

Utah Audubon Council

2012 LEGISLATIVE UPDATE

2012 General Legislative Session

Issue #1

January 27, 2012

Welcome to the 2012 LEGISLATIVE UPDATE.

This issue includes **highlights of week I**, what we can expect for the week ahead, and information for protecting wildlife programs and the environment.

About the LEGISLATIVE UPDATE

The LEGISLATIVE UPDATE contains bill updates during the session. The final issue will recap the outcomes of bills and budgets of interest and concern to Audubon Councils and members. The UPDATE is intended to be a general information resource for numerous audiences with different needs. Not all who receive the UPDATE want or need the same level of detail, but it would be very difficult to prepare separate publications for individual needs. The UPDATE provides brief summaries and the current status of the bills we are following.

PLEASE NOTE: Schedules printed in the UPDATE (when they are) are subject to change with little or no notice. To confirm printed meeting times, call House Information at 538-1029.

For the most up-to-date information check the Legislature's website www.le.utah.gov

Also check the legislative website for names and contact information of all legislators.

Action Alert:

Two bills of concern, SB 11 – DEQ Adjudicative Proceedings (Dayton) and HB 74 – Eminent Domain Amendments (Noel), will be debated in House judiciary Committee on Monday, Jan. 31 at 2:00 P.M. in House Bldg. #20. We will work to amend both. SB 21 – DEQ Boards Revisions is on the Senate floor calendar awaiting action. Contact your Senators about this bill. (See below for more information on these bills.)

Off the Hill: Scoping comments are due January 31 on the long term management plans (LTEMP EIS) for the Glen Canyon Dam, affecting Grand Canyon and the Colorado River. For information, see www.glencanyon.org.

Scoping comments are also due on the EIS for BLM's national strategy for protection of sage-grouse on February 15. Send comments to sagewest@blm.gov. For more information, see www.Blm.gov/wo/st/en/prog/more/sagegrouse.html

The LEGISLATIVE UPDATE focuses on legislative information pertaining to wildlife, sensitive species, invasive species, energy conservation, renewable energy, energy development, SITLA land management, conservation efforts, and water – especially the Great Salt Lake, Bear River development, the Lake Powell pipeline, and Snake Valley. The UPDATE will be compiled and published weekly. It will be distributed after each Friday throughout the Session. **We will also be sending out additional alerts and updates during the Session as issues arise that need quick action, or decisions are made by the Legislature that we feel you need to know about immediately.** We hope that this issue will prepare you to call and write your legislators and give you a preview of the issues that are important to you.

News of Week 1:

Floor debate on Sen. Margaret Dayton's bills SB 11 and SB 21 were the high (low?) light of week one. Confusion ensued over the companion bills, with SB 11 passing easily while SB 21 was passed, then recalled, then circled. Even veteran Lege-watchers scratched their heads.

Oddly, there are relatively few bills addressing wildlife, natural resources and environment this year. That could change – it's early – but there appear to be few bill files open that would make our tracking list.

There is also a noticeable paucity of angry message bills and resolutions this Session. Not that there's any newfound love for the feds. Yet there may be an unspoken understanding that, with a favorite son running for President, it might be best to tone it down and avoid the usual raft of loony legislation and accompanying rhetoric so as not to embarrass the State and, by extension, it's candidate of choice. We'll see how that works out.

Week One ended on news of new bills to cut taxes and to dedicate sales tax funds to water development (Lake Powell pipeline and Bear River Dam).

Budget News:

The big picture is that revenues exceed expectations for the first time since 2008 – the state has \$400 million in new (growth/surplus?) money to begin restoring budgets hard hit by the struggling economy and to address the most critical needs. While this is a small percentage of the overall \$12.9 billion budget, it's a welcomed relief after years of painful cuts.

We will advocate for improved funding for key areas including State Parks, the LeRay McAllister Critical Lands Conservation Fund, and funding for eradication and control of invasive species. We will vigorously oppose any earmarking of future growth in sales tax revenues to the Lake Powell pipeline.

Appropriations Subcommittees met all week to set base budgets for state agencies. This is mostly a formality, intended to be a back up to keep government functioning in the unlikely event of a budget stalemate (as so often happens in D.C.). The Fiscal Analyst for Natural Resources, Agriculture and Environmental Quality has recommended some relatively minor budget enhancements, mostly from restricted funds rather than from the General Fund: \$160,000 to Sovereign Lands for an information database and a management plan for the Jordan River, \$50,000 for a prairie dog barrier fence at the Parowan airport, and up to \$700,000 for big game depredation cost increases.

What's Ahead?

SB21 will be amended on the Senate floor sometime next week (we've not seen the amendments yet).

Appropriations Subcommittees will meet less frequently next week, continuing work on the next year's budget while awaiting the February revenue projections.

The last day to file bills is Thursday.

For daily updates, check out the Utah League of Women Voters website www.lwvutah.org.

Rules Committees

Senate Rules Committee:

Sen. Margaret Dayton, Chair

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Sen. Stewart Reid

screed@utahsenate.org

Sen. Pat Jones

patjones@djasurvey.com

Sen. Pete Knudson

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Sen. Ralph Okerlund

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Sen. Mark Madsen

mmadsen@utahsenate.org

Sen. Karen Mayne

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Sen. Kevin Van Tassell

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House Rules Committee:

Rep. Wayne Harper, Chair

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Rep. Ryan Wilcox, Vice Chair

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Rep. Jim Bird

jbird@utah.gov

Rep. Jack Draxler

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Rep. Neal Hendrickson

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Rep. Mike Morley

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Rep. Larry Wiley

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Rep. Bill Wright

billwright@utah.gov

Rep. John Mathis

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BILL TRACKING LIST

Priority Code: 1=High; 2=Medium; 3=Low

Issue/Bill	Sponsor	Description/Status	Priority	Position
HB 67 Stormwater Capture Amendments	Rep. Cox	Allows collection of up to 2,500 cubic feet of precipitation to be collected and used without a water right by certain commercial, mixed use or multi-family projects. Held in House Natural Resources on 1/. Prospects for passage are dim.	3	Neutral
HB 70 Air Quality Task Force	Rep. Arent	Creates a 13 member legislative task force to study and suggest changes to laws and regulations to improve air quality. Passed ...	1	Support
HB 74 Eminent Domain Amendments	Rep. Noel	Allows for the taking of property for construction of roads necessary to provide access for oil and gas exploration, development and production. Will be heard in House Judiciary Committee on Monday, 1/30, 2:00 P.M. in House Bldg. #20.	2	Neutral
HB 209 Utah Public Lands Protection Act	Rep. Cox	Prohibits the Division of Forestry, Fire and State Lands from materially changing the management or selling the five National Parks in Utah.	3	Oppose
SB 11 Department of Environmental Quality Boards Adjudicative Proceedings	Sen. Dayton	Modifies requirements and procedures for adjudicative proceedings where a party challenges and agency order relating to permits, plans or licenses. Passed Senate on 1/26. Will be heard in House Judiciary 1/30 at 2:00 P.M. UAC will work to amend.	2	Oppose
SB 12 Energy Amendments	Sen. Madsen	Authorizes electric corporations or utilities to contract to supply electric services from a renewable energy facility to a cusormer.	3	Studying
SB 15 Off-Highway Vehicles Amendments	Sen. Okerlund	Increases the cap on registration fees for snowmobiles to \$25.	3	Support
SB 21 Department of Environmental Quality Boards Provisions	Sen. Dayton	Changes the boards' composition, member's qualifications, powers, and duties. On Senate Second Reading Calendar	1	Oppose
SB 22 Definition of Wolf	Sen. Christensen	Permits hunting of up to one wolf. On Senate Second Reading Calendar.	3	Oppose
SB 33 Wildland Fire Amendments	Sen. Dayton	Makes a person liable for fire suppression costs if the person causes or spreads a wildland fire negligently, recklessly or intentionally.	3	Support
SB 134 State Water Development Commission Amendments	Sen. Dayton	Changes Commission membership by increasing the number of legislators from 8 to 13 and making non-legislative members non-voting.	3	Neutral

IMPORTANT DATES

January 23	First day of session
February 2	Last day to request bills (by noon) Last day to approve bills for numbering (by noon)
February 24	Last day for legislators to prioritize bills and other programs with fiscal impact
March 1	Last day for the Executive Appropriations Committee to complete all budget decisions necessary to draft the final appropriations bills
March 2	Bonding bill available to legislators by noon and final action taken on it by calendared closing time. Last day to pass bills with fiscal note of \$10,000 or more
March 5	Last day for a motion to reconsider previous actions Last day to consider bills from own house
March 6	General appropriations bill, supplemental appropriations bill, and school finance bill available to legislators by calendared floor time and final action taken on each bill by calendared closing time
March 8	Second supplemental appropriations bill available to legislators by calendared floor time and final action taken by noon Last day of session
March 28	Last day governor may sign or veto bills
May 7	Last day a veto-override session may begin
May 8	Normal effective date for bills First day to file bills for the 2011 General Session

KEY COMMITTEES

Executive Appropriations Committee

Sen. Lyle Hillyard, Co-Chair lhillyard@utahsenate.org
Rep. Mel Brown, Co-Chair melbrown@utah.gov
Sen. Kevin Van Tassel, Vice-Chair kvantassel@utahsenate.org
Rep. John Dougall, Vice-Chair jdougall@utah.gov
Rep. Brad Dee bdee@utah.gov
Rep. Greg Hughes greghughes@utah.gov
Sen. Scott Jenkins sjenkins@utahsenate.org
Sen. Pat Jones patjones@djasurvey.com
Rep. Brian King brianking@utah.gov
Sen. Pete Knudson pknudson@utahsenate.org
Rep. David Litvack dlitvack@utah.gov
Rep. Becky Lockhart blockhart@utah.gov
Sen. Ben McAdams bmcadams@utahsenate.org
Rep. Rhonda Menlove menlove@utah.gov
Sen. Karen Morgan kmorgan@utahsenate.org
Sen. Wayne Niederhauser wniederhauser@utahsenate.org
Sen. Ross Romero rromero@utahsenate.org
Rep. Jennifer Seelig jseelig@utah.gov
Rep. Christine Watkins cwatkins@utah.gov

Senate Natural Resources, Agriculture and Environment Standing Committee

Sen. Ralph Okerlund, Chair rockerlund@utahsenate.org
Sen. Allen Christensen achristensen@utahsenate.org
Sen. Gene Davis gdavis@utahsenate.org
Sen. Margaret Dayton mdayton@utahsenate.org
Sen. David Hinkins dhinkins@utahsenate.org
Sen. Casey Anderson coanderson@utahsenate.org

Natural Resources, Agriculture and Environmental Quality Appropriations Subcommittee

Sen. David Hinkins, Co-Chair dhinkins@utahsenate.org
Rep. John Mathis, Co-Chair jmathis@utah.gov
Rep. Keith Grover, Vice-Chair keithgrover@utah.gov
Rep. Roger Barrus rogerbarrus@utah.gov
Sen. Gene Davis gdavis@utahsenate.org
Sen. Margaret Dayton mdayton@utahsenate.org
Rep. Susan Duckworth sduckworth@utahsenate.org
Rep. Brad Galvez bgalvez@utah.gov
Rep. Mike Noel mikenoel@utah.gov
Sen. Ralph Okerlund rockerlund@utahsenate.org
Rep. Lee Perry leeperry@utah.gov
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Rep. Stephen Sandstrom ssandstrom@utah.gov
Sen. Casey Anderson coanderson@utahsenate.org
Sen. Kevin Van Tassel kvantassel@utahsenate.org
Rep. Christine Watkins cwatkins@utah.gov

House Natural Resources, Agriculture and Environment Standing Committee

Rep. Roger Barrus, Chair rogerbarrus@utah.gov
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Rep. John Mathis jmathis@utah.gov
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Rep. Mike Noel mikenoel@utah.gov
Rep. Christine Watkins cwatkins@utah.gov
Rep. Ryan Wilcox ryanwilcox@utah.gov
Rep. Douglas Sagers dougsagers@utah.gov

TALKING POINTS FOR SB 21 (Dayton) – DEQ BOARDS REVISIONS

- Members of the stakeholder group that studied possible changes to the make-up of DEQ Boards concluded that they are not broken and do not need to be “fixed”.
- This bill makes optional the position for a physician on the Air Quality Board. Air quality primarily is a public health concern, and those concerns should be represented accordingly.
- It appears that this bill shifts powers and responsibilities away from the boards and concentrates those authorities in the hands of the Executive Director. Don't most boards in the nonprofit and government sectors set their own rules and procedures within guidelines like Roberts Rules and the Governor's handbook, rather than having them set by the Executive Director? (lines 14-16, lines 218-223)
- The E. D. should not be a voting member of all these boards. This is not done in most other states.
- This bill specifies that the Executive Secretary (Division Director) nominate one person for each open position on the board for appointment by the Governor. (lines 400-401) The current and long-standing practice is that the Department sends three names to the Governor for his consideration, and it has worked well. How would this be an improvement?
- The bill eliminates a position for a member of the public. How is this good public policy?
- Reducing the number of members of the Boards can't really be expected to improve the efficiency of decision-making, but it will cede more power to fewer people and interests.
- The bill would eliminate a position for a representative of environmental interests and replace that with a representative of a “non-governmental organization”. What is the rationale for this change? NGO is not defined in the bill nor is it defined anywhere else in Utah statute. An NGO representative could be interpreted as a representative of any nonprofit or association (Utah Mining Association? Utah Manufacturing Association?).