

Utah Audubon Council

2012 LEGISLATIVE UPDATE

2012 General Legislative Session

Issue #5

February 24, 2012

Welcome to the 2012 LEGISLATIVE UPDATE.

This issue includes **highlights of week 5**, 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 conservation, renewable energy, energy development, SITLA land management, conservation efforts, and water – especially the Great

Action Alert:

The Lake Powell pipeline bill - HB 174 - will be debated on the House floor, maybe as early as Monday. Contact your Representatives tell them to vote NO! This bill is bad tax policy that will hurt a wide range of state programs and services like Higher Ed, Social Services and Public Safety.

HB 70, the Air Quality Task Force bill, is still in Senate Rules. Contact Senate Rules members to let them know you support this bill and would like to see it sent to committee this week and receive priority for funding.

HB 462 would allow funds that are normally spent on lawsuits against the feds over RS 2477 "roads" to be spent on interstate water disputes, like the one with Nevada over the Las Vegas pipeline. Urge your Representatives to support HB 462!

SCR 10, a resolution supporting the controversial ski lift between The Canyons and Solitude ski resorts, goes to committee Monday morning. Contact Senators if you have concerns about this resolution.

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:

Senator Valentine substituted SB 78 (which would have stripped water districts of their property-taxing authority), sending the issue to Interim Study. While this will create a forum for a long-overdue and much needed statewide debate on water usage, market-driven rates and water conservation policies, it's disappointing that the issue wasn't given a chance to move forward this Session. The water districts spread the unfair and inaccurate assertion that opponents of the Lake Powell pipeline who supported SB 78 were just anti-growth, which may have eroded support for the bill.

Somewhat surprisingly, Rep. Briscoe's HB 462, which would allow the Constitutional Defense Fund to expend monies on interstate legal disputes over water, passed Committee and will be debated on the House floor next week.

Briscoe was the lone "no" vote in the House NRAE Standing Committee against the anti-federal government/give us back our lands bills. The Legislature seems intent upon spending up to \$3 million in a losing legal battle.

A new Predator Control Restricted Account would be created under SB 87, which will be heard in Senate NRAE committee on Tuesday. Let me

Budget News:

The Executive Appropriations Committee adopted the new revenue projections on Tuesday 2/2. The news was mixed, but the changes from earlier estimates were quite small (0.1%). The February projections for the General Fund – compared to the pre-Session projections - were up an additional \$14.2 million for FY 12 and up \$18.6 million for FY 13. The Education Fund was down \$16.3 for the two fiscal years combined.

The EAC also heard and approved the budgets of the various Appropriations Subcommittees last week.

The plan is to finish budget prioritizations and begin writing of the appropriations acts early (it's usually done by staff over the last weekend before the end of the Session).

know what you think of this proposal
(stevegerickson@gmail.com).

What's Ahead?

Wednesday is the last day that Standing Committees will meet, so it will be all floor time beginning Thursday until the Session ends. Only a handful of bills that haven't been heard in a committee (those that are critical or have very strong support) will reach the floor. Most committee agendas Monday through Wednesday will be packed.

It is likely that the House will "wipe the board" at the end of the day Friday, sending all bills on the 3rd Reading Calendar back to the Rules Committee. This means that during the last four-day week, the Rules Committee will prioritize bills and send them to the floor in batches each day. So Rules becomes very important during the last days and control much of the flow of business. Getting your bill "out of Rules" – or keeping bills you don't like bottled up in Rules – becomes a major focus of the final days.

Requests for issues to be studied during the post-Session Interim Study meetings are due on Friday, March 2. Please forward me your suggestions! (stevegerickson@gmail.com)

Rules Committees

Senate Rules Committee:

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

House Rules Committee:

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

Please Note: New legislative emails!

Remember to check out or subscribe to the League of Women Voters alerts for timely information on what's happening!

BILL TRACKING LIST

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

Issue/Bill	Sponsor	Description/Status	Priority	Position
3 rd 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. Passed House Natural Resources, Agriculture and Environment Standing Committee 7-0 on 2/22. On House 3 rd Reading Calendar.	3	Support
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 Senate Government Operations Committee 4-0 on 2/23. On Senate 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 calls upon the federal government to cede to Utah all federal lands within the state. Appropriates \$350,000. Passed House NRAE Committee 10-1 on 2/21. On House 3 rd Reading Calendar.	2	Oppose
1 st Substitute HB 104 Local Highway Authority Regulatory Powers	Rep. Harper	Original bill prohibited a highway authority (or 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. The substitute improved the bill by allowing such an ordinance but prohibited issuance of citations until after a three warnings. Passed House 42-2 on 2/24. In Senate Rules.	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 70-0 on 2/21. In Senate Rules.	3	Support
HB 141 State Sovereignty and Rights of	Rep.	Reaffirms state's rights and claims to compensation for	3	Oppose

Set-Off	Christensen	the loss or wrongful withholding of its public lands or for incarcerating illegal aliens. Passed House 69-0 on 2/24. In Senate Rules.		
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.	3	Oppose
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. On House 3 rd Reading Calendar, likely will be debated Monday 2/27.	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 3 rd 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. Held in 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. Passed House 72-0 on 2/23. In Senate Rules.	2	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. Will be heard in House NRAE on Monday, 2/27.	3	Oppose
HB 367 Trust Lands Amendments	Rep. Noel	Makes minor changes to SITLA Board and administrative duties. On House NRAE agenda for 2/27.	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. Passed House NRAE Standing Committee 10-0 on 2/23. On House Concurrence Calendar.	3	Support
HB 369 Adjudication of Water Rights	Rep. Briscoe	Makes changes to procedures involving water rights claims and determinations. In House Rules.	3	Support
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 Government Operations Standing Committee on 2/27.	3	Neutral
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. Passed House Public Utilities and Technology 5-2 on 2/22. On House 3 rd Reading Calendar.	1	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, passed Senate NRAE 5-0 on 2/22. On Senate 2 nd Reading Calendar.	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. Passed House NRAE Standing Committee 9-0 on 2/23. On House Concurrence Calendar.	3	Support
HB 505 Agriculture Code Amendments	Rep. Galvez	Permits issuance of grants and loans for control and eradication of noxious weeds, permits use of Rangeland	3	Support

		Improvement Account for administrative costs, makes it a class B misdemeanor to allow a swine to run free, and addresses prevention, control and eradication of animal diseases. In House NRAE Standing Committee on 2/27.		
HCR1 Letter to Federal Government	Rep. Herrod	Demands that the U.S. government dispose of its public lands and cede control of them to Utah. Passed House NRAE 10-1 on 2/21. On House 3 rd Reading Calendar.	3	Oppose
HCR 9 Resolution Recognizing the 75 th Anniversary of Ducks Unlimited	Rep. Oda	Self-explanatory. Passed House 72-1 on 2/13. Passed Senate Natural Resources 4-0 on 2/22. On Senate Concurrence Calendar.	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 NRAE Committee on 2/27.	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. Passed House NRAE 10-1 on 2/13. On House 3 rd Reading Calendar.	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.	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, in House NRAE Standing Committee on 2/27.	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	1	Oppose

		House.		
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. 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. Passed Senate 29-0 on 2/17. In House Rules.	1	Support
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. Passed Senate 2 nd Reading 26-0. On Senate 3 rd Reading Calendar.	3	Neutral
SB 77 Surface Owner Protection Act	Sen. Van Tassell	No text yet.		
1 st Substitute SB 78 Water Conservancy District Amendments	Sen. Valentine	Original bill required water conservancy districts in urban counties to repeal property taxes and prohibited them from using property tax revenue as security for bonds. Substituted by the sponsor in Senate Revenue and Taxation Standing Committee on Tuesday, 2/21. The Substitute requires the Revenue and Taxation Interim Committee to study the proper allocation of water costs to the rate structure charged to water customers. Passed Committee, passed Senate 27-0 on 2/24.	1	Support
SB 86 Agriculture Protection Amendments	Sen. Bramble	Establishes procedures for removing land from agricultural protection areas. Passed Senate 2 nd Reading 21-7 on 2/22. Circled on Senate 3 rd 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. Passed Senate NRAE Standing Committee 6-0 on 2/22. On Senate 2 nd Reading Calendar.	3	Studying
SB 94 Electric Power Facility Amendments	Sen. Bramble	Enacts language related to an inter-local entity that provides replacement project capacity. Passed Senate 23-4 on 2/24. In House Rules.	3	Neutral
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. Passed House NRAE Standing Committee 9-0 on 2/23.	3	Neutral
SB 245 Coyote Bounty Program	Sen. Okerlund	No text yet.		
SB 247 Conservation District Amendments	Sen. Hinkins	Requires that the State Auditor establish a training curriculum and conduct trainings for Conservation Districts boards of supervisors. In Senate NRAE Standing Committee on 2/28.	3	Neutral
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.		
SCR 10 Resolution Supporting Utah's Interconnected Ski and Snowboard Industry	Sen. Niederhauser	Expresses support for The Canyons Resort's proposal to construct a ski lift into Big Cottonwood Canyon (a "low-impact" "inter-resort transportation system"). In Senate Workforce Services and Community and Economic Development Standing Committee on 2/27.	3	Oppose

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@le.utah.gov
Rep. Mel Brown, Co-Chair melbrown@utah.gov
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Rep. Christine Watkins cwatkins@utah.gov

Senate Natural Resources, Agriculture and Environment Standing Committee

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Sen. Gene Davis gdavis@le.utah.gov
Sen. Margaret Dayton mdayton@le.utah.gov
Sen. David Hinkins dhinkins@le.utah.gov
Sen. Casey Anderson coanderson@le.utah.gov

Natural Resources, Agriculture and Environmental Quality Appropriations Subcommittee

Sen. David Hinkins, Co-Chair dhinkins@le.utah.gov
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House Natural Resources, Agriculture and Environment Standing Committee

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