

## General Session Update from Senator Aaron Osmond Week 4 – February 16th to February 22nd, 2014

Dear Friends and Neighbors,

I hope you enjoyed celebrating Washington-Lincoln Day last week. On Monday, I spent the day catching up at work, but it was still nice to have a day off from the session. Here is my high-level overview of the past week. I hope that you will take a few moments of your time to study the sections that interest you. I focus deeply on the **Count My Vote** issue and **Air Quality** in this update. I want to thank you for your emails of support and thank you for your questions and concerns. I am trying to respond to each of you in a timely manner. I appreciate your patience.

### Quick Update on My Bills in Progress

This last week we spent most, if not all, of our Senate floor time on House Bills. As such, none of my bills that I had hoped to debate were discussed this week. However, several of my bills will be up for debate early this week, such as SB 111 – Property Tax Equalization, SB 42 – Early Education, and SB 39 – Home School Amendments. Please watch the Senate Calendar to listen in on my presentations. I welcome your feedback!

This week I will be presenting a few of my final bills in committee:

- **SB 215 – School Safety Amendments.** This is a bill that I am doing in partnership with students from Copper Hills High School. Mr. Dennis Randall and his students brought this issue to me and I agreed to sponsor a bill that would require schools to include in their emergency plan a strategy for notifying students out of the building on release time that there has been an emergency at the school (and to remain safely away from the school until further notice). This will be heard in the Senate Education Committee on Monday.
- **SB 122 – Parental Rights.** This bill will have a substitute and should be released on Monday. It focuses on annually notifying parents of the rights and reasonable accommodations that they should be able to expect from their local school. It should be in the Senate Education Committee on Tuesday or Wednesday.
- **SB 110 - Guardianship Costs for Parents of Disabled Adult Child.** This bill formally enables parents of disabled children a fully on-line and low cost method to complete the process for Legal Guardianship of Disabled Child who is turning 18. This should be heard in the Senate Judiciary Committee this coming week.
- **Not Yet Numbered - Higher Education Admission Amendments.** This bill would enable Combat Veterans (and their children) to have automatic admission an undergraduate program at any state school without having to meet academic qualifications (other than a high school diploma). This bill should be in the Senate Education Committee on Tuesday or Wednesday.

### This Week's Presentations from Our Federal Delegation

On Tuesday morning during floor time, Congressman Stewart addressed us on the floor. He expressed to us how proud he is that Utah is "the brightest star on the flag right now." He also expressed his views on air quality, the ACA (Obamacare) and how so many issues would be best addressed at the state rather than the federal level.

- Here is a link if you would like to Congressman Stewart's address:  
[http://utahlegislature.granicus.com/MediaPlayer.php?clip\\_id=16684&meta\\_id=494138](http://utahlegislature.granicus.com/MediaPlayer.php?clip_id=16684&meta_id=494138)
- On Wednesday, Senator Lee spoke to us. Here is a link to his speech:  
[http://utahlegislature.granicus.com/MediaPlayer.php?clip\\_id=16715&meta\\_id=494509](http://utahlegislature.granicus.com/MediaPlayer.php?clip_id=16715&meta_id=494509)
- Congressman Matheson was here on Thursday. Here is a link to his talk:  
[http://utahlegislature.granicus.com/MediaPlayer.php?clip\\_id=16742&meta\\_id=494855](http://utahlegislature.granicus.com/MediaPlayer.php?clip_id=16742&meta_id=494855)

- And on Friday Congressman Bishop answered questions about PILT, State Parks money and the Antiquities Act: [http://utahlegislature.granicus.com/MediaPlayer.php?clip\\_id=16763&meta\\_id=495215](http://utahlegislature.granicus.com/MediaPlayer.php?clip_id=16763&meta_id=495215)

### **Senate Bill 54 and Count My Vote – My Thoughts and Views**

On Thursday, we spent a fair amount of time discussing SB 54.

There has been quite a bit of press about this bill and the Count My Vote initiative. **I voted for this bill** because I believe that this legislation does address my own personal concerns with the Caucus System. I personally do not believe that we should eliminate the Caucus System (as Count My Vote proposes). I believe that we need to make changes to it to ensure the greatest possible participation from Utah voters (from all parties and unaffiliated voters). I believe that this bill accomplishes that goal.

This bill makes the following changes to the Caucus System in Utah:

1. Political parties must create a way to accept absentee or proxy votes for neighborhood caucuses, so those who can't attend the meetings can still vote.
2. Neighborhood Caucus groups would have to select Alternate Delegates in case the original delegate can't attend the convention where the actual candidates are selected.
3. If a candidate doesn't get at least 65 percent of the delegate vote at convention - up from the current threshold of 60 percent - the top two candidates would go to a formal primary election.
4. All primary elections would now be open to unaffiliated voters. Currently the Democratic Party holds open primaries, but the Republican Party has a closed primary. Under SB 54, all primary elections would be open to unaffiliated voters (Ironically, CMV keeps the GOP primary elections closed).

### **My Concerns About the Count My Vote Initiative**

I am concerned about the Count My Vote initiative petition. The initiative would do away with the current caucus system we use to select most candidates on the ballot and instead requires a candidate to obtain a certain number of signatures from people living in their district as the criteria for a slot on the ballot.

I personally wonder how many people who have signed the petition have actually read the initiative and understand what it actually does. For instance did you know that in some districts a Republican would be required to obtain **nearly 10 times** as many signatures to be on the ballot as a Democrat would need in the same district? Also they claim that there will be no cost to the changes, but the Governor's Office of Management and Budget says that if the Count My Vote succeeds **each primary election** would **cost the state \$900,000**.

And did you know that those who are collecting signatures are being paid? In just the last six weeks, Alliance for Good Government, the Political Issues Committee (PIC) behind Count My Vote, spent \$648,468.72 paying people to collect petition signatures and advertises their cause. You can get this and other detail at the links below.

### **Links and Stories about SB 54 and Count My Vote**

- Here is a link to the actual bill for SB 54: <http://le.utah.gov/~2014/bills/static/SB0054.html>. I encourage each of you to read it.
- Here is a link to the actual floor debate on SB 54: [http://utahlegislature.granicus.com/MediaPlayer.php?clip\\_id=16742&meta\\_id=494855](http://utahlegislature.granicus.com/MediaPlayer.php?clip_id=16742&meta_id=494855).
- Here is a link to a recent news story on Count My Vote: <http://m.kutv.com/article?id=2676456&categoryid=343&election=0&provider=>.
- Here is a link to the Count My Vote initiative: Its 22 pages: [www.countmyvoteutah.org](http://www.countmyvoteutah.org) under the "About" tab.

- Information about who is funding Count My Vote is available on the Lieutenant Governor's web page at [www.utah.gov/ltgovernor](http://www.utah.gov/ltgovernor).

### **Status of Bills in General**

We are all working hard to move through the bills in a timely manner, but some bills require more debate than others. As I have said before, the process is slow, but it works. Here are some high level stats for your review:

- As of the 23rd day of the session, the Office of Legislative Research and General Counsel had received requests for **1,216** bills. I understand that this is highest recorded number of bills requested of any prior session.
- Half of those bills have been already numbered (which means they are public and moving through the system).
- About one fourth of the bills are still in the drafting process.
- The remaining bill requests are on hold or have been abandoned.
- As more bills move into the system, we spend more time on the floor debating the bills and discussing their merits.
- Next week we will meet on the floor in the mornings and again in the afternoon every day until the end of the session.

### **Utah Jazz License Plate Bill**

One unique bill that we heard and passed in the Senate was HB 214. This bill creates a Utah Jazz license plate. The team will pay for the creation of the plate and then proceeds made from the plate will be donated to charities that support women and children. I was proud to support this bill (go Jazz)!

### **Air Quality Bills**

This session there are 15 proposed bills that deal with air quality that have already been introduced and 12 more are now in the drafting process. Everyone is thinking about what we can do to help solve the problem, but we have to remember that creating more regulations and enforcing them will limit freedom and cost money. In part to meet the federal mandate and in part to create a clean healthy living environment, we need to continue to do what we can to clean our air. But at the same time, we need to be careful and reasonable about how we go about it. It is also important to remember that even under the increased EPA standards, on average across the state, we do not meet federal health standards fewer than 20 days a year. So the cost/benefit for legislation and regulation to address those few days is also something to consider.

### **The Reality of Air Quality in Utah**

Air quality is an important topic in Utah, especially in parts of the state where dense layers of cold air can be trapped against the mountains under a layer of warm air causing an inversion. This is not a new phenomenon in Utah's valleys. Long ago, Native Americans called these valleys "smoke valleys" because of the same inversion occurrences. Industry, vehicles, and population make the air dirtier than it was back then, but our air is still much cleaner today than it has been. Most citizens don't realize that back in 1971 our PM2.5 particulate level (which measures our air pollution levels) were well over 250. Today, our PM2.5 level is about 35. In some parts of the state our inventoried pollutants have been reduced by half again in just the last decade. We are making progress, but more can be done.

### **Understanding Sources of Pollution in Utah**

We now have the ability to measure specific pollutants and their sources. The smallest source of pollution in Utah (11%) comes from what is termed as "Point Sources". These are stationary industrial sources like power plants, steel mills, mines, factories and universities. "Area sources," things like home furnaces, small manufacturing, bakeries, wood burning, BBQ's, lawn mowers, and restaurants make up about one-third of the pollutants. The biggest creator of our "dirty air" is from motor vehicles. 56% of the PM2.5 comes directly from tailpipes!

## **Who Sets Air Quality Standards?**

In order to understand how and what we can do to meet the required air quality numbers, it is helpful to understand where the qualifying standards come from. The standards for air quality are mandated at a federal level by the **Environmental Protection Agency** and are called the **National Ambient Air Quality Standards**. Any area that has pollutant levels that exceed these standard levels is considered an "attainment area." Each state is expected to bring their attainment areas into compliance with the federal standards. States who cannot meet their "attainment" levels run the risk of losing federal transportation funding.

## **Who Monitors Air Quality in Utah?**

In Utah, the government agency responsible for this task is the **Utah Air Quality Board**. The Governor appoints the members of this board and they create our State Implementation Plan or SIP designed to satisfy the EPA requirements. Our board has done a good job setting and facilitating our air quality goals, for many years we were at or well below the required federal levels. As I mentioned before, our air today is actually cleaner than it has ever been.

## **EPA Standards Continue to Rise – Putting More Pressure on Air Quality**

But in spite of our progress, the EPA promulgates more stringent standards every few years. In 2006, the EPA lowered the acceptable levels of pollution and this change put the five-county area around Salt Lake out of compliance making them "attainment areas." The change meant that what used to be a "yellow" day is now a "red" day and many "yellow" days now would have been a "green" day a few years ago.

## **What Can Business Do to Promote Clean Air?**

Because of our topographical conditions and our rapid population growth, our options are limited. We need to be cautious in the changes to regulations we make so that excessive costs and unintended consequences do not impose undue burdens on consumers and employers. Industry is working to do their part. Companies like Kennecott Copper are making seasonal adjustments during the winter. Many large employers offer public transportation vouchers. Requiring additional changes at this level must be done carefully to minimize the extra expenses that will be passed on to us as consumers.

## **What about Possible Changes to Car and Fuel Requirements?**

Most of the pollutants that keep us from meeting the new EPA standards come from when an engine is started cold and during the first few miles of driving before the catalytic converter warms up. Driving a CMV or hybrid car would help alleviate this part of the problem. Tier III vehicles also help as would Tier III gas, but because that level of gasoline has not been mandated by the EPA and it is considerably more expensive to produce (some estimates say as much as 9 cents a gallon more) most states have not moved to that level. Our refineries are not yet prepared for this costly change and it would make our fuel different from that used by surrounding states--both of these factors make switching to Tier III a long-term rather than a short-term solution.

## **What Can We Do Personally to Improve Clean Air in Utah?**

Some of the best things we can do as a state to improve our air quality, especially on those winter inversion days, is to adjust our personal behavior. Choices we make like using mass transit more often, purchasing a lower emission vehicle, turning down the thermostat or driving less and smarter will make a difference. The Utah Clean Air Partnership (U-CAIR) <http://www.ucair.org/> and Clean Air Utah <http://www.cleanair.utah.gov/> offer tips and suggestion for families and businesses to make realistic changes and set achievable goals.

## **Rural Issues that Rarely Make the News**

The majority of the issues that we address during the legislative session don't ever make it into the news. This is especially true of issues that impact rural and local areas. One of the issues that I am working to support is Senator Okerlund's bill on concurrent enrollment for our rural high schools. This bill is titled **SB 38 - Snow College Concurrent Education Program**. The bill provides a consistent source of funding for kids in rural areas to be able to take concurrent enrollment classes at schools that otherwise would not have the ability to offer these classes due to low student volumes and lack of resources.

### **A Note about the "Single Purpose" of a Bill**

This above bill addresses just "Concurrent Enrollment", nothing else. State law says that we as legislators can't amend that bill to deal with any other issue, such as a zoning or transportation issue. We can't use that bill to solve a tax issue or even to address some other education issue. This legal requirement is a big contributing factor to our legislative efficiency and transparency that many in our state take for granted.

Unfortunately, the federal government does not practice this transparency requirement. Think of how different things would be if they did. Here is a disturbing article about what happens when political maneuvering is allowed in the name of "getting things done." <http://www.sltrib.com/csp/cms/sites/sltrib/pages/printerfriendly.csp?id=57536076>. I am grateful this in **not** how we operate in our state.

### **Upcoming Judicial Appointments**

Keith C. Barnes, was recently appointed to fill a vacancy on the 5th District Court in Beaver, Iron and Washington Counties. The Senate Judicial Confirmation Committee will hold a public hearing and report to the full senate prior to a confirmation vote. Judicial Confirmation Committee is seeking public comment on his appointment. If you would like to make a comment on his appointment please contact Mike Christensen at the Office of Legislative Research and General Counsel. The address is: Utah State Capitol Campus, House Building, Suite W210, PO Box 145210, Salt Lake City, Utah 84114-5210. Your statement should include your name; telephone number and mailing address and are due by 5 p.m. on March 5th.

Well, that's it for now. I hope you have a great week. Please don't hesitate to contact me or my intern with questions!

Sincerely,

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