

UTAH CONSERVATION COMMUNITY

LEGISLATIVE UPDATE

2019 General Legislative Session

Issue #1

February 3, 2019

Welcome to the 2019 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!

An important resolution, HCR 10 "to Address Declining Water Levels of Great Salt Lake", will be heard in House Natural Resources, Agriculture and Environment Committee (NRAE) on 2/5. Drafted by National Audubon's Saline Lakes Program, the concurrent resolution calls for policy solutions to avert irreversible and significant impacts to the Great Salt Lake ecosystem, birds and wildlife, as well as threats to Utah's economy, air quality and public health and welfare. Contact members of the Committee and urge support for HCR 10!

Energy Solutions is making a bold play to pressure the Dept. of Environmental Quality to approve dumping Class B & C Radioactive Waste and Depleted Uranium in their West Desert landfill. HB 220, another sell out of the will of the people who overwhelmingly opposed disposal of B& C wastes, will also be heard in House NRAE Committee on 2/5. Contact members of the House - and Governor Herbert - to say No to HB 220!

Voice your opinions on these concerns!

News of the First Week (Week # 1)

The Session is off to one of the fastest starts in memory, with a number of important, controversial bills already making news and progress through the legislative process. Already the both House and Senate have passed a surprising number bills on the floor, and the Rules Committees have assigned the NRAE Committees several bills that we support (e.g. SB 17, SJR 1, HB 12).

Budget News

The big budget news is that the State has an estimated \$1.2 billion “surplus” of projected revenues over expenses. Most of that is in the Education Fund, and after decisions already made on expenditures, the General Fund may have a surplus of just \$20 million. Yet the Governor and Speaker of the House are campaigning for a tax cut of over \$200 million, which could come from the sales tax that is the General Fund if an elusive and as yet undefined tax reform includes taxing of services currently excluded from the sales tax base.

The NRAE Appropriations Subcommittee deliberated agency budgets in three hearings during the first week, and will hear from Forestry, Fire and State Lands on Tuesday, 2/5, and then conclude its work on the base budget. All base budget bills must be passed by noon on Wednesday, 2/6.

with no major cuts of concern. Appropriations Subcommittees will then begin considering requests for new money for Fiscal Year 2020 and additional supplemental requests for the current fiscal year (FY 19) as new revenue estimates become available.

There will be forthcoming in the weeks ahead a request for a sizeable one-time allocation to support analysis of initiatives to keep water levels in Great Salt Lake from declining further and to achieve an optimal level in the future. Stay tuned!

What’s Ahead

Key bills may get heard in committees next week, including HB 143, SB 54, HB 197, and HJR 1. We’re also hoping to see new bills emerge that address the Promontory Point Class V landfill and make needed corrections to the statute that allows the state “primacy” in administering water and air quality standards and regulations.

Appropriations Subcommittees will meet every morning from 8:00 AM to 10:50 AM during Week 2. Floor time will be from 11:00 to 12:15. Some Standing Committees run from 2:00 to 3:50 PM, and others follow from 4:00 to 6:00 PM. Parties in both chambers caucus 12:30 – 1:45 Tuesday and Thursday.

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

BILL TRACKING LIST

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

Bill	Sponsor	Description/Status	Priority	Position
HB 12 Instream Flow Water Right Amendments	Rep. Hawkes	Repeals the sunset repeal date for an instream flow water right for trout habitat. Passed House 75-0 on 1/28. In Senate NRAE Standing Committee.	2	Support
HB 14 State Monument Act Amendments	Rep. Eliason	Requires the Division of State Parks and Recreation to periodically evaluate and report on state property for state monument status, create rules for the management of prospective state monuments, and outlines the process for designating a state monument. Passed House 74-0-1 on 1/29. In Senate NRAE.	3	Support
HB 31 Water Supply and Surplus Water Amendments	Rep. Coleman	Describes the process by which a municipality may provide water to customers outside the municipality's political boundary, states that a municipality may not sell the municipality's waterworks, in whole or in part, except as provided in statute, and sets reporting requirements. In House NRAE Standing Committee.	3	Support
HB 78 Federal Designations	Rep. Albrecht	Requires a governmental entity that is advocating for a federal designation within the state to bring the proposal to the Natural Resources, Agriculture, and Environment Interim Committee for review. In House NRAE.	3	Oppose
HB 91 Agricultural Land Amendments	Rep. Snider	Changes the name of the LeRay McAllister Critical Land Conservation Program to the Critical Land Conservation Program; directs the Legislature to fund the Critical Land Conservation Program through a line item in the annual appropriations bill to the Department of Agriculture	2	Support

		and Food instead of to the Quality Growth Commission; and directs the Department of Agriculture and Food to conduct a study identifying and classifying private agricultural land. In House NRAE.		
HB 98 Freight Switcher Emissions Mitigation	Rep. Handy	Creates procedures for grants issued for the reduction of freight switcher locomotive emissions, creates terms for grants issued for the reduction of freight switcher locomotive emissions, and appropriates \$2 million one-time in General Funds. In House NRAE.	2	Support
HB 99 Catastrophic Wildfire Revisions	Rep. Ivory	Provides that, under certain circumstances, the state shall indemnify, defend, and hold a chief executive officer or county sheriff harmless from any claims for damages, including court costs and attorney fees that are assessed as a result of their actions in abating a broadly defined catastrophic wildfire “public nuisance”. Passed House NRAE 10-2-1 on 1//31. On House 3 rd Reading Calendar.	3	Oppose
HB 107 Sustainable Transportation and Energy Plan Act Amendments	Rep. Handy	Expands the program to include a large-scale natural gas utility that promotes sustainability by increasing access to natural gas vehicles. In House Public Utilities, Energy and Technology Standing Committee.	3	Studying
HB 109 Hydrogen Fuel Production Amendments	Rep. Sagers	Expands the definition of "throughput infrastructure project" to include a plant or facility that distributes hydrogen for use as a fuel in zero emission motor vehicles, allowing for funding from the Permanent Community Impact Fund. Expands the definition of "high cost infrastructure project" to include the construction of a plant or other facility for the production and distribution of hydrogen fuel used for transportation, to allow a	3	Support

		tax credit for costs associated with the project. In House Transportation Committee.		
HB 123 Jordan River Recreation Area Amendments	Rep. Winder	Makes minor amendments to the existing statute, allowing for invasive species eradication. In House NRAE Standing Committee.	3	Support
HB 125 Quantity Impairment Modifications	Rep. Albrecht	States that there is a rebuttable presumption of quantity impairment in a change application if, for a period of at least seven consecutive years, a portion of the right identified in the application has not been diverted from the approved point of diversion; or as been beneficially used at the approved place of use. In House NRAE.	3	Support
HB 126 Tire Recycling Modifications	Rep. Perry	Makes technical changes to address a used tire pile removal project, which will likely cause expenditures of \$389,600 from the Waste Tire Recycling Fund for the next 2 years. In House Rules.	3	Support
HB 127 Sales Tax Revisions	Rep. Briscoe	Creates a sales tax exemption for an electrical energy storage asset. Will reduce General Fund revenues by \$1.5 million/year. In House Revenue and Taxation Committee.	3	Support
Sub HB 135 Wildfire Preparedness Amendments	Rep. Owens	Creates the Wildland Fire Preparedness Grants Fund, directs the state forester to make one or more grants to fire departments or to assist in the suppression of wildland fire, and requires the Division of Forestry, Fire, and State Lands to set the criteria for receiving a grant from the Wildland Fire Preparedness Grants Fund. On House 3 rd Reading Calendar.	3	Support
HB 139 Motor Vehicle Emissions Amendments	Rep. Romero	Increases the penalties for deliberately modifying or operating a vehicle that violates the emission standards and prohibits the distraction or endangerment of a	2	Support

		vulnerable highway user by emission of excessive exhaust. In House Rules		
HB 143 Water Conservation Plan Amendment	Rep. Harrison	Requires a retail water provider or water conservation district updating its water conservation plan after May 14, 2019, to include an evaluation of specific measures, costs and avoided costs to reduce per capita water use to 175 gallons per capita day or less. In House NRAE.	2	Support
HB 148 Vehicle Idling Revisions	Rep. Arent	Repeals provisions limiting a local highway authority's ability to enact restrictions on vehicle idling. In House Government Operations Committee.	3	Support
HB 155 Fire Management Provisions	Rep. Snider	Imposes requirements for being permitted to conduct large prescribed fires, large prescribed pile fires, or a partial fire suppression event. In House NRAE.	3	Support
HB 167 Wildlife Documentation Amendments	Rep. Ferry	Allows certain registrations, license, permits, and tags related to wildlife to be in paper or electronic form. Passed House NRAE 9-0 on 1/31. On House 3 rd Reading.	3	Support
HB 179 Road Closure Amendments	Rep. Lyman	Makes closing a road under certain conditions a class C misdemeanor. In House Rules.	3	Oppose
HB 197 Scenic Byway Amendments	Rep. Hawkes	Exempts from the legislative approval requirement - and prohibits segmenting of - Legacy Parkway, from the junction of I-215 in Davis County northerly to the junction with US 89 and I-15, and the West Davis Corridor, from the southern terminus at the system interchange near Glovers Lane northerly to the intersection of 1800 North in West Point City. In House Transportation Committee.	1	Support

HB 220 Radioactive Waste Amendments	Rep. Albrecht	Allows the Division of Waste Management and Radiation Control to authorize disposal of Class B and C radioactive wastes and Depleted Uranium at the Energy Solutions radioactive waste landfill. In House NRAE.	1	Oppose
HB 229 Land Transfer Amendments	Rep. Brammer	Requires the Public Lands Policy Coordination Office to assist state and local government entities to acquire federal lands. In House Rules.	3	Oppose
HB 246 Hunting and Fishing License Amendments	Rep. Lisonbee	Provides for discounted hunting, fishing, or combination licenses for disabled veterans. In House Rules.	3	Support
Agriculture Advisory Board Amendments	Rep. McKell	No text yet.		
Management for Bears Ears	Commission for the Stewardship of Public Lands	No text yet.		
Public Lands Management Amendments	Commission for the Stewardship of Public Lands	No text yet.		
Rulemaking Fiscal Accountability Amendments	Rep. Stratton	No text yet.		
State Engineer Forms Amendments	Rep. Ferry	No text yet.		
Storm Water Protection Plan Amendments	Rep. Ray	No text yet.		

Water Facilities Amendments	Rep. Wilde	No text yet.		
Water Holdings Accountability and Transparency Amendments	Rep. Coleman	No text yet.		
Clean Air Public Transit Pilot Program	Rep. Briscoe	No text yet.		
Fossil Fuels Tax Amendments	Rep. Briscoe	No text yet.		
School Water Testing Requirements	Rep. Handy	No text yet.		
Zero Emission Vehicles	Rep. Arent	No text yet.		
Renewable Energy Source Revisions	Rep. Handy	No text yet.		
Secondary Water Amendments	Rep. Ray	No text yet.		
HJR 1 Proposal to Amend the Utah Constitution – Municipal Water Resources	Rep. Stratton	Seeks to amend the Utah Constitution Article IX Sec. 6 to clarify the scope and role of municipal water providers. The intent is to allow municipalities to sell surplus water rights or resources while preventing prohibited water speculation. In House NRAE Committee.	2	Support
HJR 5 Joint Resolution Approving Notes to Water Rights Addenda	Rep. Owens	Adopts the notes to water rights addendum to land deeds and the notes to water rights addendum to water deeds. In House NRAE Committee.	3	Studying

HJR 17 Joint Resolution on the Formation of Public Lands Management Plans	Rep. Stratton	Asserts that the state should form legislatively approved land use plans for federally controlled public lands in the state to better ensure that the land management reflects state and local interests. Supports hiring a consultant to prepare these plans. In House NRAE.	3	Oppose
Sub HCR 2 Concurrent Resolution Supporting Renewable and Sustainable Energy Options to Support Rural Economic Development	Rep. Arent	Supports the development of wind, solar, hydrogen, small conduit hydroelectric, and geothermal energy in rural areas of the state as a compliment to Utah's diversified energy system and supports the export of those Utah-produced renewable energy sources to other states. Passed House 72-1-2 on 1/29. In Senate Transportation, Public Utilities, Energy and Technology Committee.	3	Support
HCR 3 Concurrent Resolution Urging the Environmental Protection Agency to Update Switcher Locomotive Emission Standards	Rep. Handy	Urges the Environmental Protection Agency to create tighter freight switcher locomotive emission standards to reduce harmful air pollution emissions in the state. In House NRAE.	3	Support
HCR 4 Concurrent Resolution Supporting Every Kid Outdoors Initiative	Rep. Arent	Describes the benefits of children spending time outdoors, and describes and expresses support for Utah's Every Kid Outdoors Initiative. Will be heard 2/4 in House Health and Human Services Committee.	3	Support
HCR 5 Concurrent Resolution Urging Policies that Reduce Damage from Wildfires	Rep. Ward	Urges the federal government to pursue forest fuel load reductions to mitigate wildfire risk and urges the federal government to pursue policies that minimize additional climate change. In House Rules Committee.	3	Support

HCR 7 Concurrent Resolution Recognizing the Importance of Outdoor Recreation to Utah	Rep. Spendlove	Highlights the natural assets and benefits derived from the natural assets in Utah. Recognizes the economic importance of Utah's natural assets to Utah's people and expresses the intention to continue the legacy of supporting and growing those assets. On House Consent.	3	Support
HCR 10 Concurrent Resolution to Address Declining Water Levels of the Great Salt Lake	Rep. Hawkes	Recognizes the critical importance of continued water flows to Great Salt Lake and its wetlands and the need for solutions to declining water levels, while appropriately balancing economic, social, and environmental needs. In House NRAE Committee.	1	Support
HCR 11 Concurrent Resolution Encouraging Purchase of Tier 3 Gasoline	Rep. Harrison	Recognizes that the lower-sulfur Tier 3 gasoline standards are crucial to improving the safety, health, and welfare of Utah's citizens and encourages local refineries not already committed to producing Tier 3 gasoline to do so. Encourages retailers and consumers to purchase Tier 3 gas. In House Rules Committee.	2	Support
HCR 13 Concurrent Resolution Encouraging Utah Refiners to Manufacture Tier 3 Gasoline to Improve Air Quality	Rep. Arent	Recognizes that three out of the five Utah refineries have committed to manufacturing Tier 3 compliant lower-sulfur gasoline for sale in Utah and urges all refineries operating within Utah to utilize the state sales and use tax exemption provided by the state to make the investments necessary to manufacture Tier 3 gasoline. In House Rules Committee.	2	Support
Joint Resolution Rescinding Approval For Class V Landfill (not numbered yet)	Rep. Snider	Rescinds HJR 20 from the 2016 General Legislative Session, which gave provisional approval for the construction and operation of a proposed Class V commercial nonhazardous solid waste landfill on the shores of Great Salt Lake at Promontory Point.	1	Support

Concurrent Resolution Supporting Rural Development of Wind, Solar, Hydrogen, Hydroelectric and Geothermal Energy	Rep. Handy	No text yet.		
SB 5 NRAE Base Budget	Sen. Hinkins	Provides appropriations for the use and support of the Departments of Natural Resources, Agriculture and Food, and Environmental Quality for the fiscal year beginning July 1, 2019 and ending June 30, 2020. Reduces or supplements funding for the fiscal year beginning July 1, 2018 and ending June 30, 2019. In NRAE Appropriations Committee. Must be enacted by Wednesday, February 6.	1	Support
SB 17 Extraterritorial Jurisdiction Amendments	Sen. Okerlund	Defines the extent of and process for municipalities to continue to their extraterritorial jurisdiction to protect the water source and water quality in the entire watershed of their source of supply. Passed Senate NRAE 7-0-2 on 1/30. On Senate 2 nd Reading Calendar.	2	Oppose
SB 24 State Energy Policy Amendments	Sen. Grover	Adds to the state energy policy the promotion of molten salt nuclear power reactors producing medical isotopes and adds to the state energy policy the promotion of energy education programs in grades K-12. Passed Senate 27-0-2 on 1/28. In House NRAE.	3	Neutral
SB 46 Tire Recycling Amendments	Sen. Sandall	Allows the director of the Division of Waste Management and Radiation Control to authorize up to 100%	3	Support

		reimbursement of a waste tire transporter's or recycler's cost if the applicant is a rural county. Passed Senate NRAE 5-0-4 on 1/30. On Senate 2 nd Reading Calendar.		
SB 48 Camping Fee Amendments	Sen. Escamilla	Requires the Division of Parks and Recreation to provide a 50% discount to the holder of a valid senior annual day use pass on any camping fee at a state park. In Senate NRAE Committee.	3	Support
SB 52 Secondary Water Metering Requirements	Sen. Anderegg	Enacts deadlines for metering all pressurized non-culinary and non-agricultural secondary water use statewide. Directs the Board of Water Resources to make available \$10 million in loans and grants each year from the Water Conservation and Development Fund to assist with metering compliance. In Senate NRAE.	1	Support
SB 65 Noxious Weed Act Amendments	Sen. Iwamoto	Permits a county executive's designee in a county of the first class to serve on a county weed control board. On Senate 2 nd Reading Calendar.	3	Support
SB 93 Agricultural Nuisance Amendments	Sen. Sandall	Enacts the Agricultural Operations Nuisances Act, defining terms addressing nuisance actions in order to minimize conflicts between ag operations and neighboring residents. On Senate 2 nd Reading Calendar.	3	Support
Substitute SB 111 Energy Innovation, Research, and Grant Program Act	Sen. Fillmore	Creates the Energy Storage Innovation, Research, and Grant Program to provide grants to advance the development and deployment of energy storage in the state and facilitate the transition of energy storage into the marketplace. Appropriates \$5 million. On Senate 2 nd Reading Calendar.	3	Support

SB 114 Hunting Amendments	Sen. Hinkins	Allows the Department of Agriculture to issue an annual permit for aerial hunting to a person for the protection of land, water, wildlife, livestock, domesticated animals, human life, or crops, if the person shows that the person or the person's designated pilot, along with the aircraft to be used in the aerial hunting, are licensed and qualified in accordance with rules set by the Department. In Senate Rules.	2	Studying
SB 119 Legacy Parkway Truck Ban Amendments	Sen. Weiler	Extends the date of the automatic repeal of the truck ban on Legacy Parkway through July 1, 2020. In Senate Rules.	1	Support
Energy Balancing Act Amendments	Sen. Adams	No text yet.		
Energy Production Finance Amendments	Sen. Anderegg	No text yet.		
SJR 1 Joint Resolution Supporting the Study of Water Banking in Utah	Sen. Iwamoto	Supports continued study of water banking that permits the temporary transfer of water use from one user to another. Appropriates \$400,000 to fund the study and a pilot project. On Senate Consent Calendar.	2	Support
SCR 6 Concurrent Resolution in Support of Advanced Nuclear Reactor Technology	Sen. Bramble	Touts building in Utah and buying power from an unproven Small Modular Reactor design being peddled by the Utah Association of Municipal Power Systems (UAMPS) as safe, reliable, sustainable, and carbon-free, while trumpeting Utah's leadership and ingenuity in solving climate change and air pollution. Passed Senate Transportation, Public Utilities, Energy, and Technology Committee 7-0-1 on 2/4. On Senate 2 nd Reading.	3	Oppose

Important Dates

January 28 First day of session

February 7 Last day to request bills (by noon)

Last day to approve bills for numbering (by noon)

March 2 Last day for the Executive Appropriations Committee to complete all budget decisions necessary to draft the final appropriations bills

March 11 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 12 Last day for legislators to prioritize bills and other programs with fiscal impact

March 7 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 14 Last day of session

April 3 Last day governor may sign or veto bills

May 13 Last day a veto-override session may begin

May 14 Normal effective date for bills

First day to file bills for the 2020 General Session

Executive Appropriations Committee

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