

1                   **SNAKE VALLEY AQUIFER RESEARCH TEAM**  
2                   **AND ADVISORY COUNCIL**

3                   2009 GENERAL SESSION

4                   STATE OF UTAH

5                   **Chief Sponsor: Bradley A. Winn**

6                   Senate Sponsor: Dennis E. Stowell

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8                   **LONG TITLE**

9                   **General Description:**

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

11                  **Highlighted Provisions:**

12                  This bill:

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

17                  **Monies Appropriated in this Bill:**

18                  None

19                  **Other Special Clauses:**

20                  None

21                  **Utah Code Sections Affected:**

22                  AMENDS:

23                  **63J-4-603**, as last amended by Laws of Utah 2008, Chapter 381 and renumbered and  
24                  amended by Laws of Utah 2008, Chapter 382

25                  ENACTS:

26                  **63C-12-101**, Utah Code Annotated 1953

27                  **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 seven members:

52           (a) the governor or the governor's designee; and

53           (b) six members appointed by the governor as follows:

54           (i) two county commissioners, from individuals recommended by an organization that  
55 represents counties in the state, who are residents of:

56           (A) Tooele County;

57           (B) Juab County;

- 58           (C) Millard County; or
- 59           (D) Beaver County;
- 60           (ii) one elected representative of Salt Lake County government, from individuals
- 61 recommended by an organization that represents counties in the state;
- 62           (iii) two residents of:
- 63           (A) Tooele County;
- 64           (B) Juab County;
- 65           (C) Millard County; or
- 66           (D) Beaver County; and
- 67           (iv) a representative of the Confederate Tribes of Goshute Reservation.
- 68           (3) A member appointed under Subsection (2)(b) is appointed to a two-year term.
- 69           (4) Notwithstanding the requirements of Subsection (3), the governor shall, at the time
- 70 of appointment or reappointment, adjust the length of terms to ensure that the terms of council
- 71 members appointed under Subsection (2)(b) are staggered so that approximately half of the
- 72 council is appointed every two years.
- 73           (5) The governor shall appoint a chairperson.
- 74           (6) If a vacancy occurs in council membership for any reason the replacement shall be
- 75 appointed for the unexpired term in the same manner as the vacated member was appointed.

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

77           **63C-12-104. Advisory council duties -- Meetings.**

- 78           (1) The council shall:
- 79           (a) meet at least annually but may also meet at the call of:
- 80           (i) the chair; or
- 81           (ii) at least two council members;
- 82           (b) provide advice to the research team, including recommendations concerning the
- 83 type of data and information gathered by the research team;
- 84           (c) review the data and information gathered and reported by the research team,
- 85 including baseline data and changes from baseline data; and

86 (d) act as liaison between the research team and the persons represented by the  
87 council.

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

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

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

93 **63C-12-105. Compensation of members -- Expenses.**

94 (1) This section applies to members of the council.

95 (2) (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 (3) (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 (4) (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 four 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; and

126 (d) the director of the Public Lands Policy Coordinating Office.

127 (2) The director of the Public Lands Policy Coordinating Office shall coordinate and  
128 direct the research team's data and information compilation and reporting required by Section  
129 63C-12-108.

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

131 **63C-12-108. Research team duties.**

132 The research team shall:

133 (1) compile existing scientific research baseline data on the potential impact of the use  
134 of water resources in the interstate groundwater flow system specified in the Lincoln County  
135 Conservation, Recreation, and Development Act of 2004, Pub. L. No. 108-424, including the  
136 impact on:

137 (a) surface water and groundwater;

138 (b) vegetation, including invasive species;

139 (c) agriculture;

140 (d) soils;

141 (e) air quality;

- 142           (f) wildlife;
- 143           (g) the geologic integrity of the aquifer; and
- 144           (h) socioeconomic conditions;
- 145           (2) compile changes to the baseline data compiled under Subsection (1);
- 146           (3) seek to enter into cooperative agreements with governmental entities to share
- 147 relevant data and information;
- 148           (4) provide an annual data and information report to the council; and
- 149           (5) seek the voluntary participation of experts in academia and the private sector in the
- 150 activities of the research team.

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

152           **63J-4-603. Powers and duties of coordinator and office.**

153           (1) The coordinator and the office shall:

154           (a) assist the state planning coordinator in fulfilling the duties outlined in Section

155 63J-4-401 as those duties relate to the development of public lands policies by:

156           (i) developing cooperative contracts and agreements between the state, political

157 subdivisions, and agencies of the federal government for involvement in the development of

158 public lands policies;

159           (ii) producing research, documents, maps, studies, analysis, or other information that

160 supports the state's participation in the development of public lands policy;

161           (iii) preparing comments to ensure that the positions of the state and political

162 subdivisions are considered in the development of public lands policy;

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

164           (A) prepare coordinated public lands policies;

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

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

167           (D) develop and maintain a statewide land use plan that is based on cooperation and in

168 conjunction with political subdivisions; and

169           (v) providing other information or services related to public lands policies as requested

170 by the state planning coordinator; [~~and~~]  
171 (b) facilitate and coordinate the exchange of information, comments, and  
172 recommendations on public lands policies between and among:  
173 (i) state agencies;  
174 (ii) political subdivisions;  
175 (iii) the Office of Rural Development created under Section 63M-1-1602;  
176 (iv) the Resource Development Coordinating Committee created under Section  
177 63J-4-501;  
178 (v) School and Institutional Trust Lands Administration created under Section  
179 53C-1-201;  
180 (vi) the committee created under Section 63F-1-508 to award grants to counties to  
181 inventory and map R.S. 2477 rights-of-way, associated structures, and other features; and  
182 (vii) the Constitutional Defense Council created under Section 63C-4-101;  
183 (c) perform the duties established in Title 9, Chapter 8, Part 3, Antiquities, and Title 9,  
184 Chapter 8, Part 4, Historic Sites; [~~and~~]  
185 (d) consistent with other statutory duties, encourage agencies to responsibly preserve  
186 archaeological resources[-];  
187 (e) provide staff services to the Snake Valley Aquifer Advisory Council created in  
188 Section 63C-12-103; and  
189 (f) coordinate and direct the Snake Valley Aquifer Research Team created in Section  
190 63C-12-107.  
191 (2) In providing assistance to the state planning coordinator under Subsection (1)(a),  
192 the coordinator and office shall take into consideration the:  
193 (a) findings provided under Subsections 63J-4-401(6) and (7); and  
194 (b) recommendations of the council.