

Representative Bradley A. Winn proposes the following substitute bill:

SNAKE VALLEY AQUIFER RESEARCH TEAM

AND ADVISORY COUNCIL

2009 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Bradley A. Winn

Senate Sponsor: Dennis E. Stowell

LONG TITLE

General Description:

This bill creates the Snake Valley Aquifer Research Team and Advisory Council.

Highlighted Provisions:

This bill:

- ▶ creates the Snake Valley Aquifer Research Team;
- ▶ creates the Snake Valley Aquifer Advisory Council;
- ▶ establishes council duties; and
- ▶ establishes research team data and information collection and reporting duties.

Monies Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

63J-4-603, as last amended by Laws of Utah 2008, Chapter 381 and renumbered and amended by Laws of Utah 2008, Chapter 382

ENACTS:



- 26 **63C-12-101**, Utah Code Annotated 1953
- 27 **63C-12-102**, Utah Code Annotated 1953
- 28 **63C-12-103**, Utah Code Annotated 1953
- 29 **63C-12-104**, Utah Code Annotated 1953
- 30 **63C-12-105**, Utah Code Annotated 1953
- 31 **63C-12-106**, Utah Code Annotated 1953
- 32 **63C-12-107**, Utah Code Annotated 1953
- 33 **63C-12-108**, Utah Code Annotated 1953



35 *Be it enacted by the Legislature of the state of Utah:*

36 Section 1. Section **63C-12-101** is enacted to read:

37 **CHAPTER 12. SNAKE VALLEY AQUIFER ADVISORY COUNCIL**

38 **63C-12-101. Title.**

39 This chapter is known as the "Snake Valley Aquifer Advisory Council."

40 Section 2. Section **63C-12-102** is enacted to read:

41 **63C-12-102. Definitions.**

42 As used in this chapter:

43 (1) "Council" means the Snake Valley Aquifer Advisory Council created in Section
44 63C-12-103.

45 (2) "Research team" means the Snake Valley Research Team created in Section
46 63C-12-107.

47 Section 3. Section **63C-12-103** is enacted to read:

48 **63C-12-103. Council creation -- Members -- Terms.**

49 (1) There is created a state advisory council known as the "Snake Valley Aquifer
50 Advisory Council."

51 (2) The advisory council is composed of the following seven members:

52 (a) the governor or the governor's designee; and

53 (b) six members appointed by the governor as follows:

54 (i) two county commissioners, from individuals recommended by an organization that
55 represents counties in the state, who are residents of:

56 (A) Tooele County;

- 57 (B) Juab County;
- 58 (C) Millard County; or
- 59 (D) Beaver County;
- 60 (ii) one member of the Salt Lake County Council from individuals recommended by an
- 61 organization that represents counties in the state;
- 62 (iii) two residents of:
- 63 (A) Tooele County;
- 64 (B) Juab County;
- 65 (C) Millard County; or
- 66 (D) Beaver County; and
- 67 (iv) a representative of the Confederate Tribes of Goshute Reservation.
- 68 (3) A member appointed under Subsection (2)(b) is appointed to a two-year term.
- 69 (4) Notwithstanding the requirements of Subsection (3), the governor shall, at the time
- 70 of appointment or reappointment, adjust the length of terms to ensure that the terms of council
- 71 members appointed under Subsection (2)(b) are staggered so that approximately half of the
- 72 council is appointed every two years.
- 73 (5) The governor shall appoint a chairperson.
- 74 (6) If a vacancy occurs in council membership for any reason the replacement shall be
- 75 appointed for the unexpired term in the same manner as the vacated member was appointed.
- 76 Section 4. Section **63C-12-104** is enacted to read:
- 77 **63C-12-104. Advisory council duties -- Meetings.**
- 78 (1) The council shall:
- 79 (a) meet at least annually but may also meet at the call of:
- 80 (i) the chair; or
- 81 (ii) at least two council members;
- 82 (b) provide advice to the research team, including recommendations concerning the
- 83 type of data and information gathered by the research team;
- 84 (c) review the data and information gathered and reported by the research team,
- 85 including baseline data and changes from baseline data; and
- 86 (d) act as liaison between the research team and the persons represented by the council.
- 87 (2) A majority of the council members constitute a quorum for the transaction of

88 council business.

89 (3) The council may advise the governor and the Legislature on any issue relating to its
90 review under Subsection (1)(c).

91 Section 5. Section **63C-12-105** is enacted to read:

92 **63C-12-105. Compensation of members -- Expenses.**

93 (1) This section applies to members of the council.

94 (2) (a) A member who is not a government employee may not receive compensation or
95 benefits for the member's service, but may receive per diem and expenses incurred in the
96 performance of the member's official duties at the rates established by the Division of Finance
97 under Sections 63A-3-106 and 63A-3-107.

98 (b) A member may decline to receive per diem and expenses for the member's service.

99 (3) (a) A state government officer and employee member who does not receive salary,
100 per diem, or expenses from the agency the member represents for the member's service may
101 receive per diem and expenses incurred in the performance of the member's official duties at
102 the rates established by the Division of Finance under Sections 63A-3-106 and 63A-3-107.

103 (b) A state government officer and employee member may decline to receive per diem
104 and expenses for the member's service.

105 (4) (a) A local government member who does not receive salary, per diem, or expenses
106 from the entity that the member represents for the member's service may receive per diem and
107 expenses incurred in the performance of the member's official duties at the rates established by
108 the Division of Finance under Sections 63A-3-106 and 63A-3-107.

109 (b) A local government member may decline to receive per diem and expenses for the
110 member's service.

111 Section 6. Section **63C-12-106** is enacted to read:

112 **63C-12-106. Staff.**

113 The director of the Public Lands Policy Coordinating Office shall provide staff services
114 to the council.

115 Section 7. Section **63C-12-107** is enacted to read:

116 **63C-12-107. Research team.**

117 (1) There is created a Snake Valley Aquifer Research Team composed of the following
118 four members:

119 (a) a representative of the Division of Air Quality, appointed by the executive director
120 of the Department of Environmental Quality;

121 (b) a representative of the Department of Agriculture and Food, appointed by the
122 commissioner of the Department of Agriculture and Food;

123 (c) the executive director of the Department of Natural Resources or the executive
124 director's designee; and

125 (d) the director of the Public Lands Policy Coordinating Office.

126 (2) The director of the Public Lands Policy Coordinating Office shall coordinate and
127 direct the research team's data and information compilation and reporting required by Section
128 63C-12-108.

129 Section 8. Section **63C-12-108** is enacted to read:

130 **63C-12-108. Research team duties.**

131 The research team shall:

132 (1) compile existing scientific research baseline data on the potential impact of the use
133 of water resources in the interstate groundwater flow system specified in the Lincoln County
134 Conservation, Recreation, and Development Act of 2004, Pub. L. No. 108-424, including the
135 impact on:

136 (a) surface water and groundwater;

137 (b) vegetation, including invasive species;

138 (c) agriculture;

139 (d) soils;

140 (e) air quality;

141 (f) wildlife;

142 (g) the geologic integrity of the aquifer; and

143 (h) socioeconomic conditions;

144 (2) compile changes to the baseline data compiled under Subsection (1);

145 (3) seek to enter into cooperative agreements with governmental entities to share
146 relevant data and information;

147 (4) provide an annual data and information report to the council; and

148 (5) seek the voluntary participation of experts in academia and the private sector in the
149 activities of the research team.

150 Section 9. Section **63J-4-603** is amended to read:

151 **63J-4-603. Powers and duties of coordinator and office.**

152 (1) The coordinator and the office shall:

153 (a) assist the state planning coordinator in fulfilling the duties outlined in Section
154 63J-4-401 as those duties relate to the development of public lands policies by:

155 (i) developing cooperative contracts and agreements between the state, political
156 subdivisions, and agencies of the federal government for involvement in the development of
157 public lands policies;

158 (ii) producing research, documents, maps, studies, analysis, or other information that
159 supports the state's participation in the development of public lands policy;

160 (iii) preparing comments to ensure that the positions of the state and political
161 subdivisions are considered in the development of public lands policy;

162 (iv) partnering with state agencies and political subdivisions in an effort to:

163 (A) prepare coordinated public lands policies;

164 (B) develop consistency reviews and responses to public lands policies;

165 (C) develop management plans that relate to public lands policies; and

166 (D) develop and maintain a statewide land use plan that is based on cooperation and in
167 conjunction with political subdivisions; and

168 (v) providing other information or services related to public lands policies as requested
169 by the state planning coordinator; [~~and~~]

170 (b) facilitate and coordinate the exchange of information, comments, and
171 recommendations on public lands policies between and among:

172 (i) state agencies;

173 (ii) political subdivisions;

174 (iii) the Office of Rural Development created under Section 63M-1-1602;

175 (iv) the Resource Development Coordinating Committee created under Section
176 63J-4-501;

177 (v) School and Institutional Trust Lands Administration created under Section
178 53C-1-201;

179 (vi) the committee created under Section 63F-1-508 to award grants to counties to
180 inventory and map R.S. 2477 rights-of-way, associated structures, and other features; and

- 181 (vii) the Constitutional Defense Council created under Section 63C-4-101;
- 182 (c) perform the duties established in Title 9, Chapter 8, Part 3, Antiquities, and Title 9,
- 183 Chapter 8, Part 4, Historic Sites; [~~and~~]
- 184 (d) consistent with other statutory duties, encourage agencies to responsibly preserve
- 185 archaeological resources[-];
- 186 (e) provide staff services to the Snake Valley Aquifer Council created in Section
- 187 63C-12-103; and
- 188 (f) coordinate and direct the Snake Valley Research Team created in Section
- 189 63C-12-107.
- 190 (2) In providing assistance to the state planning coordinator under Subsection (1)(a),
- 191 the coordinator and office shall take into consideration the:
- 192 (a) findings provided under Subsections 63J-4-401(6) and (7); and
- 193 (b) recommendations of the council.

Fiscal Note**H.B. 120 2nd Sub. (Gray) - Snake Valley Aquifer Research Team and
Advisory Council**

2009 General Session

State of Utah

State Impact

Enactment of this bill will require an ongoing \$7,900 appropriations from the General Fund to the Public Lands Policy Coordination Office.

	<u>2009 Approp.</u>	<u>2010 Approp.</u>	<u>2011 Approp.</u>	<u>2009 Revenue</u>	<u>2010 Revenue</u>	<u>2011 Revenue</u>
General Fund	\$0	\$7,900	\$7,900	\$0	\$0	\$0
Total	\$0	\$7,900	\$7,900	\$0	\$0	\$0

Individual, Business and/or Local Impact

Enactment of this bill likely will not result in direct, measurable costs and/or benefits for individuals, businesses, or local governments.