

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

Room W125, West Office Building, State Capitol Complex

January 29, 2007

Members Present: Rep. Roger E. Barrus, Chair
Rep. Kerry Gibson, Vice Chair
Rep. Sylvia Andersen
Rep. Mel Brown
Rep. Glenn Donnelson
Rep. Jack Draxler
Rep. Carl Duckworth
Rep. James Gowans
Rep. Neal Hendrickson
Rep. John Mathis
Rep. Mike Noel
Rep. Phil Riesen
Rep. Steve Sandstrom
Rep. Richard Wheeler

Members Absent: Rep. Patrick Painter

Staff Present: Brian Allred, Policy Analyst
Carrie Griffith, Committee Secretary

Note: List of visitors and a copy of handouts are filed with committee minutes

Rep. Barrus called the meeting to order at 8:03 a.m.

MOTION: Rep. Gibson moved to approve the minutes of the January 25, 2007 meeting. The motion passed unanimously, with Rep. Hendrickson, Rep. Noel, Rep. Riesen, Rep. Sandstrom and Rep. Wheeler absent for the vote.

**H.B. 280 Centennial Nonmotorized Paths and Trail Crossings Program
Appropriation (Rep. K. Holdaway)**

Rep. Holdaway explained the bill to the committee.

Spoke for the bill: Mary Tumius, Director State Parks and Recreation
Julie Peck-Dabling, Utah Recreational Trails Advisory Council
Rep. Ralph Becker, District 24

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

1. *Page 1, Line 14:*

14 ▶ establishes an ongoing appropriation of ~~{-\$500,000}~~ **\$350,000** to the
Centennial Nonmotorized

2. *Page 1, Line 19:*

19 ▶ as an ongoing appropriation, subject to future budget constraints,
~~{-\$500,000}~~ **\$350,000** to the

3. *Page 2, Line 30:*

30 appropriated from the General Fund for fiscal year 2007-08, {-
~~\$500,000}~~ **\$350,000** to the Department of

The motion passed, with Rep. Draxler, Rep. Duckworth, Rep. Hendrickson and Rep. Riesen voting in opposition.

MOTION: Rep. Andersen moved to pass the bill out favorably as amended. The motion failed, with Rep. Andersen, Rep. Barrus, Rep. Donnelson, Rep. Draxler, Rep. Duckworth, Rep. Hendrickson, and Rep. Riesen, voting in the affirmative.

H.B. 237 Requirements for Off-highway Vehicles (Rep. A. Tilton)

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

1. *Page 1, Lines 16 through 18:*

16 {~~→ prohibits a person from operating an off-highway vehicle on a public
land, trail,
17 street, or highway if the off-highway vehicle exceeds certain noise emission
18 standards with exceptions;~~}

2. *Page 2, Line 31:*

31 {~~41-22-13, as last amended by Chapter 1, Laws of Utah 1986, Second Special
Session~~}

3. *Page 4, Lines 94 through 113:*

94 {~~Section 3. Section 41-22-13 is amended to read:~~

95 ~~41-22-13. Prohibited uses.~~
96 ~~[No] (1) A person may not operate an off-highway vehicle in connection with:~~
97 ~~(a) acts of vandalism[,];~~
98 ~~(b) harassment of wildlife or domestic animals[,];~~
99 ~~(c) burglaries or other crimes[,]; or~~
100 ~~(d) damage to the environment, which includes:~~
101 ~~(i) excessive pollution of air, water, or land[,];~~
102 ~~(ii) abuse of the watershed[,];~~
103 ~~(iii) impairment of plant or animal life[,]; or~~
104 ~~(iv) excessive mechanical noise.~~
105 ~~(2) Except as provided in Subsection (3), a person may not operate an~~
106 ~~off-highway~~
107 ~~vehicle on any public land, trail, street, or highway in this state with a noise emission~~
108 ~~that~~
109 ~~exceeds 96 dbA using test procedures established by the Society of Automotive~~
110 ~~Engineers~~
111 ~~under Standard J-1287.~~
112 ~~(3) The prohibition under Subsection (2) does not apply to:~~
113 ~~(a) a snowmobile; or~~
114 ~~(b) an off-highway vehicle operated on sand dunes or in a competitive or~~
115 ~~organized~~
116 ~~event.}~~
117 Section {~~4~~} 3 . Section **41-22-29** is amended to read:

The motion passed unanimously.

Rep. Tilton explained the bill to the committee.

Spoke for the bill: Todd Bingham, Utah Farm Bureau
 Mike Swensen, Executive Director Utah Shared Access Alliance

Spoke against the bill: Fred Hayes, Off-Highway Vehicles, Dept. of Natural Resources
 Ted Wooley, State Parks and Recreation and Off-Highway Vehicles

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

1. Page 1, Lines 19 through 21:

19{ ~~—————~~ changes the age that a person is prohibited from operating an
off-highway vehicle
20 from younger than eight to younger than six years of age except in certain
21 circumstances; and }

2. Page 2, Line 32:

32{ ~~————— 41-22-29, as last amended by Chapter 114, Laws of Utah 1999.~~ }

3. Page 4, Line 113 through Page 5, Line 140:

11§ ~~————~~ Section 4. Section 41-22-29 is amended to read:
114 ~~———— 41-22-29. Operation by persons under six years of age prohibited -- Definitions~~
~~--~~
115 ~~Exception -- Penalty.~~
116 ~~———— (1) As used in this section:~~
117 ~~———— (a) "Organized practice" means a scheduled motorcycle practice held in an~~
~~off-road~~
118 ~~vehicle facility designated by the division and conducted by an organization carrying~~
~~liability~~
119 ~~insurance in at least the amounts specified by the division under Subsection (5)~~
~~covering all~~
120 ~~activities associated with the practice.~~
121 ~~———— (b) "Sanctioned race" means a motorcycle race conducted on a closed course~~
~~and~~
122 ~~sponsored and sanctioned by an organization carrying liability insurance in at least~~
~~the amounts~~
123 ~~specified by the division under Subsection (5) covering all activities associated with~~
~~the race.~~
124 ~~———— (2) Except as provided under Subsection (3), a person under [eight] six years of~~
~~age~~
125 ~~may not operate and an owner may not give another person who is under [eight] six~~
~~years of~~
126 ~~age permission to operate an off-highway vehicle on any public land, trail, street, or~~
~~highway of~~
127 ~~this state.~~

128 ~~—(3) A child under [eight] six years of age may participate in a sanctioned race or~~
129 ~~organized practice if:~~
130 ~~—(a) the child is under the immediate supervision of an adult;~~
131 ~~—(b) [advanced life support] emergency medical service personnel, as defined in~~
Section
132 ~~[26-8-2] 26-8a-102, are on the premises and immediately available to provide~~
assistance at all
133 ~~times during the sanctioned race or organized practice; and~~
134 ~~—(c) an ambulance [service] provider, as defined in Section [26-8-2] 26-8a-102, is~~
on the
135 ~~premises and immediately available to provide assistance for a sanctioned race.~~
136 ~~—(4) Any person convicted of a violation of this section is guilty of an infraction~~
and
137 ~~shall be fined not more than \$50 per offense.~~
138 ~~—(5) In accordance with Title 63, Chapter 46a, Utah Administrative Rulemaking~~
Act, the
139 ~~division shall make rules specifying the minimum amounts of liability coverage for an~~
140 ~~organized practice or sanctioned race. }~~

SUBSTITUTE

MOTION: Rep. Noel moved to proceed to the next item on the agenda. The motion passed unanimously.

H.C.R. 4 Resolution Encouraging State Universities' and School Institutional Trust Lands' Efforts in Enhancing State Trust Lands (Rep. E. Hutchings)

Rep. Hutchings explained the bill to the committee.

Spoke for the bill: Kevin Carter, SITLA

MOTION: Rep. Andersen moved to pass the bill out favorably. The motion passed unanimously, with Rep. Hendrickson and Rep. Wheeler absent for the vote.

MOTION: Rep. Noel moved to place the bill on the consent calendar. The motion passed unanimously, with Rep. Hendrickson and Rep. Wheeler absent for the vote.

Rep. Barrus relinquished the chair to Rep. Gibson.

H.B. 124 Agricultural Education (*Rep. R. Menlove*)

MOTION: Rep. Mathis moved to delete in title and body **H.B. 124** and replace it with **1st Sub. H.B. 124**. The motion passed unanimously, with Rep. Barrus and Rep. Hendrickson absent for the vote.

Rep. Menlove explained the bill to the committee. (handout)

Spoke for the bill: Debra Spielmaker, USU, Agriculture in the Classroom
 Grant Peterson, Grantsville High Agriculture Teacher
 Monica Aagard, student at Grantsville High and Utah FFA
 Mary Shumway, State Office of Education

MOTION: Rep. Donnelson moved to pass the bill out favorably as substituted. The bill passed unanimously with Rep. Barrus and Rep. Hendrickson absent for the vote.

MOTION: Rep. Sandstrom moved to adjourn. The motion passed unanimously, with Rep. Barrus and Rep. Hendrickson absent for the vote.

The meeting adjourned at 9:51 a.m.

Rep. Roger E. Barrus, Chair