

MINUTES OF THE
SENATE NATURAL RESOURCES, AGRICULTURE, AND ENVIRONMENT
STANDING COMMITTEE
Monday, February 16, 2004
Room 131, State Capitol Building

Members Present: Sen. Beverly Ann Evans, Chair
Sen. Gene Davis
Sen. Thomas Hatch
Sen. Scott K. Jenkins
Sen. Paula F. Julander
Sen. Bill Wright

Members Excused: Sen. Leonard M. Blackham

Members Absent: Sen. Parley G. Hellewell

Staff Present: J Brian Allred, Policy Analyst
Norda Shepard, Secretary

Public Speakers Present: Sen. Mike Dmitrich
Rep. DeMar Bud Bowman
Rep. Bradley T. Johnson
Rep. Eli H. Anderson
Sen. David L. Thomas
Rep. R. Curt Webb
Rep. Darin G. Peterson
Rep. Brent H. Goodfellow
Kevin Carter, Director School and Institutional Trust Lands Administration
Brent Gardner, Executive Director, Utah Association of Counties
Steve Roberts, State Parks and Recreation
Mark Walsh, Utah Association of Counties
Wes Curtis, State Planning Coordinator
Debbie Goodman, Utah Audubon Council
Wes Quinton, Utah Farm Bureau
Paul Martinson, Water Attorney
Margaret Bird, Office of Education
Jerry Olds, State Engineer
Fred Finlinson, Utah Water Coalition
Mark H. Anderson, General Counsel, UASD, CWSID, SDSD, and KID
Wayne Jones, Executive Director, Utah Powersport Dealers Association

A list of visitors and a copy of handouts are filed with the committee minutes.

The meeting was called to order by Committee Chair Evans at 4:15 p.m.

1. Approval of Minutes

MOTION: Sen. Jenkins moved to approve the minutes of 2-10-04.

The motion passed unanimously with Sen. Hatch and Sen. Julander absent at the time of the vote.

2. S.B. 159, Annexation of Public Land to Special and Local Districts (Sen. M. Dmitrich)

Sen. Mike Dmitrich presented the bill. Kevin Carter, Director, School and Institutional Trust Lands Administration, spoke in favor of the bill.

MOTION: Sen. Wright moved to pass S.B. 159 Annexation of Public Land to Special and Local Districts out with a favorable recommendation.

The motion passed unanimously with Sen. Hatch and Sen. Julander absent at the time of the vote.

3. 2nd Sub. H.B. 51, Nonresident User Fee for Off-highway Vehicle Users (Rep. D. Bowman)

Rep. DeMar Bud Bowman presented the bill. Brent Gardner, Executive Director, Utah Association of Counties, Steve Roberts, State Parks and Recreation, and Kevin Carter spoke in support of the bill.

MOTION: Sen. Davis moved to pass 2nd Sub. H. B. 51 Nonresident User Fee for Off-highway Vehicle Users out with a favorable recommendation.

The motion passed with Sen. Evans, Sen. Davis, Sen. Hatch and Sen. Julander voting in favor and Sen. Jenkins voting against, with Sen. Wright absent at the time of the vote.

4. H.B. 88, State Land Use Management Plans (Rep. B. Johnson)

Rep. Bradley T. Johnson presented the bill.

MOTION: Sen. Hatch moved the following amendments to H.B. 88:

1. Page 3, Lines 69 thru 71 Delete lines 69 thru 71
House Floor Amendment (Lilac) *Renumber remaining sections accordingly*
dated 2-6-2004:
2. Page 3, Line 74 After "state" insert "and local"
House Floor Amendment (Lilac)
dated 2-6-2004:
3. Page 3, Line 87
House Floor Amendment (Lilac)
dated 2-6-2004: After "(b) in" delete "conjunction" and reinstate "consultation"
4. Page 8, Line 227
House Floor Amendment (Lilac)
dated 2-6-2004: After line 227 insert:
"(8) Nothing in this section may be construed to affect any lands withdrawn from the public domain for military purposes, which are administered by the United States Army, Air Force, or Navy."

Mark Walsh, Utah Association of Counties voiced concern about the amendments. After committee discussion, Sen. Hatch agreed to divide the motion.

Chair Evans asked for the vote on Amendment #3.

The motion passed with Sen. Davis, Sen. Hatch and Sen. Julander voting in favor and Sen. Evans and Sen. Jenkins voting against with Sen. Wright absent at the time of the vote.

Chair Evans asked for the vote on Amendments #1, #2, and #4.

The motion passed unanimously with Sen. Wright absent at the time of the vote.

Wes Curtis, State Planning Coordinator, Debbie Goodman, Utah Audubon Council, and Wes Quinton, Utah Farm Bureau spoke in support of the bill. Paul Martinson spoke against the bill.

MOTION: Sen. Davis moved to pass H. B. 88 State Land Use Management Plans out with a favorable recommendation as amended.

The motion passed unanimously with Sen. Wright absent at the time of the vote.

5. H.B. 233, Grazing Permit Fee Amendments (Rep. E. Anderson)

Rep. Eli H. Anderson presented the bill. Wes Quinton, Utah Farm Bureau and Margaret Bird, Office of Education, spoke in support of the bill.

MOTION: Sen. Julander moved to pass H. B. 233 Grazing Permit Fee Amendments out with a favorable recommendation.

The motion passed unanimously with Sen. Wright absent at the time of the vote.

MOTION: Rep. Hatch moved to place H. B. 233 Grazing Permit Fee Amendments on the Consent Calendar.

The motion failed with Sen. Jenkins voting in opposition.

6. 1st Sub S.B. 151, Waste Water Amendments (Sen. D. Thomas)

Sen. Davis L. Thomas proposed a 2nd Substitute bill.

MOTION: Sen. Davis moved to replace 1st Substitute S.B. 151 with 2nd Substitute S.B. 151 Waste Water Amendments.

The motion passed unanimously with Sen. Wright absent at the time of the vote.

Sen. Thomas proposed amendments to 2nd Substitute S..B. 151.

MOTION: Sen. Hatch moved the following amendments to 2nd Sub. S.B. 151:

1. Page 2, Line 26 through Page 2, Line 30:

- 26 (1) ~~Any~~ A person ,excluding a municipality, intending to apply sewage
effluent to a beneficial use pursuant to
27 Subsection 73-3c-2(1) or 73-3c-3(1) or change the point of discharge of sewage effluent
28 pursuant to Subsection 73-3c-7(1) shall ~~notify~~ make application to the state engineer ~~[of~~
~~the~~
29 ~~use]~~ describing the proposed use of sewage effluent or change in point of discharge as
provided
30 by rules of the state engineer.

The motion passed unanimously with Sen. Wright absent at the time of the vote.

Jerry Olds, State Engineer, answered questions and spoke in support. Debbie Goodman, Utah Audubon Council, spoke in support. Fred Finlinson, Utah Water Coalition, and Mark Anderson, General Counsel, spoke in opposition to the bill.

MOTION: Sen. Davis moved to move the agenda.

SUBSTITUTE-MOTION: Sen. Hatch moved to pass 2nd Substitute S. B. 151 Waster Water Amendments out with a favorable recommendation as amended.

The motion passed unanimously with Sen. Julander and Sen. Wright absent at the time of the vote.

7. H.B. 229, Public Utility Easements (Rep. R. C. Webb)

Rep. R. Curt Webb presented the bill.

MOTION: Sen. Hatch moved to pass H. B. 229 Public Utility Easements out with a favorable recommendation.

The motion passed unanimously with Sen. Wright absent at the time of the vote.

8. Reconsideration of H. B. 233, Grazing Permit Fee Amendments (Rep. E. Anderson)

MOTION: Sen. Jenkins moved to reconsider H.B. 233.

The motion passed unanimously with Sen. Wright absent at the time of the vote.

MOTION: Sen. Jenkins moved to place H. B. 233 Grazing Permit Fee Amendments on the Consent Calendar.

The motion passed unanimously with Sen. Wright absent at the time of the vote.

9. 1st Sub. H.B. 232, Water Well Amendments (Rep. D. Peterson)

Rep. Darin G. Peterson presented the bill.

MOTION: Sen. Hatch moved to pass 1st Sub. H. B. 232 Water Well Amendments out with a favorable recommendation.

The motion passed unanimously with Sen. Davis and Sen. Wright absent at the time of the vote.

10. 1st Sub. H. B. 220, Off-highway Vehicle Amendments (B. Goodfellow)

Rep. Brent H. Goodfellow presented the bill. Steve Roberts, State Parks and Recreation, Kevin Carter, School and Institutional Trust Lands, and Wayne Jones, Executive Director, Utah Powersport Dealers Association, spoke in support of the bill.

MOTION: Sen. Julander moved to pass 1st Sub. H. B. 222 Off-highway Vehicle Amendments out with a favorable recommendation.

The motion passed unanimously with Sen. Davis and Sen. Wright absent at the time of the vote.

MOTION: Sen. Hatch moved to adjourn.

The motion passed unanimously with Sen. Davis and Sen. Wright absent at the time of the vote.

The meeting adjourned at 6:00 p.m.

Minutes recorded by Norda Shepard, Secretary

Beverly Ann Evans, Committee Chair