

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

Room C445, State Capitol

March 7, 2013

Members Present: Rep. Mike Noel, Chair
Rep. Doug Sagers, Vice Chair
Rep. Joel Briscoe
Rep. Mel Brown
Rep. Kay Christofferson
Rep. Jack Draxler
Rep. Susan Duckworth
Rep. Becky Edwards
Rep. Steve Handy
Rep. Ken Ivory
Rep. John Mathis
Rep. Mike McKell
Rep. Ryan Wilcox
Rep. Larry Wiley

Members Absent: Rep. Roger Barrus
Rep. Merrill Nelson

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 Noel called the meeting to order at 4:32 p.m.

MOTION: Rep. Christofferson moved to approve the minutes of March 5, 2013. The motion passed unanimously with Rep. Brown, Rep. Ivory, and Rep. Wilcox absent for the vote.

H.B. 168 **Air Quality Mitigation by Government Entities** (*Rep. P. Arent*)

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

1. *Page 3, Line 62:*

62 (e) encouraging use of public or alternative forms of transportation;

The motion to amend passed unanimously with Rep. Brown, Rep. Ivory, and Rep. Wilcox absent for the vote.

Rep. Sagers assumed the chair.

Rep. Arent introduced the bill with the assistance of Mr. Alan Matheson, environmental advisor to the governor. Mr. Bryce Bird, Director, Division of Air Quality, answered questions from the committee.

MOTION: Rep. Wiley moved to pass the bill out favorably as amended. The motion passed unanimously with Rep. Brown, Rep. Wilcox, and Rep. Noel absent for the vote.

H.B. 175 Local Political Subdivision Bonding Notice Requirements (Rep. J. Knotwell)

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

1. Page 1, Line 26:

26 {~~11-14-318, as last amended by Laws of Utah 2009, First Special Session, Chapter 5~~}

2. Page 2, Lines 46 through 50:

46 ~~{(h) detailed information on the debt liability owed by the local political subdivision on~~
47 ~~the day on which the governing body approved issuance of the bonds;~~
48 ~~—(i) the estimated total cost to the political subdivision for the bonds if the bonds are~~
49 ~~held until maturity, including principal, interest, and insurance costs; and }~~
(h) the total par amount of bonds currently outstanding that are secured by the same pledge of revenues as the proposed bonds, if any;
(i) information on a method by which an individual may obtain access to more detailed information relating to the outstanding bonds of the local political subdivision;
(j) the estimated total cost to the local political subdivision for the proposed bonds if the bonds are held until maturity, based on interest rates in effect at the time that the local political subdivision publishes the notice; and
50 [(h)] ~~{(j)}~~ (k) the times and place where a copy of the resolution or other proceeding may be

3. Page 3, Line 64 through Page 4, Line 98:

64 {~~Section 2. Section 11-14-318 is amended to read:~~}

65 ~~—11-14-318. Public hearing required -- Notice:~~
66 ~~—(1) Before issuing bonds authorized under this chapter, a local political~~
subdivision
67 shall:
68 ~~—(a) in accordance with Subsection (2), provide public notice of the local political~~
69 ~~subdivision's intent to issue bonds; [and]~~
70 ~~—(b) include, with the public notice described in Subsection (1)(a):~~
71 ~~—(i) a copy of the resolution or other proceeding that provides for the issuance of~~
bonds;
72 or
73 ~~—(ii) a notice of bonds to be issued, described in Subsection 11-14-316(2); and~~
74 ~~—[(b)](c) hold a public hearing:~~
75 ~~—(i) if an election is required under this chapter:~~
76 ~~—(A) no sooner than 30 days before the day on which the notice of election is~~
published
77 ~~under Section 11-14-202; and~~
78 ~~—(B) no later than five business days before the day on which the notice of~~
election is
79 ~~published under Section 11-14-202; and~~
80 ~~—(ii) to receive input from the public with respect to:~~
81 ~~—(A) the issuance of the bonds; and~~
82 ~~—(B) the potential economic impact that the improvement, facility, or property for~~
which
83 ~~the bonds pay all or part of the cost will have on the private sector.~~
84 ~~—(2) A local political subdivision shall:~~
85 ~~—(a) publish the notice required by Subsection (1)(a):~~
86 ~~—(i) once each week for two consecutive weeks in the official newspaper described~~
in
87 ~~Section 11-14-316 with the first publication being not less than 14 days before the~~
public
88 ~~hearing required by Subsection (1)[(b)](c); and~~
89 ~~—(ii) on the Utah Public Notice Website, created under Section 63F-1-701, no less~~
than
90 ~~14 days before the public hearing required by Subsection (1)[(b)](c); and~~
91 ~~—(b) ensure that the notice:~~

- 92 ~~—(i) identifies;~~
93 ~~—(A) the purpose for the issuance of the bonds;~~
94 ~~—(B) the maximum principal amount of the bonds to be issued;~~
95 ~~—(C) the taxes, if any, proposed to be pledged for repayment of the bonds; and~~
96 ~~—(D) the time, place, and location of the public hearing; and~~
97 ~~—(ii) informs the public that the public hearing will be held for the purposes~~
~~described in~~
98 ~~Subsection (1)(b)(c)(ii). }~~

The motion to amend passed favorably with Rep. Brown, Rep. Wilcox, and Rep. Noel absent for the vote.

Rep. Knotwell introduced the bill to the committee. Mr. Jon Bronson, Zion's Bank, answered questions from the committee.

Spoke in favor of the bill: Mr. Robert Wall, South Jordan City Attorney

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

MOTION: Rep. McKell moved to place the bill on the Consent Calendar. The motion passed unanimously with Rep. Wilcox absent for the vote.

H.B. 398 Fees on Gift Cards or Certificates (Rep. M. Brown)

MOTION: Rep. Mathis moved to replace HB398 with 1st Sub. HB398. The motion passed unanimously with Rep. Wilcox absent for the vote.

1st Sub. H.B. 398 Fees on Gift Cards or Certificates (Rep. M. Brown)

Rep. Brown introduced the bill to the committee with the assistance of Mr. Richard Walsh, citizen.

Spoke in opposition to the bill: Mr. Howard Headlee, Utah Bankers Association
Mr. Kirk Weiler, Wex Bank
Mr. Lewis Goodwin, Green Dot Bank
Mr. George Sutton, Utah Bankers Association
Mr. Scott Simpson, Utah Credit Union Association
Mr. Dave Davis, Utah Retail Merchants Association
Mr. Doug Foxley, Utah Association of Financial Services

MOTION: Rep. Wiley moved to hold 1st Sub. HB398.

SUBSTITUTE MOTION: Rep. Ivory moved to return 1st Sub. HB398 to the House Rules Committee. The motion passed with Rep. Brown, Rep. Draxler, Rep. Mathis, Rep. Sagers, and Rep. Noel voting in opposition.

H.B. 394 Outdoor Wood Boilers (*Rep. M. Noel*)

Rep. Noel introduced the bill to the committee with the assistance of Mr. David Leavitt, citizen (provided handout). Mr. Bryce Bird, Director, Division of Air Quality, answered questions from the committee.

MOTION: Rep. Draxler moved to pass the bill out favorably. The motion passed with Rep. Briscoe voting in opposition and Rep. Brown absent for the vote.

H.B. 401 Statute of Limitations on Trespass (*Rep. G. Froerer*)

Rep. Froerer introduced the bill to the committee.

Spoke in favor of the bill: Ms. Shanna Francis, Ogden Valley Land Trust
Ms. Jody Smith, Ogden Valley Land Trust

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

SUBSTITUTE MOTION: Rep. McKell moved to amend the bill by reducing the time period for enjoining a permanent trespass from 20 years to 7 seven years in lines 10, 15, and 30. After committee discussion, Rep. McKell withdrew the motion to amend.

The committee returned to the original motion to pass the bill out favorably. The motion passed with Rep. Edwards, Rep. Ivory, and Rep. Noel voting in opposition and Rep. Brown absent for the vote.

H.B. 162 Conservation Easement Revisions (*Rep. M. McKell*)

Rep. McKell introduced the bill to the committee and requested it be sent to interim.

MOTION: Rep. Briscoe moved to send HB162 to interim for further study. The motion passed unanimously with Rep. Brown absent for the vote.

H.B. 346 Air Quality Amendments (*Rep. R. Chavez-Houck*)

Rep. Chavez-Houck introduced the bill to the committee with the assistance of Mr. John Veranth, University of Utah Department of Pharmacology and Toxicology, and Ms. Joro Walker, Western Resources Advocates. Handouts were provided. Mr. Bryce Bird, Director, Utah Division of Air Quality, answered questions from the committee.

MOTION: Rep. Wiley moved to adjourn the meeting. The motion passed unanimously with Rep. Briscoe and Rep. Edwards voting in opposition and Rep. Brown absent for the vote.

Vice Chair Sagers adjourned the meeting at 7:35 p.m.

Rep. Mike Noel, Chair