

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

ROOM 303 STATE CAPITOL BUILDING

February 10, 1998

Members Present: Rep. Bradley T. Johnson, Chair
Rep. Tom Hatch, Vice-Chair
Rep. Eli H. Anderson
Rep. Craig W. Buttars
Rep. Mary Carlson
Rep. Beverly Ann Evans
Rep. James R. Gowans
Rep. Dennis H. Iverson
Rep. Evan L. Olsen
Rep. Michael R. Styler
Rep. Jordan Tanner
Rep. Daniel H. Tuttle
Rep. Bill Wright

Members Absent: Rep. Melvin R. Brown

Staff Present: Connie Steffen, Research Analyst
Beverly Weeks, Committee Secretary

Visitors List: List filed with Committee Minutes

Representative Tom Hatch, Vice-Chair, called the meeting to order at 8:13 a.m.

MOTION: Rep. Tuttle moved to approve the minutes of February 6, 1998 as written.

The motion passed unanimously with Rep. Olsen absent for the vote.

S.B. 114 This Is the Place Foundation (D. Buhler)

Senator Buhler said the bill authorizes the Division of Parks and Recreation to make an agreement with This is the Place Foundation to manage and promote This is the Place State Park.

MOTION: Rep. Tuttle moved to pass the bill out favorably.

The motion passed unanimously with Rep. Olsen absent for the vote.

Sub. S.J.R. 10 Resolution Establishing Wildlife Numbers (L. Blackham)

Senator Blackham said the resolution proposes to amend the Utah Constitution to raise the threshold for the adoption of voter initiatives regarding hunting and fishing law.

The following spoke in support of the resolution:
Don Peay, Utahns for Wildlife Heritage and Conservation
Collin Allan, Wildlife Board

The following spoke in opposition to the bill:
Craig Axford, Predator Education Fund
Gene Baierschmidt, Humane Society of Utah

Don Peay, Utahns for Wildlife Heritage and Conservation, distributed a handout showing groups in support of the resolution.

MOTION: Rep. Johnson moved to pass the bill out favorably.

The motion passed with Rep. Carlson voting in opposition. Rep. Olsen was absent for the vote.

H.B. 153 Tire Recycling Amendments (D. Ure)

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

1. Page 5, Line 14: After "63-38-3.2;" delete "and"
2. Page 5, Line 15: Reinstate "; and" and delete "₂"
3. Page 5, Line 18: After Line 18 insert:
 "(iv) meet requirements established by board rule."

The motion passed unanimously with Reps. Tuttle and Olsen absent for the vote.

Rep. Ure said the bill makes the tire recycling program like the oil recycling program.

Rusty Lundgren, Department of Environmental Quality, discussed the bill.

MOTION: Rep. Evans moved to pass the bill out favorably.

The motion passed unanimously with Reps. Olsen and Tuttle absent for the vote.

H.B. 333 Wildlife Code Amendments (M. Styler)

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

1. Page 1, Line 5: After "GAME;" insert "MODIFYING MEASURES TO MITIGATE
 DAMAGE BY BIG GAME;"
2. Page 1, Line 14: After line 14 insert the following:

"**23-16-3.5**, as last amended by Chapter 258, Laws of Utah 1997"

3. Page 1, Line 22:

After line 22 insert the following:

"Section 1. Section **23-26-3.5** is amended to read:

23-16-3.5. Damage to livestock forage, fences, or irrigation equipment on private lands.

(1) If big game animals are damaging livestock forage, fences, or irrigation equipment on private land or are consuming livestock forage on private land, the landowner or lessee may request the division to take action to prevent depredation.

(2) (a) Within a reasonable time, not to exceed 72 hours after receiving the request, the division shall investigate the situation. If it appears that depredation by big game may continue, the division may, after consulting with the landowner or lessee, take action appropriate for the extent of damage experienced or expected. Action taken may include:

(i) sending a representative onto the premises to control or remove the animals;

(ii) scheduling a depredation hunt; or

(iii) issuing tags to the landowner or lessee for the harvest of big game animals causing depredation.

(b) (i) The division shall specify the number and sex of the big game animals that may be taken pursuant to Subsection (2)(a)(iii). Control efforts shall be directed toward antlerless animals, sparing if possible, but not excluding, trophy animals.

(ii) Any tag issued for an antlered animal must be approved by the division director or the director's designee.

(c) The division and the landowner or lessee shall jointly determine the number of animals taken pursuant to Subsection (2)(a)(iii) of which the landowner or lessee may retain possession.

(3) (a) The division may implement the measures specified in Subsections (4) through (6) to mitigate damage to livestock forage, if:

(i) actions taken to control or remove depredating big game are not successful or are not likely to be successful; or

(ii) both the division and landowner or lessee determine the measure is preferable to immediately controlling or removing big game animals.

(b) (i) The measures specified in Subsections (4) through (6) may also be used to mitigate damage to fences or irrigation equipment on private land or cultivated crops from or upon cleared and planted land, if:

(A) the landowner or lessee elects to not file a claim under Section 23-16-4; or

(B) the landowner or lessee and the division agree upon a combination of mitigation measures to be used pursuant to Subsections (4) through (6) and a payment of damage under Section 23-16-4.

(ii) The agreement must be made before a claim for damage is filed and the mitigation measures are taken.

(iii) A landowner or lessee who elects to pursue mitigation through the measures specified in Subsections (4) through (6) may not subsequently file a claim under Section 23-16-4, except as provided by an agreement made under Subsection (3)(b)(i).

(c) In determining appropriate mitigation, the division shall consider:

(i) the extent of damage experienced or expected; and

(ii) any revenue the landowner derives from participation in a cooperative wildlife management unit, use of landowner permits, and charging for hunter access.

(4) (a) (i) The division may issue tags to the landowner or lessee for the harvest of big game on the owner's or lessee's land during a general or special season hunt authorized by the Wildlife Board.

(ii) In accordance with rules adopted by the Wildlife Board, the division may issue tags to groups of landowners or lessees for the harvest of big game on adjoining properties during a general or special season hunt authorized by the Wildlife Board.

(b) Any tag issued for an antlered animal must be approved by the division director or the director's designee.

(5) (a) (i) In accordance with rules adopted by the Wildlife Board, the division may allow a landowner or lessee to designate who shall receive big game permits to be used for hunting on the owner's or lessee's land during a general or special season hunt authorized by the Wildlife Board.

(ii) In accordance with rules adopted by the Wildlife Board, the division may allow groups of landowners or lessees to designate who shall receive big game permits to be used for hunting on adjoining properties during a general or special season hunt authorized by the Wildlife Board.

(b) Any fee for accessing the owner's or lessee's land shall be determined by the owner or lessee.

(6) (a) The division may enter into a conservation lease with the owner or lessee of private lands for a fee or other remuneration as compensation for depredation.

(b) Any conservation lease entered into under this section shall provide that the claimant may not unreasonably restrict hunting on the land or passage through the land to access public lands for the purpose of hunting, if those actions are necessary to control or mitigate damage by big game."

Renumber remaining sections accordingly.

The motion passed unanimously with Reps. Anderson, Olsen, and Tuttle absent for the vote.

Rep. Styler said the bill allows refunds of wildlife license sales to be made.

Paul Boyden, Prosecutors Association, explained the need for removing the restriction on conservation officers regarding warrantless searches.

MOTION: Rep. Evans moved to pass the bill out favorably as amended.

The motion passed with Rep. Wright voting in opposition. Reps. Anderson, Olsen, Tuttle and Johnson were absent for the vote.

H.B. 336 Appropriation for Trails and Crossings (A. Tyler)

Rep. Tyler distributed a handout showing trail crossing projects funded in 1997. The bill appropriates \$500,000 for trail crossing projects.

Scott Behunin, Division of Parks and Recreation, spoke in support of the bill.

Jeff Oiler, Recreational Trails Advisory Council, spoke in support of the bill.

MOTION: Rep. Tanner moved to pass the bill out favorably.

The motion passed with Reps. Evans, Gowans and Iverson voting in opposition. Reps. Anderson, Styler, Tuttle and Johnson were absent for the vote.

S.B. 39 Penalties for Sale of Tobacco to Youth (R. Montgomery)

Senator Montgomery said the bill provides civil penalties for illegally selling tobacco products to underage youth.

Reed Richards, Attorney General's Office, said the bill will make a significant impact on the ability of minors to acquire tobacco products.

Sen. Montgomery distributed a handout comparing tobacco sales licensing provisions in various states.

The following spoke in support of the bill:

Kevin Condra, Coalition for Tobacco Free Utah

MOTION: Rep. Carlson moved to pass the bill out favorably.

The motion passed unanimously with Reps. Styler and Tuttle absent for the vote.

S.J.R. 9 Resolution Concerning Kyoto Protocol on Global Climate Change (M. Dmitrich)

Senator Dmitrich said the resolution requests the president to not sign the Kyoto Protocol on Global Climate Change.

MOTION: Rep. Johnson moved to pass the bill out favorably.

Bob Walton, Utah Chapter of the Sierra Club, spoke in opposition to the resolution.

The following spoke in support of the resolution:

Read Searle, Intermountain Power (IPP)

Tom Bingham, Utah Mining Association.

The motion passed with Rep. Tanner voting in opposition. Reps. Carlson, Styler and Tuttle were absent for the vote.

Rep. Bradley T. Johnson, Chair

Rep. Tom Hatch, Vice-Chair