

UTAH CONSERVATION COMMUNITY

LEGISLATIVE UPDATE

2016 General Legislative Session

Issue #2

February 7, 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!

Keep your calls and emails coming to oppose SB 80 (Sen. Adams) Infrastructure Funding Amendments. It is making a difference! SB will likely be voted on this week. Please contact your Senator and Senators Milner, Madsen, Jackson, Fillmore, and Weiler and let them know that you oppose SB 80.

Another bad bill now moving through the Senate is SB 110, which could circumvent the Division of Water Quality rules and permitting to allow Publicly Owned Treatment Works to exceed standards for nutrient discharges into the state's waters, especially the Great Salt Lake. (See Bills List below.) Contact Senators – urge a NO vote on SB110.

Lastly, we are part of a broad coalition of industries, conservation and low-income advocacy groups opposing SB 115, Rocky Mountain Power's STEP proposal. This bill would fund various programs using customers' payments, thus shifting risks of diversification and fuel price risk from shareholders to ratepayers, and will increase electricity rates. Contact Senators to oppose SB 115.

News of the Second Week (Week # 2)

It looks like one of our top priority bills, HB 82, which would force water districts to reduce their reliance on property tax revenues and encourage conservation, will not make it out of Rules this Session.

HB 253 Public Trust Amendments, a bill we have grave concerns about, may also not be going anywhere this Session. We will keep a close eye on it throughout the Session, however.

New public lands bills are emerging. The main bill, HB 276 would create a new Division of Land Management to administer the public lands once (if?) the federal government were to cede them to Utah.

On a lighter note, the Spiral Jetty as State Work of Art appears headed for the list of state symbols.

Budget News

The House and Senate will approve the Base Budget Bills Monday and Tuesday. Appropriations subcommittees will conclude their work on next year's budgets (FY 17) this week. Those recommendations will be presented to the Executive Appropriations, and will be amended and adopted later in the Session once new mid-February revenue projections are available.

We are very concerned that the NRAE Appropriations committee's Fiscal Analyst has recommended none of the Governor's and DEQ's budget requests for water use and

supply data collection and analysis, despite the Legislative Audit from last year that severely criticized the faulty water data underpinning requests for funding for big water projects (e.g. SB 80). It appears that, without some arm twisting from the Governor, his desire to put good water data before bad water project expenditures is headed down the drain.

It looks likely that DEQ's top new funding priority - \$2.1 million for air monitoring— will be approved. Other budget increases likely to be funded include \$300,000 for phragmites removal and \$200,000 for navigational hazards removal on Great Salt Lake. DWR is in line to receive \$700,000 in on-going funds for Quagga Mussel mitigation statewide. And State Parks will be a big winner, with \$4 million in both one-time and on-going restricted funds likely to get the nod. More than a dozen requests from legislators for special appropriations could change the outcome, but we will know soon enough - NRAE Appropriations will take their final votes on all recommendations for new money on Thursday, 2/11.

What's Ahead

Floor time expands from 1 ½ to 2 ½ hours in week 3, so we can expect bills to begin to move a bit faster in both chambers. We will also start to see text and numbers for bills that previously were protected or in process. There will be a record number of bills, over 1,200 filed. The majority won't make it into law.

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
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Rep. Gage Froerer gfroerer@le.utah.gov
Rep. Brad King bradking@le.utah.gov
Rep. Jon Stanard jstanard@le.utah.gov
Rep. Carol Spackman-Moss cs moss@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. Circled on House 3 rd Reading Calendar, will be passed Monday 2/8.	3	Support
HB 52 Sub 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. On House 3 rd Reading Calendar.	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 Revenue and Taxation Standing Committee.	1	Support
HB 84 Sub 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. On Senate 2 nd Reading Calendar.	2	Support
HB 87 Sub	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. On House 3 rd Reading Calendar.	2	Support
HB 130 Electric Vehicle Infrastructure Amendments	Rep. Arent	Authorizes an interlocal entity and other government entities to issue bonds for electric vehicle charging infrastructure. In House Public Utilities and	3	Studying

		Transportation Committee.		
HB 134 State Work of Art	Rep. Edwards	Designates the Spiral Jetty as the state work of art. On House Consent Calendar for a vote on 2/9 at 11:30.	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 Standing Committee on 2/2.	3	Oppose
HB 213 Agriculture Modifications	Rep. Sandall	Amends composition of certain agricultural boards and commissions. On House 3 rd Reading Calendar.	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	Neutral
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 NRAE Standing Committee.	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	Support

HB 242 Alternative Energy Development Tax Amendments	Rep. Handy	Modifies an exemption from sales tax related to alternative energy. In House Rules.	3	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. Will be heard in House Public Utilities and Technology Committee on 2/8.	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	Oppose unless amended
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 261 Wood Burning Stoves	Rep. Cox	Permits a person to transfer, sell, supply, or install a wood burning stove that is not certified by the EPA I it is	2	Studying

		accordance with the federal Clean Air Act. In House Rules.		
HB 270 Constitutional Defense Fund Restricted Account Amendments	Rep. Noel	Provides that the Attorney General's Office or any other state or local government entity may bring an action to establish the right of a state or local government official to enter on to federal land or road when acting in his or her official capacity to protect the health, safety or welfare of a citizen of the state. In House Rules.	3	Studying
HB 276 Utah Public Lands Management Act	Rep. Noel	Creates the Division of Land Management within the Department of Natural Resources and an administrative framework for management, planning, and financing state ownership of public lands to be put in place upon receiving title to federal public lands. Establishes the Public Land Protection Fund, Public Land Management Fund, Timber Fund, and Grazing Land Fund, and a procedure for issuing a right-of-way on public land. In House Rules.	2	Oppose
HB 283 Injured or Crippled Wildlife Amendments	Rep. Liffert	Adds a defense to the crime of cruelty to animals for humane destruction of an animal injured in a motor vehicle accident. In House Rules.	3	Studying
HB 287 Commission for the Stewardship of Public Lands and Private Donations for Public Lands Litigation	Rep. Christofferson	Creates the Public Lands Litigation Account, establishes its purposes and uses, and allows for contributions to the Account for litigation related to the public lands. In House Rules.	2	Oppose
HB 305 Water Rights and Resources Amendments	Rep. Briscoe	Authorizes the Divisions of Water Rights and Drinking Water, in conjunction with the Division of Water Resources (DWRe) to collect and verify water use and	2	Support

		supply data, and requires DWRe to validate the accuracy of water use data reported by public water suppliers. In House Rules		
HB _ Local Government Water Conservation Plans	Rep. Wilson	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 _ 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. Passed House 62-9 on 2/3. In Senate Rules.	3	Oppose
HCR 5 Sub Concurrent Resolution on the 100 Year Anniversary of the National Parks	Rep. Fawson	HCR recognizes the anniversary. Passed House 70-1 on 2/5. In Senate Rules.	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	Studying

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
HJR 8 Calling for a Convention to Amend the Constitution of the United States	Rep. Ivory	Calls for a Constitutional Convention. In House Rules.	2	Oppose
2nd 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
1st 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. On House Consent Calendar.	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. On House 3 rd Reading Calendar.	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 regarding the withdrawal of State land from public target shooting. 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 Sub 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. EPA has expressed concerns that the bill violates provisions of the Clean Water Act, including its restrictions on public input. Conservation organizations will petition EPA to withdraw its delegation of authority (primacy) for Utah to administer the Clean Water Act if the bill passes. Passed Senate NRAE Standing Committee 6-0 on 2/4. On Senate 2 nd Reading Calendar.	1	Oppose
SB 115 Sustainable Transportation and	Sen. Adams	Requires the Public Service Commission to authorize Rocky Mountain Power to divert \$10 million in ratepayer	1	Oppose

Energy Program		funds to a 10 year pilot project to fund various programs that RMP touts will improve air quality. This bill is opposed by a broad coalition of environmental, mining, manufacturing, and independent producers groups. Will likely be heard in Senate Transportation, Public Utilities and Technology Committee on 2/11.		
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 118 Uintah Basin Air Quality Research Project	Sen. Van Tassell	Creates the Uintah Basin Air Quality Research Project and requires it be conducted by the Utah State University Bingham Entrepreneurship and Energy Research Center. In Senate Rules.	3	Studying
SB 122 Wildfire Fire Policy Updates	Sen. Vickers	Requires a municipality to abate uncontrolled wildfire within its boundaries in certain circumstances, and authorizes a local government or special district to enter into a cooperative agreement with the Division of Forestry, Fire and State Lands to be eligible for reimbursement of costs of suppression of a catastrophic wildfire. On Senate 2 nd Reading Calendar.	3	Support
SB 134 Oil and Gas Conservation Account Amendments	Sen. Okerlund	Changes the balance limit in and the amount of money that is transferred to the General Fund from the Oil and Gas Conservation Account. In Senate Rules.	3	Studying
SB _ Repeal of Hunting Guides and Outfitters Licensing Amendments	Sen. Stephenson	No text yet.		
SCR 1 Concurrent Resolution	Sen. Jenkins	CR encouraging public water suppliers to meter all retail public and private water systems, including secondary	2	Support

Encouraging Universal Metering of Water Systems		water systems, which encourages voluntary conservation. Passed Senate, in House Rules.		
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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