

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

Room C445, State Capitol

February 21, 2012

Members Present: Rep. Roger E. Barrus, Chair
Rep. Joel Briscoe
Rep. Jack Draxler
Rep. Brad Galvez
Rep. Neal Hendrickson
Rep. John Mathis
Rep. Mike Noel
Rep. Patrick Painter
Rep. Doug Sagers
Rep. Christine Watkins
Rep. Ryan Wilcox

Members Excused: Rep. Mel Brown
Rep. Brad Dee

Members Absent: Rep. Stephen Sandstrom

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 Barrus called the meeting to order at 9:06 a.m.

MOTION: Rep. Galvez moved to approve the minutes of Feb. 16, 2012. The motion passed unanimously with Rep. Hendrickson, Rep. Painter, Rep. Sagers, Rep. Watkins, and Rep. Wilcox absent for the vote.

H.J.R. 3 Joint Resolution on Federal Transfer of Public Lands (Rep. R. Barrus)

Chair Barrus introduced the resolution to the committee.

H.B. 148 Transfer of Public Lands Act and Related Study (Rep. K. Ivory)

Rep. Ivory introduced the bill to the committee.

H.C.R. 1 Concurrent Resolution - Letter to Federal Government (Rep. C. Herrod)

Rep. Herrod introduced the resolution to the committee.

H.B. 148 Transfer of Public Lands Act and Related Study (Rep. K. Ivory)

MOTION: Rep. Draxler moved to pass out the bill favorably. The motion passed with Rep. Barrus, Rep. Draxler, Rep. Galvez, Rep. Hendrickson, Rep. Mathis, Rep. Noel, Rep. Painter, Rep. Sagers, Rep. Watkins, and Rep. Wilcox voting in favor of the motion. Rep. Briscoe voted in opposition.

MOTION: Rep. Painter moved that each representative voting in favor of a bill be listed by name in the minutes. The motion passed unanimously.

H.C.R. 1 Concurrent Resolution - Letter to Federal Government (Rep. C. Herrod)

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

1. *Page 1, Line 13:*

13 { ~~July 1, 2012~~ or the state of Utah will take appropriate action to vindicate its rights

2. *Page 1, Line 17:*

17 ▶ demands that { ~~, by July 1, 2012~~ the national government of the United States

3. *Page 1, Line 20:*

20 national government of the United States to commit to either, by { ~~January 1,~~ } February 15, 2013,

4. *Page 2, Line 29:*

29 communicate its response to this demand by { ~~July 1, 2012~~ } February 15, 2013 , the government of the state of Utah,

5. *Page 2, Line 41:*

41 United States government { ~~by July 1, 2012~~ } ;

6. *Page 4, Line 112:*

112 forth in this resolution, demand that, by { ~~July 1, 2012~~ } February 15, 2013 , the national government of the United

7. *Page 4, Line 115:*

115 government of the United States to commit to either { ~~by January 1, 2013,~~ begin
(1) selling

8. *Page 5, Line 123:*

123 by { ~~July 1, 2012~~ February 15, 2013 , the government of the state of Utah, on
behalf of the citizens of the state of

The motion to amend passed unanimously.

MOTION: Rep. Mathis moved to pass the bill out favorably as amended. The motion passed with Rep. Barrus, Rep. Draxler, Rep. Galvez, Rep. Hendrickson, Rep. Mathis, Rep. Noel, Rep. Painter, Rep. Sagers, Rep. Watkins, and Rep. Wilcox voting in favor of the motion. Rep. Briscoe voted in opposition.

1st Sub. H.B. 91 Utah Enabling Act Litigation (Rep. K. Sumsion)

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

1. *Page 2, Line 34:*

34 attorney general shall file an action on or before { ~~October 1, 2012~~ April 15,
2013 }, in United States district court

The motion to amend passed unanimously.

MOTION: Rep. Painter moved to pass the bill out favorably as amended. The motion passed with Rep. Barrus, Rep. Draxler, Rep. Galvez, Rep. Hendrickson, Rep. Mathis, Rep. Noel, Rep. Painter, Rep. Sagers, Rep. Watkins, and Rep. Watkins voting in favor of the motion. Rep. Briscoe voted in opposition.

H.B. 209 Utah Lands Protection Act (Rep. F. Cox)

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

1. *Page 1, Lines 18 through 19:*

18 ► prohibits the Division of Forestry, Fire, and State Lands from selling or
19 substantially changing the { ~~management~~ use of certain sovereign lands;

► provides for the Division of Forestry, Fire, and State Lands to manage all sovereign lands that are not obtained specifically for use by another department or agency of the state;

2. *Page 3, Lines 63 through 65:*

63 (1) The division is the management authority for sovereign lands that are not
obtained specifically for use by another department or agency of the state, and
may, except as
64 provided in { ~~Subsection~~ Subsections (5) and (6), exchange, sell, or lease
sovereign lands but only in the quantities
65 and for the purposes [as] that serve the public interest and do not interfere with the public
trust.

3. *Page 3, Line 70 through Page 4, Line 82:*

70 (4) (a) If any United States public lands owned or claimed by the federal
government on
71 January 1, 2012, become sovereign lands, { ~~then~~ the State School Fund,
{ ~~pursuant to~~ in accordance with Utah
72 Constitution, Article X, Section 5, Subsection (5)(b), shall receive from the federal
government 5% of the net proceeds from
73 the sale of those lands.

(b) Except as provided in Subsection (4)(c), when the state sells sovereign lands described in Subsection (4)(a), the state shall deposit into the State School Fund an amount equal to 0.05 multiplied by the fair market value of the sovereign lands on the day on which the lands become sovereign lands.

(c) (i) Subsection (4)(b) does not apply, if, at the time that the lands became sovereign lands:

(A) the state paid fair market value for the lands; and

(B) 5% of the net proceeds received by the federal government for the sale of the lands was deposited into the State School Fund.

(ii) If, at the time that lands described in Subsection (4)(a) became sovereign lands, the state paid less than fair market value for the lands, the state shall, when the state sells the sovereign lands, deposit into the State School Fund the difference between:

(A) the amount that would have been deposited into the State School Fund by the federal government if the state had paid fair market value for the land; and

(B) the amount that was deposited into the State School Fund by the federal government at the time that the lands became sovereign lands.

(5) If sovereign lands described in Subsection (4)(a) are not obtained specifically for use by a department or agency of the state other than the division, the division may not substantially change the use of those lands unless the division:

(a) makes a written finding that the change serves the public interest and does not interfere with the public trust; and

(b) submits a copy of the finding to:

(i) (A) the Legislative Management Committee; or

(B) another committee designated by the Legislative Management Committee; and

(ii) the office of the Lieutenant Governor.

74 { ~~(5)~~ (6) } ~~if~~ Notwithstanding any other provision of this
75 section, if any of the following become sovereign lands, the division may not sell the
76 sovereign lands or substantially change the { management policies that relate
to} use of those sovereign
77 lands from the { ~~management policies that were in effect for~~ use of those
78 sovereign lands on January 1,
79 2012:
80 (a) Arches National Park;
81 (b) Bryce Canyon National Park;
82 (c) Canyonlands National Park;
 (d) Capitol Reef National Park; or
 (e) Zion National Park.

The motion to amend passed unanimously.

MOTION: Rep. Noel moved to adjourn the meeting. The motion passed unanimously.

Chair Barrus adjourned the meeting at 9:57 a.m.

Rep. Roger E. Barrus, Chair