

MINUTES  
JOINT MEETING

**SENATE RESOURCES & ENVIRONMENT COMMITTEE  
HOUSE RESOURCES & CONSERVATION COMMITTEE**

**DATE:** Monday, January 21, 2013

**TIME:** 1:30 P.M.

**PLACE:** WW02

**MEMBERS PRESENT:** Chairman Pearce, Vice Chairman Bair, Senators Cameron, Siddoway, Brackett, Heider, Tippets, Stennett and Lacey

Chairman Denney, Vice Chairman Gibbs, Representatives Wood (35), Barrett, Moyle, Eskridge, Raybould, Andrus, Shepherd, Wood (27), Boyle, Vander Woude, Gestrin, Miller, Anderson (1), Pence, Erpelding and Ward-Engelking

**ABSENT/  
EXCUSED:**

**NOTE:** The sign-in sheet, testimonies and other related materials will be retained with the minutes in the committee's office until the end of the session and will then be located on file with the minutes in the Legislative Services Library.

**ANNOUNCEMENT:** **Chairman Pearce** announced that the meeting would convene as soon as the technical difficulties were resolved.

**CONVENED:** **Chairman Pearce** called the meeting to order at 1:43 p.m. He welcomed the House Resources and Conservation Committee members, as well as the members of the audience. The **Chairman** then asked Chairman Denney to introduce today's speaker.

**INTRODUCTION:** **Chairman Denney** said it was his privilege to introduce Utah's State Representative Ken Ivory. Representative Ivory was the lead sponsor of H 148, the "Utah Transfer of Public Lands Act." It passed last year and was signed by Utah's Governor. **Chairman Denney** felt it was important to hear what Representative Ivory has to say as the West has similar problems as Utah. He then welcomed Representative Ivory to the Joint Committee meeting and to Idaho.

**SPEAKER:** **Representative Ivory** said it was a pleasure to be here and to share with the members the reason for H 148. It is a potential solution for severe financial issues facing the western states. In 1780, there was a trust agreement established over the Western Territories and **Representative Ivory** provided historical information regarding the states and federal jurisdiction. He said that statehood documents, dating back to the 1800s, contain a constitutional provision that the federal government intended to relinquish control of the land it held in each state.

The four myths are: 1) Gave up title; 2) Can't manage lands; 3) These lands belong to "all of us"; and 4) This is unconstitutional. In 1976, the Federal Land Policy Management Act (FLPMA) is the policy that allowed the retention of federal ownership within the states. However, Idaho and North Dakota became states within nine months of each other and did so under identical statehood language according to **Representative Ivory**. Federally managed land in North Dakota amounts to less than five percent of the state's acreage, but in Idaho, more than 64 percent (34,500,000 acres) of its 53,500,000 acres is under federal control. The Utah law exempts national parks and monuments, tribal reservations, military installations and congressionally approved wilderness areas.

Literature that was given to the committee by Representative Ivory included:

- Attachment 1 - A Legal Overview of Utah's H.B. 148 – The Transfer of Public Lands Act;
- Attachment 2 - Deseret News;
- Attachment 3 - A Federal Fault Line On Public Lands;
- Attachment 4 - The Only Solution Big Enough;
- Attachment 5 - Where's The Line America?
- Attachment 6 - Quotations - American Lands Council.

Time was allowed for questions from the committee.

**ADJOURNED:** **Chairman Pearce** thanked Representative Ivory for his informative presentation, then adjourned the Joint meeting at 3:33 p.m.

\*\* Included as Attachment 7 is a letter (dated 2/13/13) from Director Tom Schultz, Idaho Department of Lands. The information contained in the letter is pertinent to the subject of the minutes.

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Senator Pearce  
Chairman

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Juanita Budell  
Secretary