

UTAH CONSERVATION COMMUNITY

LEGISLATIVE UPDATE

2015 General Legislative Session

Issue #1

February 1, 2016

Welcome to the 2016 Legislative Update

This issue includes highlights of week one, 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!

SB 80 (Sen. Adams) Infrastructure Funding Amendments, would shift an existing sales tax earmark of 1/16th of a cent that now goes to UDOT for road building to the Water Infrastructure Fund to be used to help finance the Lake Powell pipeline and the Bear River dam/diversion project. It likely will be heard on the Senate floor on 2nd Reading on 2/3 or 2/4. Please contact your Senator and Senators Milner, Madsen, Jackson, Fillmore, and Weiler and let them know that you oppose SB 80. It would make all the state's taxpayers act as the bank for the benefit of two small counties, without seeing realistic, up-to-date cost estimates or an amortization schedule. It ignores conservation in favor of water waste, is not conservative/free market policy, is being sold on a purported need for big water projects based on rigged and exaggerated data, is bad tax policy that hurts jobs in the short term, and is not ready for prime time!

News of the First Week (# 1)

This Session got off to a quick start, with a slew of important bills being docketed for debate right out of the chute. Most important and troublesome is SB 80 – the Lake Powell/Bear River development bill (see alert and below) - which passed the Senate NRAE Committee on Day 3.

Another bad bill sponsored by Senator Stuart Adams, SB 115, proposes to make Rocky Mountain Power customers pay for a number of questionable initiatives that RMP claims, with no evidence, will improve air quality. Alternative energy producers, low income advocates, air quality advocates, and others have been building opposition to this bill throughout the first week.

On the positive side, Senator Jenkins' SB 28, Water System Conservation Pricing, flew through the Senate and is awaiting House action.

Budget News

Appropriations subcommittees met throughout the week to review Departments' Base Budgets, identifying potential programs and services that could be cut in what has become a rather perfunctory exercise in making the agencies propose painful choices that are not at all likely to ever be implemented. Passage of these Base Budget bills – with few or no cuts – will take place Week 3. Appropriations subcommittees will begin to review the “building blocks” for next year's budget in Week 2.

The bad news in the budget picture is that the General Fund is flat this year and the Sovereign Lands Account (revenues derived from mining and shrimping on the Great Salt Lake) has been depleted by legislators intent on using this Fund for their pet purposes, like fighting wolves and sage grouse battles. We need to tell them to stop it and use the Fund as intended – to support and enhance our Sovereign Lands.

There are only a few building block and supplemental appropriations requests in the Dept. of Natural Resources budget that we are tracking this year. Top priority is full funding - \$100,000 – for a full-time planner for the Sovereign Lands administered by the Division of Forestry, Fire and State Lands. This position would coordinate planning and implementation of plans for management of Great Salt Lake, Green and Colorado Rivers, and other Sovereign Lands. Funding for this position is not in either the Governor's nor in the Fiscal Analyst's recommendations, so securing the money will be a heavy lift.

Top priorities for the Department of Environmental Quality budget are funding for air monitoring (\$2.1 million) and water use data collection (\$5.5 million in Governor's Budget). The Fiscal Analyst supports the former but did not include the latter in his recommendations.

What's Ahead

Votes in the Senate on SB 80 this week!

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
HB 5 Natural Resources, Agriculture and Environmental Quality Base Budget	Rep. McKell	Appropriates funds for the operation of these agencies for FY 2017. The base budget will be augmented in separate legislation later in the Session. Approved by NRAE Appropriations Subcommittee on 2/1.		Support
HB 52 Office of Outdoor Recreation Amendments	Rep. Arent	Modifies provisions of the Utah Office of Outdoor Recreation, creates an Outdoor Recreation Infrastructure Grant Program, and grants the Office rule-making authority. In House Economic Development and Workforce Services Standing Committee.	3	Support
HB 82 Property Tax Authority for Public Water Providers	Rep. Powell	Modifies the maximum property tax rate that the water districts served by Colorado River water and cuts that rate in half by 2021. This would force the districts to make up this decrease with higher water rates. In House Rules.	1	Support
HB 84 Wildlife Amendments	Rep. McIff	States that a license, permit, tag, or certificate issues by the Division of Wildlife Resources is a privilege, not a right. Passed House. In Senate Rules.	2	Support
HB 87	Rep. Handy	Creates the Conversion to Alternative Fuels Grant Program Fund, authorizing DEQ to make grants to persons who install conversion equipment to an eligible vehicle. Also extends the tax credit for energy efficient vehicles. Passed House Transportation Committee 2/2. On House 3 rd .	2	Support
HB 130 Electric	Rep. Arent	Authorizes an interlocal entity and other government		Studying

Vehicle Infrastructure Amendments		entities to issue bonds for electric vehicle charging infrastructure. In House Public Utilities and Transportation Committee.		
HB 134 State Work of Art	Rep. Edwards	Designates the Spiral Jetty as the state work of art. Passed House Economic Development and Workforce Services Committee on 2/2. On House 3 rd Reading Calendar.	3	Support
HB 135 State Parks Fees Amendments	Rep. Hemingway	Provides free admission to state parks for veterans with 50% or more disabilities. On House 3 rd Reading Calendar.	3	Support
HB 169 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. Held in House NRAE on 2/2.	3	Oppose
HB 213 Agriculture Modifications	Rep. Sandall	Amends composition of certain agricultural boards and commissions. In House NRAE.	3	Neutral
HB 218 Utah Revised Nonprofit Corporation Act	Rep. McIff	Allows for the transfer of water shares in a mutual benefit corporation and clarifies the property rights of a member of a nonprofit corporation. In House Rules.	3	Studying
HB 219 Resource Management Planning	Rep. Stratton	Modifies requirements for a county resource plan and provides that the Commission on the Stewardship of Public Lands can pay counties for up to \$25,000 or half of the cost of completing the plan, under certain circumstances. In House Rules.	2	Oppose
HB 232 Scenic Byway Amendments	Rep. Noel	Requires segmentation of a Scenic Byway if requested by an adjacent property owner and the legislative body of the local government to allow billboards or other development. In House Rules.	2	Oppose

HB 237 Income Tax Contribution for Clean Air	Rep. Arent	Creates an income tax check-off to contribute to a Clean Air Fund. In House Rules.	3	Studying
HB 242 Alternative Energy Development Tax Amendments	Rep. Handy	Modifies an exemption from sales tax related to alternative energy. In House Rules.		Studying
HB 244 Independent Energy Producers Amendments	Rep. Gibson	Exempts from authority of the Public Service Commission an independent energy producer (Vivint) that provides electricity to a customer in a net metering program in an area served by an electric corporation (Rocky Mt. Power) with more than 200,000 customers. In House Rules.	1	Studying
HB 250 Air Quality Amendments	Rep. Redd	Requires the Air Quality Board to make rules regarding nitrogen oxide (NOX) limits for natural gas-fired water heaters and prohibits the sale or installation of a water heater that exceeds limits set by the AQ Board. In House Rules.	2	Support
HB 253 Public Trust Amendments	Rep. Hawkes	Creates a presumption that when the State Engineer approves an application for a water right or change application, that approval is made with due regard to and in full compliance with the state's public trust obligation. In House Rules.	1	Oppose
HB 256 Net Metering of Electricity Amendments	Rep. Cox	Requires an electric corporation to pay cash to customers who produce electricity if they prefer that to credit toward their electric power bills. Caps an interconnection fee at \$2 per month. In House Rules.	2	Studying
HB 257 Water Funding Revisions	Rep. Perry	The House version identical to SB 80. Would shift the 1/16 cent sales tax earmark to roads to water infrastructure (Lake Powell pipeline and Bear River dam/diversion project). In House Rules.	1	Oppose

HB _ Wood Burning Stoves	Rep. Cox	No text yet.		
HB _ Local Government Water Conservation Plans	Rep. Wilson	No text yet.		
HB _ Water Rights and Resources Amendments	Rep. Briscoe	No text yet.		
HB _ Water Use Planning	Rep. Liffert	No text yet.		
HB _ Federal Reimbursement for National Parks Operations	Rep. Ivory	No text yet.		
HB _ Injured or Crippled Wildlife Amendments	Rep. Liffert	No text yet.		
HB _ Wildfire Mitigation Amendments	Rep. Briscoe	No text yet.		
HCR 1 Concurrent Resolution on Waters of the United States	Rep. Noel	Expresses disapproval of the EPA “Waters of the United States” rule, which was finalized last year. In House	3	Oppose
HCR 5 Concurrent Resolution on the 100 Year Anniversary of the National Parks	Rep. Fawson	HCR recognizes the anniversary.	3	Support

HCR 8 Concurrent Resolution on the Bonneville Salt Flats International Speedway	Rep. Handy	CR calls attention to the deterioration of the Bonneville Salt Flats and International Speedway and urges the BLM to restore the Speedway to safe high-speed racing conditions. In House Rules.	3	Support
HJR 4 Joint Resolution on Water Infrastructure	Rep. McKell	Urges Utah's congressional delegation to secure title transfer of federal Bureau of Reclamation projects and associated water rights for Strawberry Valley, Moon Lake, and Emery County Projects. In House Rules.	3	Studying
2 nd Substitute SB 17 Revenue and Tax Amendments	Sen. Van Tassell	Changes the formula for calculating the oil and gas severance tax. Will cost the Public Education Fund \$500,000 one-time and \$6.8 million on-going. On Senate 2 nd Reading Calendar.	3	Oppose
1 st Substitute SB 23 Water Law – Protected Purchaser Amendments	Sen. Dayton	Modifies the definition of a protected purchaser of a share of stock in a water company, requiring that purchaser to show that he or his predecessors in interest have paid assessments on and used that water share for four of the last seven years. Passed Senate, in House Rules.	3	Support
SB 28 Water System Conservation Pricing	Sen. Jenkins	Requires that retail water providers establish an increasing (progressive) rate structure for culinary water. Passed Senate, in House Rules.	2	Support
SB 49 Statute of Limitations on Environmental Code Violations	Sen. Escamilla	Extends the statute of limitations for violations from 1 to 2 years. On Senate 2 nd Reading Calendar.	3	Support
SB 66 Environmental Code Fines	Sen. Escamilla	Increases penalties for violations of the Air Conservation Act. Held in Senate NRAE.	2	Support

SB 72 SITLA Management Act Amendments	Sen. Dayton	Makes technical changes. On Senate 2 nd Reading Calendar.	3	Neutral
SB 75 Water Rights Adjudication Amendments	Sen. Dayton	Makes several changes to the general adjudication statutes. On Senate 2 nd Reading Calendar.	3	Studying
SB 80 Infrastructure Funding Amendments	Sen. Adams	Would divert an existing 1/16 cent sales tax earmark for transportation to water development – mainly the Lake Powell pipeline and Bear River dam(s) and diversions. This bill would double the existing revenue to the Water Resources Board, about \$35 million per year. Passed Senate NRAE Standing Committee on 1/27 5-2. On Senate 2 nd Reading Calendar. (See Action Alert above.)	1	Oppose
SB 109 SITLA Amendments	Sen. Milner	Makes technical changes related to distributions to the Uniform School Fund and creates a Trust Distribution Account. On Senate 2 nd Reading Calendar.	3	Neutral
SB 110 Water Quality Amendments	Sen. Hinkins	This bill, promoted by the Publicly Owned Water Treatment (sewer) facilities, would establish an independent peer review process for challenges made to proposals from the Division of Water Quality. In Senate NRAE Standing Committee.	1	Oppose
SB 115 Sustainable Transportation and Energy Program	Sen. Adams	Requires the Public Service Commission to authorize Rocky Mountain Power to divert \$10 million in ratepayer funds to a 10 year pilot project to fund various programs that RMP touts will improve air quality. In Senate Rules.	1	Oppose
SB 116 Water Law – Nonprofit Corporation Amendments	Sen. Bramble	Allows for the transfer of water shares in a mutual benefit corporation and clarifies the property rights of a member of a nonprofit corporation. In Senate Rules.	3	Studying

SB _ Repeal of Hunting Guides and Outfitters Licensing Amendments	Sen. Stephenson	No text yet.		
SCR 1 Concurrent Resolution Encouraging Universal Metering of Water Systems	Sen. Jenkins	CR encouraging public water suppliers to meter all retail public and private water systems, including secondary water systems, which encourages voluntary conservation. Passed Senate, in House Rules.	2	Support
SCR 4 Concurrent Resolution - Old Spanish Trail Designation	Sen. Okerlund	Urges the National Park Service to include the Fish Lake Cutoff in the official designation of the Old Spanish Trail. On Senate 2 nd Reading Calendar.	3	Support
SCR 8 Concurrent Resolution Approving the Test and Training Range Land Expansion	Sen. Stevenson	Approves exchange of lands proposed in Congress by Senator Orrin Hatch in S. 2383 – Utah Test and Training Range Encroachment Prevention and Temporary Closure Act. Passed Senate NRAE Standing on 2/1, on Senate 2 nd Reading Calendar.	1	Oppose

Important Dates

January 25 First day of session

February 4 Last day to request bills (by noon)

Last day to approve bills for numbering (by noon)

March 4 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

Last day for a motion to reconsider previous actions

Last day to consider bills from own house

March 8 Last day for legislators to prioritize bills and other programs with fiscal impact

March 8 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 10 Second supplemental appropriations bill available to legislators by calendared floor time and final action taken by noon

Last day of session

March 30 Last day governor may sign or veto bills

May 9 Last day a veto-override session may begin

May 10 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. Jerry Stevenson, Vice Chair jwstevenson@le.utah.gov
Rep. Brad Dee, Vice Chair bdee@le.utah.gov
Rep. Brad Wilson bradwilson@le.utah.gov
Sen. Stuart Adams jsadams@le.utah.gov
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Sen. Scott Jenkins, Chair sjenkins@le.utah.gov
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House Natural Resources, Agriculture and Environment Standing Committee

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