

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

**Room C445, State Capitol**

February 8, 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. Stephen Sandstrom  
Rep. Mel Brown  
Rep. Brad Dee

**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 4:07 p.m.

**MOTION:** Rep. Watkins moved to approve the minutes of Feb. 1, 2012 and Feb. 7, 2012.  
The motion passed unanimously with Rep. Painter absent for the vote.

**H.B. 127 Navajo Water Rights Negotiation Account (*Rep. C. Watkins*)**

Rep. Watkins introduced the bill to the committee with the assistance of Kent Jones, Utah Division of Water Rights.

Spoke for the bill: Bruce Adams, San Juan County Commissioner

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

Chair Barrus relinquished the chair to Rep. Mathis.

**H.B. 137      Energy Changes (Rep. R. Barrus)**

Rep. Barrus introduced the bill to the committee with the assistance of Amanda Smith, Utah Department of Energy Development.

**MOTION:**    Rep. Wilcox moved to pass the bill out favorably. The motion passed unanimously with Rep. Painter absent for the vote.

Rep. Barrus resumed the chair.

**1st Sub. S.B. 21              Department of Environmental Quality Boards Revisions (Sen. M. Dayton) (Rep. B. Wright)**

Sen. Dayton introduced the bill to the committee with the assistance of James Holtkamp and Tom Bingham, Utah Manufacturers Association, and Amanda Smith, Utah Department of Environmental Quality.

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

*1. Page 13, Line 393 through Page 14, Line 413:*

393            19-2-103. Members of board -- Appointment -- Terms -- Organization -- Per diem  
394    and expenses.

395            (1) The board [~~comprises 11 members, one of whom shall be~~] consists of the  
              following

396    nine members:

397            (a) **the following non-voting member, except that the member may vote to**  
              **break a tie vote between the voting members:**        

(i) the executive director [~~and 10 of whom~~]; or

398            (ii) an employee of the department designated by the executive director; and

399            (b) the following eight **voting** members, who shall be appointed by the governor  
              with the

400    consent of the Senate[-];

401            (i) one representative who:

402            (A) is not connected with industry;

403            (B) is an expert in air quality matters; and

404            (C) is a Utah-licensed physician, a Utah-licensed professional engineer, or a  
              scientist

405    with relevant training and experience;

- 406           (ii) two government representatives who do not represent the federal government;  
407           (iii) one representative from the mining industry;  
408           (iv) one representative from the fuels industry;  
409           (v) one representative from the manufacturing industry;  
410           (vi) one representative from the public who represents { a ~~S~~ →  
[nongovernmental]  
410a environmental ~~←~~ ~~S~~  
411 organization; } — — :  
(A) an environmental nongovernmental organization; or  
(B) a nongovernmental organization that represents community interests and does  
not represent industry interests; — and  
412           (vii) one representative from the public who is trained and experienced in public  
413 health.

2. *Page 37, Line 1137 through Page 38, Line 1156:*

- 1137           19-3-103. Radiation Control Board -- Members -- Organization -- Meetings -- Per  
1138 diem and expenses.  
1139           (1) The board [~~created under Section 19-1-106 comprises 13~~] consists of the  
1140 following  
1141 nine members[~~one of whom shall be~~]:  
1141           (a) the following non-voting member, except that the member may vote to  
break a tie vote between the voting members: —  
(i) the executive director[~~;~~]; or [~~his designee, and the remainder of whom shall be~~]  
1142           (ii) an employee of the department designated by the executive director; and  
1143           (b) the following eight voting members, who shall be appointed by the governor  
with the  
1144 consent of the Senate[~~;~~];  
1145           (i) one representative who is:  
1146           (A) a health physicist; or  
1147           (B) a professional employed in the field of radiation safety;  
1148           (ii) two government representatives who do not represent the federal government;  
1149           (iii) one representative from the radioactive waste management industry;  
1150           (iv) one representative from the uranium milling industry;  
1151           (v) one representative from the regulated industry who is knowledgeable about  
1152 radiation control regulatory issues;

- 1153           (vi) one representative from the public who represents { ~~a~~ ~~§~~  
[nongovernmental]  
1153a environmental ~~←~~ ~~§~~  
1154 organization; }    :  
(A) an environmental nongovernmental organization; or  
(B) a nongovernmental organization that represents community interests and does  
not represent industry interests;   and  
1155           (vii) one representative from the public who is trained and experienced in public  
1156 health.

3. *Page 52, Line 1602 through Page 53, Line 1624:*

- 1602           19-4-103. Drinking Water Board -- Members -- Organization -- Meetings -- Per  
1603 diem and expenses.  
1604           (1) The board [~~created under Section 19-1-106~~ comprises 11 members, one of whom  
1605 is] consists of the following nine members:  
1606           (a) ~~the following non-voting member, except that the member may vote to~~  
~~break a tie vote between the voting members;~~  
(i) the executive director [and the remainder of whom]; or  
1607           (ii) an employee of the department designated by the executive director; and  
1608           (b) the following eight ~~voting~~ members, who shall be appointed by the governor  
with the  
1609 consent of the Senate[-];  
1610           (i) one representative who is a Utah-licensed professional engineer with expertise in  
1611 civil or sanitary engineering;  
1612           (ii) two representatives who are elected officials from a municipal government that  
is  
1613 involved in the management or operation of a public water system;  
1614           (iii) one representative from an improvement district, a water conservancy district,  
or a  
1615 metropolitan water district;  
1616           (iv) one representative from an entity that manages or operates a public water  
system;  
1617           (v) one representative from:  
1618           (A) the state water research community; or

1619 (B) an institution of higher education that has comparable expertise in water  
research

1620 to the state water research community;

1621 (vi) one representative from the public who represents { ~~a~~ ~~S~~ →  
[nongovernmental]

1621a environmental ← S

1622 organization;} — — :

(A) an environmental nongovernmental organization; or

(B) a nongovernmental organization that represents community interests and does  
not represent industry interests; — and

1623 (vii) one representative from the public who is trained and experienced in public  
1624 health.

4. *Page 62, Line 1907 through Page 63, Line 1926:*

1907 19-5-103. Water Quality Board -- Members of board -- Appointment -- Terms --  
1908 Organization -- Meetings -- Per diem and expenses.

1909 (1) The board [~~comprises~~] consists of the following nine members:

1910 (a) the following non-voting member, except that the member may vote to  
break a tie vote between the voting members: —

(i) the executive director [~~and 11 members~~]; or

1911 (ii) an employee of the department designated by the executive director; and

1912 (b) the following eight ~~voting~~ members, who shall be appointed by the governor  
with the

1913 consent of the Senate[-];

1914 (i) one representative who:

1915 (A) is not connected with industry;

1916 (B) is an expert in water quality matters; and

1917 (C) is a Utah-licensed physician, a Utah-licensed professional engineer, or a  
scientist

1918 with relevant training and experience;

1919 (ii) two government representatives who do not represent the federal government;

1920 (iii) one representative from the mineral industry;

1921 (iv) one representative from the manufacturing industry;

1922 (v) one representative who represents agricultural and livestock interests;

1923 (vi) one representative from the public who represents { ~~— a §—~~

~~[nongovernmental]~~

1923a ~~environmental ←§~~

1924 ~~organization; } — —:~~

~~(A) an environmental nongovernmental organization; or~~

~~(B) a nongovernmental organization that represents community interests and does not represent industry interests; — and~~

1925 (vii) one representative from the public who is trained and experienced in public

1926 health.

5. Page 87, Line 2687 through Page 88, Line 2706:

2687 19-6-103. Solid and Hazardous Waste Control Board -- Members -- Terms --

2688 Organization -- Meetings -- Per diem and expenses.

2689 (1) The [~~Solid and Hazardous Waste Control Board~~ created by Section 19-1-106

2690 ~~comprises the~~] board consists of the following nine members:

2691 (a) ~~—~~ the following non-voting member, except that the member may vote to break a tie vote between the voting members: —

(i) the executive director [~~and 12~~]; or

2692 (ii) an employee of the department designated by the executive director; and

2693 (b) the following eight **voting** members appointed by the governor with the consent of the

2694 Senate[~~;~~];

2695 (i) one representative who:

2696 (A) is not connected with industry;

2697 (B) is an expert in waste management matters; and

2698 (C) is a Utah-licensed professional engineer;

2699 (ii) two government representatives who do not represent the federal government;

2700 (iii) one representative from the manufacturing, mining, or fuel industry;

2701 (iv) one representative from the private solid or hazardous waste disposal industry;

2702 (v) one representative from the private hazardous waste recovery industry;

2703 (vi) one representative from the public who represents { ~~— a §—~~

~~[nongovernmental]~~

2703a ~~environmental ←§~~

2704 ~~organization; } — —:~~

~~(A) an environmental nongovernmental organization; or~~

**(B) a nongovernmental organization that represents community interests and does not represent industry interests; \_\_and**

2705 (vii) one representative from the public who is trained and experienced in public  
2706 health.

The motion to amend passed unanimously.

Spoke against the bill: Marilyn O'Dell, League of Women Voters of Utah  
Christopher Thomas, HEAL Utah  
Claire Geddes, citizen  
Karen Hevel-Mingo, Breathe Utah  
Cherise Udell, Utah Moms for Clean Air  
James O'Neal, citizen

**MOTION:** Rep. Noel moved to pass the bill out favorably as amended. The motion passed with Rep. Briscoe voting in opposition and Rep. Wilcox absent for the vote.

**H.B. 192 Private Property Rights (*Rep. B. Wilson*)**

Rep. Wilson introduced the bill to the committee.

**MOTION:** Rep. Watkins moved to pass the bill out favorably. The motion passed unanimously with Rep. Briscoe and Rep. Wilcox absent for the vote.

**H.B. 195 Petroleum and Underground Storage Tank Fees (*Rep. G. Hughes*)**

Rep. Hughes introduced the bill to the committee with the assistance of Tani Downing, State Risk Manager.

**MOTION:** Rep. Noel moved to pass the bill out favorably. The motion passed unanimously with Rep. Briscoe and Rep. Wilcox absent for the vote.

**MOTION:** Rep. Noel moved to place HB195 on the Consent Calendar. The motion passed unanimously with Rep. Briscoe and Rep. Wilcox absent for the vote.

**MOTION:** Rep. Hendrickson moved to adjourn the meeting. The motion passed unanimously with Rep. Briscoe and Rep. Wilcox absent for the vote.

Chair Barrus adjourned the meeting at 5:56 p.m.