

**MINUTES OF THE
NATURAL RESOURCES, AGRICULTURE, AND ENVIRONMENT INTERIM COMMITTEE**
Wednesday, November 14, 2012 – 9:00 a.m. – Room 210 Senate Building

Members Present:

Rep. Roger E. Barrus, House Chair
Sen. Casey O. Anderson
Sen. Allen M. Christensen
Sen. Gene Davis
Sen. Margaret Dayton
Sen. David P. Hinkins
Rep. Joel K. Briscoe
Rep. Melvin R. Brown
Rep. Brad L. Dee
Rep. Jack R. Draxler
Rep. Brad J. Galvez
Rep. Neal B. Hendrickson
Rep. Ken Ivory
Rep. Michael E. Noel

Rep. Douglas Sagers
Rep. Evan J. Vickers
Rep. Ryan D. Wilcox

Members Absent:

Sen. Ralph Okerlund, Senate Chair
Rep. John G. Mathis
Rep. Christine F. Watkins
Rep. Bill Wright

Staff Present:

Mr. J Brian Allred, Policy Analyst
Ms. Tracy J. Nuttall, Associate General Counsel
Ms. Anna M. Allen, Legislative Secretary

Note: A list of others present, a copy of related materials, and an audio recording of the meeting can be found at www.le.utah.gov.

1. Committee Business

Chair Barrus called the meeting to order at 9:06 a.m. He excused Sen. Okerlund from the meeting.

MOTION: Rep. Hendrickson moved to approve the minutes of the October 17, 2012, committee meeting. The motion passed unanimously with Sen. Davis, Sen. Dayton, Rep. Ivory, Rep. Noel, and Rep. Wilcox absent for the vote.

2. Economic Development Task Force - Interim Report

Mr. Allred introduced the "Economic Development Task Force Interim Report." He explained that the chairs of the Economic Development Task Force were unable to present the report in person. Mr. Allred said, however, that the written report fulfilled the requirements of H.B. 28. Mr. Allred stated that the report describes the task force's plans for study in 2013, including a final report to be presented in November 2013.

Mr. Allred also distributed for the committee's review "Trail User Fee Permit Study" from the Utah Recreational Trail Advisory Council of the Division of Parks and Recreation. He stated that the report provides additional information about trail user fees, in response to the committee's request at the May 2012 interim meeting.

3. Performance Audit - Division of Radiation Control (Report #2012-10)

Mr. Darin Underwood, Audit Manager, Office of the Legislative Auditor General, introduced "Report to the Utah Legislature Number 2012-10, A Performance Audit of the Division of Radiation Control" and asked Mr. Kade Minchey, Audit Supervisor, Office of the Legislative Auditor General, to give more details.

Mr. Minchey stated that because Energy Solutions, a private company, is unique in its disposal of radioactive waste, more independent oversight by the state is needed. He also stated that Utah's radioactive waste disposal controls are currently lacking and that the division should concentrate on predisposal waste controls.

Mr. Underwood and Mr. Minchey responded to questions from the committee.

Ms. Amanda Smith, Executive Director, Department of Environmental Quality, expressed the department's appreciation for the auditor general's work.

Mr. Rusty Lundberg, Director, Division of Radiation Control, discussed the responsibilities of the division, the purpose and extent of the audit, the recommendations from the audit, and the division's response to these recommendations. He also described the division's willingness to cooperate with the Legislature on the audit's recommendations.

Mr. Lundberg and Ms. Smith responded to questions from the committee.

4. Transfer of Public Lands Study - Final Report

Ms. Kathleen Clarke, Director, Public Lands Policy Office, introduced "A Case Statement for the H.B. 148: Utah's Transfer of Public Lands Act," which explains why Utah is working toward having federal land transferred to the state. She also introduced "Report on Utah's Transfer of Public Lands Act H.B. 148," which presents the research and history of H.B. 148, the explanation of what it would take to transfer federal lands, the cost to the federal government, and what the state of Utah could do about this issue. Ms. Clarke then introduced Mr. Tony Rampton, Office of the Attorney General, Public Lands Section.

Mr. Rampton described the executive summary of H.B. 148, its history, information about existing land management and economic data, information about the creation of a Public Lands Interim Commission, and considerations for the Utah Legislature.

Ms. Clarke and Mr. Rampton responded to questions from the committee. Rep. Ivory requested a specific plan of action from the administration that outlines what actions the administration would like the Legislature to take on this issue.

5. Office of Legislative Research and General Counsel Briefing Paper - "How Utah Water Works"

Mr. Allred and Ms. Nuttall distributed the water briefing paper, "How Utah Water Works." They briefly introduced each section of the briefing paper.

6. Draft Legislation "Adjudication of Water Rights"

Rep. Briscoe gave a brief background of draft legislation "Adjudication of Water Rights" (2013fl-0145/009). He explained that the bill makes changes to the procedure for a general adjudication of water rights. He hopes that the bill will improve the Division of Water Rights' efficiency, save the division money, and protect water rights.

Mr. Boyd Clayton, Utah Division of Water Rights, distributed "Water Right Adjudication Amendments." He

stated that statute regarding the adjudication of water rights needs to be updated to make it more accessible and effective.

Rep. Briscoe responded to questions from the committee.

MOTION: Rep. Briscoe moved to pass "Adjudication of Water Rights" as a committee bill. The motion passed unanimously with Sen. Davis, Sen. Dayton, Rep. Draxler, Rep. Galvez, Rep. Ivory, and Rep. Noel absent for the vote.

7. Draft Legislation "Change Application Procedure"

Mr. Mike Styler, Executive Director, Department of Natural Resources, introduced draft legislation "Change Application Procedure" (2013fl-0320/004) and described its history and purpose.

Mr. Dallin Jensen, Parsons Behle & Latimer, discussed the significance of the bill. He then described three elements of the bill that he feels are especially important: a good change procedure that is clearly laid out in code, the opportunity for those who are affected by the change application to protest it if necessary, and a component of public welfare or public interest. Mr. Jensen summarized that if a person has water rights and is utilizing them, this bill would protect that person.

Mr. Styler and Mr. Jensen responded to questions from the committee.

The committee took no action on the proposed bill.

8. Water Cost Allocation

Chair Barrus communicated that Sen. John Valentine was presenting in other meetings and was unavailable to present this item. Chair Barrus stated, however, that the information on water pricing that Sen. Valentine would have presented is available in the Office of Legislative Research and General Counsel water briefing paper, "How Utah Water Works."

9. Other Items / Adjourn

Chair Barrus expressed his gratitude toward the committee, especially toward those who will no longer be on the committee, and thanked committee staff for their hard work.

MOTION: Sen. Anderson moved to adjourn. The motion passed unanimously with Sen. Davis, Sen. Hinkins, Rep. Draxler, and Rep. Ivory absent for the vote.

Chair Barrus adjourned the meeting at 11:50 a.m.