

**MINUTES OF THE
NATURAL RESOURCES, AGRICULTURE, AND ENVIRONMENT INTERIM COMMITTEE**
Wednesday, May 21, 2008 – 9:00 a.m. – Room W020 House Building

Members Present:

Rep. Roger E. Barrus, House Chair
Sen. Gene Davis
Sen. Margaret Dayton
Sen. Dennis E. Stowell
Sen. Michael G. Waddoups
Rep. Sylvia S. Andersen
Rep. Melvin R. Brown
Rep. Glenn A. Donnelson
Rep. Jack R. Draxler
Rep. Carl W. Duckworth
Rep. Kerry Gibson
Rep. James R. Gowans
Rep. Neal Hendrickson

Rep. John G. Mathis
Rep. Michael E. Noel
Rep. Patrick L. Painter
Rep. Phil Riesen
Rep. Stephen E. Sandstrom
Rep. Bradley A. Winn

Members Absent:

Sen. Darin Peterson, Senate Chair

Staff Present:

Mr. J Brian Allred, Policy Analyst
Ms. Emily Brown, Associate General Counsel
Ms. Joy L. Miller, Legislative Secretary

Note: A list of others present, a copy of related materials, and an audio recording of the meeting can be found at www.le.utah.gov.

1. Committee Business

Chair Barrus called the meeting to order at 9:10 a.m. Sen. Peterson was excused from the meeting.

MOTION: Rep. Hendrickson moved to approve the minutes of the April 16, 2008 meeting. The motion passed unanimously. Sen. Davis, Sen. Stowell, Rep. Brown, Rep. Donnelson, Rep. Gibson, Rep. Noel, Rep. Painter, and Rep. Winn were absent for the vote.

2. Open and Public Meetings Training

Ms. Brown distributed and reviewed "Open and Public Meetings Act, Title 52, Chapter 4, Utah Code," which outlines a list of questions concerning the Open and Public Meetings Act, and "2008 Training -- Summary of Key Provisions."

3. Impact of Access and Carbon Management on the Development of Utah Energy Resources

Mr. Wesley Smith, Energy Consultant, Copenhagen Consensus Center (CCC), explained that the CCC helps policymakers identify key challenges, survey and analyze all available peer-reviewed data, and prioritize opportunities. He said Utah's energy opportunities include renewable energy development and use, fossil fuel development and use, nuclear energy development, carbon management, and public lands protection and/or development. He noted that the projects generally take about six months to complete after which a two-day conference is held.

Mr. Smith answered questions from committee members concerning cost benefit analysis, who would participate in a Utah conference, and where funding would come from for the conference. Chair Barrus requested that Mr. Smith come back before the Committee at its next meeting with suggestions on how to move forward and to address the funding issue.

4. State Energy Advisor Report

Ms. Dianne Nielson, Governor's Energy Advisor, distributed a letter from Governor Huntsman to the U.S. Senate Committee on Appropriations requesting that the moratorium on oil shale lease regulation be lifted. She distributed a copy of her presentation, "Utah Energy Strategic Resource Use." Ms. Nielsen discussed traditional, unconventional, and renewable energy resources and outlined the areas where they are located within the state.

Mr. Ron Daniels, Energy Policy Coordinator, Governor's Office of Economic Development, discussed the Unconventional Fuels Task Force. He outlined the goals of the Task Force and noted that the role of unconventional fuels in the future is significant.

Rep. Noel stated that the national concern with global warming is not fact based. He expressed concern that the process is being driven by politics, not by science.

5. Sunset Review - Title 19, Chapter 4, Safe Drinking Water Act (Repealed July 1, 2009)

Mr. Allred distributed a summary of the "Safe Drinking Water Act" and indicated it is scheduled to be repealed July 1, 2009.

Mr. Ken Bousfield, Director, Division of Drinking Water, distributed a copy of his presentation, "Safe Drinking Water Act." He explained that the purpose of the act is to ensure a safe and reliable supply of drinking water and to maintain primacy of the Drinking Water Program in Utah. He outlined the challenges with the Environmental Protection Agency's new rules in the last ten years and commented on the negative effects of repealing the act.

Mr. Dale Pierson, Executive Director, Rural Water Association of Utah, spoke in favor of reauthorizing both the Safe Drinking Water Act and the Water Quality Act.

MOTION: Rep. Painter moved to reauthorize the Safe Drinking Water Act for ten years. The motion passed unanimously. Sen. Davis, Sen. Dayton, Rep. Donnelson, Rep. Gibson, and Rep. Noel were absent for the vote.

6. Sunset Review - Title 19, Chapter 5, Water Quality Act (Repealed July 1, 2009)

Mr. Allred distributed a summary of the "Water Quality Act," which is scheduled to be repealed July 1, 2009.

Mr. Walt Baker, Director, Division of Water Quality, distributed a copy of his presentation, "Water Quality Act." He discussed the Utah Wastewater Financial Assistance Program, which has provided \$510 million for nearly 300 projects. Mr. Baker reviewed the challenges the program has faced. He noted that mercury is a problem and that some health advisories have been issued as a result.

Mr. James O'Neal, Provo citizen, expressed concern with the degradation of the Provo River over the years. He stressed the need for improvements and modifications.

MOTION: Rep. Painter moved to reauthorize the Water Quality Act for ten years. The motion passed unanimously. Sen. Davis, Sen. Dayton, and Rep. Noel were absent for the vote.

7. Recodification of Natural Resources Sections of the Utah Code

Ms. Brown distributed and reviewed "Codification of Title 79, Natural Resources" and 2009 General Session draft legislation, "Recodification of Natural Resources Provisions." She reviewed the technical changes made in the legislation. Ms. Brown explained there are many provisions concerning standard policy and procedures that apply to all state government that are inconsistent for the Department of Natural Resources. She stated that the Committee needs to decide how to resolve these conflicts.

MOTION: Sen. Davis moved to include the Budgetary Procedures Act for the Department of Natural Resources within the recodification. The motion passed unanimously. Sen. Dayton and Rep. Sandstrom were absent for the vote.

The Committee recommended that Subsection 79-2-203(1) on lines 223 and 224 be repealed.

The Committee recommended that Subsection 79-2-203(2) on lines 225 through 234 be repealed.

Due to lack of time, Ms. Brown indicated she would highlight the areas in the legislation that require further discussion for the Committee to consider at the next meeting.

8. Other Items / Adjourn

MOTION: Sen. Davis moved to adjourn. The motion passed unanimously. Sen. Stowell, Sen. Waddoups, and Rep. Sandstrom were absent for the vote.

Chair Barrus adjourned the meeting at 12:05 p.m.