

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

Room C445, State Capitol, State Capitol Complex
February 13, 2008

Members Present: Rep. Roger E. Barrus, Chair
Rep. Kerry Gibson, Vice Chair
Rep. Mel Brown
Rep. Glenn Donnelson
Rep. Jack Draxler
Rep. Carl Duckworth
Rep. James Gowans
Rep. Neal Hendrickson
Rep. John Mathis
Rep. Mike Noel
Rep. Patrick Painter
Rep. Phil Riesen
Rep. Steve Sandstrom
Rep. Richard Winn

Members Absent: Rep. Sylvia Andersen

Staff Present: Brian Allred, Policy Analyst
Carrie Griffith, Committee Secretary

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

Rep. Gibson called the meeting to order at 2:04 p.m.

MOTION: Rep. Hendrickson moved to approve the minutes of the February 11, 2008 meeting. The motion passed unanimously with Rep. Gowans and Rep. Sandstrom absent for the vote.

H.B. 297 Designating Magnesium as the State Metal (Rep. R. Menlove)

Rep. Menlove explained the bill to the committee.

Spoke for the bill: Taylor Barnard, Grantsville High School
Jared McBride, Grantsville High School

MOTION: Rep. Gowans moved to pass the bill out favorably. The motion passed with Rep. Barrus and Rep. Gibson voting in opposition. Rep. Sandstrom was absent for the vote.

H.B. 229 Protections for Agricultural Practices (Rep. M. Morley)

Rep. Morley explained the bill to the committee.

Spoke for the bill: Todd Bingham, Utah Farm Bureau

MOTION: Rep. Barrus moved to amend the bill as follows, making technical changes as needed:

- Page 1, Line 17:*
strike "and hazards to another person"
- Page 2, Line 51*
strike the entire line
- Page 3, Line 63*
strike the entire line

SUBSTITUTE

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

1. *Page 1, Lines 16 through 18:*
16 sound agricultural practices {~~;~~**and**
17 ~~—>—provides an exception for air, water, or land pollution, and hazards to~~
 another
18 ~~person}~~ .

2. *Page 2, Lines 47 through 51:*
47 constitute a public nuisance under Subsection (1) {~~unless the [agricultural operation~~
 has a
48 **substantial adverse effect on the public health and safety.] activity:**
49 ~~—(i) causes air, land, or water pollution that creates a substantial adverse effect~~
 on the
50 **public health and safety; or**
51 ~~—(ii) constitutes an immediate safety hazard to at least one person}~~ .

3. *Page 3, Lines 59 through 63:*
59 practices [~~are presumed to be reasonable and~~] do not constitute a nuisance {~~unless the~~
60 **[agricultural operation has] activity:**

- 61 ~~—(a) causes air, land, or water pollution that creates a substantial adverse effect~~
on the
62 ~~public health and safety[.]; or~~
63 ~~—(b) constitutes an immediate safety hazard to at least one person }~~ .

The motion passed unanimously with Rep. Riesen absent for the vote.

MOTION: Rep. Noel moved to pass the bill out favorably as amended. The motion passed unanimously with Rep. Riesen absent for the vote.

MOTION: With the approval of the Sponsor, Rep. Brown moved to place the bill on the consent calendar. The motion passed unanimously with Rep. Riesen absent for the vote.

H.B. 221 Agriculture and Industrial Protection Area Amendments (*Rep. J. Mathis*)

Rep. Mathis explained the bill to the committee.

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

1. *Page 1, Line 21:*

21 corridor as a final, preferred alternative over land in an agriculture protection area unless there is no other

2. *Page 10, Line 283:*

283 transportation corridor as a final, preferred alternative on land within an agriculture protection area unless there is no other

The motion passed unanimously with Rep. Andersen and Rep. Riesen absent for the vote.

Spoke for the bill: Carlos Braceras, Utah Department of Transportation
Todd Bingham, Utah Farm Bureau
Bill Rigby, Utah Association of Conservation Districts

MOTION: Rep. Hendrickson moved to pass the bill out favorably as amended. The motion passed unanimously with Rep. Riesen absent for the vote.

Rep. Mathis requested a personal privilege by asking Rep. Hendrickson to explain the painting in Room C445. Rep. Hendrickson stated he was on a House committee that purchased the piece of art with funds allotted them from the Capitol Preservation Board. It was painted by a Utah artist, Robert Murray, and depicts Captain Stansbury trading at Black Rock in the Great Salt Lake.

Rep. Noel informed the committee that Paul Chester from South Carolina, representing the Job Lock Foundation, would be in the Caucus Room immediately following the meeting to discuss global warming. Anyone interested in this issue was invited to attend.

MOTION: Rep. Brown moved to adjourn.

Rep. Gibson adjourned the meeting at 3:04 p.m.

Rep. Roger E. Barrus, Chair