

Monthly Update & Review - Senator Aaron Osmond

July/August 2014

Saturday, August 9, 2014

Dear Friends and Neighbors,

I hope that you have had a relaxing summer and enjoyed the opportunity to spend time with your family and friends! School will be starting soon for most of our families and the regular hectic schedule of life returns in full swing. I have enjoyed a few days of vacation with my family and I am now ready to refocus and on my job and my Senate responsibilities. In this issue of my monthly update, I am going to share with you a few of my legislative ideas that I am working on for the next General Session in 2015. I will also update you on some of our legislative work in the last month or so. I hope you find this information useful. I look forward to seeing you or hearing from you soon!

Proposed Legislation for the 2015 General Session

Here is a summary of my key legislative plans for the 2015 General Session. As always, my intention in sharing this information is to keep you informed of my plans and enable you as my constituents to give me feedback early in the planning process. I believe that my legislation will be more effective and consistent with the values of those I represent when I am able to receive your feedback. Here the proposed bills:

Bill 1 - Daylight Saving Time. As many of you know, I am looking into whether or not we should make changes to our Daylight Saving Time. The Office of Economic Development (GOED) recently held meetings to gather feedback on possible changes. In addition, a survey is now in motion to gather additional public feedback. At this point I have not decided on a course of action. Once all feedback has been collected, I will then identify the recommended changes and share it with all of you. You can go to the following web link to participate in the survey: <http://business.utah.gov/time>.

Here is a link to the comments made so far <http://business.utah.gov/wp-content/uploads/Comments.pdf>. And here is a link to the results of the survey so far: <http://business.utah.gov/wp-content/uploads/Data.pdf>. As you can see, there seems to be overwhelming support for opting out of the bi-annual time changing ritual.

Bill 2 - Property Tax Equalization. Most of my delegates know that for 2 years I have been working on a property tax equalization bill to address the high tax burden placed on high growth areas like the Jordan School District and the Alpine School District. My goal is to lower the future tax burden that will be placed on all of us as our district grows and needs to construct more buildings. My proposal is simple:

- **Fix the Minimum Basic Rate.** This is our state-levied property tax. Today this rate on this levy goes up and down as property values change. It remains revenue neutral, meaning the fund never grows or shrinks. My proposal is to fix this rate so that it does not change each year. As property values increase, the revenue amount naturally increases (or decreases) with inflation.
- **Focus New Revenue Funnel to Capital Equalization.** Under my proposal, all new money generated from this change each year will be directly allocated to two *existing* funds used to equalize Capital Funding for high growth districts or high need districts. Today these funds have no direct funding source. They are appropriated by the legislature when there is available money. These programs are:
 - Capital Outlay Foundation Program. In my proposal 30% of the new funds will go to this program. This fund ensures a basic level of capital funding for high need districts (such as rural districts or low economic areas).
 - Capital Outlay Enrollment Growth Program. In my proposal 70% of the new funds will go to this program. This fund ensures sufficient capital funding for high enrollment growth districts (like Jordan and Alpine).
- **Cap the New Growth at \$300 million.** Today, there is approximately \$300 million local property tax inequity in the state between all districts. Most of this inequity is tied to Capital Outlay funding. I believe that it is the

State's responsibility to address this inequity and the high tax burden that placed on a few districts in the state, just as we have done with income tax revenue for our operational expenditures in public education. Once we generate up to \$300 million in these funds, we will cap the fund.

Bill 3 – Drop-Out Recovery Funding. Today, when a student drops out of high school, the funding for that student ends and is put back in the pool for redistribution through the Weighted Pupil Unit funding model. Districts are left with no resources to reach out to the student and their parents to offer help or to re-engage them in education. I believe that we should retain funding for the drop-out student and hold it at the district. However, I believe we should require that the district spend that money on “drop-out recovery” programs that are approved by the State Board of Education. Spending this money now on these students will significantly reduce the costs to the State later if we can re-engage them through mentoring and support to complete their high school diploma. There is no increase in taxes or spending, we just set aside funding for these students that we are already spending.

Bill 4 - Behavioral Testing Restrictions in Public Education. One of the great concerns for my constituents is the current authorization of “behavioral testing” in our state code. In several sections of state code, the legislature (knowingly or unknowingly) approved the concept of behavioral testing on our children. Most of these references are related to testing authorization for special education with parental approval. But many of the references are unclear and appear to authorize districts to conduct behavioral testing for unknown purposes. I believe that each of these references in code need to be clarified or removed to ensure that no behavioral testing is authorized without clear and documented authorization from parents for specific educational purpose that are only related to direct academic outcomes. Even then, we need to be very cautious.

Bill 5 - Juvenile Defender Amendments. I am concerned about the trend I am seeing toward severe and harsh punishment of youth offenders (some of whom have no prior criminal record) in our state criminal system. I believe that we need to give our Judges as much latitude as possible in the difficult job they have. But, I also believe we also need to outline some restrictions that require Judges to order psychiatric evaluations and consult with child psychologists when considering remanding a juvenile to adult court for their crimes (especially when such youth have no prior felony record). The goal of our correction system is to remediate and help the offender to re-integrate into society. When we remand a child into the adult criminal system, the hope of remediation is significantly impacted and there is real risk for their safety as well. I believe we need to address this issue more clearly in our statute.

Bill 6 - Public School Early Graduation. We live in a great state when it comes to education freedom. One of those freedoms is the right to enable our children to graduate early. I believe we need to do a better job promoting early graduation schedules to students as early as the 8th grade. I also believe we need to increase funding and awareness of the Centennial Scholarship Fund for those students who graduate early. This bill will accomplish both.

Bill 7 - Charter School Funding and Equitable Access to K12 Public Facilities. Again, when it comes to education freedom, one of the great choices parents have in public education is the charter school network. However, I believe that state funding for charter school students needs to be re-evaluated and further equalized to the funding allocated to students in our regular district schools. In addition, I believe the time has come to allow charter schools to have, through clear authorization, access to shared public school facilities (such as gyms or football fields) that are in the vicinity of the charter (with shared cost as well). This is a sensitive and difficult debate, but we need to evaluate this on regular basis to ensure that we are funding charter and public schools fairly (while recognizing the different operating models and related cost burdens on each type of school).

Bill 8 - Public Lands Assessment. I know that most of you agreed that the time has come to push the Federal government to recognize our State's sovereign right (and growing financial need) to restore our public lands back to our State control. I believe that we can do a better job in managing these lands and we need to carefully utilize these lands to appropriately fund public education. I believe the next step in this debate is to require our counties to accurately value these public lands and notify the legislature and the public of their market worth. In addition, I believe that we need to know how much funding these lands would generate for public education if they were under our state control. That is the purpose of this bill.

Well, that is enough for now on my bills. Remember, these are ideas that are in development, and I welcome your feedback and improvements. I do have additional legislation that I am considering which I will share in detail next month, and in my next Quarterly Planning Meeting.

Quarterly Planning Meeting – Saturday, September 20th (from 9 am to 12 noon)

Please mark your calendars for my next Quarterly Planning Meeting. Please do all you can to schedule your time to participate in discussing my proposed legislation and other policy issues facing the citizens of Utah. Again, this meeting is only successful if you participate. Please pass on this information to your neighbors and invite any who will come. I look forward to seeing you there!

Event Details:

Date: Saturday, September 20, 2014

Time: 9:00 am to 12:00 noon

Place: Daybreak Community Center (4544 Harvest Moon Dr., South Jordan) – Room B

IMPORTANT NOTE: Refreshments will be provided. Please RSVP so we can plan accordingly.

The Federalism Debate in Utah

The Federalism issue is one of the most debated issues in state legislatures across the country. The Tenth Amendment to the U.S. Constitution states: "The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people." The Constitution was designed to limit the reach of our government, especially the far reach of the federal government, but over time, the Federal government has implemented many mandates that encroach upon the sovereignty of our states and our citizens.

Utah Federalism Commission

In order to address the issues and concerns brought on by these federal mandates, Utah established the Federalism Commission which meets six times each year. They met on July 1st and had a **very** interesting discussion on the effects federal encroachment in areas where the states should have more, if not sole discretion.

Federal Wild Fire Policy and Federalism

One issue they discussed, and have addressed in the past was the impact of the Federal Wildlife Policy. President Niederhauser told of an experience that he had when seeing the stark differences in the way lands in Colorado were affected by wildfires that were managed locally as opposed to those that were managed as per Federal policy. Brian Cottam, the director of Utah's Division of Forestry, Fire and State lands testified on some of the problems that he deals with involving land responsibility in wildfire management. Here is a link to the meeting if you would like to listen to the entire discussion: http://utahlegislature.granicus.com/MediaPlayer.php?view_id=2&clip_id=17632&meta_id=235226.

The Assembly of State Legislators – Constitutional Convention

In an effort to deal with state's rights issues and federal encroachment, several of my colleagues, as well as our Senate President, are involved with a group called the Assembly of State Legislatures. The group consists of Representatives and Senators from thirty-five states who are drawing up preliminary rules and a procedural proposal for a possible Constitutional Convention. President Niederhauser's gave an update on those efforts as well during the meeting. One of the key concerns is keeping special interest out of the process.

Concerns/Challenges of Constitutional Convention

There is a great deal of anxiety about the possibility of a "run away convention," but I, and many others, see it as the only way to block the growing amount of federal intrusion as well as a meaningful way to control the amount of federal spending. But this is not a new effort. Here is an analogy from 2009, but it give a very poignant visual description about just how much money is being spent on a federal level: <http://www.wimp.com/budgetcuts/>. I support the effort of these legislators to figure out a way to hold such a convention. I also believe we are heading to a point where only a convention of the states will drive the changes we need within our federal government.

The Education Task Force

Education is clearly on my focus areas and I am grateful to serve on this task force. The Education Task Force also met earlier in the month and we had a long discussion on the high availability but unmet demand for job skills that require a technical education. We also received a report from the Department of Technology Services and the Utah Education Network on the operation of, infrastructure and security issues of the statewide education networks. Here is a link to our meeting http://utahlegislature.granicus.com/MediaPlayer.php?view_id=2&clip_id=17684&meta_id=521830.

Executive Appropriations Meeting

When the Executive Appropriations Committee met, they adopted a policy requiring Appropriation Subcommittees to implement *performance measures* on the original intent on all significant budget line items that they approve. Performance measures are a way to evaluate how money is being spent, making sure that taxpayer dollars are being used judiciously and garnering good results. This is just another level of transparency and accountability we need in our state.

July Interim Meeting Highlights

Government Operations Committee

Government Operations had an important presentation on draft legislation to address forfeiture exemptions for water law. In that meeting, a motion was passed issuing a directive to the US Forest Service outlining our concerns with federal ground water directives and to request that they be withdrawn. Here is why:

- On May 6 of this year, the United States Forest Service published a Federal Register notice regarding a directive on Groundwater Management that would require approvals and authorizations, and directs source protection for water conservation.
- While this directive may sound benign, it in effect gives the U.S. Forest Service control of all waters that "originate, pass through, 'or are adjacent to' federal lands."
- Through this rule-making plan, our state would in fact lose control of nearly all of Utah's water because the Federal Government owns or regulates over 60% of the land in Utah, A serious threat of no small significance.
- Here is a link to the meeting. <http://le.utah.gov/asp/interim/Commit.asp?year=2014&com=SPESWD>.

Law Enforcement and Criminal Justice Committee

A very interesting and rather alarming discussion was held in the Law Enforcement and Criminal Justice meeting on the growth of gangs in Utah. For example: Motorcycle gangs in Utah have increased 300% in the past five years. The discussion included possible methods for addressing the increasing number of street gangs, motorcycle gangs, and cartels in Utah and what we can do to possibly preempt the growing problem. Here is a link to that discussion: http://utahlegislature.granicus.com/MediaPlayer.php?view_id=2&clip_id=17664&meta_id=521305.

Economic Development and Workforce Services Committee

I chair this committee. Members of our Committee listened to a report on how incentives are used to promote and encourage business expansion, relocation and retention in Utah. Here is a link to the material that our committee

reviewed. This is a very important discussion in our how we incentivize businesses to come to Utah:
<http://le.utah.gov/interim/2014/pdf/00003774.pdf>.

Natural Resources, Agriculture, and Environment Committee

A long-term strategy for improving air quality was discussed in this Committee. Bryce Bird, director for the Division of Air Quality, presented information about air quality in the state. He explained a pie chart showing that 58% of our PM2.5 is from biogenetic sources, meaning not humanly controlled, which is basically dust from the desert we live in. 9% comes from point source pollution (smoke stacks). One quarter of the PM2.5 comes from homes and buildings like schools and stores. Only 8% comes from vehicles on the road. Another point that he made clear is that no matter what happens, the general public is always going to see the inversion. This is just one negatives of living in a bowl, with lakes and desert winds, trapped by mountains.

What is Affecting Air Quality?

One problem is that with the growth of our economy comes the growth of our population. The prediction is that soon the motor vehicle population is going to double hence the need motivate people to drive less, drive smarter, and develop good travel strategies. We are making big strides in improving the areas of our air quality that we can control. However a great pending concern is that when the new EPA standards are released in the coming year, our entire state will be out of compliance with the new levels, simply because of our geographic topography. Here is a link to the meeting http://utahlegislature.granicus.com/MediaPlayer.php?view_id=2&clip_id=17660&meta_id=521324. And here is a link to the charts that went along with the presentation if you want to follow along: <http://le.utah.gov/interim/2014/pdf/00003877.pdf>.

The State of the Political Process in Utah

Here is an insightful article written by an intern for Alliance for a Better Utah, about accessibility to the political process in our state. <http://betterutah.org/2014/06/26/outside-view-politics/>. I especially appreciate and agree with her statement that, "These close relationships between advocacy groups and politicians made me realize that the political sphere is not an impenetrable space governed only by electoral interests and, well, politics, but instead one that offers real opportunities for the public's voice to be heard." One of the most enjoyable parts of my job as a Senator is that interaction with the public and the opportunity to be an advocate who can listen to the needs of the people in our state.

The Immigration Debate

Immigration is a topic on which it is easy to take sides. In reality, this issue is not one that the states should have to address at all, as it is one of the specified roles of Congress to protect and regulate our borders. However, their continued lack of action puts states in a very difficult predicament. In 2011, Utah, along with many other states, passed legislation enabling them to deal with some of the problems that were being ignored by the federal government. Last month, part of that law was struck down in court. The appeals process will determine how that court case finally plays out, but the problems states are facing still remain.

Congress Needs to Act

Congress needs to secure our borders. That seems like a simple solution, but it is nearly impossible to do because federal land, land that is owned and/or controlled by the USDA or the Department of the Interior is all too often protected by various restrictions put on those lands by the EPA or portions of the Endangered Species Act. Those protected sections of land cannot be guarded because there can be no vehicles on the land; nor can a fence or wall erected on the land. This creates holes in the boarder and not only facilitates but encourages human trafficking and illegal immigration. Additionally, the federal government needs to provide reasonable paths for legal status and employment possibilities. We have labor demands and workforce shortages that cannot be met without immigrant labor.

Letters to Congress on Immigration

- President Niederhauser and several other legislators sent a letter to our Congressional delegation delineating these problems and urging action. Here is a copy of the letter: <https://www.dropbox.com/sh/fq031eedj2uqwyy/AACn3GkDLd7P30maFYmIKS-Qa/Immigration%20Reform%20-%20GOP%20Elected-Former%20Elected%20Letter.pdf>
- Governor Herbert also sent a letter to President Obama expressing his concerns on how failed immigration policy is effecting states. <http://www.deseretnews.com/article/print/865607382/Herbert-among-6-governors-raising-concerns-over-Obamas-handling-of-border-crisis.html>.

Status on Medicaid Expansion

The Health Reform Task Force met again this month and Medicaid expansion was again, the major topic on the agenda. Some of the questions that were discussed:

- What are the latest 5 and 10 year projected savings and potential avoided costs from Medicaid's accountable care organizations and how do they compare with historical Medicaid cost trends?
- Are employers more or less likely to drop employer-sponsored coverage over the next 5 to 10 years?
- Could a reduction in employer sponsored insurance rates or an increase in the number of Medicaid enrolled individuals be used as a trigger to repeal Medicaid expansion beyond a certain amount?

As you can see, we are taking a very in-depth look at the ramifications of the decision to expand or not expand. We want to know not only how each decision would affect employees and employers, but also taxpayer funds over the long term. Here is a link to the meeting if you would like to listen:

http://utahlegislature.granicus.com/MediaPlayer.php?view_id=2&clip_id=17675&meta_id=235347.

Senator Christensen sits on the Health and Human Services Interim Committee as well as on the Task Force; here are his thoughts on an alternative method of handling Medicaid expansion in Utah:

<http://www.sltrib.com/sltrib/opinion/58147021-82/utah-federal-healthy-medicaid.html.csp>.

Good News on the Status of Utah's Economic Condition

- Year-end fiscal reports show another great year with more job creation, new construction and business expansion. <http://utahpulse.com/index.php/features/first-person/1075-another-great-year-for-economic-development>.
- Utah's unemployment rate is the lowest it has been since before the 2008 recession. And it is one of the very lowest in the nation at 3.6%. Having strong, balanced and consistent growth keeps our unemployment low and our job growth rate high!
- Salt Lake was ranked 32nd most innovative city in the U.S. <http://www.innovation-cities.com/innovation-cities-index-2014-usa/9310>.
- For the third year in a row, based on 32 factors controlled by state government, we have been named the top pro-business state! http://www.utah.gov/governor/news_media/article.html?article=10175.

Congratulations to a Great Utah WW II Veteran

I am pleased to extend my congratulations Utah resident Dean C. Larson, a World War II veteran who was recently given the rank, Knight of the Legion and awarded the prestigious French Legion of Honor for merit and bravery. During his military service he flew 33 combat missions including two bombing missions on D-Day. Here is an article on his bravery: <http://utahpolicy.com/index.php/features/featured-articles/3093-france-s-highest-distinction-to-be-awarded-to-utah-resident>.

Religious Freedom in Utah

Here are some great thoughts from Senator Reid on religious tolerance. <http://www.senatesite.com/home/reid-religious-tolerance/#more-10872>. Everyone should read this article and contemplate this important debate. An open and direct debate about religious freedom and tolerance is critical to the preservation of freedom in our state and country.

Conclusion

Well, that is it for now. I hope that this information is useful to you in keeping up with what is happening in politics and government in Utah. Remember that there are **no interim meetings in August**, so I will write my next newsletter at the end of September or early October.

Talk to you all soon!

Sincerely,

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SUBSCRIPTION NOTE:

If you would prefer not to receive these updates, please let me know and I will remove you from the list.