

Utah State Legislature Highlights for February 8th – 12th

During week three of the 2010 Legislative Session, the Utah House of Representatives approved HB 67. This bill would require the Legislature and governor to sign off before state agencies could implement federal health care reform mandates. House Bill 67 passed the House 53-20. Speaker of the House of Representatives David Clark said the party-line vote reflects a difference in philosophy saying that some think government has all the answers, and others don't. The bill heads to the Senate.

HJR12, a Climate Change Resolution passed the House. HJR12 is a resolution questioning the science behind global warming and calling on federal officials to stop policies aimed at reducing carbon dioxide emissions and to withdraw EPA's endangerment finding which would regulate CO2 as a pollutant.

Senate Bill 11, which has now passed both the Senate and House, is headed to the Governor's desk. SB11 would make firearms made and kept in Utah exempt from federal regulations.

Last week, the House has passed key ethics reform measures. The Senate is currently considering those measures.

Next Tuesday, Legislative members will receive anticipated revenues for funding the 2011 budget. With that final information, the work done to this point in the appropriation committees can be modified and finalized.

One of my bills (HB 228) passed the House this week. It creates a new fuel source in our state's renewable energy portfolio by allowing municipal solid waste to be used in a process known as Waste-to-Energy. Municipal solid waste (MSW) refers to the stream of garbage collected through community sanitation services. Recyclable materials are separated out and the remaining waste is fed into a combustion chamber to be burned. The heat released from burning the MSW is used to produce steam, which turns a steam turbine to generate electricity. Both the steam and electricity are used as energy sources for nearby business, industry and residences. This process is known as "Waste-to-Energy" (WTE). Waste-to-Energy facilities are tightly regulated for environmental impacts. The USEPA has recognized that modern WTE facilities "produce ...electricity with less environmental impact than almost any other source of electricity." Currently, the proven technology for using MSW as a fuel source is controlled high temperature combustion. There are also several emerging technologies, such as gasification and anaerobic digestion, which use MSW as a feed stock to produce clean gaseous or liquid fuels without combustion. MSW in the Waste-to-Energy (WTE) process is currently designated as a renewable energy source by the 2005 Energy Policy Act, the Federal Power Act, the US Department of Energy, twenty-four State Governments and the District of Columbia. As of July 2008, WTE supplied more renewable energy in the US than wind and solar combined.

Following are all bills that passed the House this week:

- H.C.R. 5 – Concurrent Resolution Recognizing the 100th Anniversary of the Boy Scouts of America – FEB. 8th 2010 – 73/0 votes – Sponsored by Rep. Bradley M. Daw (R-Orem)

Recognizes the 100th Anniversary of the Boy Scouts of America and expresses appreciation for the service and character building that the organization has provided through its dedication to the youth of Utah.

- H.B. 249 – Emancipation Amendments – Feb. 8th 2010 – 73/0 votes – Sponsored by Rep. Lorie D. Fowlke (R-Orem)

This bill enables a court to dismiss a petition for emancipation if it is insufficient or incomplete.

- H.B. 262 – Reporting to Appropriation Committees – Feb. 8th 2010 – 74/0 votes – Sponsored by Rep. Ron Bigelow (R-West Valley City)

This bill modifies provisions related to reporting to the Executive Appropriations Committee or an appropriation subcommittee designated by the Executive Appropriations Committee.

- H.B. 40 – Utah Life and Health Insurance Guaranty Association Amendments – Feb. 8th 2010 – 72/0 votes – Sponsored by Rep. James A. Dunnigan (R-Taylorsville)

This bill modifies the Utah Life and Health Insurance Guaranty Association Act to make various amendments.

- H.B. 202 – Fireworks Amendments – Feb. 8th 2010 – 71/0 votes – Sponsored by Rep. Ronda R. Menlove (R-Logan)

In modifying the Utah Fire Prevention and Safety Act in the Public Safety Code, this bill requires flame operators to acquire a license.

- H.B. 226 – Well Driller's License – Pump Installation – Feb. 8th 2010 – 70/1 votes – Sponsored by Rep. Patrick Painter (R-Nephi)

This bill addresses requirements for well drillers.

- H.B. 229 – Water Right General Adjudication Amendments – Feb. 8th 2010 – 72/0 votes – Sponsored by Rep. Patrick Painter (R-Nephi)

This bill addresses matters related to a general adjudication of water rights.

- H.B. 93 – Motorcycle and Off-Highway Vehicle – Feb. 8th 2010 – 69/2 votes – Sponsored by Rep. Ronda R. Menlove (R-Logan)

This bill modifies the Motor Vehicles Code by amending provision relating to the wearing of protective headgear while on a motorcycle or other off-highway vehicle.

- H.B. 18 – Unemployment Insurance Amendments – Feb. 8th 2010 – 46/28 votes – Sponsored by Rep. Steven R. Mascaro (R-West Jordan)

This bill makes modifications to provisions of the Employment Security Act related to unemployment insurance benefits and requires an annual report by the division on the impact of these modifications.

- H.J.R. 11 – Joint Resolution Regarding Federal Health Insurance Reform – Feb. 8th 2010 – 51/21 votes – Sponsored by Rep. Michael T. Morley (R-Spanish Fork)

This joint resolution of the Legislature urges the United States to refrain from passing certain federal health insurance reforms.

- H.B. 10 – Court Fees for Inmates – Feb. 8th 2010 – 70/0 votes – Sponsored by Rep. Curtis Oda (R-Clearfield)

This bill outlines procedures to determine if court fees and costs should be paid in full or waived for a prisoner who files an initial divorce action or an action to obtain custody of the prisoner's children.

- H.B. 193 – Occupations and Professions Amendments – Feb. 8th 2010 – 73/0 votes – Sponsored by Rep. Rebecca D. Lockhart (R-Provo)

This bill amends provisions of Title 58, Occupations and Professions.

- H.B. 38 – Scheduling of Controlled Substances – Feb. 9th 2010 – 64/2 votes – Sponsored by Rep. Paul Ray (R-Clearfield)

This bill modifies provisions regarding controlled substances by creating a committee to advise the Legislature on the scheduling of substances.

- 1S.H.B. 53 – Foreclosure Rescue and Loan Modification Amendments – Feb. 9th 2010 – 65/0 votes – Sponsored by Rep. Ryan D. Wilcox (R-Ogden)

Modifies provisions related to licensure and prohibited conduct for those engaging in foreclosure rescue or loan modification assistance.

- 3S.H.B. 71 – Nicotine Product Restrictions – Feb. 9th 2010 – 54/17 votes – Sponsored by Rep. Paul Ray (R-Clearfield)

This bill further regulates and restricts the acquisition and use of certain nicotine products, such as e-cigarettes and nicotine candies.

- H.B. 239 – Child Protection Revisions – Feb. 9th 2010 – 69/0 votes – Sponsored by Rep. Wayne A. Harper (R-West Jordan)

This bill amends provisions of the Utah Human Services Code and the Juvenile Court Act of 1996 relating to the performance monitoring system of the Division of Child and Family Services (DCFS), the interviewing of children, and the reunification services.

- H.B. 197 – Custodial Interference Amendments – Feb. 9th 2010 – 62/10 votes – Sponsored by Rep. Carl Wimmer (R-Herriman)

This bill amends Utah Criminal Code provisions relating to the crime of custodial interference by doing such things as defining terms and custodial interference.

- 1S.H.B. 207 – Protection of Property Amendment – Feb. 9th 2010 – 74/0 votes – Sponsored by Rep. Carl Wimmer (R-Herriman)

This bill enables an individual to use justifiable force in defense of property, accompanied with a simple outline for the court to determine reasonableness.

- 1S.H.B. 214 – Concealed Firearm Permit Modifications – Feb. 9th 2010 – 70/0 votes – Sponsored by Rep. Rebecca D. Lockhart (R-Provo)

In modifying the Concealed Weapon Act, this bill deals with issuance, denial, and revocation of a concealed firearm permit.

- H.J.R. 2 – Joint Resolution on Property Tax Exemption for Water Facilities – Feb. 9th 2010 – 70/0 votes – Sponsored by Rep. Patrick Painter (R-Nephi)

This Joint Resolution is aimed at amending the Utah Constitution to enact a property tax exemption related to certain property associated with water.

- H.B. 54 – Property Tax Exemption for Water Facilities – Feb. 9th 2010 – 69/0 votes – Sponsored by Rep. Patrick Painter (R-Nephi)

This bill modifies Revenue and Taxation provisions relating to property tax exemptions associated with water facilities.

- H.B. 230 – Human Trafficking Amendments – Feb. 9th 2010 – 65/0 votes – Sponsored by Rep. Julie Fisher (R-Fruit Heights)

This bill provides a separate offense regarding each person who is trafficked or smuggled in violation of current law.

- 2S.H.B. 100 – Heber Valley Historic Railroad Authority – Feb. 9th 2010 – 67/2 votes – Sponsored by Rep. Kraig Powell (R-Heber City)

This bill re-enacts the Heber Valley Historic Railroad Authority.

- H.B. 195 – Homicide Penalty Amendment – Feb. 9th 2010 – 72/0 votes – Sponsored by Rep. Carl Wimmer (R-Herriman)

This bill modifies the Criminal Code, amending specific felony penalties to maintain consistency with other sections, pertaining to non-capital first degree felonies.

- 1S.H.B. 94 – Uniform Fiscal Procedures Act Amendments for Towns, Cities, and Counties Amendments – Feb. 9th 2010 – 71/0 votes – Sponsored by Rep. Fred R. Hunsaker (R-Logan)

This bill amends the public notice and hearing requirement for the uniform fiscal procedures of towns, cities, and counties.

- H.J.R. 19 – Joint Resolution Approving Reappointment of Legislative Auditor General – Feb. 9th 2010 – 71/0 votes – Sponsored by Speaker David Clark (R-Santa Clara)

This joint resolution reappoints John M. Schaff as Legislative Auditor General for a six-year term, beginning November 9, 2010.

- H.B. 103 – Reduced Speed School Zone Amendments – Feb. 9th 2010 – 71/0 votes – Sponsored by Rep. Stephen E. Sandstrom (R-Orem)

This bill enables a local highway authority to establish a reduced speed in a school zone at a signalized intersection for a highway under its jurisdiction.

- H.B. 96 – Libel Amendments – Feb. 9th 2010 – 73/0 votes – Sponsored by Rep. Julie Fisher (R-Fruit Heights)

This bill limits the enforceability of foreign libel judgments.

- H.J.R. 12 – Climate Change Joint Resolution – Feb. 9th 2010 – 56/17 votes – Sponsored by Rep. Kerry W. Gibson (R-Ogden)

This joint resolution is aimed at having the United States Environmental Protection Agency cease its carbon dioxide reduction policies, programs, and regulations until climate data and global warming science are sustained.

- S.B. 78 – Constitutional Revision Commission Duties – Feb. 10th 2010 – 72/0 votes – Sponsored by Sen. John L. Valentine, Rep. Stephen E. Sandstrom (R-Orem)

This bill prohibits against the Utah Constitutional Revision Commission making a recommendation on a proposed constitutional amendment after final legislative action.

- S.B. 82 – Passenger Ropeway Systems Act Amendments – Feb. 10th 2010 – 71/0 votes – Sponsored by Sen. Allen M. Christensen, Rep. Melvin R. Brown (R-Coalville)

This bill enables an individual, in the privacy of his own property and not for commercial use, to make a ropeway for private use.

- S.B. 18 – Election Modifications – Feb. 10th 2010 – 73/0 votes – Sponsored by Sen. Peter C. Knudson, Rep. Craig A. Frank (R-Cedar Hills)

This bill modifies Title 20A, Election Code.

- S.C.R. 1 – Alzheimer's and Dementia Awareness Concurrent Resolution – Feb. 10th 2010 – 73/0 – Sponsored by Sen. Karen W. Morgan, Rep. Kevin S. Garn (R-Layton)

This is a concurrent resolution of the Legislature and the Governor urging Utahns to increase their awareness of the impact of Alzheimer's disease.

- S.B. 14 – Building and Construction Projects – Technical Corrections – Feb. 10th 2010 – 69/0 votes – Sponsored by Sen. Mark B. Madsen, Rep. Christopher N. Herrod (R-Provo)

This bill makes technical changes to building and construction projects provisions dealing with notices of completion and definitions.

- S.B. 21 – Amendments to Social Worker Licensing – Feb. 10th 2010 – 73/0 votes – Sponsored by Sen. D. Chris Buttars, Rep. Curtis Oda (R-Clearfield)

This bill amends the Social Worker Licensing Act by providing that an applicant for licensure must satisfactorily complete a program accredited by the Council on Social Work Education.

- S.B. 100 – Income Tax Credit or Refund Amendments – Feb. 10th 2010 – 61/14 votes – Sponsored by Sen. Curtis S. Bramble, Rep. Wayne A. Harper (R-West Jordan)

This bill repeals limits on the amount of an income tax credit or refund and makes technical changes.

- S.B. 11 – Utah State-Made Firearms Protection Act – Feb. 10th 2010 – 55/16 votes (56/17 on revote) – Sponsored by Sen. Margaret Dayton, Rep. Stephen E. Sandstrom (R-Orem)

This bill addresses issues over the manufacture of firearms within the state for in-state use.

- 1S.S.B. 24 – Land Exchange Distribution Account Amendments – Feb. 10th 2010 – 67/0 votes – Sponsored by Sen. Dennis E. Stowell, Rep. John G. Mathis (R-Vernal)

This bill modifies provisions relating to the collection and distribution of revenues from federal land exchange parcels.

- 1S.S.B. 36 – Wolf Management – Feb. 10th 2010 – 47/23 votes – Sponsored by Sen. Allen M. Christensen, Rep. Curtis Oda (R-Clearfield)

This bill is aimed at managing the wolf population of the state.

- S.B. 84 – Special Service District Amendments – Feb. 10th 2010 – 73/0 votes – Sponsored by Sen. David P. Hinkins, Rep. Kay L. McIff (R-Richfield)

This bill modifies provisions relating to the withdrawal of an area from a special service district.

- 1S.S.B. 95 – Utah Educational Savings Plan Amendments – Feb. 10th 2010 – 69/0 votes – Sponsored by Sen. Wayne L. Niederhauser (R-Sandy)

This bill modifies provisions related to the Utah Educational Savings Plan.

- H.B. 188 – Worker’s Compensation Benefits – Social Security Offset – Feb. 11th 2010 – 67/0 votes – Sponsored by Rep. Wayne A. Harper (R-West Jordan)

This bill modifies the Worker’s Compensation Act to remove a reduction in workers’ compensation benefits on the basis of the receipt of Social Security retirement benefits.

- S.B. 37 – Impact Fee Revisions – Feb. 11th 2010 – 69/0 votes – Sponsored by Sen. Wayne L. Niederhauser, Rep. Michael T. Morley (R-Spanish Fork)

This bill amends public notice requirements for a local political subdivision that imposes an impact fee and directs a local government entity to refund an impact fee subject to certain circumstances.

- 1S.H.B. 67 – Health System Amendments – Feb. 11th 2010 – 53/20 votes – Sponsored by Rep. Carl Wimmer (R-Herriman)

This bill prohibits a state agency or department from implementing federal health care reform passed by the United States Congress after March 1, 2010, unless the state Legislature specifically authorizes the implementation by statute.

- H.B. 263 – Technical Cross Reference Revisions – Feb. 12th 2010 – 68/0 votes – Sponsored by Rep. Johnny Anderson (R-Salt Lake City)

This bill modifies parts of the Utah Code to make technical corrections including alphabetizing definitions, updating cross references, and correcting numbering.

- S.B. 111 – Repeal of Severance Tax Holding Account – Feb. 12th 2010 – 69/0 votes – Sponsored by Sen. Lyle W. Hillyard, Rep. John Dougall (R-American Fork)

This bill amends the Funds and Accounts Act to repeal the Severance Tax Holding Account and related provisions.

- H.B. 41 – Constables Amendments – Feb. 12th 2010 – 69/0 votes – Sponsored by Rep. Curtis Oda (R-Clearfield)

This bill allows a county or municipality to contract with any constable, rather than a constable in the county where the justice court sits.

- H.B. 4 – Current School Year Supplemental Minimum School Program Budget Adjustments – Feb. 12th 2010 – 73/0 votes – Sponsored by Rep. Merlynn T. Newbold (R-South Jordan)

This bill modifies funding for the Minimum School Program.

- H.B. 112 – Supreme Court Review of an Initiative or Referendum – Feb. 12th 2010 – 69/0 votes – Sponsored by Rep. Brad L. Dee (R-Ogden)

This bill amends provisions that establish time requirements for the Supreme Court to review an issue related to an initiative or referendum.

- H.B. 108 – Meat Inspection Amendments – Feb. 12th 2010 – 69/0 votes – Sponsored by Rep. John G. Mathis (R-Vernal)

This bill, addressing meat inspection provisions, does such things as updating terminology, defines terms, and addresses the Department of Agriculture’s adoption of emergency rules.

- H.B. 228 – Renewable Energy Source Amendments – Feb. 12th 2010 – 68/4 votes – Sponsored by Rep. Roger E. Barrus (R-Centerville)

This bill changes the definition of “renewable energy source” in Title 10, Chapter 19, Municipal Electric utility Carbon Emission Reduction Act, and Title 54, Chapter 17, Energy Resource Procurement Act, to include energy derived from municipal solid waste.

- H.B. 215 – Amendments to Public Employees’ Benefit and Insurance Program Act – Risk Pools – Feb. 12th 2010 – 71/0 votes – Sponsored by Rep. Kevin S. Garn (R-Layton)

This bill changes the number of eligible full-time enrollees an institution of higher education must have in order to participate in the program’s risk pools.

- H.B. 233 – Retirement Office Amendments – Feb. 12th 2010 – 68/0 votes – Sponsored by Rep. Don L. Ipson (R-St. George)

This bill modifies the Utah State Retirement and Insurance Benefit Act by amending provisions related to appointment of board members, purchase of service credit, disability benefits, and termination of employment on the retirement date.

- H.B. 238 – Low Speed Vehicle Amendments – Feb. 12th 2010 – 70/0 votes – Sponsored by Rep. Johnny Anderson (R-Salt Lake City)

This bill modifies the Traffic Code by amending provisions relating to a low-speed vehicle.

- H.B. 218 – Municipal Disincorporation Revisions – Feb. 12th 2010 – 63/0 votes – Sponsored by Rep. Gage Froerer (R-Hunstville)

This bill modifies provisions relating to the disincorporation of a municipality.

- H.B. 254 – Voter Identification Amendments – Feb. 12th 2010 – 73/0 votes – Sponsored by Rep. Bradley M. Daw (R-Orem)

This bill modifies the Election Code by amending the definition of valid voter identification.

- H.B. 258 – Voting Precinct Boundaries – Feb. 12th 2010 – 71/0 votes – Sponsored by Rep. Kenneth W. Sumsion (R-American Fork)

This bill limits changes to voting precincts during the time period before and after the United States decennial census.

- 1S.S.B. 3 – Current Fiscal Year Supplemental Appropriations – Feb. 12th 2010 – 72/1 votes – Sponsored by Sen. Lyle W. Hillyard, Rep. Ron Bigelow (R-West Valley City)

This bill supplements or reduces appropriations previously provided for the use and operation of state government for the fiscal year beginning July 1, 2009 and ending June 30, 2010.

- 1S.H.B. 205 – Impact Fee Amendments – Feb. 12th 2010 – 69/0 votes – Sponsored by Rep. Stephen E. Sandstrom (R-Orem)

This bill amends impact fee provisions relating to school districts and charter school.