

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

Room C445, State Capitol, State Capitol Complex  
February 20, 2008

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

**Members Excused:** Rep. Carl Duckworth

**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 4:20 p.m.

**MOTION:** Rep. Riesen moved to approve the minutes of the February 18, 2008 meeting.  
The motion passed unanimously with Rep. Brown, Rep. Gowans, Rep. Mathis,  
Rep. Noel and Rep. Sandstrom absent for the vote.

**H.B. 246 State Tree Redesignated (*Rep. J. Draxler*)**

Rep. Draxler explained the bill to the committee. (handouts)

A video produced by the 4th Grade Summit Elementary students was presented to the committee.

Spoke for the bill: Sally Devitry, 4th Grade "Governor" Summit Elementary

Rep. Gibson relinquished the chair to Rep. Barrus.

"Governor" Devitry responded to questions raised by committee members.

Rep. Gibson resumed the chair.

Spoke for the bill: Kevin Carter, Director of School and Institutional Trust Land Administration (SITLA)  
Todd Bingham, Utah Farm Bureau  
Trudy Wilson, Principal Summit Elementary  
Don Sheffer, 4th Grade Teacher Summit Elementary

Spoke against the bill: Brent Tanner, Utah Cattlemen's Association

MOTION: Rep. Barrus moved to pass the bill out favorably and refer it to the Rules Committee for prioritization, including Intent Language as follows:

*"It is the intent of the Legislature that H.B. 246 State Tree Redesignated providing for the designation of the Utah juniper as Utah's state tree does not affect, specify or imply any new protection to the Utah juniper or categorize it as an endangered or protected species. The designation of the Utah juniper as Utah's state tree does not protect the species from clearing, harvesting, chaining, or prescribed burns."*

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

Brian Allred, Policy Analyst, noted that the Intent Language would need to be read into the journal on the House floor when the bill is discussed to reflect the intent of the entire Legislature.

**1st Sub. S.B. 181 Off-highway Vehicle Use on Public Highways (Sen. S. Jenkins)  
(Rep. M. Noel)**

Sen. Jenkins, assisted by Mike Swenson, Utah Shared Access Alliance, explained the bill to the committee. (handout)

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

1. Page 1, Lines 22 through 23b  
Senate 3rd Reading Amendments  
2-13-2008:

22 jurisdiction {~~§~~→;  
22a § as open to street-legal all-terrain {~~off-highway~~} vehicle use,  
general  
23 off-highway vehicle use, or limited off-highway vehicle use; {~~§~~→or

23a ~~where operating a street-legal all-terrain vehicle on the highway is prohibited;~~

23b ~~§~~ and

2. Page 2, Line 41:

41 41-22-10.5, as last amended by Laws of Utah 2004, Chapter 159  
= 53-8-205, as last amended by Laws of Utah 2003, Chapter 108

3. Page 4, Line 89:

89 nonresident tuition or fees; or

4. Page 6, Lines 170 through 171:

170 (3) (a) The following motor vehicles are exempt from this section:  
171 ~~{(a)}~~ (i) except as provided in Subsection (3) ~~{(c)}~~ (b) a new motor  
vehicle when registered the

5. Page 16, Lines 482 through 486  
a. Senate 3rd Reading Amendments  
b. 2-13-2008:

482 (1) (a) Except as provided in Subsection (1)(b) ~~{§ and Subsection~~  
41-22-10.5(2) § , an  
482a all-terrain type I or type II vehicle  
483 that meets the requirements of this section may be operated as a street-legal ATV on a  
street or  
484 highway that ~~{:~~  
485 ~~(i)}~~ is a highway with one lane in each direction ~~{; and~~  
486 ~~(ii) has a posted speed limit of no more than 50 miles per hour}~~ .

6. Page 17, Lines 491 through 493:

491 (i) a county of the first class;  
492 (ii) a municipality that is within a county of the first class; or  
493 (iii) a municipality with a population of ~~§ [20,000]~~ ~~{5,000}~~ 7,500 ~~§~~ or  
more people.

7. Page 17, Line 513  
Senate 3rd Reading Amendments

2-13-2008:

513 (a) one or more headlamps that meet the requirements of Section 41-6a-1603;

8. Page 17, Line 519

a. Senate 3rd Reading Amendments

b. 2-13-2008:

519 (f) amber electric turn signals . one each side of the front and rear;

9. Page 18, Line 525:

525 (j) rearview mirrors on the ~~{rights}~~ right and left side of the driver in accordance with Section

10. Page 18, Line 527:

527 (k) a windshield . unless the operator wears eye protection while operating the vehicle;

11. Page 18, Lines 531 through 532:

531 (n) for vehicles with side-by-side seating, seatbelts for each vehicle occupant.

**(5) An operator of a street-legal all-terrain vehicle, when operating a street-legal all-terrain vehicle on a highway in accordance with this section, may not exceed the lesser of:**

**(a) the posted speed limit; or**

**(b) 45 miles per hour.**

532 ~~{(5)}~~ (6) (a) A nonresident operator of an off-highway vehicle that is authorized to be

12. Page 18, Line 539:

539 privileges for nonresident users granted under Subsection ~~{(5)}~~ (6) (a).

13. Page 25, Lines 762 through 762d

a. Senate 3rd Reading Amendments

b. 2-13-2008:

762 ~~{(2) §}~~ Notwithstanding the provisions in Subsection 41-6a-1509(1)(a), a municipality

762a or county may adopt ordinances designating certain streets and highways under its respective

- 762b jurisdiction where operating a street-legal all-terrain vehicle on the street or highway  
is
- 762c prohibited.
- 762d ~~—(3)←\$}~~ (2) A municipality or a county may adopt an ordinance requiring an operator who is

14. Page 25, Line 765

- a. Senate 3rd Reading Amendments  
b. 2-13-2008:

765        \$→ {+} (3) {+} ~~{(4)}~~ ←\$ A route designated under Subsection (1) may not be along, across, or within the

15. Page 25, Line 767

- a. Senate 3rd Reading Amendments  
b. 2-13-2008:

767        \$→ {+} (4) {+} ~~{(5)}~~ ←\$ Except as provided under Section 41-22-10.3, a person may not operate an

16. Page 26, Line 771:

771        accordance with Section 41-22-5.5.

**Section 13. Section 53-8-205 is amended to read:**

**53-8-205. Safety inspection required -- Frequency of safety inspection -- Safety inspection certificate required -- Out-of-state permits.**

(1) (a) Except as provided in Subsection (1)(b), a person may not operate on a highway a motor vehicle required to be registered in this state unless the motor vehicle has passed a safety inspection.

(b) Subsection (1)(a) does not apply to:

(i) ~~{-vehicles-}~~ a vehicle that is exempt from registration under Section 41-1a-205; and

(ii) ~~{-off-highway vehicles-}~~ an off-highway vehicle, unless the off-highway vehicle is being registered as a street-legal all-terrain vehicle in accordance with Section 41-6a-1509 .

(2) Except as provided in Subsection (3), the frequency of the safety inspection shall be determined based on the age of the vehicle determined by model year and shall:

(a) be required each year for a vehicle that is eight or more years old on January 1; or

(b) every two years for each vehicle that is less than eight years old on January 1 as follows:

- (i) in odd-numbered years for a vehicle with an odd-numbered model year; and
- (ii) in even-numbered years for a vehicle with an even-numbered model year;
- (c) be made by a safety inspector certified by the division at a safety inspection station authorized by the division;
- (d) cover an inspection of the motor vehicle mechanism, brakes, and equipment to ensure proper adjustment and condition as required by department rules; and
- (e) include an inspection for the display of license plates in accordance with Section 41-1a-404.

(3) (a) A salvage vehicle as defined in Section 41-1a-1001 is required to pass a safety inspection when an application is made for initial registration as a salvage vehicle.

(b) After initial registration as a salvage vehicle, the frequency of the safety inspection shall correspond with the model year, as provided in Subsection (2).

(4) A safety inspection station shall issue a safety inspection certificate to the owner of ;

(a) each motor vehicle that passes a safety inspection under this section ; and  
(b) a street-legal all-terrain vehicle that meets all the equipment requirements in  
Section 41-6a-1509 .

(5) The division may:

(a) authorize the acceptance in this state of a safety inspection certificate issued in another state having a safety inspection law similar to this state; and

(b) extend the time within which a safety inspection certificate must be obtained by the resident owner of a vehicle that was not in this state during the time a safety inspection was required.

The motion passed unanimously with Rep. Gowans and Rep. Hendrickson absent for the vote.

Spoke to the bill: Mark Forbes, Division of Utah State Parks and Recreation

Spoke for the bill: Mike Swenson, Utah Shared Access Alliance  
Jim Nyland, Grand County Sheriff, Utah Sheriff's Association  
Todd Bingham, Utah Farm Bureau, speaking for Wayne Jones of the Powersports Dealers Association

Spoke against the bill: Mike McKee, Uintah County Commissioner

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

**H.B. 394 Real Property Purchase - Notification of Water Rights (*Rep. B. Ferry*)**

Rep. Ferry explained the bill and recommended it be held until a future date.

MOTION: Rep. Brown moved to hold the bill for further consideration. The motion passed unanimously with Rep. Hendrickson, Rep. Mathis, Rep. Noel and Rep. Riesen absent for the vote.

MOTION: Rep. Donnelson moved to adjourn.

Rep. Gibson adjourned the meeting at 5:25 p.m.

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Rep. Roger E. Barrus, Chair