



# INTERIM HIGHLIGHTS

Office of Legislative Research and General Counsel  
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## INTERIM LEGISLATIVE MEETINGS

*Meetings were held May 21, 2008, or as noted.*

### Business and Labor

#### STUDIES:

- Received comments on possible amendments to the Utah Antidiscrimination Act to address sexual orientation and gender identity, including comments from representatives of Equality Utah, ACLU of Utah, Utah Labor Commission, and the Employers' Council.
- Discussed provisions that would allow the freezing of a minor's credit records and received presentations from the Office of the Utah Attorney General and the Consumer Data Industry Association.

*Chairs: Sen. Kevin T. Van Tassell / Rep. Stephen D. Clark  
Staff: Allison M. Nicholson (analyst)/Patricia Owen (attorney)/Phalin L. Flowers (secretary)*

### Constitutional Revision Commission

#### STUDY:

- Considered an amendment to the Utah Constitution to place limitations on the current post-conviction relief practices, particularly in death penalty cases.

*Chairs: Judge Jon Memmott / Mr. Kevin J. Worthen  
Staff: Jerry D. Howe (analyst)/Robert H. Rees (attorney)/Amanda K. Majers (secretary)*

### Education

#### STUDIES:

- Received a presentation from the Commission on Civic and Character Education on its initiatives to promote civic and character education in public schools.
- Discussed whether the committee should study and consider future legislation regarding the governance of International Baccalaureate programs offered by high schools.

#### REPORT:

- Received a report from the Office of the Legislative Auditor General on its audit of class size reduction funds and considered draft legislation requiring school districts and charter schools to meet class size caps or prepare class size reduction plans as a condition of receiving class size reduction funds.

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#### ACTION:

- Directed staff to draft legislation to reauthorize and revise a program that provides grants to teachers to pay for costs of tests to meet highly qualified teaching standards or obtain certification from the National Board of Professional Teacher Standards.

*(May 22, 2008)*

#### STUDY:

- Received presentations from educational consultants and Brigham Young University researchers on issues to consider in designing performance-based compensation systems for teachers. The committee also received comment and recommendations on performance-based compensation for teachers from school district superintendents, the State Board of Education, and representatives of charter schools and teachers.

*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)*

### Government Operations

#### STUDIES:

- Received a briefing from the Department of Human Resource Management regarding a proposal to rewrite the Utah State Personnel Management Act and update personnel systems to address personnel practices in today's workplace. Discussed a potential revision of the act.
- Discussed the coordination of election ballots to provide a single ballot for each voter. The ballot would include all races and ballot questions on which the voter is entitled to vote, including local district elections. Received comments from county and local district officials on the issue.

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**REPORT:**

- Received a statistical report from the Department of Human Resource Management on total state employee compensation. The report was a follow-up to questions raised by the committee last October, and addressed employee turnover, salary levels, and the need for more flexible tools to address employee compensation.

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

*Staff: Benjamin N. Christensen (analyst)/Eric N. Weeks (attorney)/Chelsea Barrett (secretary)*

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## Health and Human Services

**STUDIES:**

- Received a report from the State Medical Examiner on the duties, workload, and funding of the office, and alternatives for addressing insufficient funding.
- Received information from the Department of Human Services on options for addressing the needs of persons awaiting services from the Division of Services for People with Disabilities.
- Considered a proposal by a mother of a child with autism to require health insurance coverage of autism services.

**REPORT:**

- Received a report from the Utah Autism Initiative, an interagency work group created by the Department of Health last year, on its work to identify existing resources for persons with autism and develop recommendations for extending the availability of those resources.

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

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

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## Health System Reform Task Force

*(April 17, 2008)*

**STUDIES:**

- Discussed the task force's objectives. The Advisor to the Governor on Health System Reform participated in the discussion.
- Considered draft legislation "Procurement Code Preference for Health Benefits."

**REPORTS:**

- Received a task force staff report on legislation passed during the 2008 Annual General Session related to health care reform.
- Received reports from the Governor's Office of Economic Development, the Department of Health, and the Insurance Department on the implementation of specific requirements established by H.B. 133, "Health System Reform" (2008 General Session).
- Task force staff reviewed a draft request for proposals to provide actuarial services to the task force.

*(May 22, 2008)*

**STUDIES:**

- Continued consideration of draft legislation, "Procurement Code Preference for Health Benefits," that would grant a preference under the state procurement code to any bidder who provides health insurance benefits to the bidder's employees.
- Received information from the Governor's Office of Economic Development on the availability and future development of software that would provide comparative data about health insurance plan benefits to consumers via the Internet.
- Considered draft legislation "Health Insurance Benefit and Pricing Data," that would direct the Insurance Department to develop rules for the collection and use of comparative data on insurers and their plans.
- Received information from Intermountain Healthcare regarding trends in health care spending and their implications.

**REPORT:**

- Received a report from task force staff on the request for proposals to provide actuarial services to the task force.

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

*Staff: Mark D. Andrews (analyst)/Catherine J. Dupont (attorney)  
Phalin L. Flowers (secretary)*

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## Higher Education and Applied Technology Governance

*(April 30, 2008)*

**STUDIES:**

- Received a briefing from committee staff on the creation and history of the Utah College of Applied Technology.
- Received presentations from the Utah System of Higher Education on the current governance structure and the delivery of career and technical education in the state.

*(May 13, 2008)*

**STUDY:**

- Received comments from Salt Lake Community College, State Office of Education, and Utah College of Applied Technology board members and campus presidents regarding emerging issues related to the delivery of career and technical education (CTE), including differing definitions of CTE, the role and mission of institutions providing CTE, credit and degrees, costs, and governance.

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

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

## Immigration

(May 22, 2008)

### REPORTS:

- Received a report from the Office of the Utah Attorney General regarding immigration and the office's responsibilities and activities related to immigration.
- Received a report from the United States Attorney assigned to Utah regarding the responsibilities and activities of his office related to immigration.
- Received a report from the staff of the Immigrant Policy Project, which is being conducted by the National Conference of State Legislatures, regarding immigration issues and the experiences of other states in addressing immigration.

*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

### STUDIES:

- Considered a draft bill that creates a basis for dismissing a protective order at any time if the petitioner acts in contravention of the protective order provisions.
- Received training on the provisions of the Open and Public Meetings Act, as required by Utah Code Section 52-4-104.
- Received a report from the Commission on Criminal and Juvenile Justice and the Salt Lake Prosecutor's Office on issues relating to mentally ill offenders, their high recidivism rates, the costs of treatment, and the opportunity to advance collaborative efforts with mental health courts.
- Received reports from the Utah Sentencing Commission regarding:
  - Specific crimes, the penalties of which have recently been enhanced or adjusted by legislative action; and
  - Criminal penalties that were changed during the 2008 General Session.

*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 training on the provisions of the Open and Public Meetings Act, as required by Utah Code Section 52-4-104.

### REPORTS:

- Received information from the Utah Communications Agency Network, the State Chief Information Officer, and law enforcement agencies on the Federal Communications Commission's (FCC) new bandwidth mandates, which take effect in 2013. The new federal rules will require substantial equipment and construction expenditures to accommodate this change.

- Received a presentation from the Department of Public Safety on the function and progress of the Statewide Information Analysis Center, which is a partnership of public safety jurisdictions created to collect, analyze, and disseminate information to increase the public safety of citizens, communities, and critical infrastructure.
- Received a presentation from the Bureau of Criminal Identification (BCI) on the Concealed Firearm Permits (CFP) Program which has received an average of 3,365 CFP applications per month since January 2008. BCI reported a growing number (46%) of CFP applications in recent months are coming from residents of other states.

### ACTION:

- Adopted as an interim committee bill, "Crime of Strangulation or Smothering."

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

*Staff: Stewart E. Smith (analyst)/Susan Creager Allred (attorney) Wendy L. Bangarter (secretary)*

## Natural Resources, Agriculture, and Environment

### STUDIES:

- Discussed recodification of the Department of Natural Resources provisions in the Utah Code.
- Discussed a proposal from the Copenhagen Consensus Center at the Copenhagen Business School to organize a local seminar on the development of energy resources in the Intermountain region.

### REPORT:

- Received a report from the State Energy Advisor on energy resource zones in Utah, electricity generation, advisor activities, and potential energy policy legislation.

### ACTIONS:

- Conducted a sunset review of Title 19, Chapter 4, Safe Drinking Water Act, and recommended that the act be reauthorized for ten years.
- Conducted a sunset review of Title 19, Chapter 5, Water Quality Act, and recommended that the act be reauthorized for ten years.

*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:

- Discussed draft legislation, "Assessment Area Amendments."
- Discussed county health department funding and ways to meet funding needs.
- Discussed potential modifications to the office of county surveyor.

*Chairs: Sen. Dennis E. Stowell / Rep. Fred R Hunsaker*

*Staff: Joseph T. Wade (analyst)/Robert H. Rees (attorney)/Wendy L. Bangarter (secretary)*

## Public Utilities and Technology

### STUDIES:

- Discussed the location, maintenance, and responsibility for sewer lines and received information from the Central Davis Sewer District, the Blue Stakes Program, and Sorenson Construction.
- Discussed providing utilities to mobile home park owners and residents, responsibility for the maintenance of the utilities' delivery facilities, and how compensation should be made.
- Comments were received from a member of the House of Representatives, utility districts, and mobile home park representatives.

*Chairs: Sen. Scott K. Jenkins / Rep. Michael E. Noel*

*Staff: Richard C. North (analyst)/Christopher R. Parker (attorney)/Tracey Fredman (secretary)*

## Revenue and Taxation

### STUDIES:

- Reviewed property tax limitation efforts in Florida, Oregon, California, and Colorado, and in Chicago and New York City.
- Reviewed taxes imposed in Utah and in other western states by state and local governments on lodging accommodations, motor vehicle rentals, and restaurant meals.
- Compared sources of revenue for municipalities, counties, and school districts in Utah with other regions of the United States.

### ACTION:

- Approved a motion to draft legislation to repeal individual income tax contributions that no longer meet the criteria to remain on the individual income tax return.

*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)*

## Transportation

### STUDIES:

- Discussed transit issues, including bus service and 1st Substitute H.B. 298, "Public Transit Study," which was presented in the 2008 General Session.
- Received presentations from the Utah Department of Transportation and the Wasatch Front Regional Council on congestion pricing.

*Chairs: Sen. Carlene M. Walker / Rep. Todd E. Kiser*

*Staff: Leif G. Elder (analyst)/Shannon C. Halverson (attorney)  
Tracey Fredman (secretary)*

## Utah International Trade Commission

(May 20, 2008)

### REPORTS:

- Received a report from commission staff on World Trade Organization discussions regarding implementation language for services covered in the 1994 General Agreement for Trade in Services treaty.
- Received a report from commission staff regarding Congress' discussion of the status and terms of the Colombia Free Trade Agreement, including state sovereignty, human rights, and trade adjustment assistance.
- Received a report from commission staff regarding U.S. Trade Adjustment Assistance and congressional efforts for increasing aid to American workers who have lost their jobs due to international trade.
- Received a report from the Utah World Trade Center and the Governor's Office of Economic Development about growth in Utah's international trade exports.
- Received a report from commission staff regarding the impact of international trade treaties on state and local elected officials' roles in national policy objectives.

### ACTIONS:

- Approved sending a letter from the Utah International Trade Commission (UITC) to the U.S. Trade Representative's Office and other entities, expressing concern over the possible exclusion of state and local lawmakers from involvement in international trade treaties that affect them.
- Approved sending a letter from the UITC to Congress in support of bilateral trade treaties with countries such as Colombia and that acknowledge the difficult human rights issues faced by those countries with ongoing civil wars.

*Chairs: Sen. Mark B. Madsen / Rep. Sheryl L. Allen*

*Staff: Richard C. North (analyst)/Christopher R. Parker (attorney)/Tracey Fredman (secretary)*

## Utah Tax Review Commission

(May 9, 2008)

### STUDIES:

- Reviewed previous commission studies of the state's oil and gas severance taxes, including oil and gas severance tax systems in other states, oil and gas severance tax trust funds, and the effects of severance tax structure and rates on the exploration and production of oil and natural gas.
- Reviewed study topics for 2008, including proposed commission studies of Utah State Tax Commission (USTC) collection practices, interest on taxes, charges, or fees administered by the USTC, apportionment of income tax credits, taxation of pass-through entities, fees and costs in tax litigation, and the state sales and use tax base.

### REPORTS:

- Received a commission staff report on revenue and taxation related legislation enacted during the 2008 General Session.

*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

### STUDIES:

- Discussed the feasibility of appropriating money to the Business Development for Disadvantaged Rural Communities Restricted Account and the level of funding.
- Discussed ways to provide incentives for motion picture production companies to film movies in Utah, including increasing the appropriation for the Motion Picture Incentive Fund.
- Discussed granting tax credits to the manufacturing industry to encourage increased investment in Utah.

### ACTIONS:

- Approved draft legislation, "Department of Community and Culture - State-owned Art Inventory."
- Directed that legislation be prepared providing increases in motion picture incentives for film production companies.

*Chairs: Sen. Mark B. Madsen / Rep. Steven R. Mascaró*

*Staff: Arthur L. Hunsaker (analyst)/James L. Wilson (attorney)/Glenda S. Whitney (secretary)*

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## Legislative General Counsel M. Gay Taylor Retires After 25 Years of Service

Utah Legislators and other state officials honored Ms. M. Gay Taylor for her 25 years of service with the Office of Legislative Research and General Counsel at a reception in the Gold Room of the Capitol on May 21, 2008. Ms. Taylor has been the General Counsel to the Legislature for the past 23 years. She will retire May 31, 2008.

Ms. Taylor has been credited with:

- Implementing a program to eliminate "legalese" in drafting laws in order for citizens to better understand the laws;
- Overseeing significant rewrites of major portions of Utah laws, including the Tax, Human Services, Election, Judicial, Retirement, Insurance, Motor Vehicle, Transportation, Special Districts, and Labor codes, and the Government Records Access and Management Act (GRAMA), and Legislative Rules;
- Winning a unanimous Utah Supreme Court decision that established the Utah Legislature's exclusive right to judge the election and qualifications of its members; and
- Enhancing the Senate's involvement in the advise and consent process for Utah judges.

Ms. Taylor has been staff to the Legislative Management Committee, the Senate Judicial Confirmation Committee, and the Subcommittee on Oversight. She serves as a Utah Commissioner for the National Conference of Commissioners on Uniform State Laws and as a member of the Legal Services Staff Section of the National Conference of State Legislatures, which she also chaired.

Among the numerous recognitions Ms. Taylor has received are the 1995 Honored Alumni Award from the J. Reuben Clark Law School at Brigham Young University, the 2004 State and Local Government Distinguished Service Award, and the 2008 Excellence in Public Service Award from the Utah Taxpayers Association.

Those who have worked with Ms. Taylor in various capacities respect and appreciate the valuable and outstanding service she has provided during her 25 years of employment with the Utah Legislature. Senator Pat Jones said, "She has been nothing but professional."

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## Legislative Leaders Select New General Counsel

On May 20th, the Legislative Management Committee unanimously approved the hiring of Mr. John Fellows as the Legislative General Counsel. Mr. Fellows has worked for the Office of Legislative Research and General Counsel for 22 years and served, most recently, as Deputy General Counsel. He received his law degree from the University of Utah College of Law.

A joint resolution will be introduced in the Legislature to ratify this appointment.

During the meeting, House Speaker Greg Curtis said, "Many, many, qualified applicants, both within the office as well as outside (were interviewed), but your skills are recognized and I consider it a great honor to work with you in the legal profession as well as to consider you our counsel in the Legislature."

President John Valentine on another occasion said, "I have great faith in John Fellows' legal and management skill, problem-solving ability, people skills, and vision for the legislative institution. I trust him implicitly."

## LEGISLATIVE MANAGEMENT COMMITTEE

Approved the prioritized study items as submitted by the following interim committees:

- Business and Labor
- Education
- Government Operations
- Health and Human Services
- Judiciary
- Law Enforcement and Criminal Justice
- Natural Resources, Agricultural, and Environment
- Political Subdivisions
- Public Utilities and Technology
- Revenue and Taxation
- Transportation and Public Safety

Responded to two requests of the Health and Human Services Interim Committee:

- Denied the request to create a Prescription Drug Abuse Subcommittee, but instead the committee authorized the study of the implementation of H.B. 119, "Controlled Substance Database Amendments" (2008 General Session).

- Approved the request to conduct a sunset review of Utah Code Section 78B-3-421, Medical Malpractice Arbitration Agreements, while still leaving this assignment with the Judiciary Interim Committee.
- Approved the study items prioritized by Workforce Services and Community and Economic Development Committee, with the exception of the item regarding tax credits for the manufacturing industry.
- Approved the requests of the following appropriations subcommittees:
  - Health and Human Services - for a committee meeting May 7, 2008 at the Central City Community Health Center.
  - Capitol Facilities and Government Operations - for three meetings in July and August, but without approval for overnight lodging.
  - Commerce and Workforce Services - for a meeting June 12, 2008 at the Utah State Office of Rehabilitation, Division of the Blind and Visually Impaired.
  - Unanimously approved the appointment of John Fellows as Legislative General Counsel. This appointment must be ratified by joint resolution in the 2009 General Session.

**Next Interim Day – June 18**

*Editors: Susan Creager Allred & Stewart E. Smith  
Office of Legislative Research and General Counsel*

For more information about legislative activities, visit the Utah State Legislature's website at [www.leg.utah.gov](http://www.leg.utah.gov).

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**2008 INTERIM  
MEETING SCHEDULE**

<b>Month</b>	<b>Interim Committees</b>	<b>Executive Appropriations Committee</b>	<b>Legislative Management Committee</b>
<b>April</b>	Wednesday 16th 9:00 a.m. & 2:00 p.m.	Tuesday 15th 1:00 p.m.	No meeting
<b>May</b>	Wednesday 21st 9:00 a.m. & 2:00 p.m.	Tuesday 20th 1:00 p.m.	Tuesday 20th 3:00 p.m.
<b>June</b>	Wednesday 18th 9:00 a.m. & 2:00 p.m.	Tuesday 17th 1:00 p.m.	No meeting
<b>July</b>	No meetings	No meeting	No meeting
<b>August</b>	Wednesday 20th 9:00 a.m. & 2:00 p.m.	Tuesday 19th 1:00 p.m.	Tuesday 19th 3:00 p.m.
<b>September</b>	Wednesday 17th 9:00 a.m. & 2:00 p.m.	Tuesday 16th 1:00 p.m.	No meeting
<b>October</b>	Wednesday 15th 9:00 a.m. & 2:00 p.m.	Tuesday 14th 1:00 p.m.	Tuesday 14th 3:00 p.m.
<b>November</b>	Wednesday 19th 9:00 a.m. & 2:00 p.m.	Tuesday 18th 1:00 p.m.	No meeting
<b>December</b>	No meetings	Tuesday 16th 1:00 p.m.	No meeting