



Utah Farm Bureau Policy Watch 2007

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Week 2 – January 22-26

2007 Utah Legislative Session Weekly Report

The second week of the State Legislature is under way and several bills have already come up for hearing in their respective committees. The Raw Milk bill (First substitute House Bill 311) passed committee on Thursday with a 10-3 vote. The Land and Water Reinvestment Act (HB 102) passed the house committee with a unanimous vote of 13-0. The agritourism bill will be numbered soon and out for distribution in the next few days. HB 145 Farmers Market Exemptions bill is out and may need a few changes to ensure the necessary support to get it passed.

As you can see things are heating up and Farm Bureau is actively involved in many areas. Nearly 50 bills are being tracked currently. The last day to number bills was Thursday the 25th. A bill may have a short title with no language however, the language will soon follow.

The Policy Watch is sent out weekly to members at the end of each week. Should you wish to receive the report electronically please contact Natalie Rich at 801-233-3040.

(* denotes action has been taken on the bill during the week)

HOUSE BILLS

HB 35 Required Use on Headlights (J. Dougall)

This bill modifies the Motor Vehicles Code to require the use of headlights when operating windshield wipers. **FB is monitoring this bill.** It does not affect implements of husbandry. If you have windshield wipers you will need to have your headlights on, if you do not have headlights then obviously you can't turn them on. FB worked with the sponsor on this bill in the interim.

***HB 45 Comparative Negligence Amendments**

(Wyatt) This bill expands the definition of "fault" to

include intentional torts and civil conspiracy. Passage of this bill affords increased protection for private property owners from 100% of negligence in a case where they are unfortunately involved. **FB supports this bill. Circled on Third Reading Calendar in House.**

***HB 48 Department of Natural Resources**

Amendments (Wheeler) This bill clarifies the definition of a trophy animal in the Wildlife Resources Code; allows a nonresident peace officer employed by the state to obtain a resident license to fish and hunt; invalidates any wildlife permit or tag obtained by fraud; amends the penalties for license or permit suspensions; allows the Wildlife Board to authorize locations where a person may donate protected wildlife; changes the definition of an all-terrain type I vehicle; authorizes the Division of Forestry, Fire, and State Lands to purchase property; extends the statute of limitations for wildland fire cost recovery; updates the terminology regarding fires caused by locomotive engines; directs state agencies and political subdivisions to pursue opportunities to open public land for responsible off-highway vehicle use; changes the requirement for the application to extend the amount of time a person has to put water to a beneficial use; allows the state engineer to send notice by regular mail; allows the state engineer to employ a deputy; clarifies the requirement for water users to install measuring devices; and makes technical changes. **FB made an amendment to the bill and is supportive of it in the amended form. Passed House over to Senate.**

***HB 53 Share Assessment Act (Gowans)**

This bill defines terms; describes how shares may be assessed; provides rules for assessing shares; and allows enforcement of assessments by various methods, including sale of shares with unpaid assessments. **FB Supports this bill. Senate to**

standing committee. Set to go thru committee on Friday the 26th at 2:00.

***HB 72 Brand Inspection of Livestock Seized by Federal Government (Noel)** This bill prevents the brand inspection of animals seized by the federal government unless certain conditions are met. **FB supports this bill. Passed House 72 Aye 0 Nay 3 being absent. Moves to Senate for further consideration.**

***HB 73 Pricing Controls During Emergencies Act (Shurtliff)** This bill allows invocation of price controls during an emergency declared by the chief executive officer of a political subdivision. This may cause for a county or city to declare an emergency any time there is an issue, having an impact on business. **FB is opposed to this bill. Held in committee 1/16/07.**

***HB 97 Motor Vehicle Registration Checkoff For Protecting Access To Public Lands And Off-Highway Vehicle Education (Noel)** This bill modifies the Motor Vehicles Code by creating a voluntary contribution checkoff for motor vehicle registrations. **FB is monitoring this bill. Passed committee. House second reading calendar.**

***HB 99 Water Loan Program Amendments (Painter)** This bill changes the type of wastewater project that the Water Quality Board may fund; changes the type of drinking water project that the Drinking Water Board may fund; authorizes the Water Quality Board to give a grant for a nonpoint source project; authorizes the Water Quality Board and Drinking Water Board to charge an origination fee; creates two origination fee subaccounts; and makes technical changes. **FB is monitoring this bill. Passed committee, House second reading calendar.**

***HB 102 Severance Tax Amendments (D. Clark)** This bill creates the Land and Water Reinvestment Account; provides that the greater of 9% of the revenues collected from oil and gas severance taxes or \$5,000,000 be deposited into the Land and Water Reinvestment Account; provides that the greater of 9% of the revenues collected from mining severance taxes or \$1,000,000 be deposited into the Land and Water Reinvestment Account; provides that the funds in the Land and Water Reinvestment Account may not exceed \$15,000,000; provides that the monies in the Land and Water Reinvestment Account be distributed equally to the following: the LeRay McAllister Critical Land Conservation Fund; the Rangeland Improvement

Fund; and the Department of Natural Resources for watershed rehabilitation or restoration; allows the LeRay McAllister Critical Land Conservation Fund and the Rangeland Improvement Fund to receive distributions from the Land and Water Reinvestment Account; exempts monies transferred into or out of the Land and Water Reinvestment Account from the State Appropriations and Tax Limitation Act; exempts appropriations made from the Land and Water Reinvestment Account from the State Appropriations and Tax Limitation Act. **FB supports this bill. This bill passed out of committee with a unanimous vote of 13-0. House Third Reading calendar.**

HB 121 Surface Owners Protection Act (Mathis) This bill defines terms and requires an oil or gas operator to give sufficient notice of the operation to the surface owner; disclose information about the operation to the surface owner; enter into a surface use agreement with the surface owner; and post a bond or other surety in certain circumstances; authorizes the Board of Oil, Gas and Mining to make rules; and provides a cause of action. **FB supports this bill. No action to date.**

HB 124 Agricultural Education (Menlove) This bill directs the department to work with the State Board of Education and state institutions of higher education to promote agricultural education; and makes technical changes. **FB supports this bill. No action to date.**

HB 134 School and Institutional Trust Lands Amendments (Mathis) This bill creates the Land Exchange Distribution Account. It distributes the state's share of mineral revenues from school and institutional trust lands to the counties from which the revenue is generated, the counties where school and institutional trust lands were relinquished to the United States, the Constitutional Defense Restricted Account, the State Board of Education; the Utah Geological Survey; and the Water Research Laboratory at Utah State University. It eliminates the contributions of mineral revenue from school and institutional trust lands to the Permanent Community Impact Fund; the Rural Electronic Commerce Communications System Fund; the Rural Development Fund; and the Mineral Lease Account. **FB is monitoring this bill. No action to date.**

HB 229 School and Institutional Trust Lands Management Act Amendments (Grover) This bill modifies the School and Institutional Trust Lands Management Act to impose restrictions on the leasing of trust lands on which a preexisting federal

mining claim exists. **FB is monitoring this bill. No action to date.**

HB 237 Requirements for Off Highway Vehicles (Tilton) This bill repeals the requirement that an off-highway vehicle be registered to be transported on a public land, trail, street, or highway in this state; prohibits a person from operating an off-highway vehicle on a public land, trail, street, or highway if the off-highway vehicle exceeds certain noise emission standards with exceptions; changes the age that a person is prohibited from operating an off-highway vehicle from younger than eight to younger than six years of age except in certain circumstances. **FB is working with the sponsor to ensure that there are no impacts on implements of husbandry. No action to date.**

HB 269 Committee of Consumer Services Membership Amendments (Snow) This bill increases the membership of the Committee of Consumer Services by one person adding the governors rural partnership board member to the committee. **FB is monitoring this bill. No action to date.**

***1SHB 311 Utah Dairy Act Amendments (Gibson)** This bill amends the Utah Dairy act by allowing Raw milk to be sold in a producer owned retail location. It sets standards for testing and regulation. FB helped in drafting this bill. This is in accordance with newly adopted policy. **FB supports this bill. Passed House Committee, Third Reading Calendar.**

HB 321 Off Highway Vehicle Amendments (Noel) This bill defines "direct supervision" and requires that a person operating an off-highway vehicle with an appropriate safety certificate issued or approved by the Division of Parks and Recreation shall be under the direct supervision of a person who is at least 18 years of age. It changes the penalty for violating the off-highway vehicle supervision, safety certificate, or driver license operating requirement from an infraction to a class C misdemeanor. It requires an operator of a moving off-highway vehicle involved in an accident on any public land, trail, street, or highway to give notice of the accident to the nearest law enforcement agency in certain circumstances. Farm Bureau is working on an amendment to exempt OHV implements of husbandry. **FB is supportive of this bill with the amendments.**

HB 334 Eminent Domain (Tilton) This bill clarifies an exclusion from a public use relating to trails, paths, or other ways for walking, hiking, bicycling, equestrian

use, or other recreational uses for which eminent domain may not be used. It excludes emergency access ways as a public use for which eminent domain may be used. It excludes certain parks from the scope of what is a public use for purposes of eminent domain; prohibits the taking of property by eminent domain if the effect is to divide an owner's property into separate parcels divided by the taken property unless one side or another of the owner's property is also taken to the property line; and expresses legislative intent concerning S.B. 117 passed during the 2006 General Session. **FB supports this bill. No action to date.**

SENATE BILLS

***SB 8 Use of State Engineer Fees (Dayton)** This bill allows the State Engineer to use fees to report Water Right Conveyance. **FB supports this bill. House to standing committee.**

***SB 9 Nonprofit Corporations Amendments (Hillyard)** This bill addresses voting requirements for nonprofit corporations authorizes distributions from one nonprofit corporation to another upon dissolution; prevents the transfer of title in water rights upon dissolution of a nonprofit corporation; exempts nonprofit corporations from the effects of Title 61, Chapter 6, Control Shares Acquisition Act; and makes technical changes. **FB Supports this bill. Passed Senate Committee. Senate second reading calendar.**

***SB 13 Tax Credit for Alternative Power Generation (Stephenson)** This bill defines terms and extends the availability of the renewable energy tax credit until 2012. It expands the renewable energy tax credit to include some geothermal sources and makes the renewable energy tax credit on commercial energy systems a refundable credit. It changes the calculation of the tax credit for commercial energy systems and removes language reimbursing the Uniform School Fund for renewable energy tax credits taken. **FB has worked on an amendment to this bill and is supportive of the amended bill. Passed Senate Committee, Second Reading Calendar.**

***SB 18 Use of Oil and Gas Revenues (Hillyard)** This bill provides for the disposition of certain revenues from severance taxes imposed on oil and gas. **FB is monitoring this bill. Senate committee favorable report. Senate second reading calendar.**

***SB 28 Water Conveyance Easements (Stowell)**

This bill authorizes the recording of an easement for a water conveyance. ***FB supports this bill. Passed House Committee, Third Reading Calendar in the House.***

***SB 29 Instream Flow to Protect Trout Habitat (Knudson)**

This bill defines terms and authorizes a fishing group to file a change application for a fixed time period not exceeding ten years for an instream flow to protect or restore habitat for native trout. It requires the Division of Wildlife Resources' director to review the proposed change and allows a fixed time change applicant to refile the application. It also provides that the water right will automatically revert to its original place and purpose of use when the application expires. It repeals the private instream flow water right in ten years. ***New policy language under FB water policy supports this bill. Passed Senate Committee. Senate Second Reading Calendar.***

***SB 47 Department of Agriculture Amendments**

This bill changes the name of the Soil Conservation Commission; removes references to the agricultural development division; repeals the chapter regarding the regulation of flour and cereal; repeals several sections regarding the conservation corps; and makes technical changes. ***FB supports this bill. Passed Senate Committee. Senate Second reading calendar.***

SB 95 Permanent Instream Flow to Preserve Water Quality (Dmitrich)

This bill defines terms and authorizes the Water Quality Board to make rules regarding certification of instream change applications; allows a municipality, a special service district, a special service improvement district, a county water and sewer improvement district, a county service area, a water conservancy district, or an interlocal entity to file a change application for an instream flow to protect water quality or quantity; or comply with state water quality standards. It requires the Water Quality Board's executive secretary to certify the proposed change to an instream flow. ***New FB Water Policy Language opposes this bill. A substitute bill is being drafted. Farm bureau will evaluate the new bill against our policy. No action to date.***

SB 98 Governmental Immunity for Trails (Buttars)

This bill provides that governmental immunity is not waived for a pedestrian or equestrian trail that is along a ditch or canal, regardless of ownership or operation of the ditch or canal, if the trail is designated under a

general plan adopted by a municipality or a county; provides that the owner of a ditch or canal property is immune from suit if the property damage or personal injury results from the use of a pedestrian or equestrian trail that is along a ditch or canal; and the trail is designated under a general plan adopted by a municipality or county. It amends the definition of recreational activity, used in connection with inherent risks of certain recreational activities, to include walking, running, and jogging. It also provides that a person who is injured or suffers property damage while participating in a recreational activity may not seek recovery from the owner of property that is made available to a county, municipality, or an independent special district for recreational activity purposes. ***FB is monitoring this bill to ensure that no unintended consequences result for water companies. Not considered in committee 1/25/07.***

***SB 142 Sales and Use tax Exemptions for Certain Business Inputs (Stephenson)**

This bill expands the definition of "industrial use" so that the use of natural gas, electricity, heat, coal, fuel oil, or other fuels are exempt from sales and use taxation if used in manufacturing tangible personal property at certain establishments listed under the North American Industry Classification System and expands the definition of "manufacturing facility" to include certain establishments listed under the North American Industry Classification System. It provides a sales and use tax exemption and refund for certain machinery, equipment, or repair or replacement parts purchased or leased by certain establishments listed under the North American Industry Classification System; grants rulemaking authority to the State Tax Commission; modifies State Tax Commission rulemaking authority. ***FB supports the policy of not taxing inputs to production. Passed Senate Committee. Senate second reading calendar.***

Resolutions

***HJR 1 Resolution Regarding Action on Groundwater in Snake Valley (Wheeler)**

This resolution urges the Governor to consider the consequences of a potential groundwater development project and involve the citizens in developing the division agreement with Nevada; and refrain from entering into the division agreement with Nevada until scientific studies have been completed; and directs a copy of the resolution be sent to various parties. ***FB Supports this bill and has been looking at***

amendments that may improve the bill. Passed House Unanimously, sent over to the Senate.

HCR 001 Concurrent Resolution Approving the Interlocal Agreement Creating the Utah Lake Commission, (S. Clark) This resolution approves the state's participation in the Interlocal Cooperation Agreement Establishing the Utah Lake Commission that requires the state to pay 35% of the commission's budget. **FB is working with the sponsor to ensure that there is no authority given to the Utah Lake**

Commission to be used negatively towards agriculture. No action to date.

If you have questions, concerns or comments in regards to a bill or issue, please contact Todd Bingham at (801) 440-6510 or email to tbingham@fbfs.com. Also, if you have access to the Internet, a good source for action on all bills and legislative activities is on the legislative website at www.le.utah.gov you can also access this site through the Utah Farm Bureau Federation Website at <http://utfb.fb.org>

Legislative Action Legend

House or Senate to standing committee – The Rules Committee recommends to the presiding officer of the standing committee to which the bill should be referred. The standing committee, in an open meeting, reviews the bill and receives public testimony. The committee may amend, hold, table, substitute, or make a favorable recommendation on the bill.

Passed Committee – The bill has been heard and has been sent back to the house it came from to be heard on the floor and voted on. The bill will then be forwarded onto the other body to follow the same similar process.

House or Senate Reading Calendars – The bill is on the board to be heard for the second or third time and then either referred to Governor for signature or sent to the other house for consideration. Bills in the Senate are heard for the second and third time before passing the body. Bills in the House are heard first to be read in, secondly after they come back from committee and then a third time before they go to the other body. The third time is when they are voted on while on the floor. Debate is heard and discussion is had prior to action being taken on the bill.

Circled- Action taken when there is potentially debate on a bill or not enough votes to pass. The bill is essentially frozen until the sponsor moves to un-circle and take further action.

Sent to Rules Committee – After a bill is heard in committee it is sent to the rules committee to determine when it will be put on the board and sent to the floor to be heard.

Passed awaiting enrollment – Bill passes and awaiting the signature of the governor and to be enrolled into law.

Consent Calendar – Calendar on the floor where a bill is passed through committee with no opposition. Bills on the consent calendar do not require a debate on the floor. They are voted on based on a committee recommendation and then passed to the other house for further consideration.

HOW AN IDEA BECOMES A LAW

- **An Idea Is Developed.** A legislator draws from numerous sources in deciding what should be introduced in the Legislature as a bill. Major sources of ideas come from constituents, government agencies, special interest groups, lobbyists, the Governor, and the legislator.
- **The Bill is Drafted.** The idea is submitted to the Office of Legislative Research and General Counsel, a nonpartisan legislative staff office, in the form of a bill request. The assigned bill drafting attorney reviews existing law, researches the issues, and prepares the bill in proper technical form. The bill is given a number. A fiscal review is conducted and a "Fiscal Note" is attached. The bill is also reviewed for statutory or constitutional concerns.
- **The Bill is Introduced.** The bill is introduced into the Legislature and referred to the Rules Committee.
- **The Bill Receives Standing Committee Review and Public Input.** The Rules Committee recommends to the presiding officer the standing committee to which the bill should be referred. The standing committee, in an open meeting, reviews the bill and receives public testimony. The committee may amend, hold, table, substitute, or make a favorable recommendation on the bill.
- **The Bill Is Returned to the Floor.** Following the committee hearing the bill is returned to the full house with a committee report. The committee reports the bill out favorably, favorably with amendments, substituted, or that the bill has been tabled.
- **The Bill is Debated in Open Session.** The bill is debated in open session. During floor debate, the bill can be amended or substituted. It can be held (circled). In order for a bill to pass the House of Representatives, it must receive at least 38 votes. The bill must receive at least 15 votes in the Senate in order to pass.
- **The Bill Passes Both Houses in the Legislature.** After the bill has gone through both houses, it is signed by both presiding officers (the Senate President and the Speaker of the House).
- **The Bill is Prepared for the Governor's Action.** The Office of Legislative Research and General Counsel prepares the bill in final form. This is called the "enrolled" bill.
- **The Bill Receives the Governor's Action.** The enrolled bill is sent to the Governor for his action. He can either sign the bill, veto it, or allow it become law without his signature.
- **The Bill Becomes Effective.** A bill enacted by the Legislature is effective 60 days following adjournment, unless another date is specified in the bill.