

UTAH CONSERVATION COMMUNITY

LEGISLATIVE UPDATE

2015 General Legislative Session

Issue #3

February 14, 2015

Welcome to the 2015 Legislative Update

This issue includes highlights of week three, 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 members of Executive Appropriations and tell them to fund removal of invasive Phragmites that is harming the health of the Great Salt Lake ecosystem. Also tell them you support funding for a new nature center at Farmington Bay.

Contact your Representative and Senator and urge passage of HB 226 and SB 87, which untie Utah's hands in addressing our air quality problems.

Let your Senators and Representatives know what you think about them recommending spending over \$10 million to fight our own United States government.

Plan to attend the big rally against the "Great Public Lands Gamble" on Monday, 3/2, 4:30 pm at the Capitol Rotunda. And visit www.greatpubliclandsgamble.org and sign the petition!

News of the Third Week (# 3)

HB 226 - Air Quality Revisions - underwent a grueling 90 minute discussion and a grilling from Rep. Mike Noel before it was amended and passed unanimously out of the House NRAE Committee late Friday. The amendment, which would allow Utah to adopt standards “different” from those of the EPA, may run afoul of federal regulators – Utah can’t adopt standards less stringent than federal rules. We’ll check up on this and let you know what we find in the Week 4 report.

SJR12 (Dabakis) Urging Analysis of Colorado River Management was introduced and will be heard in the Senate NRAE Committee on Tuesday. This resolution is part of a basin-wide effort to get an independent review of the options for how to best address increasing demands on the river in a time of drought.

Budget News

The NRAE Appropriations Committee wrapped up its recommendations for new “building blocks” last Thursday and Executive Appropriations (EAC) will meet for an initial review them on Tuesday, 2/17, at 5:00.

NRAE Appropriations failed to 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.) 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. Industries on the GSL banded together Friday to express their outrage that the royalties and taxes they are paying are not being invested back into the health of the Lake, even as it shrinks and threatens their businesses. They are insisting on funds for removing phragmites, which by some estimates, depletes over 30,000 acre feet of water from the Lake annually.

Ignoring a number of pressing needs, NRAE Appropriations recommended spending over \$10 million in funding for RS 2477 lawsuits, lobbying to keep the sage grouse from being listed as an endangered species, states’ rights litigation, and public lands take-over efforts!!

On the positive side, the NRAE Approps found funds for water rights adjudication (\$438,000 on-going), various air quality initiatives (\$2.3 m.) and Jordan River improvements.

Wednesday at 5:00 pm, EAC may review the Division of Wildlife Resources request for \$2.5 million for a new Farmington Bay Nature Center. The DWR presentation before the Infrastructure Appropriations Committee was well received.

What’s Ahead

Now that the appropriations subcommittees have concluded their business, standing committees will have more time to review the record number of bills filed (meeting from 8:00 am to 10:00 am). Floor time is scheduled from 10:00 to 12:00 and 2:00 to 4:00).

Rules Committees

Senate Rules Committee:

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

House Rules Committee:

Rep. Mike Noel, Chair mikenoel@le.utah.gov
Rep. Jon Cox, Vice-Chair jcox@le.utah.gov
Rep. Jake Anderegg janderegg@le.utah.gov
Rep. Gage Froerer gfroerer@le.utah.gov
Rep. Brad King bradking@le.utah.gov
Rep. John Knotwell jknotwell@le.utah.gov
Rep. Carol Spackman-Moss csmoss@le.utah.gov
Rep. Mike Schultz mikeschultz@le.utah.gov

BILL TRACKING LIST

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

Bill	Sponsor	Description/Status	Priority	Position
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 55-17-3 on 2/12. In Senate Rules Committee.	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. Passed Senate 22-4-3 on 2/12.	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. Passed House NRAE Committee 11-0-3 on 2/10. On House 3 rd Reading Calendar.	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.	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. Will be heard in House NRAE on Wednesday, 2/18.	2	Support

HB 44 Surface Leases Procedure Amendments	Rep. McKell	Prohibits a lease to construct a highway over sovereign lakebed lands (Utah Lake). Passed House 73-99-2 on 2/9. On Senate 2 nd Reading 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
2 nd 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. Passed House 47-22-6 on 2/13. In Senate Rules.	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 NRAE.	3	Support
HB 59 Agriculture Modifications	Rep. McKell	Regulates the killing of feral swine and prohibits the release of swine for hunting purposes. Passed House 72-2-1 on 2/9. On Senate 2 nd 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. Passed Senate 27-0-1 on 2/9.	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. On House 3 rd Reading Calendar.	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. On House 3 rd Reading Calendar.	2	Support
HB 132 Interstate Compact on Public Lands Transfers	Rep. Stratton	Adds financing provisions to the Interstate Compact. Passed House 69-6 on 2/11. Will be heard in Senate NRAE on Tuesday, 2/17.	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 63-5-7 on 2/13. In Senate Rules.	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. Will be heard in House Revenue and Taxation Committee on 2/17.	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. On House 3 rd Reading Calendar.	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. Amended to read “different” rather than “more stringent”, then passed House NRAE 14-0 on 2/13. On House 3 rd Reading Calendar.	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. On House 3 rd Reading Calendar.	2	Support
HB 259 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
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 NRAE.	2	Support

HB 285 Building Code Review and Adoption Amendments	Rep. Wilson	Delays the review and adoption of updated model building, fire and energy codes in Utah from every 3 years to every 9 years (so the earliest an update of the energy code could be adopted is 2024). In House Business and Labor Committee.	3	Oppose
HB 303 Legislative Approval of Land Transfers	Rep. Stratton	Requires the Governor, an executive agency, or a political subdivision to submit a proposal to sell, exchange or transfer 500 acres or more of state land for legislative approval. In House Rules.	2	Oppose
HB 317 Destruction of Livestock	Rep. Nelson	Establishes a guideline for a court to set the amount when ordering a person convicted of wanton destruction of sheep or cattle to pay restitution. In House Rules.	3	Neutral
HB 323 Resource Management Planning by Local Governments	Rep. Stratton	Requires counties to develop resource management plans as part of their General Plans and coordinate planning with other counties. In House Rules.	3	Studying
HB 326 Federal Funds Commission Extension	Rep. Ivory	Extends the date that the Federal Funds Commission is authorized to 11/30/2019 and appropriates \$54,000 in on-going General Funds. In House Rules.	2	Oppose
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.		

Public Roads Amendments	Rep. McCay	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
HJR 15 Joint Resolution on Legislative Review	Rep. Ivory	Requires legislative general counsel to review jurisdiction and sovereignty when preparing a “Constitutional Note” for a bill that has implications on federalism related to the Tenth Amendment. On House 3 rd Reading Calendar.	3	Oppose
HJR 19 Joint Resolution Supporting Utah’s Response to EPA’s Clean Power Plan	Rep. Handy	Supports the State’s request that the EPA withdraw its proposal to set carbon dioxide and greenhouse gas emissions limits. In House Rules.	3	Oppose
HCR 5 Concurrent Resolution Regarding an Interlocal Agreement with the Jordan River Commission	Rep. Cunningham	Expresses support for a comprehensive management plan that addresses conservation, preservation, maintenance, access and responsible development of the Jordan River and its banks. In House Political Subdivisions Committee.	3	Support
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. On House 3 rd Reading Calendar.	2	Neutral
SB 14 Renewable Energy Tax Credit Amendments	Sen. Okerlund	Clarifies eligibility for renewable energy tax credits. Passed Senate 2 nd Reading 24-5, On Senate 3 rd 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 it pursuing certification. Passed Senate 28-0-1 on 1/27. In House Natural Resources.	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 3 rd 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. Passed Senate 29-0 on 2/11. In House Rules.	3	Support
SB 45 Crossbow Hunting Provisions	Sen. Jenkins	Allows use of a crossbow during an archery hunt. Senate struck enacting clause on 2/10. Failed.	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. On Senate 2 nd Reading Calendar.	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. Passed Senate 28-0-1 on 2/9. In House NRAE.	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. 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.	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. On Senate 2 nd 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. Passed Senate 28-0-1 on 2/11. In House NRAE.	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. On Senate 2 nd 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	Support
HB 134 Game Fowl Fighting Amendments	Sen. Davis	Provides that it is a 3 rd 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. To be heard in Senate Judiciary, Law Enforcement & Criminal Justice Committee on 2/17.	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.	3	Studying

SB 154 Coal Ash Regulation Amendments	Sen. Okerlund	Removes coal ash from the unregulated category of solid waste, making regulation of coal ash under a separate code possible. On Senate 2 nd Reading Calendar.	2	Support
SB 156 Clean Fuel Tax Exemptions for Motorcycles	Sen. Dayton	Provides a tax credit for electric motorcycles. On Senate Consent Calendar.	3	Support
SB 160 Transportation Funding Amendments	Sen. Van Tassell	Raises the gas tax by 10 cents per gallon to 29 ½ cents per gallon. On Senate 2 nd Reading Calendar.	2	Support
SB 163 Wildlife Modifications	Sen. Dayton	Establishes criminal penalties for the release of wildlife that is listed or is a candidate for listing as threatened or endangered with intent to establish that species in an area of the state where it does not now reside. On Senate 2 nd Reading Calendar.	2	Studying
SB 187 Development of Lands Around Bear Lake	Sen. Jenkins	Requires the Division of Forestry, Fire and State Lands to designate areas around Bear Lake for development of recreational facilities, as funding allows. To be heard in Senate NRAE on 2/17.	3	Studying
SB 188 Oil, Gas and Mining Amendments	Sen. Van Tassell	Allows the Board of Oil, Gas and Mining to permit more than one well to be drilled in a drilling unit, under certain circumstances. To be heard in Senate NRAE on 2/17.		Studying
SB 189 Oil and Gas Conservation Account Amendments	Sen. Van Tassell	Modifies the Account balance limit. To be heard in Senate NRAE on 2/17.		Studying
	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 nd Reading Calendar.	3	Studying
SJR 12 Joint Resolution Urging Analysis of Colorado River Management	Sen. Dabakis	Urges the National Research Council to conduct a scientific and economic review of Colorado River management needs and options that provide for the sustainable management of the river. To be heard in Senate NRAE on 2/17.	1	Support
SCR 3 Concurrent Resolution Urging Congress to Support the State's Sage Grouse Plan	Sen. Van Tassell	Urges support for state plan and urges Congress to make no decision on listing the Sage Grouse as an endangered species for 25 years. On Senate 2 nd Reading Calendar.	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	Oppose
SCR 7 Concurrent Resolution Regarding a Military Test Site in Western Utah	Sen. Bramble	Expresses support for expanding the Utah Test and Training Range Expansion for a military test site, if certain conditions listed in the resolution are included in the final proposal. We will seek to amend this to add a requirement for an Environmental Impact Statement. In Senate Rules.	1	Support if amended

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
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Sen. Luz Escamilla lescamilla@le.utah.gov

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Sen. Evan Vickers evickers@le.utah.gov
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Sen. Jani Iwamoto jiwamoto@le.utah.gov

Natural Resources, Agriculture and Environmental Quality Appropriations Subcommittee

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