

**MINUTES OF THE
PUBLIC UTILITIES & TECHNOLOGY STANDING COMMITTEE
Room 225 - State Capitol Building
February 13, 2004**

MEMBERS PRESENT: Rep. Stephen H. Urquhart, Chair
Rep. Glenn A. Donnelson, Vice Chair
Rep. Sheryl L. Allen
Rep. Ralph Becker
Rep. Chad E. Bennion
Rep. Greg J. Curtis
Rep. Brent H. Goodfellow
Rep. Ty McCartney
Rep. Michael E. Noel
Rep. Gordon E. Snow
Rep. Michael R. Styler
Rep. David Ure

MEMBERS ABSENT: None

STAFF PRESENT: Richard North, Policy Analyst
Cherri White, Committee Secretary

NOTE: A list of visitors and a copy of handouts are filed with the committee minutes.

Representative Donnelson called the meeting to order at 8:15 A.M. and called for a motion to adopt the minutes of February 10, 2004.

MOTION: Representative Ure moved to adopt the minutes of February 10, 2004. The motion passed unanimously with Representatives Allen, Curtis, and McCartney absent for the vote.

H.B. 145 Approval Required for Disposal of Radioactive Waste (*Rep. S. Urquhart*)

This bill was introduced and received public testimony on February 10, 2004.

MOTION: Representative Urquhart moved the following amendment:

1. Page 1, Line 27: After line 27 insert:

"59-24-103.5, as enacted by Chapter 295, Laws of Utah 2003"

2. Page 2, Line 35: After line 35 insert:

"(b)(i) "Class A low-level radioactive waste" means low-level radioactive waste, as defined in Subsection 19-3-102(8), which is not class B and class C low-level

radioactive waste, as defined in Subsection 19-3-102(4).
(ii)"Class A low-level radioactive waste"does not include uranium mill tailings."

Reorder remaining subsections accordingly.

3. Page 4, Line 92: After line 92 insert:

"(5) Notwithstanding Subsection (4)(c)(ii), a radioactive waste facility which, prior to January 1, 2004, has received a radioactive waste license to receive, transfer, store, decay in storage, treat, or dispose of class A low-level radioactive waste, is not subject to the requirements of Subsections (3)(c) and (d) for any application to amend the existing license if the application requests approval to receive, transfer, store, decay in storage, treat, or dispose of class A low-level radioactive waste."

Reorder remaining subsections accordingly.

4. Page 4, Line 96: After line 96 insert:

"Section 2. Section **59-24-103.5** is amended to read:

59-24-103.5. Radioactive waste disposal, processing, and recycling facility tax.

- (1) On and after July 1, 2003, there is imposed a tax on a radioactive waste facility, or a processing or recycling facility, as provided in this chapter.
- (2) The tax is equal to the sum of the following amounts:
- (a) 12% of the gross receipts of a radioactive waste facility derived from the disposal of containerized class A waste;
 - (b) 10% of the gross receipts of a radioactive waste facility derived from the disposal of processed class A waste;
 - (c) 5% of the gross receipts of a radioactive waste facility derived from the disposal of uncontainerized, unprocessed class A waste from a governmental entity or an agent of a governmental entity:
 - (i) pursuant to a contract entered into on or after April 30, 2001;
 - (ii) pursuant to a contract substantially modified on or after April 30, 2001;
 - (iii) pursuant to a contract renewed or extended on or after April 30, 2001; or
 - (iv) not pursuant to a contract;
 - (d) 5% of the gross receipts of a radioactive waste facility derived from the disposal of uncontainerized, unprocessed class A waste received by the facility from an entity other than a governmental entity or an agent of a governmental entity;
 - (e) (i) 5% of the gross receipts of a radioactive waste facility derived from the disposal of mixed waste, other than the mixed waste described in Subsection (2)(e)(ii), received from an entity other than a governmental entity or an agent of

- a governmental entity; and
(ii) 10% of the gross receipts of a radioactive facility derived from the disposal of mixed waste:
(A) received from an entity other than a governmental entity or an agent of a governmental entity; and
(B) that contains a higher radionuclide concentration level than the mixed waste received by the radioactive waste facility prior to April 1, 2004;
(f) 10 cents per cubic foot of alternate feed material received at a radioactive waste facility for disposal or reprocessing; and
(g) 10 cents per cubic foot of byproduct material received at a radioactive waste facility for disposal.
(3) For purposes of the tax imposed by this section, a fraction of a cubic foot is considered to be a full cubic foot.
(4) Except as provided in Subsection (2)(e), the tax imposed by this section does not apply to radioactive waste containing material classified as hazardous waste under 40 C.F.R. Part 261."

Renumber remaining sections accordingly.

Addressing questions from the committee:

Brian Allred, Policy Analyst
Tim Barney, Envirocare
Tye Rogers, Envirocare
Jason Groenewold, HEAL Utah
Diane Nelson, Executive Director, Department of Environmental Quality

The motion passed unanimously.

MOTION : Representative Ure moved to pass the bill out favorably as amended. The motion passed unanimously with Representative Bennion absent for the vote.

H.B. 323 Spyware Regulation (Rep. S. Urquhart)

The sponsor turned the introduction of the bill to Ben Etelman, Spyware Expert Witness.

Jay Magure, Legislative Affairs Director, 1-800-Contacts, spoke in favor of the bill.

Doug Foxley, Foxley and Pignanelli, expressed concerns with the bill.

MOTION: Representative Urquhart moved to delete H.B. 323 and replace it with 2nd Substitute H.B. 323. The motion passed unanimously with Representatives Bennion and Curtis absent for the vote.

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MOTION: Representative Goodfellow moved to pass 2nd Substitute H.B. 323 out favorably. The motion passed unanimously with Representatives Bennion, Curtis and McCartney absent for the vote.

MOTION: Representative Ure moved to adjourn. The motion passed unanimously. The meeting adjourned at 9:33 A.M

Rep. Stephen H. Urquhart, Chair