

**SNAKE VALLEY AQUIFER RESEARCH TEAM**

**AND ADVISORY COUNCIL**

2009 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Bradley A. Winn**

Senate Sponsor: \_\_\_\_\_

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**LONG TITLE**

**General Description:**

This bill creates the Snake Valley Aquifer Research Team and Advisory Council.

**Highlighted Provisions:**

This bill:

- ▶ creates the Snake Valley Aquifer Research Team;
- ▶ creates the Snake Valley Aquifer Advisory Council;
- ▶ establishes council duties; and
- ▶ establishes research team data and information collection and reporting duties.

**Monies Appropriated in this Bill:**

None

**Other Special Clauses:**

None

**Utah Code Sections Affected:**

**AMENDS:**

**63J-4-603**, as last amended by Laws of Utah 2008, Chapter 381 and renumbered and amended by Laws of Utah 2008, Chapter 382

**ENACTS:**

**63C-12-101**, Utah Code Annotated 1953

**63C-12-102**, Utah Code Annotated 1953



- 28           **63C-12-103**, Utah Code Annotated 1953
- 29           **63C-12-104**, Utah Code Annotated 1953
- 30           **63C-12-105**, Utah Code Annotated 1953
- 31           **63C-12-106**, Utah Code Annotated 1953
- 32           **63C-12-107**, Utah Code Annotated 1953
- 33           **63C-12-108**, Utah Code Annotated 1953



35 *Be it enacted by the Legislature of the state of Utah:*

36           Section 1. Section **63C-12-101** is enacted to read:

37                           **CHAPTER 12. SNAKE VALLEY AQUIFER ADVISORY COUNCIL**

38           **63C-12-101. Title.**

39           This chapter is known as the "Snake Valley Aquifer Advisory Council."

40           Section 2. Section **63C-12-102** is enacted to read:

41           **63C-12-102. Definitions.**

42           As used in this chapter:

43           (1) "Council" means the Snake Valley Aquifer Advisory Council created in Section  
44 63C-12-103.

45           (2) "Research team" means the Snake Valley Research Team created in Section  
46 63C-12-107.

47           Section 3. Section **63C-12-103** is enacted to read:

48           **63C-12-103. Council creation -- Members -- Terms.**

49           (1) There is created a state advisory council known as the "Snake Valley Aquifer  
50 Advisory Council."

51           (2) The advisory council is composed of the following six members:

52           (a) one member from the House of Representatives appointed by the speaker of the  
53 House of Representatives;

54           (b) one member from the Senate appointed by the president of the Senate;

55           (c) the governor or the governor's designee; and

56           (d) three members appointed by the governor as follows:

57           (i) one county commissioner, from individuals recommended by an organization that  
58 represents counties in the state, who is a resident of;

59 (A) Tooele County;

60 (B) Juab County;

61 (C) Millard County; or

62 (D) Beaver County; and

63 (ii) two residents of:

64 (A) Tooele County;

65 (B) Juab County;

66 (C) Millard County; or

67 (D) Beaver County.

68 (3) A member appointed under Subsection (2)(a), (b), or (d) is appointed to a two-year  
69 term.

70 (4) Notwithstanding the requirements of Subsection (3), the governor shall, at the time  
71 of appointment or reappointment, adjust the length of terms to ensure that the terms of council  
72 members appointed under Subsection (2)(d) are staggered so that approximately half of the  
73 council is appointed every two years.

74 (5) The governor shall appoint a chairperson.

75 (6) If a vacancy occurs in council membership for any reason the replacement shall be  
76 appointed for the unexpired term in the same manner as the vacated member was appointed.

77 Section 4. Section **63C-12-104** is enacted to read:

78 **63C-12-104. Advisory council duties -- Meetings.**

79 (1) The council shall:

80 (a) meet at least annually but may also meet at the call of:

81 (i) the chair; or

82 (ii) at least two members of the council;

83 (b) provide advice to the research team, including recommendations concerning the  
84 type of data and information gathered by the research team;

85 (c) review the data and information gathered and reported by the research team,  
86 including reviewing changes from baseline data collected by the research team; and

87 (d) act as liaison between the research team and the constituency groups represented by  
88 the council.

89 (2) A majority of the council members constitute a quorum for the transaction of

90 council business.

91 (3) The council may advise the governor and the Legislature on any issue relating to its  
92 review under Subsection (1)(c).

93 Section 5. Section **63C-12-105** is enacted to read:

94 **63C-12-105. Compensation of members -- Expenses.**

95 (1) (a) A member who is not a government employee may not receive compensation or  
96 benefits for the member's service, but may receive per diem and expenses incurred in the  
97 performance of the member's official duties at the rates established by the Division of Finance  
98 under Sections 63A-3-106 and 63A-3-107.

99 (b) A member may decline to receive per diem and expenses for the member's service.

100 (2) (a) A state government officer and employee member who does not receive salary,  
101 per diem, or expenses from the agency the member represents for the member's service may  
102 receive per diem and expenses incurred in the performance of the member's official duties at  
103 the rates established by the Division of Finance under Sections 63A-3-106 and 63A-3-107.

104 (b) A state government officer and employee member may decline to receive per diem  
105 and expenses for the member's service.

106 (3) (a) A local government member who does not receive salary, per diem, or expenses  
107 from the entity that the member represents for the member's service may receive per diem and  
108 expenses incurred in the performance of the member's official duties at the rates established by  
109 the Division of Finance under Sections 63A-3-106 and 63A-3-107.

110 (b) A local government member may decline to receive per diem and expenses for the  
111 member's service.

112 Section 6. Section **63C-12-106** is enacted to read:

113 **63C-12-106. Staff.**

114 The director of the Public Lands Policy Coordinating Office shall provide staff services  
115 to the council.

116 Section 7. Section **63C-12-107** is enacted to read:

117 **63C-12-107. Research team.**

118 (1) There is created a Snake Valley Aquifer Research Team composed of the following  
119 eight members:

120 (a) a representative of the Division of Air Quality, appointed by the executive director

121 of the Department of Environmental Quality;

122 (b) a representative of the Department of Agriculture and Food, appointed by the  
123 commissioner of the Department of Agriculture and Food;

124 (c) the executive director of the Department of Natural Resources or the executive  
125 director's designee;

126 (d) the following members appointed by the executive director of the Department of  
127 Natural Resources:

128 (i) a representative of the Utah Geological Survey;

129 (ii) a representative of the Division of Wildlife Resources;

130 (iii) a representative of the Division of Water Rights; and

131 (iv) a representative of the Species Recovery Program; and

132 (e) a faculty member, appointed by the governor, from a college or university in the  
133 state with expertise in:

134 (i) establishing baseline socioeconomic data and information; and

135 (ii) measuring adverse socioeconomic impacts.

136 (2) The director of the Public Lands Policy Coordinating Office shall coordinate and  
137 direct the research team's data and information collection, research, and reporting required by  
138 Section 63C-12-108.

139 Section 8. Section **63C-12-108** is enacted to read:

140 **63C-12-108. Research team duties.**

141 The research team shall:

142 (1) conduct ongoing scientific research and analysis measuring baseline data and the  
143 impact of the use of water resources in the interstate groundwater flow system specified in the  
144 Lincoln County Conservation, Recreation, and Development Act of 2004, Pub. L. No. 108-424,  
145 including the impact on:

146 (a) surface water and groundwater levels and quality;

147 (b) vegetation, including invasive species;

148 (c) wildlife;

149 (d) agriculture;

150 (e) soils;

151 (f) air quality;

- 152           (g) the geologic integrity of the aquifer; and
- 153           (h) socioeconomic conditions;
- 154           (2) establish baseline data and information for the research and analysis required under
- 155 Subsection (1):
- 156           (3) establish an online database of the impacts measured under Subsection (1);
- 157           (4) seek to enter into cooperative agreements with governmental entities to share
- 158 relevant data and information; and
- 159           (5) provide annual data and information reports to the council.

Section 9. Section **63J-4-603** is amended to read:

**63J-4-603. Powers and duties of coordinator and office.**

(1) The coordinator and the office shall:

(a) assist the state planning coordinator in fulfilling the duties outlined in Section 63J-4-401 as those duties relate to the development of public lands policies by:

(i) developing cooperative contracts and agreements between the state, political subdivisions, and agencies of the federal government for involvement in the development of public lands policies;

(ii) producing research, documents, maps, studies, analysis, or other information that supports the state's participation in the development of public lands policy;

(iii) preparing comments to ensure that the positions of the state and political subdivisions are considered in the development of public lands policy;

(iv) partnering with state agencies and political subdivisions in an effort to:

(A) prepare coordinated public lands policies;

(B) develop consistency reviews and responses to public lands policies;

(C) develop management plans that relate to public lands policies; and

(D) develop and maintain a statewide land use plan that is based on cooperation and in conjunction with political subdivisions; and

(v) providing other information or services related to public lands policies as requested by the state planning coordinator; [~~and~~]

(b) facilitate and coordinate the exchange of information, comments, and recommendations on public lands policies between and among:

(i) state agencies;

- 183 (ii) political subdivisions;
- 184 (iii) the Office of Rural Development created under Section 63M-1-1602;
- 185 (iv) the Resource Development Coordinating Committee created under Section
- 186 63J-4-501;
- 187 (v) School and Institutional Trust Lands Administration created under Section
- 188 53C-1-201;
- 189 (vi) the committee created under Section 63F-1-508 to award grants to counties to
- 190 inventory and map R.S. 2477 rights-of-way, associated structures, and other features; and
- 191 (vii) the Constitutional Defense Council created under Section 63C-4-101;
- 192 (c) perform the duties established in Title 9, Chapter 8, Part 3, Antiquities, and Title 9,
- 193 Chapter 8, Part 4, Historic Sites; [~~and~~]
- 194 (d) consistent with other statutory duties, encourage agencies to responsibly preserve
- 195 archaeological resources[-];
- 196 (e) provide staff services to the Snake Valley Aquifer Council created in Section
- 197 63C-12-103; and
- 198 (f) coordinate and direct the Snake Valley Research Team created in Section
- 199 63C-12-107.
- 200 (2) In providing assistance to the state planning coordinator under Subsection (1)(a),
- 201 the coordinator and office shall take into consideration the:
- 202 (a) findings provided under Subsections 63J-4-401(6) and (7); and
- 203 (b) recommendations of the council.

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**Legislative Review Note**  
as of 1-22-09 7:12 AM

**Office of Legislative Research and General Counsel**