

UTAH CONSERVATION COMMUNITY

LEGISLATIVE UPDATE

2021 General Legislative Session

Issue #3

February 7, 2021

Welcome to the 2021 Legislative Update

This issue includes highlights of week three, 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!

The Legislature is doubling down on bad stewardship of Utah's environment, public health, and transition to the new reality of climate change and water shortages. See <https://www.sltrib.com/news/politics/2021/02/06/environmental-issues-took/>

HB 297 may be the most aggressive initiative, essentially lawyering up for a fight with Compact states over Utah's paper water rights on the Colorado River heading into negotiations for a new drought management agreement by 2026. Instead of forward-looking cooperative agreements with our neighbors for sharing a shrinking river serving 40 million citizens to conserve water, Utah thinks it's better to "punch back" - all to build the Lake Powell pipeline project. The bill will be debated on the House floor this week. **Call, text and email Republican legislative leadership and tell them to get real and double down on conservation, ocean desalination agreements and regional shared storage efforts!**

News of Week Three (Week # 3)

The bill to merge DEQ and DNR is still not public. Either it's being shelved for this Session or they are waiting to roar it through at the last minute. If the latter, we must respond quickly. Keep up the pressure!

SB 130, the big Smithfield CAFOs bill is on the Senate calendar for action early this week and will move to the House. We will keep you posted on opportunities to push back against this dangerous expansion of

SJR 7, the resolution to grant legislative approval to Energy Solutions for a new landfill for slightly radioactive rubble from decommissioning nuclear power plants nationwide won easy Senate approval and now heads to the House for further debate.

Two bills we oppose unfortunately are moving ahead. HB 209 would hike the registration fees for electric and hybrid vehicles by 2 to 5 times, making Utah's fees the highest in the nation. And HB 17 would ban cities and counties from passing ordinances that would require use of renewable energy sources in new buildings.

Budget News

First thing Monday morning in NRAEQ Appropriations is a funding request for a new Utah Lake Authority. It's unclear

what the purpose, need and intent may be. We'll listen in and report on it tomorrow. Numerous other Requests for Appropriations will be heard, including the last 3 of 5 good proposals from Rep. Hawkes and National Audubon to do important research and planning related to Great Salt Lake. We'll also report on these RFAs and urge support from allies.

Other RFAs we're following would fund RS2477 lawsuits and public lands fights with the feds, a Bridal Veil Falls state monument and Utah's Natural Resource Legacy Fund.

Appropriations Subcommittees will prioritize their requests for new money this week - almost all one-time but over a billion dollars. NRAEQ Appropriations will review their list of requests after Monday's meeting and vote on Wednesday. Executive Appropriations Committee will meet on Thursday afternoon to begin the process of deciding which RFA's will be funded. So weigh in now if you have opinions on what should be – or should not be – funded!

What's Ahead

Schedules shift this week. With Appropriations Subcommittees concluding their business Wednesday, Standing Committees will meet 8-10 Thursday and Friday, and 2-5 every day but Thursday. Both chambers will be on the floor each day from 11 to 11:50, and from 2-5, except Thursday.

House: <https://le.utah.gov/~2021/schedule/h4.pdf>

Senate: <https://le.utah.gov/~2021/schedule/s4.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. Wayne Harper wharper@le.utah.gov
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House Rules Committee:

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Rep. Sandra Hollins shollins@le.utah.gov
Rep. Casey Snider csnider@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 14 Water Conservancy District Amendments	Rep. Handy	Establishes a process for filling a vacancy on the board of a water conservancy district located in more than one county, including providing notice, nominating candidates, and appointing an individual to fill the vacancy. Passed House. Passed Senate 28-0-1 on 2/4.	3	Support
HB 17 Utility Permitting Amendments	Rep. Handy	Prohibits municipalities and counties from restricting the connection of utility services to customers on the basis of the type of energy the utility service provides. The intent is to ban local ordinances requiring new buildings be all electric (no natural gas). Passed House 51-18-6 on 2/4, In Senate Economic Development & Workforce Services.	1	Oppose
HB 24 State Engineer Electronic Communications	Rep. Ferry	Permits the state engineer to send electronic communications under certain circumstances. Passed House. Passed Senate 26-0-3 on 2/4.	3	Support
Substitute HB 29 Statewide Aquatic Invasive Species Emergency Response Plan	Rep. Stratton	Requires the Division of Wildlife Resources to develop a statewide aquatic invasive species emergency response plan aimed at remediating the spread of aquatic invasive species throughout the state. Passed House. Passed Senate 26-0-3 on 2/4.	3	Support
Substitute HB 32 Energy Balancing Account Amendments	Rep. Albrecht	Provides a mechanism and timeline for an interim rate as a part of the energy balancing account process. Passed House. Passed Senate 26-0-3 on 2/4.	3	Neutral
2 nd Substitute HB 45 Radon Task Force	Rep. Stratton	Creates the Radon Task Force. Provides for the appointment of task force members, requires the task force to study and make recommendations on ways to increase	3	Support

		public awareness about the risks of radon and ways to mitigate Utah residents' exposure to radon. Passed House. In Senate Rules Committee.		
HB 65 Wildland Fire Amendments	Rep. Snider	Appropriates \$200,000 in on-going funds from the Sovereign Lands Restricted Account to give a salary increase to wildland firefighters and requires the Division of FFSL to develop and maintain a wildfire risk assessment mapping tool. Passed House NRAE Committee 10-0-4 on 2/1. On House 3 rd Reading Calendar.	2	Support if from another funding source
HB 79 Mineral and Rock Amendments	Rep. Brooks	Modifies definitions under the Utah Mined Land Reclamation Act; and adds basalt to the definition of “rock aggregate” for regulatory purposes. Passed House 71-0-4 on 2/3. In Senate NRAE Committee.	3	Neutral
HB 83 Migratory Bird Production Area Amendments	Rep. Ferry	Extends the time for creating a migratory bird production area, provides a process to add property to a migratory bird production area, provides for inclusion of easements, addresses limitations on local ordinances and uses by a guest of a migratory bird production area under provisions that limit landowner liability, and prohibits exercising eminent domain under certain circumstances. Passed House NRAE Committee 12-0-2 on 2/1. On House 3 rd Reading Calendar.	2	Support
HB 89 Hydrogen Tax Credit	Rep. Sagers	Creates tax credit provisions related to hydrogen energy. In House Rules.	3	Neutral
HB 91 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.	3	Support
HB 98 Local Government Building	Rep. Ray	Prohibits a local government from regulating certain building design elements and landscaping and inspection	2	Oppose

Regulation Amendments		requirements. In House Political Subdivisions Committee.		
HB 109 Wildlife Amendments	Rep. Lyman	Requires the Division of Wildlife Resources to deliver notice to an affected landowner or an agent of an affected landowner, either in writing or orally, before the taking of wildlife on privately owned land. Passed House NRAE 11-0-3 on 2/4. On House 3 rd Reading Calendar.	3	Support
HB 111 Off-Highway Vehicle Amendments	Rep. Albrecht	Allows an individual under 18 years old to operate an off-highway vehicle under certain conditions. Passed House 72-0-3 on 2/2. In Senate NRAE Committee.	3	Neutral
HB 123 Feasibility Study for Air Quality Laboratory	Rep. Handy	Directs the Division of Air Quality to conduct a feasibility study regarding the creation of an air quality and changing climate solutions laboratory. In House Rules Committee.	2	Support
HB 131 State Facility Energy Efficiency Amendments	Rep. Handy	Requires state facilities to provide utility use information to the Division of Facilities Construction and Management. Passed House. Passed Senate 29-0 on 2/5.	3	Support
HB 144 Water Pricing Structure	Rep. Moss	Requires retail water providers to consider lot sizes and outdoor water use of customers in setting block rate price structures. In House Rules.	3	Oppose
HB 145 Clean and Renewable Energy Act Amendments	Rep. Ward	Requires by 2030 that 30% of a large-scale electric utility's (e.g. Rocky Mt. Power) annual retail sales come from qualifying clean electricity if use of qualifying clean electricity is cost effective. In House PUET Committee.	1	Support
HB 153 Energy Storage Asset Amendments	Rep. Handy	Enacts a refundable corporate and individual tax credit for the purchase of property that stores energy generated by mechanical, chemical, thermal, or photovoltaic means for commercial or industrial use later. In House Rules.	2	Studying

HB 166 Livestock Amendments	Rep. Snider	Addresses penalties involving the treatment and theft of livestock, including livestock guardian dogs, and livestock infrastructure. Passed House. Passed Senate NRAE 4-1-3 on 2/3. On Senate 2 nd Reading Calendar.	3	Oppose due to high penalties
HB 171 Agricultural Land Use Regulation	Rep. Chew	Prohibits a municipality or county from restricting, or regulating in conflict with state statute, the type of crop, including industrial hemp, that may be grown in certain areas zoned for agriculture. Passed House 69-2-4 on 2/1. In Senate NRAE Committee.	3	Support
HB 198 License Plates Amendments	Rep. Handy	Creates a new standard issue license plate called the Utah Dark Sky license plate. Failed on House floor 36-35-4 on 2/4 (38 yes votes required to pass a bill).	2	Support
HB 208 Water Quality Amendments	Rep. Ray	Provides that an individual enforcing water quality standards or requirements, and while acting wholly within the individual's employment with the organization, is exempt from liability under certain circumstances. Passed House 67-0-8 on 2/3. In Senate Law Enforcement and Criminal Justice Committee.	3	Neutral
HB 209 Vehicle Registration Fee Revisions	Rep. Christofferson	Increases vehicle registration fees on electric, hybrid, plug-in hybrid, and other vehicles. Passed House Transportation Committee 6-4-2 on 2/1. On House 3 rd Reading Calendar.	2	Oppose
HB 215 Jordan River Improvements Amendments	Rep. Acton	Directs the Jordan River Commission to work with the Department of Transportation regarding safety, signage and storm water run-off issues related to state highways and the Jordan River. In House Rules.	3	Support

Substitute HB 217 Regulatory Sandbox Program Amendments	Rep. Maloy	Creates the General Regulatory Sandbox Program (sandbox program), which allows the office to waive laws or regulations applicable to a participant under certain circumstances. Passed House 73-0—2 on 2/5. In Senate Rules Committee.	3	Neutral
HB 223 Alternate Fuel Incentives Amendments	Rep. Ballard	Creates tax and other incentives for the production and use of hydrogen fuel, and expands the uses of money in the Throughput Infrastructure Fund to include the production of generators that use hydrogen fuel cells. In House Rules.	3	Studying
Substitute HB 224 Pollinator Amendments	Rep. Matthews	Directs the Department of Natural Resources to create a pollinator pilot program and permits the department to coordinate with entities related to the pilot program. Held in House NRAE Committee on 2/1 due to Fiscal Note concerns.	2	Support
HB 236 Waste Tire Recycling Amendments	Rep. Handy	Modifies provisions pertaining to waste tire recycling, including changes to the process and limitations on the funding for management of certain landfill or abandoned waste tire piles, and addresses criminal penalties. In House NRAE Committee.	3	Studying
HB 241 Utah Seeds Amendments	Rep. Lund	Addresses the regulation of seeds, including modifying a definition provision and addressing labeling requirements. Passed House NRAE 12-0-2 on 2/4. On House 3 rd Reading Calendar.	3	Neutral
HB 254 Outdoor Recreational Grant Program Amendments	Rep. Winder	Modifies how the Utah Office of Outdoor Recreation may use transient room tax revenue that is deposited into the Outdoor Recreation Infrastructure Account. In House Rules.	3	Support

HB 257 Utahraptor State Park	Rep. Eliason	Authorizes the Division of Parks and Recreation to use portions of the Dalton Wells area as a state park and provides that Utahraptor State Park shall be considered part of the state parks system. In House Rules.	3	Support
HB 259 Lead Exposure Education and Testing Amendments	Rep. Barlow	Creates a program within the Department of Health to increase education and testing for lead exposure in children, and creates a restricted account to fund the activities of the program. In House Health and Human Services Committee.	2	Support
HB 263 Utah Clean Energy Fund	Rep. Briscoe	Enacts the Utah Clean Energy Fund Act, including stating purposes of the fund, defining terms, creating the fund and the fund's board of directors and outlines their duties, and addressing capitalization of the fund. Seeks a \$1,000,000 appropriation for the fund. In House Rules.	2	Support
HB 281 County Development Activity Amendments	Rep. Lyman	Places conditions on a county's development activities that materially affect another county. In House Political Subdivisions Committee.	1	Support
HB 295 Wildlife Modifications	Rep. Snider	Prohibits the use of trail cameras at certain times and with certain exceptions. Prohibits big game baiting, and prohibits the construction of permanent blinds or other structures used for hunting within a waterfowl management area and commercial hunting guides from transporting individuals across a WMA. In House Rules.	1	Support if amended
HB 296 Soil Amendments	Rep. Ferry	Creates the Utah Soil Health Program and the Soil Health Advisory Committee provides for their scope, powers and duties under the program. In House Rules Committee.	3	Support
HB 297 Colorado River Amendments	Rep. Wilson	Creates the Colorado River Authority of Utah Act, including: providing for the organization and operation of the authority, establishing the authority's powers and	1	Oppose

		mission, and creation of a management plan. Addresses authority meetings, including closure of meetings, provides for employees, consultants, and other professionals, including an executive director, and addresses financial operations including creating a restricted account. Appropriates one-time and annual funding for the Authority. Passed House NRAE 11-2-1 on 2/4. On House 3 rd Reading Calendar.		
HB 298 Utility Proceedings Amendments	Rep. Handy	Directs the Public Service Commission to conduct proceedings to determine whether battery storage requirements should be a part of an integrated resource plan. In House Rules.	2	Studying
HB 305 Quality Growth Act	Rep. Ferry	Directs the Quality Growth Commission to use ranking criteria that prioritizes funding for preservation of “working agricultural land”. In House Rules Committee.	2	Support
School and Child Care Center Water Testing Requirements	Rep. Handy	No text yet.		
Wind Energy Facility Siting Amendments	Rep. Ray	No text yet.		
CR Supporting Extension and Expansion of the Radiation Compensation Act	Rep. Owens	No text yet.		
Integrated Resource Plan Amendments	Rep. Handy	No text yet.		

Wildland Fire and Recovery Act Amendments	Rep. Albrecht	No text yet.		
Butch Cassidy State Monument Designation	Rep. Albrecht	No text yet.		
State Park Entry Fee Amendments	Rep. Barlow	No text yet.		
Utah Lake Authority	Rep. Brammer	No text yet.		
HCR 1 Encouraging a Balanced Approach to the Release of Water from Flaming Gorge Reservoir	Rep. Chew	Expresses support and recognition of the Green River Stakeholders and the need to reduce adverse effects of current Flaming Gorge Dam operations to the local communities, recreational businesses, ranchers, farmers, landowners, and individuals who work and live within the river corridor. Passed House 68-0-7 on 2/3. In Senate NRAE Committee.	3	Neutral
HCR 5 Encouraging Statewide Emissions Reduction Goals	Rep. Handy	Recognizes the negative impact that poor air quality and the changing climate has on the economy of the state and encourages the adoption of emissions reduction goals. In House Rules.	3	Support
HCR 9 Encouraging Development of a Statewide Anti-Littering Campaign	Rep. Acton	Addresses littering in Utah and encourages the creation of a statewide, long-term anti-littering campaign. In House NRAE Committee.	3	Support
HCR 10 Regarding an Interlocal Agreement Creating the Jordan River Commission	Rep. Acton	Expresses support for the participation of the Department of Transportation on the Jordan River Commission. In House Transportation Committee.	3	Neutral

HCR 12 Encouraging Cooperative Action Regarding National Monuments	Rep. Albrecht	Encourages the President to work cooperatively with the state's congressional delegation, the state's legislative and executive branches, local elected officials, and tribes on action regarding national monuments. In House Rules.	3	Neutral
SB 5 Natural Resources, Agriculture and Environmental Quality Base Budget	Sen. Hinkins	Supplements or reduces appropriations otherwise provided for the support and operation of state government for the fiscal year beginning July 1, 2020 and ending June 30, 2021, and appropriates funds for the support and operation of state government for the fiscal year beginning July 1, 2021 and ending June 30, 2022. Passed Senate. Passed House.	1	Support
Substitute SB 15 Workforce Solutions for Air Quality Amendments	Sen. McCay	Requires the Department of Human Resource Management to provide, measure and report annually on teleworking options for state employees during bad air quality days. Passed Senate Government Operations and Political Subdivisions Committee 5-0-3 on 2/4. On Senate 2 nd Reading Calendar.	3	Support
2 nd Substitute SB 20 Air Quality Policy Advisory Board Sunset Extension	Sen. Iwamoto	Extends the sunset date of the Air Quality Policy Advisory Board. Passed Senate. Passed House 73-0-2 on 2/3.	3	Support
SB 21 Federal Land Applications Advisory Committee	Sen. Hinkins	Extends the sunset date of the advisory committee that provides advice and recommendations to the public lands policy coordinator and the Public Lands Policy Coordinating Office. Passed Senate. On House 3 rd Reading	3	Oppose
SB 40 Petroleum Storage Tanks Amendments	Sen. Hinkins	Addresses the regulation of aboveground petroleum storage tanks. In Senate NRAE Committee.	3	Support

SB 44 Payments in Lieu of Taxes Funds For Counties	Sen. Fillmore	Creates the Federal Lands Payment in Lieu of Tax restricted account and establishes rules for distribution of federal funds paid to certain Utah counties to offset federal lands not subject to local property taxes. In Senate Revenue and Taxation Committee.	2	Studying
Substitute SB 61 Outdoor Advertising Amendments	Sen. Sandall	Prohibits a municipality or county from enacting or enforcing an ordinance that prevents an owner of certain signs from modifying or constructing an electronic or mechanical changeable message sign in certain circumstances; and requiring a sign owner to forfeit one sign in order to upgrade or construct another electronic or mechanical changeable sign. Passed Senate Business and Labor Committee 6-2-1 on 2/2. On Senate 2 nd Reading.	2	Oppose
SB 96 Legislative Water Development Commission Amendments	Sen. Iwamoto	Modifies provisions related to the LWDC. Passed Senate NRAE Committee 8-0 on 1/29. Passed Senate 2 nd Reading 25-1-3 on 2/5. On Senate 3 rd Reading Calendar.	3	Support
SB 104 Tax Levy for Animal Control	Sen. Weiler	Authorizes a county to impose a property tax levy for animal welfare services. Passed Senate Revenue and Taxation Committee 6-0-3 on 2/5. On Senate 2 nd Reading Calendar.	3	Support
SB 120 Outdoor Advertising Revisions	Sen. Kitchen	Prohibits the placement of a sign on certain property unless a property owner and a sign owner have entered into an outdoor advertising agreement. Prohibits the inclusion of certain terms or provisions in an outdoor advertising agreement and allows a property owner, municipality, county, or the Utah Department of Transportation to file an action to void certain outdoor advertising agreements. In Senate Rules Committee.	2	Support

SB 130 Regulation of Concentrated Animal Feeding Operations	Sen. Sandall	Enacts the Large Concentrated Animal Feeding Operations Act, including, defining terms, requiring adoption of county large concentrated animal feeding operation land use ordinances and their scope, and addressing determining the geographic area where a large concentrated animal feeding operation may be located. Passed Senate on 2 nd Reading 26-1-2 on 2/5. On Senate 3 rd	1	Oppose
SB 133 Severance Tax Revenue Amendments	Sen. Hinkins	Creates Mining Restricted Accounts within the Divisions of Air Quality, Water Quality, Oil, Gas and Mining, and Utah Geologic Survey. Earmarks a portion of revenues from severance taxes to these restricted accounts. In Senate Revenue and Taxation Committee.	1	Oppose
SB 168 Designated Vehicle Routes Amendments	Sen. McKell	Allows certain cities and towns to adopt ordinances restricting the use of street-legal all-terrain vehicles. In Senate TPUET Committee.	2	Support
SB 169 School and Institutional Trust Fund Office Amendments	Sen. Wilson	Allows the School and Institutional Trust Fund Board of Trustees to close a meeting under certain circumstances, increases the length of time for determining the average value of the trust funds setting the annual trust distribution amount, and exempts certain information that the School and Institutional Trust Fund Office provides to the Land Trusts Protection and Advocacy Office from the Government Records Access and Management Act. In Senate Education Committee.	3	Oppose
SCR 3 Encouraging the Development of a Multi-State Passenger Rail Commission	Sen. Escamilla	Encourages the creation of a multi-state passenger rail commission and the expansion of Utah's rail infrastructure, modeled after the Southern Railway Commission. In Senate Rules Committee.	3	Support

<p>SJR 7 Approving Energy Solutions Constructing and Operating a Landfill for Nonhazardous Solid Waste</p>	<p>Sen. Sandall</p>	<p>Grants provisional legislative approval to Energy Solutions for the construction and operation of a Class VI commercial nonhazardous solid waste landfill. ES intends to add another landfill to receive nonhazardous solid waste that may be slightly radioactive from the decommissioning of nuclear power plants that currently use its licensed low level radioactive waste disposal facility. Passed Senate. In House NRAE Committee.</p>	<p>1</p>	<p>Oppose</p>
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Important Dates

January 19 First day of session

January 29 Last day to request bills or appropriations (by noon)

Last day to approve bills for numbering (by noon)

February 27 Last day for the Executive Appropriations Committee to complete all budget decisions necessary to draft the final appropriations bills

March 2 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 3 Last day for legislators to prioritize bills and other programs with fiscal impact

March 3 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 5 Last day of session

March 25 Last day governor may sign or veto bills

May 4 Last day a veto-override session may begin

May 5 Normal effective date for bills

First day to file bills for the 2020 General Session

Executive Appropriations Committee

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