

Date: 2-24-21

House Natural Resources, Agriculture, and Environment Committee

Bill: 1st Sub. HB 364 Utah Lake Authority

Sponsor: Rep. Brammer

Floor Sponsor:

UASD Position: Oppose

This Bill: enacts provisions relating to the Utah Lake Authority.

Discussion: Rep. Brammer noted that he doesn't want to upset the water rights that flow out of Utah Lake. He wants to remediate the lake and increase recreation opportunities. He is speaking generally to the first substitute. Lines 506-508 is the same negotiated language asked for on HB 297, preventing this from affecting water rights. They also preserve the primacy of the Department of Environmental Quality. In the first year, the Utah Lake Authority (ULA) can only gather information. Before moving forward, they'll return for legislative approval of taxing authority. Rep. Brammer said this is not about islands. The ULA will manage the island project if the project is approved. Population growth around the lake is increasing. Rep. Briscoe asked about the ULA receiving permission to dispose of lake authority land. Is that a new addition? Rep. Brammer said that deals with what was put into code two years ago. Rep. Chew asked if the ULA is anticipating acquiring the authority to the sovereign lands. Rep. Brammer said yes. Rep. Chew asked about the water rights. Rep. Brammer said the ULA will not be permitted to change any existing water rights. Rep. Chew asked how the lake water is used. Rep. Brammer explained that most of Salt Lake County relies on water from Utah Lake. It provides water storage for a significant portion of the state. Rep. Kohler expressed concern about not having a direct water member on the board. Rep. Brammer said at the request of some of the water community, the substitute adds someone who is an appointee of the Department of Natural Resources. Rep. Kohler said this would be appropriate for interim study. Rep. Albrecht asked if Utah County has increased their impact fees, or whether they plan to. Rep. Brammer said that is the intent for the taxing authority, whether through a toilet tax or impact fees. If some of it could be addressed through a community redevelopment agreement, the tax burden would be smaller. That's why the first year is for negotiation and gathering information. Rep. Hawkes acknowledged that the fiscal note is ongoing. Rep. Brammer said at some point the state will need to have ongoing commitment to Utah Lake, but right now Utah County is bearing its burden. He expects that they will bear much of the taxation burden, but ideally the state will eventually also contribute. In

subsequent years, the maintenance and major issues would be funded through their taxing authority.

Rep. Stratton expressed support for the concept of the bill. However, he is concerned about line 498. Transfers of land are a hot issue. He feels that land transfers should come back to the legislature for approval. It's important to have checks and balances, and to have them return and report. Rep. Brammer said he would support that. This was already in code, but he has no problems strengthening checks and balances. Rep. Snider asked who would have ultimate authority in the event of a land transfer. Rep. Brammer responded that the permitting authority will remain with state agencies. However, state agencies do not like delving into the policy. The policy authority will come back to the ULA and the Legislative Management Committee. The areas around the lake have to deal with the consequences. Rep. Snider asked about sovereign lands managed by the Division of Wildlife Resources. How would they intercede in this with specific parcels of the lake that would be transferred to the ULA? Rep. Brammer said they would be required to work together with the state to determine what is appropriate for the ULA versus the Division of Wildlife Resources to manage. They will come together and make a recommendation to the legislature on how they would work together. The substitute allows them three years to determine how they will work together. Rep. Snider asked what pushback an agency currently overseeing a parcel that was transferred to the ULA would have. Rep. Brammer said nobody knows who can make that decision now. Rep. Snider said the Division of Wildlife Resources makes those decisions now. Rep. Brammer said the process for changing who manages an area is unclear, especially with Utah Lake. Intra-agency conflict on this issue is handled the same way every other intra-agency conflict is handled.

The Provo City administration and the City of Orem management support the bill. The Utah Lake Water Users Association is concerned about the bill. The Rural Water Association of Utah, the Utah Farm Bureau, the Utah Water Users Association, the Draper Irrigation/Water Approach, the Jordan Valley Water Conservancy District, Salt Lake City's Department of Public Utilities, Provo River Water Users Association, Friends of Great Salt Lake, National Audubon Society, and Magna Water District recommend the issue be studied during interim.

The first substitute was adopted. Rep. Stratton introduced Amendment 1, which would postpone the implementation date to July 1st, 2022. He said this would allow the committee to move the bill forward while still studying the issue during interim. Rep. Chew asked why they need the date if the bill goes to interim study. Rep. Stratton said if the issue went to interim study, the bill and funding wouldn't pass. This bill would provide a starting place, but delaying the implementation allows another legislative session to refine the legislation. He believes it is important to secure the funding now. Rep. Hawkes said it's better to take the issue to interim study without moving the bill forward. Rep. Lyman made a substitute motion to pass the bill. It's better to give someone control than to leave the issue in a vacuum. Rep. Brammer said if the

water rights can't be separated from the water, then the taxpayers are going to need to pay for it. Rep. Stratton said he thinks the amendment would improve the bill, but he'll support it either way. Rep. Hawkes said the lake affects more than just the cities immediately surrounding it. All the voices should be represented. He is not comfortable advancing the bill without bringing the stakeholders together. The motion to pass the bill failed. Rep. Hawkes moved to go on to the next item on the agenda. Rep. Brammer said he's open to interim study.

Yeas: 11

Nays: 2

N/V: 1

Outcome: 1st Sub. HB 364 was held in committee.

Bill: HCR 20 Concurrent Resolution Supporting Creation of the Utah State University Institute of Land, Water, and Air

Sponsor: Rep. Snider

Floor Sponsor:

UASD Position: Support

This Resolution: acknowledges Utah State University's dedication to research and community engagement throughout the state and commends the university's Institute of Land, Water, and Air for the institute's work in preserving and improving the quality of the state's land, water, and air.

Discussion: Rep. Snider introduced the bill. Utah State University (USU) is creating this institute to consolidate critical research and distribute its findings. Wayne Niederhauser, member of the USU Board of Trustees, spoke about the value of this institute. Ellen Rossi spoke on behalf of the Quinney family in support of the resolution. Noelle Cockett, USU president, spoke about the university's outreach and research. Reps. Briscoe, Lyman, and Watkins voiced their support.

Rep. Chew asked how many universities in the state participated in the land grant program. Rep. Snider said he believes USU is the only one, but he knows it is the best one. Mr. Niederhauser said this institute will help bridge the gap between research and policy.

Yeas: 12

Nays: 0

N/V: 2

Outcome: HCR 20 passed out of committee with a favorable recommendation.