

**MINUTES OF THE
NATURAL RESOURCES, AGRICULTURE, AND ENVIRONMENT INTERIM
COMMITTEE**

Wednesday, November 10, 2004 – 9:00 a.m. – Room W125 House Building

Members Present:

Rep. Craig W. Buttars, House Chair
Sen. Beverly Ann Evans, Senate Chair
Sen. Thomas Hatch
Sen. Parley G. Hellewell
Rep. Eli H. Anderson
Rep. Roger E. Barrus
Rep. Jackie Biskupski
Rep. Margaret Dayton
Rep. Glenn A. Donnelson
Rep. James R. Gowans
Rep. Fred Hunsaker
Rep. Bradley T. Johnson
Rep. Michael E. Noel

Rep. Darin G. Peterson
Rep. Michael R. Styler
Rep. David Ure
Rep. Stephen H. Urquhart

Members Absent:

Sen. Gene Davis
Sen. Bill Wright

Staff present:

Mr. J Brian Allred, Policy Analyst
Ms. Jeanenne B. Larson Associate General Counsel
Ms. Joy L. Miller, Legislative Secretary

Note: A list of others present and a copy of related materials can be found at www.le.utah.gov or by contacting the committee secretary, Joy Miller, at 538-1032. A recording of the meeting is available from the committee secretary.

1. Committee Business

Chair Evans called the meeting to order at 9:05 a.m.

MOTION: Sen. Hatch moved to approve the minutes of the October 20, 2004 meeting. The motion passed unanimously. Rep. Barrus, Rep. Biskupski, Rep. Dayton, Rep. Donnelson, Rep. Johnson, Rep. Noel, and Rep. Ure were absent for the vote.

2. Hazardous Waste Regulation and Tax Policy Task Force Final Report and Proposed Legislation

Rep. Urquhart briefly reviewed some of the issues the Hazardous Waste Regulation and Tax Policy Task Force has studied over the last two years and outlined the conclusions, findings, and recommendations as noted in the final report. Proposed legislation, “Waste Amendments,” has been recommended by the Task Force for the 2005 General Session.

Mr. Bill Sinclair, Department of Environmental Quality, pointed out that Appendix D of the report contains a list of corrective actions to issues raised within the legislative audit report that was requested by the Task Force. He noted that many of the issues have already been resolved.

MOTION: Rep. Urquhart moved to adopt proposed legislation, “Waste Amendments,” as a committee bill. The motion passed unanimously. Rep. Ure was absent for the vote.

3. Task Force Studying Water Issues Proposed Legislation

Rep. Styler and Rep. Ben Ferry discussed proposed legislation, "State Engineer's Powers and Duties Amendments," which specifies rulemaking authority of the state engineer and clarifies provisions relating to suits in court to also include the prevention of theft of water.

Mr. Jerry Olds, State Engineer, stated the bill clarifies the issues on duties and powers as they relate to enforcement.

MOTION: Rep. Buttars moved to adopt proposed legislation, "State Engineer's Powers and Duties Amendments," as a committee bill. The motion passed unanimously. Rep. Ure was absent for the vote.

Rep. Styler reviewed the proposed changes to draft legislation, "Water Law - Criminal Penalties Amendments." The bill removes criminal penalties from certain provisions requiring report to the state engineer and provides for graduated criminal penalties for violations of various criminal provisions pertaining to the regulation and distribution of water.

Ms. Heather Shilton, Assistant Attorney General, and Mr. Paul Boyden, Executive Director, Statewide Association of Prosecutors, distributed a list of changes that they felt should be made regarding the criminal provisions in the bill.

Chair Evans requested that Ms. Shilton and Mr. Boyden work with the task force members in implementing the necessary changes.

Mr. Fred Finlinson, Utah Water Coalition, encouraged the Committee to support the bill.

Mr. Warren Peterson, Board of Water Resources, pointed out that there are two places where failure to file reports were a crime that will be decriminalized as part of the legislation.

Mr. Craig Smith indicated that he represents some water users in the state. He commented that the issue of intent is not clear in the bill.

Rep. Styler said the working group of the Task Force would meet to incorporate the necessary amendments to the bill prior to receiving a hearing before a standing committee during the general session.

Rep. Styler reviewed the proposed changes to draft legislation, "Water Enforcement Procedures and Penalties," which modifies the state engineer's enforcement and penalty processes.

Mr. Finlinson encouraged granting the change in the administrative process to the state engineer.

Ms. Shilton distributed proposed language regarding the findings of the state engineer that she requested be incorporated into the bill.

Rep. Styler indicated the bill would be brought before the working group to address the proposed changes.

4. Water Conservation Plans

Mr. Larry Anderson, Division of Water Resources, distributed and discussed the report of the Board of Water Resources. He noted that currently 72 percent of water agencies and water conservancy districts are in compliance with the law. Only 19 percent of water agencies and districts have not submitted a water conservation plan. He distributed a list of compliant and noncompliant water suppliers and water conservancy districts affected by HB 71, Water Conservation Plans, 2004 General Session.

Mr. Peterson pointed out that conservation plans are required from those seeking money from the Board of Water Resources.

Ms. Molly Waters, Division of Water Resources, explained that the legislation only applies to culinary water systems. She commented on why some agencies have not complied with the legislation.

5. Other Items / Adjourn

MOTION: Rep. Donnelson moved to adjourn the meeting. The motion passed unanimously.

Chair Evans adjourned the meeting at 11:25 a.m.