

General Session Update from Senator Aaron Osmond

Week 5 – February 22nd to February 28th, 2015

Dear Friends and Neighbors,

We are down to the final 2 weeks of the 2015 Session! Many of the bills that have been presented in the Senate are well on their way through the legislative process. Almost 1/3 of all the bills that have been introduced in the Senate are now either passed or over in the House waiting for action. I am very excited to see the progress of many of my own bills.

As the session starts to wind down I expect a lot more floor time and much less time spent in our committees. This means that we will spend more time debating legislation on the Senate floor. These final two weeks are the most critical and often the most challenging. I must be even more careful to pay attention to the details and to ensure that I do not miss anything or vote in favor of something with unintended future consequences. I ask for your help and support through email and voice mail to ensure I do not miss anything as I seek to represent you.

Here is a summary of last week's work and progress in the Utah State Legislature. I hope you take a few minutes to read and to understand these important topics:

Healthy Utah - Medicaid Expansion Bill (SB 164)

Expansion of Medicaid is the hot topic in our state right now. As you heard, the Senate passed a version of Healthy Utah – Medicaid Expansion known as SB 164. However, the House has made the decision not to hear the bill at all, stating that the bill will fail if put to a vote on the House floor. Personally, I am very disappointed in this decision. It took great courage in the Senate to vote on this bill. I believe that even if the votes aren't there to pass it, leadership should let the House vote their conscience. The people need to know how their elected representatives will vote on this important issue.

Ironically, as we continue to discuss this challenge in the Utah Legislature, another case is now pending before the US Supreme Court next month that could throw our plans and the Affordable Care Act into yet another legal tail spin. Here is a news article from Washington D.C. that discusses the issue with Governor Herbert: <http://www.washingtonpost.com/blogs/govbeat/wp/2015/02/21/republican-governors-worry-about-fate-of-obamacare-subsidies/>.

My Position: I want my constituents to know that I voted “NO” on the final passage of SB 164. This has caused some of you to express frustration with my vote. Here is a more detailed explanation of why I voted the way I did:

- 1) **We Didn't Create this Problem.** The Federal Government created this problem and put this burden on our state through the Affordable Health Care Act (otherwise known as Obamacare). They created this “doughnut hole” through their failure to insure nearly 100,000 Utahns under 138% of the Poverty Line. Now the Feds expect us to step up to the plate and solve it by sharing the cost with them over time.
- 2) **Our Inability to Forecast the True Cost of Expansion.** The problem with SB 164 was our inability to truly forecast what the actual cost of this expansion will be. While the bill has a \$36 million one-time fiscal note for the next 2 years, we really don't know what the true cost will be due to factors call “Crowd Out” and “Woodwork”. These terms mean that we don't know how many people will really sign up for the insurance that are eligible, and how many people who have insurance now will drop that insurance to sign up for this free program. Every other state that has expanded Medicaid has dramatically missed their forecast of the true eventual cost of the expansion. I cannot justify that risk to our state.

- 3) **Reinforcement of Obamacare.** In my view, approval of SB 164 will further entrench Obamacare in our state and make it even more difficult for our Federal Congressional Leaders to work to change or repeal this bad law over time. Obamacare is true federal encroachment and will result in more control of our state healthcare system over time. I believe that the more we embrace Obamacare, the more difficult it will become as the Feds tighten their controls over what our health care system can and cannot do.
- 4) **Difficulty to Pull Back in 2 Years.** While I liked the fact that SB 164 has a 2 year Repeal Clause, the reality is that after 2 years it will be even more politically difficult for state legislators to not renew the program (even if there is evidence that it was too expensive) because constituents receiving this benefit will have experienced coverage and will have a very powerful argument that we are leaving them and their children without coverage if we did not renew. If we think the decision is hard this year, it will be even more difficult in 2 years. I just can't justify putting myself or any future legislator in that position.
- 5) **Our Moral Obligation and Reality of Costs We Already Pay.** With that being said, I acknowledge the lack of coverage for these individuals is a very real problem. Most of these individuals are the "working poor" and many of them are single parents doing everything they can to meet the needs of their family. These individuals are not getting preventative care and wind up using our state Emergency Rooms for their health care, which is an enormous cost to all of us in the state (through taxes and through our own insurance premiums). I have struggled with the moral argument of our responsibility to help these individuals as well as the cost argument that we are already paying for this.

ACTION: I ask you to please send me your feedback via email on this issue. I have received very few emails on this topic from my actual constituents. Most of my constituents who have written me have not supported the bill. Even so, this was the most difficult vote I have ever made in the legislature and I want to know where you stand on my decision. It is possible the House could vote on this issue and send something back to the Senate for re-consideration. I want to know your thoughts. Please send me an email to: aosmond@le.utah.gov. Make sure you use the **Subject: Healthy Utah – Constituent Response.** I will be able to better recognize the email from my district and the topic to respond more quickly.

Understanding the Legislative Process – More Insights ...

As part of my ongoing theme I felt that I could provide an insider's view on how the Hill works this time of year. Last week in my letter we discussed lobbying, this week I will explain in my opinion, the best way of getting through to your Representatives or Senator (myself in this case) during the session.

Having a Voice

As your State Senator for 10th district I am always willing to talk and discuss legislation or issues that my constituents are concerned about. That being said I know that sometimes it can be difficult to get a hold of me.

Our goal is to hear the needs of those we represent and propose/ fight for what we feel will best benefit those we serve. During the session it gets very busy. This is where my legislative staff and interns can play a huge role. One reason why I provide their contact information on these newsletters is because it can prove difficult for me to personally return all the calls and emails I receive daily. I invite you to call or email anytime and if I do not get back to you I can assure you that one of my staff will.

Our priority is to provide any information and support to those I represent. Many times we receive emails that ask us to vote one way or support/oppose a certain bill. These emails are important because we use this to weigh in on how I should make a decision. Many times as legislation is discussed that week we will get hundreds of emails from all over Utah in favor or opposition to a bill. Due to how much email I receive I have my staff place a priority on responding to my constituents first.

When emailing I urge you to tell me what city or district you live in so that you can be responded to accordingly. In that email it can also help if you would be very clear that you are requesting a specific response on how I feel, or how I will vote, or other information that you are requesting.

It might also surprise you to know that many of us on the Hill welcome your emails of support or encouragement in the decisions we make as well. This helps us to prioritize what next steps we need to take as we move forward on a bill. Once again I love to hear from you and hope appreciate your continued patience as we work to respond.

Visitors on the Hill

On Friday- We honored Utah's fallen soldiers. I am always grateful for those who dedicated individuals and their families who make sacrifices for our freedoms. Here is the press release with the names of those we honored. <http://utahpoliticohub.com/wp-content/uploads/2015/02/2.27.2015Fallensoldierfamilieshonored.pdf>

Thank you to all of those who have and continue to sacrifice so much in order to keep our country safe and free. I am personally deeply grateful for those who have served, suffered, or given their lives in the service of this great country!

Major Issues and Bills Discussed

Here is a list of key issues that were discussed last week:

SB 43 – CMV Compromise Extension. This bill dealt with the Count My Vote initiative and the compromise of SB 54 that was passed last year. There is still a lot of confusion surrounding what this bill would actually have done. SB 43 would not have nullified SB 54. The only intent of the bill was to allow the Republican Party more time to organize themselves and to rewrite their by-laws to ensure they are in compliance with what needed to be done to become a qualified party. It is a matter of opinion as to how much work the Republican Party would actually need to do to become compliant, but the organizers of Count My Vote felt that allowing them more time would be a breach of the deal that we made with them last year. Additionally, they have implied that if the legislature goes back on their part of the deal, they will renew their efforts to collect signatures to put their initiative on the ballot. I made the decision that I could not support this extension. I voted against SB 43.

SJR 2 – Rights of Political Parties – Constitutional Amendment. Despite the above, I did feel it was both appropriate and necessary for the State to take the issue of whether or not the State has a right to control or determine how a private political party elects its candidates to the people. I agreed with Senator Scott Jenkins that we should take this issue to the people and propose a constitutional amendment that proposes the state may not interfere in this process, and that a qualified political party should have the sole right to determine how its candidates are elected. I voted in favor of this bill, but the bill ultimately failed to pass in the Senate.

HB 40, Title Expungement Amendments, has passed from the House with a vote of 68-3 and is now ready to move through the process in the Senate. This bill would under certain circumstances, allow an expungement of criminal record to some individuals. The intent is to reduce the rate of recidivism and help people reenter society and gain life skills through employment that they would not be able to obtain if they still had a criminal record. Here is a link to the language of the bill: <http://le.utah.gov/~2015/bills/static/HB0040.html>

SJR 17 – Magna Carta Resolution. Religious liberties and justice are among the most discussed topics in most legislative sessions. In one sense, that may be particularly fitting for this year. 2015, marks the 800th anniversary of the Magna Carta, a document believed by many to be one of the earliest and most fundamental assurances of religious liberty, freedom and the limits of the rule of law. SJR 17 is a resolution, sponsored by

Senator Howard Stephenson and co-sponsored by all 28 senators, that recognizes the anniversary of this important document. Here are Senator Stephenson's thoughts on the Magna Carta:

<http://www.senatesite.com/home/magna-carta/>

Medical Marijuana – Senator Mark Madsen is proposing a bill that would make medical use of marijuana legal in the state. Some believe that legalizing the drug is bad public policy and others believe it will be very helpful in treating various medical conditions. I am personally supportive of this concept, as the evidence shows that this medicine has had significant impact on pain reduction and even healing of symptoms. But I am interested in your thoughts before I move forward. Here are a few articles to consider in forming your opinion:

- Against: <http://www.sltrib.com/opinion/2215962-155/op-ed-medical-marijuana-is-not-sensible>
- In Support: <http://www.cityweekly.net/utah/pot-for-pain/Content?oid=2722718&showFullText=true>

Status of My Bills

Here is a summary of this week's progress on those bills I am personally sponsoring:

- **SB 33 – PUBLIC SCHOOL GRADUATION AMENDMENTS** (Status: Passed on the Senate Floor, is now on the 3rd reading in the House after being reconsidered). Requires public schools to better prepare kids for early graduation by providing an eighth grade student and the student's parent or guardian necessary information to do so. It also increases the centennial scholarship amount for students who graduate high school early to \$2,000.00.
- **SB 37 – DATA REPORTING REGARDING FRONT-LINE TEACHERS.** (Status: Passed in Committee, Waiting on 3rd Reading on Senate Floor). This bill requires the State Board of Education to report data to the Education Interim Committee on the number of true front-line teachers in each district and the amount of money we spend on those teachers. It also requires that this data be available on the Internet for public use. I have a commitment from the State Board of Education to try and address this issue in Board Rule, so I am holding this on 2nd Reading until that happens.
- **SB 38 – BEHAVIORAL TESTING AND TRACKING RESTRICTIONS.** (Status: Passed. Waiting on signatures). This bill eliminates references to behavioral testing or tracking in public schools when not related to Special Education; and makes technical changes.
- **SB 53- STATE DOMESTIC ANIMAL.** (Status: Passed in Senate. Being Held in Rules by the House – They do not want to hear the bill believing that it is a waste of time. While I understand this point, this bill was brought to the legislature by 4th graders at Day Break Elementary. It is unfortunate that the House doesn't feel that we should let them experience the full process and let the House vote on the bill). This bill designates Golden Retriever as the State Domestic Animal. This bill was inspired and created with the help of the children of Daybreak Elementary.
- **SB 54- CREDIT MONITORING FOR MINORS.** (Status: Passed in Senate. Waiting in House to be heard). This bill modifies and enacts provisions of the Consumer Credit Protection Act relating to certain minors, incapacitated adults, and protected persons, it allows for the legal guardian to place a hold or "freeze" on the minor's credit until they are 18. This is a bill that has been given significant help from the students of Carol Shackelford at Bingham High School.
- **SB 97- PROPERTY TAX EQUALIZATION AMENDMENTS .** (Status: Passed in Senate and is now in the House) This bill makes changes related to school property tax funding to ensure each school district is funded equitably for local property taxes.

- **SB 114- BOARD OF EDUCATION COMPENSATION AMENDMENTS.** (Status: Passed in Senate. Waiting in House). This bill increases compensation for State Board Members and requires a review of the compensation of members of the State Board of Education by the Executive Officer and Judicial Compensation Review Board. It requires the Legislature to consider the recommendations of the Board.
- **SB 116- PUBLIC SCHOOL DROPOUT RECOVERY.** (Passed in Senate Committee and waiting to be heard on Senate Floor for 3rd reading) This bill provides for public school dropout recovery services. It requires schools to set aside 30% of a student's funding once a student drops out, for the purposes of engaging in drop out recovery services for that student.
- **SB 117- INTERVENTIONS FOR READING DIFFICULTIES PILOT** (Status: Passed in Senate. Waiting in House). This bill creates a pilot program to provide interventions for students at risk for, or experiencing, reading difficulties, including dyslexia for students in kindergarten through grade 5 who are at risk.
- **SB 167- JUVENILE OFFENDER AMENDMENTS** (Status: Passed in the Senate. Waiting in the House). This bill adds a specific list of previous offenses and conditions to the statute that allows for the direct filing of charges against a youth in adult court, it also adds new restrictions to the serious youth offender statute. It creates guidelines for housing a minor convicted in adult court to be in a juvenile secure facility. It also requires that the court determine that a minor is knowingly and intentionally waiving counsel if they do; and sets a presumption that juveniles are not to be shackled when appearing in court unless ordered by the court.
- **SB 204- PARENTAL RIGHTS IN PUBLIC EDUCATION** (Status: Passed in Senate Committee. Waiting to be heard on Senate floor). This bill amends provisions related to certain rights of a parent or guardian of a student enrolled in a public school and provisions related to achievement tests. Amends provisions related to a parent's or guardian's right to excuse a student from attendance for certain purposes; amends provisions related to a parent's or guardian's right to excuse a student from taking certain tests; provides that an accommodation to certain rights of a parent or guardian may only be provided if the accommodation is consistent with federal law and a student's Individualized Education Plan
- **SB 223- USTAR GOVERNANCE AMENDMENTS** (Status: Passed in Senate Committee. Waiting to be heard on Senate floor). This bill modifies provisions regarding the Utah Science Technology and Research requires that prospective gubernatorial appointees to the Utah Science Technology Research Governing Authority be approved by the Senate; gives the governor authority to remove a member of the Utah Science Technology and Research Governing Authority before a member's term is completed; modifies provisions of the technology outreach innovation program; and makes technical changes.
- **SB 262- INTERGENERATIONAL POVERTY EDUCATION** (Status: Passed in Senate Committee. Waiting to be heard on Senate floor). This bill provides education funding for persons in intergenerational poverty by enacting the Intergenerational Poverty Education Act, the Income Tax for Intergenerational Poverty Education Act, and the Intergenerational Poverty Education Funding Act.

Well, that's enough for this week. Thanks again for your support; I appreciate this opportunity to serve you!

My best to you and your family,
Sincerely,

Senator Aaron Osmond
11466 Country Knoll Road

South Jordan, UT 84095
801-897-8127 Cell
aosmond@le.utah.gov
www.aaronosmond.com

Legislative Coordinator

Ian Robertson

Cell Phone: 801-888-8742 –or- 801-819-1037

Email: irobertsonslc@gmail.com

Intern Contact Information

Andrea Barney

Cell Phone: 801-636-0250

Email: abarney@le.utah.gov

SUBSCRIPTION NOTE: If you would prefer not to receive these updates, please let me know and I will remove you from the list. However, please be patient. The process to remove you from the list is manual.