

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

Room 445, State Capitol

February 26, 2014

Members Present: Rep. Mike Noel, Chair
Rep. Doug Sagers, Vice Chair
Rep. Roger Barrus
Rep. Joel Briscoe
Rep. Mel Brown
Rep. Kay Christofferson
Rep. Jack Draxler
Rep. Susan Duckworth
Rep. Becky Edwards
Rep. Steve Handy
Rep. Ken Ivory
Rep. John Mathis
Rep. Mike McKell
Rep. Merrill Nelson
Rep. Ryan Wilcox
Rep. Larry Wiley

Staff Present: Mr. J Brian Allred, Policy Analyst
Ms. An Bradshaw, Committee Secretary

NOTE: A list of visitors and handouts are filed with committee minutes

Chair Noel called the meeting to order at 4:16 p.m.

MOTION: Rep. Handy moved to approve the minutes of the February 25, 2014 meeting. The motion passed unanimously with Rep. Brown, Rep. Christofferson, Rep. McKell, Rep. Wilcox, and Rep. Sagers absent for the vote.

H.B. 386 Repeal of Utah History Endowment Fund (*Rep. M. Brown*)

Rep. Brown explained the bill to the committee.

MOTION: Rep. Edwards moved to pass the bill out favorably. The motion passed unanimously with Rep. Briscoe, Rep. Christofferson, Rep. Ivory, Rep. McKell, Rep. Sagers, and Rep. Wilcox absent for the vote.

MOTION: Rep. Edwards moved to place HB386 on the Consent Calendar. The motion passed unanimously with Rep. Briscoe, Rep. Christofferson, Rep. Ivory, Rep. McKell, Rep. Sagers, and Rep. Wilcox absent for the vote.

H.B. 67 Political Subdivision Jurisdiction Amendments (Rep. M. Roberts)

MOTION: Rep. Ivory moved to replace HB386 with 1st Sub. HB386. The motion passed unanimously with Rep. Briscoe, Rep. Brown, Rep. Christofferson, Rep. Mathis, Rep. McKell, Rep. Wilcox, and Rep. Sagers absent for the vote.

1st Sub. H.B. 67 Political Subdivision Jurisdiction Amendments (Rep. M. Roberts)

Rep. Roberts explained the bill to the committee with the assistance of Mark Ward, Utah Associations of Counties, and Darin Bushman, Paiute County Commissioner.

MOTION: Rep. Barrus moved to pass 1st Sub. HB67 out favorably. The motion passed unanimously with Rep. Briscoe, Rep. Brown, Rep. Mathis, and Rep. Wiley absent for the vote.

Vice Chair Sagers assumed the chair.

H.B. 149 Amendments to Federal Law Enforcement Limitations (Rep. M. Noel)

Rep. Noel explained the bill to the committee with the assistance of Mark Ward, Utah Association of Counties.

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

1. Page 2, Lines 36 through 37:

36 federal law; ~~{and}~~

37 ▶ allows local law enforcement agencies to enter into agreements with federal agencies requiring fair compensation for assisting the federal agency; and

 requires that county sheriffs regularly review the duties and activities of federal

2. Page 6, Lines 153 through 155:

153 Subject to Sections 53-13-106.6 ~~{ }~~ and 53-13-106.7, and Subsection
= 53-13-106.9 (1) :

154 (1) State and local law enforcement officers ~~{are authorized to}~~ may
recognize a federal

155 employee's exercise of law enforcement authority, either on or off federally managed land,
~~{only}~~

3. Page 6, Lines 161 through 162:

161 officers ~~{are authorized to}~~ may recognize a federal employee's exercise of law
enforcement authority,
162 on federally managed land other than proprietary jurisdiction federally managed land,
~~{only}~~

4. Page 6, Line 170:

170 Subject to ~~{Sections}~~ Section 53-13-106.7 and
Subsection 53-13-106.9 (1), state and local law enforcement

5. Page 6, Line 177:

177 A state or local law enforcement agency ~~{is authorized to}~~ may assist a
federal agency or

6. Page 6, Line 179 through Page 7, Line 186:

179 U.S.C. Secs. 1701-1736 and Secs. 1737-1782, Federal Land Policy Management Act,
~~{only}~~
180 after ~~{:~~
181 ~~—(1) the United States secretary of the interior has achieved maximum feasible~~
~~reliance~~
182 ~~upon the state or local law enforcement officials in enforcing federal laws and~~
~~regulations, as~~
183 ~~required under 43 U.S.C. Sec. 1733(c)(1);~~
184 ~~—(2) the United States secretary of the interior has otherwise complied with the~~
185 ~~requirement of 43 U.S.C. Sec. 1733(c)(1); and~~
186 ~~—(3)—~~ the state or local law enforcement agency has ~~{complied with~~
~~;~~ entered into an agreement authorized by ~~{Section}~~ Subsection
53-13-106.9 (3) .

7. Page 8, Line 238:

238 exceed a duration of two years.

(3) Local law enforcement agencies may enter into agreements with federal agencies requiring fair compensation for assisting a federal agency or federal employee to enforce federal statutes and regulations managed pursuant to 43

**U.S.C. Secs. 1701-1736 and 43 U.S.C. Secs. 1737-1782, Federal Land Policy
Management Act.**

The motion to amend passed unanimously with Rep. Briscoe, Rep. Brown, Rep. Mathis, Rep. Wilcox, and Rep. Wiley absent for the vote.

Spoke for the bill: Rep. Keven Stratton, District 48
 Frank Park, Tooele County Sheriff, Utah Sheriffs' Association
 Danny Perkins, Garfield County Sheriff
 Dell LeFevre, Garfield County Commissioner

MOTION: Rep. Ivory moved to pass the bill out favorably as amended. The motion passed unanimously with Rep. Briscoe and Rep. Brown absent for the vote.

Chair Noel resumed the chair.

H.B. 151 Commission for the Stewardship of Public Lands (Rep. K. Stratton)

Rep. Stratton explained the bill to the committee.

MOTION: Rep. McKell moved to amend the bill as follows:

1. *Page 5, Lines 127 through 129:*

127 the following ~~{7}~~ 8 members:

128 (a) ~~{two}~~ three members of the Senate appointed by the president of the
 Senate, no more than

129 ~~{one}~~ two of whom may be from the same political party; and

The motion to amend passed unanimously with Rep. Briscoe, Rep. Brown, Rep. Draxler, Rep. Mathis, and Rep. Nelson absent for the vote.

MOTION: Rep. Ivory moved to pass the bill out favorably as amended. The motion passed unanimously with Rep. Briscoe, Rep. Brown, Rep. Mathis, Rep. McKell and Rep. Nelson absent for the vote.

H.B. 68 Protection of State Park Resources (Rep. D. Pitcher)

MOTION: Rep. Wilcox moved to replace HB68 with 1st Sub. HB68. The motion passed unanimously with Rep. Briscoe, Rep. Brown, Rep. McKell, and Rep. Nelson absent for the vote.

1st Sub. H.B. 68 Protection of State Park Resources (Rep. D. Pitcher)

Rep. Pitcher explained the bill to the committee with the assistance of Fred Hayes, Utah State Parks and Recreation. A picture of Goblin Valley hoodoos was provided to the committee.

MOTION: Rep. Handy moved to pass the bill out with a favorable recommendation.

SUBSTITUTE MOTION: Rep. Barrus moved to hold the bill. The motion passed with Rep. Briscoe, Rep. Duckworth, Rep. Edwards, Rep. Handy, Rep. McKell, and Rep. Wiley voting in opposition and Rep. Brown and Rep. Nelson absent for the vote.

H.B. 370 Canal Safety Amendments (Rep. Johnny Anderson)

Rep. Anderson explained the bill to the committee. Fred Finlinson, Utah Water Coalition, answered questions from the committee.

MOTION: Rep. Mathis moved to amend the bill as follows:

1. Page 2, Lines 39 through 48:

- 39 (2) The state engineer shall, by July 1, 2017, inventory and maintain a list of all open,
40 human-made water conveyance systems in the state, including the following information
41 on
42 each conveyance system:
43 (a) ~~{location}~~ alignment ;
44 (b) contact information of the owner;
45 (c) maximum flow capacity in cubic feet per second;
46 (d) whether the conveyance system is used for flood or storm
47 water management; and
48 (e) ~~{the}~~ notice of the adoption of a management plan for the conveyance
49 system ~~{, once it has been adopted,}~~ as
50 reported to the Division of Water Resources under Section 73-10-33.
51 = (3) The owner of an open, human-made water conveyance system shall inform

the state engineer if the information described in Subsection (2) changes.

48 ~~{(3)}~~ (4) The state engineer:

2. *Page 6, Lines 162 through 165:*

- 162 (b) In providing the information and resources described in Subsection
 ~~{(5)(a)}~~ (6)(a) , the
163 division may coordinate with efforts of any association of conservation districts that may
164 provide similar information and technical resources.
165 (c) The information and technical resources described in Subsection
 ~~{(5)(a)}~~ (6)(a) include:

The motion to amend passed unanimously with Rep. Brown, Rep. Duckworth, and Rep. Nelson absent for the vote.

MOTION: Rep. Briscoe moved to amend the bill as follows:

3. *Page 3, Lines 62 through 64:*

- 62 (d) "Facility owner or operator" means:
63 (i) a water company as defined in Subsection 73-3-3.5(1)(b); or
64 (ii) an owner or operator of a water conveyance facility , other than the United
 States or any entity responsible for the operation and maintenance of a facility owned
 by the United States .

4. *Page 3, Lines 82 through 87:* (ii) "Water conveyance facility" does not include:

- 83 (A) a pipeline conveying water for industrial use, or municipal use,
 within a public
84 water system as defined in Section 19-4-102;
85 (B) a natural channel used to convey water for use within a water
 conveyance facility;
86 ~~{or}~~
87 (C) a fully piped[~~-, pressurized~~] irrigation system ~~{-}~~ ; or
 (D) a facility owned by the United States.

After discussion with the committee the motion to amend was withdrawn.

MOTION: Rep. Draxler moved to pass the bill out favorably as amended. The motion passed unanimously with Rep. Brown and Rep. Nelson absent for the vote.

**H.C.R. 7 Concurrent Resolution to Support Plans to Reduce Air Pollution in Utah
(Rep. J. Briscoe)**

Rep. Briscoe explained the resolution to the committee with the assistance of Bryce Bird, Division of Air Quality. Handouts titled "PM2.5 State Implementation Plan (SIP)," "Utah's PM2.5 State Implementation Plan to address Utah's wintertime pollutant," and "A dollar spent on cutting air pollution saves \$10, says BYU economist" were provided.

MOTION: Rep. Wilcox moved to pass the resolution out favorably. The motion passed unanimously with Rep. Brown, Rep. McKell, and Rep. Nelson absent for the vote.

**H.J.R. 21 Joint Resolution on the Sovereign Character of Pilt--payment in Lieu of
Taxes (Rep. K. Ivory)**

Rep. Ivory explained the resolution to the committee.

MOTION: Rep. Wilcox moved to pass the resolution out favorably. The motion passed with Rep. Briscoe voting in opposition and Rep. Brown, Rep. McKell, and Rep. Nelson absent for the vote.

MOTION: Rep. Wilcox moved to adjourn the meeting. The motion passed unanimously with Rep. Brown, Rep. McKell, and Rep. Nelson absent for the vote.

Chair Noel adjourned the meeting at 6:53 p.m.

Mike E. Noel, Chair