

**MINUTES OF THE
NATURAL RESOURCES, AGRICULTURE, AND ENVIRONMENT INTERIM COMMITTEE**
Wednesday, August 20, 2008 – 9:00 a.m. – Room W020 House Building

Members Present:

Rep. Roger E. Barrus, House Chair
Sen. Darin Peterson, Senate Chair
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. John G. Mathis

Rep. Michael E. Noel
Rep. Patrick L. Painter
Rep. Phil Riesen
Rep. Bradley A. Winn

Members Absent:

Sen. Gene Davis
Rep. Neal Hendrickson
Rep. Stephen E. Sandstrom

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. Rep. Sandstrom was excused from the meeting.

MOTION: Rep. Riesen moved to approve the minutes of the June 18, 2008 meeting. The motion passed unanimously. Rep. Gibson and Rep. Painter were absent for the vote.

2. Utah Energy Resource Development

Chair Barrus updated the Committee concerning the Rocky Mountain Consensus, the project for which the Copenhagen Consensus Center was engaged to examine the development of energy resources in Utah and the rocky mountain states.

Chair Barrus recognized Senator Orrin Hatch and Congressman Rob Bishop and indicated they were asked to address the Committee regarding what is being done to remove the federal barriers to develop Utah's diverse energy resources.

Senator Orrin Hatch, United States Senate, gave some background information on what efforts are currently being made and have been made in the past concerning development of energy resources. He distributed two handouts "Biofuels and Oil Shale - An Environmental Comparison" and "Oil Shale and Ethanol: An Environmental Comparison." Senator Hatch discussed the amount of water and land used to produce a barrel of ethanol or oil shale. He pointed out that the United States holds 72 percent of the major world oil shale resources. He indicated he would continue to be engaged in the fight to allow this nation to tap its own available resources rather than sending money to foreign governments that have developed their own resources.

Congressman Rob Bishop, United States House of Representatives, showed the Committee a chart of federal land ownership in the states, which in many cases is a barrier to developing some energy resources. He stated he is in favor of developing alternate energy sources. However, the United States

uses 6 percent of energy coming from alternative energy sources. He said the goal should be in the next ten years to try to increase that to 15 percent. In the meantime, traditional fossil fuels have to be the vehicle to try and change the process. He discussed legislation being considered to address energy issues. Congressman Bishop indicated that the state needs to pressure Congress to help change the current federal land ownership.

Senator Hatch and Congressman Bishop responded to questions from the Committee concerning RS 2477 roads, protecting the environment while developing resources, declining gas prices, windfall profits, returning power to the states, and getting citizens involved.

3. 2009 General Session draft legislation, "Administering Substances to Wildlife"

Senator Dayton distributed the handout "Administering Substances to Protected Wildlife" and introduced Mr. Alan Clark, Assistant Director, Division of Wildlife Resources (DWR).

Mr. Clark explained that the proposed legislation would prohibit an unauthorized person from administering certain substances to Utah's protected wildlife.

Mr. Ed Kent, Chair, Utah Wildlife and Habitat Coalition, stated that DWR is taking a proactive stance in protecting Utah's wildlife. He urged the Committee to support the bill.

MOTION: Rep. Noel moved to adopt the draft bill with a favorable recommendation.

AMENDED MOTION: Rep. Winn moved to adopt the draft bill with a favorable recommendation as a committee bill. The motion passed unanimously. Sen. Waddoups and Rep. Painter were absent for the vote.

4. Sunset Review - Title 19, Chapter 6, Part 1, Solid and Hazardous Waste Act

Mr. Allred distributed and reviewed "Natural Resources, Agriculture, and Environment Interim Committee Sunset Reviews - 2008."

Mr. Dennis Downs, Director, Division of Solid and Hazardous Waste, distributed a copy of his presentation "Division of Solid and Hazardous Waste." He said the Solid and Hazardous Waste Act establishes standards and framework for the proper management of hazardous and solid waste. He noted there are over 78,000 tons of hazardous waste generated in the state and discussed examples of major hazardous waste treatment, storage, and disposal facilities.

MOTION: Rep. Brown moved to reauthorize the Solid and Hazardous Waste Act for an additional ten years. The motion passed unanimously. Sen. Waddoups and Rep. Painter were absent for the vote.

5. Sunset Review - Title 19, Chapter 6, Part 7, Used Oil Management Act

Mr. Downs distributed a copy of his presentation "Used Oil Recycling Program." He indicated there are currently over 300 places in the state where a person can take used oil. These collection centers are reimbursed, if they choose to be, at 16 cents per gallon of used oil collected. Mr. Downs pointed out that almost one-half million gallons of oil was collected in 2007.

MOTION: Rep. Draxler moved to reauthorize the Used Oil Management Act for an additional ten years. The motion passed unanimously. Sen. Waddoups and Rep. Painter were absent for the vote.

6. Recodification of Natural Resources Section of the Utah Code

Ms. Brown distributed sections of 2009 General Session draft legislation, "Recodification of Natural Resources Provisions," which contain some substantive issues the Committee needs to address. She also distributed and reviewed "Title 79. Natural Resources - Chapter 2. Department of Natural Resources - Inconsistent Provisions." She discussed the provisions within Chapter 2 that are inconsistent with Title 67, Chapter 16, Utah Public Officers' and Employees' Ethics Act and Section 63J-1-303 within the Budgetary Procedures Act.

Ms. Brown reviewed the provisions concerning conflicts of interest regarding board members and responded to questions from the Committee.

Mr. Martin Bushman, Assistant Attorney General, indicated that the provision in question may have been done intentionally given the composition of these boards and the interests they are trying to protect. He expressed concern that if the part dealing with recusal is taken out, it would have a large impact on those members of the public who could serve as board members.

Ms. Brown said that the following changes beginning on line 247 could address the committee's concerns: After "(4)" insert "(a)" and after "to the board" insert "," and replace the remaining language with "(b) Notwithstanding 67-16-9, if a board member has a substantial conflict, the board member may serve on the board if the board member refrains from voting on the matter."

MOTION: Rep. Riesen moved to adopt the language as stated by Ms. Brown.

SUBSTITUTE MOTION: Rep. Brown moved to accept the language as stated by Ms. Brown and have it brought back to the Committee at the next meeting for final approval. The motion passed unanimously. Sen. Dayton and Sen. Waddoups were absent for the vote.

Ms. Brown discussed Part 3 of the proposed legislation concerning finances.

Mr. Darin Bird, Department of Natural Resources, stated that the most flexibility they can be given would be very helpful and appreciated.

Due to lack of time, this item will be continued at the next meeting.

7. Other Items / Adjourn

MOTION: Rep. Brown moved to adjourn. The motion passed unanimously.

Chair Barrus adjourned the meeting at 12:00 p.m.