

**MINUTES OF THE
NATURAL RESOURCES, AGRICULTURE, AND ENVIRONMENT
INTERIM COMMITTEE**

Wednesday, November 19, 2014 – 9:00 a.m. – Room 30 House Building

Members Present:

Sen. Scott K. Jenkins, Senate Chair
Rep. Michael E. Noel, House Chair
Sen. Allen M. Christensen
Sen. Jim Dabakis
Sen. David P. Hinkins
Sen. Peter C. Knudson
Sen. Ralph Okerlund
Rep. Jerry B. Anderson
Rep. Roger E. Barrus
Rep. Melvin R. Brown
Rep. Brad L. Dee
Rep. Jack R. Draxler
Rep. Susan Duckworth
Rep. Stephen G. Handy

Rep. Ken Ivory
Rep. John G. Mathis
Rep. Mike K. McKell
Rep. Merrill F. Nelson
Rep. Marie H. Poulson
Rep. Douglas V. Sagers
Rep. R. Curt Webb
Rep. Larry B. Wiley

Staff Present:

Mr. J Brian Allred, Policy Analyst
Ms. RuthAnne Frost, 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.leg.utah.gov.

1. Committee Business

Chair Noel called the meeting to order at 9:08 a.m.

MOTION: Rep. Webb moved to approve the minutes of the October 15, 2014, meeting. The motion passed unanimously with Sen. Christensen, Rep. Brown, Rep. Dee, Rep. Draxler, Rep. Duckworth, Rep. Ivory, Rep. Mathis, Rep. McKell, and Rep. Nelson absent for the vote.

2. Report on State Agency Air Quality Best Practices

Rep. Patrice Arent gave background information explaining that the Legislature approved legislation in 2014 that requires a review of state agency air quality best practices. Rep. Arent said that the Legislature determined that there was a need in state government for one person in the Division of Administrative Services to review agency practices and help agencies coordinate and learn from one another. She stated that the position of state coordinator of resource stewardship was created, and that Ms. Chamonix Larsen was recently hired to fill the position.

Ms. Chamonix Larsen, State Coordinator of Resource Stewardship, Division of Administrative Services, stated that 2014 General Session H.B. 38, "Resource Stewardship Amendments," created the coordinator role. Ms. Larsen described her work as coordinator thus far by saying that one of her first tasks has been to identify liaisons within each agency to help coordinate air quality improvement efforts. Ms. Larsen expressed her hope that agencies can help each other develop goals for improving air quality. She also distributed "Resource Stewardship Coordination Timeline Proposal," which showed various activities and events that can assist the agencies in sharing best practices for improving air quality.

3. Report on Public Lands Transfer Study and Economic Analysis

Ms. Kathleen Clarke, Director, Public Lands Policy Coordinating Office, gave background information on this agenda item. Ms. Clarke stated that 2013 General Session H.B. 142, "Public Lands Policy Coordinating Office," requires the office to oversee an economic analysis of the transfer of public lands to the state of Utah. She said that the University of Utah, Utah State University, and Weber State University conducted the study.

Mr. Tony Rampton, Assistant Attorney General, Office of the Attorney General, discussed an analysis of the report. He also summarized the report itself, stating that it is a decision-making document, not because it offers specific recommendations on actions that the Legislature should take, but because it offers information to assist the Legislature and the Executive Branch in making decisions. He emphasized the objectivity of the report and said that the report is divided into 13 chapters, including chapters on

- economics,
- existing and potential land uses,
- tourism and recreation, and
- wildfires.

Mr. Rampton also stated that the report identifies opportunities, identifies challenges, and answers questions regarding the transfer of public lands. Mr. Rampton and Ms. Clarke responded to questions from the committee.

Ms. Clarke indicated that a complete copy of the report, along with an analysis, would be sent to the committee prior to November 30.

4. Report on the Utah Wilderness Act

Ms. Clarke explained that 2014 General Session H.B. 160, "Utah Wilderness Act," requires the office to respond when the office receives requests for land designation or consideration of state lands for wilderness designation. She stated that the office has not yet received any requests.

5. Commission for the Stewardship of Public Lands Report

Rep. Keven J. Stratton discussed the purpose/mandate for the commission. He stated that 2014 General Session H.B.151, "Commission for the Stewardship of Public Lands," created the commission. He also said that the bill requires the commission to make recommendations regarding the

- transfer of public lands to the state;
- state's sovereign right to protect the health, safety, and welfare of its citizens as it relates to public lands;
- appropriate designation and use of public lands transferred to the state; and
- use of funds received by the state due to the transfer of public lands.

He also mentioned other duties of the commission, including assessing the recommendations from the public lands transfer study conducted by the Public Lands Policy Coordinating Office.

Sen. Hinkins discussed the commission's 2014 meetings.

6. Draft Legislation "Clean Fuels Amendments and Rebates"

Rep. Stephen G. Handy discussed a bill by Rep. Jack R. Draxler from the 2008 General Session that provided a tax credit for alternative fuel vehicles. Rep. Handy then discussed his own legislation, draft legislation "Clean Fuels Amendments and Rebates" (2015FL-0190/008). He talked about how the bill provides a tax rebate for the conversion of vehicles to alternative fuel vehicles. He also discussed how the bill is intended to motivate, and make it easier for, individuals to convert their vehicles. Rep. Handy also described specific aspects of the bill, including the definition of alternative fuel. He summarized that Rep. Draxler's 2008 legislation provides a tax credit but that his draft legislation provides a tax rebate.

MOTION: Sen. Jenkins moved that the committee adopt draft legislation "Clean Fuels Amendments and Rebates" as a committee bill. The motion passed with Rep. Anderson voting in opposition and Sen. Christensen, Sen. Okerlund, Rep. Dee, Rep. Ivory, Rep. Mathis, and Rep. McKell absent for the vote.

7. Draft Legislation "Water Law – Application Revisions"

Chair Noel relinquished the chair to Sen. Jenkins.

Rep. V. Lowry Snow discussed draft legislation "Water Law – Application Revisions" (2015FL-0330/008). Rep. Snow gave background information on the draft legislation and why it was drafted. He specifically described the 2011 Jensen v. Jones case.

Mr. Richard Bay, General Manager, Jordan Valley Water Conservancy District, said that the focus of draft legislation "Water Law – Application Revisions" is to protect existing water rights holders from impairment of their water rights. He explained the importance of the legislation's definition of "quantity impairment." He also discussed the role of the state engineer in approving and denying change applications.

Mr. Mark Stratford, Assistant City Attorney, Ogden City, talked about how the authority of the state engineer would operate, according to draft legislation "Water Law – Application Revisions." He said that the legislation authorizes the state engineer to raise concerns on the state engineer's own regarding water right change applications. Mr. Stratford also discussed the need for caution on the part of the state engineer in ensuring that a new water use does not use more water than the previous water right.

Committee discussion followed.

Sen. Jenkins relinquished the chair to Rep. Noel.

MOTION: Sen. Jenkins moved that the committee adopt draft legislation "Water Law – Application Revision" as a committee bill. The motion passed with Rep. Barrus voting in opposition and Sen. Dabakis, Sen. Okerlund, and Rep. McKell absent for the vote.

8. Draft Legislation "Air Quality Revisions"

Rep. Rebecca P. Edwards discussed draft legislation "Air Quality Revisions" (2015FL-0238/004), which authorizes the Utah Division of Air Quality to create rules that are more stringent than federal regulations under certain conditions. She stated that Utah's unique circumstances are not necessarily addressed by the standards set by the Environmental Protection Agency. She said that the bill allows Utah to assess its needs and utilize different strategies to improve air quality in the state but does not allow Utah to change the standards for air quality, which are set by the Environmental Protection Agency.

Chair Noel asked Mr. Bryce Bird, Division of Air Quality, to assist in answering questions about the bill. Mr. Bird stated that the bill still allows the state to make rules regarding air quality, but changes the language requiring the state to prove that federal standards are inadequate to protect Utah, in order to deviate from the federal rules.

Ms. Frost responded to a question about how the bill could affect different areas in the state.

9. Other Items/Adjourn

MOTION: Sen. Jenkins moved to adjourn the meeting. The motion passed unanimously with Sen. Hinkins, Sen. Knudson, Sen. Okerlund, Rep. Dee, and Rep. Webb absent for the vote.

Chair Noel adjourned the meeting at 12:13 p.m.