

# UTAH CONSERVATION COMMUNITY

## LEGISLATIVE UPDATE

2015 General Legislative Session

Issue #2

February 7, 2015

### Welcome to the 2015 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](mailto: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](http://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 your Senator and urge passage of SB 87 (see Week 2 News below).

Contact members of the NRAE Appropriations Subcommittee and urge them to resist spending funds out of the Sovereign Lands Restricted Account for unrelated pet projects like lobbying and lawsuits against the federal government. (See Budget News, below.) There are funds requested to address needs that directly relate to the health of our lakes and rivers, and the monies in the SLRA should be spent on those first, and other projects should pursue General Fund appropriations instead.

The Prison Relocation Commission planned for 2/6 was postponed until 2/27, so there's still plenty of time to contact members with your concerns about site selection.

Plan to attend the big rally against the "Great Public Lands Gamble" on Monday, 3/2, 4:30 pm at the Capitol Rotunda.

## News of the Second Week (# Two)

Several Air Quality bills progressed, most notably SB 87 (Davis) Environmental Protection Amendments. This is an important bill to address our air pollution problems, but it faces an uphill fight in the Senate due to industry opposition. A companion effort in the House (HB 226 – see Bill Tracking List below) will also need our support there. Other bills addressing air quality that advanced: Substitute House Bills 15, 17, 31, 49, and 110.

SB 105 (Dabakis) Public Lands Act Amendments, requiring the state to sue the feds to resolve public lands ownership, was amended and moved to the Senate floor.

Non-controversial water bills moved ahead, while some big battles over water law still loom (e.g. HB 25, HB 43). Other controversial water bills (HB 47, HB 108, and SB 126) are likely to go unheard all Session and be sent to further study.

## Budget News

The Fiscal Analyst for the NRAE Appropriations Committee recommended new funding for the Bear River Conservation Plan, Bear Lake access and law enforcement, Jordan River bank stabilization, navigational hazards removal, and catastrophic wildfire reduction efforts. However, he did not prioritize a number of budget requests from the Governor and the Division of Forestry, Fire and State Lands, including money for marina dredging on the Great Salt Lake (\$1 m.) and Utah Lake (\$500,000), Phragmites removal on the GSL (\$300,000), Spatial Data for the Wetlands on the GSL

(\$240,000), \$12,000 for salinity sampling relating to the GSL RR Causeway breach, and \$50,000 to finish a study of the effectiveness of phragmites grazing. *Please consider contacting NRAE members to urge funding these priorities.*

On Tuesday, 2/10, NRAE Appropriations will hear over two dozen requests from legislators for new projects funding, many of which could reduce funding for FFSL programs. Since the Sovereign Lands Restricted Account is funded by revenues from economic activities on the Great Salt Lake, we believe those revenues should be used to address the issues and concerns directly related to the GSL and other state lands first.

The Infrastructure the Division of Wildlife Resources is seeking \$2.5 million for a new building to replace the Farmington Bay Nature Center.

*Appropriations Subcommittees are expected to vote on their recommendations for building block funding by Friday, so it's important they hear from constituents this week!*

## What's Ahead

The pace of business will pick up with more floor time scheduled (11:00 to 12:00 and 2:00 to 3:30). There should be some movement starting this week on the key issues facing legislators this Session (Medicaid, Criminal Justice Reform and Prison Relocation, and Transportation funding).

## Rules Committees

### Senate Rules Committee:

Sen. Kevin Van Tassell, Chair [kvantassell@le.utah.gov](mailto:kvantassell@le.utah.gov)  
Sen. Deidre Henderson [dhenderson@le.utah.gov](mailto:dhenderson@le.utah.gov)  
Sen. Mark Madsen [mmadsen@le.utah.gov](mailto:mmadsen@le.utah.gov)  
Sen. Karen Mayne [kmayne@le.utah.gov](mailto:kmayne@le.utah.gov)  
Sen. Jim Dabakis [jdabakis@le.utah.gov](mailto:jdabakis@le.utah.gov)  
Sen. Pete Knudson [pknudson@le.utah.gov](mailto:pknudson@le.utah.gov)  
Sen. Todd Weiler, Vice-Chair [tweiler@le.utah.gov](mailto:tweiler@le.utah.gov)  
Sen. David Hinkins [dhinkins@le.utah.gov](mailto:dhinkins@le.utah.gov)  
Sen. Steve Urquhart [surquhart@le.utah.gov](mailto:surquhart@le.utah.gov)

### House Rules Committee:

Rep. Mike Noel, Chair [mikenoel@le.utah.gov](mailto:mikenoel@le.utah.gov)  
Rep. Jon Cox, Vice-Chair [jcox@le.utah.gov](mailto:jcox@le.utah.gov)  
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Rep. Carol Spackman-Moss [csmoss@le.utah.gov](mailto:csmoss@le.utah.gov)  
Rep. Mike Schultz [mikeschultz@le.utah.gov](mailto:mikeschultz@le.utah.gov)

## BILL TRACKING LIST

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

<b>Bill</b>	<b>Sponsor</b>	<b>Description/Status</b>	<b>Priority</b>	<b>Position</b>
Substitute HB 15 Clean Fuel Amendments and Rebates	Rep. Handy	The Substitute bill creates the Conversion to Alternative Fuel Grant Program, extends the credit for eligible vehicles and adds commercial vehicles, tractors and other vehicles to the eligible list. Passed House NRAE 9-1-4 on 2/4. On House 3 <sup>rd</sup> Reading Calendar.	2	Support
Substitute HB 17 Motor Vehicle Emissions	Rep. Perry	Amends the visible contaminant standard for certain diesel engines and sets fines of \$50 for a first violation and \$100 for a second violation within 3 years. Passed House 61-9-5 on 1/29. On Senate 2 <sup>nd</sup> Reading Calendar.	3	Support
HB 25 Water Law – Applications Revisions	Rep. Snow	Authorizes the State Engineer to determine whether a change application would impair another water right. Places upon the applicant the burden of proof that the proposed change will not result in a quantity impairment. In House Rules Committee.	2	Support
Substitute HB 31 Natural Gas Amendments	Rep. Handy	Increases civil penalties for violations of rules and orders pertaining to intrastate pipeline transmission and requires an inspection plan. Passed House, passed Senate 19-5-5 on 2/5.	3	Support
HB 43 Water Rights - Change Application Amendments	Rep. McIff	Modifies the procedures for a change application filed on water rights held by water companies (shareholder change applications). Requires affected parties to mediate issues before administrative review or litigation. In House Rules.	2	Support

HB 44 Surface Leases Procedure Amendments	Rep. McKell	Prohibits a lease to construct a highway over sovereign lakebed lands (Utah Lake). On House Consent Calendar.	1	Support
HB 47 Protection of Water Rights	Rep. McIff	Limits the public trust obligations and declares certain water rights as private property rights protected by the Utah Constitution. In House Rules.	1	Oppose
Substitute HB 49 Clean Fuel School Buses and Infrastructure	Rep. Handy	Provides a one-time appropriation of \$20 million for replacing or retrofitting older, high-emissions school buses with new clean fuel buses or engines. On House 3 <sup>rd</sup> Reading Calendar.	2	Support
HB 58 Water Law – Change Application Amendments	Rep. Grover	Requires that a person applying for a change to a water right be a holder of an approved but unperfected water right, an owner of a perfected water right, or a shareholder in a water company. In House Rules.	3	Support
HB 59 Agriculture Modifications	Rep. McKell	Regulates the killing of feral swine and prohibits the release of swine for hunting purposes. Circled on House 3 <sup>rd</sup> Reading Calendar.	2	Support
HB 78 Generator Site Access Permits Amendments	Rep. Dee	Modifies the criteria under which the director of the Department of Environmental Quality may grant a generator of radioactive material a site access permit. Passed House. On Senate Consent Calendar.	3	Support
HB 95 Extension of Tax Credits for Energy Efficient Vehicles	Rep. Snow	Extends the credit through 2016. In House Revenue and Taxation Standing Committee.	2	Support
HB 102 Agriculture Tourism	Rep. Perry	States that a participant in an agriculture tourism activity may not make a claim against or recover damages from an operator for injury resulting from inherent risk or failure to exercise reasonable care. In House NRAE.	3	Studying

HB 108 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
Substitute HB 110 Motor Vehicle Emissions Amendments	Rep. Arent	Provides authority to the Division of Motor Vehicles to revoke a vehicle's registration if notified by a county health department that the vehicle is not in compliance with air emissions standards. Passed House Transportation Standing Committee 12-0-1 on 2/6. On House 3 <sup>rd</sup> Reading Calendar.	2	Support
HB 132 Interstate Compact on Public Lands Transfers	Rep. Stratton	Adds financing provisions to the Interstate Compact. Passed House NRAE 10-0-4 on 2/3. On House 3 <sup>rd</sup> Reading Calendar.	2	Oppose
Third Substitute HB 140 Sovereign Lands Around Bear Lake	Rep. Webb	Modifies requirements of the Division of Forestry, Fire and State Lands to issue permits to launch and retrieve boats on Bear Lake. Passed House NRAE 10-0-4, on House 3 <sup>rd</sup> Reading Calendar.	3	Neutral
HB 161 Utah Revised Non Profit Corporation Amendments	Rep. McIff	Allows for the transfer of water shares in a mutual benefit corporation. In House Rules.	3	Studying
HB 169 Home Energy Rating Index Score Disclosure	Rep. Powell	Requires that new residential buildings have a home energy efficiency score available for the buyer. In House Rules.	3	Support
HB 196 Wildfire Mitigation Amendments	Rep. Briscoe	Provides a tax credit for wildfire mitigation efforts by land owners. In House Revenue and Taxation Committee.	3	Support

HB 212 Wildland Fire Liability Amendments	Rep. Wheatley	Allows a person to use certain ammunition on state lands if granted limited permission by the Director of Forestry, Fire and State Lands. In House NRAE.	3	Studying
HB 223 Little Sahara State Park Designation	Rep. Eliason	Authorizes the Division of Parks and Recreation to enter into an agreement with the BLM to use Little Sahara as a State Park and seek a land transfer or lease. Also would designate the Rockwell Outstanding Natural Area as the Bill Orton State Wilderness Area. In House Rules.	3	Studying
HB 225 Goblin Valley State Park Expansion	Rep. Eliason	Requires the Division of Parks and Recreation to seek to expand Goblin Valley SP by entering into a transfer or lease agreement with BLM. In House Rules.	2	Studying
HB 226 Air Quality Revisions	Rep. Edwards	Allows Utah to create state-specific rules to achieve EPA air quality standards by eliminating existing statutory language prohibiting standards more stringent than those of EPA. In House Rules.	1	Support
HB 229 Air Quality Modifications	Rep. Edwards	Modifies provisions related to asbestos testing, equipment and worker certification, fees provisions, and other technical changes. In House Rules.	2	Support
HB 265 Tire Fee Amendments	Rep. Chavez-Houck	Increases the tire recycling fee to raise \$1.5 million to fund the Division of Air Quality CARROT program (Clean Air Retrofit, Replacement and Off-Road Technology). In House Rules.	2	Support
HB 256 Amendments to Powers and Duties of State Parks	Rep. Powell	States the Division of Parks and Recreation permit of multiple uses of state parks includes camping. In House Rules.	3	Support
Clean Air Amendments	Rep. Cutler	No text yet.		

Wild Horse and Burro Stewardship Act	Rep. McKell	No text yet.		
Concurrent Resolution on Carbon Sequestration on Rangelands	Rep. Noel	No text yet.		
Fishing License Amendments	Rep. Cutler	No text yet.		
Public Roads Amendments	Rep. McCay	No text yet.		
Off-Highway Husbandry Vehicle Amendments	Rep. Sandall	No text yet.		
Legislative Approval of Land Transfers	Rep. Stratton	No text yet.		
SITLA Amendments	Rep. Cunningham	No text yet.		
Water Conveyance Facilities Amendments	Rep. Moss	No text yet.		
Wildlife Interface Zone Amendments	Rep. Briscoe	No text yet.		
Wildlife Amendments	Rep. Schultz	No text yet.		
Operating Permit Amendments	Rep. Arent	No text yet.		
Predator Control Amendments	Rep. Handy	No text yet.		



Tax Incentives for Alternative Fuel Trucks	Rep. Handy	Applies government-backed incentives for the purchase of large commercial/industrial use trucks.		
Motor Vehicle Registration Fee Amendments	Rep. Anderson	Allows an additional registration fee for electric vehicles to fund additional charging stations.		
	Rep. Anderson	Transit funding.		
Vapor Recovery Amendments	Rep. Eliason	Provides criminal penalties and fines for truck drivers who do not capture vapors from underground tanks when refilling them.		
HJR 3 Joint Resolution for a Constitutional Convention	Rep. Nelson	Joint Resolution Calling for a Constitutional Convention of the States for the Sole Purpose of Proposing a Countermand Amendment to the U.S. Constitution. Held in House Judiciary Standing Committee 7-4 on 2/6.	2	Oppose
HJR 14 Joint Resolution Calling for a Convention to Amend the Constitution of the United States	Rep. Ivory	Calls for a Constitutional Convention to address any number of potential amendments. In House Rules.	2	Oppose
SB13 Income Tax Amendments	Sen. Henderson	Eliminates certain income tax credits, including the Non-Game Wildlife Check-Off, due to underuse. We will try to restore the check-off next legislative session. Passed Senate 22-0-7 on 2/4. In House Revenue & Taxation Standing Committee.	2	Neutral

SB 14 Renewable Energy Tax Credit Amendments	Sen. Okerlund	Clarifies eligibility for renewable energy tax credits. On Senate 2 <sup>nd</sup> Reading Calendar.	2	Support
SB 15 Water Law – Forfeiture Exemptions	Sen. Dayton	Clarifies that forfeiture of water provisions to not apply to non-use while that water right is subject to an approved change application where the applicant is pursuing certification. Passed Senate 28-0-1 on 1/27. In House Rules.	3	Support
SB 35 Water Rights Amendments	Sen. Dayton	Requires that a person applying for a change to a water right be a holder of an approved but unperfected water right, an owner of a perfected water right, or a shareholder in a water company. On Senate 2 <sup>nd</sup> Reading Calendar.	3	Support
SB 40 Water Law – Application Withdrawal	Sen. Dayton	Requires that a person who wishes to withdraw an unperfected application to send a written notice to the State Engineer. On Senate 2 <sup>nd</sup> Reading Calendar.	3	Support
SB 45 Crossbow Hunting Provisions	Sen. Jenkins	Allows use of a crossbow during an archery hunt. On Senate 2 <sup>nd</sup> Reading Calendar.	3	Neutral
SB 48 Evaluation of Federal Lands	Sen. Osmund	Directs the State Tax Commission to determine the property valuation of all federal land in Utah and the property tax revenues that would be generated if those lands were privately owned. In Senate Revenue and Tax.	3	Oppose
SB 49 Bear Lake Sovereign Lands Amendments	Sen. Iwamoto	Amends provisions related to launching and retrieving a boat on Bear Lake. In Senate NRAE.	3	Studying
SB56 Wildland Fire Policy	Sen. Vickers	Requires the director of the Division of Forestry, Fire and State Lands to coordinate a statewide wildland fire policy. On 2 <sup>nd</sup> Reading Calendar.	2	Support

SB 66 Unauthorized Activity on State Lands	Sen. Dayton	Prohibits campfires on the bed of a navigable lake or river, prohibits obstructing a public entry onto state land where it is authorized. Passed Senate 23-0-6 on 2/3. In House NRAE.	3	Support
SB 69 Clean-burning fuel for Motor Pools	Sen. Jenkins	Requires at least half of all new or replacement motor vehicles owned by government entities are alternative-fuel or high-efficiency vehicles by 8/30/19. Held in Senate Government Operations Committee 5-1.	2	Support
SB 87 Environmental Protection Amendments	Sen. Davis	Repeals provisions prohibiting the Division of Air Quality from adopting pollution rules that more stringent than the federal rules. Passed Senate NRAE 4-2-1 on 2/4. On Senate 2 <sup>nd</sup> Reading Calendar.	1	Support
Substitute SB 89 Aquatic Invasive Species Fee	Sen. Jenkins	Imposes a fee on certain boats to be used for invasive species interdiction. On Senate 2 <sup>nd</sup> Reading Calendar.	3	Support
SB 105 Public Lands Act Amendments	Sen. Dabakis	Requires the Attorney General to file a petition in federal court by June 30, 2016, (as amended) demanding a determination on the issue of ownership of public lands. Passed Senate NRAE 4-2-1 on 2/4. On Senate 2 <sup>nd</sup> Reading Calendar.	2	Support
SB 126 Water Amendments	Sen. Dayton	Requires the State Engineer to consider whether an application is detrimental to the public welfare. This bill will be sent to the Water Development Task Force.	1	Studying
HB 133 Game Fowl Fighting Amendments	Sen. Davis	Provides that it is a 3 <sup>rd</sup> Degree Felony to own, possess, train or cause game fowl to fight, and that it is a Class B Misdemeanor to attend a game fowl fight. In House Rules.	2	Support

SB 142 Water Rights – Change Application Revisions	Sen. J. Stevenson	Modifies procedures to file change applications, requires parties to mediate disputes. In House Rules.		
SB 156 Clean Fuel Tax Exemptions for Motorcycles	Sen. Dayton	Provides a tax credit for electric motorcycles.	3	Support
Quagga Mussel Prevention	Sen. Jenkins	Abandoned.		
	Sen. Escamilla	Increases air quality regulations and penalties for unlawful incineration.		
SJR 7 Joint Resolution on Wild Horses and Burros	Sen. Vickers	Urges Congress to create a process for transferring to Utah authority to protect and manage wild horses and burros within its borders. Passed Senate NRAE 6-0-1 on 2/7. On Senate 2 <sup>nd</sup> Reading Calendar.	3	Studying
SCR 3 Concurrent Resolution Urging Congress to Support the State’s Sage Grouse Plan	Sen. Van Tassel	Urges support for state plan and urges Congress to make no decision on listing the Sage Grouse as an endangered species for 25 years.	2	Oppose
SCR 4 Concurrent Resolution Regarding the Creation of National Monuments	Sen. Urquhart	Urges Congress to create a process for establishing national monuments that includes public participation and state and local government involvement. Urges that the Antiquities Act be amended to clarify its intent to establish small, discrete monuments or memorials. In Senate Rules.	2	Studying

## Important Dates

- January 26 **First day of session**
- February 5 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 9 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  
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 12 Second supplemental appropriations bill available to legislators by calendared floor time and final action taken by noon
- Last day of session**
- April 1 Last day governor may sign or veto bills
- May 11 Last day a veto-override session may begin
- May 12 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](mailto:lhillyard@le.utah.gov)  
Rep. Dean Sanpei, Co-Chair [dsanpei@le.utah.gov](mailto:dsanpei@le.utah.gov)  
Sen. Jerry Stevenson, Vice Chair [jwstevenson@le.utah.gov](mailto:jwstevenson@le.utah.gov)  
Rep. Brad Dee, Vice Chair [bdee@le.utah.gov](mailto:bdee@le.utah.gov)  
Sen. Stuart Adams [jsadams@le.utah.gov](mailto:jsadams@le.utah.gov)  
Rep. Brad Wilson [bradwilson@le.utah.gov](mailto:bradwilson@le.utah.gov)  
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Rep. Jim Dunnigan [jdunnigan@le.utah.gov](mailto:jdunnigan@le.utah.gov)  
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Sen. Ralph Okerlund [rokerlund@le.utah.gov](mailto:rokerlund@le.utah.gov)

## Senate Natural Resources, Agriculture and Environment Standing Committee

Sen. Scott Jenkins, Chair [sjenkins@le.utah.gov](mailto:sjenkins@le.utah.gov)  
Sen. Allen Christensen [achristensen@le.utah.gov](mailto:achristensen@le.utah.gov)  
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Sen. Margaret Dayton [mdayton@le.utah.gov](mailto:mdayton@le.utah.gov)  
Sen. Jani Iwamoto [jiwamoto@le.utah.gov](mailto:jiwamoto@le.utah.gov)

## Natural Resources, Agriculture and Environmental Quality Appropriations Subcommittee

Sen. David Hinkins, Co-Chair [dhinkins@le.utah.gov](mailto:dhinkins@le.utah.gov)  
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## House Natural Resources, Agriculture and Environmental Quality Standing Committee

Rep. Lee Perry, Chair [leeperry@le.utah.gov](mailto:leeperry@le.utah.gov)  
Rep. Doug Sagers, Vice-Chair [dsagers@le.utah.gov](mailto:dsagers@le.utah.gov)  
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## House NRAE Standing (cont.)

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