

Utah Audubon Council

2012 LEGISLATIVE UPDATE

2012 General Legislative Session

Issue #7

March 8, 2012

Welcome to the 2012 LEGISLATIVE UPDATE.

This issue includes **highlights of week 7**, 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:

For veto alerts, see What's Next section below.

Off the Hill: The BLM will hold public hearings on its planning process for future oil shale and tar sands development in the West. A hearing is scheduled for Tuesday, March 13, 7:00-9:30 PM at the Grand America Hotel in Salt Lake City. Contact petricka@ourcolorado.org for more information.

The BLM has extended until March 23 the comment period on scoping for the EIS on sage grouse conservation. For more information, see www.blm/wo/st/en/prog/more/sagegrouse.html.

March 23 is also the expected date for the decision of the Nevada State Engineer on the SNWA water rights applications in four east-central Nevada valleys.

Expect any day now to see the release of the final draft of the State's Comprehensive Management Plan for the Great Salt Lake.

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 6:

The signature win of the session for conservationists was the defeat of HB 174 – the bill to finance the Lake Powell pipeline. While it’s an important victory, rest assured it will be back in future years in some form or another.

Another success was HB 462 (Rep. Briscoe), the bill to allow the Constitutional Defense Fund to expend monies on interstate legal disputes over water, which passed the House and the Senate unanimously!

Rep. Patrice Arent, the sponsor of HB 70, made a last day deal to combine the Air Quality Task Force into the Economic Development Task Force. While not an ideal arrangement, at least some of the issues of cleaning up our urban air quality will be addressed.

Budget News:

Some of the final days decisions on the budget not previously reported in this Update include:

The Legislature did wind up funding invasive species control with a \$1 million appropriation.

Despite passage of several bills setting up a legal fight with the federal government over public lands ownership, no funds were specifically set aside for this purpose.

They did, however, fund the Coyote Bounty (predator control) to the tune of \$750,000 in on-going money, despite the fact that the science doesn’t support killing coyotes in order to protect deer herds.

No funding was forthcoming for the LeRay McAllister open space preservation fund.

What's Ahead?

Several environmental organizations are calling on Governor Herbert to veto SB 21 (DEQ Boards), HB 141 and HB 148 (the "take back our lands" bills), and HB 104 (the anti-idling bill). Email gherbert@utah.gov or call 801-538-1000. The Governor has until March 28 to decide whether or not to veto bills.

The Master Study Resolution (SJR 3) includes all issues that the Legislature may study during the Interim before the 2013 General Session. Interim Study meetings are usually held on the third Wednesday of each month, May through November (though they generally take August off).

SB 78 (Sen. Valentine), which will be studied because it is required statutorily. Other potential study items of interest include: interbasin groundwater transfers, trail user fee permits, trust lands issues, impacts of transitioning away from coal-fired power generation, emissions inventory, air quality issues, changes to a water right, and animal rights.

The Interim period is a good time to learn

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
Rep. Mike Morley mikemorley@le.utah.gov
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!

about and get involved in the legislative process, as bills are being developed in a more relaxed atmosphere. Stay engaged!

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. Failed.	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. HB 70 failed, but its intent was folded into the Economic Development Task Force, which passed, so there will be at least some discussion of ways to improve air quality, especially as it impacts economic development efforts.	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 and enrolled.	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. Failed.	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. Passed Senate 27-0 on 3/7, but was amended to allow cities to enact idling ordinances while restricting their enforcement on private property. Enrolled.	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	3	Support

		Navajo Reservation lands in Utah, and appropriates \$2 million. Passed House. Passed Senate 23-1 on 3/8. Enrolled.		
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. Passed Senate 22-0. Enrolled.	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". Passed House 61-14 on 2/29. Passed Senate 21-6. Enrolled.	3	Oppose
HB 151 Trust Lands Revisions	Rep. Noel	No text.		
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 71-0 on 2/24. Passed Senate 26-0 on 3/6. Enrolled.	3	Support
HB 170 Water Rights Amendments	Rep. McIff	No text.		
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. Failed.	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, passed Senate 25-2 on 3/7. Enrolled.	2	Oppose
3 rd Substitute HB 187 Agricultural Operation Interference	Rep. Mathis	Makes it a crime to record an image or sound of an agricultural operation. The 3 rd Substitute changed the bill substantially, restricting the crime of agricultural interference to obtaining employment at the ag operation under false pretenses and recording. Recording an ag operation while not on the private property was dropped as a criminal offense. Passed House, passed Senate 24-5	3	Oppose

		on 3/7. Enrolled.		
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. Failed.	3	Oppose
HB 320 Utility Facility Siting	Rep. Sagers	Makes technical amendments to the statute. Passed House. Failed.	3	Neutral
HB 330 Subsurface Geothermal Energy Amendments	Rep. Noel	No text.		
HB 340 State Land Use Planning	Rep. Herrod	No text.		
HB 347 Utah State Parks Management Amendments	Rep. Ipson	No text.		
1 st Substitute HB 348 Hazardous Waste Amendments	Rep. Menlove	Defines demilitarization waste and establishes a fee for disposal of this waste. Passed House. Passed Senate. Enrolled.	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. Passed House 56-16 on 3/2. Failed.	3	Oppose
HB 367 Trust Lands Amendments	Rep. Noel	Makes minor changes to SITLA Board and administrative duties. Passed House 66-0 on 3/2. Passed Senate 22-6 on 3/8.	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. Failed.	3	Support
HB 369 Adjudication of Water Rights	Rep. Briscoe	Makes changes to procedures involving water rights claims and determinations. Passed House 65-0 on 3/2. Failed.	3	Support
HB 380 Off Highway Vehicle Changes	Rep. Noel	No text.		
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. Passed House 72-0 on 3/1. Failed.	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 69-0 on 3/2. Passed Senate 27-0 on 3/8. Enrolled.	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	3	Neutral

		water project with a water users association or district. Passed House, passed Senate. Enrolled.		
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. Failed.	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 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. Passed House 71-0 on 3/1. Passed Senate 27-0 on 3/8. Enrolled.	3	Support
1 st Substitute HB 511 Eminent Domain of Federal Land	Rep. Sumsion	Authorizes a political subdivision of the state to exercise eminent domain on federal lands. Failed.	3	Oppose
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 53-21 on 2/29. Failed.	3	Oppose
HCR 9 Resolution Recognizing the 75 th Anniversary of Ducks Unlimited	Rep. Oda	Self-explanatory. Passed House. Passed Senate. Enrolled.	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. Passed House 71-0 on 3/5, passed Senate 27-0 on 3/8. Enrolled.	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. Passed Senate 20-7 on 3/7.	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. Enrolled.	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, passed House. Enrolled.	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	3	Oppose

		snowmobile registration fee up to \$25, and alters the expenditures of registration fees. Passed Senate. Passed House.		
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. Enrolled.	1	Oppose
SB 22 Definition of Wolf	Sen. Christensen	Permits licensed hunting of wolves. Failed.	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. Enrolled.	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. Enrolled.	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. Failed.	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. Passed House 70-0 on 3/8. Enrolled.	1	Support
3 rd Substitute 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 28-0 on 2/29. Passed House 71-0 on 3/8. Enrolled.	3	Neutral
SB 77 Surface Owner Protection Act	Sen. Van Tassell	Requires the Board of Oil, Gas and Mining to establish rules relating to unreasonable surface land owner losses and damages and to establish rights and responsibilities of surface land owners or owners of oil and gas operations. Passed Senate 26-0 on 3/5, passed House 72-0 on 3/7. Enrolled.	3	Support

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 Senate, passed House. Enrolled.	1	Support
2 nd Substitute SB 86 Agriculture Protection Amendments	Sen. Bramble	Establishes procedures for removing land from agricultural protection areas. Failed.	3	Neutral
1 st Substitute 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. Appropriates \$600,000 to the Division of Wildlife Resources. Passed Senate. Passed House 63-2 on 3/8. Enrolled.	2	Oppose
SB 94 Electric Power Facility Amendments	Sen. Bramble	Enacts language related to an inter-local entity that provides replacement project capacity. (This is known as the IPP bill.) Passed Senate 23-4 on 2/24. Passed House 67-0 on 3/6.	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. Enrolled.	3	Neutral
1 st substitute SB 245 Mule Deer Protection Act	Sen. Okerlund	Requires DWR to reduce and control coyote populations. Appropriates \$500,000 to DWR and \$250,000 to the Dept. of Agriculture. Passed Senate 23-5 on 3/5, passed House 62-7 on 3/8. Enrolled.	2	Oppose
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. Passed Senate, passed House 73-0 on 3/8.	3	Neutral
SB 262 State Park Contracting	Sen. Hinkins	No text.		
SCR 7 Resolution Approving the Inter-local Agreement Creating the Jordan River Commission	Sen. Osmund	Approves the state's participation in the Interlocal Cooperative Agreement establishing the Jordan River Commission. Passed Senate 25-0 on 3/5, passed House 48-26 on 3/8. Enrolled.	3	Support
1 st Substitute SCR 10 Resolution	Sen.	Expresses support for The Canyons Resort's proposal to	3	Oppose

Supporting Utah's Interconnected Ski and Snowboard Industry	Niederhauser	construct a gondola into Big Cottonwood Canyon (a "low-impact" "inter-resort transportation system"). Passed Senate 22-7 on 3/2, passed House 58-16 on 3/6. Enrolled.		
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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
Sen. Kevin Van Tassel, Vice-Chair kvantassel@le.utah.gov
Rep. John Dougall, Vice-Chair jdougall@utah.gov
Rep. Brad Dee bdee@utah.gov
Rep. Greg Hughes greghughes@utah.gov
Sen. Scott Jenkins sjenkins@le.utah.gov
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Rep. Brian King brianking@utah.gov
Sen. Pete Knudson pknudson@le.utah.gov
Rep. David Litvack dlitvack@utah.gov
Rep. Becky Lockhart blockhart@utah.gov
Sen. Ben McAdams bmcadams@le.utah.gov
Rep. Rhonda Menlove menlove@utah.gov
Sen. Karen Morgan kmorgan@le.utah.gov
Sen. Wayne Niederhauser wniederhauser@le.utah.gov
Sen. Ross Romero rromero@le.utahs.gov
Rep. Jennifer Seelig jseelig@utah.gov
Rep. Christine Watkins cwatkins@utah.gov

Senate Natural Resources, Agriculture and Environment
Standing Committee

Natural Resources, Agriculture and Environmental Quality Appropriations Subcommittee

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

House Natural Resources, Agriculture and Environment
Standing Committee

Sen. Ralph Okerlund, Chair
Sen. Allen Christensen
Sen. Gene Davis
Sen. Margaret Dayton
Sen. David Hinkins
Sen. Casey Anderson

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