



# INTERIM HIGHLIGHTS

Office of Legislative Research and General Counsel  
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## LEGISLATIVE MEETING SUMMARIES

*Meetings held September 17, 2008, or as noted.*

### Administrative Rules

*(September 8, 2008)*

#### STUDY:

- Discussed a citizen's options when his or her vehicle needs to be towed. The Utah Highway Patrol stated that it uses a rotation list of towing companies, but that the citizen may request a specific towing company.

#### ACTIONS:

- Voted to sunset Administrative Rule R765-603, "Regents' Scholarship," in the committee's 2009 General Session legislation. Committee members expressed concern that the scholarship requirements regarding when the students must take certain classes can exclude students who take the classes too early.
- Voted to refer Administrative Rule R708-10, "Classified License System," to the Transportation Interim Committee for its review regarding if the rule's licensing policy is correct and if so, if the rule should be in statute. The rule bases motorcycle license classifications on the size of the motorcycle's engine.

*Chairs: Sen. Howard A. Stephenson / Rep. Ben C. Ferry*

*Staff: Art L. Hunsaker (analyst)/Susan Creager Allred (attorney)/Tracey Fredman (secretary)*

### Business and Labor

#### STUDIES:

- Received a report from a committee member who met with interested parties regarding the regulation of payroll service companies. He suggested to the committee that legislation requiring additional regulation is not currently needed.
- Received a presentation from the Office of the Legislative Auditor General regarding "A Performance Audit of the Division of Securities," which was released in July 2008 and was referred to the committee by the Legislative Audit Subcommittee.
- Toured apprenticeship program facilities for training operating engineers, ironworkers, and electrical workers.

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#### ACTION:

- Conducted a sunset review of Title 61, Chapter 1, Utah Uniform Securities Act, and received recommendations from the Division of Securities regarding the ongoing purpose of the act. Voted to reauthorize the act for two years and referred the audit to the Commerce and Workforce Services Appropriations Subcommittee.

*Chairs: Sen. Kevin T. Van Tassell / Rep. Stephen D. Clark*

*Staff: Allison M. Nicholson (analyst)/Patricia Owen (attorney)/Phalin L. Flowers (secretary)*

### Education

#### STUDIES:

- Received a committee staff presentation on school funding in Utah, with a focus on the property tax component.
- Received the findings and recommendations of a legislative workgroup studying math education.
- Received a presentation from the American Federation of Teachers on performance-based compensation.
- Received the preliminary findings of a State Board of Education workgroup studying differentiated compensation.

*(September 18, 2008)*

#### STUDY:

- Toured facilities of the Utah Schools for the Deaf and the Blind (USDB) in Salt Lake City and Ogden. Representatives of USDB and members of the public presented testimony on USDB, including the need for new facilities in Salt Lake City.

*Chairs: Sen. Howard A. Stephenson / Rep. Gregory H. Hughes*

*Staff: Constance C. Steffen & Phillip V. Dean (analysts)/Dee S Larsen (attorney)*

*Glenda S. Whitney (secretary)*

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**Page 5 Legislative Management Committee**

## Government Operations

### STUDY:

- Discussed the need for public bodies to provide minutes of meetings in a more timely manner. A committee staff briefing outlined the issues, current statutory provisions, and policy options.

### REPORTS:

- Received a report from the Utah Association of County Clerks on the potential for developing a single ballot on election day that includes local district elections. The association also recommended giving special districts the option of by-mail elections, providing greater coordination of polling places, installing new software to allow for GIS identification of voter residences, and conducting test elections using new data systems.
- Received a briefing from the Office of the Lieutenant Governor on providing online voter registration as a means to expand options for voters wishing to register and to reduce administrative burdens associated with a paper form. Capturing a required voter signature through driver license records was discussed.
- Received a briefing from the Department of Transportation and the Division of Facilities Construction and Management on coordinating expertise to facilitate purchasing property for the state. This expertise is particularly helpful when a seller inflates the price because the potential buyer is known to be the state and eminent domain is needed to acquire the property.

### ACTIONS:

- Requested that staff draft legislation to allow optional by-mail elections for local districts.
- Requested that staff draft legislation to allow online voter registration.

*Chairs: Sen. Peter C. Knudson / Rep. Douglas C. Aagard*

*Staff: Benjamin N. Christensen (analyst)/Christopher R. Parker (attorney)/Chelsea Barrett (secretary)*

## Health and Human Services

### STUDIES:

- Received information from the Division of Substance Abuse and Mental Health, NAMI Utah, and the Salt Lake County Attorney's Office on the mental health needs of persons who are either in, or could enter, the criminal justice system.
- Discussed with the Utah Insurance Department the need for a statutory requirement that health insurers refund unearned premiums to persons who have canceled a Medigap insurance policy to enroll in a Medicare Advantage plan. This problem involves foreign carriers.

### REPORTS:

- Received an update from the Department of Health on the need to implement a real-time epidemiological surveillance system.

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- Received a report from the Department of Health on its implementation of a Medicaid preferred drug list authorized by legislation in 2007. The department expects net savings from implementation of the preferred drug list to total \$1 million in FY 09.

### ACTIONS:

- Approved as a committee bill, "Utah Sudden Cardiac Arrest Survival Act." The legislation amends civil liability immunity provisions related to sudden cardiac arrest intervention and removes a training requirement for lay persons who administer CPR or use an automatic or automated external defibrillator.

*Chairs: Sen. D. Chris Butters / Rep. Paul Ray*

*Staff: Mark D. Andrews (analyst)/Catherine J. Dupont & Thomas R. Vaughn (attorneys)*

*Joy L. Miller (secretary)*

## Health System Reform Task Force

*(September 18, 2008)*

### STUDIES:

- Received reports from the Utah Partnership for Value-driven Health Care and the Utah Medical Association on efforts in Utah to make provider cost and quality information transparent to health care consumers and to incorporate evidence-based practices in clinical care.
- Received information from the Utah Medical Home Task Force on efforts to design and implement a pilot program that will test the use of patient-centered medical homes in various provider settings.
- Received recommendations from the Department of Health on incorporating public health concepts in health care reform.
- Received recommendations for health care reform from the Business Input Group.

*Chairs: Sen. Sheldon L. Killpack / Rep. David Clark*

*Staff: Mark D. Andrews (analyst)/Catherine J. Dupont (attorney)*

*Phalin L. Flowers (secretary)*

## Higher Education and Applied Technology Governance

*(September 9, 2008)*

### ACTION:

- Adopted in concept draft legislation that modifies the governance structure for career and technical education and restructures the Salt Lake/Tooele campus of the Utah College of Applied Technology.

*Chairs: Sen. Curtis S. Bramble / Rep. Kevin S. Garn*

*Staff: Allison M. Nicholson (analyst)/Dee S. Larsen (attorney)/Wendy L. Bangertter (secretary)*

## Immigration

*(August 27, 2008)*

### REPORTS:

- Received reports from former and retired Immigration and Naturalization Services Officers regarding their experiences in dealing with federal immigration policies and enforcement.

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- Received a report from an Oklahoma legislator who sponsored Oklahoma's omnibus immigration reform legislation regarding the importance of making immigration a state concern and the impact of the legislation on the state.
- Received a report from the Utah Minuteman Project, (UMP) "Illegal Aliens, Inequality Before the Law and Derogation of Citizenship," and received comments from UMP on the importance of legal state documentation.
- Received a report from the Sutherland Institute on its position on illegal immigration and a presentation, "Utah Citizens and Illegal Immigration: Side-by-Side," which focused on changing policies at the national level.

*Chair: Sen. Scott K. Jenkins / Rep. Brad L. Dee*

*Staff: Art L. Hunsaker (analyst)/Christopher R. Parker &*

*Thomas R. Vaughn & James L. Wilson (attorneys)/Chelsea Barrett (secretary)*

## Judiciary

### REPORTS:

- Received a report from the Commission on Criminal and Juvenile Justice regarding the recidivism rates of juvenile sex offenders and the significant improvement in juvenile sex offenders who receive specialized treatment programs.
- Received reports from the Administrative Office of the Courts regarding:
  - ▶ the mandatory educational course for divorcing parents under Utah Code Sections 30-3-11.3 through 30-3-11.4;
  - ▶ expedited parent-time enforcement under Utah Code Section 30-3-38; and
  - ▶ the dispute resolution programs under Utah Code Section 78B-6-204.

### ACTIONS:

- Approved as committee bills:
  - ▶ "Material Harmful to Minors Amendments"; and
  - ▶ "Harboring a Runaway."

*Chairs: Sen. Gregory S. Bell / Rep. Eric K. Hutchings*

*Staff: Jerry D. Howe (analyst)/Esther Chelsea-McCarty (attorney)/Amanda K. Majers (secretary)*

## Law Enforcement and Criminal Justice

### STUDY:

- Received comments from a citizen regarding agency access to justice and public safety records. The committee discussed with the Department of Public Safety and the Commission on Criminal and Juvenile Justice the state's progress in enhancing accessibility to the various record management systems used by justice and law enforcement agencies at the state and local levels.

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### ACTION:

- Approved as a committee bill, "Child and Vulnerable Adult Endangerment Provisions," which amends the Utah Criminal Code to provide penalties for a person who knowingly or intentionally causes or permits a child or a vulnerable adult to be exposed to, inhale, ingest, or have contact with a controlled substance, chemical substance, or drug paraphernalia.

*Chairs: Sen. Jon J. Greiner / Rep. DeMar "Bud" Bowman*

*Staff: Stewart E. Smith (analyst)/Susan Creager Allred (attorney)*

*Wendy L. Bangerter (secretary)*

## Natural Resources, Agriculture, and Environment

### STUDY:

- Discussed recodification of the Department of Natural Resources sections of the Utah Code.

### REPORTS:

- Received a report from the Department of Natural Resources on the Endangered Species Mitigation Fund.
- Received a report from concerned citizens on potential degradation of Wasatch Front air quality related to water mining in the Snake Valley.

### ACTIONS:

- Approved as committee bills:
  - ▶ "Water Rights - Informal Adjudication";
  - ▶ "Water Rights Applications"; and
  - ▶ "Protections for Agricultural Practices."
- Requested that committee staff send a letter to the Bureau of Land Management and the Environmental Protection Agency, signed by the committee chairs, supporting West Tavaputs Plateau natural gas development.

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

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

## Political Subdivisions

### STUDIES:

- Received comments regarding whether cities should be allowed to put riparian overlay zones on streams and creeks which are used as storm sewers and where untreated run-off water is channeled.
- Received a presentation from Salt Lake County on the survey results required by H.B. 40, "Sunset of Township Provision," (2005 General Session), regarding the desires of residents and property owners within townships to annex, incorporate, or remain in the unincorporated area of the county.

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**ACTION:**

- Adopted as a committee bill, "Assessment Area Amendments," which modifies provisions relating to assessment areas. Designation of an assessment area by a local entity allows that entity to assess the property within the area for the purpose of financing the costs of improvements, operation and maintenance, or economic promotion activities that benefit property within the assessment area.

*Chairs: Sen. Dennis E. Stowell / Rep. Fred R Hunsaker*  
*Staff: Joseph T. Wade (analyst)/Robert H. Rees (attorney)/Wendy L. Bangerter (secretary)*

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## Public Utilities and Technology

**REPORTS:**

- Received reports from the Utah State Energy Manager, Utah Clean Energy, and Healthy Environmental Alliance of Utah about state authorized renewable energy programs, including net metering, the number of statewide participants in the seven different programs, and the dollar value of tax credits claimed.
- Received a report from the Utah Geological Survey about the location and amount, projected by the barrel, of oil shale deposits in the state. Maps were also provided of the state oil shale deposits.
- Received a written report from Rocky Mountain Power detailing the status of negotiations with Box Elder County officials, citizen groups, and citizens regarding the siting of a high voltage transmission line through their communities. The report included information about transmission siting criteria such as reliability, cost, and safety.

Box Elder county officials, mayors, and citizen groups expressed concern about the lack of progress and difficulty in obtaining cost estimate data.

*Chairs: Sen. Scott K. Jenkins / Rep. Michael E. Noel*  
*Staff: Richard C. North (analyst)/Victoria Stirling (attorney)/Tracey Fredman (secretary)*

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## Revenue and Taxation

**STUDY:**

- Reviewed draft legislation that would grant an income tax credit for certain expenses related to higher education at state-sponsored institutions of higher education.

**REPORTS:**

- Received a committee staff report on the incidence of the property tax. Information regarding property taxes paid in relation to income was also reported.
- Received a committee staff report on property tax assessment patterns for certain properties in selected Utah counties.

**ACTIONS:**

- Approved as committee bills:
  - "Certified Tax Rate Amendments"; and
  - "Personal Property Tax Amendments."

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- Voted to continue the committee's study and review of the authority of taxing entities that have non-elected boards to impose a property tax. Options to receive further consideration included requiring voter approval of a property tax increase, eliminating the authority of these taxing entities to impose a property tax, and reviewing election procedures for boards of special districts.

*Chairs: Sen. Wayne L. Niederhauser / Rep. John Dougall*  
*Staff: Bryant R. Howe & Phillip V. Dean (analysts)/Rebecca L. Rockwell & Angela D. Oakes (attorneys)/Phalin L. Flowers (secretary)*

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## Tax Review Commission

*(September 11, 2008)*

**STUDIES:**

- Received a report from the oil exploration industry regarding the effects of state severance taxes on levels of oil exploration and production in Utah.
- Received an overview of public education efforts regarding Constitutional Amendment B which will appear on the ballot at the 2008 General Election. This proposed constitutional amendment concerns the permanent state trust fund.

*Chairs: Mr. M. Keith Prescott / Mr. David J. Crapo*  
*Staff: Bryant R. Howe, Phillip V. Dean & Leif G. Elder (analysts)/Rebecca L. Rockwell & Angela D. Oakes (attorneys)/Phalin L. Flowers (secretary)*

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## Transportation

**STUDIES:**

- Discussed proposed legislation that would bring Utah into compliance with federal motor carrier safety regulations.
- Received a presentation from the Department of Transportation on size and weight requirements for motor carriers.
- Discussed which types of vehicles listed in the definition of motor-driven cycle will require a driver's license, and/or a motorcycle endorsement, or both.
- Discussed the process of converting vehicles to operate on alternative fuels.

**REPORT:**

- Received reports from the Department of Transportation on east-west corridors in first and second class counties and new transportation capacity projects.

*Chairs: Sen. Carlene M. Walker / Rep. Todd E. Kiser*  
*Staff: Leif G. Elder (analyst)/Shannon C. Halverson (attorney)*  
*Tracey Fredman (secretary)*

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## Workforce Services & Community and Economic Development

**STUDIES:**

- Received briefings from the Governor's Office of Economic Development, the Governor's Office of Planning and Budget, and the Utah Film Commission on the benefits of providing additional incentives to the film industry, which included a presentation on a film economic impact model.

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- Received briefings from the Department of Community and Culture and the Division of State History on long-term storage needs for cultural artifacts and state collections.

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- Received a briefing from The Crossroads Urban Center on the National Housing Trust Fund (NHTF) created by the federal Housing and Economic Recovery Act of 2008 and possible state funding sources to accompany the NHTF, including earmarking part of the state liquor tax.

*Chairs: Sen. Mark B. Madsen / Rep. Steven R. Mascaro  
Staff: Arthur L. Hunsaker (analyst)/James L. Wilson (attorney)/Glenda S. Whitney (secretary)*

**LEGISLATIVE MANAGEMENT COMMITTEE**  
*(September 16, 2008)*

**ACTIONS:**

- Approved the requests of the following appropriation subcommittees for meetings previously held. (The Legislative Management Committee did not meet in August and so could not approve the meetings before they occurred.)
  - ▶ Commerce and Workforce Services
  - ▶ Economic Development and Revenue
  - ▶ Natural Resources
- Assigned to the Workforce Services and Community and Economic Development Interim Committee the study item "Tax Credits for Manufacturing Industry."

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- Approved requests from the following appropriation subcommittees:
  - ▶ Economic Development and Revenue - for a meeting on September 29th at 9:00 a.m.; and
  - ▶ Natural Resources - for a one-day field trip on September 18th.
- Approved a request from the Higher Education and Applied Technology Governance Committee to hold up to three meetings in addition to those already approved by the Legislative Management Committee.

*Chairs: Sen. John L. Valentine / Rep. Greg J. Curtis  
Staff: Michael E. Christensen (Director) / John L. Fellows (General Counsel)  
Beverlee LeCheminant (Administrative Assistant)*

**Next Interim Day – October 15**

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