



# MINUTES

## HOUSE NATURAL RESOURCES, AGRICULTURE, AND ENVIRONMENT STANDING COMMITTEE

Tuesday, March 3, 2020 | 8:00 a.m. | 445 State Capitol

**Members Present:**

Rep. Keven J. Stratton, Chair  
Rep. Logan Wilde, Vice Chair  
Rep. Carl R. Albrecht  
Rep. Joel K. Briscoe  
Rep. Scott H. Chew  
Rep. Susan Duckworth  
Rep. Joel Ferry  
Rep. Phil Lyman  
Rep. Derrin R. Owens

Rep. Douglas V. Sagers  
Rep. Christine F. Watkins

**Members Absent:**

Rep. Timothy D. Hawkes  
Rep. Michael K. McKell

**Staff Present:**

Nathan W. Brady, Policy Analyst  
Linda Service, 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 Stratton called the meeting to order at 8:00 a.m.

**MOTION:** Rep. Wilde moved to approve the minutes of the February 28, 2020 meeting. The motion passed with a vote of 7 - 0 - 6.

Yeas-7

Rep. C. Albrecht  
Rep. S. Chew  
Rep. P. Lyman  
Rep. D. Owens  
Rep. K. Stratton  
Rep. C. Watkins  
Rep. L. Wilde

Nays-0

Absent-6

Rep. J. Briscoe  
Rep. S. Duckworth  
Rep. J. Ferry  
Rep. T. Hawkes  
Rep. M. McKell  
Rep. D. Sagers

**1 . H.B. 398 Plant Pest Emergency Control (Owens, D.)**

Rep. Owens explained the bill assisted by Robert Hougaard, Director, Plant Industry, Department of Agriculture and Food.

Wade Garrett, Vice President of Public Policy, Utah Farm Bureau, spoke of favor of the bill.

**MOTION:** Rep. Chew moved to pass H.B. 398 out favorably. The motion passed with a vote of 9 - 0 - 4.

Yeas-9

Rep. C. Albrecht  
Rep. J. Briscoe  
Rep. S. Chew  
Rep. P. Lyman  
Rep. D. Owens  
Rep. D. Sagers  
Rep. K. Stratton  
Rep. C. Watkins  
Rep. L. Wilde

Nays-0

Absent-4

Rep. S. Duckworth  
Rep. J. Ferry  
Rep. T. Hawkes  
Rep. M. McKell

**MOTION:** Rep. Owens moved to place H.B. 398 on the Consent Calendar. The motion passed with a vote of 9 - 0 - 4.

Yeas-9

Rep. C. Albrecht  
Rep. J. Briscoe  
Rep. S. Chew  
Rep. P. Lyman  
Rep. D. Owens  
Rep. D. Sagers  
Rep. K. Stratton  
Rep. C. Watkins  
Rep. L. Wilde

Nays-0

Absent-4

Rep. S. Duckworth  
Rep. J. Ferry  
Rep. T. Hawkes  
Rep. M. McKell

**2 . S.B. 100 State Institutional Trust Lands Administration Amendments (*Okerlund, R.*)**

Sen. Okerlund explained the bill assisted by Warren Peterson, School and Institutional Trust Lands Administration (SITLA) Board, and Tim Donaldson, Assistant Director for Strategy, SITLA.

Wade Garrett, citizen, spoke in favor of the bill.

Steve Styler, Utah Media Coalition, spoke in favor of the bill.

Lionel Trepanier, Utah Tar Sands Resistance, spoke against the bill.

Ruland Gill, citizen, spoke in favor of the bill.

Justin Atwater, Director, Lands Trust Protection and Advocacy Office, spoke in favor of the bill.

**MOTION:** Rep. Sagers moved to pass S.B. 100 out favorably. The motion passed with a vote of 9 - 2 - 2.

Yeas-9

Rep. C. Albrecht  
Rep. S. Chew  
Rep. J. Ferry  
Rep. P. Lyman  
Rep. D. Owens  
Rep. D. Sagers  
Rep. K. Stratton  
Rep. C. Watkins  
Rep. L. Wilde

Nays-2

Rep. J. Briscoe  
Rep. S. Duckworth

Absent-2

Rep. T. Hawkes  
Rep. M. McKell

**3 . S.B. 144 Water Related Process Amendments (*Okerlund, R.*)**

Sen. Okerlund explained the bill assisted by Steven Clyde, attorney, Water Task Force, and Water Commission.

**MOTION:** Rep. Albrecht moved to amend S.B. 144 with Amendment #3. The motion passed with a vote of 10 - 0 - 3.

Amendment 3  
S.B. 144

1. Page 1, Line 12:

12 { ~~addresses judicial review of a state engineer order;~~ }

2. Page 1, Line 24:

24 { ~~73-3-14, as last amended by Laws of Utah 2008, Chapters 165 and 382~~ }

3. Page 2, Line 31 through Page 3, Line 75:

31 { ~~Section 1. Section 73-3-14 is amended to read:~~

32 ~~73-3-14. Judicial review of state engineer order.~~

33 ~~(1) (a) [A] Except as provided in Subsection (1)(c), a person aggrieved by an order of~~



34 the state engineer may obtain judicial review in accordance with Title 63G, Chapter 4,  
 35 Administrative Procedures Act, and this section:  
 36 — (b) Venue for judicial review of an informal adjudicative proceeding is in the county in  
 37 which the water source or a portion of the water source is located.  
 38 — (c) Judicial review of an adjudicative proceeding approving or rejecting an application  
 39 filed under this title may only be obtained by an aggrieved person who:  
 40 — (i) requested the adjudicative proceeding; or  
 41 — (ii) timely filed a protest to the application in accordance with Section 73-3-7.  
 42 — (2) The state engineer shall be joined as a respondent in a petition to review the state  
 43 engineer's decision, but no judgment for costs or expenses of the litigation may be rendered  
 44 against the state engineer.  
 45 — (3) A person who files a petition for judicial review as authorized in this section shall:  
 46 — (a) name the state engineer as a respondent; and  
 47 — (b) provide written notice in accordance with Subsection (5) to each person who filed a  
 48 protest in accordance with Section 73-3-7 of:  
 49 — (i) the filing of the petition for judicial review; and  
 50 — (ii) the opportunity to intervene in accordance with Utah Rules of Civil Procedure,  
 51 Rule 24.  
 52 — (4) In addition to the requirements of Subsection (3), a protestant in the adjudicative  
 53 proceeding who files a petition for judicial review shall also name as a respondent the person:  
 54 — (a) who requested the adjudicative proceeding; or  
 55 — (b) against whom the state engineer brought the adjudicative proceeding.  
 56 — (5) The written notice required by this section shall:  
 57 — (a) be mailed:  
 58 — (i) within the time provided for by Utah Rules of Civil Procedure, Rule 4(b); and  
 59 — (ii) to the address on record with the state engineer's office at the time the order is  
 60 issued; and  
 61 — (b) include:  
 62 — (i) a copy of the petition; and  
 63 — (ii) the address of the court in which the petition is pending.  
 64 — (6) If a person who files a petition for judicial review fails to provide notice as required  
 65 by this section, the court shall dismiss the petition without prejudice upon:  
 66 — (a) the motion of a party;  
 67 — (b) the special appearance of a person who:  
 68 — (i) participated in the adjudicative proceeding; and  
 69 — (ii) is not a party; or  
 70 — (c) the court's own motion.  
 71 — (7) A person who files a petition for judicial review is not required to:  
 72 — (a) notwithstanding Subsection 63G-4-401(3)(b), name a respondent that is not  
 73 required by this section; and  
 74 — (b) notwithstanding Subsection 63G-4-402(2)(a)(iv), identify all parties to the  
 75 adjudicative proceeding. }

Renumber remaining sections accordingly

Yeas-10

Rep. C. Albrecht  
 Rep. J. Briscoe  
 Rep. S. Chew  
 Rep. J. Ferry  
 Rep. P. Lyman  
 Rep. D. Owens  
 Rep. D. Sagers  
 Rep. K. Stratton  
 Rep. C. Watkins  
 Rep. L. Wilde

Nays-0

Absent-3

Rep. S. Duckworth  
 Rep. T. Hawkes  
 Rep. M. McKell

**MOTION:**

Rep. Albrecht moved to pass S.B. 144 out favorably as amended. The motion passed with a vote of 10 - 0 - 3.

Yeas-10

Rep. C. Albrecht  
Rep. J. Briscoe  
Rep. S. Chew  
Rep. J. Ferry  
Rep. P. Lyman  
Rep. D. Owens  
Rep. D. Sagers  
Rep. K. Stratton  
Rep. C. Watkins  
Rep. L. Wilde

Nays-0

Absent-3

Rep. S. Duckworth  
Rep. T. Hawkes  
Rep. M. McKell

**4 . S.B. 148 Oil and Gas Modifications (*Okerlund, R.*)**

Sen. Okerlund explained the bill assisted by Ruland Gill, Chair, Utah Board of Oil, Gas and Mining.

Rikki Hrenko Browning, President, Utah Petroleum Association, spoke in favor of the bill.

Bart Kettle, Deputy Director, Division of Oil Gas and Mining, spoke in favor of the bill.

Brian Steed, Executive Director, Department of Natural Resources, spoke in favor of the bill.

**MOTION:** Rep. Owens moved to pass S.B. 148 out favorably. The motion passed with a vote of 9 - 0 - 4.

Yeas-9

Rep. C. Albrecht  
Rep. J. Briscoe  
Rep. S. Chew  
Rep. S. Duckworth  
Rep. J. Ferry  
Rep. P. Lyman  
Rep. D. Owens  
Rep. K. Stratton  
Rep. L. Wilde

Nays-0

Absent-4

Rep. T. Hawkes  
Rep. M. McKell  
Rep. D. Sagers  
Rep. C. Watkins

**5 . S.B. 131 Small Mining Operations Amendments (*Hinkins, D.*)**

Sen. Hinkins explained the bill.

**MOTION:** Rep. Wilde moved to pass S.B. 131 out favorably. The motion passed with a vote of 8 - 0 - 5.

Yeas-8

Rep. C. Albrecht  
Rep. J. Briscoe  
Rep. S. Chew  
Rep. J. Ferry  
Rep. P. Lyman  
Rep. D. Owens  
Rep. K. Stratton  
Rep. L. Wilde

Nays-0

Absent-5

Rep. S. Duckworth  
Rep. T. Hawkes  
Rep. M. McKell  
Rep. D. Sagers  
Rep. C. Watkins

**6 . S.B. 124 American Indian and Alaskan Native Education Amendments (*Hinkins, D.*)**

Sen. Hinkins explained the bill.

David Irvine, attorney, Navajo Nation, spoke in favor of the bill.



**MOTION:** Rep. Briscoe moved to pass S.B. 124 out favorably. The motion passed with a vote of 9 - 0 - 4.

Yeas-9

Rep. C. Albrecht  
Rep. J. Briscoe  
Rep. S. Chew  
Rep. S. Duckworth  
Rep. P. Lyman  
Rep. D. Owens  
Rep. D. Sagers  
Rep. K. Stratton  
Rep. L. Wilde

Nays-0

Absent-4

Rep. J. Ferry  
Rep. T. Hawkes  
Rep. M. McKell  
Rep. C. Watkins

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

Yeas-9

Rep. C. Albrecht  
Rep. J. Briscoe  
Rep. S. Chew  
Rep. S. Duckworth  
Rep. P. Lyman  
Rep. D. Owens  
Rep. D. Sagers  
Rep. K. Stratton  
Rep. L. Wilde

Nays-0

Absent-4

Rep. J. Ferry  
Rep. T. Hawkes  
Rep. M. McKell  
Rep. C. Watkins

Chair Stratton adjourned the meeting at 9:38 a.m.