

**MINUTES OF THE
NATURAL RESOURCES, AGRICULTURE, AND ENVIRONMENT INTERIM COMMITTEE**
Wednesday, May 16, 2012 – 9:00 a.m. – Room 210 Senate Building

Members Present:

Sen. Ralph Okerlund, Senate Chair
Rep. Roger E. Barrus, House Chair
Sen. Casey O. Anderson
Sen. Allen M. Christensen
Sen. Gene Davis
Sen. Margaret Dayton
Sen. David P. Hinkins
Rep. Joel K. Briscoe
Rep. Melvin R. Brown
Rep. Brad L. Dee
Rep. Jack R. Draxler
Rep. Brad J. Galvez
Rep. Neal B. Hendrickson
Rep. John G. Mathis

Rep. Michael E. Noel
Rep. Douglas Sagers
Rep. Evan J. Vickers

Members Absent:

Rep. Ken Ivory
Rep. Christine F. Watkins
Rep. Ryan D. Wilcox
Rep. Bill Wright

Staff Present:

Mr. J Brian Allred, Policy Analyst
Ms. Tracy J. Nuttall, Associate General Counsel
Ms. Kimberly A. Heiner, 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. and excused Rep. Ivory, Rep. Watkins, and Rep. Wilcox from the meeting.

MOTION: Sen. Christensen moved to approve the minutes of the November 16, 2011 Natural Resources, Agriculture, and Environment Committee meeting. The motion passed unanimously with Rep. Dee and Rep. Brown absent for the vote.

Mr. Allred distributed and discussed "Natural Resources, Agriculture, and Environment Draft Interim Plan - 2012." He also referred to the "Natural Resources, Agriculture, and Environment Interim Committee 2012 Interim Studies, Reports, and Reviews," which was included in the mailing packet that was sent to the committee prior to the meeting. Chair Barrus responded to several questions from the committee.

2. Sage Grouse Task Force Update

Ms. Kathleen Clarke, Director, Public Lands Policy Coordination Office, gave an update on the work of the Sage Grouse Task Force. She responded to questions from the committee. Chair Barrus said that the committee would invite her back to a future committee meeting when the Sage Grouse Task Force has further recommendations to give the Legislature.

3. Open and Public Meeting Act Training

Ms. Nuttall gave an overview of the Open and Public Meeting Act requirements and discussed the "Open and Public Meeting Act - Summary of Key Provisions" handout, which was included in the packet that was sent to the committee prior to the meeting.

4. Introduction of New Director of the Division of Parks and Recreation

Mr. Fred Hayes, newly appointed Director, Division of Parks and Recreation, introduced himself and gave a vision for the future of the Division of Parks and Recreation. He said that the division is committed to implementing the efficiency recommendations of the 2010 audit. Mr. Hayes invited the committee to contact him anytime with questions or suggestions for the division. Many committee members expressed support and appreciation for the changes that the division has made.

5. Sunset Review - Title 58, Chapter 20a, Environmental Health Scientist Act - Repealed July 1, 2013

Mr. Allred gave an overview of Title 58, 20a, Environmental Health Scientist Act and said that it is scheduled to be repealed July 1, 2013.

Mr. Kyle Stephens, Deputy Commissioner, Utah Department of Agriculture and Food, said that the agency would like the Environmental Health Scientist Act to be continued. He responded to questions from the committee.

Mr. Jeff Coombs, Tooele County Health Department, said that the Tooele County Health Department would not be in favor of sunseting the Environmental Health Scientist Act. He said that rural areas have unique challenges of filling health positions, and this act would help smaller towns do this. He responded to questions from the committee.

Mr. Eric Peterson, Salt Lake Valley Health Department, said that he recommends that the committee reauthorize the Environmental Health Scientist Act. He said this act brings some national recognition and credibility to Utah's licensing process. He also said that he would like to see the Division of Occupational and Professional Licensing Board (DOPL) do a periodic academic requirement review of the licensing.

Ms. Deborah Turner, Government Affairs Liaison, Utah Department of Health, said that the Department of Health is supportive of reauthorizing the Environmental Health Scientist Act.

MOTION: Sen. Davis moved to reauthorize the Environmental Health Scientist Act for 10 years.

SUBSTITUTE MOTION: Sen. Christensen moved to remove the Environmental Health Scientist Act from review under the Sunset Act, thereby reauthorizing it indefinitely. He also moved to eliminate the Environmental Health Scientist Board by moving the board's responsibilities to the Department of Health.

Sen. Dayton said she was in favor of the second part of the substitute motion to eliminate the board, but was against the first part of the motion that eliminates the sunset provision.

Sen. Christensen said he would like to divide his substitute motion.

Sen. Anderson said that he would like to keep the sunset provision in the act to allow for continual review.

Rep. Briscoe spoke in favor of Sen. Davis's original motion. He expressed concern about eliminating the Environmental Health Scientist Board and said that the Department of Health would need to eventually create such a board to regularly review the act.

Ms. Turner said that the Department of Health would prefer to keep the board as it is in the act because the majority of environmental scientists are not within the Department of Health.

The committee voted on the first part of the substitute motion to remove the sunset portion from the Environmental Health Scientist Act. The first part of the substitute motion failed with Sen. Christensen voting in favor and Rep. Noel absent for the vote.

The committee voted on the second part of the substitute motion to eliminate the Environmental Health Scientist Board in the Health Scientist Act. The second part of the substitute motion failed with Sen. Anderson, Sen. Christensen, Sen. Dayton, and Sen. Hinkins voting in favor and Rep. Mathis and Rep. Noel absent for the vote.

The committee voted on Sen. Davis's original motion to reauthorize the Environmental Health Scientist Act for 10 years. The motion failed with Sen. Okerlund, Sen. Davis, Rep. Barrus, Rep. Briscoe, Rep. Dee, Rep. Draxler, Rep. Galvez, Rep. Hendrickson, Rep. Mathis, Rep. Sagers, and Rep. Vickers voting in favor and Rep. Noel absent for the vote.

MOTION: Rep. Brown moved to reauthorize the Environmental Health Scientist Act for five years. The motion passed with Sen. Christensen and Sen. Dayton voting in opposition and Rep. Noel absent for the vote.

Sen. Davis recommended that the bill reauthorizing the act be committee legislation.

6. Remediation Waste Fees

Mr. Scott Anderson, Director, Division of Solid and Hazardous Waste, distributed and discussed a "Department of Environmental Quality Division of Solid and Hazardous Waste, Report on Remediation Waste Fees" handout. He said that the division would not recommend changing the fees. He responded to questions from the committee.

7. Trail User Fee Permit

Mr. Chris Haller, Division of Parks and Recreation, Off-Highway Vehicle Programs Coordinator, gave a "Trail User Permit Fee" presentation. He also gave an overview of the non-motorized funding history in Utah, and gave examples of how other states have implemented fees for trail use. He responded to questions from the committee.

Mr. Hayes asked the committee if charging a fee for trail use is the direction the Legislature wants the Division of State Parks and Recreation to go to fill the funding gap as funding from the general fund diminishes.

Rep. Draxler said that Idaho has a system in place where people can voluntarily contribute funds for using the trails and suggested Utah look into implementing a similar voluntary system.

Rep. Sagers asked if a cost benefit analysis had been done on charging fees for trail use. Mr. Haller said they were looking for policy direction from this committee before taking that type of action.

MOTION: Sen. Hinkins moved for the Division of Parks and Recreation to form a committee to look at

charging fees for the use of the trails.

SUBSTITUTE MOTION: Sen. Anderson made a substitute motion to have the division of Parks and Recreation form a committee to look at charging fees, perform a cost benefit analysis, explore volunteering options, and report back to the committee. The motion passed with Sen. Dayton and Rep. Mathis voting in opposition and Rep. Noel, Rep. Hendrickson, and Rep. Vickers absent for the vote.

Rep. Dee asked for clarification on the substitute motion as to the specifics of the proposed cost benefit analysis.

Sen. Anderson clarified that the proposed cost benefit analysis would be just a general overview of benefits and costs rather than a formal analysis.

8. Adjourn

MOTION: Sen. Christensen moved to adjourn. The motion passed unanimously with Rep. Noel, Rep. Hendrickson, and Rep. Vickers absent for the vote.

Chair Barrus adjourned the meeting at 11:54 a.m.