

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

Room W125, West Office Building, State Capitol Complex
February 14, 2006

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. David Ure
Rep. Mark W. Walker
Rep. Mark A. Wheatley
Rep. Richard Wheeler

Members absent: Rep. Patrick L. Painter

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

Note: List of visitors and a copy of handouts are filed with committee minutes

Rep. Noel called the meeting to order at 8:32 a.m.

MOTION: Rep. Dayton moved to approve the minutes of the February 9, 2006 meeting. The motion passed unanimously, with Rep. Ure and Rep. Wheatley absent for the vote.

H.B. 361 Department of Natural Resources Amendments (*Rep. R. Wheeler*)

Rep. Wheeler introduced the bill to the committee, with the assistance of the following:
Jim Karpowitz, Director, Division of Wildlife Resources
Dick Buehler, Department Director, Division of Forestry, Fire and State Lands
Jerry Olds, Director, Division of Water Rights

Spoke to the bill: Kevin Carter, Director, School and Institutional Trust Lands Administration

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

1. Page 41, Lines 1250 through 1254:

1250 An action may be brought within six years:
1251 (1) for the mesne profits of real property;
1252 (2) upon any contract, obligation, or liability founded upon an instrument in writing,
1253 except those mentioned in Section 78-12-22[-]; and
1254 (3) to recover fire suppression costs or other damages caused by wildland
fire.

The motion to amend passed unanimously, with Rep. Buttars and Rep. Walker absent for the vote.

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

1. Page 16, Lines 464 through 465:

464 (c) The division may purchase ~~{-land-}~~ or exchange federal or state
managed lands if the purchase is approved by the Legislature in an
465 appropriations act.

The motion to amend passed unanimously, with Rep. Buttars absent for the vote.

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

1. Page 15, Lines 446 through 448:

446 (2) A person may not operate and an owner of an off-highway vehicle may not give
447 another person permission to operate an off-highway vehicle on any public land
{+} **which** {+} ~~{-that-}~~ is
448 {+} **closed** {+} ~~{-not designated open-}~~ to off-highway vehicles.

The motion to amend passed, with Rep. Biskupski voting in opposition and Rep. Buttars absent for the vote.

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

1. Page 15, Lines 443 through 445:

443 (1) Except as provided in Section 63-11-17, federal agencies are encouraged and

- 444 agencies of the state and its subdivisions shall {+} **refrain from closing any public**
land to {+} and pursue
445 opportunities to open areas for responsible off-highway vehicle use.

The motion to amend passed, with Rep. Biskupski voting in opposition and Rep. Buttars and Rep. Wheatley absent for the vote.

MOTION: Rep. Cox moved to reconsider the action taken on the previous amendment proposed by Rep. Johnson, to delete the adopted language on lines 443-445.

The motion passed, with Rep. Buttars, Rep. Dayton, Rep. Mathis and Rep. Walker voting in the opposition. Rep. Ure and Rep. Wheatley were absent for the vote.

MOTION: Rep. Cox moved to pass the bill out favorably as amended. The motion passed unanimously, with Rep. Ure and Rep. Wheatley absent for the vote.

H.B. 444 Irrigation Companies - Nonprofit Corporation Amendments (Rep. J. Gowans)

Rep. Gowans introduced the bill to the committee.

MOTION: Rep. Cox moved to pass the bill out favorably. The motion passed unanimously, with Rep. Ure and Rep. Wheatley absent for the vote.

MOTION: Rep. Dayton moved to place H.B. 444 on the Consent Calendar. The motion passed unanimously, with Rep. Ure and Rep. Wheatley absent for the vote.

H.J.R. 27 Resolution Encouraging Family Agricultural Production (Rep. R. Menlove)

Rep. Menlove introduced the resolution to the committee, with the assistance of David Spackman, a citizen of Tremonton Utah.

MOTION: Rep. Buttars moved to amend the resolution as follows:

1. Page 2, Lines 30 through 33:

- 30 NOW, THEREFORE, BE IT RESOLVED that the Legislature of the State of Utah
31 encourages the Utah Department of Agriculture and Food and each of Utah's counties,
cities,
32 and towns to explore and implement changes {~~or exceptions~~} to regulations and
laws to {~~remove~~}

33 ~~barriers to~~} encourage family agricultural production, processing, and distribution to customers.

The motion to amend passed unanimously, with Rep. Wheatley absent for the vote.

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

H.B. 394 Relocating Outdoor Advertising (Rep. D. Ure)

Rep. Ure introduced the bill to the committee, with the assistance of Dewey Reagan, Reagan Outdoor Advertising.

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

1. *Page 1, Line 15:*

15 sign to maintain the required distance from high voltage overhead lines;

► provides that an owner that is required to relocate an outdoor advertising sign shall have the right to relocate the same or similar type structure to any zoned or unzoned commercial or industrial area located within the original municipality or county;

2. *Page 2, Lines 41 through 43:*

41 (2) Notwithstanding any county or municipal ordinance to the contrary, if an outdoor
42 advertising structure needs to be moved away from a high voltage power line or
lines so that the sign can be reposted or maintenance
43 performed without having to comply with the distance or notification requirements of
Section

3. *Page 2, Line 46:*

46 directive of the Occupational ~~{Health and}~~ Safety and Health Administration,
or any other similar applicable

4. *Page 2, Lines 48 through 49:*

48 [(+)] (a) the owner shall have the right to relocate the same or similar type
structure to any zoned or unzoned commercial or industrial area located within the
original municipality or county [to

49 ~~the minimal number of feet necessary:]~~;

The motion to amend passed, with Rep. Barrus, Rep. Biskupski, and Rep. Mathis voting in opposition. Rep. Dayton and Rep. Wheatley were absent for the vote.

Spoke against the bill: Gary Crane, Layton City Attorney, League of Cities and Towns

MOTION: Rep. Barrus moved to adjourn the meeting. The motion failed, with Rep. Gowans, Rep. Johnson, Rep. Mathis, Rep. Ure, Rep. Walker and Rep. Wheeler voting in opposition. Rep. Dayton and Rep. Wheatley were absent for the vote.

MOTION: After committee discussion Rep. Biskupski moved to adjourn the meeting. The motion passed unanimously, with Rep. Dayton and Rep. Wheatley absent for the vote.

Rep. Noel adjourned the meeting at 10:00 a.m.

Rep. Roger E. Barrus, Chair