

UTAH CONSERVATION COMMUNITY

LEGISLATIVE UPDATE

2023 General Legislative Session

Issue #4

February 12, 2023

Welcome to the 2023 Legislative Update

This issue includes highlights of week four, 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 contact your legislators with your opinions and concerns!

ACTION ALERT!

Now is the time in the Session to contact members of the Executive Appropriations Committee to support or oppose funding requests (see Budget News below).

Consider supporting the Governor's requests for \$519 m. for water projects and programs and \$25.5 m. for a year of fare free transit on UTA. Also worthy of our lobbying support is \$5 m. for turf removal rebates, \$2 m. for critical lands conservation, \$232,000 for dust impact monitoring, and \$250,000 for Utah Avalanche Center. Oppose the \$500,000 "Hunter Nation" funding request to delist wolves and \$2m. to sue EPA over its ozone transport rule.

News of Week Four (Week # 4)

One good bill we've worked on, SB 53, has already passed both chambers and will be signed by the Governor. A couple of bills we'd like to see get hearings and votes, HB 220 and HB 286, remain stuck in Rules. Two bills we have opposed, SB 107 and SB 113, have passed the Senate, 107 on a party-line vote.

One bill we haven't yet seen but anticipate will emerge before the Session ends that we would to fight would allow the Grandeur Peak/Parley's Canyon gravel pit to be built. We are also keeping our eyes out for legislation pertaining to the Promontory Point landfill, just in case. There are bill files open for "Utah Inland Port Authority Amendments" and for "Great Salt Lake Authority" that we can expect to drop any day now. While the UIPA bill may be an improvement over the current statute, we expect that the GSL bill will be a poison pill we will have to fight. Stay tuned....

Budget News

Appropriations Subcommittees finished their new money priorities and recommendations by Wednesday, and presented them to Executive Appropriations Committee,

which will begin the budget-building process over the next two weeks.

Several funding requests that we support were prioritized high enough that they will likely make it into the final budget bills. These include \$200 m. for ag water optimization, \$12.7 m. for drinking water, \$15 m. for the Great Salt Lake Trust, \$6m. for wetlands acquisition, \$750,500 for groundwater monitoring & investigations, \$1.1 m. for mapping GSL and Bear Lake bottoms, \$500,000 for water-land planning integration, and \$872,000 for ozone monitoring.

A few of our other priorities fell below the cut-line: Antelope Island SP Visitors Center (\$15 m.), Utah Lake Improvements (\$10 m.), Water Rights Measurement and Data Enhancements (\$5 m.), Drinking Water Emergency Grants (\$750,000), Air and Water Innovation Grants (\$10 m.), Mobile Air Quality Observation System (\$1.5 m.), GSL Dust Monitoring (\$72,000).

NRAE Appropriations full funding priorities list (see pages 41-44): <https://le.utah.gov/interim/2023/pdf/00001851.pdf>

What's Ahead

In Week 5, both chambers will be on the floor each day from 11 to noon, from 2 to 3:50 Monday through Wednesday and from 2-5 on Thursday and Friday. Standing Committees meet each day and from 4-6 Monday through Wednesday and each day except Thursday from 2-5. EAC has a meeting scheduled Thursday 4-6. Here are the calendars for the 5th Week:

House: <https://le.utah.gov/~2023/schedule/h5.pdf>

Senate: <https://le.utah.gov/~2023/schedule/s5.pdf>

Rules Committees

Senate Rules Committee:

Sen. Greg Buxton, Chair gbuxton@le.utah.gov
Sen. Lincoln Fillmore lfillmore@le.utah.gov
Sen. Kirk Cullimore, Vice-Chair kcullimore@le.utah.gov
Sen. Todd Weiler tweiler@le.utah.gov
Sen. Luz Escamilla lescamilla@le.utah.gov
Sen. Ron Winterton rwinterton@le.utah.gov
Sen. Don Ipson dipson@le.utah.gov

House Rules Committee:

Rep. Casey Snider, Chair csnider@le.utah.gov
Rep. Jordan Teuscher, Vice-Chair jteuscher@le.utah.gov
Rep. Ryan Wilcox ryanwilcox@le.utah.gov
Rep. Walt Brooks wbrooks@le.utah.gov
Rep. Andrew Stoddard astoddard@le.utah.gov
Rep. Ashlee Matthews amatthews@le.utah.gov
Rep. Calvin Musselman cmusselman@le.utah.gov

BILL TRACKING LIST

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

Bill	Sponsor	Description/Status	Priority	Position
HB 30 Wildlife Resources Code Recodification	Rep. Snider	Recodification clarifies, reorders, removes outdated language, addresses cross-references, and makes technical changes to the entire section of Wildlife Resources Code.	3	Support
HB 32 Outdoor Recreation Amendments	Rep. Stratton	Requires the Division of Outdoor Recreation to prepare a recreation management plan for Provo Canyon.	3	Support
HB 33 Water-Related Liability Amendments	Rep. Albrecht	Clarifies that water facility owners and operators have a duty to prevent waste of water or property damages, and shields them from liability for damage or injury under certain circumstances.	3	Support
HB 39 State Resource Management Plan Amendments	Rep. Stratton	Adopts a state resource management plan to replace a previously adopted plan and makes technical changes.	3	Support
HB 93 Outdoor Recreation Modifications	Rep. Albrecht	Increases the amount that may be used each fiscal year for the Recreation Restoration Infrastructure Grant Program, and amends the types of entities that are eligible to receive an infrastructure grant.	3	Support
HB 114 Substitute Theft Defense Amendments	Rep. Albrecht	Provides that it is not a defense to theft of livestock that the livestock is sick, injured, or a liability to the owner. This is a response to the acquittal of activists who trespassed on Smithfield's Circle 4 Farms to call attention to alleged animal abuse.	3	Neutral

HB 121 Wildlife Habitat Account Amendments	Rep. Thomas Peterson	Increases percentage and amounts of money that go to wetlands that are beneficial to waterfowl and decreases amounts that go to upland and big game projects. On House 3 rd Reading Calendar.	2	Support
HB 137 State Crustacean Designation	Rep. Lesser	Designates the brine shrimp as the state crustacean. In House NRAE Committee.	2	Support
HB 145 Private Property and Wildlife Amendments	Rep. Chew	Prohibits the Division of Wildlife Resources and the Wildlife Board from conditioning participation in a wildlife program on a person granting public access to private property with exceptions. In House Rules.	2	Studying
HB 150 Emergency Water Shortages Amendments	Rep. Albrecht	Clarifies the process for the declaration of emergency shortages of water by the governor and creates a preference for uses of water during a temporary water shortage emergency. Passed House. In Senate Rules.	2	Support
HB 169 Urban Farming Assessment Act	Rep. Karen Peterson	Modifies the Urban Farming Assessment Act to provide that a county may limit an authorization of urban farming to either cultivating crops or engaging in livestock production or may allow both.	3	Support
HB 186 Golf –Related Water Modifications	Rep. Welton	Requires reporting of water use for the operation of a golf course or driving range and provides for the publication of the information on websites.	3	Support
HB 206 Airport Land Use Amendments	Rep. Ballard	Amends definitions related to airport influence areas and airport overlay zones; encourages a political subdivision to adopt land use regulations that protect airports, including: adopting airport overlay zones; notifying of airport impacts; and granting of aviation easements. Amends provisions related to governing law in the event	3	Support

		of a conflict between land-use regulations related to airport overlay zones.		
HB 207 Compact Commission Amendments	Rep. Snider	Changes the authority to appoint one member each to the Bear River and the Columbia River Compact Commissions from the Director of the Division of Water Resources to the State Engineer.	3	Support
Substitute HB 217 School Energy and Water Reductions	Rep. Bennion	Authorizes the State Board of Education to issue grants to schools related to energy and water reductions, provides for prioritizing certain projects, and requires rulemaking and use of an evaluation panel. Appropriates \$9.9 m. one-time from the Income Tax Fund. In House Education Committee.	2	Support
HB 218 Foreign Government Land Possession Requirements	Rep. Chistofferson	Prohibits a foreign government or an entity under a foreign government's control from holding an interest in real property in the state. In House Rules.	3	Studying
HB 220 Emissions Reduction Amendments	Rep. Stoddard	Enacts the Pollution Emission Reduction Act, defines terms and imposes certain emission related requirements on the board of the Inland Port Authority. In House Rules.	1	Support
HB 222 Bison Amendments	Rep. Watkins	Requires the issuance of 365-day bison hunting permits under certain circumstances. Failed.	3	Oppose
HB 224 Outdoor Recreation Amendments	Rep. Stenquist	Creates the Recreation Coordinated Investment Initiative to manage, maintain, expand, restore, and improve outdoor recreation infrastructure on public lands within the state. Passed House. Passed Senate.	2	Support
HB 261 Fire Related Amendments	Rep. Snider	Addresses prescribed fires and pile burns on private land, including when burning is allowed and permits and notice	3	Support

		are required, as well as criminal penalties and liability. Addresses the Wildland Fire Suppression Fund. Enacts provisions related to wildland-urban interface fire prevention, preparedness, and mitigation.		
HB 262 Wildlife Management Area Amendments	Rep. Snider	Establishes wildlife management area purposes and how purposes and conditions for certain uses are to be implemented. In House NRAE Committee.	2	Support if amended
HB 272 Water Efficient Landscaping Amendments	Rep. Owens	Allows the Division of Water Resources to award grants to local water districts or municipalities that pass appropriate water use ordinances to assist financially property owners to take water efficient landscaping efforts. In House NRAE Committee.	1	Support
HB 273 State Trust Lands Administration Amendments	Rep. Lyman	Requires the director of SITLA to establish criteria for the sale, lease or other conveyance of state trust lands that reflect the state's priorities for energy and mineral development and the rural counties' resource management plans, as well as the fair market value of those lands. In House Rules.	2	Oppose
HB 274 Adopt-the-Outdoors Program Amendments	Rep. Doug Owens	Creates an Adopt-the-Outdoors Program and permits a person to sponsor a small recreational outdoor location.	3	Support
HB 276 Water Supply Amendments	Rep. Lyman	Creates rules and regulations by which a "contract water customer" who lives outside of municipality's designated water service area may receive water for culinary purposes or fire suppression purposes from that municipality's surplus water under a contract or permit. Held in House NRAE.	2	Oppose

HB 286 Great Salt Lake Funding Modifications	Rep. Briscoe	Changes the recipient of the revenue generated from a 1/16% sales and use tax (the earmarked revenue) from the Water Infrastructure Restricted Account (for Lake Powell Pipeline and Bear River Development) to the Great Salt Lake Account for five years. In House Rules.	1	Support
2 nd Substitute HB 299 Infrastructure Related to Water	Rep. Snider	Creates the Watercraft Infrastructure Fund to address impacts of recreational users of certain bodies of water.	3	Support
HB 301 Transportation Tax Amendments	Rep. Schultz	Reduces the tax on motor fuel, increases vehicle registration fees, and imposes a tax on the sale of electricity for electric vehicle charging.	3	Studying
HB 307 Utah Water Ways	Rep. Mussleman	Creates a new nonprofit, statewide partnership to be known as “Utah Water Ways” addressing water conservation, outlines the purpose, powers and duties of the partnership. Appropriates \$2,000,000 in one-time General Funds. Passed House. On Senate 2 nd Reading.	2	Support
HB 319 Uintah Basin Air Quality Research Project	Rep. Chew	Repeals the sunset date for the Uintah Basin Air Quality Research Project.	3	Support
HB 321 Mineral Lease Amendments	Rep. Christofferson	Modifies mineral lease application procedures and introduces an online option for the disclosure of a mineral lease application.	3	Studying
HB 327 Pollinator Pilot Program Amendments	Rep. Matthews	Extends the sunset date for the Pollinator Pilot Program to July 1, 2026	3	Support
HB 338 Resource Stewardship Director	Rep. Cutler	Provides for the appointment of a director of resource stewardship by the executive director of the Department	3	Studying

		of Environmental Quality, addresses duties of the director.		
HB 349 Water Reuse Amendments	Rep. Snider	Addresses approval of water reuse projects, prohibits approval of water reuse projects impacting the Great Salt Lake, and provides for investigation of water reuse impacts as part of the integrated assessment of the Great Salt Lake. On House 3 rd Reading Calendar.	1	Support
HB 371 Working Farm and Ranch Protection Fund	Rep. Snider	Establishes the Working Farm and Ranch Protection Fund, renames the LeRay McAllister Critical Land Conservation Program, and directs that a percentage of county rollback tax revenues be dedicated to the Fund. In House Economic Development & Workforce Services Committee.	2	Support
HB 384 Outdoor Recreation Infrastructure Amendments	Rep. Stenquist	Amends the makeup of and provisions relating the Outdoor Adventure Commission. Appropriates \$35.2 million to Divisions of State Parks, Recreation and Recreation Services.	3	Support
HB 389 Renewable Energy Amendments	Rep. Jack	Creates the Electrical Service Quality Act to protect delivery of electricity to customers. Requires certain electric utility companies to prepare an electric service quality plan, grants rulemaking authority to the Public Service Commission, and creates certain reporting requirements.	3	Studying
HB 425 Energy Security Amendments	Rep. Ivory	Modifies the state energy policy to promote the state's energy independence by promoting the use of energy resources generated within the state, while considering the emissions of an energy resource throughout its entire life cycle. Authorizes the Attorney General to take any	3	Oppose

		action to defend a utility facing a proposed federal regulation that would result in the early retirement of an electric generation facility.		
HB 426 Statewide Energy Policy Amendments	Rep. Jefferson Moss	Modifies the Utah Energy Act to require the Office of Energy Development to prepare a strategic energy plan. Creates the Utah Energy Research Grant Program and the Utah Energy Research Fund. Appropriates \$1 m.	3	Support
HB 444 Recreational Vehicle Grant Program	Rep. Stenquist	Creates the Recreational Vehicle Grant Program and establishes funding for the program through associated fees, and describes the purposes of the Grant Program to improve recreational facilities. In House Rules.	3	Support
HJR 11 Joint Resolution Establishing a State Social Cost of Carbon	Rep. Dailey-Provost	Recognizes the role of greenhouse gas emissions in driving global climate change and the significant risks posed by climate change to economic, human, and natural systems. Describes "social cost of carbon" estimates and their use in federal and state policymaking and resolves that the Legislature promotes the development or adoption of state social cost of carbon estimates. In House Rules.	2	Support
HCR 7 Supporting the Creation of the Great Salt Lake Sentinel Landscape	Rep. Lee	Encourages the Utah Department of Veterans and Military Affairs and its partners to submit an application to establish the Great Salt Lake Sentinel Landscape. In House Rules.	3	Neutral
4 th Substitute SB 27 Transportation Revisions	Sen. Harper	Amends provisions related to station area plans for public transit and provisions related to the transfer of real property from the Department of Transportation and a	2	Studying

		large public transit district. Passed Senate. In House Rules.		
Substitute SB 34 Water Infrastructure Funding Study	Sen. McCay	Directs the Department of Natural Resources create a working group to study the use of property tax revenue to fund water infrastructure, treatment, and delivery. Circled on Senate 2 nd Reading Calendar.	2	Support
Substitute SB 53 Groundwater Use Amendments	Sen. Vickers	Clarifies that the use of surface water to artificially recharge an aquifer is a beneficial use under certain conditions. Passed Senate. Passed House.	1	Support
HB 62 Hydrogen Amendments	Sen. Hinkins	Directs the Department of Natural Resources to establish a hydrogen advisory council within the Office of Energy Development which may advise on issues related to hydrogen.	3	Support
3 rd Substitute SB 75 Sand and Gravel Amendments	Sen. Sandall	This bill modifies the distribution of specified local property tax revenue.	3	Neutral
Substitute SB 76 Water Amendments	Sen. Sandall	Addresses coordination of planning related to water and land use, including requiring certain municipalities and counties to consult with state agencies and others in development of general plans. Appropriates \$890,000 for planning. Passed Senate. In House Rules (fiscal impact).	1	Support
SB 92 Special License Plate Designation	Sen. Plumb	Creates the Great Salt Lake Preservation support special group license plate and directs revenue generated license plate to be deposited into the Sovereign Lands Management Account to enhance preservation of the	2	Support

		Great Salt Lake watershed and ecosystem. Passed Senate. In House Rules Committee.		
2 nd Substitute SB 107 Oil and Gas Severance Tax Amendments	Sen. Winterton	Creates the Impact Projects Restricted Account and directs the Permanent Community Impact Fund Board to award loans and grants from the restricted account for infrastructure projects intended to address the impacts of mineral resource development. Appropriates \$20 million one-time for construction of the Gate Canyon hydrocarbon highway. Passed Senate 21-6-2. In House Rules.	1	Oppose
SB 112 Aquatic Invasive Species Amendments	Sen. Sandall	Requires the payment of a fee and display of an aquatic invasive species decal before launching or operating a vessel.	3	Support
2 nd Substitute SB 113 Local Agriculture Amendments	Sen. Sandall	Prohibits a municipality or a county from adopting or enforcing an ordinance or other regulation that prohibits or effectively prohibits the operation of a Concentrated Animal Feeding Operation (CAFO) or the use of a working animal. Passed Senate 25-1-3. In House Rules.	1	Oppose
3 rd Substitute SB 118 Water Efficient Landscaping Amendments	Sen. Sandall	Establishes a financial incentive program for the conversion of lawns or turf to water efficient landscaping. Passed Senate. In House NRAE Committee.	1	Support
SB 119 Per Capita Consumptive Use	Sen. McKell	Defines how per capita consumptive use is to be calculated, requires reporting, and regulates the publication or dissemination of consumptive water use numbers. Passed Senate. In House NRAE Committee.	2	Support if amended
SB 125 Transportation	Sen. Wilson	Designates the ASPIRE Engineering Research Center at Utah State University as the research center for strategic	3	Support

Infrastructure Amendments		planning for electrification of transportation infrastructure and requires certain actions.		
SB 144 Water Instream Flow Amendments	Sen. Hinkins	Allows for a fixed or temporary change application for a project to deliver water to a reservoir located partially or entirely within the state under certain conditions. On Senate 2 nd Reading Calendar.	1	Support
SB 147 Department of Environmental Quality Adjudicative Proceed-ings Amendments	Sen. McKell	Removes the requirement that the administrative law judge in a DEQ adjudication be a member in good standing of the Utah State Bar. On Senate 2 nd Reading Calendar.	2	Studying
SB 191 Condominium and Community Association Amendments	Sen. Harper	Provides that a community association rule may not prohibit low water use on lawns during drought conditions and requires a newly formed community association to adopt required rules regarding water efficient landscaping.	3	Support
SB 211 Net Metering Energy Amendments	Sen. Harper	Makes changes to when an electrical corporation may discontinue offering a net metering program to customers not already participating in the program, requires an electrical corporation to provide credits to customers at the prevailing rate for customer-generated electricity, and requires unused credits be donated. In Senate Rules.	2	Studying
SCR 2 Concurrent Resolution Regarding the Environmental Impact of Idling	Sen. Fillmore	Encourages Utahns, businesses, and other entities to take steps to reduce idling.	3	Support
SCR 6 Concurrent Resolution Regarding	Sen. Blouin	Describes the current status of the Great Salt Lake, addresses the impacts of the Great Salt Lake on the state's economy, discusses the impacts of low lake levels,	2	Support

the Great Salt Lake Elevation Targets		and recommends the adoption of a goal to devise and implement policies, incentives, and funding sources to return the Great Salt Lake to optimal levels. Failed.		
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Important Dates

January 17 First day of session

January 27 Last day to request bills or appropriations (by noon)

Last day to approve bills for numbering (by noon)

February 24 Last day for the Executive Appropriations Committee to complete all budget decisions necessary to draft the final appropriations bills

February 28 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 1 Last day for legislators to prioritize bills and other programs with fiscal impact

March 1 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 3 Last day of session

March 23 Last day governor may sign or veto bills

May 2 Last day a veto-override session may begin

May 3 Normal effective date for bills

First day to file bills for the 2023 General Session

Executive Appropriations Committee

Rep. Val Peterson, Co-Chair

vpeterson@le.utah.gov

Sen. Jerry Stevenson, Co-Chair

jwstevenson@le.utah.gov

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