

Utah Audubon Council

2012 LEGISLATIVE UPDATE

2012 General Legislative Session

Issue #3

February 10, 2012

Welcome to the 2012 LEGISLATIVE UPDATE.

This issue includes **highlights of week 2**, 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.

The LEGISLATIVE UPDATE focuses on legislative information pertaining to wildlife, sensitive species, invasive species, energy

Action Alert:

1st Substitute SB 21- DEQ Boards Revisions - is on the House Calendar. Contact members of NRAEQ Appropriations and ask them to prioritize \$250,000 in funding to assure that the Administrative Law Judge is independent from the department.

HB 174 (Painter) would earmark 15% of new growth in sales tax revenues to construction of the Lake Powell pipeline, beginning in FY 2016. Killing this bill is a top priority! Contact your Representatives and Senators and tell them this is bad tax policy, that Washington County has done little to conserve water, may not be capable of repaying this huge water bond, and hasn't proven a need for this \$2 billion project.

Contact members of Executive Appropriations to urge them to appropriate

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 3:

SB 21(Dayton) - DEQ Boards Revisions – passed the House NRAE, so it's on the short list of Senate bills awaiting final House action, which could happen as early as Tuesday. It was amended in the Committee to make the Executive Director a nonvoting member of the five boards (except in the case of a tie). There may be more floor amendments proposed, so stay tuned. We hope to circle the bill until funds are secured for the independent ALJ. (See the Alert section above.)

The big news of the week – the \$25 billion mortgage foreclosure settlement - has the Governor and legislators jockeying for position to spend some of the \$22.9 million in "discretionary" monies the state will receive on their favorite programs. It's not entirely clear how much of this money will be available for allocation this Session – it's guessed to be around 1/3.

Each weekly Legislative Update is posted on the website of the Great Salt Lake Audubon Council – www.greatsaltlakeaudubon.org - so tell your friends!

Budget News:

Revenue projections should become available during the week beginning 2/13 (Week 4). The appropriations subcommittees will finalize their "wish lists" or building-blocks for next year's budget (FY 13) and potential supplemental appropriations for this year's (FY 12) to present to Executive Appropriations. So, this week is a key time to influence the money decisions.

We are urging NRAEQ Appropriations to support the following budget enhancements:

State Parks and Recreation - \$2.8 million from restricted accounts; Department of Environmental Quality – \$250,000 on-going for independent Administrative Law Judges and no further budget cuts.

NRAEQ Appropriations is expected to firm up their wish list on Wednesday.

In the Executive, Courts and Corrections Appropriations Subcommittee, support is very strong for funding of \$1 million on-going and \$1 million one-time for the LeRay McAllister Critical Lands Conservation Fund, so encourage members of

Executive Appropriations to support these requests.

What's Ahead?

Of our priority "support" bills, HB 70 – Air Quality Task Force, will begin its journey through the Senate. SB 46 – Agricultural Sustainability Investment Fund – may need some public support to help get it moving through the Senate. SB 61- Invasive Species Amendments is also sitting on the Senate 2nd Reading Calendars. Both Senate bills have budget implications.

Bill files opened on the February 4th deadline continued to be filled with text. We know the intent of most of the "boxcars", but there still may be some surprises.

The plethora of states' rights bills that appeared last week will begin to be debated.

Expect to see movement on SB 78 – Sen. Valentine's bill would phase down the percentage of property tax subsidy of water rates so that those rates more accurately reflect the actual market cost of water. This would encourage water conservation efforts statewide, but especially where they are needed most – in Washington County, where property tax receipts subsidize 51% of water costs. Sure to be controversial!

Rules Committees

Senate Rules Committee:

Sen. Margaret Dayton, Chair mdayton@utahsenate.org
Sen. Stewart Reid screed@utahsenate.org
Sen. Pat Jones patjones@djasurvey.com
Sen. Pete Knudson pknudson@utahsenate.org
Sen. Ralph Okerlund rokerlund@utahsenate.org
Sen. Mark Madsen mmadsen@utahsenate.org
Sen. Karen Mayne kmayne@utahsenate.org
Sen. Kevin Van Tassell kvantassell@utahsenate.org

House Rules Committee:

Rep. Wayne Harper, Chair wharper@utah.gov
Rep. Ryan Wilcox, Vice Chair ryanwilcox@utah.gov
Rep. Jim Bird jbird@utah.gov
Rep. Jack Draxler jdraxler@utah.gov
Rep. Neal Hendrickson nhendrickson@utah.gov
Rep. Mike Morley mikemorley@utah.gov
Rep. Larry Wiley lwiley@utah.gov
Rep. Bill Wright billwright@utah.gov
Rep. John Mathis jmathis@utah.gov

So will be HB 462, which would allow the Constitutional Defense Fund to expend monies on interstate legal disputes over water.

BILL TRACKING LIST

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

Issue/Bill	Sponsor	Description/Status	Priority	Position
1 st Substitute HB 67 Stormwater Capture Amendments	Rep. Cox	The Substitute bill allows collection of up to 2,500 cubic feet of precipitation to be collected without a water right by certain commercial, mixed use or multi-family projects, but does not allow that water to be put to beneficial use, only retention for control purposes or watershed protection. In House Natural Resources.	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 House 55-16 on 2/7. In Senate Rules.	1	Support
1 st Substitute HB 74 Eminent Domain Amendments	Rep. Noel	The Substitute bill establishes notice and negotiation requirements for the taking of property by public entities and for oil and gas exploration, development and production. Passed House Judiciary Committee, on House 2 nd Reading Calendar.	2	Support
1 st Substitute HB 91 Utah Enabling Act Amendments	Rep. Sumsion	Requires the Attorney General to sue the U.S. if it fails to act upon the provisions of HCR 1 (Herrod), which still has no text but likely will call upon the federal government to cede to Utah all federal lands within the state. Appropriates \$350,000. In House Rules Committee.	2	Oppose
HB 104 Local Highway Authority Regulatory Powers	Rep. Harper	Prohibits a local government from enacting ordinances prohibiting vehicle idling and prohibiting a vehicle from being licensed as a taxicab based on the age of the vehicle. Passed House Business and Labor Standing Committee 12-2 on 2/9. On House 2 nd Reading Calendar.	2	Oppose
HB 127 Navajo Water Rights Negotiation Act	Rep. Watkins	Creates a Navajo Water Rights Negotiation Fund from which the Legislature may appropriate money to plan, design and construct drinking water projects on the Navajo Reservation lands in Utah, and appropriates \$2 million. Passed House NRAE 10-0 on 2/9. On House 3 rd Reading Calendar.	3	Support
HB 141 State Sovereignty and Rights of Set-Off	Rep. Christensen	Reaffirms state's rights and claims to compensation for the loss or wrongful withholding of its public lands or for incarcerating illegal aliens. In House Rules.	3	Oppose
HB 148 Transfer and Taxation of Public Lands Act	Rep. Ivory	No text yet.		

HB 151 Trust Lands Revisions	Rep. Noel	No text yet.		
HB 153 Diversion of Water	Rep. Briscoe	Allows the State Engineer to reinstate a lapsed exchange application for a small amount of water under certain conditions. Passed House NRAE 9-0 on 2/10. On House 3 rd Reading Calendar.	3	Support
HB 170 Water Rights Amendments	Rep. McIff	No text yet.		
HB 174 Sales and Use Tax Allocation for Water Resources Construction Fund	Rep. Painter	Earmarks 15% of new growth in the state portion of sales and use tax revenues to water development projects beginning in FY 2016. This is designed to be the financing mechanism for bond payments required for the \$2 Billion construction cost of the Lake Powell pipeline. The Fund may also be tapped in the future for projects like the Bear River Dam. In House Rules.	1	Oppose
HB 176 County Land Use Plans	Rep. Noel	Enacts a process for a county to recommend to the Legislature proposed congressional land use legislation concerning federal land use within the county. In House Rules.	3	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. Assigned to House NRAE Standing Committee.	3	Oppose
HB 320 Utility Facility Siting	Rep. Sagers	Makes technical amendments to the statute.	3	Neutral
HB 330 Subsurface Geothermal Energy Amendments	Rep. Noel	No text yet.		
HB 340 State Land Use Planning	Rep. Herrod	No text yet.		
HB 348 Hazardous Waste Amendments	Rep. Menlove	Defines demilitarization waste and establishes a fee for disposal of this waste. Passed NRAE 7-0 on 2/10. On House 3 rd Reading Calendar.	3	Studying
HB 351 Opt Out of Executive Order on White House Rural Council	Rep. Ivory	Requires a state department or agency to report to NRAE Interim Committee before implementing any directive from the White House Rural Council. In House Rules.	3	Studying
HB 367 Trust Lands Amendments	Rep. Noel	No text yet.		
HB 368 Abandonment of Forfeiture of Water Rights	Rep. Galvez	No text yet.		
HB 369 Adjudication of Water Rights	Rep. Briscoe	No text yet.		
HB 380 Off Highway Vehicle Changes	Rep. Noel	No text yet.		
HB 382 Constitutional Defense Fund – Posting of Public Information	Rep. Ivory	No text yet.		
HB 398 Allocation of School Trust Funds	Rep. Herrod	No text yet.		

HB 457 Eminent Domain Amendments	Rep. Last	No text yet.		
HB 462 Constitutional Defense Fund	Rep. Briscoe	No text yet.		
HB 485 Water Rights Forfeiture	Rep. Wilcox	Adds minor requirements for a change application for a water right subject to a federal contract under a federal water project with a water users association or district. In House Rules.	3	Neutral
HB 486 Water and Irrigation Amendments	Rep. Hendrickson	No text yet.		
HB 505 Agriculture Code Amendments	Rep. Galvez	No text yet.		
HCR1 Letter to Federal Government	Rep. Herrod	No text yet.		
HCR 9 Resolution Recognizing the 75 th Anniversary of Ducks Unlimited	Rep. Oda	Self-explanatory. Passed House NRAE. On House Consent Calendar.	3	Support
HCR 12 Resolution Urging Congress to Transfer Navajo Trust Fund Monies	Rep. Noel	No text yet.		
HJR 3 Resolution on Federal Transfer of Public Lands	Rep. Barrus	No text yet.		
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. Passed House 73-0 on 2/1.	2	Oppose
1 st Substitute SB 12 Energy Amendments	Sen. Madsen	Authorizes electric corporations or utilities to contract to supply electric services from a renewable energy facility to a customer. Passed Senate Public Utilities Committee 5-0 on 2/8. On Senate 2 nd Reading Calendar.	3	Neutral
1 st Substitute SB 15 Off-Highway Vehicles Amendments	Sen. Okerlund	Creates a Utah Highway Patrol Aero Bureau Restricted Account, raises OHV registration fee from \$17 to \$20 and snowmobile registration fee up to \$25, and alters the expenditures of registration fees. Passed Senate, Passed House.	3	Oppose
1 st Substitute SB 21 Department of Environmental Quality Boards Provisions	Sen. Dayton	Changes the boards' composition, member's qualifications, powers, and duties. The Substitute bill specifies when the transition for each of the boards to new membership and rules takes place. Amended on the floor to assure that each board has a representative of an environmental organization. Passed Senate 23-6 on 2/6. Amended (and passed 9-1 on 2/8) in House NRAE, removing the vote of the Executive Director on each board except to break a tie. On House Calendar.	1	Oppose

SB 22 Definition of Wolf	Sen. Christensen	Permits hunting of up to one wolf. Circled on Senate Second Reading Calendar.	3	Oppose
1 st Substitute SB 33 Trespassing on State Lands	Sen. Dayton	Makes it a Class B Misdemeanor to camp on State Sovereign Lands for more than 15 consecutive days or leave a boat at the same location for more than 72 hours. Passed Senate, passed House 52-19 on 2/8.	2	Oppose
SB 38 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. Passed Senate, passed House 69-1 on 2/8.	3	Support
SB 46 Agricultural Sustainability Act	Sen. Jenkins	Requires counties to create an Agricultural Sustainability Investment Fund and deposit into it rollback property tax revenues. Empowers a committee to plan for agricultural land conservation and expend funds for agricultural conservation easements. Passed Senate NRAE Committee 6-0 on 1/31. Circled on Senate 2 nd Reading Calendar.	1	Support
SB 61 Invasive Species Amendments	Sen. Okerlund	Allows expenditures for projects to rehabilitate lands harmed by invasive species. Appropriates \$1 million. On Senate 2 nd Reading Calendar.	1	Support
SB 65 Alternative Energy Development Tax Credits	Sen. Adams	No text yet.		
SB 77 Surface Owner Protection Act	Sen. Van Tassell	No text yet.		
SB 78 Water Conservancy District Amendments	Sen. Valentine	No text yet.		
SB 86 Agriculture Protection Amendments	Sen. Bramble	Establishes procedures for removing land from agricultural protection areas. In Senate Rules.	3	Neutral
SB 87 Predator Control Funding	Sen. Hinkins	No text yet.		
SB 94 Electric Power Facility Amendments	Sen. Bramble	Enacts language related to an interlocal entity that provides replacement project capacity. Assigned to Senate Revenue and Taxation.		Studying
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. Passed Senate 2 nd Reading 26-0, on Senate 3 rd Reading Calendar.	3	Neutral
SB 245 Coyote Bounty Program	Sen. Okerlund	No text yet.		
SB 247 Conservation District Amendments	Sen. Hinkins	No text yet.		
SB 262 State Park Contracting	Sen. Hinkins	No text yet.		

SCR 7 Resolution Approving the Inter-local Agreement Creating the Jordan River Commission	Sen. Osmund	No text yet.		

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
Rep. Mel Brown, Co-Chair
Sen. Kevin Van Tassel, Vice-Chair
Rep. John Dougall, Vice-Chair
Rep. Brad Dee

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Natural Resources, Agriculture and Environmental Quality
Appropriations Subcommittee

Sen. David Hinkins, Co-Chair
Rep. John Mathis, Co-Chair
Rep. Keith Grover, Vice-Chair
Rep. Roger Barrus
Sen. Gene Davis

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Rep. Brian King
Sen. Pete Knudson
Rep. David Litvack
Rep. Becky Lockhart
Sen. Ben McAdams
Rep. Rhonda Menlove
Sen. Karen Morgan
Sen. Wayne Niederhauser
Sen. Ross Romero
Rep. Jennifer Seelig
Rep. Christine Watkins

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Rep. Brad Galvez
Rep. Mike Noel
Sen. Ralph Okerlund
Rep. Lee Perry
Rep. Dixon Pitcher
Rep. Stephen Sandstrom
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Sen. Allen Christensen
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Rep. Stephen Sandstrom, Vice-Chair
Rep. Joel Briscoe
Rep. Mel Brown
Rep. Brad Dee
Rep. Jack Draxler
Rep. Patrick Painter
Rep. Brad Galvez
Rep. Neal Hendrickson
Rep. John Mathis
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