

**MINUTES OF THE
SENATE NATURAL RESOURCES, AGRICULTURE, AND ENVIRONMENT STANDING COMMITTEE**

Monday , February 26, 2018 • 4:04 p.m. • 415 State Capitol

Members Present:

Sen. Margaret Dayton, Chair
Sen. Allen M. Christensen
Sen. David P. Hinkins
Sen. Jani Iwamoto
Sen. Brian Zehnder

Members Absent:

Sen. Peter C. Knudson
Sen. Evan J. Vickers

Staff Present:

Mr. J Brian Allred, Policy Analyst
Ms. Paula Morgan, Committee Secretary

Note: A copy of related materials and an audio recording of the meeting can be found at www.le.utah.gov.

Chair Dayton called the meeting to order at 4:07 PM.

Sen. Christensen assumed the chair.

1 . S.B. 220 Hole in the Rock State Park Trail Extension (*Dayton, M.*)

Sen. Dayton explained the bill with assistance from Stewart Matheson, Attorney.

Fred Hayes, Director, Utah State Parks, spoke in favor of the bill.

MOTION: Sen. Dayton moved to pass S.B. 220 out favorably. The motion passed with a vote of 4 - 0 - 3 .

Yeas-4

Sen. A. Christensen
Sen. M. Dayton
Sen. D. Hinkins
Sen. J. Iwamoto

Nays-0

Absent-3

Sen. P. Knudson
Sen. E. Vickers
Sen. B. Zehnder

MOTION: Sen. Dayton moved to place S.B. 220 on the Consent Calendar. The motion passed with a vote of 4 - 0 - 3 .

Yeas-4

Sen. A. Christensen
Sen. M. Dayton
Sen. D. Hinkins
Sen. J. Iwamoto

Nays-0

Absent-3

Sen. P. Knudson
Sen. E. Vickers
Sen. B. Zehnder

Sen. Dayton resumed the chair.

2 . 1st Sub. H.B. 136 Federal Designations (*Noel, M.*)

Rep. Noel explained the bill.

MOTION: Sen. Christensen moved to approve the minutes for February 22, 2018. The motion passed with a vote of 4 - 0 - 3 .

Yeas-4

Sen. A. Christensen

Nays-0

Absent-3

Sen. P. Knudson

Sen. M. Dayton
Sen. D. Hinkins
Sen. J. Iwamoto

Sen. E. Vickers
Sen. B. Zehnder

Rep. Noel continued his explanation.

Nizhone Meza, Citizen, spoke in opposition to the bill.

Carl Fisher, Executive Director, Save Our Canyons, spoke in opposition to the bill.

Ashley Soltysiak, Director, Utah Sierra Club, spoke in opposition to the bill.

Ann O 'Connell, League of Women Voters, spoke in opposition to the bill.

Joshua Cameron, Citizen, spoke in opposition to the bill.

MOTION: Sen. Christensen moved to pass 1st Substitute H.B. 136 out favorably. The motion passed with a vote of 3 - 2 - 2 .

Yeas-3

Sen. A. Christensen
Sen. M. Dayton
Sen. D. Hinkins

Nays-2

Sen. J. Iwamoto
Sen. B. Zehnder

Absent-2

Sen. P. Knudson
Sen. E. Vickers

3 . H.B. 114 Street-Legal ATV Amendments (Noel, M.)

Rep. Noel explained the bill.

Brett Stewart, UTV Utah, spoke in favor of the bill.

Steven Hawkins, President, Utah ATV Association, spoke in favor of the bill.

MOTION: Sen. Hinkins moved to pass H.B. 114 out favorably. The motion passed with a vote of 5 - 0 - 2 .

Yeas-5

Sen. A. Christensen
Sen. M. Dayton
Sen. D. Hinkins
Sen. J. Iwamoto

Nays-0

Absent-2

Sen. P. Knudson
Sen. E. Vickers

Sen. B. Zehnder

4 . H.B. 240 Utah State Fair Board Amendments (*Schultz, M.*)

Rep. Schultz explained the bill.

Mike Kohler, Board Member, Fair Park, spoke in favor of the bill.

MOTION: Sen. Christensen moved to pass H.B. 240 out favorably. The motion passed with a vote of 5 - 0 - 2 .

Yeas-5

Sen. A. Christensen
Sen. M. Dayton
Sen. D. Hinkins
Sen. J. Iwamoto
Sen. B. Zehnder

Nays-0

Absent-2

Sen. P. Knudson
Sen. E. Vickers

MOTION: Chair Dayton moved to place H.B. 240 on the Consent Calendar. The motion passed with a vote of 5 - 0 - 2 .

Yeas-5

Sen. A. Christensen
Sen. M. Dayton
Sen. D. Hinkins
Sen. J. Iwamoto
Sen. B. Zehnder

Nays-0

Absent-2

Sen. P. Knudson
Sen. E. Vickers

5 . H.J.R. 1 Joint Resolution Urging Exemption from the Antiquities Act (*Albrecht, C.*)

Rep. Albrecht explained the bill.

Alastair Bitsoi, Utah Dine Bikeyah Board, spoke in opposition to the bill.

Kathy Abarca, Executive Director, Racially Just Utah, spoke in opposition to the bill.

Ashley Soltysiak, Director, Utah Sierra Club, spoke in opposition to the bill.

Cassandra Begay, Navajo Tribal Member, spoke in opposition to the bill.

Mark Compton, President, Utah Mining Association, spoke in favor of the bill,

Steve Lund, Commissioner, Sanpete County, spoke in favor of the bill.

Josh Cameron, National Coordinator, Our Voice USA, spoke in opposition to the bill.

Davina Smith, Citizen, spoke in opposition to the bill.

Matt Anderson, Director, Sutherland Institute, spoke in favor of the bill.

Danae Shanidiin, Indigenous Woman, Dine Tribe, spoke in opposition to the bill.

Cynthia Wilson, Navajo Citizen, spoke in opposition to the bill.

Carl Moore, Hopi Citizen, spoke in opposition to the bill.

Nizhone Meza, Citizen, spoke in opposition to the bill.

Gavin Noyes, Executive Director, Utah Dine Bikeyah, spoke in opposition to the bill.

Bill Christiansen, spoke in opposition to the bill

MOTION: Sen. Hinkins moved to pass H.J.R. 1 out favorably. The motion passed with a vote of 3 - 2 - 2 .

Yeas-3

Sen. A. Christensen
Sen. M. Dayton
Sen. D. Hinkins

Nays-2

Sen. J. Iwamoto
Sen. B. Zehnder

Absent-2

Sen. P. Knudson
Sen. E. Vickers

6 . H.B. 214 Agricultural Advisory Board Amendments (McKell, M.)

Rep. McKell explained the bill.

LuAnn Adams, Commissioner, Utah Department of Agriculture and Food, spoke in favor of the bill

MOTION: Sen. Christensen moved to pass H.B. 214 out favorably. The motion passed with a vote of 5 - 0 - 2 .

Yeas-5

Nays-0

Absent-2

Sen. A. Christensen
Sen. M. Dayton
Sen. D. Hinkins
Sen. J. Iwamoto
Sen. B. Zehnder

Sen. P. Knudson
Sen. E. Vickers

MOTION: Sen. Christensen moved to place H.B. 214 on the Consent Calendar. The motion passed with a vote of 5 - 0 - 2 .

Yeas-5

Nays-0

Absent-2

Sen. A. Christensen
Sen. M. Dayton
Sen. D. Hinkins
Sen. J. Iwamoto
Sen. B. Zehnder

Sen. P. Knudson
Sen. E. Vickers

7 . H.B. 153 Homestead Exemption Amendments (Stratton, K.)

Rep. Stratton explained the bill.

MOTION: Sen. Christensen moved to amend H.B. 153 with Amendment #2. The motion passed with a vote of 5 - 0 - 2 .

Amendment 2
H.B. 153

1 Page 1, Line 1

1 { ~~HOMESTEAD~~ } EXEMPTION AMENDMENTS

2 Page 1, Lines 7 through 13

7 LONG TITLE

8 General Description:

9 This bill modifies provisions related to { ~~homestead~~ } exemptions.

10 Highlighted Provisions:

11 This bill:

12 ▶ addresses the value of a homestead exemption; { ~~and~~ }

▶ includes certain savings plans; and

13 ▶ makes technical changes.

3 Page 1, Line 20

20 78B-5-503, as last amended by Laws of Utah 2013, Chapter 192

78B-5-505, as last amended by Laws of Utah 2016, Chapter 262

4 Page 3, Line 82

82 be a property right.

Section 2. Section 78B-5-505 is amended to read:

78B-5-505. Property exempt from execution.

(1) (a) An individual is entitled to exemption of the following property:

(i) a burial plot for the individual and the individual's family;

(ii) health aids reasonably necessary to enable the individual or a dependent to work or sustain health;

(iii) benefits the individual or the individual's dependent have received or are entitled to receive from any source

because of:

(A) disability;

(B) illness; or

(C) unemployment;

(iv) benefits paid or payable for medical, surgical, or hospital care to the extent they are used by an individual or the individual's dependent to pay for that care;

(v) veterans benefits;

(vi) money or property received, and rights to receive money or property for child support;

(vii) money or property received, and rights to receive money or property for alimony or separate maintenance, to the extent reasonably necessary for the support of the individual and the individual's dependents;

(viii) (A) one:

(I) clothes washer and dryer;

(II) refrigerator;

(III) freezer;

(IV) stove;

(V) microwave oven; and

(VI) sewing machine;

(B) all carpets in use;

(C) provisions sufficient for 12 months actually provided for individual or family use;

(D) all wearing apparel of every individual and dependent, not including jewelry or furs; and

(E) all beds and bedding for every individual or dependent;

(ix) except for works of art held by the debtor as part of a trade or business, works of art:

(A) depicting the debtor or the debtor and his resident family; or

(B) produced by the debtor or the debtor and his resident family;

(x) proceeds of insurance, a judgment, or a settlement, or other rights accruing as a result of bodily injury of the individual or of the wrongful death or bodily injury of another individual of whom the individual was or is a dependent to the extent that those proceeds are compensatory;

(xi) the proceeds or benefits of any life insurance contracts or policies paid or payable to the debtor or any trust of which the debtor is a beneficiary upon the death of the spouse or children of the debtor, provided that the contract or policy has been owned by the debtor for a continuous unexpired period of one year;

(xii) the proceeds or benefits of any life insurance contracts or policies paid or payable to the spouse or children of the debtor or any trust of which the spouse or children are beneficiaries upon the death of the debtor, provided that the contract or policy has been in existence for a continuous unexpired period of one year;

(xiii) proceeds and avails of any unmatured life insurance contracts owned by the debtor or any revocable grantor trust created by the debtor, excluding any payments made on the contract during the one year immediately preceding a creditor's levy or execution;

(xiv) except as provided in Subsection (1)(b), any money or other assets held for or payable to the individual as a participant or beneficiary from or an interest of the individual as a participant or beneficiary in a retirement plan or arrangement that is described in Section 401(a), 401(h), 401(k), 403(a), 403(b), 408, 408A, 409, 414(d), 414(e), or 457, Internal Revenue Code;

(xv) the interest of or any money or other assets payable to an alternate payee under a qualified domestic relations order as those terms are defined in Section 414(p), Internal Revenue Code;

(xvi) unpaid earnings of the household of the filing individual due as of the date of the filing of a bankruptcy petition in the amount of 1/24 of the Utah State annual median family income for the household size of the filing individual as determined by the Utah State Annual Median Family Income reported by the United States Census Bureau and as adjusted based upon the Consumer Price Index for All Urban Consumers for an individual whose unpaid earnings are paid more often than once a month or, if unpaid earnings are not paid more often than once a month, then in the amount of 1/12 of the Utah State annual median family income for the household size of the individual as determined by the Utah State Annual Median Family Income reported by the United States Census Bureau and as adjusted based upon the Consumer Price Index for All Urban Consumers; ~~{-and-}~~

(xvii) except for curio or relic firearms, as defined in Section 76-10-501, any three of the following:

(A) one handgun and ammunition for the handgun not exceeding 1,000 rounds;

(B) one shotgun and ammunition for the shotgun not exceeding 1,000 rounds; and

(C) one shoulder arm and ammunition for the shoulder arm not exceeding 1,000 rounds ~~{-}~~ ; **and**

(xviii) a tax-advantaged method of saving for higher education costs on behalf of a particular individual that meets the requirements of Section 529, Internal Revenue Code.

(b) The exemption granted by Subsection (1)(a)(xiv) does not apply to:

(i) an alternate payee under a qualified domestic relations order, as those terms are defined in Section 414(p), Internal Revenue Code; or

(ii) amounts contributed or benefits accrued by or on behalf of a debtor within one year before the debtor files for bankruptcy. This may not include amounts directly rolled over from other funds which are exempt from attachment under this section.

(2) The exemptions in Subsections (1)(a)(xi), (xii), and (xiii) do not apply to proceeds and avails of any matured or unmatured life insurance contract assigned or pledged as collateral for repayment of a loan or other legal obligation.

(3) Disability benefits, as described in Subsection (1)(a)(iii)(A), and veterans benefits, as described in Subsection (1)(a)(v), may be garnished on behalf of a child victim if the person receiving the benefits has been convicted of a felony sex offense against a child and ordered by the convicting court to pay restitution to the victim. The exemption from execution under this section shall be reinstated upon payment of the restitution in full.

(4) Exemptions under this section do not limit items that may be claimed as exempt under Section 78B-5-506.

Yeas-5

Sen. A. Christensen

Nays-0

Absent-2

Sen. P. Knudson

Sen. M. Dayton
Sen. D. Hinkins
Sen. J. Iwamoto
Sen. B. Zehnder

Sen. E. Vickers

MOTION: Sen. Christensen moved to pass H.B. 153 out favorably. The motion passed with a vote of 5 - 0 - 2 .

Yeas-5

Sen. A. Christensen
Sen. M. Dayton
Sen. D. Hinkins
Sen. J. Iwamoto
Sen. B. Zehnder

Nays-0

Absent-2

Sen. P. Knudson
Sen. E. Vickers

8 . 1st Sub. H.B. 103 Water Conservation Revisions (Froerer, G.)

Rep. Froerer explained the bill.

MOTION: Sen. Hinkins moved to pass 1st Substitute H.B. 103 out favorably. The motion passed with a vote of 5 - 0 - 2 .

Yeas-5

Sen. A. Christensen
Sen. M. Dayton
Sen. D. Hinkins
Sen. J. Iwamoto
Sen. B. Zehnder

Nays-0

Absent-2

Sen. P. Knudson
Sen. E. Vickers

MOTION: Sen. Christensen moved to approve the minutes for February 20, 2018. The motion passed with a vote of 5 - 0 - 2 .

Yeas-5

Sen. A. Christensen
Sen. M. Dayton
Sen. D. Hinkins
Sen. J. Iwamoto
Sen. B. Zehnder

Nays-0

Absent-2

Sen. P. Knudson
Sen. E. Vickers

MOTION: Sen. Christensen moved to adjourn. The motion passed with a vote of 5 - 0 - 2 .

Yeas-5

Sen. A. Christensen
Sen. M. Dayton
Sen. D. Hinkins
Sen. J. Iwamoto
Sen. B. Zehnder

Nays-0

Absent-2

Sen. P. Knudson
Sen. E. Vickers