

**MINUTES OF THE
JUDICIARY INTERIM COMMITTEE**

Wednesday, June 14, 2000 - 10:00 a.m. - Room 403 State Capitol

Members Present:

Sen. Terry Spencer, Senate Chair
Rep. A. Lamont Tyler, House Chair
Sen. David H. Steele
Sen. Pete Suazo
Rep. Patrice M. Arent
Rep. Chad E. Bennion
Rep. Afton B. Bradshaw
Rep. Katherine M. Bryson
Rep. Gary F. Cox
Rep. Neal B. Hendrickson
Rep. J. W. "Bill" Hickman
Rep. LaWanna "Lou" Shurtliff

Members Absent:

Rep. Greg J. Curtis
Rep. David L. Gladwell
Rep. Martin R. Stephens
Rep. John E. Swallow
Rep. David Ure
Rep. Glenn L. Way

Members Excused:

Sen. Lyle W. Hillyard

Staff Present:

Mr. Jerry D. Howe,
Research Analyst
Ms. Esther Chelsea-McCarty,
Associate General Counsel
Ms. Glenda S. Whitney,
Legislative Secretary

Note: A list of others present and a copy of materials distributed in the meeting are on file in the Office of Legislative Research and General Counsel.

1. Call to Order and Committee Business - Chair Tyler called the meeting to order at 10:07 a.m.

MOTION: Rep. Cox moved to approve the minutes of the May 17, 2000 meeting. The motion passed unanimously, with Sen. Suazo, Rep. Bennion, Rep. Hendrickson, and Rep. Hickman absent for the vote.

Rep. Tyler turned the chair to Sen. Spencer.

2. Illegal Drug Cleanup - Rep. Tyler introduced Captain Kevin Youngberg, Criminal Investigations, Department of Public Safety, and Mr. Gary Heward, Attorney Generals Office, who responded to questions from committee members regarding draft legislation, "Standards for Illegal Drug Lab Decontamination," 2001FL-0026/005. Rep. Tyler noted that at the May 17, 2000 meeting, the Judiciary Interim Committee suggested that the bill be simplified and that procedural details be left to local health departments. He said the bill has been revised and briefed the committee on the changes. He pointed out that the local health departments have requested on a statewide basis to provide the following: 1) a certification program for decontamination contractors and inspectors; and 2) that each local health department establish standards and management practices for inspection and decontamination of property within their jurisdiction.

Sen. Steele expressed concern with the budgetary issues regarding the cleanup and technical assistance from the Department of Health and Environmental Quality (DEQ) and local health departments.

Rep. Shurtliff questioned who would be responsible to inspect a property that had been decontaminated by the property owner. Rep. Tyler explained that the current draft allows the local health departments to determine the standards that must be met to pass inspection. Rep. Shurtliff suggested that language be drafted to specify more clearly that the local health departments should inspect all decontaminated sites.

Rep. Bennion expressed concern with the narrow definition, "owner of record" as the only one permitted to decontaminate personal property. He said the language is too restrictive.

Sen. Spencer also expressed concern on this issue, explaining that the definition is ambiguous concerning property owned by partnerships and corporations.

Sen. Suazo asked how many methamphetamine labs are in the state. Captain Youngberg said last year there were 266 lab responses and of those, many were boxed labs. He said his best estimate is just over 100, roughly 30 to 35 percent of the total of methamphetamine labs. Sen. Suazo suggested drafting language that requires that the local health department do an inspection on methamphetamine labs and to provide a "certificate of cleanup" to the property owner after cleanup has been completed.

Rep. Cox said that the state needs to establish standards so that it can be enforced consistently statewide.

MOTION: Rep. Bradshaw moved to adopt legislation, "Standards for Illegal Drug Lab Decontamination," 2001FL-0026/005, as a committee bill. The motion passed with Sen. Spencer, Rep. Bennion, Rep. Bryson, and Rep. Hickman voting in opposition. Sen. Steele was absent for the vote.

Sen. Spencer turned the chair back to Rep. Tyler.

3. Repeal of Law Due to Constitutional Change - Sen. Spencer said that in 1985, with the revision of Article VIII, of the Utah Constitution, that the Supreme Court was given authority to govern the practice of law within the state. Ms. Esther Chelsea-McCarty, Associate General Counsel, distributed handouts, "Rules for Integration and Management of the Utah State Bar," along with background information. She said that when reviewing Title 78, Chapter 51, Attorneys and Counselors, she realized that statute was probably unconstitutional, noting that the Supreme Court, not the Legislature, is vested with the authority to provide for the regulation of

attorneys. Ms. McCarty recommended that Sections 78-51-41 and 78-51-45 be retained, and that the rest of the chapter be repealed.

Mr. John Ball, Executive Director, Utah State Bar, spoke in support of Ms. McCarty's recommendation.

Chair Tyler asked Ms. McCarty to draft a bill repealing the chapter except for Sections 78-51-41 and 78-51-45, which need to be retained.

4. Other Business -

MOTION: Rep. Cox moved to ask the chairs to write a letter to the fiscal analysts instructing them to conduct a financial study of the cost incurred by the state to process certain permit applications submitted to the Bureau of Criminal Identification. And then to have the fiscal analyst present the findings at a future meeting of the Judiciary Interim Committee. The motion passed unanimously, with Sen. Steele absent for the vote.

5. Adjourn -

MOTION: Rep. Hickman moved to adjourn the meeting at 11:06 a.m. The motion passed unanimously, with Sen. Steele absent for the vote.

