

**MINUTES OF THE  
SENATE NATURAL RESOURCES, AGRICULTURE, AND ENVIRONMENT STANDING COMMITTEE**  
Wednesday , January 24, 2018 • 2:00 p.m. • 415 State Capitol

**Members Present:**

Sen. Margaret Dayton, Chair  
Sen. Allen M. Christensen  
Sen. David P. Hinkins  
Sen. Jani Iwamoto  
Sen. Peter C. Knudson

Sen. Evan J. Vickers  
Sen. Brian Zehnder

**Staff Present:**

Mr. J Brian Allred, Policy Analyst  
Ms. Paula Morgan, Committee Secretary

Note: A copy of related materials and an audio recording of the meeting can be found at [www.le.utah.gov](http://www.le.utah.gov).

Chair Dayton called the meeting to order at 2:07 PM.

**1 . S.B. 50 Animal Shelter Amendments (Knudson, P.)**

Sen Knudson presented the bill.

Gene Baierschmidt, Executive Director, Humane Society of Utah, spoke in favor of the bill.

John Ziegler, citizen, Critical Care Anesthesiologist, spoke in favor of the bill.

Rep. LaVar Christensen spoke in favor of the bill.

Sundays Hunt, Utah State Director, United States Humane Society, spoke in favor of the bill.

**MOTION:** Sen. Iwamoto moved to pass S.B. 50 out favorably. The motion failed with a vote of 3 - 4 - 0 .

Yeas-3

Sen. J. Iwamoto  
Sen. P. Knudson  
Sen. B. Zehnder

Nays-4

Sen. A. Christensen  
Sen. M. Dayton  
Sen. D. Hinkins  
Sen. E. Vickers

Absent-0

Sen. Hinkins assumed the chair.

**2 . S.B. 69 State Sovereign Lands Amendments (Dayton, M.)**

Sen. Dayton presented the bill

Jason Curry, Public Information Officer, Utah Division of Forestry Fire and State Lands, explained the bill.

**MOTION:** Sen. Dayton moved to pass S.B. 69 out favorably. The motion passed with a vote of 7 - 0 - 0 .

Yeas-7

Sen. A. Christensen  
Sen. M. Dayton  
Sen. D. Hinkins  
Sen. J. Iwamoto  
Sen. P. Knudson  
Sen. E. Vickers

Nays-0

Absent-0

Sen. B. Zehnder

**3 . S.B. 61 Water Rights Adjudication Amendments (*Dayton, M.*)**

Sen. Dayton presented the bill.

John Maybe, Attorney, Executive Water Task Force, explained the bill.

**MOTION:** Sen. Dayton moved to replace S.B. 61 with 1st Substitute S.B. 61. The motion passed with a vote of 6 - 0 - 1 .

Yeas-6

Nays-0

Absent-1

Sen. A. Christensen  
Sen. M. Dayton  
Sen. D. Hinkins  
Sen. J. Iwamoto  
Sen. P. Knudson  
Sen. B. Zehnder

Sen. E. Vickers

Kent Jones, State Engineer, Utah Division of Water, spoke in favor of the bill.

Amanda Mendenhall, Utah Association of Realtors, spoke in favor of the bill.

**MOTION:** Sen. Dayton moved to pass 1st Substitute S.B. 61 out favorably. The motion passed with a vote of 7 - 0 - 0 .

Yeas-7

Nays-0

Absent-0

Sen. A. Christensen  
Sen. M. Dayton  
Sen. D. Hinkins  
Sen. J. Iwamoto  
Sen. P. Knudson  
Sen. E. Vickers  
Sen. B. Zehnder

John Maybe, Attorney, acknowledged contributions of Dallin Jensen who recently passed away.

**4 . S.B. 45 Water Law Amendments -- Diligence Claims (*Dayton, M.*)**

John Maybe, Water Attorney, explained the bill.

Kent Jones, State Engineer, spoke in favor of the bill.

Sterling Brown, Utah Farm Bureau, spoke in favor of the bill.

Randy Parker, State Director, USDA Rural Development, spoke in favor of the bill.

Greg Fabiano, Utah Association of Realtors, spoke in favor of the bill.

**MOTION:** Sen. Dayton moved to pass S.B. 45 out favorably. The motion passed with a vote of 5 - 0 - 2 .

Yeas-5

Sen. M. Dayton  
Sen. D. Hinkins  
Sen. J. Iwamoto  
Sen. E. Vickers  
Sen. B. Zehnder

Nays-0

Absent-2

Sen. A. Christensen  
Sen. P. Knudson

Sen. Dayton resumed the chair.

**5 . S.B. 96 Canal Amendments (*Hinkins, D.*)**

Sen. Hinkins presented the bill

**MOTION:** Sen. Hinkins moved to amend S.B. 96 with Amendment #1. The motion passed with a vote of 6 - 0 - 1 .

Amendment 1  
S.B. 96

1 Page 4, Lines 103 through 106

103 (e) (i) The property owner and government entity, or other condemning entity, may agree  
104 in advance of arbitration that the arbitration is binding and that no de novo review may occur.

**(ii) The private property owner and facility owner of a water conveyance facility, as described in Section 73-1-15.5, may agree in advance of arbitration that the arbitration is binding and that no de novo review may occur.**

105 (f) Arbitration by or through the Office of the Property Rights Ombudsman is not  
106 necessary before bringing legal action to adjudicate any claim.

2 Page 5, Line 149 through Page 6, Line 156

149 (1) As used in this section:

150 (a) "Facility owner" means an individual, entity, mutual water company, or

151 unincorporated organization :

- 152 (i) operating { ~~or owning~~ } a water conveyance facility;  
153 { ~~(i)~~ } (ii) owning any interest in a water conveyance facility; or  
154 { ~~(ii)~~ } (iii) having a property interest in { ~~which~~ } real property based on the presence of the water  
conveyance facility { ~~operates~~ } located and operating on the real property .  
154 (b) (i) "Water conveyance facility" means a ditch, canal, flume, pipeline, or other  
155 watercourse used to convey water used for irrigation and any related easement for the ditch,  
156 canal, flume, pipeline, or other watercourse.

Yeas-6

Nays-0

Absent-1

Sen. A. Christensen  
Sen. M. Dayton  
Sen. D. Hinkins  
Sen. J. Iwamoto  
Sen. E. Vickers  
Sen. B. Zehnder

Sen. P. Knudson

Lynn Pace, Utah League of Cities and Towns, spoke to the bill.

Mike Ostermiller, Utah Association Realtors, spoke to the bill.

David Spatafore, Holladay City, spoke in favor of the bill.

Mark Stratford, Assistant Attorney, Ogden City, spoke in favor of the bill.

Sterling Brown, Utah Farm Bureau, spoke in favor of the bill.

Brent Bateman, Property Rights Ombudsman, spoke in favor of the bill.

**MOTION:** Sen. Hinkins moved to pass S.B. 96 out favorably. The motion passed with a vote of 6 - 0 - 1 .

Yeas-6

Nays-0

Absent-1

Sen. A. Christensen  
Sen. M. Dayton  
Sen. D. Hinkins  
Sen. J. Iwamoto  
Sen. E. Vickers  
Sen. B. Zehnder

Sen. P. Knudson

**MOTION:** Sen. Christensen moved to adjourn at 3:35PM. The motion passed with a vote of 6 - 0 - 1 .

Yeas-6

Sen. A. Christensen

Sen. M. Dayton

Sen. D. Hinkins

Sen. J. Iwamoto

Sen. E. Vickers

Sen. B. Zehnder

Nays-0

Absent-1

Sen. P. Knudson