

UTAH CONSERVATION COMMUNITY

LEGISLATIVE UPDATE

2014 General Legislative Session

Issue #2

February 7, 2014

Welcome to the 2014 Legislative Update

This issue includes highlights of week two, what we can expect in the week ahead, and information for protecting wildlife and the environment. Please direct any questions or comments to Steve Erickson: erickson.steve1@comcast.net.

About the Legislative Update

The Legislative Update is made possible by the **Utah Audubon Council** and contributing organizations. Each Update provides bill and budget item descriptions and status updates throughout the Session, as well as important Session dates and key committees. For the most up-to-date information and the names and contact information for all legislators, check the Legislature's website at www.le.utah.gov. The Legislative Update focuses on legislative information pertaining to wildlife, sensitive and invasive species, public lands, state parks, SITLA land management, energy development, renewable energy and conservation, and water issues. The Update will be distributed after each Friday of the Session. We may also send out additional Action Alerts during the Session as issues arise that need quick action. We hope each Update

issue will prepare you to call, email or tweet your legislators with your opinions and concerns!

ACTION ALERT!

Contact NRAEQ Appropriations Subcommittee members to **urge their support** for \$400,000 for the Integrated Water Resource Management Model for the Great Salt Lake, \$106,000 for monitoring wells in Snake Valley, \$300,000 for phragmites eradication, and to oppose funding for litigation over listing of Sage Grouse as an Endangered Species.

It's also important that legislators continue to hear from constituents that Air Quality is a top priority and Utahns expect concrete and substantive actions be taken this Session!

Phone messages can be left for legislators with staff:
House: 801-538-1029 Senate: 801-538-1035

News of Week One

All House air quality bills being held in the House Rules Committee, and according to our sources, will be released all at once in order to make a media splash. (The Senate is proceeding with air quality bills in the normal course of business.) There's been no indication yet when those House bills will be sent to standing committees for review, which is causing some concerns that this strategy could create a log-jam of legislation.

The Senate NRAE Standing Committee reviewed SB 164 (Davis) - which would repeal the statute that prohibits making Utah air quality standards more stringent than the federal rules – but held it over for further review. A similar bill being prepared by Rep. Edwards reportedly has been endorsed by industry and DEQ. It won't repeal the statute, as SB 164 would, but would provide a process for creating tougher air quality rules. Text of the bill should be available next week.

Wildlife bills reviewed and passed so far have been non-controversial. The controversial stream access and public trust bills (HB 37 and HB 49, respectively) are still in Rules. Water bills have been slow to move.

Budget News

Appropriations Subcommittees completed reviews on agencies' Base Budgets for FY 2015 and the individual appropriations bills were passed on Wednesday. The appropriations subcommittees commenced review of "Building Block" requests for additional funds (both one-time and on-going), but the time frame for review is greatly compressed – they have until this Thursday (2/13) to finalize their recommendations for building blocks in priority order.

The key requests for new money in NRAEQ Appropriations are: \$400,000 for the Integrated Water Resource Management Model for the Great Salt Lake, \$106,000 for continued monitoring, data collection and maintenance of the wells in Snake Valley (which help to bolster our case against the Las Vegas pipeline), \$300,000 for phragmites eradication, and \$300,000 for a Jordan River management plan. We will work to support these requests (see the Action Alert, above).

The Public Lands Policy Coordination Office is asking for \$1,075,000 to litigate against listing of Sage Grouse as an Endangered Species. The listing decision will not be made until September, 2015.

What's Ahead

The pace of work on bills should pick up substantially this coming week, as Standing Committees will meet more frequently. Appropriations Subcommittees are set to meet and finalize priorities Tuesday and Thursday – it's not clear if they will meet again this Session. The Executive Appropriations Committee isn't scheduled to meet until the week of the 17th, when the new revenue projections are anticipated to be released.

Dozens of new bill requests were made prior to the filing deadline last Thursday (2/6), including 20 that deal with the public lands – and the proposed State take-over of the federal lands in Utah. Another 18 new measures pertain to air quality.

Watch for news this week that Great Basin Water Network and allies are filing suit against the Department of Interior over the BLM decision granting a right-of-way for the Southern Nevada Water Authority pipeline.

Rules Committees

Senate Rules Committee:

Sen. John Valentine, Chair	jvalentine@le.utah.gov
Sen. Stuart Reid	screid@le.utah.gov
Sen. Pat Jones	patjones@djasurvey.com
Sen. Pete Knudson	pknudson@le.utah.gov
Sen. Todd Weiler	tweiler@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:

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Rep. Val Peterson	vpeterson@le.utah.gov
Rep. Larry Wiley	larrywiley@hotmail.com
Rep. Brian King	briansking@le.utah.gov

BILL TRACKING LIST

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

Bill	Sponsor	Description/Status	Priority	Position
HB 13 Rural Waste Disposal	Rep. Menlove	Allows a person to bury nonhazardous waste on the person's property if no waste disposal service is available. Passed House 74-0. On Senate 2 nd Reading Calendar.	3	Support
HB 19 Electric Vehicle Battery Charging Service Amendments	Rep. Arent	Changes the statute to allow commercial electricity resale at charging stations. In House Rules Committee.	2	Support
HB 28 Wildlife License Expiration Amendments	Rep. Noel	Allows the Wildlife Board to set the terms and expiration dates for hunting and fishing licenses. Passed House 72-0, on Senate 2 nd Reading Calendar.	3	Support
HB 29 County Recorder Index Amendments	Rep. Webb	Requires County Recorders to index deeds filed after May 13, 2014 listing the water right number associated with that property. Passed House Political Subdivisions Standing Committee 9-0, on Senate 2 nd Reading Calendar.	3	Support
HB 31 Pollution Control Amendments	Rep. Wilcox	Cleans up the statute pertaining to sales tax exemptions for pollution control equipment and facilities. In House Rules.	2	Support
HB 37 Public Waters Access Act	Rep. Pitcher	Allows public access to waters and streams at or below the ordinary high water mark for boating, fishing, swimming, and wading. Allows reasonable portage across private property to avoid obstructions in the waterway. In House Rules.	1	Support

1 st Substitute HB 38 Resource Stewardship Amendments	Rep. Arent	Requires the Governor to appoint a director of resource stewardship within the Department of Administrative Services to work with State agencies to implement best practices and stewardship efforts. In House Rules.	3	Support
HB 41 Clean Fuel School Buses and Infrastructure	Rep. Handy	Appropriates \$14 million for replacing high-emissions school buses. In House Rules.	2	Support
HB 49 Water Rights Change Applications	Rep. McIff	Modifies the procedures for a change application filed on water rights held by water companies (shareholder change applications). In House NRAE Committee.		Studying
HB 55 Income Tax Credit for Purchase of a Transit Pass	Rep. Poulson	Enacts an individual income tax credit for the purchase of a transit pass. In House Rules.	2	Support
HB 57 Animal Shelter Amendments	Rep. Romero	Authorizes an animal shelter to euthanize an animal by use of carbon monoxide in limited circumstances. Passed House 61-8 on 2/5. Passed Senate NRAE, on Senate 2 nd Reading Calendar.	3	Support
HB 61 Clean Air Programs	Rep. Arent	Modifies the process for DEQ to make loans or grants for a buyback/exchange incentive program and expands the eligible vehicles and equipment that may replace higher polluting vehicles and equipment. Appropriates \$200,000 to DEQ for the grant/loan pool. In House Rules.	2	Support
HB 67 Political Subdivision Jurisdiction Amendments	Rep. Roberts	Authorizes and indemnifies the chief executive officer of a political subdivision or county sheriff to exercise jurisdiction over federally managed national monuments and recreation areas. Expands statute passed in 2013 that covered BLM and Forest Service lands to include USFWS and NPS lands. In House NRAE Standing Committee.	2	Oppose

HB 68 Protection of State Park Resources	Rep. Pitcher	Prohibits an individual from damaging or removing any geological site, feature or formation or any property or resource of the Division of Parks and Recreation, provides a method of calculating the value of these resources, authorizes cost recovery, and sets criminal penalties. Held in House NRAE Standing Committee on 2/4, at 2:00.	2	Support
HB 74 Energy Efficient Vehicle Tax Credits	Rep. Snow	Creates a state income tax credit for the purchase or lease of a new electric, plug-in electric hybrid, or CNG vehicle. In House Rules.	2	Support
HB 86 Utah Energy Infrastructure Authority Act Amendments	Rep. Barrus	Addresses the purposes for which a bond may be issued under the Act. In House Rules.		Studying
HB 110 Renewable Energy Amendments	Rep. Powell	Authorizes a municipality or county to qualify as a contract customer of a utility to receive renewable energy. In House Rules.		Studying
HB 120 Continuing Education on Federalism	Rep. Ivory	Requires the Commission on Federalism to develop a curriculum and require all state employed attorneys to attend a seminar on federalism at least once every two years. In House Rules.	3	Oppose
HB 210 Sales and Use Taxes for Transportation Amendments	Rep. Briscoe	Authorizes local governments to increase the sales tax rate for public transit.	2	Support
HB 233 Public Trust Obligations and Water Rights Protections	Rep. McIff	Limits the scope and use of the public trust doctrine in Utah. Clarifies that a water right is a property right that cannot be taken for public use without just compensation.	1	Oppose

		In House Rules.		
HB 225 Primary Law Enforcement Duties for Sheriffs	Rep. Ray	Enacts language designating the county sheriff as the primary law enforcement authority of state law on federal lands. Passed House NRAE 12-0. On House 3 rd Reading Calendar.	3	Studying
1 st Substitute HB 261 Domestic Horse Disposal	Rep. Anderegg	Allows the owner of farm animals to bury dead animals on his property. Requires Utah State University to conduct a study on the disposal of dead horses. Passed House NRAE Standing 12-0 on 2/6.	3	Support
HB 271 Motor Vehicle Emissions	Rep. Perry	Makes a second citation for violation of vehicle emissions standards a Class B Misdemeanor. In House Rules.	3	Neutral
HB 288 Division of Wildlife Amendments	Rep. Noel	Requires the Wildlife Board to set the terms and expiration dates for hunting and fishing licenses, allowing for multi-year license purchases. In House NRAE Standing Comm.	3	Support
HB 293 Government Immunity Wildlife Waiver Amendments	Rep. McKell	Provides that governmental immunity is not waived if an injury is incurred due to actions of a wild animal. In House Rules.	3	Support
HB 293 Government Immunity Wildlife Amendments	Rep. McKell	Provides that the government is immune from lawsuit for injuries that arise from actions by a wild animal. In House NRAE Standing Committee.	2	Support
HB 298 Water Conveyance Facility Amendments	Rep. Moss	Exempts small ditch companies from the requirement to have a management plan. In House NRAE Standing Committee.	3	Neutral
HCR 4 Recognizing the 20 th Anniversary of SITLA	Rep. Brown	Honors the 20 th anniversary of the State Institutional Trust Lands Administration for increasing value of the Permanent School Fund. In House Rules.	3	Neutral
HJR 16 Assessment of Land Subject to Con-	Rep. Pitcher	Urges the Legislature to pass a statute to assess lands put into conservation easements as agriculture lands. In	3	Studying

servation Easement		House Rules.		
Trust Lands Amendments	Rep. Arent	No text available yet.		
License to Harvest Road Kill	Rep. Pitcher	Abandoned.		
Contingency Plan for Federal Facilities – Long Term	Rep. Liffert	No text yet.		
Governmental Immunity for Trust Lands Administration	Rep. Ivory	No text yet.		
Joint Resolution on State’s Water Rights	Rep. Ivory	No text yet.		
Joint Resolution on the Sovereign Character of PILT	Rep. Ivory	No text yet.		
State Enforcement of Federal Constitution Requirement	Rep. Nielson	No text yet.		
Utah Wilderness Act	Rep. Handy	No text yet.		
Joint Resolution on Wilderness Amendments	Rep. Handy	No text yet.		
Interstate Compact on Transfer of Public Lands	Rep. Stratton	No text yet.		

Federal Lands Acquisition Amendments	Rep. Noel	No text yet.		
Federal Land Exchange and Sale Amendments	Rep. Noel	No text yet.		
Sovereign Lands Management Account Amendments	Rep. McKell	No text yet.		
Commission for Stewardship of Public Lands	Rep. Stratton	No text yet		
Distribution of Revenue from Sale of Public Lands	Rep. Hutchings	No text yet.		
Joint Resolution on Federal Lands Sale Revenues Distribution	Rep. Hutchings	No text yet.		
Concurrent Resolution on Transfer of Public Lands Act	Rep. Noel	No text yet.		
Concurrent Resolution on School and Institutional Trust Lands Administration	Rep Noel	No text yet.		
Government Immunity for Trust Lands Administration	Rep. Ivory	No text yet.		

Amendments to Procedures for Surface Leases	Rep. McKell	No text yet.		
State Transportation Plan for Dixie National Forest	Rep. Noel	No text yet.		
Natural Resources Amendments	Rep. McIff	No text yet.		
Inherent Risk of Recreational Activities Amendments	Rep. Stratton	No text yet.		
Off Highway Vehicle Amendments	Rep. Noel	No text yet.		
Pipelines and Hazardous Materials	Rep. Handy	No text yet.		
Water Reuse Amendments	Rep. Ivory	No text yet.		
Canal Safety Amendments	Rep. Johnny Anderson	No text yet.		
Air Quality Amendments	Rep. Redd	No text yet.		
Joint Resolution Endorsing Tier III Standards for Air Quality	Rep. Arent	No text yet.		
Joint Resolution Supporting a Plan to	Rep. Briscoe	No text yet. (will support the State Implementation Plan on air quality)		

Meet the Clean Air Act's Air Quality Standards				
Wood Burning Stove Conversions	Rep. Arent	No text yet.		
Wood Burning Amendments	Rep. Arent	No text yet.		
Air Quality Revisions	Rep. Edwards	No text yet. (will allow Utah to set pollution standards more stringent than EPA standards)		
Emissions Reduction Incentive Program	Rep. Kennedy	No text yet.		
Air Emissions Amendments	Rep. Hemingway	No text yet.		
Amendments to Air Quality	Rep. Briscoe	No text yet.		
Clean Fuel Amendments and Rebates	Rep. Handy	No text yet.		
House Resolution on Clean Burning Renewable Fuels	Rep. Johnny Anderson	No text yet.		
Joint Resolution Supporting State Plan to Meet the Clean Air Act's Air Quality Standards	Rep. Briscoe	No text yet.		

Medical Waste Incineration Amendments	Rep. Edwards	No text yet.		
SB 17 Water and Irrigation Amendments	Sen. Dayton	Expands the State Engineer's powers to enforce actions against violators of laws requiring stream alteration permits, including ordering repair or restoration of illegally altered streambeds. Requires assignments of unperfected water rights be recorded with the County Recorder. Makes technical changes to the State Engineer's duties to divide and distribute water. Passed Senate 26-0 on 1/29. In House Rules.	3	Support
SB 26 Air Conservation Act Reauthorization	Sen. Jenkins	Reauthorizes the Air Conservation Act until July 1, 2019. Passed Senate 27-0 on 1/28. In House Rules.	3	Support
SB 99 Natural Gas State Vehicle Requirements	Sen. Jenkins	Requires that 50% of State vehicles used for the transportation of passengers are fueled by natural gas no later than July 1, 2018. In House Rules.	2	Support
First Substitute SB 112 Game Fowl Fighting Amendments	Sen. Davis	Makes it a 3 rd Degree Felony to own and train game fowl to engage in fighting with another game fowl and a Class B Misdemeanor to attend a cock fight. Passed Senate Judiciary, Law Enforcement and Criminal Justice Standing Committee 5-1. On Senate 2 nd Reading Calendar.	2	Support
SB 114 Canal Safety Act	Sen. Davis	Requires a canal owner to assess the level of risk of canal failure at least every five years, determine the need for repairs or improvements, and if the canal is "high risk", prepare a remediation plan. The Division of Water Resources shall keep a list of high risk canals and require repairs and improvements be done. Remediation plans are	3	Studying

		not subject to GRAMA. Will be heard in Senate NRAE Standing Committee on 2/4 at 2:00.		
SB 120 Animal Shelter Vaccine Amendments	Sen. Jenkins	Allows non-veterinarian staff of an animal shelter to administer rabies vaccines. In Senate Business and Labor Standing Committee.	3	Support
SB 139 Transportation Funding Revisions	Sen. Harper	Increases registration fees for clean fuel cars.	3	Oppose
SB 164 Environmental Protection Amendments	Sen. Davis	Repeals provisions prohibiting the Division of Air Quality from adopting pollution rules that more stringent than the federal rules. Held in Senate NRAE Standing Committee.	1	Support
SB 165 Trial Hunting License	Sen. Okerlund	Creates a trial hunting license for youth 12 years of age or older, and under certain circumstances, allows a youth to hunt without obtaining a hunter education certificate if accompanied by a qualified adult. Passed Senate NRAE Standing Committee. On Senate 2 nd Reading Calendar.	3	Support
SB 166 Energy Amendments	Sen. Madsen	Amends the definition of a renewable energy facility. Passed Senate 2 nd Reading 22-3 on 2/7. On Senate 3 rd Reading Calendar.	3	Studying
SCR 4 Concurrent Resolution on Wildlife Enhancement	Sen. Christensen	Supports hunting and outdoor economies, commends efforts to ensure healthy habitats and abundant herds, and encourages promotion of Utah outdoor recreation and tourism. Will be heard in Senate NRAE Standing Committee 2/4 at 2:00.	3	Support
SJR 14 Resolution on Protection of Greater Canyonlands	Sen. Dabakis	Urges Congress and the President to protect the Greater Canyonlands region as a natural, undeveloped area for the recreational use and enjoyment of all. In Senate Rules.	2	Support
Environmental Defense Fund	Sen. Hinkins	No text yet. (Discussion of a draft of the bill during Interim Study revealed the bill would create a fund to hire	1	Oppose

		lawyers, scientists and consultants to defend Utah's interests in energy development against ESA listings.		
Joint Resolution on Water Rights and Ski Resorts	Sen. Van Tassel	Abandoned.		
Joint Resolution on Grazing Lands	Sen. Van Tassel	No text yet.		
Ride-share Program Tax Incentive	Rep. Weiler	No text yet.		
Groundwater Quality Amendments	Sen. Bramble	No text yet.		
Air Quality Amendments	Sen. Weiler	No text yet (will address Stericycle issue).		
Energy Use Amendments	Sen. Bramble	No text yet.		
Wildfire Prevention Amendments	Sen. Vickers	No text yet.		
Concurrent Resolution on Comprehensive Statewide Wildland Fire Prevention, Preparedness and Suppression Strategy	Sen. Vickers	No text yet.		
Tax Incentives to Generate Energy from Waste	Sen. Adams	No text yet.		
Agricultural	Sen. Okerlund	No text yet.		

Environmental Amendments				
Concurrent Resolution Recognizing Canyonlands National Park's 50 th Anniversary	Sen. Hinkins	No text yet.		
Hunting Licenses for Combat Veterans	Sen. Osmond	No text yet.		
Invasive Species Mitigation Amendments	Sen. Vickers	No text yet.		
Medical Waste Incineration Prohibition	Sen. Weiler	No text yet.		
Water Jurisdiction Amendments	Sen. Dayton	No text yet.		
Water Rights Amendments	Sen. Dayton	No text yet.		
Air Quality Amendments	Sen. Weiler	No text yet.		
Air Quality Rules and Penalties	Sen. Robles	No text yet.		
Concurrent Resolution Concerning Proposed Greenhouse Gas Emission Standards	Sen. Hinkins	No text yet.		

IMPORTANT DATES

- January 27 **First day of session**
- February 6 Last day to request bills (by noon)
Last day to approve bills for numbering (by noon)
- February 28 Last day for legislators to prioritize bills and other programs with fiscal impact
- March 6 Last day for the Executive Appropriations Committee to complete all budget decisions necessary to draft the final appropriations bills
- March 7 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 10 Last day for a motion to reconsider previous actions
Last day to consider bills from own house
- March 11 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 13 Second supplemental appropriations bill available to legislators by calendared floor time and final action taken by noon
- Last day of session**
- April 2 Last day governor may sign or veto bills
- May 12 Last day a veto-override session may begin

May 13

Normal effective date for bills

First day to file bills for the 2014 General Session

Executive Appropriations Committee

Sen. Lyle Hillyard, Co-Chair lhillyard@le.utah.gov
 Rep. Mel Brown, Co-Chair melbrown@le.utah.gov
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 Sen. Evan Vickers evickers@le.utah.gov
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Natural Resources, Agriculture and Environmental Quality Appropriations Subcommittee

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