

UTAH CONSERVATION COMMUNITY

LEGISLATIVE UPDATE

2024 General Legislative Session

Issue Week #1

January 20, 2024

2024 Legislative Update

Each update provides key highlights for the prior weeks General Legislative Session and what is expected for the week ahead. The focus of this update are the Utah state legislation and actions for protecting wildlife and the environment. Questions and comments can be directed to Dan Strauch: strauchmail@yahoo.com.

About the Legislative Update

The *Legislative Update* is made possible by the Utah Audubon Council and contributing organizations. Each *Update* provides legislative actions, descriptions and updates throughout the Session and important dates and progress of key committees. For the most up-to-date information and for the names and contact information for legislators, check the Legislative website at www.le.utah.gov. The *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* is distributed after each Friday of the Session. Additional Action Alerts may also be distributed during the session. Please use this information to prepare you to contact your legislator with your opinions and concerns!

Weekly Update

The first week saw several bills of interest, though not of major impact, move to both the House and Senate Natural Resources, Agriculture and Environmental Committees. See notes in the tracker below.

More significantly the GSL Commissioner released the “Great Salt Lake Strategic Plan”

(<https://greatsaltlake.utah.gov/wp-content/uploads/Great-Salt-Lake-Strategic-Plan-1.pdf>).

The Plan recognizes the challenges facing the Great Salt Lake which is a positive. It further recognizes the need to act and outlines general short, medium and long-term objectives. But, there are no specifics actions or legislative requests.

This is an opportunity to contact your Representative or Senator and ask 1) if they have read the report and 2) what legislative actions they are planning to help meet these objectives.

To this, on Monday, Jan 22 at 8AM, Commissioner Steed will present to the Natural Resources, Ag and Env. Appropriations sub-committee. That meeting’s agenda is backed with water related presentations as:

- Division of Water Rights

- Groundwater Assessment of Cache Valley
- Division of Water Resources
- Utah Water Ways
- Division of Water Quality
- Division of Drinking Water
- Colorado River Authority of Utah
-

are all on scheduled to present. This could be very telling of the funding requests from each at this point. Definitely worth listening in.

Both the House and Senate Natural Resources, Agriculture and Environment committees meet again this week but agendas have not been finalized.

BILL TRACKING LIST

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

Bill	Sponsor	Description/Status <i>Italics are UAC commentary/explanation</i> <i>Comments in orange are new/changed vs prior week.</i>	Priority	Position
HB 11 Water Efficient Landscaping Requirements	Rep. Owens	<p>This bill restricts the use of lawn or turf by certain governmental entities.</p> <p><i>This bill is another step in reducing water use on ornamental lawns by Utah State entities.</i></p> <p><i>House Natural Resources, Agriculture and Environment Committee agenda for Jan 18, 24 passed back to House with Favorable Recommendation.</i></p>	1	Support
HB 18 Mineral Production Tax Withholding Amendments	Rep. Bolinder	<p>This bill provides penalty provisions that apply if a producer fails to file a form 1099 or fails to file the form 1099 on time amends the percentage of the mineral production tax a producer withholds to align with the income tax rate amends the information a producer is required to provide on a withholding return provides the requirements for a producer to file a form 1099 with the State Tax Commission.</p>	3	Neutral
HB 23 Division of Outdoor Recreation Advisory Council Sunset Extension	Rep. Brooks	<p>This bill extends the sunset date of the advisory council that advises the Division of Outdoor Recreation on boating policies from 2024 to 2029.</p>	3	Support
HB 31 Agricultural Tourism Amendments	Rep. Albrecht	<p>This bill expands agricultural nuisance liability protections in relation to an agritourism activity; provides that an agricultural protection area may include an agritourism activity; requires the Department of Agriculture and Food to maintain an agritourism registry and describes requirements relating</p>	3	Watch

		to the registry; modifies civil liability limitations in relation to an agricultural tourism activity.		
HB 42 Water Rights Publication Amendments	Rep. Briscoe	This bill permits the state engineer to confirm publication of a notice of application through electronic means.	3	Support
HB 48 Utah Energy Act Amendments	Rep. Jack	<p>This bill modifies reporting requirements for the Office of Energy Development; modifies the purposes of the Office of Energy Development to include:</p> <ul style="list-style-type: none"> • developing strategies to advocate for state interests on federal energy and environmental programs; • overseeing legal strategy on federal overreach and permitting delays; and • engaging in federal rulemaking and advocacy for regulatory reform; <p>directs the Office of Energy Development to adopt a master plan with data-driven modeling at a statewide level; requires adoption of best practices in development of state energy plans.</p>	2	Watch
HB 57 Snake Valley Aquifer Advisory Council Amendments	Rep. Brooks	<p>This bill repeals the Snake Valley Aquifer Council chapter, removes language citing provisions of that chapter, including: a sunset provision; and a provision related to the duties of the Public Lands Policy Coordinating Office.</p> <p><i>Agree that council is no longer needed given recent legal victories.</i></p> <p><i>House Natural Resources, Agriculture and Environment Committee agenda for Jan 18, 24 passed back to House with Favorable Recommendation.</i></p>	3	Neutral
HB 61 Water Measuring and	Rep. Albrecht	This bill modifies the state water policy to address telemetry; grants rulemaking authority regarding	1	Support

Accounting Amendments		<p>measurement and accounting; and makes technical changes, including repealing outdated language.</p> <p><i>House Natural Resources, Agriculture and Environment Committee agenda for Jan 18, 24 passed back to House with Favorable Recommendation.</i></p>		
HB 62 Utah Water Ways Amendments	Rep. Owens	<p>This bill outlines coordination related to water and the public education system.</p> <p><i>House Natural Resources, Agriculture and Environment Committee agenda for Jan 18, 24 passed back to House with Favorable Recommendation.</i></p> <p><i>Expect that this bill will be amended. Some members concern was that the education was simply “conservation indoctrination.” Rep. Owens rebutted that was not the intent and was willing to amend.</i></p> <p><i>Maintain SUPPORT until amendment seen.</i></p>	1	Support
HB 65 Active Transportation and Canal Trail Amendments	Rep. Lesser	<p>This bill requires a canal owner or operator to notify certain entities of the intent to abandon or transfer title of a canal; provides certain entities the right of first refusal to purchase a canal; requires the Department of Natural Resources to compile a list of certain canals and provide that list to the Department of Transportation; requires the Department of Transportation to:</p> <ul style="list-style-type: none"> • develop a canal trail toolkit; • inventory certain canals in the state; • consider creating a canal trail as part of the active transportation plan; and • identify certain canal corridors for transportation 	2	Support

		<p>corridor preservation; enables the Transportation Commission to consider water savings and improvement of canal infrastructure when prioritizing a transportation project.</p> <p><i>Introduced to House Natural Resources, Agriculture and Environmental Committee on 18 Jan, 24. Some members expressed concerns about canals on private property. Held by committee.</i></p> <p><i>Maintain SUPPORT until amended.</i></p>		
HB 76 State Resource Management Plan Amendments	Rep. Stratton	This bill adopts a state resource management plan to replace a previously adopted plan.	3	Support
HB 90 Outdoor Recreation Infrastructure Amendments	Rep. Stenquist	This bill simply relocates definitions of the current bill.	3	Neutral
HB 117 Wind Energy Facility Siting Modifications	Rep. Burton	<p>This bill requires the owner of a wind energy facility to file documentation with the Department of Veterans and Military Affairs (department) and the Department of Natural Resources that the clearinghouse and the department have determined that the proposed construction does not encroach upon or otherwise have an adverse impact on the military; and provides for penalties if an owner of a wind turbine or a wind energy facility fails to submit the proper documentation to the Department of Natural Resources.</p> <p><i>Concerns this could be used as a means to limited the building of wind energy facilities.</i></p>	3	Neutral
HB 126 Emissions Regulation Amendments	Rep. Stoddard	This bill prohibits the Division of Motor Vehicles from registering a motor vehicle in certain counties if the motor vehicle has a gross vehicle weight rating of more	2	Support

		than 14,000 pounds and emits a certain level of nitrogen oxides; removes a provision allowing a county to exempt certain vehicles from emissions inspections.		
HB 130 Animal Fighting Penalties	Rep. Judkins	This bill amends existing legislation and provide greater specificity to the definitions of dog and game fowl fighting and fighting paraphernalia.	3	Support
HB 135 County Land Use Amendments	Rep. Birkeland	This bill removes text from existing legislation that specified actions to be taken prior to 31 December, 2022.	3	Neutral
HB 151 Public Lands Amendments	Rep. Ward	This bill requires an inventory of public lands by each municipality and notification of interest in public lands. <i>How would this information be used?</i>	2	Watch
HB 159 Bears Ears Visitor Center Advisory Committee Repeal Amendments	Rep. Owens	This bill removes the repeal date of the advisory committee.	2	Support
HB 191 Electrical Energy Amendments	Rep. Jack	This bill sets conditions for when the Public Service Commission may approve the early retirement of an electrical generation facility. Requires: Retirement does not create a material adverse effect on the provision of affordable, reliable, dispatchable, and secure electricity to customers in the state; create a shortage of available electricity to customers in the state; (c) harm the qualified utility's ratepayers by causing the qualified utility to incur any net incremental costs to be recovered from ratepayers that could be avoided by continuing to operate the electric generating unit proposed for retirement in compliance with applicable law; and (d) be undertaken as a result of any financial incentives or benefits offered by any federal agency.	2	Oppose

		<i>Oppose as written. Complicates decision by power providers to retire older power generating facilities.</i>		
HB 195 Land Use Planning Amendments	Rep. Owens	This bill requires municipalities and counties to consider development impacts on wildlife in the process of considering and adopting general plans and land use regulations.	1	Support
HB 222 Wildlife Hunting Amendments	Rep. Gricius	This bill addresses what is sufficient wearing of hunter orange while hunting big game; grants the director of the Division of Wildlife Resources authority related to the wearing of hunter orange by non-hunters.	3	Neutral
HB 232 Outdoor Recreation Impacts Fund	Rep. Stenquist	This bill creates the Outdoor Recreation Impacts Restricted Account (restricted account); provides that appropriations from the restricted account are non-lapsing; funds the restricted account with a portion of the sales and use tax revenue remitted by sporting good sellers. <i>Creates funds to support local municipalities in extraordinary recreation support (solid waste removal, search and rescue, etc) through ear marking funds collected as a tax on sporting goods sellers.</i>	2	Support
HB 237 Land Use Authority Amendments	Rep. Walter	This bill prohibits a county or municipality from requiring the incorporation of a preferred aesthetic feature in new development unless the preferred aesthetic feature is expressed in the county or municipality's land use regulation. <i>Deals with aesthetic requirements of buildings only.</i>	3	Neutral
HB 241 Clean Energy Amendment	Rep. Albrecht	This bill changes the term renewable to clean where appropriate in statute. Adds definitions of clean energy sources.	3	Watch

		<i>Oppose as written. Identifies “nuclear” as clean energy source. Also establishes a “State Fair Park” agency, need to understand purpose.</i>		
HB 242 Water Usage Data Amendments	Rep. Ballard	This bill requires that reporting of water usage by a state agency, requires the Division of Water Resources to conduct a study of public school water use; requires publication and reporting of study findings and recommendations; provides for procurement of smart irrigation controllers.	1	Support
HB 243 Riparian Amendments	Rep. Bennion	This bill requires a riparian area element as part of a municipal or county general plan with exceptions; addresses adoption of zoning or other land use ordinances; provides for how a riparian area element is included into a municipal or county general plan; provides for action related to the general plan by the legislative body of a municipality or county; provides for technical assistance from the Division of Water Resources; directs the appointment of a state position related to riparian areas; directs the compilation of a riparian map.	1	Support
HB 256 Military Compatible Land Use Amendments	Rep. Peterson	This bill modifies provisions regarding when notice is required related to applications or permits near military land; provides that a municipality or county should deny a land use application if the Department of Veterans and Military Affairs determines that a proposed land use is incompatible with military operations.	3	Neutral
HB 262 School and Institutional Trust Lands Amendments	Rep. Snider	This bill clarifies that the state may sell or lease land to state entities for fair market value; exempts the sale or lease of certain large aggregations of trust lands from advertising requirements and mineral rights restrictions ; excludes certain lands from sale or lease; and requires rulemaking for determining the fair market value of trust lands.	1	Watch

HB 275 Water Amendments	Rep. Snider	This bill clarifies who is eligible for grant money for water conservation efforts other than secondary water metering.	1	Support
HB 279 Air Quality Amendments	Rep. Clancy	This bill establishes a policy reducing certain [<i>vehicle</i>] emissions; addresses possible revocation of a vehicle registration for avoiding emissions testing; clarifies civil penalties by counties; provides for counties to notify the Motor Vehicle Division of the use of an address that is not a bona fide address to avoid emissions testing; defines terms; requires specified state agencies to develop plans to reduce emissions; repeals outdated language regarding air quality mitigation.	2	Support
Bills added Week 1				
HB 280 Water Related Changes	Rep. Snider	<p>This bill provides for the application of planning and prioritization to water funds and accounts; modifies provisions related to the formulation of a state water plan; amends provisions related to the Water Infrastructure Restricted Account; authorizes rulemaking authority; requires the Board of Water Resources to impose a water use fee and to study the fee and consolidation of funds and accounts; creates the Water Infrastructure Fund; modifies provisions of the Watershed Councils Act; modifies provisions related to the Water Development Coordinating Council; enacts planning and prioritization provisions, including: defining terms; requiring a unified water infrastructure plan; providing for ranking and prioritizing of water infrastructure projects; addressing duties; and requiring reserve studies and capital asset management.</p> <p><i>This build makes many and significant changes to existing legislation. Need to understand implications of changes.</i></p>	1	Watch

<p>HB 291 Department of Agriculture and Food Amendments</p>	<p>Rep. Shipp</p>	<p>This bill clarifies appointment provisions and reporting requirements for the Local Food Advisory Council; repeals certain requirements relating to the registration of weights and measures in commerce or trade; expands definitions in the Utah Nursery Act; changes the reporting date for the Utah Soil Health Program; modifies the composition of the Agricultural and Wildlife Damage Prevention Board; modifies provisions relating to animal branding; changes how the department makes value determinations in relation to the destruction of infected livestock; clarifies a reporting requirement for a veterinarian who diagnoses a case of vesicular disease; removes a restriction for funds under the LeRay McAllister Working Farm and Ranch Fund; repeals a requirement for the department to provide education on horse tripping to horse event venues; repeals a provision relating to infected dairy animals.</p> <p><i>This bill has multiple and various changes mostly technical. After further investigation, the changes appear to be of minimal impact. The McAllister Working Farm and Ranch Fund is set up to purchase and preserve open land, primarily for Ag but does prevent construction.</i></p>	<p>3</p>	<p>Neutral</p>
<p>HB 295 Produced Water Amendments</p>	<p>Rep. Lund</p>	<p>This bill provides for the scope of the Produced Water Act; addresses the Board of Oil, Gas, and Mining's regulation of produced water; addresses water right issues; enacts provisions related to possessory interests and control.</p>	<p>2</p>	<p>Watch</p>
<p>HB 297 Utah Bee Inspection Act Amendments</p>	<p>Rep. Shipp</p>	<p>Prohibits a state agency from making stricter bee keeping requirements on private property that are more restrictive than those stated in legislation.</p>	<p>3</p>	<p>Neutral</p>

HB 302 Paleontological Landmark Amendments	Rep. Elison	<p>This bill modifies the process to designate a state paleontological landmark; addresses ownership and control of a state paleontological landmark; amends the permitting requirements to excavate on a privately owned paleontological landmark.</p> <p><i>Primary difference allows site to be designated by the board or by concurrent resolution of Leg & Governor.</i></p>	3	Neutral
HB 317 Energy Storage Amendments	Rep. Musselman	<p>This bill directs the Office of Energy Development to study the feasibility and benefits of storing liquid fuel within the state; specifies study requirements and considerations; allows the Office of Energy Development to contract with consultants for the study; and requires a report of the study results and recommendations.</p> <p><i>This bill only initiates a study but storing large amounts of liquid fuel is simply a high risk situation.</i></p>	2	Oppose
SB 16 Motor Vehicle Act Amendments	Sen. Harper	<p>This bill allows the Division of Motor Vehicles to provide title to certain off-highway vehicles; defines terms and amends the definitions of certain motor vehicles; amends a provision to allow certain motor vehicles to emit visible contaminants.</p>	2	Support
SB 17 Safe Drinking Water Act Sunset Extension	Sen. Sandall	<p>This bill extends the sunset date for the Safe Drinking Water Act.</p>	1	Support
SB 18 Water Modifications	Sen. Sandall	<p>This bill modifies forfeiture provisions in relation to saved water; grants rulemaking authority related to saved water; addresses changes to a water right in relation to saved water; provides for proofs related to saved water; addresses certificates of appropriation in relation to saved water; modifies provisions related to segregation and saved water; clarifies language related to agricultural water</p>	1	Support

		<p>optimization and saved water; repeals certain language related to agricultural water optimization.</p> <p><i>Bill does not completely address needs to ensure saved water properly but makes several significant steps.</i></p>		
SB 20 Agricultural and Wildlife Damage Prevention Board Amendments	Sen. Sandall	This bill extends the sunset date of the Agricultural and Wildlife Damage Prevention Board from 2024 to 2034.	3	Neutral
SB 28 Scenic Byway Program Amendments	Sen. Harper	<p>This bill restructures how a highway is designated as a state scenic byway and how a state scenic byway designation is removed; restructures how a highway or state scenic byway is nominated as a National Scenic Byway or an All-American Road;</p> <p>repeals the Utah State Scenic Byway Committee and assigns certain responsibilities of the former Utah State Scenic Byway Committee to a temporary committee and the Transportation Commission; requires the Department of Transportation and the Utah Office of Tourism to coordinate to prioritize projects for federal grants related to scenic byways and make recommendations to the Transportation Commission for final approval.</p> <p><i>Adds a member of Billboard industry to Scenic Byway Committee.</i></p>	2	Oppose
SB 39 Water Shareholder Amendments	Sen. Sandall	<p>This bill addresses the timing of a water company's response to a shareholder's proposed change application.</p> <p><i>Senate Natural Resources, Agriculture and Environment Committee agenda for Jan 17, 24 passed back to Senate with Favorable Recommendation.</i></p>	3	Neutral

<p>SB 55 Bear Lake Preservation Amendments</p>	<p>Sen. Wilson</p>	<p>This bill defines certain principles of the Bear Lake that are associated with its environmental and recreational uniqueness and value. It also requires development be consistent with these principles.</p> <p><i>Passed to Senate Natural Resources, Agriculture and Environment Committee, not considered waiting first substitution.</i></p>	<p>2</p>	<p>Support</p>
<p>SB 57 Utah Constitutional Sovereignty Act</p>	<p>Sen. Sandall</p>	<p>This bill establishes a framework for the Legislature, by concurrent resolution, to prohibit the enforcement of a federal directive within the state by government officers if the Legislature determines the federal directive violates the principles of state sovereignty; describes the ways in which a federal directive violates the principles of state sovereignty; limits the authority for requesting a concurrent resolution under the bill; requires the Legislature to consult with the attorney general regarding the potential impact of a concurrent resolution on litigation; specifies the required contents of a concurrent resolution; clarifies the effects of a concurrent resolution upon adoption; establishes requirements for the termination of a concurrent resolution; and clarifies the effects of legislative inaction on a federal directive.</p> <p><i>Senate Natural Resources, Agriculture and Environment Committee agenda for Jan 17, 24 passed back to Senate with Favorable Recommendation.</i></p> <p><i>Sen. Sandall positions bill as process only. Sen. Blouin expressed position that the Governor already has this capability.</i></p>	<p>3</p>	<p>Oppose</p>

		<i>This is not specifically environmentally focus so priority lowered.</i>		
SB 67 Public Thoroughfare Amendments	Sen. Sandall	<p>This bill amends provisions related to public use of a private road to establish the road as a public thoroughfare, including: a requirement of 10 years of continuous use in the most recent 30-year period to establish and maintain a public thoroughfare; and clarification that a road returns to private ownership if continuous use ceases; clarifies that eminent domain powers are not impacted by the changes in this bill.</p> <p><i>Allows private owners to more easily block access to designated public road ways.</i></p>	3	Oppose
SB 75 Mineral Amendments	Sen. Owens	<p>This bill amends definitions; modifies aggregate value of tax credit certificates that may be issued under certain circumstances; addresses federal agency consultation before certain acts related to federal designations and minerals.</p> <p><i>Senate Natural Resources, Agriculture and Environment Committee agenda for Jan 17, 24 passed back to Senate with Favorable Recommendation.</i></p> <p><i>Expands availability of existing tax credit for certain mining operations. Does not apply to mining in GSL and SITLA, those are not part of the existing tax credit. Sen. Blouin expressed concern with the federal consultation felt there were other mechanisms to address.</i></p> <p><i>Position. OPPOSE as this is an incentive for expanding mining operations.</i></p>	3	Oppose
SB 77 Water Rights Restricted Account Amendments	Sen. Sandall	<p>This bill modifies the purposes for which money in the Water Rights Restricted Account may be expended.</p>	1	Support

		<p><i>Adds water measuring equipment and cost sharing on stream gauges to purpose of the fund.</i></p> <p><i>Senate Natural Resources, Agriculture and Environment Committee agenda for Jan 17, 24 passed back to Senate with Favorable Recommendation.</i></p>		
Bills added Week 1				
SB113 Disposition of State Property Amendments	Sen. Buxton	This bill modifies provisions related to the sale, long-term lease, or other disposition of real property, water rights, or water shares associated with the Utah State Developmental Center; modifies the duties and the authority of the Division of Facilities Construction and Management (division); modifies provisions related to the purchase or exchange of division-owned real property.	2	Watch
SB118 Water Efficiency Amendments	Sen. McKell	This bill provides for developer incentives to use water efficient landscaping in new residential development; grants rulemaking authority.	2	Support
SB125 Secondary Water Amendments	Sen. Hinkins	<p>This bill modifies who may meter at strategic points of a system as approved by the state engineer.</p> <p><i>Makes one change in qualification for strategic metering raising water user from 1000 to 2500.</i></p>	3	Neutral