

UTAH CONSERVATION COMMUNITY

LEGISLATIVE UPDATE

2017 General Legislative Session

Issue #3

February 12, 2017

Welcome to the 2017 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!

Budget issues are the priority for action this week. Support is needed for a proposed \$2 million increase for the LeRay McAllister open space preservation fund and for a request for \$1.3 million one-time and \$150,000 on-going for replacing old air monitoring equipment and adding a new monitor in Cedar City.

Calls/emails to legislators (especially to members of the NRAE and Executive Appropriations committees) are needed.

If you see other issues in this update that motivate you to action, by all means, take it!!

News of the Third Week (Week # 3)

We hoped for action last week on two bills we support, SB 151 Property Tax Relief (Sen. Dabakis) and SJR 9 Joint Resolution on Climate Change (Sen. Dabakis), but they still await action in Senate NRAE.

HB 11 3rd Sub., the bill that takes the requirement for a measure of partisan balance on 29 Boards and Commissions gained Senate Committee approval Friday, and Sen. Dayton may substitute it once more on the Senate floor to add back the PSC and the Air and Water Quality Boards.

Budget News

The NRAE Appropriations Subcommittee has heard proposals to spend taxpayer funds on several dubious deals - \$2 million in on-going funds for Big Game Forever to lobby against federal actions on sage grouse, national monuments, and wolves; \$500,000 for an outfit named FIRM to assist legal actions and lobbying to reverse Bears Ears NM and open Recapture Canyon (they received \$250,000 last year!); \$300,000 to the Constitutional Defense Fund to litigate over control of tribal lands in the Uintah basin; and \$50,000 to update the curriculum on federalism (on top of the \$350,000 sought in HB 207). If you think sort of use of public funds is not appropriate or as necessary as other priorities like improving air quality or preserving open space, contact members of the Executive Appropriations Committee and let them know what you think!!

Now that the base budget bills have been approved, the appropriations process moves toward decisions on spending of the “new money” for the 2018 fiscal year. The individual appropriations subcommittees will hold their final votes to prioritize new money expenditure recommendations on Monday and Tuesday from 4:00 to 6:00. (NRAE Approps meets Monday.)

The co-chairs of the Appropriations Subcommittees will begin meeting Wednesday and Thursday with the Executive Appropriations Committee to make their cases for new money priorities. Final decision on expenditures won't be made until the final days of the Session, but now is the time to begin to make your preferences for prioritizing funding heard.

What's Ahead

The new revenue projections will become public this week and will set the table for final budget decisions later on. The expectations are for only a small increase in General Funds (primarily sales tax revenues), while income tax revenues may be somewhat more robust (income taxes fund Public Education).

Schedules change again in Week 4. Standing Committee meetings will run from 8:00 to 10:00, 2:00 to 4:00 and 4:00 to 6:00. Floor time expands to 4+ hours a day – 10:00 to 12:30 and 2:00 to 3:50.

Rules Committees

Senate Rules Committee:

Sen. Deidre Henderson dhenderson@le.utah.gov
Sen. Dan Hemmert, Vice Chair dhemmert@le.utah.gov
Sen. Ann Milner amilner@le.utah.gov
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Sen. Jani Iwamoto jiwamoto@le.utah.gov
Sen. Evan Vickers evickers@le.utah.gov
Sen. Todd Weiler tweiler@le.utah.gov
Sen. David Hinkins dhinkins@le.utah.gov

House Rules Committee:

Rep. Mike Noel, Chair mikenoel@le.utah.gov
Rep. Jon Stanard, Vice-Chair jstanard@le.utah.gov
Rep. Val Peterson vpeterson@le.utah.gov
Rep. Rebecca Chavez-Houck rchouck@le.utah.gov
Rep. Justin Fawson justinfawson@le.utah.gov
Rep. Christine Watkins christinewatkins@le.utah.gov
Rep. Mike Schultz mikeschultz@le.utah.gov
Rep. Carol Spackman-Moss csmoss@le.utah.gov

BILL TRACKING LIST

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

Bill	Sponsor	Description/Status	Priority	Position
HB 11 3 rd Substitute State Boards and Commissions Amendments	Rep. Thurston	Removes the requirement for balance in the party affiliation for the membership of numerous boards and commissions, including DEQ boards and several DNR boards. The 3 rd Substitute removed the Public Service Commission, Air Quality Board and Water Quality Board. A 4 th Substitute may reinstate those on the Senate floor. Passed Senate Government Operations 5-3 on 2/10. On Senate 3 rd Reading Calendar.	2	Oppose
HB 23 1 st Sub. Income Tax Credit Modifications	Rep. Peterson	Phases out the individual income tax credit for residential solar and other renewable energy systems by \$400 per year until there is zero credit given after 2021. On House 3 rd Reading Calendar.	2	Oppose
HB 29 3 rd Sub. Energy Efficient Vehicle Tax Credit	Rep. Handy	Extends the income tax credits for the purchase of energy efficient vehicles. 3 rd Substitute restricts the credit to taxpayers residing in non-attainment counties. Held in House Rev & Tax Committee to line up votes from some who want this to be a sales tax rebate rather than a tax credit.	2	Support
HB 33 Mercury Switch Removal Act Reauthorization	Rep. Perry	Extends the repeal date of the Act until July 2027. Passed House. Passed Senate. Enrolled.	3	Support
HB 48 Wildlife Species Introduction Amendments	Rep. Albrecht	Prohibits release or transplantation of wildlife into the wild without a certificate of registration from the Division of Wildlife Resources and states the conditions that must be met in order to obtain approval. On House 3 rd .	3	Support

HB 51 Off-Highway Vehicle Amendments	Rep. Owens	Modifies provisions related to safety requirements and safety courses for use of off-highway vehicles. Passed House. Passed Senate 24-0-5 on 2/10. Enrolled.	3	Support
HB 63 Hole in the Rock State Park Designation	Rep. Stratton	Authorizes the Division of Parks and Recreation to enter into an agreement with the U.S. BLM and National Park Service to acquire the Hole in the Rock area as a State Park. Passed House. Passed Senate 24-0-5 on 2/9.	3	Oppose
HB 65 Air Conservation Act Amendments	Rep. Schultz	States that the Division of Air Quality should allow burning of solid fuel if the primary purpose is to cook food. Opposed by clear air advocates. Passed House 56-17-2 on 2/9. On Senate 2 nd Reading Calendar.	3	Oppose
HB 67 Wildlife Amendments	Rep. McKell	Prohibits an individual from acquiring or possessing a hunting license or permit unless that person has completed a DWR-approved hunting and fur-harvester education course. Passed House. Passed Senate 25-0-4 on 2/8.	3	Support
HB 84 Water Law – Nonuse Applications	Rep. Hawkes	Modifies provisions relating to nonuse applications. Passed House NRAE 11-0-2 on 1/31. On House 3 rd Reading Calendar.	3	Support
HB 85 Quality Growth Commission Amendments	Rep. Froerer	Requires the Quality Growth Commission to provide an annual written report on its activities to the Infrastructure and General Government Appropriations Subcommittee. Passed House NRAE 11-0-2 on 2/7. On House 3 rd Reading Calendar.	3	Support
HB 95 Little Sahara State Park Designation	Rep. Eliason	Authorizes the Division of Parks and Recreation to enter into an agreement with the BLM to acquire Little Sahara and would designate the Rockwell Outstanding Natural Area as the Bill Orton State Wilderness Area. Passed House 69-1-5 on 2/10. In Senate Rules Committee.	2	Neutral

HB 96 Petroleum Vapor Recovery Amendments	Rep. Eliason	Requires the operator of a gasoline cargo tank to meet certain requirements to control vapor emissions, and establishes penalties. Passed House 52-22-1 on 2/7. In Senate NRAE.	3	Support
HB 115 Solid Waste Revisions	Rep. McKell	Requires the approval of the Director of the Division of Solid Waste of an operating plan for construction or operation of a nonhazardous solid waste facility or site. In House Business and Labor Committee.	3	Support
HB 118 Authority of the State Engineer	Rep. Hawkes	States that the State Engineer shall make rules regarding the duty of water. On House 3 rd Reading Calendar.	2	Support
HB 134 1 st Sub. Emissions Testing Amendments	Rep. Arent	Restricts the authority of a county to exempt motor vehicles from emissions testing requirements. Targets deliberate disabling of a vehicle's pollution control equipment. On House 3 rd Reading Calendar.	2	Support
HB 166 1 st Sub. School and Institutional Trust Lands Administration Amendments	Rep. J. Moss	The Substitute bill removes the exemption SITLA from Utah Procurement Code and the requirement that the agency create rules to ensure competitive procurement of goods and services, and modifies the number of annual meetings of the Board of Trustees. Passed 70-0-5 on 2/9. In Senate Retirement and Independent Entities Committee.	3	Studying
HB 180 1 st Sub. Water Rights Addendum -Transfer Amendments	Rep. Wilde	Substitute bill changes the title and provides that a transfer or assignment of a water right will be done on a form that that the state engineer provides and must consider. On House 3 rd Reading Calendar.	3	Support
HB 181 State Engineer Fee Applications Amendments	Rep. Wilde	Clarifies that the state engineer shall charge a fee for a nonuse application. On House 3 rd Reading Calendar.	3	Support

HB 183 Emissions Settlement Amendments	Rep. Hawkes	Establishes the Environmental Mitigation and Response Act and Fund, which may use monies from the Volkswagen settlement and other funds to address contaminants in the environment. On House 3 rd Reading Calendar.	2	Support
HB 203 Open Burning of Yard Waste	Rep. Froerer	States that the Division of Air Quality may not prohibit rural cities and towns from open burning of yard waste under certain circumstances. In House Rules.	3	Studying
HB 207 Federalism Amendments	Rep. Ivory	Modifies the duties of the Commission on Federalism. Amended to make it voluntary for legislators to attend a seminar on federalism, and appropriates \$350,000 in General Funds to the Commission. On House 3 rd Reading Calendar.	3	Oppose
HB 211 State Work of Art	Rep. Edwards	Designates the Spiral Jetty as the State Work of Art. Passed House Economic development and Workforce Services Committee 7-0-3 on 2/3. On House Time Certain Calendar.	3	Support
HB 225 Water Commissioner Amendments	Rep. Chew	Requires the Division of Finance to establish a rule for governing and providing reimbursement for damages and wear and tear on a water commissioner's personal vehicle incurred when the commissioner is fulfilling his duties. In House NRAE.	3	Studying
HB 228 Nonprofit Code Amendments	Rep. Noel	Allows for the transfer of water shares in a mutual benefit corporation and clarifies the property rights of a member of a nonprofit organization. In House Rules Committee.	2	Oppose
HB 244 General Fund Budget Reserve Account Amendments	Rep. Ivory	Authorizes the Legislature to appropriate monies from the General Fund Budget Reserve Account to finance an existing federally funded program or activity in certain circumstances. Passed House Rev and Tax Committee	3	Neutral

		9-0-3 on 32/5. On House 3 rd Reading Calendar.		
HB 269 Conservation Commission Board Amendments	Rep. Christofferson	Reduces the Conservation Commission Board membership from 16 to 7 members. Held in House NRAE 9-0-4 on 2-10.	3	Oppose
HB 293 Mountainous Planning District Amendments	Rep. Schultz	Removes the repeal date for the Mountainous Planning District. In House Public Utilities, Energy and Technology Committee.	3	Support
HB 296 Radioactive and Hazardous Waste Account Amendments	Rep. Wilson	Exempts funds in the Radioactive Waste Perpetual Care and Maintenance Account from the State Money Management Act and requires the state treasurer to report to Legislative Management Committee on the status of the fund every five years. Passed House NRAE 9-0-4 on 2/10. On House 3 rd Reading Calendar.	3	Oppose
HB 297 Renewable Energy Amendments	Rep. Handy	Decreases and limits the amount of electricity that qualified utility may deliver to contract customers at any one time under all renewable energy contracts, and allow the public service commission to approve contracts that exceed that limit under certain circumstances. In House Public Utilities, Energy and Technology Committee.	3	Studying
HB 304 Water Conservation Amendments	Rep. Froerer	Prohibits a local government from requiring more than 5% of a property be landscaped with vegetation within a commercial or industrial zoning district. In House Rules.	3	Studying
HB 307 Energy and Innovation Research Grant Program	Rep. J. Peterson	Establishes the Energy and Innovation Research Grant Program. In House Rules.		
HB 317 Antelope Island State Park	Rep. Lisonbee	Creates the Antelope Island State Park Improvement restricted account and requires that proceeds from big game hunting permits or fees for a hunt on the island be	2	Studying

		put into the account. In House Rules.		
HCR 1 Concurrent Resolution on Public Land Litigation	Rep. Stratton	Encourages the state to pursue legal action to obtain state control over public lands within Utah. In NRAE.	2	Oppose
HCR 5 1 st Sub. CR on Clean Fuel School Buses	Rep. Handy	Urges the state to use \$20 million of the approximately \$32 million from the Volkswagen settlement to begin replacing dirty diesel school buses with clean energy school buses. Passed House 69-4-2 on 2/8. In Senate Rules Committee.	3	Support
HCR 6 1 st Sub. CR Supporting the Re-Empowerment of the States Amendment	Rep. Nelson	Supports the Re-Empowerment of the States Amendment before Congress (HJ Res. 100 – Reps. Bishop and Rodgers), which allows repeal of any Presidential executive or regulatory action if two-thirds of the states agree. Passed House 60-11-4 on 2/10. In Senate Rules.	2	Oppose
HCR 7 1 st Sub. CR Supporting Ranchers Grazing Livestock on Public Lands	Rep. Westwood	Expresses support of Utah ranchers grazing livestock on public lands. On House 3 rd Reading Calendar.	3	Support
HCR 11 CR Urging the President to Rescind the Bears Ears NM Designation	Rep. Hughes	Expresses strong opposition to the Bears Ears National Monument designation and urges the President of the United States to rescind it. Passed House. Passed Senate.	2	Oppose
HCR 12 CR Urging Federal Legislation to Reduce or Modify the Boundaries of the Grand Staircase – Escalante NM	Rep. Noel	Identifies benefits that could result from modified or reduced boundaries of the GSENM and urges Utah’s congressional delegation to support legislative actions to reduce or modify the boundaries of GSENM. Passed House. Passed Senate 25-4-0 on 2/8.	2	Oppose

HCR 14 CR on Wildfire Issues	Rep. Perry	Urges the Utah congressional delegation to develop and support legislation to improve federal wildfire funding and management of the nations' forests. Passed House 73-0-2 on 2/10. In Senate Rules Committee.	3	Neutral
HCR 15 CR on Sustainable Management of Utah's Water Quality	Rep. Hawkes	Expresses support for managing waste water treatment in a holistic, collaborative and sustainable manner with standards based on best available research and cost benefit analyses. Passed House 72-0-3 on 2/10. In Senate Rules.	3	Support
HCR 18 CR Encouraging Utahns to Consider Smog Ratings When Purchasing a Vehicle		Encourages Utahns to consider smog ratings and other environmental impacts when purchasing a new vehicle. Passed House Transportation Committee 11-0-1 on 2/10. On House Consent Calendar.	3	Support
State Park Development and Improvement	Rep. Perry	No text yet.		
Great Salt Lake Commission	Rep. Nelson	Abandoned. The sponsor has withdrawn the bill and will examine the idea of a GSL Commission in Interim Study.		
Public Water Supplier Modifications	Rep. Nelson	No text yet.		
Wild Horse Impacts on States	Rep. Ivory	No text yet.		
Transparency in Funding Litigation	Rep. Ivory	No text yet.		
Building Code Amendments	Rep. Redd	No text yet.		
Clean Fuel School Buses and	Rep. Handy	No text yet.		

Infrastructure				
Department of Natural Resources Amendments	Rep. Perry	No text yet.		
DNR Changes	Rep. Perry	No text yet.		
Private Property Rights Amendments	Rep. Wilson	No text yet.		
SB 5 1 st Sub. Natural Resources, Agriculture and Environmental Quality Base Budget	Sen. Hinkins	Appropriates funds for the operation of these agencies for FY 2018. The base budget will be augmented in separate legislation later in the Session. Passed Senate 29-0 on 2/6. Passed House 73-0-2 on 2/7.	3	Support
SB 11 2 nd Sub. Water Development Commission Amendments	Sen. Dayton	Renames and modifies the membership of the Legislative Water Development Commission to be 5 Senators and 8 House members and makes terms 2 years long. Passed Senate 28-0-1. In House Rules.	2	Oppose
SB 23 Sales Tax Exemption for Guides and Outfitters	Sen. Dayton	Provides a sales tax exemption for purchases of hunting guides and services. Failed Senate Rev & Tax 2-5-1 on 2/10.	3	Oppose
SB 63 Nonprofit Corporation Amendments - Water	Sen. Dayton	Permits the transfer of water shares under certain circumstances, and clarifies rights of a shareholder in a water company. On Senate 2 nd Reading Calendar.	2	Support
SB 79 Waste Management Amendments	Sen. Adams	Defines an unlicensed facility as a structure or road on property adjacent to but outside of a licensed or permitted waste management or disposal area that is not used for waste management or disposal. Establishes financial assurance requirements (surety bond) for closure and post-	3	Oppose

		closure of an unlicensed facility. Circled on Senate 2 nd Reading Calendar.		
SB 105 Sale of State Lands Amendments	Sen. Davis	Establishes a preference for leasing over selling of state lands, and establishes approval requirements for the sale of state land. Failed.	3	Support
SB 113 Natural Resources Modifications	Sen. Dayton	Decreases the percentage of sales tax revenue earmarked to the Division of Water Resources and shifts that percentage of revenue to the Division of Water Rights. On Senate 2 nd Reading Calendar.	2	Support
SB 122 Wildfire Suppression Fund Amendments	Sen Vickers	Clarifies that the amount of General Fund surplus that is transferred to the Wildfire Suppression Fund is \$4 million or the amount necessary to make the Wildfire Suppression Fund balance \$12 million. On Senate 2 nd Reading Calendar.	3	Support
SB 151 Property Tax Relief Modifications	Sen. Dabakis	Caps the percentage of property tax collections of certain water conservancy districts at 15% of a district's total annual revenues by July 1, 2020 and prohibits affected water districts from issuing bonds secured by property tax revenue levied under this bill beginning July 1, 2017. In Senate NRAE Standing Committee.	1	Support
SB 154 Solar Access Amendments	Sen. Fillmore	Provides that a homeowners association may not prohibit or restrict an owner's installation of a solar energy system except under certain circumstances. In Senate Transportation, Public Utilities & Technology Monday, 2/13 at 2:00.	2	Support
SB 171 State Rock Art Designation	Sen. Hinkins	Designates Native American rock art as state works of art. On Senate 2 nd Reading Calendar.	3	Neutral
SCR 3 Concurrent Resolution Requesting	Sen. Hinkins	Urges the U.S. Department of Energy to adequately fund the removal of the remaining 8 million tons of uranium	3	Support

the U.S. Department of Energy to Adequately Fund the Uranium Mill Tailings Remedial Action Program		mill tailings from the Atlas Mill site on the Colorado River and to complete the project by 2025. Passed Senate 28-0-1 on 2/8. In House NRAE Standing Committee.		
SJR 9 Joint Resolution on Climate Change	Sen. Dabakis	Expresses the commitment to create and support solutions and studies to address the causes and effects of climate change. In Senate NRAE Standing Committee.	2	Support
SJR 11 JR Urging Congress to Provide the Necessary Funding for the Completion of the Central Utah Project	Sen. Bramble	Urges Congress to provide sufficient funding for the completion of the remaining portions of the Bonneville Unit of the Central Utah Project. On Senate Consent Calendar.	3	Studying
Public Water Supplier Amendments	Sen. Iwamoto	No text yet.		
Energy Development Amendments	Sen. Adams	No text yet.		
Energy Policy Amendments	Sen. Bramble	No text yet.		

Important Dates

January 23 First day of session

February 2 Last day to request bills (by noon)

Last day to approve bills for numbering (by noon)

March 3 Last day for the Executive Appropriations Committee to complete all budget decisions necessary to draft the final appropriations bills

March 6 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 7 Last day for legislators to prioritize bills and other programs with fiscal impact

March 7 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

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

March 9 Last day of session

March 29 Last day governor may sign or veto bills

May 8 Last day a veto-override session may begin

May 9 Normal effective date for bills

First day to file bills for the 2014 General Session

Executive Appropriations Committee

Sen. Lyle Hillyard, Co-Chair
Rep. Dean Sanpei, Co-Chair

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