

MINUTES OF THE  
SENATE NATURAL RESOURCES, AGRICULTURE, AND ENVIRONMENT  
STANDING COMMITTEE

Friday, February 20, 2009  
415 State Capitol, Utah State Capitol Complex

Members Present: Sen. Dennis Stowell, Chair  
Sen. Allen Christensen  
Sen. Gene Davis  
Sen. Margaret Dayton  
Sen. Karen Morgan  
Sen. Ralph Okerlund

Staff Present: J Brian Allred, Policy Analyst  
Emily Brown, Assoc. General Counsel  
Saundra Maeser, Secretary

Public Speakers Present: Todd Bingham, Vice President, Utah Farm Bureau Federation  
Bill Rigby, water rights owner, Utah Assoc. of Conservation Districts  
Kent Jones, State Engineer, Division of Water Rights  
Richard Heap, City Engineer, City of Spanish Fork  
David Hartvigson, Attorney, numerous water districts and suppliers  
Jodi Hoffman, Attorney, Utah League of Cities and Towns  
Martin Anderson, rancher  
Jim Karpowitz, Director, Division of Wildlife Resources  
Sid Groll, Law Enforcement Director, Dept. of Natural Resources  
James Holtkamp Attorney, Holland and Hurt  
Tom Bingham, Utah Manufacturers Association  
Bill Sinclair, Acting Exec. Director, Dept. of Environmental Quality  
Dick Buehler, Director, Division of Forestry, Fire and State Lands  
Mike Johnson, Asst. Attorney General, Dept. of Natural Resources  
Doug Foxley, Attorney, Union Pacific Railroad  
Jeff Devashrayee, General Director of Ethics and Compliance,  
Union Pacific Railroad

A list of visitors and a copy of handouts are filed with the committee minutes.

Committee Chair Stowell called the meeting to order at 8:17 a.m.

**1. H.B. 241 Priority of Water Rights (Rep. K. Gibson) (Sen. R. Okerlund)**

Rep. Gibson introduced the bill. Bill Rigby, water rights owner; Todd Bingham, Vice President, Utah Farm Bureau Federation; and Kent Jones, State Engineer, Division of Water Rights, assisted in the presentation. A handout was distributed.

**MOTION:** Sen. Christensen moved to adopt the following amendment:

1. *Page 1, Lines 15 through 16:*

15 Other Special Clauses:

16        ~~[[None]]~~    **This bill takes effect on May 11, 2010.**

2. *Page 1, Line 24:*

24        Section 73-3-21, Priorities between appropriators.

**Section 2. Effective Date.**

**This bill takes effect on May 11, 2010.**

The motion passed with Sen. Christensen and Sen. Okerlund voting in opposition and Sen. Dayton absent for the vote.

Richard Heap, City Engineer, City of Spanish Fork, and David Hartvigson, Attorney, numerous water districts and suppliers, spoke in opposition to the bill.

Jodi Hoffman, Attorney, Utah League of Cities and Towns, spoke to the bill.

**MOTION:** Sen. Christensen moved to pass H.B. 241, Priority of Water Rights, out of committee with a favorable recommendation.

**SUBSTITUTE MOTION:** Sen. Davis moved to refer H.B. 241 to Interim Study as a committee priority.

**AMENDED SUBSTITUTE MOTION:** Sen. Davis moved to refer H.B. 241 back to Rules

The amended substitute motion failed with Sen. Stowell, Sen. Christensen and Sen. Okerlund voting in opposition and Sen. Dayton absent for the vote.

The original motion passed with Sen. Davis and Sen. Morgan voting in opposition and Sen. Dayton absent for the vote.

**3. 1st Sub. H.B. 240 Wanton Destruction of Livestock (Rep. R. Menlove) (Sen. R. Okerlund)**

Rep. Menlove introduced the bill. Martin Anderson, rancher from Grantsville, assisted in the presentation.

Jim Karpowitz, Director, Division of Wildlife Resources, and Sid Groll, Law Enforcement Director, Department of Natural Resources spoke in support of the bill.

**MOTION:** Sen. Dayton moved to pass 1st Sub. H.B. 240, Wanton Destruction of Livestock, out of committee with a favorable recommendation.



3. *Page 2, Lines 44 through 45:*

44 (3) ~~[[The]]~~ Except as provided by Subsection (4), the owner, operator, and  
[[lessor]] lessee of a locomotive, rail car, or other rolling stock are  
45 ~~[[jointly and severally liable and]]~~ strictly liable for the fire costs from a fire caused  
by material:

4. *Page 2, Line 47:*

47 (b) used or ejected by a railroad personnel.

(4) This section does not apply to a public transit district incorporated in  
accordance with Title 17B, Chapter 2a, Part 8, Public Transit District Act.

5. *Page 3, Lines 66 through 67:*

66 (6) "Fire" means a flame, heat source capable of combustion, or material capable of  
67 combustion that is caused, set, or maintained by a person for any purpose.

The motion passed unanimously with Sen. Christensen absent for the vote.

Doug Foxley, Attorney, Union Pacific Railroad, and Jeff Devashrayee, General Director of Ethics and Compliance, Union Pacific Railroad, spoke in opposition to the bill.

**MOTION:** Sen. Morgan, moved to adjourn and have S.B. 80, Fire Liability Modifications, placed on the next agenda.

The motion passed unanimously.

Chair Stowell adjourned the meeting at 10:00 a.m.

Minutes reported by Sandra Maeser, Secretary

---

Dennis E. Stowell, Committee Chair