

MINUTES OF THE
SENATE NATURAL RESOURCES, AGRICULTURE, AND ENVIRONMENT
STANDING COMMITTEE

Tuesday, March 3, 2009
415 State Capitol, Utah State Capitol Complex

Members Present: Sen. Dennis Stowell, Chair
Sen. Allen Christensen
Sen. Margaret Dayton
Sen. Karen Morgan
Sen. Ralph Okerlund

Member Absent: Sen. Gene Davis

Staff Present: J Brian Allred, Policy Analyst
Saundra Maeser, Secretary

Public Speakers Present: Mark Ward, Policy Analyst, Utah Association of Counties
Steve Erickson, Great Basin Water Network
Craig Peterson, Consultant, CAP Consulting
Peter Corroon, Mayor, Salt Lake County
Don Peay, Consultant, Sportsmen for Wildlife
Jack Ray, Attorney, Utah Waterfowl Association
Lincoln Shurtz, Utah League of Cities and Towns
Robin Thomas, Legislative Liaison, Division of Wildlife Resources
Carlos Bracerias, Deputy Director, Department of Transportation
Sam Klemm, Wasatch Front Regional Council
Scott Sabey, Attorney, Ducks Unlimited
Adam Tripp, Utah Association of Counties

A list of visitors is filed with the committee minutes.

Committee Chair Stowell called the meeting to order at 8:10 a.m.

1. Approval of Minutes

MOTION: Sen. Morgan moved to approve the minutes of February 25, 2009.

The motion passed unanimously with Sen. Dayton absent for the vote.

2. 2nd Sub. H.B. 120 Snake Valley Aquifer Research Team and Advisory Council (Rep. B. Winn) (Sen. D. Stowell)

Rep. Winn introduced the bill. Mark Ward, Utah Association of Counties, assisted in the presentation.

Steve Erickson, Great Basin Water Network; Craig Peterson, CAP Consulting; and Peter Corroon, Mayor, Salt Lake County, spoke in support of the bill.

MOTION: Sen. Okerlund moved to pass 2nd Sub. H.B. 120, Snake Valley Aquifer Research Team and Advisory Council, out of committee with a favorable recommendation.

The motion passed unanimously with Sen. Dayton absent for the vote.

3. 1st Sub. H.B. 164 Migratory Bird Production Areas (Rep. C. Oda) (Sen. M. Dayton)

Rep. Oda introduced the bill. Jack Ray, Utah Waterfowl Association, assisted in the presentation.

MOTION: Sen. Christensen moved to adopt the following amendment:

1. Page 9, Lines 243 through 244:

243 (a) remove land from a migratory bird production area ~~[[, if removal of the~~
land would
244 not result in a migratory bird production area of less than 300 contiguous
acres]] ; or

2. Page 9, Lines 252 through 256:

252 (c) if land is being added to the migratory bird production area, an
affidavit signed by the owner or owners ~~[[:~~
253 —(i) indicating that the land is removed from the migratory bird
production area; or
254 —(ii)—]] indicating that the land ~~[[:~~
255 —(A) is added to the migratory bird production area; and
256 —(B)—]] meets the description provided in Subsection 23-28-201(1)(b)(iii).

3. Page 9, Line 259:

259 migratory bird production area is located. =
(4) If removing land from a migratory bird production area results in a
migratory bird production area of less than 300 contiguous acres:
(a) the migratory bird production area ceases to exist; and
(b) the landowner shall:
(i) notify each landowner within the former migratory bird production
area; and

(ii) file the revision notice required by this section for the entire migratory bird production area.

The motion passed unanimously with Sen. Dayton absent for the vote.

MOTION: Sen. Christensen moved to adopt the following amendment:

1. *Page 11, Line 322:*

322 Notwithstanding Title 78B, Chapter 6, Part 5, Eminent Domain **and except as provided by Subsection (2)** , the state, a state

2. *Page 11, Line 325:*

325 ~~[(+)]~~ **(a)** the condemnation does not have an unreasonable adverse effect upon the migratory

3. *Page 11, Line 327:*

327 ~~[(2)]~~ **(b)** there is no reasonable and prudent alternative to the condemnation.

(2) Real property within a migratory bird production area may be condemned in accordance with Title 78B, Chapter 6, Part 5, Eminent Domain, for an international airport:

(a) located within a county of the first class; and

(b) that has a United States customs office on its premises.

The motion passed unanimously with Sen. Dayton absent for the vote.

Lincoln Shurtz, Utah League of Cities and Towns; Carlos Braceras, Department of Transportation; Peter Corroon, Mayor, Salt Lake County; and Sam Klemm, Wasatch Front Regional Council, spoke to the bill.

Robin Thomas, Division of Wildlife Resources; Don Peay, Consultant, Sportsmen for Wildlife; and Scott Sabey, Ducks Unlimited, spoke in support of the bill.

Adam Tripp, Utah Association of Counties spoke in opposition to the bill.

MOTION: Sen. Morgan moved to pass 1st Sub. H.B. 164, Migratory Bird Production Areas, out of committee with a favorable recommendation as amended, with the request that the sponsor work through the concerns expressed before the bill reaches the Floor.

The motion passed unanimously.

4. H.B. 322 Tire Recycling Fee Modifications (Rep. N. Hendrickson) (Sen. K. Van Tassell)

Rep. Hendrickson introduced the bill.

MOTION: Sen. Christensen moved to adopt the following amendment:

1. Page 1, Lines 16 through 17
House Committee Amendments
2-17-2009
16 Other Special Clauses:
17 ~~[[None]]~~ **This bill takes effect on July 1, 2009.**

2. Page 2, Line 34:
34 (b) 22.5 inches to and including 24.5 inches is \$2.
Section 2. Effective date.
This bill takes effect on July 1, 2009.

The motion passed unanimously.

MOTION: Sen. Dayton moved to pass H.B. 322, Tire Recycling Fee Modifications, out of committee with a favorable recommendation as amended.

The motion passed unanimously.

MOTION: Sen. Dayton moved to adjourn.

The motion passed unanimously.

Chair Stowell adjourned the meeting at 9:00 a.m.

Minutes reported by Sandra Maeser, Secretary

Dennis E. Stowell, Committee Chair