

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

Room 445, State Capitol

February 10, 2015

Members Present: Rep. Lee B. Perry, Chair
Rep. Douglas V. Sagers, Vice Chair
Rep. Joel K. Briscoe
Rep. Melvin R. Brown
Rep. Scott H. Chew
Rep. Jack R. Draxler
Rep. Susan Duckworth
Rep. Steve G. Handy
Rep. Timothy D. Hawkes
Rep. Mike K. McKell
Rep. Michael E. Noel
Rep. Scott D. Sandall
Rep. Mike Schultz

Members Absent: Rep. Kraig Powell

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 Perry called the meeting to order at 3:53 p.m.

MOTION: Rep. Brown moved to approve the minutes of the February 4, 2015 meeting. The motion passed unanimously with Rep. Briscoe, Rep. Draxler, Rep. Duckworth, and Rep. Noel absent for the vote.

MOTION: Rep. Sagers moved to approve the minutes of the February 6, 2015 meeting as corrected by replacing H.B. 140 with H.B. 104. The motion passed unanimously with Rep. Briscoe, Rep. Draxler, Rep. Duckworth, and Rep. Noel absent for the vote.

H.B. 102 Agricultural Tourism Amendments (*Rep. L. Perry*)

Rep. Perry explained the bill to the committee. "Utah Agriculture and Food" was distributed to the committee.

Spoke for the bill: Craig Moody, Utah Association for Justice
Brett Herbst, citizen
Sterling Brown, Utah Farm Bureau
LuAnn Adams, Commissioner, Utah Department of Agriculture and Food

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

1. *Page 2, Lines 49 through 50:*

49 (c) "Inherent risk" means a danger, hazard, or condition which is an integral part of
an
50 agricultural tourism activity **and that cannot be eliminated by the exercise of**
reasonable care , including:

2. *Page 3, Lines 66 through 67:*

66 (2) A participant in an agricultural tourism activity may not make any claim against,
or
67 recover damages from, any operator for injury **primarily** resulting from:

3. *Page 3, Lines 77 through 79:*

77 ~~[(2)]~~ (4) In any action for damages for personal injury, death, or property damage in
78 which an owner or operator of an ~~[agri-tourism]~~ agritourism activity is named as a
defendant, ~~{it~~
79 ~~shall be an affirmative defense to liability that }~~ **the court shall undergo a**
comparative negligence analysis and consider whether :

The motion passed unanimously with Rep. Draxler and Rep. McKell absent for the vote.

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

H.B. 43 Water Rights - Change Application Amendments (Rep. K. McIff)

This bill was not considered.

H.B. 25 Water Law - Application Revisions (*Rep. V. L. Snow*)

Rep. Snow explained the bill to the committee with the assistance of Richard Bay, General Manager, Jordan Valley Water Conservation District, and Mark Stratford, Assistant Attorney, Ogden City. "Utah HB25 Water Law" was distributed to the committee.

Spoke for the bill: Kent Jones, State Engineer and Director, Utah Division of Water Rights
 Sterling Brown, Utah Farm Bureau
 Cameron Diehl, League of Cities and Towns

Spoke against the bill: Craig Jackson, attorney

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

H.B. 222 Farmland Assessment Act Amendments (*Rep. M. Noel*)

Rep. Noel explained the bill to the committee. Taz Biesinger, Jordanelle Landowners Group, answered questions from the committee.

Spoke for the bill: Taz Biesinger, Jordanelle Landowners Group
 Howard Headlee, Utah Bankers Association
 Shelly Teuscher, Jordanelle Special Service District

MOTION: Rep. Duckworth moved to pass the bill out favorably. The motion passed unanimously with Rep. McKell and Rep. Sagers absent for the vote.

H.B. 212 Wildland Fire Liability Amendments (*Rep. M. Wheatley*)

Rep. Wheatley explained the bill to the committee.

MOTION: Rep. Hawkes moved to pass the bill out favorably. The motion passed unanimously with Rep. McKell and Rep. Sagers absent for the vote.

H.B. 64 Milk Sales Amendments (*Rep. J. Anderegg*)

Rep. Anderegg explained the bill to the committee.

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

SUBSTITUTE MOTION: Rep. McKell moved to adjourn. The motion failed with Rep. Brisco, Rep. Chew, Rep. Duckworth, Rep. Hawkes, Rep. Noel, and Rep. Perry voting in opposition and Rep. Sagers absent for the vote.

SUBSTITUTE MOTION: Rep. Handy moved to send the bill to the Rules Committee and requested it be included on the Master Study Resolution. The motion passed with Rep. Schultz voting in opposition and Rep. Sagers absent for the vote.

MOTION: Rep. Sandall moved to adjourn. The motion passed unanimously with Rep. Sagers absent for the vote.

Chair Perry adjourned the meeting at 5:30 p.m.

Lee B. Perry, Chair