

UTAH CONSERVATION COMMUNITY

LEGISLATIVE UPDATE

2018 General Legislative Session

Issue #1

January 27, 2018

Welcome to the 2018 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!

If you care about protecting the quality of our drinking water and the health of the ecosystem in the Cottonwood Canyons (you do!), then let's take pre-emptive action to put to bed bills (HB 124, HB 135) that jeopardize both before they get any traction. These bills are aimed at drastically limiting Salt Lake City's "Extraterritorial Jurisdiction" over the Canyons watersheds that gives us that protection – to accommodate a handful of property owners and for real estate developers' interests. Contact your Representative and Senator – and House Speaker Greg Hughes. Voice your opposition to these bills!

If you're concerned about the stability and integrity of governmental regulation of radioactive waste disposal in Utah, tell your legislators to resist a move by Energy Solutions (HB 169) to win a tax break by having taxpayers pick up their tab for the oversight and permitting role of the Division of Waste Management and Radiation Control.

News of the First Week (Week # 1)

We're headed for another record year for the number of bills up for possible consideration, and the deadline for filing bill requests is still a few days away (2/1). A handful of bills previously approved by Interim Committees are moving quickly through towards enactment, including a few noncontroversial water measures. It's early.

We are keeping an eye out for water fights could emerge (other than those highlighted in the Alert above) over water development, possibly including funding for work on Lake Powell pipeline. Likewise, we are watching out for legislation that could smooth the approval of the Promontory Point landfill.

There are a couple of public lands bills that are a concern: see HJR 1, HJR 2, HB 136, HB 249, and HB 253 below. Lastly, there are a number of energy and air quality bills we will track, and follow and support the lead of allied conservation and clean air and energy organizations.

Budget News

The big picture on the budget is that there will be some new money to spend on the state's needs. How much is a bit uncertain and complicated by the impacts to taxpayers and state coffers of the recent federal tax cuts. There is a lot talk about possible state tax changes to even out those impacts, but there's no sense yet of where that's headed.

Meantime, the Appropriations Subcommittees have been meeting each morning in Week 1 – and will do so again through Week 2 – to review and make tentative 2% across the board cuts to all state agencies base (current) budgets. In the past, this has been largely a pro forma exercise with few serious consequences to the people. These days the proposed cuts – meant to free up money for other priorities – could seriously crimp or even eliminate important programs. Too soon to tell what the impact may be on our natural resources and environment.

We will be working for new investment in the Le Ray McAllister open space fund, and for funding for phragmites removal and for research on Great Salt Lake. We also will work to protect the Sovereign Lands Restricted Account (royalties on GLS mineral extraction and brine shrimp harvesting) from diversions to inappropriate and unrelated purposes.

What's Ahead

Appropriations subcommittees will continue to meet from 8:00 AM to 11:00, with floor time from 11:00 AM to 12:00. Party caucuses are held from 12:30 to 1:50 on Tuesdays and Thursdays. Standing Committees are scheduled from 2:00 to 5:00 each day. This schedule will change in week 3.

We are hoping that SCR 2 (dark skies resolution) will get a hearing this week.

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
Sen. Wayne Harper wharper@le.utah.gov
Sen. Karen Mayne kmayne@le.utah.gov
Sen. Jani Iwamoto jiwamoto@le.utah.gov
Sen. Evan Vickers evickers@le.utah.gov
Sen. Todd Weiler tweiler@le.utah.gov
Sen. David Hinkins dthinkins@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](mailto:rhouck@le.utah.gov)
Rep. Justin Fawson justinfawson@le.utah.gov
Rep. Christine Watkins christinewatkins@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 27 Underground Storage Tank Amendments	Rep. Eliason	Requires an applicant for a loan to upgrade or replace an underground storage tank to participate in the Environmental Assurance Program, and increases the maximum loan amount. In House Rules Committee.	2	Support
HB 33 Energy States Agreement Amendments	Rep. Albrecht	Modifies a reporting requirement for legislators appointed to work on an energy producers states agreement. In House Rules.	3	
HB 38 Fireworks Restrictions	Rep. Dunnigan	Amends and clarifies the dates on which a person may legally discharge fireworks, increases the fine for discharging fireworks outside the permitted dates and times, and makes other changes. In House Rules.	2	Support
HB 59 Unmanned Aircraft Revisions	Rep. Pitcher	Prohibits flight of unmanned aircraft within a certain radius of a correctional facility. In Law Enforcement and Criminal Justice Standing Committee.	2	Support
HB 60 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 Natural Resources, Agriculture and Environment Standing Committee.	3	Oppose
HB 73 Instream Flow Water Rights Amendments	Rep. Hawkes	Removes the sunset from the existing instream flow water right for trout habitat, making it permanent. In House NRAE Standing Committee.	2	Support

HB 74 Emissions Inspections Modifications	Rep. Sandall	Exempts from an emissions inspection a motor vehicle owned and operated by a canal or irrigation company that is used solely for canal or irrigation purposes. In House Transportation Standing Committee.	3	Studying
HB 76 Tire Recycling Amendments	Rep. Sandall	States the director of the Division of Waste Management and Radiation Control may authorize 100% reimbursement of a waste tire transporter's or recycler's cost if requested by a rural county or small town. Has a fiscal note of \$120,000/year. In House NRAE Standing Committee.	3	Oppose
HB 93 Agricultural Commodity Zone Amendments	Rep. Stratton	Expands the Utah Grazing Agricultural Commodity Zones in Garfield County. Passed House NRAE Standing Committee 11-0-2 on 1/25. On House 3 rd Reading Calendar.	3	Oppose
HB 96 Amendment to the Constitutional and Federalism Defense Act Repealer	Rep. Ivory	Extends the repeal date for the Constitutional and Federalism Defense Act. Passed House Government Operations Standing Committee 8-1-1 on 1/23. On House 3 rd Reading Calendar.	3	Oppose
HB 97 Local Food Advisory Council Amendments	Rep. Handy	Modifies the membership of the Local Food Advisory Council. In House NRAE Standing Committee.	3	Support
HB 101 Air Quality Emissions Testing Amendments	Rep. Arent	Restricts the authority of a county to exempt motor vehicles from emissions testing requirements. Requires emissions testing of certain diesel powered vehicles and exempts fully electric powered vehicles. In House Rules.	2	Support
HB 103 Water Conservation Revisions	Rep. Froerer	Modifies provisions related to water conservation plans, and requires that plans include conservation measures for residential, commercial and industrial uses, including landscaping. In House NRAE Standing Committee.	2	Support

HB 114 Street-Legal ATV Amendments	Rep. Noel	Modifies provisions related to street-legal all-terrain vehicles. In House NRAE Standing Committee.	3	Neutral
HB 124 Water Holdings Accountability and Transparency Amendments	Rep. Coleman	Requires a city or special service district that supplies municipal water outside the city or special service district's jurisdictional boundaries to post certain information publicly and provide it to the state engineer. In House Rules.	1	Oppose
HB 130 Resource Conservation Amendments	Rep. Sandall	Modifies the membership and duties of the Conservation Commission. Modifies the procedure for making loans or grants from the Agriculture Resource Development Fund, and modifies the duties of a conservation district to include responsibility for planning watershed and flood control projects. In House Rules.	3	Support
HB 135 Extraterritorial Jurisdiction Amendments	Rep. Noel	Restricts a city's jurisdiction beyond its own boundaries to protect a source of its water supply. This bill is targeted at Salt Lake City's regulation of development to protect the Cottonwood Canyons watershed. The bill transfers that authority to the DEQ and the local health department, and allows livestock grazing and stock driving on highways through the watershed canyons. In House Rules.	1	Oppose
HB 136 Federal Designations	Rep. Noel	States that a governmental entity may not advocate or lobby for a federal designation of land within the state unless the Legislature passes a concurrent resolution in favor of the proposed federal designation.	1	Oppose
HB 140 Air Quality Technical Amendments	Rep. Hawkes	This technical corrections bill moves two sections of the Environmental Quality Code; and creates a new chapter in the Environmental Quality Code.	3	Support
HB 143 Off Highway Vehicle Amendments	Rep. Noel	Modifies the registration fee and uniform statewide fee for all-terrain vehicles, certain motorcycles, snowmobiles, and	3	Studying

		street-legal all-terrain vehicles.		
HB 169 Commercial Waste Fee Amendments	Rep. Knotwell	Requires that the annual fee (approximately \$1.7 million) paid by Energy Solutions for permitting and oversight by the State Division of Solid of commercial radioactive waste treatment or disposal be paid by the State General Fund. This would amount to a fee reduction for Energy Solutions. Passed House NRAE Standing Committee 11-0-2 on 1/25. On House 3 rd Reading Calendar.	2	Oppose
HB 171 Motor Vehicle Emissions Amendments	Rep. Romero	Increases the penalties for a vehicle that violates emission standards because of deliberate disabling of its pollution control equipment from \$50 to \$100 for a first offense. The fine for a second offense is \$500, and a second offense requires a peace officer to report repeat offenders of emission standards to the local health department which is then required to report repeat offenders to the Motor Vehicle Division. In House Rules.	2	Support
HB 172 Greenbelt Amendments	Rep. Wilde	Amends property tax provisions related to property assessed under the Farmland Assessment Act when bona fide range improvement efforts are undertaken. In House NRAE.	3	Support
HB 182 Local Option Sand and Gravel Tax	Rep. Nelson	Authorizes a county or municipality to impose a tax on certain sand and gravel that is extracted and then sold or transported. In House Revenue and Taxation Standing Committee.		
HB 203 Construction Noise Amendments	Rep. Christofferson	Expands the definition of noisy activities allowed that occur between the hours of 7:00 p.m. and 7:00 a.m. that are related to and necessary for highway construction, including the preparation and transportation of equipment	2	Studying

		or materials and the manufacture of materials at a gravel pit, mixing plant, or similar site. In House Transportation.		
HB 211 Freight Switcher Emissions Mitigation	Rep. Handy	Appropriates \$2,000,000 one-time from the General Fund in Fiscal Year 2019 to the Department of Environmental Quality for grants to reduce freight switcher emissions. In House Rules.	3	Support
HB 214 Agricultural Advisory Board Amendments	Rep. McKell	Modifies the duties of the Agricultural Advisory Board relating to best management practices for certain agricultural industries. In House NRAE Standing Committee.	3	Support
HB 215 Navajo Trust Fund Amendments	Rep. Westwood	Requires that the chair of the Diné Advisory Committee or the chair's designee be a member of the Navajo Revitalization Fund Board, addresses appointments to the Diné Advisory Committee, and makes technical changes. In House NRAE Standing Committee.	3	Studying
HB 216 Jordan River	Rep. Winder	Authorizes the Division of Parks and Recreation, in consultation with the Jordan River Commission and the relevant land owning jurisdiction, to expend money as appropriations allow on projects around a segment of the Jordan River. The bill appropriates \$500,000 in one-time and \$500,000 on-going General Funds to the Division of Parks and Recreation. In House Rules Committee.	2	Support
HB 242 Local Animal Control Regulation Amendments	Rep. Roberts	Allows an individual to keep one or more animals on the individual's property unless the presence of the animal or animals violates certain standards established by the municipality or county. In House Rules Committee.	3	Studying
HB 244 Culinary Water Discount	Rep. Daw	Provides that a retail water provider may offer a discount water rate to a culinary water customer that uses culinary water for irrigation or landscaping purposes, if the	2	Studying

		customer meets certain conservation best practices or irrigation efficiencies prescribed by the retail water provider. In House Rules Committee.		
HB 249 Statewide Resource Management Plan Adoption	Rep. Stratton	Adopts the statewide resource management plan, which incorporates RMPs compiled by all counties, and requires the Public Lands Policy Coordinating Office, as funding allows, to monitor the implementation of the statewide resource management plan at the state and local levels. These local plans are inadequate and were required largely to justify the kind of public lands management preferred by the Constitutional Defense Council and the Commission for the Stewardship of Public Lands. In House Rules.	2	Oppose
HB 253 Trust Lands Amendments	Rep. Snow	States that the director of the School and Institutional Trust Lands Administration may make determinations regarding the management, protection, and conservation of plant species proposed for designation as endangered or threatened under the Endangered Species Act of 1973; modifies the procedure for the sale of trust lands; and authorizes the director of the School and Institutional Trust Lands Administration to enter into an agreement with a county or a municipality concerning the applicability of a local ordinance to trust lands. In House Rules.	1	Studying
HB 255 Extra-jurisdictional Municipal Property	Rep. Coleman	Limits the circumstances in which a municipality may own property outside the municipality's boundaries. In House Rules.	1	Oppose
Bills Requested:				
Right of Way	Rep. McCay			

Amendments				
Transient Room Tax Amendments	Rep. Noel			
Office of Energy Development Reporting Requirements	Rep. Handy			
Stray Current Remediation Act	Rep. Handy			
Beekeeping Amendments	Rep. Roberts			
Non-Attainment Area Pollution Reduction Amendments	Rep. Arent			
Waste Management Amendments	Rep. Perry			
Energy Zone Tax Credit Amendments	Rep. Sagers			
Trust Lands Zoning Policy Amendments	Rep. Nelson			
CR on Impact of Wildfires on Air Quality	Rep. Ivory			
JR Commending Jordan School District on its Fleet of Natural Gas School Buses	Rep. Acton			

<p>HCR 1 Concurrent Resolution on Global Warming and Climate Change</p>	<p>Rep. Ward</p>	<p>Acknowledges that average global temperature and average Utah temperature have increased substantially over recent decades, and that scientific consensus is that a substantial cause for these increases is human-caused emissions; and commits that the Legislature and Governor will base decisions regarding state energy policies on the best scientific evidence available and urges individuals and corporations to conserve energy. In House Rules.</p>		
<p>HCR 4 Concurrent Resolution on Economic and Environmental Stewardship</p>	<p>Rep. Edwards</p>	<p>Expresses commitment to conservative environmental stewardship; acknowledges Utah's existing commitment to reduce emissions and improve air quality; recognizes that climate disruption poses a potential threat to our national security; recognizes that good stewardship of the economy and environment fosters security, sustainability, and independence. In House Rules.</p>	<p>3</p>	<p>Support</p>
<p>HCR 7 Concurrent Resolution on Environmental and Economic Stewardship</p>	<p>Rep. Edwards</p>	<p>Encourages the responsible stewardship and management of natural resources; reduction of emissions through incentives and support of the growth in technologies and services that will enlarge the economy; recognizes the impacts of a changing climate on Utah citizens; expresses commitment to create and support economically viable and broadly supported solutions; and encourages the understanding and use of available information to address the causes and effects of changes to our local and regional climates. In House Rules Committee.</p>	<p>3</p>	<p>Support</p>
<p>HCR 9 Concurrent Resolution Supporting Rural Development of Wind, Solar and Geothermal Energy</p>	<p>Rep. Arent</p>	<p>Supports the development of wind, solar, and geothermal energy in rural areas of the state as a complement to Utah's diversified energy system and supports the export of Utah-produced wind, solar, and geothermal energy to other states. In House Rules.</p>	<p>3</p>	<p>Support</p>

HCR 10 Concurrent Resolution Approving the State Resource Management Plan	Rep. Stratton	Approves the statewide resource management plan and expresses appreciation and gratitude for the collaboration between the state and local government entities that contributed to the statewide resource management plan. In House Rules Committee.	3	Oppose
HJR 1 Joint Resolution Urging Exemption from the Antiquities Act	Rep. Albrecht	Encourages Congress to pursue legislation exempting Utah from the Antiquities Act. In House NRAE Standing Committee.	2	Oppose
HJR 2 Joint Resolution Urging Congress to Relocate Federal Land Management Agency Headquarters	Rep. Albrecht	Encourages the federal government to consider moving the headquarters for the Department of the Interior and the U.S. Forest Service to Utah. In House NRAE Standing Committee.		
HJR 8 Joint Resolution Honoring Utah's Sportsmen and Sportswomen	Rep. Hawkes	Recognizes the impact Utah's sportsmen and sportswomen have on our state's natural resources and economy; urges Congress to protect and enhance federal lands for Utah's sportsmen and sportswomen to advance the goals of hunters, anglers, recreational shooters, and others; and urges Congress to respect the historic and current use of Utah's public land by sportsmen and sportswomen, and respect the administration of wildlife conservation through the sound science delivered by the Utah Division of Wildlife Resources and science-based policies developed by the Utah Wildlife Board. In House NRAE Standing.	3	Support

SB 15 Environmental Health Scientist Act Amendments	Sen. Christensen	Clarifies the qualifications for licensure for an environmental health scientist and an environmental health scientist-in-training. Passed the Senate 29-0 on 1/22. In House NRAE Standing Committee.	3	Support
SB 22 Mineral Lease Distribution Amendments	Sen. Van Tassell	Provides that federal mineral lease royalties from extraction of minerals on federal lands within the Grand Staircase-Escalante National Monument be distributed to certain government entities. Passed Senate 29-0 on 1/22. In House NRAE Standing Committee.		Studying
SB 34 Legislative Water Development Commission Amendments	Sen. Dayton	Removes the sunset, making the LWDC permanent, and authorizes the Commission to meet up to 6 times per year. Passed Senate 27-0-2 on 1/22. In House NRAE.	3	Neutral
SB 35 Water Right for Trout Habitat Repeal Date Extension	Sen. Christensen	Extends for 1 year the repeal date of the instream flow water right for trout habitat. Passed Senate 28-0-1 on 1/22. In House NRAE.	2	Support
SB 43 State Fossil Amendment	Sen. Bramble	Designates the Utahraptor as the state fossil. In Senate Economic Development and Workforce Services Standing Committee.	3	Support
SB 45 Water Law Amendments – Diligence Claims	Sen. Dayton	Requires the state engineer to include an evaluation of an asserted beneficial use in the report of a field investigation for a diligence claim. Passed Senate NRAE 5-0-2 on 1/24. On Senate 2nd Reading Calendar.	3	Support
1 st Substitute SB 61 Water Rights Adjudication Amendments	Sen. Dayton	Requires the state engineer to include an evaluation of an asserted beneficial use in the report of a field investigation for a diligence claim. Passed Senate NRAE 7-0-0 on 1/24. On Senate 2 nd Reading Calendar.	3	Support

SB 67 Fireworks Amendments	Sen. Weiler	Requires the Utah Fire Prevention Board to create a uniform statewide policy regarding a government entity's seizure, storage, and disposal of certain explosives. Passed Senate 28-0-1 on 1/25. In House Rules.	3	Support
SB 69 State Sovereign Lands Amendments	Sen. Dayton	Modifies trespassing provisions on state lands repeals the "Leaf It To Us Children's Crusade for Trees" program; and makes technical changes. Passed Senate NRAE 7-0 on 1/24. On Senate 2 nd Reading Calendar.	2	Support
SB 96 Canal Amendments	Sen. Hinkins	Provides a process for a property owner and the owner of a water conveyance facility to approve and move forward with a plan to modify a water conveyance facility; defines a water conveyance facility, and states that the Office of the Property Rights Ombudsman shall provide mediation and arbitration services when requested by either a property owner or a facility owner. Passed Senate NRAE 6-0-1 on 1/24. On Senate 2 nd Reading Calendar.	2	Support
SB 98 Ratification of the Ute Indian Water Compact	Sen. Van Tassell	Ratifies the Ute Indian Water Compact, providing approximately 100,000 acre feet/year of Colorado River water to the tribe to settle claims under the Winters Doctrine. In Senate Rules Committee.	1	Support
Bills Requested:				
Secondary Water Metering Requirements	Sen. Anderegg			
Energy User Fee Regulation	Sen. Anderegg			
Energy Balancing Account Sunset	Sen. Adams			

Removal				
Substitute SCR 2 Concurrent Resolution Encouraging the Use of Shielded Light Fixtures on Outdoor Lights	Sen. Vickers	Recognizes the harmful effects of light pollution; identifies the benefits of shielded outdoor lighting and dark skies; and encourages the transition from unshielded to shielded outdoor lighting. In Senate Government Operations and Political Subdivisions Standing Committee.	2	Support
SCR 7 Concurrent Resolution Honoring Firefighters and Fire Prevention Efforts	Sen. Iwamoto	Highlights the ways in which fire prevention, fire suppression, and fire investigation protect the physical and economic health of the state and its citizens; and acknowledges the work of, and expresses gratitude for, the sacrifice of the men and women working in fire prevention, fire suppression, and fire investigation. In Senate Rules Committee.	3	Support

Important Dates

January 22 First day of session

February 1 Last day to request bills (by noon)

Last day to approve bills for numbering (by noon)

March 2 Last day for the Executive Appropriations Committee to complete all budget decisions necessary to draft the final appropriations bills

March 5 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 6 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 8 Last day of session

March 28 Last day governor may sign or veto bills

May 7 Last day a veto-override session may begin

May 8 Normal effective date for bills

First day to file bills for the 2014 General Session

Executive Appropriations Committee

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Sen. Jerry Stevenson, Co-Chair

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