



INTERIM HIGHLIGHTS

Office of Legislative Research and General Counsel
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LEGISLATIVE INTERIM MEETINGS

Meetings were held July 17, 2013, or as noted.

Business and Labor

Alcoholic Beverage Control

Received public comment regarding certain alcohol-related legislation introduced during the 2013 General Session, including discussing:

- The transfer of retail licenses issued by the Department of Alcoholic Beverage Control; and
- Whether the Legislature should create a new category of retail licenses for certain hotels.

Practicing Law Without a License

Action: Voted to recommend 2013 First Special Session H.B. 1002, "Practicing Law Without a License Amendments," which provides that provisions of court rule that authorize the practice of law without a license are, under certain circumstances, an exception to the statutory prohibition on the unauthorized practice of law.

Private Investigator Regulation Act Amendments

Action: Voted to recommend 2013 First Special Session H.B. 1003, "Private Investigator Regulation Act Amendments," which provides for a limited-use license for a person to provide private investigator or private detective services to a legislative body under certain circumstances.

Sunset Review — Utah Injured Worker Reemployment Act

Action: Approved as a committee bill, draft legislation "Injured Worker Reemployment Amendments," which repeals the Utah Injured Worker Reemployment Act, establishes reemployment objectives, and makes technical and conforming changes.

Sunset Review — Notice of Trustee Sale and Posting of Notice

Action: Voted to open a priority bill file under committee sponsorship to extend for two years the sunset date of Subsections 57-1-25 (1)(c) and (3)(b), which concern a trust deed given as security to finance residential property.

Chairs: Rep. James A. Dunnigan / Sen. Curtis S. Bramble
Staff: Bryant R. Howe (Assistant Director) / Christine R. Gilbert (Attorney) / Patricia Owen (Attorney) / Jennifer K. Christopherson (Secretary)

Commission on Federalism

July 02, 2013

Committees of Correspondence and the Tenth Amendment

Received a presentation by Congressman Rob Bishop regarding historical use of committees of correspondence and the need for states to act in order to retain powers that were granted to the states by the United States Constitution.

Legislative Intent

Received a presentation from two legislators regarding the intended mission of the commission. The legislators encouraged commission members to study and discuss state powers and areas of jurisdiction, identify areas in which states' powers might have eroded over time, and report any findings to the full body of the Legislature.

Outreach with other States

Discussed ways that the commission can engage and interact with representatives of other states.

Action: Recommended that the commission chairs work with staff to prepare correspondence to be sent out to legislative leaders of other states. The letter should identify the purpose of the commission and invite other states to form their own commissions to study issues of federalism.

State Sovereignty and Federal Preemption

Received a report from committee staff regarding research conducted at the committee's request regarding the separation of state and federal powers.

Chairs: Speaker Rebecca D. Lockhart / President Wayne L. Niederhauser
Staff: Jerry D. Howe (Managing Policy Analyst) / Nathan W. Brady (Policy Analyst) / Robert H. Rees (Attorney) / Cathy J. Dupont (Attorney) / Samantha Coombs (Secretary)

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Summaries of Legislative Meetings

Economic Development Task Force

July 18, 2013

Economic Development Considerations

Received presentations from the Office of the Legislative Fiscal Analyst on Utah's economy. The presentations included information on the strengths and weaknesses of current economic development and economic issue priorities for future economic growth.

Economic Tools and Taxation

Received presentations from representatives of Sandy City, the Utah League of Cities and Towns, and the Office of Legislative Research and General Counsel on:

- Local government efforts to attract and retain businesses and encourage new investment; and
- Tax structures in Utah and other states.

Economic Tools and Taxation Strategies that Advance Manufacturing

Received presentations from the Utah Manufacturers Association, a tax attorney in private practice, and the Utah Taxpayers Association on the impact of corporate income tax and sales tax on manufacturing inputs. The presentation highlighted issues of taxation policy for the manufacturing industry and included a discussion of exemptions and incentives to help develop manufacturing in the state.

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

Staff: Benjamin N. Christensen (Policy Analyst) / Peter Asplund (Attorney) / Jennifer K. Christopherson (Secretary)

Economic Development and Workforce Services

Preparing Utah's Future Workforce

Received presentations from several Utah businesses and the Governor's Office of Economic Development on workforce needs and ideas for the training of Utah's future workforce. Presenters explained that a workforce that is well educated, well prepared, and available to meet the challenges of the job market is vital to the economic success of Utah businesses.

In order to assist current and future job growth for businesses, the state needs:

- Good schools and housing for employees' families;
- Workers trained in science, math, and engineering;
- Technically trained workers; and
- Workers with creative skills.

Chairs: Rep. Rebecca P. Edwards / Sen. Aaron Osmond

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

Education

Teachers' Perspective and Input

Convened a panel of ten teachers to describe their challenges, the elements that contribute to high student achievement, and what the Legislature can do to promote student learning. The teachers requested that the Legislature:

- Involve teachers in developing policy and programs;
- Reduce class size;
- Invest in professional development for teachers;
- Extend the school day or year for students who need more time to learn;
- Provide a livable wage to attract good teachers;
- Adopt a long-range plan and allow time to implement it, rather than quickly changing policies and programs;
- Not tie teachers' salaries to student achievement, due to teachers' limited control over student achievement;
- Reduce the time spent administering standardized tests; and
- Not dictate solutions, but hold schools and teachers accountable for results.

Public Education System Goals and Objectives

Received a presentation from the State Board of Education on goals for the public education system, strategies for achieving these goals, and resources needed to achieve them. The public education system goals include striving to ensure:

- 90% of students in grades 3, 6, and 8 attain proficiency in reading and math;
- 90% of students take the ACT; and
- 90% of students graduate from high school and are prepared for college or a career.

Resources needed to achieve these goals include money for professional development, collaboration time for teachers, targeted interventions for nonproficient students, and school counselors.

Chairs: Rep. Francis D. Gibson / Sen. Stuart C. Reid

Staff: Allison M. Nicholson (Policy Analyst) / Constance C. Steffen (Policy Analyst) / Angela Oakes Stallings (Attorney) / Debra Hale (Secretary)

Education Task Force

June 26, 2013

Alignment of Public and Higher Education with Economic Development Goals and Workforce Needs

Received presentations from the Utah Department of Workforce Services and the Georgetown University Center on Education and the Workforce on methods of forecasting the number and types of occupations needed in the workforce, and the educational demands corresponding to those occupations. Due to the differences in methods for estimating educational demand, estimates of the percentage of the United States workforce that will require postsecondary education in 2020 varies from 31% to 65%.

Overview of Education Data

Received a presentation from committee staff indicating how Utah students may potentially perform on internationally administered tests of reading, math, or science achievement.

Perspectives on Student Achievement

Received comments from education stakeholders on the key elements contributing to high student achievement and how to design an education system that promotes or enhances those elements.

State Education Funding Effort and Student Achievement in Utah and Peer States

Received a report from the Utah Foundation on its studies on Utah student achievement compared to student achievement of peer states and Utah's public education funding effort. Utah's rank among states with similar demographic characteristics has trended downward since 1992. The state's funding effort, as measured by public education revenues per \$1,000 of personal income, has also declined since 1992.

*Chairs: Speaker Rebecca D. Lockhart / President Wayne L. Niederhauser
Staff: Allison M. Nicholson (Policy Analyst) / Constance C. Steffen (Policy Analyst) / Angela Oakes Stallings (Attorney) / Debra Hale (Secretary)*

Federal Funds Commission

July 16, 2013

Committee Business

Action: *Approved a motion to create:*

- *Informal working groups to work with community stakeholders to examine the potential loss of federal funds related to education, health and human services, public safety and corrections, and local government; and*
- *A general risk assessment working group.*

Natural Resources and Public Lands

Received a presentation from the Division of Forestry, Fire, and State Lands related to federal and state funding for fighting wildfires. Also received information from commission staff on federal funding for the Payment In Lieu of Taxes program and federal mineral royalty payments.

Risk Management

Received a presentation from a commission member on how public entities deal with a significant reduction in funding.

*Chair & Vice Chair: Sen. Deidre M. Henderson / Rep. Ken Ivory
Staff: Phillip V. Dean (Policy Analyst) / Shannon C. Halverson (Attorney) / Sara J. Thomas (Secretary)*

Government Communications Task Force

July 11, 2013

911 Fees in Other States

Received a presentation from the Utah Communication Agency Networks Executive Committee regarding how other states fund emergency communication services and the amount of any fees assessed.

Current and Future Funding Options

Discussed funding options and potential cost-sharing methods.

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Telephone Fees in Utah

Received a presentation from task force staff explaining the statutory history of and revenue generated by the following four charges that are collected with a telephone bill:

- State 911 fee of \$0.08 per access line;
- Local 911 fee of \$0.61 per access line;
- Telecommunication Relay Service Fund fee of \$0.06 per access line; and
- Utah Poison Control Center Surcharge of \$0.07 per access line.

Salt Lake Metro 911 Study

Received a presentation from the Ogden City Fire Department on the April 2012 Salt Lake Metro 911 Assessment and Feasibility Study.

*Chairs: Rep. Brad L. Dee / Sen. Wayne A. Harper
Staff: Joseph T. Wade (Policy Analyst) / Victoria Ashby (Attorney) / Tracey Fredman (Secretary)*

Government Operations

Campaign Contribution Limitations

Received a presentation from two legislators regarding campaign contribution limitations.

Free Market and Public Services

Received a presentation from a legislator on how to allow the free market to play a more significant role in providing public services.

Free Market Protection and Privatization Board

Received a report from the Free Market Protection and Privatization Board regarding its activities. During 2012, the board did not recommend privatizing any function provided by a government agency.

Government Records Ombudsman

Received a report from the Government Records Ombudsman regarding the work performed by the ombudsman during FY 2013. Of the 585 public consultations provided by the records ombudsman during FY 2013, 75% were for members of the public, 18% were for representatives of the media, and 7% were for other entities. The records ombudsman provided 515 consultations to government employees responding to requests, of which 42% were for state government entities and 58% were for local government entities.

Legislative Investigative Committee Amendments

Action: *Voted to recommend 2013 First Special Session H.B. 1001, "Legislative Investigative Committee Amendments."*

State Surplus Property Request for Proposals

Received a report from the Department of Administrative Services regarding the status of an RFP for administering the state surplus property program as required by 2013 General Session S.B. 68, "State Surplus Property Program Amendments."

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Bidding for the contract opened on June 28 and will end on July 29.

*Chairs: Rep. Jack R. Draxler / Sen. Margaret Dayton
Staff: Leif G. Elder (Policy Analyst) / Thomas R. Vaughn (Attorney) / Anna M. Allen (Secretary)*

Health and Human Services

Alzheimer's Disease

Considered a proposal by Alzheimer's advocates to enact The High Quality Dementia Care Act as a means of implementing portions of the Utah State Plan for Alzheimer's Disease and Related Dementias that was adopted by the Legislature in 2012.

The act calls for three annual state appropriations of \$400,000 to improve the availability of treatment services for persons with Alzheimer's disease, including by means of telemedicine in southwest Utah.

Medicaid Preferred Drug List

Received a report from the Utah Department of Health on the operation of the state's Medicaid preferred drug list, including how manufacturer rebates are calculated and why brand-name drugs that appear to be more expensive than generics are sometimes actually lower in cost.

Discussed whether the exception to prohibiting the placement of psychotropic drugs on the preferred drug list should be expanded to allow placement of additional psychotropic medications on the list.

Sunset Review — Utah Health Care Compact

Action: Voted to recommend that Utah Code Section 63M-1-2507, Health Care Compact, be reauthorized for five years.

*Chairs: Rep. Paul Ray / Sen. Evan J. Vickers
Staff: Mark D. Andrews (Policy Analyst) / Cathy J. Dupont (Attorney) / Lee A. Killian (Attorney) / Lori R. Rammell (Secretarial Supervisor)*

Judiciary

Court Fees for Political Subdivisions

Received a presentation from a legislator on draft legislation "Court Fees for Political Subdivisions," which would provide for an agency or political subdivision to pay a defendant's court costs if a defendant prevails on an appeal for violation of an ordinance.

Sunset Review — Guardian ad Litem in District Court Cases

Received a presentation from the Office of the Guardian ad Litem on Utah Code Section 78A-2-227.1, "Appointment of attorney guardian ad litem in district court matters," which is scheduled to sunset on July 1, 2014.

Discussed options for the Office of the Guardian ad Litem involving district court cases related to protective orders, child abuse, child sexual abuse, and neglect.

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Sunset Reviews — Residential Tenants

Received a presentation from the Utah Housing Coalition on two sunset provisions related to foreclosure notice to tenants and protecting tenants in residential rental properties during foreclosure.

Action: Voted to remove the sunset provision in Utah Code Subsection 78B-6-802(1)(i), "Unlawful detainer by tenant for a term less than life" and Utah Code Section 78B-6-901.5, "Notice to tenant on residential property to be foreclosed."

*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

Enacted Felonies and Enhancements on Existing Punishments

Received a report from the Sentencing Commission regarding felonies and enhancements on existing punishments that have been enacted over the past five years. According to Sentencing Commission staff, the Legislature enacted 19 new felonies or enhancements to existing felonies and repealed one felony as part of the 2013 General Session. The estimated cumulative fiscal impact of these new penalties was approximately \$459,000 per year.

*Chairs: Rep. Curtis Oda / Sen. Todd Weiler
Staff: Nathan W. Brady (Policy Analyst) / Susan Creager Allred (Attorney) / Lori R. Rammell (Secretarial Supervisor)*

Legislative Management Committee

July 16, 2013

Motion: Approved "Legislative Management Committee Policy on Legislative Procurement," as prepared by staff, which establishes rules governing legislative procurement.

*Chair & Vice Chair: President Wayne L. Niederhauser / Speaker Rebecca D. Lockhart
Staff: Michael E. Christensen (Director) / John L. Fellows (General Counsel) / Phalin L. Flowers (Administrative Assistant)*

Natural Resources, Agriculture, and Environment

Energy Producer States' Agreement

Received a report from a legislator on Utah's involvement in the Energy Producer States' Coalition and the efforts of the coalition to establish an energy production agreement.

Humane Treatment, Slaughter, and Disposal of Domestic Horses

Received a report from the state veterinarian on the history of domestic horse slaughter facilities in the United States. The committee discussed the cost, environmental impact, and difficulty of humanely disposing of old or sick horses.

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Sunset Review — Air Conservation Act

Received a report from the Division of Air Quality on the need for Utah's Air Conservation Act.

Action: *Recommended that Title 19, Chapter 2, Air Conservation Act, be reauthorized for five years.*

*Chairs: Rep. Michael E. Noel / Sen. Scott K. Jenkins
Staff: J. Brian Allred (Policy Analyst) / RuthAnne Frost (Attorney) / Anna M. Allen (Secretary)*

Political Subdivisions

Eminent Domain — Licensed Agents

Received a report from a study group of parties interested in eminent domain issues. The group was facilitated by the state property ombudsman under the direction of the study sponsor.

The group met twice and discussed the issue of whether a party initiating a condemnation proceeding should be required to hold a real estate license. The study sponsor reported the group's recommendations to the committee.

Eminent Domain

Received a brief overview from the state property ombudsman on eminent domain process and requirements.

Law Enforcement Modifications

Action: *Voted to recommend 2013 First Special Session H.B. 1004, "Law Enforcement Modifications," regarding federal and state agencies.*

Vacating a Plat

Discussed issues relating to when a plat should be vacated as opposed to being amended.

Wasatch Choice for 2040

Received a presentation from the Davis County Commissioners and the Wasatch Front Regional Council on the Wasatch Choice for 2040's vision for growth and development along the Wasatch Front.

*Chairs: Rep. R. Curt Webb / Sen. Daniel W. Thatcher
Staff: Joseph T. Wade (Policy Analyst) / Victoria Ashby (Attorney) / Samantha Coombs (Secretary)*

Public Utilities and Technology

Natural Gas Station Infrastructure

Received an update from the Public Service Commission on developing a natural gas station infrastructure across the state.

Extension of Natural Gas Lines

Received an update from the sponsor of 2013 General Session S.B. 202, "Extension of Natural Gas Lines," about the negotiation process between Emery and Millard Counties and Questar Gas for extending natural gas lines in rural Utah. A Millard County commissioner and the county's economic development director also addressed the issue, outlining funding process proposals.

Questar Gas presented the company's position on the process and identified certain changes, such as 50/50 funding by developers, that are key to making the gas extension financially viable.

Interstate Transmission Lines

Received presentations from TransWest and Zephyr about the construction of interstate high-voltage transmission lines from Wyoming to Nevada, through Utah. These are 3000KV lines, with both AC and DC currents.

Utah may benefit from these transmission lines in the following ways:

- Centrally assessed property taxes;
- Construction jobs; and
- Ongoing maintenance of approximately 435 miles of high-voltage lines that will be constructed across Utah by 2017.

Rural Telephone Company Competitiveness

Received presentations from the Utah Rural Telecom Association, independent rural telephone companies, and the Public Service Commission about federal and state universal service funds and the continued viability of rural telephone companies.

The presentations emphasized how the change in the way federal and state universal service funds are allocated will affect the ability of rural telephone companies to continue to provide services at competitive rates. The reallocation of universal service funds centers around broadening the use of funds to include the provision of broadband services.

*Chairs: Rep. Roger E. Barrus / Sen. David P. Hinkins
Staff: Richard C. North (Policy Analyst) / Rebecca L. Rockwell (Attorney) / Tracey Fredman (Secretary)*

Revenue and Taxation

Tax Commissioner Qualifications

Discussed the current qualifications for state tax commissioners and a proposal to change those requirements, including a constitutional amendment to remove the partisan makeup of the commission.

*Chairs: Rep. Ryan D. Wilcox / Sen. Deidre M. Henderson
Staff: Bryant R. Howe (Assistant Director) / Phillip V. Dean (Policy Analyst) / Rebecca L. Rockwell (Attorney) / Samantha Coombs (Secretary)*

Senate Judicial Confirmation Committee

July 12, 2013

The committee met on July 12, 2013, and recommended to the full body of the Senate the confirmation of Paul B. Parker as a judge for the Third District Court.

The Senate met on July 17, 2013, and confirmed Mr. Parker.

*Chair: Sen. Scott K. Jenkins
Staff: Michael E. Christensen (Director) / Susan Creager Allred (Associate General Counsel) / Jennifer Christopherson (Legislative Secretary)*

Transportation

2003-04 Transportation Planning Task Force

Overview

Received an overview from committee staff of the work and accomplishments of a previous legislative task force that addressed transportation planning issues.

Towing Laws, Rules, and Maximum Rates

Received a statutorily required report from the Utah Department of Transportation on its administration of towing laws and administrative rules and the setting of maximum towing rates.

Utah Transit Authority Operations and Funding

Received additional information from the Utah Transit Authority, adding to an overview it began at the June committee meeting regarding its responsibilities, current status, funding levels, and funding sources.

*Chairs: Rep. Johnny Anderson / Sen. Kevin T. Van Tassell
Staff: Art L. Hunsaker (Policy Analyst) / Shannon C. Halverson (Attorney) / Tracey Fredman (Secretary)*

Veterans Reintegration Task Force

July 10, 2013

Suicide Prevention for Veterans

Received presentations from the Western Interstate Commission on Higher Education about the Suicide Prevention Toolkit it developed for

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teaching mental health professionals how to treat potential suicide victims. The toolkit is primarily oriented for rural mental health care providers due to less access in rural areas for suicide prevention treatment.

Veterans' Courts

Received presentations from a federal judge and a Utah Third District judge regarding the creation and benefits of veterans' courts.

The judges suggested informing the judiciary about services available to veterans from the United States Department of Veterans Affairs.

Received additional information from task force staff, including a 50-state survey of which states have veterans' courts.

Veterans' Financial Affairs

Received presentations from private sector financial institutions regarding programs they have developed to help veterans manage their financial resources while in the military and after discharge.

Financial literacy training was also discussed as the key to successful management of money.

*Chairs: Rep. Paul Ray / Sen. Peter C. Knudson
Staff: Richard C. North (Policy Analyst) / Esther Chelsea-McCarty (Attorney) / Tracey Fredman (Secretary)*

Next Interim Day—September 18, 2013

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

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

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