

Utah State Legislature Highlights for February 16th – 19th

This week the Utah House of Representatives passed three health care reform bills. The Health System Reform Amendments would impose several requirements on insurance companies that participate in the Utah Health Exchange, an online insurance market. In regards to the bill Speaker Clark said, “We’re asking to give individuals more responsibilities, to give them the tools to be more informed decision makers when it comes to their own personal health care options.” Another of the bills amends provisions related to administrative simplification of the coordination of health insurance benefits as provided in divorce decrees, child support orders, and the Insurance Code. The final bill amends provisions related to the use of uniform electronic standards for health insurance claims processing, insurance eligibility, and coordination of benefits. The health system reform bills now move to the Senate.

Also this week, Legislators were given final budget figures with state revenues estimated to be an additional \$50 million short in the fiscal year 2011. House Budget Chairman Ron Bigelow says the budget gap for next year now stands at \$700 million. He said revenue estimates could have been worse and that means Utah has seen the worst of the economic downturn. Up next week, a package of ethics bills already passed by the Utah House will be making their way through the Senate Ethics Committee Monday.

Senate President Michael Waddoups and House Speaker David Clark wrote an article called *A modest proposal to the federal government: Let Utah do it*, that was published by The Washington Post this week. It discusses “a modest experiment” concerning the expansion of the federal government over the years. Their proposed idea is to allow states to dominate those most important programs that are being heavily funded by the federal government; issues concerning education, Medicaid, and others.

These are all bills that passed the House this week

- H.B. 184 – Medicaid Autism Waiver – Feb. 16th 2010 – 70/0 votes – Sponsored by Rep. Paul Ray (R-Clearfield)

This bill pertains to the administration of the state’s Medicaid program, concerning autism.

- H.B. 257 – Dietitian Certification Act Amendments – Feb. 16th 2010 – 68/5 votes – Sponsored by Rep. Merlynn T. Newbold (R-South Jordan)

This bill removes the established sunset date of the Dietician Certification Act.

- S.B. 97 – Farmland Assessment Act Amendments – Feb. 16th 2010 – 71/0 votes – Sponsored by Sen. David p. Hinkins, Rep. Kerry W. Gibson (R-Ogden)

This bill allows land subject to a forest stewardship plan to be assessed on the basis of the value that the land has for agricultural use if the land otherwise qualifies to be assessed on that basis.

- H.J.R. 22 – Joint Resolution Recognizing the 75th Anniversary of the Utah Highway Patrol – Feb. 16th 2010 – 75/0 votes – Sponsored by Rep. Don L. Ipson (R-St.George)

This Joint Resolution recognizes the 75th anniversary of the Utah Highway Patrol.

- H.C.R. 8 – Concurrent Resolution on Federal Health Care Reform – Feb. 16th 2010 – 57/15 votes – Sponsored by Speaker David Clark (R-Santa Clara)

This concurrent resolution urges Congress to refuse to pass any health care legislation that contains certain provisions, to pass health care legislation with specific provisions, and to grandfather certain state laws, regulations, and practices.

- H.B. 25 – Health Reform – Administrative Simplification – Feb. 16th 2010 – 70/1 votes – Sponsored by Rep. Merlynn T. Newbold (R-South Jordan)

This bill amends provisions related to administrative simplification of the coordination of health insurance benefits as provided in divorce decrees, child support orders, and the Insurance Code.

- H.B. 52 – Health Reform – Uniform Electronic Standards – Insurance Information – Feb. 16th 2010 – 74/0 votes – Sponsored by Rep. Merlynn T. Newbold (R-South Jordan)

This bill amends provisions related to the use of uniform electronic standards for health insurance claims processing, insurance eligibility, and coordination of benefits.

- H.B. 294 – Health System Reform Amendments – Feb. 16th 2010 – 62/13 votes – Sponsored by Speaker David Clark (R-Santa Clara)

This bill amends provisions related to health system reform for the insurance market, health care providers, the Health Code, and the Office of Consumer Health Services.

- S.C.R. 5 – Concurrent Resolution Recognizing the 100 Year Anniversary of the McKay-Dee Hospital – Feb. 17th 2010 – 69/0 votes – Sponsored by Sen. Jon H. Greiner, Rep. C. Brent Wallis (R-Ogden)

This concurrent resolution recognizes the 100th anniversary of McKay-Dee Hospital and the tremendous contribution the hospital, and those who have guided it through the years, have made to the citizens of the state of Utah.

- 1S.S.B. 90 – Mental Health Professional Practice Act Amendments – Feb. 17th 2010 – 69/0 votes – Sponsored Sen. Lyle W. Hillyard, Rep. Ronda R. Menlove (R-Garland)

This bill amends provisions of the Mental Health Professional Practice Act.

- S.B. 53 – Voter Challenge Revisions – Feb. 17th 2010 – 73/0 votes – Sponsored by Sen. Peter C. Knudson, Rep. Craig A. Frank (R-Cedar Hills)

This bill modifies provisions in the Election Code relating to the procedures for challenging a person's eligibility to vote.

- S.B. 29 – Amendments to Individual Income Tax Definition of Resident Individual – Feb. 17th 2010 – 73/0 votes – Sponsored by Sen. Curtis S. Bramble, Rep. Wayne A. Harper (R-West Jordan)

This bill amends the Individual Income Tax Act to modify the definition of resident individual.

- H.B. 118 – Economic Development Incentives Modifications – Feb. 17th 2010 – 50/22 votes – Sponsored by Rep. Wayne A. Harper (R-West Jordan)

This bill modifies economic development provisions of Title 63M, Chapter 1, the Governor's Office of Economic Development, related to the Industrial Assistance Fund.

- S.J.R. 9 – Joint Resolution Approving Compensation of In-Session Employees – Feb. 17th 2010 – 71/0 votes – Sponsored by Sen. Scott K. Jenkins, Rep. Kevin S. Garn (R-Layton)

This resolution fixes the compensation for legislative in-session employees for 2010.

- 3S.S.B. 22 – Notary Public Amendments – Feb. 17th 2010 – 69/2 votes – Sponsored by Sen. Peter C. Knudson, Rep. Fred R. Hunsaker (R-Logan)

This bill modifies the Notaries Public Reform Act, pertaining to persons licensed to practice law performing a notarial act.

- 1S.H.B. 235 – Child Support for Children in State Custody – Feb. 17th 2010 – 73/0 votes – Sponsored by Rep. Wayne A. Harper (R-West Jordan)

This bill amends provisions of the Utah Human Services Code relating to the collection of child support for a child who is in state custody.

- H.B. 113 – Child Restraint Device Amendments – Feb. 17th 2010 – 24/47 votes FAIL – Sponsored by Rep. Christopher N. Herrod (R-Provo)

This bill modifies the Motor Vehicle Safety Belt Usage Act by amending provisions relating to child restraint device requirements.

- H.B. 250 – Criminal Penalties Amendments – Leaving the Scene of an Accident – Feb. 17th 2010 – 56/3 votes – Sponsored by Rep. Christopher N. Herrod (R-Provo)

This bill modifies the Motor Vehicles Code by amending provisions relating to leaving the scene of a motor vehicle traffic accident.

- H.B. 68 – Habitual Wanton Destruction of Wildlife – Feb. 17th 2010 – 39/32 votes – Sponsored by Rep. Curtis Oda (R-Clearfield)

This bill elevates to a third degree felony a third violation of the crime of wanton destruction of protected wildlife.

- 1S.H.B. 114 – Education Institutions – Feb. 17th 2010 – 56/16 votes – Sponsored by Rep. Carl Wimmer (R-Herriman)

This bill requires a higher education institution to disclose to the Board of Regents certain gifts received from a foreign person and provides the method of disclosure.

- H.B. 271 – Hunting Guides and Outfitters Licensing Act Amendments – Feb. 17th 2010 – 70/1 votes – Sponsored by Rep. Evan J. Vickers (R-Cedar City)

This bill amends provisions of the Hunting Guides and Outfitters Licensing Act.

- H.B. 261 – Financial Responsibility of Motor Vehicle Owners and Operators Act Amendments – Feb. 17th 2010 – 72/0 votes – Sponsored by Rep. Richard A. Greenwood (R-Roy)

This bill modifies the Financial Responsibility of Motor Vehicle Owners and Operators Act by amending provisions relating to evidence of insurance requirements.

- 1S.H.J.R. 9 – Resolution in Support of Veterans' Nursing Home – Feb. 17th 2010 – 73/0 votes – Sponsored by Rep. Curtis Oda (R-Clearfield)

This joint resolution encourages the United States Department of Veterans Affairs to prioritize Utah for the construction of an additional veterans' nursing home.

- 1S.H.B. 186 – Controlled Substance Database Revisions – Feb. 18th 2010 – 60/0 votes – Sponsored by Rep. Ronda R. Menlove (R-Garland)

This bill permits employees of the Department of Health to have access to information in the controlled substance database in relation to a person whom the Department of Health suspects may be improperly obtaining or providing a controlled substance.

- H.B. 299 – Amendments Related to Substances Harmful to Pregnancy – Feb. 18th 2010 – 68/0 votes – Sponsored by Rep. Ronda R. Menlove (R-Garland)

This bill modifies the Utah Health Code related to efforts to inform people of the effects of consuming alcohol during pregnancy.

- H.C.R. 9 – Autism, Disabilities, and Faith Concurrent Resolution – Feb. 18th 2010 – 68/0 votes – Sponsored by Rep. Ronda R. Menlove (R-Garland)

This resolution designates April 26 – May 2 as Autism, Disabilities, and Faith Week.

- S.B. 30 – Local Option Sales and Use Taxes for Transportation Act – Feb. 18th 2010 – 69/0 votes – Sponsored by Sen. Wayne L. Niederhauser, Rep. R. Curt Webb (R-Logan)

This bill amends the Sales and Use Tax Act to address local option sales and use taxes for transportation.

- S.B. 57 – Local School Board Budget Procedures – Feb. 18th 2010 – 70/0 votes – Sponsored by Sen. Dennis E. Stowell, Rep. Evan J. Vickers (R-Cedar City)

This bill modifies requirements regarding notice of a public hearing on a proposed school district budget and public disclosure of a proposed school district budget.

- S.B. 19 – Vehicle Safety Flags on Off-Highway Vehicles – Feb. 18th 2010 – 66/5 votes – Sponsored by Sen. Brent H. Goodfellow, Rep. Larry B. Wiley (R-West Valley City)

This bill modifies the Off-Highway Vehicles Code by amending provisions relating to off-highway vehicle equipment requirements.

- S.B. 104 – Renewable Energy Modifications – Feb. 18th 2010 – 71/0 votes – Sponsored by Sen. Stephen H. Urquhart, Rep. Don L. Ipson (R-St. George)

This bill includes certain compressed air energy storage technology as a renewable energy source.

- S.B. 122 – Eminent Domain Revisions – Feb. 18th 2010 – 64/6 votes (Reconsideration: 68/4 votes) – Sponsored by Sen. J. Stuart Adams, Rep. Michael T. Morley (R-Spanish Fork)

This bill amends provisions relating to the right to exercise eminent domain.

- H.B. 269 – Solemnizing Marriages Amendment – Feb. 18th 2010 – 65/7 votes – Sponsored by Rep. Douglas C. Aagard (R-Kaysville)

This bill allows all employees of the office responsible for the issuance of marriage licenses to be deputized to solemnize marriages.

- H.B. 279 – County Recorder Amendments – Feb. 18th 2010 – 69/2 votes – Sponsored by Rep. R. Curt Webb (R-Logan)

This bill modifies relating to county recorders.

- 2S.H.B. 259 – Property Tax Amendments – Feb. 18th 2010 – 66/5 votes – Sponsored by Rep. Wayne A. Harper (R-West Jordan)

This bill modifies provisions relating to property tax.

- H.B. 126 – State Construction Registry Amendments – Feb. 18th 2010 – 65/7 votes – Sponsored by Rep. R. Curt Webb (R-Logan)

This bill modifies provisions relating to the state construction registry, concerning such things as the filing of a notice of commencement, who is required to file a preliminary notice, and so on.

- 2S.S.B. 114 – Motor Vehicle Accident Reports – Feb. 18th 2010 – 68/0 votes – Sponsored by Sen. Dennis E. Stowell, Rep. Rebecca D. Lockhart (R-Provo)

This bill modifies the Traffic Code by amending provisions relating to motor vehicle accident reports.

- H.B. 260 – Children’s Health Insurance Plan Simplified Renewal – Feb. 18th 2010 – 69/0 votes – Sponsored by Rep. Merlynn T. Newbold (R-South Jordan)

This bill establishes a process for simplified renewal of benefits under the Children’s Health Insurance Plan.

- H.B. 284 – Uniform Collaborative Law Act – Feb. 18th 2010 – 71/0 votes – Sponsored by Rep. Lorie D. Fowlke (R-Orem)

This bill created the Utah Uniform Collaborative Law Act.

- H.B. 125 – Kidnapping and Sex Offender Registry Amendments – Feb. 18th 2010 – 72/0 votes – Sponsored by Rep. Ron Bigelow (R-West Valley City)

This bill removes simple kidnapping from the list of offenses for the registry.

- H.B. 120 – Underground Storage Tank Amendments – Feb. 18th 2010 – 61/11 votes – Sponsored by Rep. Kay L. McIff (R-Richfield)

This bill amends Title 19, Chapter 6, Part 4, Underground Storage Tank Act, increasing coverage limits and maximum loan amounts for Petroleum Storage Tank Trust and Loan Fund.

- H.B. 285 – Practice of Veterinary Medicine – Feb. 18th 2010 – 72/0 votes – Sponsored by Rep. John G. Mathis (R-Vernal)

This bill amends the definition of “practice of veterinary medicine, surgery, and dentistry.”

- H.B. 116 – Political Subdivision Facility Energy Efficiency – Feb. 18th 2010 – 74/0 votes – Sponsored by Rep. Fred R. Hunsaker (R-Logan)

This bill authorizes a political subdivision to enter into an energy savings agreement.

- 1S.H.B. 283 Fees in Special Service Districts – Feb. 18th 2010 – 72/0 votes – Sponsored by Rep. John G. Mathis (R-Vernal)

This bill prohibits a legislative body from delegating to an administrative control board of a special service district the power to establish or increase a fee.

- H.B. 273 – Utah International Trade Commission Amendments – Feb. 18th 2010 – 71/0 votes – Sponsored by Rep. Eric K. Hutchings (R-Kearns)

This bill modifies provisions of Title 36, Chapter 26, of the Utah International Trade Commission.

- H.B. 302 – Minor Adjustments to County Boundaries – Feb. 18th 2010 – 69/0 votes – Sponsored by Rep. Patrick Painter (R-Nephi)

This bill amends provisions relating to minor adjustments to county boundaries.

- H.B. 183 – Construction and Fire Code Related Amendments – Feb. 18th 2010 – 72/0 votes – Sponsored by Rep. Michael T. Morley (R-Spanish Fork)

This bill modifies the Utah Fire Prevention and Safety Act and Utah Uniform Building Standards Act to address the process for adopting and modifying a state construction code or state fire code.

- 1S.H.B. 227 – Licensing Eligibility – Feb. 18th 2010 – 32/40 FAILED – Sponsored by Rep. Stephen E. Sandstrom (R-Orem)

This bill requires applicants for various licenses to provide the licensing authority with documentation of their lawful presence in the United States.

- 1S.H.B. 275 – Division of Real Estate Amendments – Feb. 18th 2010 – 72/0 votes – Sponsored by Rep. Gage Froerer (R-Huntsville)

This bill modifies provisions related to the Division of Real Estates' regulation of the appraisal, mortgage, and real estate industries.

- H.B. 115 – Counsel for Indigents in Juvenile Court Proceedings – Feb. 18th 2010 – 68/0 votes – Sponsored by Rep. Kraig Powell (R-Heber City)

This bill limits the scope of services the county is responsible for when counsel is appointed for an indigent in juvenile court to the proceedings for which counsel is appointed.

- 1S.H.B. 178 – Bureau of Criminal Identification Fee Amendments – Feb. 18th 2010 – 52/20 votes – Sponsored by Rep. Eric K. Hutchings (R-Kearns)

This bill modifies fees charged for services provided by the Bureau of Criminal Identification.

- 1S.H.B. 234 – Opting out of the Real ID Act – Feb. 18th 2010 – 68/3 votes – Sponsored by Rep. Stephen E. Sandstrom (R-Orem)

This bill modifies the uniform Driver License Act by amending provisions relating to the federal REAL ID Act of 2005.

- S.B. 125 – Intangible Property Amendments – Feb. 19th 2010 – 68/0 votes – Sponsored by Sen. Curtis S. Bramble, Rep. Kevin S. Garn (R-Layton)

This bill expands the definition of intangible property for property tax purposes to include renewable energy tax credits and incentives.

- 1S.S.B. 48 – Nonlapsing Authority Technical Amendments – Feb. 19th 2010 – 70/0 votes – Sponsored by Sen. Ralph Okerlund, Rep. Julie Fisher (R-Fruit Heights)

This bill modifies the Budgetary Procedures Act to reorganize the list of nonlapsing funds.

- 1S.H.B. 20 – Amendments to Health Insurance Coverage in State Contracts – Feb. 19th 2010 – 70/0 votes – Sponsored by Rep. James A. Dunnigan (R-Taylorsville)

This bill amends provisions related to the requirement that contractors with certain state entities must provide qualified health insurance to their employees and the dependents of the employees who work or reside in the state.

- 1S.H.B. 39 – Insurance Related Amendments – Feb. 19th 2010 – 73/0 – Sponsored by Rep. James A. Dunnigan (R-Taylorsville)

This bill modifies the Insurance Code and related provisions to make various amendments.

- 1S.H.B. 75 – Assessment Area Amendments – Feb. 19th 2010 – 70/0 – Sponsored by Rep. Gage Froerer (R-Huntsville)

This bill amends provisions of the Assessment Area Act.

- H.B. 88 – Electronic Cigarette Restrictions – Feb. 19th 2010 – 71/0 votes – Sponsored by Rep. Ronda R. Menlove (R-Garland)

This bill places restrictions on the provisions, obtaining, and possession of electronic cigarettes.

- 1S.H.B. 219 – Delinquent Property Tax Amendments – Feb. 19th 2010 – 64/9 votes – Sponsored by Rep. Gage Froerer (R-Huntsville)

This bill amends provisions in the Property Tax Act related to the imposition and payment of delinquent taxes.

- H.B. 276 – Sex Offender Registry Amendment – Feb. 19th 2010 – 72/0 votes – Sponsored by Rep. Paul Ray (R-Clearfield)

This bill amends the definitions applicable to the sex offender registry provisions to include in the definition of conviction those convictions obtained under any state, federal, or military court.

- H.B. 240 – Department of Natural Resources Amendments – Feb. 19th 2010 – 53/19 votes – Sponsored by Rep. Jack R. Draxler (R-North Logan)

This bill amends provisions related to the Department of Natural Resources and its powers and duties.

- 1S.H.C.R. 2 – Concurrent Resolution on States’ Rights – Feb. 19th 2010 – 57/13 votes – Sponsored by Rep. Julie Fisher (R-Fruit Heights)

This concurrent resolution urges the federal government and United States Congress to repeal and prohibit regulations and laws that do or would infringe upon the rights of states under the Tenth Amendment to the United States Constitution.

- H.J.R. 23 – Joint Resolution Approving the Sale of Real Property at the Utah State Developmental Center – Feb. 19th 2010 – 71/0 votes – Sponsored by Rep. Craig A. Frank (R-Cedar Hills)

This joint resolution grants approval for the sale of a parcel of land associated with the Utah State Developmental Center by the Division of Facilities Construction and Management.

- 1S.H.B. 304 – Lieutenant Governor Amendments – Feb. 19th 2010 – 58/0 votes – Sponsored by Rep. Eric K. Hutchings (R-Kearns)

This bill prohibits the lieutenant governor from certifying a document in certain circumstances.

- 1S.H.B. 282 – Local Government Amendments – Feb. 19th 2010 – 63/0 votes – Sponsored by Rep. Stephen E. Sandstrom (R-Orem)

This bill amends the definition of “educational facility.”

- H.B. 176 – Continuing Education Requirements for Electricians and Plumbers – Feb. 19th 2010 – 38/34 votes – Sponsored by Rep. Wayne A. Harper (R-West Jordan)

This bill establishes continuing education requirements for electricians and plumbers, and also requires the Division of Occupational and Professional Licensing to establish a continuing education program and provides for its administration.

- H.B. 306 – Terrorism Amendments – Feb. 19th 2010 – 72/0 votes – Sponsored by Rep. Eric K. Hutchings (R-Kearns)

This bill modifies the definition and use of the word terrorism in the Utah Code.