



MINUTES

SENATE NATURAL RESOURCES, AGRICULTURE, AND ENVIRONMENT STANDING COMMITTEE

LEGISLATURE

Wednesday, March 6, 2019 | 8:30 a.m. | 220 Senate Building

Members Present:

Sen. Ralph Okerlund, Chair
Sen. Allen M. Christensen
Sen. David P. Hinkins
Sen. Jani Iwamoto
Sen. Derek L. Kitchen
Sen. Scott D. Sandall
Sen. Evan J. Vickers

Members Absent:

Sen. Keith Grover
Sen. Jerry W. Stevenson

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 Okerlund called the meeting to order at 8:35 a.m.

MOTION: Sen. Christensen moved to approve the minutes for March 4, 2019 The motion passed with a vote of 6 - 0 - 3.

Yeas-6

Sen. A. Christensen
Sen. D. Hinkins
Sen. J. Iwamoto
Sen. R. Okerlund
Sen. S. Sandall
Sen. E. Vickers

Nays-0

Absent-3

Sen. K. Grover
Sen. D. Kitchen
Sen. J. Stevenson

1 . H.J.R. 1 Proposal to Amend Utah Constitution – Municipal Water Resources (Stratton, K.)

Rep. Keven Stratton explained the bill.

Steven Clyde, Water Attorney, spoke to the bill.

John Hiskey, Senior Policy Advisor, Utah League of Cities and Towns, spoke in favor of the bill.

MOTION: Sen. Iwamoto moved to pass H.J.R. 1 out favorably. The motion passed with a vote of 7 - 0 - 2.

Yeas-7

Sen. A. Christensen
Sen. D. Hinkins
Sen. J. Iwamoto
Sen. D. Kitchen
Sen. R. Okerlund
Sen. S. Sandall
Sen. E. Vickers

Nays-0

Absent-2

Sen. K. Grover
Sen. J. Stevenson

2 . H.B. 31 Water Supply and Surplus Water Amendments (Coleman, K.)

Rep. Kim Coleman explained the bill.

Steven Clyde, Water Attorney, spoke to the bill.

Richard Bay, General Manager, Jordan Valley Water Conservancy District, spoke in favor of the bill.

John Hiskey, Utah League of Cities and Towns, spoke in favor of the bill.

MOTION: Sen. Iwamoto moved to pass H.B. 31 out favorably. The motion passed with a vote of 6 - 0 - 3.

Yeas-6

Sen. A. Christensen
Sen. J. Iwamoto
Sen. D. Kitchen
Sen. R. Okerlund
Sen. S. Sandall
Sen. E. Vickers

Nays-0

Absent-3

Sen. K. Grover
Sen. D. Hinkins
Sen. J. Stevenson

3 . H.B. 126 Tire Recycling Modifications (Perry, L.)

Rep. Lee Perry explained the bill.

Rob Jahries, General Manager, Liberty Tire Recycling, spoke to the bill.

MOTION: Sen. Hinkins moved to go to the next item on the agenda.

SUBSTITUTE MOTION: Sen. Kitchen moved to pass H.B. 126 out favorably.

Sen. Hinkins withdrew his motion.

MOTION: Sen. Sandall moved to hold the bill.

Sen Sandall withdrew his motion.

MOTION: Sen. Sandall moved to amend H.B. 126 with Amendment #2. The motion passed with a vote of 7 - 0 - 2.

Amendment 2
H.B. 126

1. Page 1, Lines 13 through 14:

13 ▸ addresses waste tire transporters complying with this part; and
14 { ~~adjusts rates of partial reimbursement; and~~ }

2. Page 1, Line 26:

26 { ~~19-6-809, as last amended by Laws of Utah 2012, Chapter 263~~ }

3. Page 7, Line 191 through Page 9, Line 249:

191 { ~~Section 3. Section 19-6-809 is amended to read:~~

192 ~~19-6-809. Partial reimbursement.~~

193 ~~—(1) (a) A recycler may submit an application under Section 19-6-813 to the local health~~
194 ~~department having jurisdiction over the applicant's business address for partial reimbursement~~
195 ~~for the cost of transporting and processing a waste tire or a material derived from a waste tire~~
196 ~~that:~~

197 ~~—(i) meets the requirements of Subsections (3) and (4); and~~

198 ~~—(ii) is used within the state for:~~

199 ~~—(A) energy recovery or production;~~

200 ~~—(B) the creation of an ultimate product;~~

201 ~~—(C) the production of crumb rubber, if a contract exists for the sale of the crumb rubber~~
202 ~~for use, either within or outside the state, as a component in an ultimate product;~~

203 ~~—(D) the production of a chipped tire, if:~~



204 —(I) the chipped tire is beneficially used, either within or outside the state; and
 205 —(H) a contract exists for the sale of the chipped tire; or
 206 —(E) a use defined in rule as recycling;
 207 —(b) A recycler is not eligible to receive partial reimbursement for transportation or
 208 processing costs related to the creation of an ultimate product if:
 209 —(i) the recycler used crumb rubber as a component of the ultimate product; and
 210 —(ii) the recycler, or another recycler, previously received under this section partial
 211 reimbursement for transportation or processing costs related to the production of the crumb
 212 rubber.
 213 —(c) A recycler who qualifies under this section for partial reimbursement may waive the
 214 reimbursement and request in writing that the reimbursement be paid to a person who:
 215 —(i) delivers a waste tire or material derived from a waste tire to the recycler; or
 216 —(ii) processes the waste tire before the recycler receives the waste tire or a material
 217 derived from the waste tire for recycling;
 218 —(d) A recycler is not eligible to receive partial reimbursement for transportation or
 219 processing costs for baling:
 220 —(i) whole waste tires; or
 221 —(ii) materials derived from waste tires that are larger than shredded waste tires.
 222 —(2) Subject to the limitations in Section 19-6-816, a recycler is entitled to:
 223 —(a) [~~\$65~~] ~~\$80~~ as partial reimbursement for [each] a ton of waste tires or material
 224 derived from waste tires converted to crumb rubber, if a contract exists for the sale of the
 225 crumb rubber for use as a component in an ultimate product;
 226 —(b) \$50 as partial reimbursement for [each] a ton of waste tires or material derived
 227 from waste tires recycled, other than as crumb rubber; and
 228 —(c) \$20 as partial reimbursement for [each] a ton of chipped tires used for a beneficial
 229 use:
 230 —(3) (a) A recycler is eligible for a partial reimbursement if the recycler establishes, in
 231 cooperation with a tire retailer or transporter, or both, a reasonable schedule to remove waste
 232 tires in sufficient quantities to allow for economic transportation of waste tires located in a
 233 municipality, as defined in Section 10-1-104, within the state.
 234 —(b) A recycler who is eligible for partial reimbursement under Subsection (3)(a) may
 235 also receive partial reimbursement for recycling a tire received from a location within the state
 236 other than those associated with a retail tire business, including a waste tire from a waste tire
 237 pile or an abandoned waste tire pile, as provided by Section 19-6-810.
 238 —(4) A recycler who applies for partial reimbursement under Subsection (1) shall
 239 demonstrate to the local health department identified in Subsection (1)(a) that:
 240 —(a) the waste tire or material derived from a waste tire that qualifies for the
 241 reimbursement was:
 242 —(i) (A) removed and transported by a registered waste tire transporter, a recycler, or a
 243 tire retailer; or
 244 —(B) generated by a private person who:
 245 —(I) is not a waste tire transporter as defined in Section 19-6-803; and
 246 —(II) brings the waste tire to the recycler; and
 247 —(ii) generated in the state; and
 248 —(b) if the tire is from a waste tire pile or abandoned waste tire pile, the recycler
 249 complied with the requirements of Section 19-6-810-}

Yeas-7
 Sen. A. Christensen
 Sen. D. Hinkins
 Sen. J. Iwamoto
 Sen. D. Kitchen
 Sen. R. Okerlund
 Sen. S. Sandall
 Sen. E. Vickers

Nays-0

Absent-2
 Sen. K. Grover
 Sen. J. Stevenson

MOTION: Sen. Kitchen moved to pass H.B. 126 as amended out favorably. The motion passed with a vote of 7 - 0 - 2.

Yeas-7

Sen. A. Christensen
Sen. D. Hinkins
Sen. J. Iwamoto
Sen. D. Kitchen
Sen. R. Okerlund
Sen. S. Sandall
Sen. E. Vickers

Nays-0

Absent-2

Sen. K. Grover
Sen. J. Stevenson

4 . S.C.R. 13 Concurrent Resolution on Public Lands Strategy (*Hinkins, D.*)

Sen. David Hinkins explained the bill.

MOTION: Sen. Hinkins moved to pass S.C.R. 13 out favorably. The motion passed with a vote of 7 - 0 - 2.

Yeas-7

Sen. A. Christensen
Sen. D. Hinkins
Sen. J. Iwamoto
Sen. D. Kitchen
Sen. R. Okerlund
Sen. S. Sandall
Sen. E. Vickers

Nays-0

Absent-2

Sen. K. Grover
Sen. J. Stevenson

MOTION: Sen. Christensen moved to adjourn at 9:45 a.m. The motion passed with a vote of 7 - 0 - 2.

Yeas-7

Sen. A. Christensen
Sen. D. Hinkins
Sen. J. Iwamoto
Sen. D. Kitchen
Sen. R. Okerlund
Sen. S. Sandall
Sen. E. Vickers

Nays-0

Absent-2

Sen. K. Grover
Sen. J. Stevenson

Sen. Okerlund adjourned the meeting at 9:45 a.m.