

Utah State Legislature Highlights for January 25th - 29th

The 58th session of the Utah State Legislature convened Monday, January 25. In this session, state lawmakers must tackle a \$700,000,000 shortfall in tax revenue that funds education, transportation, Medicaid, courts, state parks, government operations, etc. Our state budget would have been around eleven billion dollars this coming year had the economy not turned down. Our state constitution requires us to balance the state budget each year. Most legislators would rather see savings through efficiencies and trimmed programs than raising taxes to balance the budget. Ethics reform will also be a priority in this legislative session. During Speaker David Clark's opening remarks, he said that House Republicans have already filed a series of ethics bills. On Tuesday night, Governor Gary Herbert said during his first annual State of the State speech that he has signed an executive order that "reaffirms and clarifies" ethics guidelines originally set by former Gov. Jon Huntsman Jr.

Legislative standing committees met each day to discuss and debate proposed bills. Appropriation committees also met to hear proposals on state budgets. Each legislator in the House sits on two standing committees and one appropriation committee. I chair the Natural Resources, Agriculture and Environment Committee and sit on the Public Utilities and Technology Committee. I also sit on the Natural Resources and Agriculture Appropriations Committee.

Following are all bills that passed the House this week.

- H.B. 14 – **Juvenile Transfers From Justice Court** – Jan. 26, 2010 – 68/0 votes – by Rep. Kay L. McIff (R- Richfield)

This bill is aimed at making available the ability for a justice court to more easily transfer a matter concerning a child to a juvenile court if it is determined that this transfer would be in the child's best interest.

- H.B. 15 – **Deferred Deposit Lending Amendments** – Jan. 26, 2010 – 65/8 votes – Sponsored by Rep. James A. Dunnigan (R-Taylorsville)

This bill would alter the Check Cashing and Deferred Deposit Lending Registration Act so that they would address operational requirements related to deferred deposit lending.

- H.B. 24 – **Economic Development Incentives Act Amendments** – Jan. 26, 2010 – 63/9 votes – Sponsored by Rep. Brent C. Wallis (R-Ogden)

This bill defines "significant capital investment" for those purposes of the Economic Development Incentives Act, and requires documentation from applicants that show their having satisfied the requirements under the Act.

- H.B. 26 – **Brine Shrimp Royalty Act Amendments** – Jan. 26, 2010 – 73/0 votes – Sponsored by Rep. Todd E. Kiser (R-Salt Lake)

In amending the Brine Shrimp Royalty Act, this bill's aim is to repeal obsolete language, address definitions, address the calculation of the royalty, and to make technical changes.

- H.B. 27 – **Per Diem and Travel Expense** – Jan. 26, 2010 – 70/3 votes – Sponsored by Rep. Craig A. Frank (R-Pleasant Grove)

This bill is to modify per diem and travel expense language used for boards, commissions, councils, and committees, as well as make any other technical changes.

- H.B. 28 – **Controlled Substance Database Amendments** – Jan. 26, 2010 – 66/3 votes – Rep. Bradley M. Daw (R-Orem)
- H.B. 35 – **Controlled Substance Database - Reporting of Prescribed Controlled Substance Overdose or Poisoning** – Jan. 26, 2010 – 67/3 votes – Sponsored by Rep. Bradley M. Daw (R-Orem)
- H.B. 36 – **Controlled Substance Database - Reporting Convictions for Driving Under the Influence or Impaired Driving** – Jan. 27, 2010 – 73/0 votes – Sponsored by Rep. Bradley M. Daw (R-Orem)

HB 28, 35, and 36, listed above, focus on reporting prescription drug abuse to prescribing doctors through an online database.

- H.B. 31 – **Wildlife Licenses, Certificates, or Permit Amendments** – Jan. 26, 2010 – 58/15 votes – Sponsored by Rep. Francis D. Gibson (R-Ogden)

Along with making technical changes, this bill would allow the Wildlife Board, through administrative rule, to establish grounds other than those listed in statute for the refund of a license, certificate, or permit fee.

- H.B. 32 – **Livestock Damage Compensation Amendments** – Jan. 26, 2010 – 69/1 votes – Sponsored by Rep. Melvin R. Brown (R-Coalville)

Along with technical changes, this bill defines terms such as “damage,” “division,” “livestock,” and “wolf,” and also allows a person to receive compensation for damage dealt to livestock by a wolf in certain circumstances.

- H.B. 33 – **Groundwater Recharge and Recovery Act Amendments** – Jan. 27, 2010 – 67/0 votes – Sponsored by Rep. Michael E. Noel (R-Kanab)

This bill defines terms, requires the state engineer to go 60 day’s notice to a recharge or recovery permittee of the date to submit proof of completion, authorizes the state engineer to waive certain filings, requires proof of completion of a recharge or recovery project, and so forth, as well as makes technical changes.

- H.B. 40 – **Utah Life and Health Insurance Guaranty Association Amendments** – Jan. 27, 2010 – 72/0 votes – Sponsored by Rep. James A. Dunnigan (R-Taylorville)

In modifying the Utah Life and Health Insurance Guaranty Association Act, this bill does such things as: address the coverage and limitation of the act, modifies terminology and definitions, modifies time frames, makes technical and conforming amendments, modifies reporting requirements, and so on.

- H.B. 41 – **Constables Amendments** – Jan. 27, 2010 – 73/0 – Sponsored by Rep. Curtis Oda (R-Clearfield)

Relating provisions of constables, this bill allows a county or municipality to contract with any constable, rather than a constable in the county where the justice court sits, as well as makes technical changes.

- H.B. 44 – **Referendum Ballot Proposition** – Jan. 27, 2010 – 70/2 votes – Sponsored by Rep. Fred R. Hunsaker (R-Logan)

This bill modifies the Election Code to amend the manner in which a ballot proposition is worded for a statewide or local referendum, doing such things as clarifying the definition of “referendum,” and making technical changes.

- H.B. 46 – **Motor Vehicle Act Amendments** – Jan. 27, 2010 – 73/0 votes – Sponsored by Rep. Julie Fisher (R-Fruit Heights)

In modifying the Motor Vehicles Code relating to motor vehicles, this bill covers such issues as repealing the requirement that an owner of a vehicle record the actual miles for use in renewing

registration, establishing procedures and requirements for a county legislative body to impose a local emissions compliance fee, and along with other authorizations given to the county legislative bodies, makes technical changes.

- H.B. 49 – **Amendments Related to a Tax, Fee, or Charge Administered by the State tax Commission** – Jan. 27, 2010 – 72/0 votes – Sponsored by Rep. Todd E. Kiser (R-Salt Lake)

In amending the General Taxation Policies chapter, this bill addresses the taxes, fees, and charges administered by the State Tax Commission, as well as addressed definitions such as taxes, fees, addressed calculation of interest related to these, and made technical changes.

- H.B. 50 – **Sales and Use Tax Modifications** – Jan. 27, 2010 – 72/0 votes – Sponsored by Rep. Wayne A. Harper (R-Salt Lake)

This bill amends the Sales and Use Tax Act, addressing definitions, the tax rate, and the determination of the location of a transaction involving a prepaid calling service or prepaid wireless calling service, as well as making technical changes.

- H.B. 51 – **Family Employment Program** – Jan. 27, 2010 – 71/0 votes – Cash Assistance to Single Minor Parent – Sponsored by Rep. James A. Dunnigan (R-Taylorsville)

In modifying the provisions of the Family Employment Program, regarding the requirements for a single minor parent to receive cash assistance, this bill brings the program into compliance with federal law as to employment and education, or training requirements.

- H.B. 57 – **Extension of Sunset for Design - Build Contract Award Authorization** – Jan. 27, 2010 – 66/2 votes – Sponsored by Rep. Julie Fisher (R-Fruit Heights)

With certain circumstances, this bill extends the sunset of the provision until July 1, 2015, as well as makes other technical changes.

- H.B. 58 – **Utah Generated Renewable Energy Electricity network Authority Board Amendments** – Jan. 27, 2010 – 66/0 votes – Sponsored by Rep. Roger E. Barrus (R-Centerville)

This bill modifies the membership of the Utah Generated Renewable Energy Electricity Network Authority Board designating the Director of the School and Institutional Trust Lands Administration as the board member representing SITLA.

- H.B. 38 – **Scheduling of controlled Substances** – Jan. 28, 2010 – 67/3 votes – Sponsored by Rep. Paul Ray (R-Clearfield)

This bill creates the Controlled Substances Advisory Committee, establishes the membership thereof, provides guidelines for determining if and where a substance should be scheduled, and outlines the role of the advisory committee as an advising body regarding the placing of substances in the statutory schedule of controlled substances.

- H.B. 53 – **Foreclosure Rescue and Loan Modification Amendments** – Jan. 28, 2010 – 69/0 votes – Sponsored by Rep. Ryan D. Wilcox (R-Syracuse)

In modifying the provisions related to licensure and prohibited conduct for those engaging in foreclosure rescue or loan modification, this bill modifies definitions related to real estate licensing, modifies prohibited conduct by real estate licensees, makes technical and conforming amendments, and so forth.

- H.B. 59 – **Campaign Finance Revisions** – 1/28 – 70/1 votes – Sponsored by Rep. Keith Grover (R-Provo)

In modifying Title 20A, Chapter 11, Campaign and Financial Reporting Requirements, the bill makes it so all expenditures made by a corporation and a political issues committee must be reported as of five days instead of three, as well as technical amendments.

- H.B. 213 – **Cigarette Tax Exemption Amendments** – Jan. 29, 2010 – 61/0 votes – Sponsored by Rep. Evan J. Vickers (R-Cedar City)

This bill amends a citation to the Internal Revenue Code relating to federal law exemptions that also apply to the state tax on cigarettes.

- H.B. 17 – **Amendments to Programs for People with Disabilities** – Jan. 29, 2010 – 64/0 votes – Sponsored by Rep. Steven R. Mascaro (R-West Jordan)

This bill modifies the Utah State Personnel Management Act by amending provisions relating to employment programs for people with disabilities.

- H.B. 55 – **Department of Community and Culture Grants Amendments** – Jan. 29, 2010 – 62/0 votes – Sponsored by Rep. Julie Fisher (R-Fruit Heights)

In modifying the provisions of Title 9, Community and Culture Development, this bill focuses of grant programs administered by certain divisions, offices, and boards within the Department of Community and Culture in the Divisions of Arts and Museums, State Library, and State History.

- H.B. 45 – **State Construction Code Adoption** – Jan. 29, 2010 – 67/2 votes – Sponsored by Rep. Michael T. Morley (R-Spanish Fork)

This bill adopts the State Construction Code in accordance with the Utah Uniform Building Standards Act.

- H.B. 65 – **Amendments Related to Regulation of Insurance Type Products** – Jan. 29, 2010 – 64/3 votes – Sponsored by Rep. Jim Bird (R-West Jordan)

This bill modifies the Insurance Code and the Utah Uniform Securities Act to address the treatment of insurance and annuities.

- H.B. 221 - **Sunset Act and Repealers Reauthorization** – Jan. 29, 2010 – 56/13 votes – Sponsored by Rep. Kevin S. Garn (R-Layton)

This would reauthorize certain state entities and programs that would otherwise sunset before the 2011 Annual General Session of the Utah Legislature.

- H.B. 73 – **Utah Construction Trades Continuing Education Amendments** – Jan. 29, 2010 – 68/1 votes – Sponsored by Rep. Michael T. Morley (R-Spanish Fork)

Relating to continuing education, this bill modifies provisions of the Utah Construction Trades Licensing Act related to continuing education.

- H.B. 42 (1st Sub.) – **School District Employees – Career Status Requirements** – Jan. 29, 2010 – 48/19 votes – Sponsored by Rep. Ronda R. Menlove (R-Garland)

This bill allows a school district to extend the period of time a provisional employee must work to obtain career status.

- H.B. 81 – **School Employee Criminal Background Check** – Jan. 29, 2010 – 65/0 votes – Sponsored by Rep. Sheryl L. Allen (R-Bountiful)

This bill allows a school district or charter school to require an employee to submit a criminal background check, including volunteers and other employees.

- H.B. 12 – **Criminal Homicide and Abortion Amendments** – Jan. 29, 2010 – 59/12 votes – Sponsored by Rep. Carl Wimmer (R-Herriman)

This bill amends provisions of the Utah Criminal Code to describe the difference between abortion and criminal homicide of an unborn child, as well as removing prohibitions and highlighting circumstances.