

# UTAH CONSERVATION COMMUNITY

## LEGISLATIVE UPDATE

2024 General Legislative Session

Issue Pre-Session

January 13, 2024

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### 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](mailto: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](http://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!

### 2024 Items to Watch

1. Appropriations for the State Engineer to install necessary equipment for instream flow measurement. This is to make certain that saved/leased water actually flows to the Great Salt Lake. Follow up to HB33'23.
2. Follow up rulemaking to 2023 legislation:
  - Water Optimization Program (R64-4)
  - Emergency Water Loan Guidelines (Department of Agriculture)
  - Water Duty Value (State Engineer)
  - Rules on considering Great Salt Lake for water budget and growth – Water Conservation Plan (Div of Water Resources)
3. Aquifer recovery management, ground water and surface water management coordination.
4. Municipalities and counties adopting water use efficiency standards. Div of Water Resources to maintain status on adoption. Follow up to SB118'23.
5. Secondary water meter installation. Follow up to SB251'23.
6. Implementation, organization and rules of Utah Water Way Committee. Follow up to HB307'23

## BILL TRACKING LIST

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

| Bill  | Sponsor       | Description/Status<br><i>Italics are UAC commentary/explanation</i>   | Priority | Position |
|---|---------------|---|----------|----------|
| <a href="#">HB 11</a> <b>Water Efficient Landscaping Requirements</b>                         | Rep. Owens    | This bill restricts the use of lawn or turf by certain governmental entities.<br><br><i>This bill is another step in reducing water use on ornamental lawns by Utah State entities.</i>   | 1        | Support  |
| <a href="#">HB 18</a> <b>Mineral Production Tax Withholding Amendments</b>                    | Rep. Bolinder | 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. | 3        | Neutral  |
| <a href="#">HB 23</a> <b>Division of Outdoor Recreation Advisory Council Sunset Extension</b> | Rep. Brooks   | This bill extends the sunset date of the advisory council that advises the Division of Outdoor Recreation on boating policies from 2024 to 2029.  | 3        | Support  |
| <a href="#">HB 31</a> <b>Agricultural Tourism Amendments</b>                                  | Rep. Albrecht | 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 to the registry; modifies civil liability limitations in relation to an agricultural tourism activity. | 3        | Watch    |
| <a href="#">HB 42</a> <b>Water Rights Publication Amendments</b>                              | Rep. Briscoe  | This bill permits the state engineer to confirm publication of a notice of application through electronic means.  | 3        | Support  |

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| <a href="#">HB 48</a> <b>Utah Energy Act Amendments</b>                       | 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"> <li>• developing strategies to advocate for state interests on federal energy and environmental programs;</li> <li>• overseeing legal strategy on federal overreach and permitting delays; and</li> <li>• engaging in federal rulemaking and advocacy for regulatory reform;</li> </ul> <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   |
| <a href="#">HB 57</a> <b>Snake Valley Aquifer Advisory Council Amendments</b> | 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>   | 3 | Neutral |
| <a href="#">HB 61</a> <b>Water Measuring and Accounting Amendments</b>        | Rep. Albrecht | <p>This bill modifies the state water policy to address telemetry; grants rulemaking authority regarding measurement and accounting; and makes technical changes, including repealing outdated language.</p>   | 1 | Support |
| <a href="#">HB 62</a> <b>Utah Water Ways Amendments</b>                       | Rep. Owens    | <p>This bill outlines coordination related to water and the public education system.</p>   | 1 | Support |
| <a href="#">HB 65</a> <b>Active Transportation and Canal Trail Amendments</b> | 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</p>  | 2 | Support |

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|   |                | <p>Transportation; requires the Department of Transportation to:</p> <ul style="list-style-type: none"> <li>• develop a canal trail toolkit;</li> <li>• inventory certain canals in the state;</li> <li>• consider creating a canal trail as part of the active transportation plan; and</li> <li>• identify certain canal corridors for transportation corridor preservation; enables the Transportation Commission to consider water savings and improvement of canal infrastructure when prioritizing a transportation project.</li> </ul> |   |         |
| <a href="#">HB 76</a> <b>State Resource Management Plan Amendments</b>    | Rep. Stratton  | This bill adopts a state resource management plan to replace a previously adopted plan.   | 3 | Support |
| <a href="#">HB 90</a> <b>Outdoor Recreation Infrastructure Amendments</b> | Rep. Stenquist | This bill simply relocates definitions of the current bill.   | 3 | Neutral |
| <a href="#">HB 117</a> <b>Wind Energy Facility Siting Modifications</b>   | Rep. Burton    | 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.               | 3 | Support |
| <a href="#">HB 126</a> <b>Emissions Regulation Amendments</b>             | 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 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.  | 2 | Support |

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| <a href="#">HB 130</a> <b>Animal Fighting Penalties</b>                                      | 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 |
| <a href="#">HB 135</a> <b>County Land Use Amendments</b>                                     | Rep. Birkeland | This bill removes text from existing legislation that specified actions to be taken prior to 31 December, 2022.   | 3 | Neutral |
| <a href="#">HB 151</a> <b>Public Lands Amendments</b>  | Rep. Ward      | This bill requires an inventory of public lands by each municipality and notification of interest in public lands.<br><br><i>How would this information be used?</i>  | 2 | Watch   |
| <a href="#">HB 159</a> <b>Bears Ears Visitor Center Advisory Committee Repeal Amendments</b> | Rep. Owens     | This bill removes the repeal date of the advisory committee.  | 2 | Support |
| <a href="#">HB 191</a> <b>Electrical Energy Amendments</b>                                   | Rep. Jack      | This bill sets conditions for when the Public Service Commission may approve the early retirement of an electrical generation facility.<br><br>Requires:<br>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.<br><br><i>Oppose unless amended to remove (d).</i> | 3 | Oppose  |

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| <a href="#">HB 195</a> <b>Land Use Planning Amendments</b>    | 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 |
| <a href="#">HB 222</a> <b>Wildlife Hunting Amendments</b>     | 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 |
| <a href="#">HB 232</a> <b>Outdoor Recreation Impacts Fund</b> | 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.<br><br><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 |
| <a href="#">HB 237</a> <b>Land Use Authority Amendments</b>   | 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.<br><br><i>Deals with aesthetic requirements of buildings only.</i>   | 3 | Neutral |
| <a href="#">HB 241</a> <b>Clean Energy Amendment</b>          | Rep. Albrecht  | This bill changes the term renewable to clean where appropriate in statute.<br><br><i>Editorial updates only.</i>   | 3 | Support |
| <a href="#">HB 242</a> <b>Water Usage Data Amendments</b>     | 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  | 1 | Support |

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|   |               | recommendations; provides for procurement of smart irrigation controllers.  |   |         |
| <a href="#">HB 243</a> <b>Riparian Amendments</b>                             | 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 |
| <a href="#">HB 256</a> <b>Military Compatible Land Use Amendments</b>         | 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 |
| <a href="#">HB 262</a> <b>School and Institutional Trust Lands Amendments</b> | 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 <b>and mineral rights restrictions</b> ; excludes certain lands from sale or lease; and requires rulemaking for determining the fair market value of trust lands.   | 1 | Watch   |
| <a href="#">HB 275</a> <b>Water Amendments</b>                                | Rep. Snider   | This bill clarifies who is eligible for grant money for water conservation efforts other than secondary water metering.   | 1 | Support |
| <a href="#">HB 279</a> <b>Air Quality Amendments</b>                          | Rep. Clancy   | This bill establishes a policy regarding reducing certain 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   | 2 | Support |

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|   |              | 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 <sup>2</sup>   |   |         |
| <a href="#">SB 16</a> <b>Motor Vehicle Act Amendments</b>                                 | Sen. Harper  | 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.   | 2 | Support |
| <a href="#">SB 17</a> <b>Safe Drinking Water Act Sunset Extension</b>                     | Sen. Sandall | This bill extends the sunset date for the Safe Drinking Water Act.   | 1 | Support |
| <a href="#">SB 18</a> <b>Water Modifications</b>  | Sen. Sandall | 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 optimization and saved water; repeals certain language related to agricultural water optimization.<br><br><i>Bill does not completely address needs to ensure saved water properly but makes several significant steps.</i> | 1 | Watch   |
| <a href="#">SB 20</a> <b>Agricultural and Wildlife Damage Prevention Board Amendments</b> | Sen. Sandall | This bill extends the sunset date of the Agricultural and Wildlife Damage Prevention Board from 2024 to 2034.  | 3 | Neutral |
| <a href="#">SB 28</a> <b>Scenic Byway Program Amendments</b>                              | Sen. Harper  | 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   | 2 | Watch   |



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|  |              | Byway or an All-American Road; 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.   |   |         |
| <a href="#">SB 39</a> <b>Water Shareholder Amendments</b>        | Sen. Sandall | This bill addresses the timing of a water company's response to a shareholder's proposed change application.  | 3 | Neutral |
| <a href="#">SB 55</a> <b>Bear Lake Preservation Amendments</b>   | Sen. Wilson  | 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.   | 2 | Support |
| <a href="#">SB 57</a> <b>Utah Constitutional Sovereignty Act</b> | Sen. Sandall | 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. | 1 | Oppose  |

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| <p><a href="#">SB 67</a> <b>Public Thoroughfare Amendments</b></p>             | <p>Sen. Sandall</p> | <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> | <p>3</p> | <p>Oppose</p>  |
| <p><a href="#">SB 75</a> <b>Mineral Amendments</b></p>                         | <p>Sen. Owens</p>   | <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>Concerns regarding requirement for federal agency consultation.</i></p>   | <p>3</p> | <p>Watch</p>   |
| <p><a href="#">SB 77</a> <b>Water Rights Restricted Account Amendments</b></p> | <p>Sen. Sandall</p> | <p>This bill modifies the purposes for which money in the Water Rights Restricted Account may be expended.</p> <p><i>Adds water measuring equipment and cost sharing on stream gauges to purpose of the fund.</i></p>  | <p>1</p> | <p>Support</p> |