

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

Friday , February 16, 2018 • 4:10 p.m. • 445 State Capitol

Members Present:

Rep. Keven J. Stratton, Chair
Rep. Carl R. Albrecht, Vice Chair
Rep. Stewart E. Barlow
Rep. Joel K. Briscoe
Rep. Scott H. Chew
Rep. Susan Duckworth
Rep. Stephen G. Handy
Rep. Timothy D. Hawkes

Rep. Michael E. Noel
Rep. Derrin R. Owens
Rep. Douglas V. Sagers
Rep. Scott D. Sandall
Rep. Christine F. Watkins

Staff Present:

Ms. Linda Service, Committee Secretary
Mr. J Brian Allred, Policy Analyst

Note: A copy of related materials and an audio recording of the meeting can be found at www.le.utah.gov.

Chair Stratton called the meeting to order at 4:34 p.m.

MOTION: Rep. Albrecht moved to approve the minutes of the February 9, 2018 and February 15, 2018 meetings. The motion passed with a vote of 10 - 0 - 3 .

Yeas-10

Rep. C. Albrecht
Rep. S. Barlow
Rep. J. Briscoe
Rep. S. Chew
Rep. S. Handy
Rep. T. Hawkes
Rep. M. Noel
Rep. D. Owens
Rep. S. Sandall
Rep. K. Stratton

Nays-0

Absent-3

Rep. S. Duckworth
Rep. D. Sagers
Rep. C. Watkins

1 . H.B. 274 Brine Shrimp Royalty Amendments (*Barlow, S.*)

Rep. Barlow explained the bill assisted by Mr. Don Leonard, Great Salt Lake Brine Shrimp, and distributed a handout.

MOTION: Rep. Sandall moved to replace H.B. 274 with 1st Substitute H.B. 274. The motion passed with a vote of 12 - 0 - 1 .

Yeas-12

Rep. C. Albrecht
Rep. S. Barlow
Rep. J. Briscoe
Rep. S. Chew
Rep. S. Duckworth
Rep. S. Handy
Rep. T. Hawkes
Rep. M. Noel
Rep. D. Owens
Rep. D. Sagers

Nays-0

Absent-1

Rep. C. Watkins

Rep. S. Sandall

Rep. K. Stratton

MOTION: Rep. Owens moved to pass 1st Substitute H.B. 274 out favorably. The motion passed with a vote of 12 - 0 - 1 .

Yeas-12

Nays-0

Absent-1

Rep. C. Albrecht

Rep. C. Watkins

Rep. S. Barlow

Rep. J. Briscoe

Rep. S. Chew

Rep. S. Duckworth

Rep. S. Handy

Rep. T. Hawkes

Rep. M. Noel

Rep. D. Owens

Rep. D. Sagers

Rep. S. Sandall

Rep. K. Stratton

2 . H.B. 303 Drinking Water Source Sizing Requirements (*Sandall, S.*)

H.B. 303 was not heard.

3 . H.B. 275 State Monuments Act Amendments (*Eliason, S.*)

Rep. Eliason explained the bill assisted by Mr. Chris Haller, Division of Parks and Recreation, and distributed a handout.

Mr. Ben Adolski, Division of Wildlife Resources, spoke for the bill.

Mr. Matt Anderson, Coalition for Self Government in the West, Sutherland Institute, spoke for the bill.

Mr. Ken Christy, Deputy Director, State Institutional Trust Lands (SITLA), spoke for the bill.

MOTION: Rep. Sandall moved to replace H.B. 275 with 1st Substitute H.B. 275. The motion passed with a vote of 12 - 0 - 1 .

Yeas-12

Nays-0

Absent-1

Rep. C. Albrecht

Rep. C. Watkins

Rep. S. Barlow
Rep. J. Briscoe
Rep. S. Chew
Rep. S. Duckworth
Rep. S. Handy
Rep. T. Hawkes
Rep. M. Noel
Rep. D. Owens
Rep. D. Sagers
Rep. S. Sandall
Rep. K. Stratton

MOTION: Rep. Sandall moved to amend 1st Substitute H.B. 275 with Amendment #2. The motion passed with a vote of 12 - 0 - 1 .

Amendment 2
1st Sub. H.B. 275

1 Page 3, Line 77

77 (b) { If the proposed monument is greater than 25 acres in size, the } The division shall also

Yeas-12

Rep. C. Albrecht
Rep. S. Barlow
Rep. J. Briscoe
Rep. S. Chew
Rep. S. Duckworth
Rep. S. Handy
Rep. T. Hawkes
Rep. M. Noel
Rep. D. Owens
Rep. D. Sagers
Rep. S. Sandall
Rep. K. Stratton

Nays-0

Absent-1

Rep. C. Watkins

MOTION: Rep. Owens moved to amend 1st Substitute H.B. 275 with Amendment #1. The motion passed with a vote of 12 - 0 - 1 .

Amendment 1
1st Sub. H.B. 275

1 Page 3, Lines 59 through 64

59 (b) The division may:

60 (i) evaluate private land, school and institutional trust land, and federal land with the potential to be
61 purchased by, transferred
62 to, or leased to, the state for potential designation as a state monument; and
63 (ii) enter into negotiations with the relevant federal agency, School and Institutional Trust Lands
64 Administration, or private entity to pursue
65 the transfer, sale, or lease of federal land for the proposed state monument, as appropriations
66 allow.

2 Page 4, Lines 107 through 110

107 (5) If a proposed state monument falls within state land managed by a state agency

108 other than the division {-} :

(a) the division shall consult with the managing state agency regarding the

109 monument designation proposal {-} ; and

(b) the committee may not take action to designate the state land when doing so may cause the managing state agency to breach a fiduciary, contractual, or other legal obligation governing management or use of the state land.

110 Section 6. Section 79-4-1206 is enacted to read:

Yeas-12

Nays-0

Absent-1

Rep. C. Albrecht

Rep. C. Watkins

Rep. S. Barlow

Rep. J. Briscoe

Rep. S. Chew

Rep. S. Duckworth

Rep. S. Handy

Rep. T. Hawkes

Rep. M. Noel

Rep. D. Owens

Rep. D. Sagers

Rep. S. Sandall

Rep. K. Stratton

MOTION: Rep. Owens moved to pass 1st Substitute H.B. 275 out favorably as amended. The motion passed with a vote of 12 - 0 - 1 .

Yeas-12

Nays-0

Absent-1

Rep. C. Albrecht

Rep. C. Watkins

Rep. S. Barlow

Rep. J. Briscoe

Rep. S. Chew

Rep. S. Duckworth
Rep. S. Handy
Rep. T. Hawkes
Rep. M. Noel
Rep. D. Owens
Rep. D. Sagers
Rep. S. Sandall
Rep. K. Stratton

4 . H.B. 302 Cultivation of Industrial Hemp (*Daw, B.*)

Rep. Daw explained the bill assisted by Ms. Melissa Ure, Utah Department of Agriculture.

Ms. Molly Davis, Libertas Institute, spoke for the bill.

MOTION: Rep. Sandall moved to amend H.B. 302 with Amendment #1. The motion passed with a vote of 12 - 0 - 1 .

Amendment 1 H.B. 302

1 Page 2, Lines 41 through 55

41 [~~(2)~~] (3) "Industrial hemp certificate" means a certificate issued by the department to a
42 higher education institution to grow or cultivate industrial hemp under Subsection 4-41-103(1).

(4) "Industrial hemp license" means a license issued by the department to a person for the purpose of participating in a research pilot program.

43 {~~(4)~~} (5) "Industrial hemp product" means a product derived from, or made by, processing
44 industrial hemp plants or industrial hemp parts.

45 {~~(5)~~} (6) "Licensee" means an individual or business entity possessing a license issued by the
46 department under this chapter to grow, cultivate, process, or market industrial hemp or an
47 industrial hemp product.

48 {~~(6)~~} (7) "Person" means:

49 (a) an individual, partnership, association, firm, trust, limited liability company, or
50 corporation; and

51 (b) an agent or employee of an individual, partnership, association, firm, trust, limited
52 liability company, or corporation.

53 {~~(7)~~} (8) "Research pilot program" means a program conducted by the department in
54 collaboration with at least one licensee to study methods of cultivating, processing, or
55 marketing industrial hemp.

2 Page 4, Lines 92 through 94

92 [~~(5)~~] (7) The department may set a fee, pursuant to Subsection 4-2-103(2), for the
93 application of an industrial hemp certificate **and the application for an industrial hemp license** .

94 Section 3. Section **4-41-104** is enacted to read:

Yeas-12

Rep. C. Albrecht
Rep. S. Barlow
Rep. J. Briscoe
Rep. S. Chew
Rep. S. Duckworth
Rep. S. Handy
Rep. T. Hawkes
Rep. D. Owens
Rep. D. Sagers
Rep. S. Sandall
Rep. K. Stratton
Rep. C. Watkins

Nays-0

Absent-1

Rep. M. Noel

MOTION: Rep. Sandall moved to pass H.B. 302 out favorably as amended. The motion passed with a vote of 12 - 0 - 1 .

Yeas-12

Rep. C. Albrecht
Rep. S. Barlow
Rep. J. Briscoe
Rep. S. Chew
Rep. S. Duckworth
Rep. S. Handy
Rep. T. Hawkes
Rep. D. Owens
Rep. D. Sagers
Rep. S. Sandall
Rep. K. Stratton
Rep. C. Watkins

Nays-0

Absent-1

Rep. M. Noel

5 . H.B. 251 Utah Wholesome Food Act Amendments (*Stratton, K.*)

Rep. Albrecht assumed the chair.

Rep. Stratton explained the bill assisted by Ms. LuAnn Adams, Commissioner, Department of Agriculture and Food.

MOTION: Rep. Handy moved to replace H.B. 251 with 1st Substitute H.B. 251. The motion passed with a vote of 12 - 0 - 1 .

Yeas-12

Rep. C. Albrecht
Rep. S. Barlow
Rep. J. Briscoe
Rep. S. Chew
Rep. S. Duckworth
Rep. S. Handy
Rep. T. Hawkes
Rep. D. Owens
Rep. D. Sagers
Rep. S. Sandall
Rep. K. Stratton
Rep. C. Watkins

Nays-0

Absent-1

Rep. M. Noel

MOTION: Rep. Handy moved to pass 1st Substitute H.B. 251 out favorably. The motion passed with a vote of 11 - 1 - 1 .

Yeas-11

Rep. C. Albrecht
Rep. S. Barlow
Rep. J. Briscoe
Rep. S. Chew
Rep. S. Duckworth
Rep. S. Handy
Rep. T. Hawkes
Rep. D. Owens
Rep. D. Sagers
Rep. S. Sandall
Rep. K. Stratton

Nays-1

Rep. C. Watkins

Absent-1

Rep. M. Noel

Rep. Stratton resumed the chair.

6 . H.B. 135 Extraterritorial Jurisdiction Amendments (Noel, M.)

Rep. Noel explained the bill assisted by Ms. Marie Owens, Director, Division of Drinking Water, Department of Environmental Quality, and Ms. Erica Gaddis, Director, Division of Water Quality, Department of Environmental Quality.

Mr. John Bennett, citizen, spoke to the bill.

Mr. Tom Ward, Director, Sandy City Public Utilities, spoke against the bill.

Ms. Kimberly Barnett, Associate Deputy Mayor, Salt Lake County, speaking for Mayor McAdams, spoke against the bill.

Mr. Glen Davis, citizen, spoke for the bill.

Mr. John Hiskey, Utah League of Cities and Towns, spoke to the bill.

Mr George Chapman read a statement from Mr. Norm Henderson who spoke against the bill.

Ms. Shelly Teuscher, Alta resident, spoke against the bill.

Ms. Laura Briefer, Director, Salt Lake City Department of Public Utilities, spoke against the bill

Ms. Marcia Walke, citizen, spoke against the bill.

Mr. Paul Dalrymple, citizen, spoke against the bill.

Ms. Thea Brannon, citizen, spoke against the bill.

Mr. Carl Fisher, Save Our Canyons, spoke against the bill.

Mr. Boyd Clayton, Utah Division of Water Rights, spoke to the bill.

Mr. Brian Hutchinson, citizen, spoke against the bill.

MOTION: Rep. Noel moved to replace H.B. 135 with 2nd Substitute H.B. 135. The motion passed with a vote of 12 - 0 - 1 .

Yeas-12

Rep. C. Albrecht
Rep. S. Barlow
Rep. J. Briscoe
Rep. S. Chew
Rep. S. Duckworth
Rep. S. Handy

Nays-0

Absent-1

Rep. K. Stratton

Rep. T. Hawkes
Rep. M. Noel
Rep. D. Owens
Rep. D. Sagers
Rep. S. Sandall
Rep. C. Watkins

MOTION: Rep. Noel moved to amend 2nd Substitute H.B. 135 with Amendment #1. The motion passed with a vote of 12 - 0 - 1 .

Amendment 1
2nd Sub. H.B. 135

1 Page 4, Lines 96 through 100

96 (a) retaining ~~{50}~~ 75 cents of the \$1 charge to invest in the retail water provider's water
97 infrastructure and long-term planning; and
{-98-} {—}{(b) remitting 25 cents of the \$1 charge to the Water Infrastructure Restricted Account;}
99 created in Section 73-10g-103, on a quarterly basis; and }
100 {-(e)-} (b) remitting 25 cents of the \$1 charge to the Drinking Water Expendable Special

Yeas-12

Nays-0

Absent-1

Rep. C. Albrecht
Rep. S. Barlow
Rep. J. Briscoe
Rep. S. Chew
Rep. S. Duckworth
Rep. S. Handy
Rep. T. Hawkes
Rep. M. Noel
Rep. D. Owens
Rep. D. Sagers
Rep. S. Sandall
Rep. C. Watkins

Rep. K. Stratton

MOTION: Rep. Briscoe moved to hold 2nd Substitute H.B. 135.

SUBSTITUTE MOTION: Rep. Noel moved to pass 2nd Substitute H.B. 135 out favorably. The Substitute motion failed with a vote of 5 - 7 - 1 .

Yeas-5

Nays-7

Absent-1

Rep. S. Barlow
Rep. S. Handy

Rep. J. Briscoe
Rep. S. Chew

Rep. C. Albrecht

Rep. M. Noel
Rep. D. Sagers
Rep. K. Stratton

Rep. S. Duckworth
Rep. T. Hawkes
Rep. D. Owens
Rep. S. Sandall
Rep. C. Watkins

Rep. Briscoe's underlying motion to hold 2nd Substitute H.B. 135 passed with a vote of 12 - 0 - 1 .

Yeas-12

Rep. S. Barlow
Rep. J. Briscoe
Rep. S. Chew
Rep. S. Duckworth
Rep. S. Handy
Rep. T. Hawkes
Rep. M. Noel
Rep. D. Owens
Rep. D. Sagers
Rep. S. Sandall
Rep. K. Stratton
Rep. C. Watkins

Nays-0

Absent-1

Rep. C. Albrecht

7 . H.B. 124 Water Holdings Accountability and Transparency Amendments (Coleman, K.)

Rep. Colman explained the bill and distributed a handout.

Mr. Hiskey, representing Mr. Ryan Snow, City Manager, Roosevelt Utah, spoke against the bill.

Ms. Paulina Flint, citizen of White City, spoke for the bill.

Mr. Clayton spoke to the bill.

Ms. Owens spoke to the bill.

Mr. Lynn Pace, Salt Lake City, spoke against the bill.

Mr. Paul Ashton, citizen, spoke to the bill.

MOTION: Rep. Noel moved to replace H.B. 124 with 1st Substitute H.B. 124. The motion passed with a vote of 10 - 0 - 3 .

Yeas-10

Rep. J. Briscoe
Rep. S. Chew
Rep. S. Duckworth
Rep. T. Hawkes
Rep. M. Noel
Rep. D. Owens
Rep. D. Sagers
Rep. S. Sandall
Rep. K. Stratton
Rep. C. Watkins

Nays-0

Absent-3

Rep. C. Albrecht
Rep. S. Barlow
Rep. S. Handy

MOTION: Rep. Noel moved to amend 1st Substitute H.B. 124 with Amendment #1. The motion passed with a vote of 10 - 0 - 3 .

Amendment 1
1st Sub. H.B. 124

1 Page 2, Line 47

47 beyond the {~~water~~} meter ; and

Yeas-10

Rep. J. Briscoe
Rep. S. Chew
Rep. S. Duckworth
Rep. T. Hawkes
Rep. M. Noel
Rep. D. Owens
Rep. D. Sagers
Rep. S. Sandall
Rep. K. Stratton
Rep. C. Watkins

Nays-0

Absent-3

Rep. C. Albrecht
Rep. S. Barlow
Rep. S. Handy

MOTION: Rep. Sandall moved to hold 1st Substitute H.B. 124.

SUBSTITUTE MOTION: Rep. Noel moved to pass 1st Substitute H.B. 124 out favorably as amended. The Substitute motion failed with a vote of 5 - 5 - 3 .

Yeas-5

Rep. S. Duckworth
Rep. T. Hawkes

Nays-5

Rep. J. Briscoe
Rep. S. Chew

Absent-3

Rep. C. Albrecht
Rep. S. Barlow

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Rep. M. Noel
Rep. D. Sagers
Rep. K. Stratton

Rep. D. Owens
Rep. S. Sandall
Rep. C. Watkins

Rep. S. Handy

MOTION: Rep. Sandall's underlying motion to hold The motion passed with a vote of 10 - 0 - 3 .

Yeas-10

Rep. J. Briscoe
Rep. S. Chew
Rep. S. Duckworth
Rep. T. Hawkes
Rep. M. Noel
Rep. D. Owens
Rep. D. Sagers
Rep. S. Sandall
Rep. K. Stratton
Rep. C. Watkins

Nays-0

Absent-3

Rep. C. Albrecht
Rep. S. Barlow
Rep. S. Handy

MOTION: Rep. Duckworth moved to adjourn. The motion passed with a vote of 9 - 0 - 4 .

Yeas-9

Rep. J. Briscoe
Rep. S. Chew
Rep. S. Duckworth
Rep. T. Hawkes
Rep. D. Owens
Rep. D. Sagers
Rep. S. Sandall
Rep. K. Stratton
Rep. C. Watkins

Nays-0

Absent-4

Rep. C. Albrecht
Rep. S. Barlow
Rep. S. Handy
Rep. M. Noel

Chair Stratton adjourned the meeting.