

UTAH CONSERVATION COMMUNITY

LEGISLATIVE UPDATE

2022 General Legislative Session

Issue #3

February 6, 2022

Welcome to the 2022 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 contact information for all legislators, or participate remotely, 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 Utah Lake Authority bill (HB 232) that we strongly oppose wasn't heard last week, but it may be this week. We support HB 240 – Utah Lake Amendments – to make it harder for the Lake Restoration Solutions Fantasy Island project to be approved, should also get a hearing this week. Let Legislators know where you stand on these important bills.

Keep those calls and emails coming in opposing funding for the Cedar City Water Grab! Skepticism about the Pine Valley Water Supply Project is building in the Legislature.

News of Week Three (Week # 3)

Priority bills HB 33 and 157 passed the House. Water conservation bills got a mixed reception. Bills that would prohibit lawn requirements were held in committee by negative votes (HB 95) or watered down (HB 121), while HB 115 got out of committee still mostly intact and SB 89 advanced to the Senate floor. SB 110 will be heard in Senate NRAE Committee Monday.

Good watershed and wetlands bills HB 131 and HB 118 moved ahead. It appears that HB 129, the stream access bill, has run into too much opposition to survive.

Utah Rivers Council's draft bill to trigger tiered actions to transfer water to shore up the water levels of Great Salt Lake was abandoned by the sponsor. It's unclear whether this was due to secondary water suppliers or water lobbyists or objections by other legislators.

SB 136, a top air quality-related bill, advanced but will drop language related to the Inland Port.

Budget News

Appropriations Subcommittees met last week to hear and discuss proposals for use of the one-time revenues above projections for FY 22 and the new revenue growth for FY

23. This Monday through Wednesday, the Subcommittees will prioritize and vote on their recommendations, and Thursday and Friday, Executive Appropriations will begin hearing those proposals. Friday we may see the new revenue projections (based on the first half of current year FY 22), which will add or subtract from the revenue estimates legislators are working with now.

NRAE Appropriations will vote Wednesday and will hear a long list of Requests for Appropriations on Monday, including funding for: GSL & Utah Lake Waterbird Studies (drafted and supported by Audubon); enforcing OHV trespassing on dry GSL lakebed; a study of the costs to build a pipeline from the Green River to the Bear River; a film about GSL; the Utah Navajo Water Settlement Plan; and hazardous air pollutants (HAPs) monitors and a health risk assessment for the Inland Port. See [Utah Legislative Committee Information](#)

What's Ahead

Standing Committees meet each day from 2-5. Both chambers will be on the floor each day from 11 to 12 and 2-5. Caucus lunches are held on Tuesday and Thursday all Session. All committee meetings and floor time are online. Here are the calendars for the 4th Week:

House: <https://le.utah.gov/~2022/schedule/h4.pdf>

Senate: <https://le.utah.gov/~2022/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
Sen. Karen Mayne kmayne@le.utah.gov
Sen. Jani Iwamoto jiwamoto@le.utah.gov
Sen. Don Ipson dipson@le.utah.gov
Sen. Todd Weiler tweiler@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 5 NRAE Base Budget	Rep. Barlow	Enacts the base budgets for the Departments of Natural Resources, Agriculture and Environmental Quality for Fiscal Year 2023. Passed House. Passed Senate.	1	Support
HB 21 School and Child Care Water Testing Requirements	Rep. Handy	Requires each school and child care center to test their water taps by 12/21/2023 and submit samples to a certified lab. Seeks an appropriation of \$3.5 million in federal American Rescue Plan funds to pay for testing. On House 3 rd Reading Calendar	2	Support
Substitute HB 33 Instream Flow Amendments	Rep. Ferry	Allows water rights to be used to improve Great Salt Lake levels and other sovereign lands to benefit wildlife, state parks management, and the natural aquatic environment. Amends the process by which a change application for instream flow or use on sovereign lands is considered to encourage diversion and use for instream purposes. Allows the Division of Forestry, Fire and State Lands to hold a water right for the benefit of sovereign lands. Passed House 68-2-5 on 2/2. In Senate NRAE.	1	Support
HB 37 State Water Policy Amendments	Rep. Stratton	Adds aquifer recharge or storage to the list of water policies promoted in the State Water Policy. Passed House. Passed Senate 21-0-8 on 2/3.	3	Neutral
3 rd Substitute HB 62 Big Game Amendments	Rep. Snider	Modifies provisions related to damage by big game animals to cultivated crops, livestock forage, fences, or irrigation equipment. Addresses under what circumstances a landowner or lessee may kill a big game animal, amends provisions related to compensation for damage caused by a	3	Studying

		big game animal, and addresses appeals. Passed House 68-4-3 on 2/3. In Senate Rules.		
2 nd Substitute HB 64 Drinking Water Amendments	Rep. Watkins	Creates the Drinking Water Capacity Account. Latest Substitute appropriates \$1,563,300 of on-going General Fund to the DEQ Division of Drinking may be used for compliance with the Safe Drinking Water Act and for planning and technical assistance. On House 3 rd Reading Calendar.	2	Support
HB 78 Wildlife Conservation Fund	Rep. Snider	Creates the Wildlife Conservation Fund and outlines what the fund consists of and how it can be distributed. Passed House NRAE Standing Committee 1/21. Passed House. In Senate NRAE Committee.	2	Support
HB 95 Landscape Requirement Prohibition	Rep. Ward	Prohibits cities and counties and certain private entities from requiring a property owner or resident to plant or maintain lawn or turf through land use regulations. In House Political Subdivisions Committee.	2	Support
HB 109 Death Certificate Amendments	Rep. Handy	Allows a health care professional to indicate that air pollution factored into an individual's death on the individual's death certificate. In House Rules.	3	Support
HB 112 Animal Fighting Penalties	Rep. Judkins	Amended and passed by the House to prohibit cruelty or abandonment, and removed fighting provisions. In Senate NRAE.	3	Support
HB 115 Water Distribution Efficiency	Rep. Ballard	Amended bill requires water suppliers of 1,500+ connections and water conservancy districts to adopt water loss standards, identify the amount of water lost within their systems, take one or more actions to address this loss, and describe this in their annual reports. On House 3 rd Reading Calendar.	2	Support

Substitute HB 118 Wetlands Amendments	Rep. Snider	Requires the collection and publication of wetland data and a study of the viability of an in-lieu fee program for wetland mitigation. On House 3 rd Reading Calendar.	1	Studying
Substitute HB 121 Water Conservation Requirements	Rep. Spendlove	Substitute removes the prohibition of lawn requirements by cities and counties, homeowners associations, condominiums and mobile home parks. Imposes requirements related to water conservation at state government facilities and by state agencies, provides monetary incentives to replace lawn or turf with drought resistant landscaping. On House 3 rd Reading Calendar.	2	Support
HB 129 Navigable Water Determinations	Rep. Hawkes	Modifies the Public Waters Access Act to provide an administrative process to determine navigability of waters for purposes of public recreational (stream) access. Exempts proceedings from the Administrative Procedures Act, provides for judicial review, addresses the scope and impact of a determination, and requires the Division of Forestry, Fire, and State Lands to publish a list of navigable waters in the state. In House Rules.	1	Support
HB 131 Watershed Restoration Amendments	Rep. Bennion	Creates the Watershed Restoration Initiative within the Department of Natural Resources to manage, restore, and improve watershed ecosystems throughout the state by improving watershed health and biological diversity, water quality and yield, and opportunities for sustainable uses of natural resources. On House 3 rd Reading Calendar.	2	Support
2 nd Substitute HB 135 Open and Public Meeting Comment Requirements	Rep. Brammer	Requires a public body holding an open meeting to allow a reasonable opportunity for the public to provide verbal comment at the meeting. Substitute bill exempts the Legislature, Planning Commissions and work meetings. On House 3 rd Reading Calendar.	3	Support

HB 156 Sales and Use Tax Refund Amendments	Rep. Watkins	Enacts a refund of state sales and use tax paid for the purchase or lease of machinery, equipment, normal operating repair or replacement parts, or materials by an oil and gas extraction establishment or a pipeline transportation establishment. In House Rev. & Tax.	3	Oppose
HB 157 Sovereign Lands Revenue Amendments	Rep. Hawkes	Specifies that money in the Sovereign Lands Management Account may only be used for the management and direct benefit of sovereign lands. Creates a Great Salt Lake Account which shall receive royalties from mineral production from the Lake and may be spent on managing the water levels of Great Salt Lake. Passed House 71-0-4 on 2/1. In Senate NRAE Committee.	1	Support
HB 164 Public Transit Fares	Rep. Briscoe	Eliminates all fares on UTA conveyances. In House Revenue and Taxation Committee.	2	Support
HB 166 Water Facility Amendments	Rep. Watkins	Modifies criminal and civil provisions related to interfering with water facilities, including defining terms and amending criminal intent provisions, and clarifies award of attorney fees and costs. In House NRAE.	3	Neutral
HB 168 Preferences of Water Rights Amendments	Rep. Albrecht	Requires the state engineer to study how the state should address preferred uses of water during a temporary water shortage emergency and enacts a provision related to a temporary water shortage emergency with a delayed effective date. Passed House 71-0-4 on 2/3. In Senate Rules.	2	Studying
HB 173 Jordan River Recreation Area Amendments	Rep. Winder	Increases the size of the Jordan River Recreation Area or zone and appropriates \$475,000 one-time for projects to expand educational and recreational programs within the Area. Passed House 45-24-6 on 2/4. In Senate Rules.	2	Support

2 nd Substitute HB 186 Vehicle Registration Amendments	Rep. Ward	Amends the motor vehicle registration fee for electric vehicles and certain other alternate fuel vehicles and sets the road usage (per-mile) charge rate and road usage charge cap for subject vehicles. Substitute bill increases charges in by years and as determined by the Tax Commission. In House 3 rd Reading Calendar.	2	Support
HB 189 Vehicle Charging Modifications	Rep. Briscoe	Allows a renter or a property owner in a condominium association or community association to install and use an electric vehicle charging system if that person pays all associated costs. In House Political Subdivisions.	3	Studying
HB 204 Trust Land Disposal Requirements	Rep. Snider	Requires the director of SITLA to invite input from local legislators before advertising a proposed sale of trust lands and restricts advertising for a sale of more than 5000 contiguous acres to 15 days before a legislative session. In House NREA.	3	Studying
HB 221 Tax Credit for Alternative Fuel Vehicles	Rep. Harrison	Enacts a nonrefundable corporate and individual income tax credit of up to \$3,000 for the purchase or lease of an alternative fuel vehicle. In House Rules.	2	Support
HB 227 Recreational Trails	Rep. Dailey- Provost	Provides that the Utah Division of Recreation may facilitate a recreational trail network, including categories of trails and consideration of the multi-uses of a recreational trail, establishes a complaint procedure, and addresses funding of recreational trails. In House Rules.	2	Support
HB 232 Utah Lake Authority	Rep. Brammer	Creates the Utah Lake Authority and defines its purposes, powers, duties, policies, and objectives. Establishes its governing board, provides for Authority to be paid certain sales tax revenue and other sources of revenue, provides for the allowable uses of revenue, and authorizes the	1	Oppose

		Authority to issue bonds. In House Rules.		
HB 240 Utah Lake Amendments	Rep. Stratton	Allows that the Division of Forestry, Fire and State Lands may not dispose of, but may recommend disposal of state lands in and around Utah Lake for a comprehensive “restoration” proposal (e.g. Utah Lake Restoration Solutions). Disposal requires approval of the Legislature and the Governor determining that it is fiscally sound and fair method to achieve comprehensive restoration of the Lake. In House Rules.	1	Support
HB 242 Secondary Water Metering Amendments	Rep. Val Peterson	Requires all pressurized secondary water use be metered by 2030, provides for penalties for failure to comply with metering requirements, and sets conditions for receiving grants, including financial participation by secondary water suppliers to fund metering. In House NRAE.	1	Support
HB 244 Geologic Carbon Sequestration	Rep. Handy	Authorizes the Division of Oil, Gas, and Mining and the Board of Oil, Gas, and Mining to establish regulations for the geologic storage of carbon. In House NRAE.	2	Studying
HB 250 Environmental Quality Revenue Amendments	Rep. Barlow	Changes where fees for registration, licensing, and inspection of radiation sources are to be deposited, clarifies the revenue sources of the Hazardous Substances Mitigation Fund, and changes where fees for registration of waste tire transporters and recyclers are to be deposited. In House NRAE.	3	Studying
HB 253 Large Concentrated Agricultural Feeding Operations Amendments	Rep. Ferry	Removes the date by which counties are to adopt a county large concentrated animal feeding operation land use ordinance. In House Revenue and Taxation Committee.	2	Studying

HB 263 Utah Watershed Councils Amendments	Rep. Chew	Adds a water lawyer to the membership of the Utah Watersheds Council. In House NRAE.	3	Neutral
HB 269 Capital Assets for Water	Rep. Stratton	Requires water providers to adopt and implement policies and plans for maintenance, operations, repair, and replacement of their capital assets. In House Rules.	2	Studying
HB 271 Water Releases Amendments	Rep. Lisonbee	Prohibits, except in the case of an emergency, an operator of a dam or reservoir on the Provo or Weber Rivers from increasing the flow rate of that dam or reservoir in an amount that is greater than 25% of the total flow every 15 minutes within a natural channel. In House Rules.	2	Studying
HB 275 Vehicle Emissions Reduction Amendments	Rep. Stenquist	Creates the Vehicle Emissions Reduction Program and Restricted Account to provide assistance of up to \$6,500 for eligible individuals for purchase of certain low emissions vehicles and trade-in of high emissions vehicles. In House Rules Committee.	2	Support
HB 279 Regional Transmission Organization Study	Rep. Handy	Requires the Public Service Commission to study the costs and benefits of joining a Regional Transmission Organization – a wholesale market established for the purpose of coordinating and efficiently managing the dispatch and transmission of electricity among public utilities on a multi-state or regional basis. In House PUET Committee.	3	Support
HB 281 Transplants of Wildlife Amendments	Rep. Chew	Requires the Wildlife Board to adopt a mitigation plan before transplanting big game animals, wild turkeys, wolves, or threatened or endangered animal species. In House NRAE Committee.	3	Support

HB 282 Water Wise Landscaping Amendments	Rep. Wilcox	Prohibits municipalities, counties or associations from prohibiting water wise landscaping and authorizes certain landscaping requirements. In House NRAE Committee.	2	Support
HB 286 Mining Surety Amendments	Rep. Lyman	Exempts the state and political subdivisions from the requirement to provide surety related to reclamation of a mining operation. In House Rules Committee.	2	Studying
HB 298 State Crustacean Designation	Rep. Lesser	Designates the brine shrimp (<i>Artemia franciscana</i>) as the state crustacean. In House Rules Committee.	3	Support
HB 305 Natural Resources Revisions	Rep. Ferry	Merges the Office of Outdoor Recreation into the Division of Outdoor Recreation, addressing its powers and duties, administration of grants, the transition, and reporting requirements. Creates the Division of Conservation within the Department of Agriculture and Food and provides for coordination of conservation efforts. In House Rules.	3	Studying
HB 311 Alternative Fuel Heavy Vehicle Amendments	Rep. Ballard	Provides a corporate and an individual nonrefundable tax credit for the purchase of certain alternative fuel heavy equipment. Authorizes the Utah Inland Port Authority to provide a matching grant to any person who qualifies for the tax credit. In House Rules.	2	Support
HB 317 Off-Highway Vehicle Amendments	Rep. Doug Owens	Clarifies that "motor vehicle" includes an off-highway vehicle in the context of prohibiting operation of a motor vehicle on the bed of a navigable lake (e.g. Great Salt Lake). In House Rules.	1	Support
HB 319 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

HCR 1 To Work Together to Address The Climate, Public Lands and Carbon Sequestration	Rep. Stratton	Recognizes and encourages a questionable set of “best management practices” to reduce carbon emissions while also preserving and expanding forests and other lands to improve climate outcomes. Circled on House 3 rd Reading Calendar.	3	Oppose
2 nd Substitute HCR 7 Improving Air Quality Through Enhanced Zero Emission Rail	Rep. Ballard	Encourages the introduction of new zero emission locomotives, and phasing in the use of zero emission engines. Substitute bill removes hydrogen fuel systems and adds switcher engines. On House 3 rd Reading Calendar.	2	Support
HJR 3 Supporting Federal Carbon Fee and Dividend Program	Rep. Ward	Addresses CO ₂ pollution, its impact on the environment, and ways to efficiently promote clean air technology. Held in House PUET Committee.	2	Support
Rep. Matthews	Nonfunctional Turf Watering Prohibition	No text yet.		
Rep. Brammer	Utah Lake Authority Amendments	No text yet.		
Rep. Bennion	Water Conservation Plan Modifications	No text yet.		
Rep. Briscoe	Utah Clean Energy Fund	No text yet.		
Rep. Brammer	Public Lands Policy Coordinating Office	No text yet.		

	Amendments			
Inland Port Emissions	Rep. Bennion	Gives UIPA ability to set emissions standards for vehicles entering or used within the port.		
Mining Permit Amendments	Rep. Doug Owens	Helps ensure new mining operations close to cities are not given fast-track approval.		
Rep. Handy	Energy Storage Asset Tax Credit	No text yet.		
Rep. Owens	Outdoor Retailer Amendments	No text yet.		
Rep. Kohler	Water Rights Adjudication Amendments	No text yet.		
Air Quality Improvements	Sen. Cullimore	No text yet.		
SB 31 Water Rights Proofs on Small Amounts	Sen. Sandall	Allows the State Engineer, under certain circumstances, to issue a certificate on a water right where the proof does not conform to the underlying approved application. Passed Senate. Passed House.	3	Support
Substitute SB 51 Transportation Amendments	Sen. Harper	Originally a minor bill about vintage vehicles was substituted in House Transportation Committee with language to shift \$53,000,000 in Community Impact funds to a road for hauling hydrocarbons after Oakland, CA killed a port for Utah coal that was set to receive that money. Passed Senate. On House 2 nd Reading Calendar.	2	Oppose
SB 73 Flow Rates or Quantity for Plumbing Fixtures	Sen. Iwamoto	Modifies the residential plumbing code to require water efficient faucets, shower heads, and toilets for new construction. Passed Senate. In House Rules.	2	Support

SB 89 Water Amendments	Sen. Iwamoto	Requires the Division of Water Resources to adopt regional water conservation goals and evaluate them every ten years. Water providers must adopt water conservation plans at least as stringent as the regional goals and include their rate structures in their plans. On Senate 2 nd Reading Calendar.	2	Support
SB 97 Solid and Hazardous Waste Amendments	Sen. Winterton	Provides that a facility that receives only waste from the exploration or production of oil and gas is not considered commercial nonhazardous solid waste treatment, storage, or disposal facility. Passed Senate. On House 3 rd Reading Calendar.	2	Oppose
SB 110 Water as Part of General Plan	Sen. McKell	Requires a water use and preservation element to be part of a municipal or county general plan and outlines what steps to take in developing and acting upon a water use and preservation element. In Senate NRAE.	1	Support
Substitute SB 111 Permanent Community Impact Board Amendments	Sen. Winterton	Adds a rural representative and the state planning coordinator to the membership of the Permanent Community Impact Fund Board. Passed Senate 25-0-4 on 2/2. In House Rules Committee.	3	Neutral on Substitute
SB 136 Air Quality Policy Amendments	Sen. Escamilla	Expands the makeup of and requires the Air Quality Policy Advisory Board to oversee a study conducted by the Department of Environmental Quality, including inland port areas, and make recommendations on a diesel emissions reduction plan framework. On Senate 2 nd Reading Calendar.	1	Support
SB 146 Division of Oil, Gas and Mining Amendments	Sen. Winterton	Amends the definitions of "crude oil" and "oil" to clarify regulatory authority over tar sands production, and clarifies that tar sands are exempt from state severance tax. In Senate NRAE Committee.	2	Oppose

SB 160 Colorado River Authority Amendments	Sen. Winterton	Adds one Authority member who represents tribal interests. Exempts the Authority from rulemaking under the Utah Administrative Procedures Act. In Senate NRAE Committee.	2	Support if amended
SB 165 Animal Cruelty Amendments	Sen. Davis	Modifies and creates definitions, including livestock guard animals, modifies the offense of cruelty to animals, modifies civil liability for reporting animal cruelty under certain conditions, and makes technical and conforming changes. In Senate NRAE.	2	Support
SB 174 Pollution Control Equipment Tax Amendments	Sen. Vickers	Defines "pollution control equipment" provides a schedule for valuing county assessed pollution control equipment that is used in connection with a petroleum refinery. In Senate Rules Committee.	2	Studying
SCR 2 Highlighting Utah's Willingness to Cooperate with the Federal Partners for Efficient and Sustainable Management of Public Lands	Sen. Winterton	Opposes the use of federal designations to lock up more federal land in Utah without the consent of the Legislature and strongly encourages the federal government to honor the principles of state sovereignty. Passed Senate. On House 3 rd Reading Calendar.	3	Oppose
SCR 3 Highlighting Utah's Rare Earth Minerals Position	Sen. Hinkins	Recognizes the state of Utah's unique position as an essential source for critical minerals and encourages cooperation between state and federal stakeholders to take full advantage of the essential critical minerals and rare earth elements found in the state of Utah. Passed Senate. Passed House 58-10-7 on 2/2.	3	Oppose

Important Dates

January 18 First day of session

January 28 Last day to request bills or appropriations (by noon)

Last day to approve bills for numbering (by noon)

February 26 Last day for the Executive Appropriations Committee to complete all budget decisions necessary to draft the final appropriations bills

March 1 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 2 Last day for legislators to prioritize bills and other programs with fiscal impact

March 2 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 4 Last day of session

March 24 Last day governor may sign or veto bills

May 3 Last day a veto-override session may begin

May 4 Normal effective date for bills

First day to file bills for the 2023 General Session

Executive Appropriations Committee

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