

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

Room C445, State Capitol, State Capitol Complex

February 23, 2010

**Members Present:** Rep. Roger E. Barrus, Chair  
Rep. John Mathis, Vice Chair  
Rep. Mel Brown  
Rep. Jack Draxler  
Rep. Kerry Gibson  
Rep. James Gowans  
Rep. Neal Hendrickson  
Rep. Mike Noel  
Rep. Patrick Painter  
Rep. Phil Riesen  
Rep. Christine Watkins  
Rep. Ryan D. Wilcox  
Rep. Bill Wright

**Members Absent:** Rep. Brad Dee

**Staff Present:** Brian Allred, Policy Analyst  
Dora Soto, Committee Secretary

Note: List of visitors and a copy of handouts are filed with committee minutes

Rep. Mathis called the meeting to order at 8:06 a.m.

**H.B. 332 Utah Agricultural Code Amendments (*Rep. C. Watkins*)**

Rep. Watkins explained the bill to the committee.

Spoke in favor of the bill: Kyle Stephens, Deputy Commissioner, UDAF  
John Young, President, Utah Wool Growers Association  
Clair Allen, Director-PI, UDAF

**MOTION:** Rep. Gowans moved to pass the bill with a favorable recommendation. The motion passed unanimously with Rep. Draxler, Rep. Gibson, and Rep. Wright absent for the vote.

**MOTION:** Rep. Watkins moved to place the bill on the Consent Calendar. The motion failed with Rep. Noel voting in opposition to the motion.

**H.B. 143 Eminent Domain Authority (Rep. C. Herrod)**

Rep. Herrod explained the bill to the committee, assisted by Mike Lee, Attorney

Spoke in favor of the bill: Amber Harrison, Citizen, Uintah County  
Gayle Ruzeaka, Citizen, Eagle Farm  
Dan Dennis, Citizen, General Contractor, State of Utah

Spoke in opposition to the bill: Orban Anderson, American Coalition, Public Lands

**MOTION:** Rep. Barrus moved to amend the bill as follows:

1. *Page 1, Lines 10 through 11:*

10 possessed by the federal government unless the property ~~{is owned}~~ was  
acquired by the federal  
11 government with the consent of the Legislature and in accordance with the United  
States Constitution Article I, Section 8,

2. *Page 2, Lines 29 through 31:*

29 Property which may be taken under this part includes property possessed by the  
federal  
30 government unless the property ~~{is owned}~~ was acquired by the federal  
government with the consent of the Legislature and in accordance with the  
31 United States Constitution Article I, Section 8, Clause 17.

The motion to amend the bill passed unanimously with Rep. Hendrickson and Rep. Painter absent for the vote.

**MOTION:** Rep. Barrus moved to pass the bill with a favorable recommendation as amended. The motion passed unanimously with Rep. Gowans absent for the vote.

**H.B. 324 Public Lands Litigation (Rep. K. Sumsion)**

Rep. Sumsion explained the bill to the committee with the aid of a handout and power point presentation.

Spoke in favor of the bill: Peter Cannon, Davis County 9/12 Project  
Mark Ward, UTA  
Mike Mower. SITLA

**MOTION:** Rep. Gibson moved to amend the bill as follows:

1. *Page 1, Line 13:*

- 13                   • certain eminent domain or quiet title actions to facilitate the state's  
ability to manage school

2. *Page 2, Lines 29 through 30:*

- 29                   (2) In accordance with Title 78B, Chapter 6, ~~{Part 5, Eminent~~  
~~Domain}~~ Particular Proceedings, the attorney  
30 general shall file an eminent domain action or a quiet title action to obtain a judicial  
declaration of the existence of an easement of access on property possessed by the  
federal government

3. *Page 2, Lines 37 through 38:*

- 37                   (3) The attorney general shall file an eminent domain action or quiet title  
action described in Subsection  
38 (2) ~~{for a fee simple}~~ on property possessed by the federal government:

1. *Page 2, Line 40:*

- 40                   (i) on Spring Creek Road located in the ~~{western}~~ eastern half of section  
3, township 38 south,

2. *Page 6, Line 177:*

- 177                   (cxxvi) section 13, except the northeast quarter of the  
~~{southwest}~~ southwest quarter of section 13,

The motion to amend the bill passed unanimously with Rep. Gibson, Rep. Noel, and Rep. Wilcox absent for the vote.

**MOTION:** Rep. Wilcox moved to pass the bill with a favorable recommendation as amended. The motion passed unanimously with Rep. Gibson, Rep. Gowans and Rep. Noel absent for the vote.

**H.B. 323 School and Institutional Trust Lands Amendments (Rep. K. Sumsion)**

**MOTION:** Rep. Wilcox moved to replace H.B. 323 with 1st Substitute H.B. 323. The motion passed unanimously with Rep. Gibson, Rep. Gowans, and Rep. Noel absent for the vote.

Rep. Sumsion explained the 1st substitute bill to the committee with the aid of a handout and power point presentation.

Spoke in favor of the bill: Mark Ward, UTA

Spoke in opposition to the bill: Tyler Slack, Utah PTA

Spoke to the bill: Mike Mower, SITLA

**MOTION:** Rep. Gibson moved to pass the bill with a favorable recommendation.

**SUBSTITUTE**

**MOTION:** Rep. Riesen moved to adjourn. The motion failed with Rep. Reisen and Rep. Draxler voting in favor of the motion.

The original motion to pass 1st Substitute bill with a favorable recommendation passed with Rep. Reisen and Rep. Draxler voting in opposition to the motion.

**MOTION:** Rep. Gibson moved to adjourn.

Rep. Barrus adjourned the meeting at 10:02 a.m.

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Rep. Roger E. Barrus, Chair