

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

Room C445, State Capitol

February 22, 2013

Members Present: Rep. Mike Noel, Chair
Rep. Doug Sagers, Vice Chair
Rep. Roger Barrus
Rep. Joel Briscoe
Rep. Mel Brown
Rep. Kay Christofferson
Rep. Jack Draxler
Rep. Becky Edwards
Rep. Steve Handy
Rep. Ken Ivory
Rep. John Mathis
Rep. Mike McKell
Rep. Merrill Nelson
Rep. Ryan Wilcox
Rep. Larry Wiley

Members Absent Rep. Susan Duckworth

Staff Present: Mr. J Brian Allred, Policy Analyst
Ms. An Bradshaw, Committee Secretary

Note: A list of visitors and handouts are filed with committee minutes

Chair Noel called the meeting to order at 8:13 a.m.

MOTION: Rep. Christofferson moved to approve the minutes of Feb. 20, 2013. The motion passed unanimously with Rep. Edwards, Rep. Handy, Rep. Mathis, Rep. McKell, Rep. Nelson, and Rep. Wilcox absent for the vote.

1st Sub. H.B. 124 Radiation Control Amendments (Rep. B. Dee)

Rep. Dee introduced the bill to the committee with the assistance of Ms. Amanda Smith, Executive Director, Utah Department of Environmental Quality.

Spoke in opposition to the bill: Mr. Matt Pacenza, HEAL Utah

MOTION: Rep. Christofferson moved to pass the bill out favorably. The motion passed unanimously with Rep. Handy, Rep. Mathis, Rep. McKell, and Rep. Wilcox absent for the vote.

H.B. 142 Public Lands Policy Coordinating Office Amendments (Rep. R. Barrus)

Rep. Barrus introduced the bill to the committee with the assistance of Ms. Kathleen Clarke, Director, Utah Public Lands Policy Coordination Office.

Spoke in favor of the bill: Mr. Michael Swenson, Utah Shared Access Alliance

MOTION: Rep. Ivory moved to pass the bill out favorably. The motion passed unanimously with Rep. Mathis absent for the vote.

H.B. 123 Water Rights - Change Application Amendments (Rep. K. McIff)

Rep. McIff introduced the bill to the committee with the assistance of Mr. Craig Smith, attorney.

MOTION: Rep. McKell moved to amend the bill as follows:

1. Page 9, Lines 247 through 255:

247 (1) For purposes of this section:
248 (a) (i) "Change applicant" means any of the following who seek to make a
permanent or
249 temporary change under Subsection (2)(a):
250 ~~{(i)}~~ (A) the record title owner of a water right;
251 ~~{(ii)}~~ (B) the holder of an approved but unperfected application to
appropriate water;
252 ~~{(iii)}~~ (C) a person, including a shareholder in a water company, who is the
equitable owner
253 and beneficial user of a water right, even if nominal legal title is held by another person; or
254 ~~{(iv)}~~ (D) a person who has written authorization from a person described
in Subsection
255 (1)(a)(i) (A) , ~~{(ii)}~~ (B) , or ~~{(iii)}~~ (C) to file a change application on
that person's behalf.

(ii) "Change applicant" does not include a person who holds only a contract or leasehold interest in a water right.

2. Page 17, Lines 501 through 502:

501 (b) Nothing in this section ~~{shall limit}~~ limits the authority of the state
engineer in evaluating

502 and processing a change application {~~—~~} , including the authority to allow a shareholder or water company to submit additional relevant information, if the state engineer allows adequate time and opportunity for the other party to respond.

3. *Page 23, Lines 697 through 698:*

697 (8) Nothing in this section {~~shall limit~~} limits the authority of the state engineer in evaluating

698 and processing a change application {~~—~~} , including the authority to allow an equitable owner or nominal title owner to submit additional relevant information, if the state engineer allows adequate time and opportunity for the other party to respond.

The motion to amend passed unanimously with Rep. Draxler, Rep. Ivory, and Rep. Mathis absent for the vote.

Spoke in favor of the bill: Mr. Clifford Snow, citizen

Spoke to the bill: Mr. Kent Jones, State Engineer, Utah Division of Water Rights
Mr. Fred Finlinson, Utah Water Coalition

MOTION: Rep. Brown moved to hold the bill. The motion passed unanimously with Rep. Draxler, Rep. Ivory, Rep. Mathis, and Rep. Wilcox absent for the vote.

Chair Noel relinquished the chair to Vice Chair Sagers.

H.C.R. 7 Concurrent Resolution on Federal Designation of Critical Habitat for Gunnison Sagegrouse (Rep. M. Noel)

Rep. Noel introduced the resolution to the committee with the assistance of Mr. Bruce Adams and Mr. Phil Lyman, San Juan County Commissioners.

MOTION: Rep. McKell moved to pass the resolution out favorably. The motion passed unanimously with Rep. Draxler, Rep. Ivory, and Rep. Wilcox absent for the vote.

MOTION: Rep. Noel moved to adjourn the meeting. The motion passed unanimously with Rep. Draxler, Rep. Ivory, and Rep. Wilcox absent for the vote.

Vice Chair Sagers adjourned the meeting at 9:59 a.m.

Rep. Mike Noel, Chair