

Utah Audubon Council

2012 LEGISLATIVE UPDATE

2012 General Legislative Session

Issue #4

February 17, 2012

Welcome to the 2012 LEGISLATIVE UPDATE.

This issue includes **highlights of week 4**, 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:

SB 78 (Valentine) emerged late last week and will be heard in Senate Rev & Tax on Tuesday morning (2/21). This bill would take away the property-taxing authority of urban water districts, forcing them to charge market rates for water rather than subsidizing low rates and high use.

Urge your Senators to support SB 78!

HB 174 (Painter), which would earmark 15% of new growth in sales tax revenues to construction of the Lake Powell pipeline beginning in FY 2016, was voted out of House NRAE. 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

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 4:

1st Substitute SB 21(Dayton) - DEQ Boards Revisions – passed the House and is now just concurrence votes away from heading to the Governor’s desk. Our proposed amendments were defeated on the floor. We did help secure funding for ALJs to hear protests over DEQ permits and licenses through the budget process. Thanks to all of you who contacted legislators – we’re told that they received lots of messages opposing SB 21.

Surprisingly, there’s been no movement on the wolf or coyote bills. A new Predator Control Restricted Account would be created under SB 87, which is assigned to committee but hasn’t appeared on an agenda yet.

1st Substitute HB 176 (Noel) would give the Legislature more say in counties’ land use plans. This is basically designed to make it more difficult to forge compromises and enact plans that include wilderness designations (like the Washington County plan brokered by Sen. Bob Bennett that set aside some wilderness in that County two years ago). It will be debated on the floor this week.

Budget News:

Appropriations Subcommittees completed their work on the FY 12 and 13 budgets. The Executive Appropriations Committee will adopt the new revenue projections on Tuesday 2/2, and will hear the budget from the NRAEQ Appropriations Subcommittee either Wednesday or Thursday. The final prioritization of NRAEQ Appropriations for one-time money included:

- 1) DWR De-listing of wolves - \$300,000
- 2) DEQ ALJs - \$150,000
- 3) Office of Energy Development - \$750,000
- 4) DWR Ogden Bay flooding issues - \$750,000
- 5) Sugarhouse Park Trails - \$150,000
- 6) Navajo Water Rights Settlement - \$2 million

Department of Environmental Quality had sought \$250,000 in on-going for independent Administrative Law Judges and no further budget cuts, but the NRAEQ shorted the ALJ funds and cut the equivalent of two positions. The Committee also included in their proposed budget \$2.8 million for State Parks and Recreation and \$1 million on-going for invasive species.

The LeRay McAllister Critical Lands Conservation Fund was prioritized high on the list of the Executive, Courts and Corrections Appropriations

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

Subcommittee, so we are hopeful that it will receive between \$1 million and \$2 million when the budgets are finalized for the Session.

What's Ahead?

We expect SB 78 will clear committee on Tuesday and head to the Senate floor, but it may have rough sledding ahead as water districts will fight hard to keep their property tax authority. Amendments to phase out the tax and allow water rates to rise more slowly are possible. But with enough pressure from the public, this bill could pass, and at the least trigger a long-overdue and much needed statewide debate on water usage, market-driven rates and needed water conservation policies.

Rep. Briscoe's HB 462, which would allow the Constitutional Defense Fund to expend monies on interstate legal disputes over water, may also get a Committee hearing this week.

The schedule for the week includes more hours of floor time (4-5 hours/day). Appropriations committees won't be meeting again and this is likely the last week for Standing committees as well.

The House NRAE Committee agenda for Tuesday sports a heady concoction of anti-federal rhetoric-laden resolutions and unconstitutional bills. Tune in – if that's your cup of tea (party)!

It's not too early to begin thinking of what you would like to see studied during the post-Session

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

Interim Study meetings. Please forward me your suggestions!

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, Agriculture and Environment Standing Committee.	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 67-0 on 2/16. In Senate Rules.	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. Will be heard in House NRAE Committee Tuesday 2/21.	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. 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. 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. Passed House Judiciary Committee 10-0 on 2/14. On House 2 nd Reading Calendar.	3	Oppose
HB 148 Transfer and Taxation of Public Lands Act	Rep. Ivory	Requires the U.S. to transfer title of all public lands to Utah by 12/31/14. The Constitutional Note states this bill		

		has "a high probability of being declared unconstitutional". In House NRAE Committee 2/21.		
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. 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. Passed House Revenue and Taxation Committee 9-5 on 2/17. On House 2 nd Reading Calendar.	1	Oppose
1 st Substitute HB 176 County Land Use Plans	Rep. Noel	Enacts a process for a county to recommend to the Legislature proposed congressional wilderness or other land use legislation concerning federal land use within the county. Allows Legislature to voice its approval or disapproval of county plans to Congress. Passed House Revenue and Taxation Committee 8-2 on 2/16. On House 2 nd Reading Calendar.	2	Oppose
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. On House NRAE Standing Committee agenda for 2/16.	3	Oppose
HB 320 Utility Facility Siting	Rep. Sagers	Makes technical amendments to the statute. Assigned to House Public Utilities and Technology Standing Committee.	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 347 Utah State Parks Management Amendments	Rep. Ipson	No text yet, but reportedly would transfer management of Snow Canyon S.P. to Washington County.		
HB 348 Hazardous Waste Amendments	Rep. Menlove	Defines demilitarization waste and establishes a fee for disposal of this waste. On House 3 rd Reading Calendar.	3	Support
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. Sent to House	3	Studying

		NRAE.		
HB 367 Trust Lands Amendments	Rep. Noel	Makes minor changes to SITLA Board and administrative duties. In House Rules.	3	Neutral
HB 368 Abandonment of Forfeiture of Water Rights	Rep. Galvez	Clarifies provisions regarding the required time frames of nonuse that determines a claim of forfeiture by the State Engineer. Assigned to House NRAE Standing Committee.	3	Studying
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	Requires the Federalism Subcommittee of the Constitutional Defense Council to post certain information to a website. In House Rules.	3	Neutral
HB 457 Eminent Domain Amendments	Rep. Last	No text yet.		
HB 462 Constitutional Defense Fund	Rep. Briscoe	Allows the Constitutional Defense Council to spend funds from its Restricted Account to assert, defend or litigate an interstate dispute over use or ownership of water. Assigned to House Public Utilities and Technology.	2	Support
1 st Substitute 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. Passed House 66-0 on 2/17. In Senate Rules.	3	Neutral
HB 486 Water and Irrigation Amendments	Rep. Hendrickson	Requires the State Engineer to make rules regarding waste water reuse and requires a wholesale electrical cooperative to forecast the need for water to produce power and the economic viability of the project to produce said power. Sent to House NRAE Standing Committee.	3	Support
HB 505 Agriculture Code Amendments	Rep. Galvez	No text yet.		
HCR1 Letter to Federal Government	Rep. Herrod	Demands that the U.S. dispose of its public lands and cede control of them to Utah. Will be heard in House NRAE on 2/21.		
HCR 9 Resolution Recognizing the 75 th Anniversary of Ducks Unlimited	Rep. Oda	Self-explanatory. Passed House 72-1 on 2/13. Assigned to Senate Natural Resources.	3	Support
HCR 12 Resolution Urging Congress to Transfer Navajo Trust Fund Monies	Rep. Noel	Urges Congress to quickly pass legislation to establish a new management structure to protect the ability of Utah Navajo residents of San Juan County to receive the benefits of the Navajo Trust Fund monies. In House Rules.	3	Support
HJR 3 Resolution on Federal Transfer of Public Lands	Rep. Barrus	Demands that the federal government transfer title of all public lands to Utah. Will be heard in House NRAE on 2/13.	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, passed House 73-0.	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 29-0 on 2/17. In House Rules.	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. Passed House 52-18 on 2/15. Circled on Senate Concurrence Calendar.	1	Oppose
SB 22 Definition of Wolf	Sen. Christensen	Permits licensed hunting of wolves. 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.	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.	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.	1	Support

		Passed Senate 29-0 on 2/17. In House Rules.		
SB 65 Alternative Energy Development Tax Credits	Sen. Adams	Enacts alternative energy development tax credits and sales tax exemptions for renewable, nuclear, oil shale, tar sands, pet coke, coal to liquids, and other energy developments.	3	Neutral
SB 77 Surface Owner Protection Act	Sen. Van Tassell	No text yet.		
SB 78 Water Conservancy District Amendments	Sen. Valentine	Requires water conservancy districts in urban counties to repeal property taxes and prohibits them from using property tax revenue as security for bonds. In Senate Revenue and Taxation Standing Committee on Tuesday, 2/21.	1	Support
SB 86 Agriculture Protection Amendments	Sen. Bramble	Establishes procedures for removing land from agricultural protection areas. Passed Senate NRAE 4-0 on 2/15. On Senate 2 nd Reading Calendar.	3	Neutral
SB 87 Predator Control Funding	Sen. Hinkins	Imposes a \$5 fee on big game hunting permits to be deposited into a new Predator Control Restricted Account. Assigned to Senate NRAE Standing Committee.		
SB 94 Electric Power Facility Amendments	Sen. Bramble	Enacts language related to an inter-local entity that provides replacement project capacity. Passed Senate Business and Labor Committee 7-1 on 2/17. On Senate 2 nd Reading Calendar.		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 25-0 on 2/13. Sent to House NRAE Standing Committee.	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 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
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House Natural Resources, Agriculture and Environment
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Rep. Douglas Sagers dougsagers@utah.gov