

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

Room 445, State Capitol

March 3, 2015

Members Present: Rep. Lee B. Perry, Chair
Rep. Douglas V. Sagers, Vice Chair
Rep. Joel K. Briscoe
Rep. Melvin R. Brown
Rep. Scott H. Chew
Rep. Jack R. Draxler
Rep. Susan Duckworth
Rep. Steve G. Handy
Rep. Timothy D. Hawkes
Rep. Mike K. McKell
Rep. Michael E. Noel
Rep. Kraig Powell
Rep. Scott D. Sandall
Rep. Mike Schultz

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

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

Vice Chair Sagers called the meeting to order at 7:03 a.m.

MOTION: Rep. Perry moved to approve of the minutes of the February 27, 2015 meeting. The motion passed unanimously with Rep. Briscoe, Rep. Brown, Rep. Draxler, Rep. Handy, Rep. Hawkes, Rep. McKell, and Rep. Schultz absent for the vote.

H.B. 384 *Grazing Zones Amendments (Rep. M. Noel)*

Rep. Noel explained the bill to the committee with the assistance of Mark Ward, Utah Association of Counties.

MOTION: Rep. Sandall moved to pass the bill out favorably. The motion passed unanimously with Rep. Briscoe, Rep. Draxler, and Rep. Handy absent for the vote.

MOTION: Rep. Sandall moved to place H.B. 384 on the Consent Calendar. The motion passed unanimously with Rep. Briscoe, Rep. Draxler, and Rep. Handy absent for the vote.

H.B. 401 Statute of Limitations Modifications (Rep. M. Noel)

Rep. Noel explained the bill to the committee with the assistance of Kathy Davis, Office of the Attorney General, Natural Resources Division.

Spoke for the bill: Mark Ward, Utah Association of Counties

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

MOTION: Rep. McKell moved to place H.B. 401 on the Consent Calendar. The motion passed unanimously.

H.B. 323 Resource Management Planning by Local Governments (Rep. K. Stratton)

Rep. Stratton explained the bill to the committee.

Spoke for the bill: Mark Ward, Utah Association of Counties
Andrew Jackson, Mountainland Association of Governments
Wilf Sommerkorn, Utah American Planning Association

Spoke to the bill: Tim Wagner, Utah Physicians for Healthy Environment

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

MOTION: Rep. Draxler moved to place H.B. 323 on the Consent Calendar. The motion failed with Rep. Chew and Rep. Duckworth voting in opposition and Rep. McKell and Rep. Noel absent for the vote.

H.B. 396 Solid Fuel Burning Amendments (Rep. B. Dee)

Rep. Dee explained the bill to the committee with the assistance of John Mortensen, Utahns for Responsible Burning.

Spoke for the bill: Karianne Lisonbee, citizen
Kim Marshall, citizen
Esther Olschewski, citizen

Spoke to the bill: Bryce Bird, Director, Division of Air Quality

Spoke against the bill: Shelly Teuscher, Utah Industry Environmental Coalition
Ashley Soltysiak, HEAL Utah
Erin Mendenhall, Air Quality Board and Breathe Utah
Tina Escobar-Taft, Utah Moms for Clean Air
Kathy Van Damm, Wasatch Clean Air Coalition
Tim Wagner, Utah Physicians for Healthy Environment

MOTION: Rep. Schultz moved to pass the bill out favorably.

SUBSTITUTE MOTION: Rep. Briscoe moved to amend the bill as follows:

1. *Page 2, Lines 28 through 30:*

28 (a) public awareness campaign ~~{, in consultation with representatives of the~~
29 ~~solid fuel~~
30 ~~burning industry.}~~ on best wood burning practices and the effects of wood burning on
air
30 quality, specifically targeting nonattainment areas; [~~and~~]

2. *Page 2, Lines 43 through 56:*

43 (c) shall prohibit burning in a nonattainment area during periods when monitored
44 levels of air pollutants are forecast within the next 48 hours to be greater than 15
micrograms
45 but less than 35 micrograms per cubic meter of fine particulate matter PM2.5, unless
using a
46 solid fuel burning device that is:
47 ~~{(i) (A) certified by the United States Environmental Protection Agency;}~~
48 ~~{(B)}~~ (i)(A) a wood heater that can only burn wood pellets; or
49 ~~{(C)}~~ (B) a masonry heater built to specifications of the American Society
for Testing
50 Materials ASTM - 1602, "Standard Guide For Construction of Solid Fuel Burning
Masonry
51 Heaters"; and
52 (ii) operated in a manner that produces no visible smoke, except during a 15 minute
53 period when:
54 (A) a fire is started in the device; and
55 ~~{(B) fuel is added to the device; and}~~
56 ~~{(C)}~~ (B) a fire is being extinguished in the device;

Spoke against the bill: Mike Kohler, Dairy Producers of Utah
Sterling Brown, Utah Farm Bureau
Dave Davis, Utah Food Industry and Retail Merchants Association

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

1. Page 3, Lines 75 through 77:

- 75 (c) an arrangement under which the person receives raw milk for personal
76 [~~consumption.~~] use not to be sold or distributed {in a retail environment} for
profit ; and
77 (d) no more than two cows, 10 goats, and 10 sheep per farm in the program.

The motion passed with Rep. Noel absent for the vote.

MOTION: Rep. Sandall moved to hold the bill.

SUBSTITUTE MOTION: Rep. McKell moved to adopt 2nd Sub. H.B. 104. The motion passed with Rep. Briscoe, Rep. Perry, and Rep. Sandall voting in opposition and Rep. Noel absent for the vote.

MOTION: Rep. Schultz moved to pass the bill out favorably. The motion passed with Rep. Briscoe, Rep. Chew, Rep. Powell, Rep. Perry, Rep. Sagers, and Rep. Sandall voting in opposition and Rep. Noel absent for the vote.

H.J.R. 24 Joint Resolution Urging Settlement of R.S. 2477 Rights-of-Way (Rep. J. Miller)

This resolution was not considered.

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

Chair Perry adjourned the meeting at 9:50 a.m.