

UTAH CONSERVATION COMMUNITY

LEGISLATIVE UPDATE

2020 General Legislative Session

Issue #1

February 2, 2020

Welcome to the 2020 Legislative Update

This issue includes highlights of week one, what we can expect in the week ahead, and information for protecting wildlife and the environment. Please direct any questions or comments to Steve Erickson: erickson.steve1@comcast.net.

About the Legislative Update

The Legislative Update is made possible by the **Utah Audubon** Council and contributing organizations. Each Update provides bill and budget item descriptions and status updates throughout the Session, as well as important Session dates and key committees. For the most up-to-date information and the names and contact information for all legislators, check the Legislature's website at www.le.utah.gov. The Legislative Update focuses on legislative information pertaining to wildlife, sensitive and invasive species, public lands, state parks, SITLA land management, energy development, renewable energy and conservation, and water issues. The Update will be distributed after each Friday of the Session. We may also send out additional Action Alerts during the Session as issues arise that need quick action. We hope each Update

issue will prepare you to call, email or tweet your legislators with your opinions and concerns!

ACTION ALERT!

It's an election year, and it appears that certain rural and trophy hunting interests and politics will attempt to wag the dog of the sixth most urbanized state yet again. HB 125 would require that the Director of the Division of Wildlife Resources take immediate action to reduce predators if deer or elk herds dip below management objectives.

Also in the pipeline is HB 228, which would permit livestock owners to kill predators that harass, chase, disturb, harm, attack, or kill livestock on private lands or public grazing allotments. Currently, livestock owners are compensated for losses due to predation and request DWR remove or take offending predators.

Call legislators to oppose these unnecessary, unscientific and ethically questionable approaches to predator management!

News of Week One (Week # 1)

Strangely, this legislative session opened the way the last one ended – with the collapse of tax reform efforts. Each Session is different, and it's early, but this could wind up being the signature event of this Session. More on what it might mean below in Budget News.

According to some observers, fewer bills than most years were ready to move quickly in the first week due to the intense focus on tax reform during the interim and run-up to the opening bell. Still, we can expect another record number of bill files opened, if not considered.

Notable, if not unusual, are the number of water bills filed. Most have been vetted extensively during the “off-season” by stakeholders, so they're consensus bills that will pass, even if they're amended. A bill to watch out for is HB 233, which would fund worthy natural resources programs – but by levying a fee on disposal of depleted uranium – which we oppose.

Budget News

The repeal of the tax reform legislation has upended plans for the FY 2021 Budget and for adjustments to the current FY 2020 Budget. This has led to a chorus of exclamations that “there is no money” available to fund new or expanded programs and services. While we hear versions of this dirge every year, it does ring rather hollow this year given projections that the Education Fund revenue is up by \$440 million and General Fund revenue increased by 6.7% over FY 19. To be fair, there are “offsets” that must be dealt

with, among them the \$300 m. that the legislature withheld last year (or spent as one-time money for on-going expenses). After those adjustments, the GF is left with a shortfall of \$16 m. in one-time money and \$80 m. in new growth for FY 21. So the budget is tight but not as dire as some would claim.

There seems to be some residual angst among some legislators (and leaders) over the public outcry and override of the tax package passed in the December Special Session. Hopefully that will pass soon and not result in budgetary retaliation for critical programs.

The Governor has requested another \$100 m. investment in air quality initiatives. It's unlikely that this will get funded to that level given the budget constraints.

What's Ahead

We may see action this week on the controversial wildlife bills we oppose (HB 125, HB 228 – see Action Alert). Also to be heard this week will be SB 88, the big DEQ recodification bill.

Appropriations Subcommittees will continue to meet in the mornings next week to meet the noon Wednesday, February 5 deadline to approve base budgets for all state agencies. Thursday noon is the deadline for new appropriations or bill requests. Here are the calendars for next week:

<https://le.utah.gov/~2020/schedule/h2.pdf>

<https://le.utah.gov/~2020/schedule/s2.pdf>

Rules Committees

Senate Rules Committee:

Sen. Greg Buxton, Chair gbuxton@le.utah.gov
Sen. Lincoln Fillmore, Vice-Chair lfillmore@le.utah.gov
Sen. Dan Hemmert dhemmert@le.utah.gov
Sen. Wayne Harper wharper@le.utah.gov
Sen. Karen Mayne kmayne@le.utah.gov
Sen. Jani Iwamoto jiwamoto@le.utah.gov
Sen. Don Ipson dipson@le.utah.gov
Sen. Dan McCay dmccay@le.utah.gov

House Rules Committee:

Rep. Tim Hawkes, Chair thawkes@le.utah.gov
Rep. Robert Spendlove, Vice-Chair rspendlove@le.utah.gov
Rep. Joel Briscoe jbriscoe@le.utah.gov
Rep. Jake Anderegg janderegg@le.utah.gov
Rep. Sandra Hollins shollins@le.utah.gov
Rep. John Knotwell jknotwell@le.utah.gov
Rep. Mike McKell mmkell@le.utah.gov
Rep. Logan Wilde loganwilde@le.utah.gov
Rep. Casey Snider csnider@le.utah.gov

BILL TRACKING LIST

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

Bill	Sponsor	Description/Status	Priority	Position
HB 5 Natural Resources, Agriculture, and Environmental Quality Base Budget	Rep. Barlow	Supplements or reduces appropriations for the operation of the Departments of Natural Resources, Agriculture and Environmental Quality for fiscal years 2020 (July1, 2019 to June 30, 2020) and 2021 (July 1, 2020 to June 30, 2021). In NRAE Appropriations Subcommittee.	1	Support
HB 26 Jordan River Recreation Area Funding Management	Rep. Winder	Clarifies that the Division of Forestry, Fire, and State Lands manages the money appropriated to programs related to the Jordan River Recreation Area; provides that the money appropriated to programs related to the Jordan River Recreation Area are non-lapsing; and makes technical changes. Passed House 74-0-1 on 1/27. In Senate NRAE Standing Committee.	3	Support
HB 27 Waste Tire Recycling Amendments	Rep. Chew	Modifies definitions related to waste tire piles; increases the number of whole waste tires a person may transfer at one time to a landfill or any other location in the state authorized by the director to receive waste tires; addresses storage of whole waste tires; and extends the relevant sunset date. Passed House 74-0-1 on 1/27. In Senate NRAE Standing Committee.	3	Support
HB 28 Legislative Water Development Commission Sunset Amendments	Rep. Stratton	Extends the sunset date of the Legislative Water Development Commission to January 1, 2031. In House NRAE Standing Committee.	3	Neutral

HB 39 Agricultural Water Optimization Task Force Amendments	Rep. Snider	Expands the membership of the task force. Passed House 72-1-1 on 1/27. In Senate NRAE Standing Committee.	3	Support
HB 40 Water Loss Accountability Act	Rep. Ballard	Enacts the Water Loss Accounting Act, providing for a technical advisory committee; requiring water loss accounting reports, providing for technical assistance; and appropriating \$1.8 m. one-time and \$300,000 on-going. In House NRAE Standing Committee.	2	Support
HB 41 State Water Policy Amendments	Rep. Stratton	Outlines the water policies of the state. In House NRAE Standing Committee.	1	Amend, likely oppose
HB 59 Tax Credit for Alternate Fuel Heavy Duty Vehicles	Rep. Stoddard	Extends the availability of the income tax credit related to certain alternative fuel heavy duty vehicles. In House Rules Committee.	3	Support
HB 62 Enterprise Zone Tax Credit Amendments	Rep. Sagers	Authorizes enterprise zone income tax credits for certain investments in and creation of certain full-time jobs in a business that produces, processes, distributes, or dispenses hydrogen fuel. In House Rules Committee.	3	Support
HB 66 Wildland Fire Planning and Cost Recovery Amendments	Rep. Albrecht	Enacts and modifies provisions relating to wildland fire planning and cost recovery. In House NRAE Standing Committee.		Studying
HB 85 Federal Designations Amendments	Rep. Albrecht	Amends the definitions related to federal designations, removing the Governor's Office agencies from the list of governmental entities required to report to intent to advocate for federal land designations. Passed House NRAE 9-0-4 on 1/30. On House 3 rd Reading Calendar.	2	Neutral

HB 92 Fire Amendments	Rep. Snider	Prohibits a governmental agency from prohibiting pile burns or prescribed fires being started when the United States National Weather Service clearing index for the area where the fire is to occur is above a certain level. In House Rules Committee.	3	Support
HB 94 Water Applications Amendments	Rep. Hawkes	Allows the state engineer to issue a certificate meeting certain requirements before evaluating a claim in a general adjudication for small amounts of water. Passed House NRAE 9-0-4 on 1/30. On House 3 rd Reading Calendar.	3	Support
HB 95 General Water Adjudication Amendments	Rep. Snider	Addresses objections to state engineer determinations of claims to water. Passed House NRAE 9-0-4 on 1/30. On House 3 rd Reading Calendar.	3	Support
HB 96 Water Forfeiture Amendments	Rep. Ferry	Modifies exemption related to a lease and modifies exemption for a water right in a surface reservoir if storage is limited by safety, regulatory, or engineering restraints. Addresses the requirement that a public water supplier meets the reasonable future water requirement. In House NRAE Standing Committee.	3	Support
HB 105 Water Facilities Amendments	Rep. Wilde	Defines prohibited acts related to water facilities or rights of way, including obstruction, damage or changes that result in actual blockage or diversion of water, storm water, wastewater, or sewage. Held in House NRAE Standing Committee on 1/30.	3	Studying
HB 125 Division of Wildlife Resources Amendments	Rep. Albrecht	Requires the Director of DWR to take immediate action to reduce the number of predators under certain circumstances. In House NRAE Standing Committee.	1	Oppose
HB 129 Natural Gas Amendments	Rep. Watkins	Amends the definition of rural gas infrastructure development to include the acquisition, extension, or expansion of natural gas utility facilities to	3	Support

		serve previously unserved rural areas of the state. In House Public Utilities, Energy and Technology Committee.		
HB 130 Water Use Amendments	Rep. Hawkes	Makes changes to water law to allow for a “split season change” change in use when the holder of a perfected right grants to a water user the right to make sequential use of a portion of the water right. In House NRAE Committee.	2	Support
HB 133 Trail Improvement Amendments	Rep. Winder	Allows for use of eminent domain for a regionally significant trail system under certain circumstances. In House Rules.	2	Support
HB 156 Water Amendments and Educational Entities	Rep. Handy	Adds institutions of higher learning to the list of public entities that qualify as public water suppliers under Utah’s non-use statute. In House Rules Committee.	3	Neutral
HB 166 Watershed Councils	Rep. Hawkes	Provides for the creation of a state water watershed council and local watershed councils to facilitate collaborations among stakeholders and advise policy-makers. Participation in these councils is voluntary and the councils have advisory power only. In House Rules.	3	Support
HB 168 Public Water Supplier Relocation Amendments	Rep. Hawkes	Requires reimbursement of costs by the Department of Transportation for to a public water utility for relocation of a water line to accommodate the construction of a state highway project. In House NRAE Committee.	3	Support
HB 176 Vehicle Emissions Reduction Program	Rep. Stenquist	Creates the Vehicle Emissions Reduction Program to provide financial assistance in the purchase of a newer, lower emissions motor vehicle, under certain conditions.	3	Support
HB 179 Recycling Market Development Zone Tax Credit Amendments	Rep. Christofferson	Allows and limits a carry forward for the amount of the credit that the claimant did not use during the taxable year for purchases of machinery in a recycling market development zone. In House Rules.	3	Studying

HB 180 Emissions Inspection Revisions	Rep. Maloy	Exempts electric motor vehicles from local emissions compliance fees. In House Rules.	3	Support
HB 182 Noise Pollution Amendments	Rep. Wheatley	Requires vehicles subject to an emissions inspection also be inspected for compliance with noise suppression equipment requirements. Imposes fines on an individual for a violation of muffler and noise suppression equipment requirements. In House Transportation Committee.	2	Support
HB 194 Clean and Renewable Energy Requirement Amendments	Rep. Ward	Requires that, beginning July 1, 2030, at least 50% of the total kilowatt-hours of a large-scale electric utility's annual retail electric sales to customers in the state in a calendar year shall consist of qualifying clean electricity or renewable energy to the extent that it is cost effective to do so. In House Rules Committee.	2	Support with Amendments
HB 197 Fishing and Hunting Restrictions for Nonpayment of Child Support	Rep. Lisonbee	Prohibits the issuance of a hunting or fishing license, permit, or tag to an individual who is delinquent in child support. In House Rules Committee.	3	Oppose
HB 226 Storm Water Permitting Amendments	Rep. Snider	Requires the Division of Water Quality to complete a study or collect studies that address what need, if any, Utah has to contain storm water related to construction; and if a need found, the best options for the state to provide for storm water containment related to construction. In House Rules.	3	Support
HB 228 Livestock Predators Removal Amendments	Rep. Snider	Allows a livestock owner, an immediate family member, or an employee of the owner to kill predators that harasses, chases, disturbs, harms, attacks, or kills livestock, subject to the requirements of this section, including issuance of a permit from the Director of the Division of Wildlife Resources. In House Rules.	1	Oppose

HB 233 Natural Resources Legacy Funding Amendments	Rep. Snider	Create the Utah Natural Resources Legacy Fund and Board, outlines the uses of the legacy fund, and changes the Radioactive Waste Facility Tax Act to provide funding for the legacy fund by charging \$7 per cubic foot for disposal of depleted uranium. In House Rules Committee.	1	Studying
HB 235 Voluntary Home Energy Information Pilot Program	Rep. Arent	Creates the Voluntary Home Energy Information Pilot Program under the Office of Energy Development to provide reimbursements to fund home energy assessments and the issuance of home energy performance reports to qualified applicants. In House Rules.	3	Support
HB 237 Change to Effective Date of Water-related Amendments	Rep. Stratton	Modifies effective date from H.B. 31, Water Supply and Surplus Water Amendments, passed during the 2019 General Session, to refer to a proposed constitutional amendment (see HJR 3, below). In House Rules.	3	Support
Critical Infrastructure Materials Amendments	Rep. Wilde	No text yet. Likely a rerun of last year's contentious gravel pits bill, which the conservation community opposed.		
HCR 2 CR Creating the Old Iron Town State Monument	Rep. Duckworth	Creates the Old Iron Town State Monument, to be managed by the Utah Division of Parks and Recreation. Passed House 74-0-1 on 1/27. In Senate Government Operations and Political Subdivisions Committee.	3	Support
HJR 3 Resolution to Amend the Utah Constitution – Water Resources of Municipalities	Rep. Stratton	Proposes to amend the Constitution to specify the circumstances under which a municipality may supply water outside its boundary or commit to supply water outside its water service area. Passed House 71-0-4 on 1/29. In Senate Rules Committee.	3	Support

SB 19 Land Exchange Distribution Account Amendments	Sen. Okerlund	Removes air quality monitoring in the West Desert from eligible LEDA funding. Passed Senate 25-0-4 on 1/27. In House Rules Committee.	3	Neutral
SB 26 Water Banking Amendments	Sen. Iwamoto	Enacts the Water Banking Act, including outlining how statutory and contractual water banks are established and regulated. Passed Senate 26-0-3 on 1/31. In House Rules.	2	Support
SB 41 Sales and Use Tax Modifications	Sen. Winterton	Enacts a sales and use tax exemption for the purchase or lease of machinery, equipment, normal operating repair or replacement parts, or materials, by an oil and gas extraction establishment, a pipeline transportation establishment, or an electric generation and transmission facility. In Senate Rules.	2	Oppose
SB 50 Clean Energy Act Amendments	Sen. Anderegg	Clarifies definitions of qualifying clean energy vehicles in the commercial property clean energy program (C-PACE). Passed Senate Government Operations and Political Subdivisions Committee 5-0-2 on 1/30. On Senate 2 nd Reading Calendar.	3	Support
SB 51 Secondary Water Requirements	Sen. Anderegg	Requires metering of all secondary water by the end of 2040, creates a restricted account to provide loans and grants to secondary water suppliers to assist in compliance, and specifies conditions for financing metering. In Senate Rules Committee.	1	Support
SB 52 Agricultural Water Use Amendments	Sen. Anderegg	Requires the Division of Water Rights to prepare a detailed report about agricultural use of water. In Senate Rules Committee.	3	Support
2 nd Substitute SB 63 Recreational Activities Related to Public Waters	Sen. Sandall	Makes provisions for public access for recreational uses on a 40 mile stretch of the Weber River above Echo Reservoir, and provides for penalties for trespass on private lands along the river. On Senate 3 rd Reading.	2	Support

SB 77 Electric Energy Storage Tax Credit	Sen. Kitchen	Creates an income tax credit for the purchase of an electricity storage battery or other technology. In Senate Revenue and Taxation Standing Committee.	2	Support
SB 78 Energy Storage Innovation, Research, and Grant Program	Sen. Fillmore	Creates a grant program to advance energy storage research and technology development and deployment, and appropriates \$5 million in one-time funds. In Senate Public Utilities, Energy and Technology Committee.	3	Support
SB 84 Public Entity Water Users Amendments	Sen. Anderegg	Requires a public entity water user to develop a plan for metering water it uses and adopt a conservation plan that applies to its efficient water, including appropriate timing for the watering of land. In Senate Rules.	2	Studying
SB 88 Environmental Quality Amendments	Sen. Okerlund	Makes changes throughout the Environmental Quality Code and all DEQ divisions, including provisions addressing fees, violations, permitting, powers and duties of DEQ Boards, standards, and definitions under the Water Quality Act and the Solid and Hazardous Waste Act. In Senate Rules.	1	Studying
Scenic Byways Amendments	Sen. Anderegg	No text yet.		
SCR 1 CR Creating the Danger Cave State Monument	Sen. Sandall	Creates the Danger Cave State Monument, to be managed by the Utah Division of Parks and Recreation. Passed Senate 24-0-5 on 1/27. On House 3 rd Reading Calendar.	3	Support

Important Dates

January 27 First day of session

February 6 Last day to request bills or appropriations (by noon)

Last day to approve bills for numbering (by noon)

March 6 Last day for the Executive Appropriations Committee to complete all budget decisions necessary to draft the final appropriations bills

March 9 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 10 Last day for legislators to prioritize bills and other programs with fiscal impact

March 12 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 12 Last day of session

April 1 Last day governor may sign or veto bills

May 11 Last day a veto-override session may begin

May 12 Normal effective date for bills

First day to file bills for the 2020 General Session

Executive Appropriations Committee

Rep. Brad Last, Co-Chair

blast@le.utah.gov

Sen. Jerry Stevenson, Co-Chair jwstevenson@le.utah.gov

Sen. Don Ipson, Vice-Chair dipson@le.utah.gov
Rep. Jefferson Moss, Vice-Chair jeffersonmoss@le.utah.gov
Rep. Mike Shultz mikeshultz@le.utah.gov
Sen. Stuart Adams jsadams@le.utah.gov
Sen. Jani Iwamoto jiwamoto@le.utah.gov
Rep. Angela Romero angelaromero@le.utah.gov
Sen. Karen Mayne kmayne@le.utah.gov
Rep. Francis Gibson fgibson@le.utah.gov
Sen. Dan Hemmert dhemmert@le.utah.gov
Rep. Brian King briansking@le.utah.gov
Sen. Luz Escamilla lescamilla@le.utah.gov
Rep. Karen Kwan kwan@le.utah.gov
Rep. Brad Wilson bradwilson@le.utah.gov
Rep. Carol-Spackman Moss csmoss@le.utah.gov
Sen. Evan Vickers evickers@le.utah.gov
Sen. Ann Millner amillner@le.utah.gov
Sen. Derek Kitchen
Rep. Val Peterson vpeterson@le.utah.gov

Senate Natural Resources, Agriculture and Environment Standing Committee

Sen. Ralph Okerlund, Chair rokerlund@le.utah.gov
Sen. David Hinkins dhinkins@le.utah.gov
Sen. Allen Christensen achristensen@le.utah.gov
Sen. Keith Grover keithgrover@le.utah.gov
Sen. Scott Sandall ssandall@le.utah.gov
Sen. Jani Iwamoto jiwamoto@le.utah.gov
Sen. Jerry Stevenson jwstevenson@le.utah.gov
Sen. Derek Kitchen dkitchen@le.utah.gov
Sen. Evan Vickers evickers@le.utah.gov

Natural Resources, Agriculture and Environmental Quality Appropriations Subcommittee

Sen. David Hinkins, Co-Chair dhinkins@le.utah.gov
Rep. Stewart Barlow, Co-Chair sbarlow@le.utah.gov
Rep. Kay Christofferson kchristofferson@le.utah.gov
Rep. Scott Chew, Vice-Chair scottchew@le.utah.gov
Sen. Daniel Thatcher dthatcher@le.utah.gov

Sen. Ronald Winterton rwinterton@le.utah.gov
Rep. Susan Duckworth sduckworth@le.utah.gov
Rep. Steve Handy stevehandy@le.utah.gov
Rep. Timothy Hawkes thawkes@le.utah.gov
Sen. Don Ipson dipson@le.utah.gov
Rep. Phil Lyman plyman@le.utah.gov
Sen. Ralph Okerlund rokerlund@le.utah.gov
Rep. Lee Perry leeperry@le.utah.gov
Sen. Evan Vickers evickers@le.utah.gov
Rep. Karen Kwan kkwan@le.utah.gov
Rep. Keven Stratton kstratton@le.utah.gov
Rep. Casey Snider csnider@le.utah.gov
Rep. Logan Wilde loganwilde@le.utah.gov
Rep. Suzanne Harrison sharrison@le.utah.gov

House Natural Resources, Agriculture and Environment Standing Committee

Rep. Keven Stratton, Chair kstratton@le.utah.gov
Rep. Logan Wilde, Vice-Chair loganwilde@le.utah.gov
Rep. Carl Albrecht carlalbrecht@le.utah.gov
Rep. Scott Chew scottchew@le.utah.gov
Rep. Christine Watkins christinewatkins@le.utah.gov
Rep. Mike McKell mmckell@le.utah.gov
Rep. Joel Briscoe jbriscoe@le.utah.gov
Rep. Phil Lyman plyman@le.utah.gov
Rep. Tim Hawkes thawkes@le.utah.gov
Rep. Susan Duckworth sduckworth@le.utah.gov
Rep. Joel Ferry jferry@le.utah.gov
Rep. Derrin Owens derrinowens@le.utah.gov
Rep. Doug Sagers dsagers@le.utah.gov

Senate Office: (801) 538-1035 (messages)

House Office: (801) 538-1029 (messages)

Governor's Office: (801) 538-1000

sbarlow@le.utah.gov