division electronically verifies that the person does not have a vehicle registered in that person's name in Utah.

Annual DUI Report

Received a statutorily required report from the Commission on Criminal and Juvenile Justice on DUI-related topics, including law enforcement arrests, injuries, fatalities, adjudications and sanctions in courts, and driver license sanctions. The report indicated that the number of DUI arrests in FY 2012 was 785 fewer than the previous year and DUI-related crash fatalities as a percentage of total crash fatalities increased from 20% to 28%.

Annual State Highway System Changes

Received a statutorily required report from the Utah Department of Transportation (UDOT) indicating that there is an agreement to transfer a short portion of a local road in Lehi City to the state highway system and recommended that the completed and soon to be completed portions of the Mountain View Corridor be added to the state highway system.

Action: *Approved a motion to open and prioritize for drafting a committee bill that would incorporate UDOT's recommendations.*

Commercial Driver License Issues

Action: *Approved a motion to open and prioritize for drafting a committee bill in cooperation with the Driver License Division to address certain commercial driver license issues.*

Disposal of Certain Surplus Property

Action: *Approved as a committee bill, draft legislation "Disposal of Certain Surplus Property."*

(Continued next column)

The bill provides that UDOT is exempt from using the state surplus property program when selling, exchanging, or disposing of surplus personal property that was acquired by UDOT as part of a real property acquisition for a state transportation purpose and that the proceeds of the sale, exchange, or disposal shall be deposited in the Transportation Fund.

High Occupancy Vehicle Lane Amendments

Action: *Approved as a committee bill, draft legislation "High Occupancy Vehicle Lane Amendments," which allows UDOT to limit the number of clean fuel vehicle decals issued to meet UDOT's goals for operational management of the high occupancy vehicle lanes and comply with federal laws and regulations.*

Safety at Intersections

Received presentations from a legislator, committee staff, UDOT, and the Department of Public Safety regarding automated enforcement of red light violations, advanced traffic signal warnings, education programs, and other methods of making intersections safer. UDOT noted that there has been a 27% reduction in crashes at intersections since 2007.

State Park Access Amendments

Action: *Approved as a committee bill, draft legislation "State Park Access Amendments," which designates state park access highways for Sand Hollow State Park and Quail Creek State Park.*

*Chairs: Rep. Bradley M. Daw / Sen. Kevin T. Van Tassell
Staff: Leif G. Elder (Policy Analyst) / Shannon C. Halverson (Attorney) / Tracey Fredman (Secretary)*

Next Interim Day—November 14, 2012

Office of Legislative Research and General Counsel
Editors: Susan Creager Allred, Nathan W. Brady, & Leif G. Elder

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

RETURN SERVICE REQUESTED

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