

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

Room W125, West Office Building, State Capitol Complex  
February 4, 2005

**Members Present:** Rep. Roger E. Barrus, Chair  
Rep. Michael E. Noel, Vice Chair  
Rep. Jackie Biskupski  
Rep. Craig W. Buttars  
Rep. David N. Cox  
Rep. Margaret Dayton  
Rep. Carl W. Duckworth  
Rep. James R. Gowans  
Rep. Bradley T. Johnson  
Rep. John G. Mathis  
Rep. Patrick L. Painter  
Rep. David Ure  
Rep. Mark W. Walker  
Rep. Mark A. Wheatley  
Rep. Richard Wheeler

**Staff Present:** Brian Allred, Policy Analyst  
Linda Error, Committee Secretary

**Visitors List:** List filed with Committee Minutes

Rep. Barrus called the meeting to order at 2:06 p.m.

**MOTION:** Rep. Dayton moved to approve the minutes of the February 2, 2005 meeting. The motion passed unanimously, with Rep. Biskupski, Rep. Gowans, Rep. Johnson, Rep. Painter, and Rep. Wheeler absent for the vote.

**S.B. 24 1st Sub. Waste Amendments (*Sen. C. Bramble*)**

Sen. Bramble explained the bill.

**MOTION:** Rep. Dayton moved to pass the bill out favorably. The motion passed unanimously, with Rep. Johnson absent for the vote.

**MOTION:** Rep. Buttars moved the following intent language be adopted by the committee and recommended that it be read on the house floor and spread upon the pages of the journal:

During the course of the last several years, the Legislature has reviewed the contracts between Envirocare and the banks involving disposition and management of funds securing certain letters of credit issued by Envirocare with the state as beneficiary. Because of the Legislature's concerns about the state's position under those contracts, the state agencies responsible for regulating Envirocare reviewed those contracts and have assured the Legislature that those contracts have been revised to provide further protection to the state. During the same period, the Legislature sought a legal opinion from its counsel on whether or not the state could collect on certain letters of credit provided by Envirocare as long-term security for Envirocare's closure and post closure expenses if Envirocare declared bankruptcy. That legal opinion concluded that, although the bankruptcy court might delay payment on the letters of credit, it is likely that the state would be able to collect the full amount provided by the letters of credit, but might need to incur litigation expenses.

It is the intent of the Legislature that the agencies responsible for regulating and overseeing Envirocare's solid, hazardous, and radioactive waste disposal programs continue to review, and encourage the revision of, the contracts as necessary to ensure that the state is adequately protected and that the office of the attorney general continue to monitor bankruptcy law developments to ensure that letters of credit continue to provide legally enforceable security for the closure and post-closure costs that will someday be associated with the Envirocare facilities.

The motion passed with Rep. Biskupski voting in opposition.

**S.C.R. 4 Resolution Approving Utah Recreational Land Exchange (*Sen. B. Evans*)**

Sen. Evans explained the bill with the assistance of Kevin Carter, Director, State Institutional Trust Lands. (handout)

**MOTION:** Rep. Buttars moved to pass the bill out favorably. The motion passed unanimously.

**H.B. 270 Temporary Road Closures (*Rep. M. Noel*)**

Rep. Noel explained the bill with the assistance of Ralph Finlayson, Attorney General Office.

Spoke for the bill: Todd Bingham, Utah Farm Bureau Federation

**MOTION:** Rep. Painter moved to pass the bill out favorably.

SUBSTITUTE

MOTION: Rep. Cox moved to pass the bill out favorably and amend as follows:

1. *Page 3, Lines 69 through 71:*

- 69        (d) A highway authority shall reopen an R.S. 2477 right-of-way  or a portion of  
      an R.S.  
70        2477 right-of-way  temporarily closed under this section if the alternate route is  
      closed for any  
71        reason.

The motion passed, with Rep. Biskupski voting in opposition.

MOTION: Rep. Cox moved to adjourn the meeting. The motion passed unanimously.

Rep. Barrus adjourned the meeting at 3:03 p.m.

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Rep. Roger E. Barrus, Chair