

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

Room C445, State Capitol

February 20, 2013

Members Present: Rep. Mike Noel, Chair
Rep. Doug Sagers, Vice Chair
Rep. Roger Barrus
Rep. Joel Briscoe
Rep. Kay Christofferson
Rep. Jack Draxler
Rep. Susan Duckworth
Rep. Becky Edwards
Rep. Steve Handy
Rep. Mike McKell
Rep. Merrill Nelson
Rep. Larry Wiley

Members Excused: Rep. Mel Brown

Members Absent: Rep. Ken Ivory
Rep. John Mathis
Rep. Ryan Wilcox

Staff Present: Mr. J Brian Allred, Policy Analyst
Ms. An Bradshaw, Committee Secretary

Note: A list of visitors and handouts are filed with committee minutes

Chair Noel called the meeting to order at 2:07 p.m.

MOTION: Rep. Duckworth moved to approve the minutes of Feb. 4, 2013, Feb. 12, 2013, and Feb. 13, 2013. The motion passed unanimously with Rep. Draxler, Rep. Edwards, Rep. Handy, and Rep. Wiley absent for the vote.

S.C.R. 1 **Concurrent Resolution Approving Solid Waste Facility Landfill Permit** (*Sen. D. Hinkins*) (**Rep. K. Christofferson**)

Sen. Hinkins introduced the resolution to the committee.

MOTION: Rep. McKell moved to pass the resolution out favorably. The motion passed unanimously with Rep. Draxler, Rep. Edwards, Rep. Handy, and Rep. Nelson absent for the vote.

MOTION: Rep. Christofferson moved to place SCR1 on the Consent Calendar. The motion passed unanimously with Rep. Draxler, Rep. Edwards, Rep. Handy, and Rep. Nelson absent for the vote.

**1st Sub. S.B. 57 Agriculture Environmental Steward Amendments (Sen. R. Okerlund)
(Rep. K. McIff)**

Sen. Okerlund introduced the bill to the committee with the assistance of Mr. Leonard Blackham, Utah Commissioner of Agriculture and Food. A handout was provided.

Spoke in favor of the bill: Mr. Gordon Younker, Utah Association of Conservation Districts

MOTION: Rep. Wiley moved to pass the bill out favorably. The motion passed unanimously with Rep. Briscoe, Rep. Nelson, and Rep. Sagers absent for the vote.

Chair Noel turned the time over to Rep. Draxler for an update on the Mineral and Petroleum Literacy Act.

H.B. 241 Underground Petroleum Storage Tank Financial Viability Study (Rep. S. Eliason)

Rep. Eliason introduced the bill to the committee. Mr. Brent Everett, Director, Division of Environmental Response and Remediation, answered questions from the committee.

MOTION: Rep. Draxler moved to amend HB241 as follows:

1. *Page 5, Lines 136 through 137:*

136 (ii) obtain an actuarial study and related consultation that provides the necessary
137 calculations to ~~{eliminate}~~ minimize adverse selection in the program and the
actuarial deficit of the fund;

2. *Page 5, Lines 138 through 139:*

138 (iii) develop a risk characterization profile for participants in the program and
{create} recommend a
139 fee schedule based on fair market rates;

3. *Page 5, Lines 144 through 146:*

144 (b) based on the information obtained and developed under Subsection (8)(a), prepare
 a
145 recommendation to { ~~, within four years, eliminate~~} implement a strategy to
 minimize adverse selection of participants in the
146 program and eliminate or reduce the actuarial deficit of the fund.

4. *Page 5, Lines 147 through 150:*

147 (9) The department shall report to the Natural Resources, Agriculture, and
148 Environment Interim Committee before { ~~-October~~} December 31, 2013,
 regarding:
149 (a) the information obtained and developed under Subsection (8)(a); and
150 (b) the recommendation prepared under Subsection (8)(b).

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

Spoke in favor of the bill: Mr. Gary Thorup, Utah Petroleum Marketers and Retailers
 Association

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

MOTION: Rep. McKell moved to place HB241 on the Consent Calendar. The motion passed
 unanimously with Rep. Nelson absent for the vote.

Chair Noel relinquished the chair to Vice Chair Sagers.

H.B. 112 Assessment of Property If Threatened or Endangered Species Is Present
 (Rep. M. Noel)

Rep. Noel introduced the bill to the committee.

MOTION: Rep. Wiley moved to amend HB112 as follows:

1. *Page 2, Lines 34 through 40:*

- 34 (2) In assessing the fair market value of property, a county assessor shall consider as
35 part of the determination of fair market value whether a threatened or endangered species is
36 present on **any portion of** the property, including any impacts the presence of the
threatened or endangered
37 species has on:
38 (a) the functionality of the property;
39 (b) the ability to use the property; and
40 (c) property rights.

The move to amend passed unanimously with Rep. Nelson absent for the vote.

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

MOTION: Rep. McKell moved to place HB112 on the Consent Calendar. The motion passed unanimously with Rep. Nelson absent for the vote.

MOTION: Rep. McKell moved to adjourn the meeting. The motion passed unanimously with Rep. Nelson absent for the vote.

Vice Chair Sagers adjourned the meeting at 3:18 p.m.

Rep. Mike Noel, Chair