

Utah State Legislature Highlights for February 22nd – 26th Representative Roger E. Barrus

This week, the House Republican Caucus reached an agreement on balancing next year's budget without any tax hikes or making education cuts by making cuts to other areas of state government. They adopted an \$11.5 billion budget for 2011.

On Monday amendments were made to the House ethics bills in a Senate committee and on Tuesday three ethics bills cleared the Senate with unanimous approval and now head to the House for concurrence. The main bill, SJR3, would set the structure and rules for a new independent ethics commission that would screen complaints against lawmakers to determine if allegations have merit. Speaker of the House David Clark asked for the support of the people to enshrine the ethics commission in a constitutional amendment so that future legislators will serve with the opportunity of having an independent ethics commission.

Also getting attention this week, a joint resolution that passed the house urging the Governor to withdraw Utah from the Western Climate Initiative, which may draw us into a Cap and Trade program with other western states if Utah remains part of that organization. Another trilogy of bills passed the house on Thursday and Friday that would open access to school and institutional trust lands (SITLA lands) that are currently surrounded by Federal Lands. HB143 gives Utah power of eminent domain over federal lands and HB323 and HB324 designate roads leading to SITLA lands over which Utah will exercise eminent domain and appropriates funds to pay for the litigation which will follow. As Chair of the House Natural Resources, Agriculture and Environment Committee, I assisted the bill sponsors by shepherding the bills through a successful committee hearing.

Two bills came before the House this week with which I was also involved as they came to Committee for a public hearing. They have been among the most emotional so far this session. They both tried to place brackets around a Utah Supreme Court ruling in 2008 that granted recreational access on public waters that run through private property. HB 80 ratified the Supreme Court Ruling by placing into statute how public waters could be accessed and used on private property and HB 141 upheld private property rights by allowing access only by permission unless the streams had been used historically for recreational access for the last ten years. HB 80 failed in the House and HB 141 passed the House. HB141 has been sent to the Senate for further debate. I have always held private property rights inviolate and voted for HB 141.

Two Senate bills effecting public employees' retirement plans passed the house. Changes will affect public employees working for the state, county, municipalities, law enforcement, fire fighters, and educators in both public and higher education. After a 30% loss in the public employees' retirement fund in 2008, the fund was no longer sustainable at its current level of benefits. HB43 eliminates the practice of double dipping where public employees can retire and return back to work receiving both a pension payment, a paycheck and earning additional service credits towards their pension. Under the bill, employees will be allowed to return back to work in a public sector job after a six month hard break and can continue to receive their pension and a paycheck, but would not receive any additional service credits towards their retirement. Another option after the six month hard break is for public employees to return to jobs in the public sector and temporarily suspend their pension payment and

receive only a paycheck plus additional service credits towards their retirement so their monthly pension payment will be larger when they finally retire. HB63 replaced the current public employee retirement plan (Tier I) with a new plan (Tier II) that will become effective for new employees hired beginning July 2011. All current employees and new employees hired before July 2011 will remain in the current plan. Employees hired after that date will have the option of selecting from two retirement plans -- a hybrid plan of a partial pension and a partial 401K or a pure 401K plan funded at the same level as the hybrid plan. Without the change, Utah's budget would have a \$400,000,000 liability each year for the next 25 years.

Another one of my bills passed the house during the week. HB318, Revolving Loan Fund for Energy Efficient Projects, expanded the fund to include energy efficiency projects for cities and towns. I created this fund through legislation two years ago with the intent of providing low or no interest loans to school districts to improve energy efficiency in their buildings, i.e. insulation, lighting, windows, mechanical equipment, etc. Utah received additional funds thru the American Recovery and Reinvestment Act (which I often call the American Recovery and Redistribution Act) to fund energy efficiency projects. HB318 expands the Energy Efficiency Revolving Loan Fund to include energy efficiency projects in buildings owned by cities and towns, as well as school buildings. \$2.5 million from ARRA funds will be added to the revolving loan fund. These funds will actually accomplish their intended purpose of creating long term jobs rather than blowing the money on one time projects. As savings are incurred from energy savings, schools, cities and towns repay the revolving loan fund and the money is recycled again and again to other projects to provide a steady stream of work and jobs to our state's economy.

Finally , I participated this past week with 16 other legislators in a rally at the Capitol to Take Back Utah. More than 250 citizens from around the state attended the rally to send the message to Washington that Utah will no longer put up with over reaching federal control of our state. The rally focused on excessive federal spending, opposition to federal health care and cap and trade, restricted access to mineral and energy development on public lands and resistance to the Obama administration considering two additional national monuments in the state of Utah. Two-thirds of our state's land is under federal control and the government continues to restrict its use more each year. One of the reasons we never seem to have enough funding for education is our state's reduced property tax base (the feds don't pay property tax) and the federal government's constant constraints on access to our School and Institutional Trust Lands so they can't be developed or energy extracted from them to help fund our state's education needs. If teachers and parents want more money for the classroom, it's time they also stand up and help us take back our state.

The following bills passed the House this week:

- H.B. 307 – General County Powers Amendments – Feb. 22nd 2010 – 69/1 votes – Sponsored by Rep. Gregory H. Hughes (R-Draper)

This bill prohibits county or a governmental instrumentality of a county from performing an action, providing a service, exercising a power, or performing a function in another county or a municipality within the other county without first entering into an agreement with the other county.

- H.B. 341 – Uniform Athlete Agents Act – Feb. 22nd 2010 – 71/0 votes – Sponsored by Rep. Paul Ray (R-Clearfield)

This bill modifies the Uniform Athlete Agents Act related to the board and licensure.

- S.B. 126 – Subdivision Amendments – Feb. 22nd 2010 – 71/0 votes – Sponsored by Sen. J. Stuart Adams, Rep. Michael T. Morley (R-Spanish Fork)

This bill, for a municipality or a county, amends provisions relating to vacating, altering, or amending a subdivision plat.

- H.J.R. 27 – Authentic Charity Health Care Joint Resolution – Feb. 22nd 2010 – 69/0 votes – Sponsored by Rep. Merlynn T. Newbold (R-South Jordan)

This joint resolution recognizes authentic charity care and urges community, citizen, and medical community support of authentic charity care throughout the state.

- 2S.S.B. 90 – Mental Health Professional Practice Act Amendments – Feb. 22nd 2010 – 72/0 votes – Sponsored by Sen. Lyle W. Hillyard, Rep. Ronda R. Menlove (R-Garland)

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

- 1S.H.B. 92 – Moist Snuff Taxation Revisions – Feb. 22nd 2010 – 72/0 votes – Sponsored by Rep. Bradley M. Daw (R-Orem)

This bill amends provisions of the Cigarette and Tobacco Tax and Licensing Act relating to “moist snuff.”

- H.B. 174 – License Plates Amendments – Feb. 22nd 2010 – 39/33 votes – Sponsored by Rep. Paul Ray (R-Clearfield)

This bill modifies the Motor Vehicle Act by amending provisions relating to license plates.

- H.B. 315 – Utah Public Notice Website Amendments – Feb. 22nd 2010 – 53/15 votes – Sponsored by Rep. Kraig Powell (R-Heber City)

This bill modifies statutory requirements to publish or post notice to the Utah Public Notice Website to provide a temporary exemption for **H. *specified* .H** public bodies with an annual budget of less than \$1,000,000.

- H.B. 316 – Disabled Veterans Property Tax Exemption Amendments – Feb. 22nd 2010 – 70/0 votes – Sponsored by Rep. Gregory H. Hughes (R-Draper)

This bill modifies a provision relating to a property tax exemption for disabled veterans and their families.

- H.B. 381 – Municipal Land Use Provisions – Feb. 22nd 2010 – 72/0 votes – Sponsored by Rep. Stephen E. Sandstrom (R-Orem)

This bill amends municipal land use provisions relating to nonconforming uses and noncomplying structures.

- H.B. 80 – Public Access to Private Stream Beds – Feb. 22nd 2010 – 23/50 FAILED – Sponsored by Rep. Lorie D. Fowlke (R-Orem)

This bill addresses public recreational activities on public waters over private beds.

- 1S.H.B. 141 – Recreational Use of Public Water on Private Property – Feb. 23rd 2010 – 50/25 votes – Sponsored by Rep. Kay L. McIff (R-Richfield)

This bill addresses public use of public waters on public and private property.

- H.B. 136 – Jail Contracting and Reimbursement – Feb. 23rd 2010 – 68/6 votes – Sponsored by Rep. Michael E. Noel (R-Kanab)

This bill provides that when an offender is sentenced to server time in a county jail, as a condition of felony probation, the jail provisions shall be arranged for by contract between the Department of Corrections and the county jail.

- H.B. 190 – Disclosure of Methamphetamine Contaminated Property Act Amendments – Feb. 23rd 2010 – 19/52 votes FAILS (Reconsideration Feb. 24th : 44/27) – Sponsored by Rep. Steven R. Mascaro (R-West Jordan)

This bill modifies provisions of the Disclosure of Methamphetamine Contaminated Property Act.

- H.B. 303 – Protections for Victims of Domestic Violence – Feb. 23rd 2010 – 69/0 votes – Sponsored by Rep. Eric K. Hutchings (R-Kearns)

This bill modifies the Cohabitant Abuse Procedures Act regarding procedures, records, and protective orders and no contact agreements.

- H.C.R. 7 – Credit Scores Concurrent Resolution – Feb. 23rd 2010 – 69/1 votes – Sponsored by Rep. Douglas C. Aagard (R-Kaysville)

This concurrent resolution urges the United States Congress to amend federal law to ensure that consumers have the right to access their Fair Isaac Corporation credit scores from the nation's three major credit agencies annually at no cost.

- 1S.H.B. 60 – Water Conveyance Facilities Safety Act – Feb. 23rd 2010 – 58/14 votes – Sponsored by Rep. Fred R. Hunsaker (R-Logan)

This bill addresses management plans for water conveyance facilities.

- 1S.H.B. 378 – Motor Vehicle Insurance Requirements – Feb. 24th 2010 – 62/0 votes – Sponsored by Rep. Todd E. Kiser (R-Sandy)

This bill modifies the Insurance Code by amending provisions relating to notice requirements for motor vehicle insurance carriers.

- H.B. 426 – Bail Bond License Representation Amendments – Feb. 24th 2010 – 65/0 votes – Sponsored by Rep. Stephen E. Sandstrom (R-Orem)

This bill modifies the Bail Bond Recovery Act regarding use of badges by licensees.

- H.C.R. 12 – Printing and Graphic Arts Recognition Month Concurrent Resolution – Feb. 24th 2010 – 67/0 votes – Sponsored by Rep. Bradley M. Daw (R-Orem)

This concurrent resolution designates April 2010 as Utah Printing and Graphic Arts Recognition Month.

- H.C.R. 13 – Concurrent Resolution on Providing Continuing Federal Financial Assistance for the Delivery of Basic Services to Dutch John, Utah – Feb. 24th 2010 – 64/0 votes – Sponsored by Rep. Melvin R. Brown (R-Coalville)

This concurrent resolution urges the United States Government and the Secretary of the Interior to provide continued financial assistance to defray the costs of administration and basic community services for residents of Dutch John, Utah.

- 1S.H.B. 311 – Autism Treatment Fund – Feb. 24th 2010 – 69/0 votes – Sponsored by Rep. Rebecca D. Lockhart (R-Provo)

This bill creates a restricted account within the General Fund to be administered by the Department of Health for the receipt and expenditure of certain gifts, donations, and appropriations to be used for providing services relating to autism.

- 4S.S.B. 22 – Notary Public Amendments – Feb. 24th 2010 – 68/1 votes – Sponsored by Sen. Peter C. Knudson, Rep. Fred R. Hunsaker (R-Logan)

This bill modifies the Notaries Public Reform Act.

- S.B. 20 – Local District Amendments – Feb. 24th 2010 – 66/0 votes – Sponsored by Sen. Dennis E. Stowell, Rep. Don L. Ipson (R-St. George)

This bill allows the creation of a local district to develop and execute a groundwater management plan in cooperation with the state engineer.

- S.B. 76 – Trust Deed Amendments – Feb. 24th 2010 – 66/0 votes – Sponsored by Sen. John L. Valentine, Rep. Lorie D. Fowlke (R-Orem)

This bill modifies a provision relating to a statement provided by a trustee under a trust deed.

- S.B. 85 – Utah Construction Trade Licensing – Feb. 24th 2010 – 68/2 votes – Sponsored by Sen. Scott K. Jenkins, Rep. Rebecca P. Edwards (R-North Salt Lake)

This bill modifies provisions of the Utah Construction Trade Licensing Act relating to plumbers and electricians.

- S.B. 58 – Transportation Expenses for Defendants – Feb. 24th 2010 – 72/0 votes – Sponsored by Sen. J. Stuart Adams, Rep. Richard A. Greenwood (R-Roy)

This bill modifies the Criminal Code regarding expenses for transportation of defendants.

- H.C.R. 11 – Taiwan Concurrent Resolution – Feb. 24th 2010 – 62/0 votes – Sponsored by Rep. Rebecca D. Lockhart (R-Provo)

This concurrent resolution reaffirms the support of the government of Taiwan and urges the Obama Administration to support Taiwan's meaningful participation in United Nations specialized agencies, programs, and conventions.

- 1S.S.B. 41 – Drug Utilization Review Board Amendments – Feb. 24th 2010 – 63/7 votes – Sponsored by Sen. Peter C. Knudson, Rep. Ronda R. Menlove (R-Garland)

This bill amends the drug prior approval program within the state’s Medicaid program.

- S.B. 102 – Restricting the Movement of a Motor Vehicle – 39/32 votes – Sponsored by Sen. Brent H. Goodfellow, Rep. R. Curt Webb (R-Logan)

This bill modifies the Traffic Code by amending provisions relating to vehicle immobilization devices.

- H.J.R. 21 – Joint Resolution of Energy Policy – Feb. 24th 2010 – 52/18 – Sponsored by Rep. Michael E. Noel (R-Kanab)

This joint resolution urges the Governor to withdraw Utah from the Western Climate Initiative.

- H.B. 227 – Licensing Eligibility – Feb. 24th 2010 – 38/36 votes – 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.

- H.B. 318 – Revolving Loan Fund for Certain Energy Efficient Projects Amendments – Feb. 25th 2010 – 71/0 votes – Sponsored by Rep. Roger E. Barrus (R-Centerville)

This bill expands a revolving loan fund known as the Energy Efficiency Fund to include political subdivisions.

- H.J.R. 31 – House Joint Rules Legislation Review Note Procedures Amendments – Feb. 25th 2010 – 73/0 votes – Sponsored by Rep. Ben C. Ferry (R-Corinne)

This resolution modifies procedures governing legislative review notes.

- H.B. 310 – Spending Limits Amendments – Feb. 25th 2010 – 74/0 votes – Sponsored by Rep. Ron Bigelow (R-West Valley City)

This bill modifies the list of monies considered “appropriations” that are used in the formula that determines the state appropriations limit for each fiscal year.

- H.B. 349 – Sales and Use Tax Amendments – Feb. 25th 2010 – 70/0 votes – Sponsored by Rep. Wayne A. Harper (R-West Jordan)

This bill amends the Municipal Energy Sales and Use Tax Act and the Sales and Use Tax Act to address definitions.

- H.B. 103 – Reduced Speed School Zone Amendments – Feb. 25th 2010 – 72/0 votes – Sponsored by Rep. Stephen E. Sandstrom (R-Orem)

This bill modifies the Traffic Code by amending provisions relating to reduced speed school zones.

- S.B. 10 – Criminal Offense Penalties Amendments – Feb. 25th 2010 – 70/0 votes – Sponsored by Sen. Jon J. Greiner, Sen. Curtis Oda (R-Clearfield)

This bill modifies provisions of the Criminal Code regarding elements of specified criminal offenses and regarding the dollar value of damage used to determine levels of criminal offenses.

- S.J.R. 6 – Joint Resolution – State Sovereignty and Tenth Amendment – Feb. 25th 2010 – 48/18 votes – Sponsored by Sen. Howard A. Stephenson, Rep. Carl Wimmer (R-Herriman)

This joint resolution strongly urges Congress and the President to refrain from exercising authority related to the individual states beyond that granted by the states in the Constitution of the United States and declares the state’s sovereignty under the Tenth Amendment to the Constitution.

- H.B. 187 – Peace Officer Standards and Training Amendments – Feb. 25th 2010 – 68/0 votes – Sponsored by Rep. Carl Wimmer (R-Herriman)

This bill modifies the Public Safety Code relating to peace officer certification and the procedures and grounds for the denial, relinquishment, or revocation of certification.

- H.J.R. 16 – Joint Resolution Supporting Kane County Expansion of Correctional Facilities – Feb. 25th 2010 – 66/6 votes – Sponsored by Rep. Michael E. Noel (R-Kanab)

This joint resolution supports the expansion of correctional facilities in Kane County through a contract with the Utah Department of Corrections.

- 1S.H.B. 298 – Land Use Authority Notification of Canal Development – Feb. 25th 2010 – 71/0 votes – Sponsored by Rep. Ben C. Ferry (R-Corinne)

This bill requires a municipal or a county land use authority to notify a canal company or canal operator of a land use application to develop within 100 feet of a canal.

- 1S.H.B. 265 – Real Property Amendments – Feb. 25th 2010 – 65/5 votes – Sponsored by Rep. Gage Froerer (R-Huntsville)

This bill requires a county assessor to consider certain factors in determining the fair market value of a golf course or hunting club.

- H.B. 401 – Residential Facilities for Elderly Persons – Feb. 25th 2010 – 72/0 votes – Sponsored by Rep. Bradley M. Daw (R-Orem)

This bill amends provisions relating to residential facilities for elderly persons.

- 1S.H.B. 150 – Administrative Subpoena Amendments – Feb. 25th 2010 – 33/41 FAILS (Reconsideration: 48/20 votes PASS) – Sponsored by Rep. Bradley M. Daw (R-Orem)

This bill modifies the Code of Criminal Procedure regarding the use of administrative subpoenas in the investigation of criminal activity.

- H.B. 348 – Sheriffs Fees – Feb. 25th 2010 – 60/13 votes – Richard A. Greenwood (R-Roy)

This bill authorizes the legislative body of a county to set a fee charged by the county sheriff.

- H.B. 143 – Eminent Domain Authority – Feb. 25th 2010 – 57/13 votes – Christopher N. Herrod (R-Provo)

This bill authorizes the state to exercise eminent domain authority on property possessed by the federal government unless the property is owned by the federal government in accordance with the United States Constitution Article I, Section 8, Clause 17.

- 2S.H.B. 388 – Mobile Home Revisions – Feb. 25th 2010 – 69/0 votes – Sponsored by Rep. James A. Dunnigan (R-Taylorsville)

This bill modifies a provision of the Mobile Home Park Residency Act, pertaining to rights of residents and other issues.

- H.B. 364 – Right of Identity Theft Victim to Civil Cause of Action – Feb. 26th 2010 – 69/0 votes – Sponsored by Rep. Julie Fisher (R-Fruit Heights)

This bill creates a civil action for damages for an identity theft victim against a perpetrator.

- S.J.R. 2 – Joint Resolution on Combating and Reducing Gang Activity – Feb. 26th 2010 – 71/0 votes – Sponsored by Sen. Luz Robles, Rep. Ryan D. Wilcox (R-Ogden)

This joint resolution urges the state and local governments to work together to combat and reduce gang activity.

- H.B. 21 – Expungement Revisions – Feb. 26th 2010 – 72/0 votes – Sponsored by Rep. Julie Fisher (R-Fruit Heights)

This bill creates a new chapter known as the Utah Expungement Act.

- 3S.H.B. 78 – Weapons Revisions – Feb. 26th 2010 – 70/1 votes – Sponsored by Rep. Stephen E. Sandstrom (R-Orem)

This bill modifies weapons provisions of the Utah Criminal Code on carrying, displaying, and using a dangerous weapon.

- H.B. 93 – Motorcycle and Off-Highway Vehicle Amendments – Feb. 26th 2010 – 71/0 votes – Sponsored by Rep. Ronda R. Menlove (R-Garland)

This bill modifies the Motor Vehicles Code by amending provisions relating to wearing protective headgear while operating a motorcycle, motor-driven cycle, or off-highway vehicle.

- 1S.H.B. 214 – Concealed Firearm Permit Modifications – Feb. 26th 2010 – 73/0 votes – Sponsored by Rep. Rebecca D. Lockhart (R-Provo)

This bill modifies provisions of the Concealed Weapon Act and related provisions dealing with the issuance, denial, and revocation of a concealed firearm permit.

- 3S.S.B. 43 – Post-Retirement Employment Amendments – Feb. 26th 2010 – 55/20 votes – Sponsored by Sen. Daniel R. Liljenquist, Rep. Brad L. Dee (R-Ogden)

This bill modifies the Utah State Retirement and Insurance Benefit Act by amending provisions related to a retiree who returns to work for a participating employer, and the restriction on the maximum retirement allowance certain employees can accrue.

- 3S.S.B. 63 – New Public Employees' Tier II Contributory Retirement Act – Feb. 26th 2010 – 46/26 votes – Sponsored by Sen. Daniel R. Liljenquist, Rep. Brad L. Dee (R-Ogden)

This bill modifies the Utah State Retirement and Insurance Benefit Act to provide for modified retirement benefits for new public employees and new public safety and firefighter employees.

- 2S.H.B. 139 – Emergency and Disaster Management Amendments – Feb. 26th 2010 – 68/2 votes – Sponsored by Rep. Curtis Oda (R-Clearfield)

This bill amends the Disaster Recovery Funding Act, the Disaster Response and Recovery Act, and related provisions to address the expenditure of monies relating to a declared disaster, the governor's powers during a state of emergency, and related reporting requirements to the Legislative Management Committee or the Executive Appropriations Committee.

- 1S.H.B. 324 – Public Lands Litigation – Feb. 26th 2010 – 56/16 votes – Sponsored by Rep. Kenneth W. Sumsion (R-American Fork)

This bill directs the attorney general to file certain eminent domain actions.

- S.B. 124 – Military Installation Development Authority Modifications – Feb. 26th 2010 – 62/9 votes – Sponsored by Sen. Jerry W. Stevenson, Rep. Brad L. Dee (R-Ogden)

This bill amends provisions of the Military Installation Development Authority Act.