

**MINUTES OF THE HOUSE  
NATURAL RESOURCES, AGRICULTURE, & ENVIRONMENT  
STANDING COMMITTEE**

**Room C445, State Capitol, State Capitol Complex**

**February 9, 2011**

**Members Present:** Rep. Roger E. Barrus, Chair  
Rep. Stephen Sandstrom, Vice Chair  
Rep. Joel Briscoe  
Rep. Jack Draxler  
Rep. Brad Galvez  
Rep. Neal Hendrickson  
Rep. John Mathis  
Rep. Mike Noel  
Rep. Patrick Painter  
Rep. Doug Sagers  
Rep. Christine Watkins  
Rep. Ryan Wilcox

**Members Absent:** Rep. Mel Brown  
Rep. Brad Dee

**Staff Present:** J Brian Allred, Policy Analyst  
Joanna MacKay, Committee Secretary

**Note:** A List of visitors and handouts are filed with committee minutes

Rep. Sandstrom called the meeting to order at 4:04 p.m.

**MOTION:** Rep. Galvez moved to approve the minutes of the February 8, 2011 meeting. The motion passed unanimously with Rep. Mathis and Rep. Wilcox absent for the vote.

**H.B. 76 Federal Law Evaluation and Response** (*Rep. K. Ivory*)

**MOTION:** Rep. Noel moved to replace H.B. 76 with 1st Substitute H.B. 76. The motion passed unanimously with Rep. Mathis and Rep. Wilcox absent for the vote.

Rep. Ivory presented the bill to the committee, assisted by Kelly Atkinson, Citizen; John Swallow, Chief Deputy Attorney General; Steve Allred, Office of Legislative Fiscal Analyst and Kevin Carter, Director, School and Institutional Trust Lands Administration.

**MOTION:** Rep. Noel moved to amend the bill as follows:

1. Page 2, Line 34:

34 Constitutional Defense Restricted Account; ~~{and}~~

▶ authorizes the Constitutional Defense Council chair to approve claims for payments to the School and Institutional Trust Lands Administration and the Public Lands Policy Coordinating Office; and

2. Page 2, Lines 36 through 54:

36 Money Appropriated in this Bill:

37 This bill appropriates:

*\*\*\* Some lines not shown \*\*\**

40 ▶ to the Constitutional Defense Council as an ongoing appropriation:

41 • from the Constitutional Defense Restricted Account,

\$ ~~{-144,000}~~ \$638,000, subject to intent

42 language stating that the appropriation is to be used by the Constitutional Defense Council to evaluate and respond to

43 federal law and approve claims for payment to the School and Institutional Trust Lands Administration and the Public Lands Policy Coordinating Office ;

*\*\*\* Some lines not shown \*\*\**

50 ~~{→ to the Public Lands Policy Coordinating Office as an ongoing appropriation:~~

51 ~~• from the Constitutional Defense Restricted Account, \$494,000, subject to intent~~

52 ~~language stating that the appropriation is to be used to hire two persons to assist~~

53 ~~in preparing cases for trial, field staff, litigation expenses, and factual and legal~~

54 ~~studies;}~~

3. Page 9, Lines 268 through 271:

268 governor in consultation with the council.

269 (8) (a) There is created a federalism subcommittee of the council.

270 (b) (i) The subcommittee shall consist of members listed in Subsections (2)(a)(i)

271 through ~~{(vi)}~~ (vii) .

4. *Page 11, Line 333 through Page 12, Line 336:*

333 (6) The council chair shall, only with the concurrence of the council, review and  
334 approve all claims for payments ~~{for}~~ :

335 (a) for legal services that are submitted to the council; ~~{and}~~

336 (b) for an action filed in accordance with Section 67-5-29 ~~{.}~~ ;

(c) by the School and Institutional Trust Lands Administration for legal, scientific, and technical costs associated with the council's duty described in Subsection (1)(d); and

(d) by the Public Lands Policy Coordinating Office for litigation costs associated with the council's duties established in this chapter.

5. *Page 22, Line 670:* Delete "\$144,000" and insert "\$638,000"

6. *Page 22, Line 672:* Delete "\$144,000" and insert "\$638,000"

7. *Page 23, Line 674:* Delete "." and insert "and satisfy claims of payments by the School and Institutional Trust Lands Administration and the Public Lands Policy Coordination Office as provided by statute."

8. *Page 23, Lines 682 through 688:* Delete line 682 through line 688.

9.

10. *Page 23, Line 689:* Delete "5" and insert "4".

11. *Page 23, Line 693:* Delete "6" and insert "5".

The motion to amend the bill passed unanimously with Rep. Painter and Rep. Wilcox absent for the vote.

Spoke in favor of the bill: Peter Cannon, Davis County 9/12 Project and Utah Eagle Forum  
Carlton Bowen, Campaign for Liberty

Spoke in opposition to the bill: Gary Alder, Citizen

**MOTION:** Rep. Noel moved to pass the bill with a favorable recommendation. The motion passed with Rep. Briscoe voting in opposition. Rep. Wilcox was absent for the vote.

**H.J.R. 21      Selections of Unappropriated Federal Lands Joint Resolution (*Rep. R. Barrus*)**

Rep. Barrus presented the resolution to the committee and provided a handout titled "APPLE Initiative".

**MOTION:**    Rep. Hendrickson moved to pass the bill with a favorable recommendation. The motion passed unanimously.

**H.B. 97      Consolidation of the Department of Environmental Quality with the Department of Natural Resources (*Rep. W. Harper*)**

Rep. Harper explained the bill to the committee and distributed a handout.

Spoke in opposition to the bill: Amanda Smith, Director, Department of Environmental Quality  
Mike Styler, Director, Department of Natural Resources

**MOTION:**    Rep. Noel moved to adjourn. The motion passed unanimously with Rep. Mathis absent for the vote.

Rep. Sandstrom adjourned the meeting at 6:11 p.m.

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Rep. Roger E. Barrus, Chair