



INTERIM HIGHLIGHTS

Office of Legislative Research and General Counsel
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INTERIM LEGISLATIVE MEETINGS

Meetings were held August 19, 2009, or as noted.

Administrative Rules

(July 14, 2009)

STUDIES:

- Discussed the Saratoga Springs Owners Association's concerns regarding a new administrative rule governing geothermal pools. Received comments from representatives of the association, the Utah Department of Health, and the Utah County Health Department.
- Discussed the State Board of Education's plan to implement, by administrative rule, specified findings of the Legislative Auditor General's audit of procedures for conducting employees' criminal background checks in public education.

(August 17, 2009)

STUDY:

- Discussed privacy issues related to the medical information sought from driver license applicants and asked representatives of the Driver License Division to consider improvements to the form.

ACTION:

- Directed committee staff to prepare draft legislation imposing limits on the penalties that a local health department can assess against an emissions testing business found to be in violation of the department's regulations.

*Chairs: Sen. Howard A. Stephenson / Rep. Curtis Oda
Staff: Art L. Hunsaker (analyst)/Susan Creager Allred (attorney)/Tracey Fredman (secretary)*

Business and Labor

STUDIES:

- Reviewed health insurance mandates currently in state law and overviews of prior mandates prepared by the Insurance Department.
- Received an update from committee staff on the progress of recodification of the Alcoholic Beverage Control Act.

REPORTS:

- Received a report from the board of directors on the implementation of H. B. 188, "Utah Defined Contribution Risk Adjuster" (2009 General Session).

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- Received a report from the Insurance Department on its legislative priorities for the 2010 General Session, which include a bill to make technical changes and a bill to update the state guaranty association laws to be consistent with the model act adopted by the National Association of Insurance Commissioners.
- Received a report from the Office of the Legislative Auditor General regarding its audit of the Insurance Fraud Division of the Insurance Department. Also received a response to the audit from the Insurance Department.
- Reviewed the process for adoption of, or revision to, a state construction code and a state fire code.

ACTION:

- Voted to reauthorize for five years the insurance comparison tables that are produced by the Insurance Department and posted on the department's web site.

*Chairs: Sen. John L. Valentine / Rep. James A. Dunnigan
Staff: Bryant R. Howe (analyst)/Patricia Owen (attorney)
Phalin L. Flowers (secretary)*

Constitutional Revision Commission

(August 13, 2009)

STUDY:

- Continued the study of a proposed amendment to the Utah Constitution relating to post-conviction review. Received comments from opponents of the proposal.

*Chairs: Judge Jon Memmott, Chair/ Mr. Roger Tew, Vice Chair
Staff: Jerry D. Howe (analyst)/Robert H. Rees (attorney)/Amanda K. Majers (secretary)*

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Education

STUDIES:

- Discussed the funding shortfall for the New Century Scholarships and the need for modifications to the law to avoid a funding shortfall in the future.
- Considered proposed legislation, "School Property Tax Equalization Amendments," which requires a school district in a county of the first class that receives money from a capital outlay levy equalization program to adopt schedules to increase the enrollment capacity of certain school buildings.

REPORT:

- Received a presentation from the Utah Technology Council and the Utah College of Applied Technology on the challenges of preparing students for the current workforce, which almost always requires some post-secondary education.

ACTION:

- Approved a motion to reauthorize the Public Education Job Enhancement Program for ten years.

Chairs: Sen. Howard A. Stephenson / Rep. Gregory H. Hughes
Staff: Constance C. Steffen & Allison M. Nicholson (analysts)/Dee S Larsen (attorney)
Glenda S. Whitney (secretary)

Ethics

STUDIES:

- Reviewed with Utah's Congressman Rob Bishop the standards and ethics processes of the U.S. House of Representatives.
- Discussed with a former chair of the Utah Supreme Court Ethics and Discipline Committee the standards and process used to determine the ethical conduct of attorneys.
- Reviewed with committee staff the constitutionality of independent ethics commissions and a recent Nevada Supreme Court decision.
- Discussed the jurisdiction and powers of the Utah Legislative Ethics Committee.

Chairs: Sen. Sheldon L. Killpack & Rep. John Dougall
Co-chairs: Sen. Patricia W. Jones & Rep. Rebecca Chavez-Houck
Staff: Michael Christensen (Director)/John L. Fellows (General Counsel)/Eric N. Weeks (Deputy General Counsel)/John Q. Cannon (Managing Policy Analyst)/Chelsea Barrett (secretary)

Government Operations and Political Subdivisions

STUDIES:

- Received recommended election law changes from the county clerks, including adding age or date of birth to nominating petitions, and modifying:
 - deadline for ballot changes;
 - vote centers;

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- voter identification provisions;
 - making election day a teacher preparation day;
 - the state school board nomination process; and
 - provisions relating to privacy and voter registration.
- Received a report from the county clerks on the progress being made to provide a single ballot for all voters at elections.
 - Heard a complaint from Ashley Regional Medical Center, a for-profit entity, on unfair competition from Uintah Basin Healthcare, a non-profit entity associated with Duchesne County.

REPORTS:

- Received a briefing from the Governor's Office of Planning and Budget on the allocation and use of federal stimulus monies under the American Recovery and Reinvestment Act of 2009. Utah entities have received approximately \$1.9 billion from the stimulus bill; \$1.288 billion to state agencies and \$623 million to other Utah entities.
- Received the Privatization Policy Board Annual Report from the Division of Purchasing and General Services on its activities and recommendations for privatization. The report included the status of the commercial activities inventory.

Chairs: Sen. Peter C. Knudson / Rep. Craig A. Frank / Rep. Fred R Hunsaker
Staff: Benjamin N. Christensen & Joseph T. Wade (analysts)/Christopher R. Parker & Robert H. Rees (attorneys)/Wendy L. Bangerter (secretary)

Health and Human Services

STUDY:

- Received comments from many individuals supportive of and opposed to health care reform proposals currently under consideration by Congress.

REPORT:

- Received an update from the Department of Health on the novel H1N1 flu pandemic. The department reported that the single most helpful thing individuals can do in response to the pandemic is, as appropriate, to voluntarily sequester themselves and not attend social gatherings and schools.

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

REPORT:

- Received reports from contract vendors who are implementing the Utah Health Insurance Exchange. Also received progress reports from the Oversight and Implementation Workgroup and the Transparency, Quality, and Infrastructure Workgroup, which are two of the workgroups the task force created earlier this year.

Chairs: Sen. Sheldon L. Killpack / Rep. David Clark
Staff: Mark D. Andrews (analyst)/Catherine J. Dupont (attorney)
Chelsea Barrett (secretary)

Judiciary, Law Enforcement, and Criminal Justice

STUDIES:

- Discussed federal, state, and local interagency cooperative efforts to curtail illegal gang activity and the need for early intervention.
- Reviewed draft legislation, "Drug Law Amendments," that adds two drugs as Schedule IV controlled substances: carisoprodol, which has the brand name of Soma; and tramadol, which has the brand names of Ultram and Ultracet.

REPORTS:

- Received statutorily required reports from the Commission on Criminal and Juvenile Justice on:
 - the amounts and uses of revenue from forfeited property in state and federal criminal cases; and
 - the use of criminal surcharges and fines for funding drug task forces.

ACTION:

- Approved as a committee bill, "Criminal Offense Penalties Amendments." The bill modifies elements of specified criminal offenses and adjusts the dollar value of damage used to determine levels of criminal offenses.

*Chairs: Sen. Jon J. Greiner / Rep. Douglas C. Aagard / Rep. Lorie D. Fowlke
Staff: Stewart E. Smith & Jerry D. Howe (analysts)/Susan Creager Allred & Esther Chelsea-McCarthy (attorneys)/Amanda K. Majers (secretary)*

Natural Resources, Agriculture, and Environment

STUDIES:

- Studied the potential impacts of the federal American Clean Energy and Security Act of 2009 (H.R. 2454), including effects on electric power generation costs in Utah and the resulting increase in energy costs to Utah businesses and citizens.
- Discussed a proposal to establish beverage container deposit legislation to provide a funding source for the Division of Utah State Parks and Recreation.

REPORT:

- Received a report from the director of the Department of Natural Resources on a proposed division of groundwater resources in the Snake Valley located in Utah and Nevada.

*Chairs: Sen. Dennis E. Stowell / Rep. Roger E. Barrus
Staff: J Brian Allred (analyst)/Emily R. Brown (attorney)/Joy L. Miller (secretary)*

Public Utilities and Technology

REPORTS:

- Received a report from the State Energy Program regarding state incentives for the development and use of various electricity fuel sources.

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- Received a presentation from Rocky Mountain Power regarding smart grid technologies for demand-side management, net metering, and an update on federal energy legislation.
- Received a report from a panel member of the United Nations Intergovernmental Panel on Climate Change on climate change studies.
- Received a presentation from the Department of Technology Services regarding the state Interoperability Executive Committee, including voice/data resources for state agencies and the development of public safety interoperability networks and technologies.

*Chairs: Sen. Stephen H. Urquhart / Rep. Michael E. Noel
Staff: Richard C. North (analyst)/Victoria Stirling (attorney)/Tracey Fredman (secretary)*

Revenue and Taxation

STUDIES:

- Discussed a taxpayer advocate program under which an office within the Tax Commission assists taxpayers in navigating Tax Commission systems and processes.
- Reviewed communications taxes and fees, including taxes and fees imposed on telecommunication, cable, and satellite services.
- Examined the interaction of S. B. 148, "Low-profit Limited Liability Company Act" (2009 General Session), and statutory and constitutional property tax provisions related to charitable organizations.
- Studied the property tax exemption for veterans.

REPORT:

- Received a report from the Tax Commission on the impact of federal tax changes on Utah tax revenues.

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

State Water Development Commission

(July 29, 2009)

STUDIES:

- Discussed H. B. 241, "Priority of Water Rights" (2009 General Session).
- Discussed local management of state engineer groundwater management plans and proposals for water banking in Cache County.
- Discussed drinking water quality, including the safety of chemicals and contaminants added to drinking water systems.

*Chairs: Sen. Dennis E. Stowell / Rep. Patrick Painter
Staff: J Brian Allred (analyst)/Emily R. Brown (attorney)/Joy Miller (secretary)*

Transportation

STUDIES:

- Received presentations from committee staff, the Mobility Management Project, Utah Department of Transportation, and Utah Transit Authority on how human service transportation programs are being coordinated in Utah.
- Discussed recent changes to motorcycle operator restrictions. The Driver License Division and Utah Highway Patrol stated that the new restrictions appear to be having an impact on reducing the number of motorcycle fatalities.
- Discussed draft legislation that would amend provisions relating to scenic byway designations.

REPORT:

- Received a statutorily required report from the Division of Child and Family Services on licensing and motor vehicle insurance coverage for foster children. The division reported that 188 foster children have been issued a driver license, and so far the division has not been asked to reimburse a foster parent for providing owner's or operator's security.

*Chairs: Sen. Kevin T. Van Tassell / Rep. Julie Fisher
Staff: Leif G. Elder (analyst)/Shannon C. Halverson (attorney)
Tracey Fredman (secretary)*

Utah International Trade Commission

(August 20, 2009)

REPORTS:

- Received a report from the Governor's Office of Economic Development on international trade, collaborative efforts to increase Utah trade, and potential markets for Utah exporters.
- Received a report from the Forum on Democracy on federal treaties and international treaty organizations decisions affecting U.S. trade.

*Chairs: Sen. Mark B. Madsen / Rep. Sheryl L. Allen
Staff: Richard C. North (analyst)/Victoria Stirling (attorney) Wendy L. Bangarter (secretary)*

Utah Tax Review Commission

(August 13, 2009)

STUDIES:

- Received a report from committee staff on peer-reviewed journal articles, news articles, conference proceedings, and reports from think tanks on the effects on employment and capital investment of a single sales factor apportionment formula.
- Reviewed and discussed the report and recommendations of the Sales and Use Tax Working Group regarding a revised sales and use tax system.
- Received a progress report from the Cigarette and Tobacco Products Excise Tax Working Group.

*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)*

Workforce Services & Community and Economic Development

STUDY:

- Discussed whether to recommend that the Legislature continue the current 50% Social Security offset, which means unemployment compensation benefit entitlements would continue to be offset or reduced by 50% of an individual's Social Security retirement benefit.

REPORTS:

- Received a briefing from the Utah State Office of Rehabilitation on the services, including vocational rehabilitation, provided by the office.
- Received an update from the Department of Workforce Services regarding federal stimulus resources and funding available to the department.
- Received an update from the Department of Workforce Services on its development of a new Eligibility Services Division within the department.
- Received an update on the solvency of the Unemployment Insurance Trust Fund.
- Received a briefing from the Department of Community and Culture on the digitization of its collections related to Utah's history and cultures.

ACTION:

- Approved as a committee bill, "Building and Construction Projects - Technical Corrections."

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



UTAH RANKS HIGHEST IN NATION FOR “LEGISLATORS BACK TO SCHOOL PROGRAM” PARTICIPATION

Special congratulations to Utah’s legislators! During the 2008–09 school year they claimed the nation’s highest participation rate in the “America’s Legislators Back to School Program.”

Ninety–four percent of Utah’s legislators visited schools as part of this program sponsored by the National Conference of State Legislatures.

In years past, Utah’s senators and representatives had consistently ranked in the top three states. In 2002–03 and 2005–06 they held first place, and again this year they lead the country.

Through this program, Utah’s senators and representatives give of their time and expertise every year to educate students – our future voters and leaders – about their responsibilities and opportunities for involvement as citizens.

Utah’s legislators have been participating in the “Back to School” program for many years, giving Utah students the opportunity to meet and talk with state leaders who listen to students’ questions and concerns. In turn, these young people learn about the experience of being a legislator through discussions, mock hearings and sessions, and drafting bills on subjects of interest to them.

Thanks also to Utah teachers, who continue to welcome legislators into their classrooms each year.

For more information on this program, please contact the Office of Legislative Research and General counsel or visit <http://www.le.utah.gov/lrgc/backtoschool.htm>

Next Interim Day – September 16

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