

**MINUTES OF THE HOUSE  
NATURAL RESOURCES, AGRICULTURE, & ENVIRONMENT  
STANDING COMMITTEE**

Room W125, West Office Building, State Capitol Complex  
February 11, 2005

**Members Present:** Rep. Roger E. Barrus, Chair  
Rep. Michael E. Noel, Vice Chair  
Rep. Jackie Biskupski  
Rep. Craig W. Buttars  
Rep. Margaret Dayton  
Rep. Carl W. Duckworth  
Rep. James R. Gowans  
Rep. Bradley T. Johnson  
Rep. John G. Mathis  
Rep. Patrick L. Painter  
Rep. David Ure  
Rep. Mark W. Walker  
Rep. Mark A. Wheatley  
Rep. Richard Wheeler

**Staff Present:** Brian Allred, Policy Analyst  
Linda Error, Committee Secretary

**Visitors List:** List filed with Committee Minutes

Rep. Barrus called the meeting to order at 4:09 p.m.

**MOTION:** Rep. Gowans moved to approve the minutes of the February 8, 2005 meeting. The motion passed unanimously, with Rep. Buttars, Rep. Cox, Rep. Johnson, Rep. Mathis, and Rep. Walker absent for the vote.

**H.B. 242 Criminal Penalty for Animal Cruelty (Rep. S. Wyatt)**

Rep. Wyatt explained the bill.

**MOTION:** Rep. Biskupski moved to amend the bill as follows:

1. Page 1, Line 17:

17 {→ ~~changes the intent provisions regarding abandonment and animal fighting;~~}

- = > clarifies the general applicability of the exemption for acting under a legal privilege;

2. Page 1, Line 18:

- ▶ clarifies the general applicability of the exemption for acting under a legal privilege;

> provides an exemption for animals kept and used for training hunting dogs and falcons;

- 18 ▶ includes the offense of seriously injuring an animal;

3. Page 2, Lines 54 through 55:

54 husbandry practices; ~~{and}~~

55 (C) protected and unprotected wildlife as defined in Section 23-13-2 and (D) animals kept or owned for the purpose of hunting dog or falcon training and cared for in accordance with accepted husbandry practices .

4. Page 3, Line 63:

63 (i) appropriate and essential food and ~~{potable}~~ water;

5. Page 3, Lines 65 through 66:

65 (iii) adequate protection, including appropriate shelter, against extreme weather  
66 conditions ~~{, including extremes of cold, heat, and precipitation}~~ .

6. Page 3, Line 67:

67 [(1)] (2) A person is guilty of cruelty to animals if the person , without having legal privilege to do so, intentionally, knowingly,

7. Page 3, Lines 80 through 88:

80 [(3)] (4) A person is guilty of aggravated cruelty to an animal if the person without having legal privilege to do so :

81 [(a) tortures an animal;]

82 ~~{(a) without having a legal privilege to do so:}~~

83 [(b)] (a) (i) administers or causes to be administered poison or poisonous substances to an

\* \* \* Some lines not shown \* \* \*

- 87            (b) causes to an animal serious bodily injury as defined in Section 76-1-601; or  
88            (c) kills or causes to be killed an animal {~~without having a legal privilege to do~~  
~~so~~} .

The motion to amend passed unanimously, with Rep. Buttars, Rep. Johnson, Rep. Mathis, and Rep. Walker absent for the vote.

Spoke for the bill:            Rep. Neil Hansen, House of Representatives

MOTION:    Rep. Biskupski moved to pass the bill out favorably as amended.

**SUBSTITUTE**

MOTION:    Rep. Ure moved to amend the bill as follows:

1.    Page 1, Line 11                    After "definitions." delete "This bill also increases the  
penally by one degree if cruelty to an"
2.    Page 1, Line 12                    delete
3.    Page 1, Line 27                    delete
4.    Page 2, Line 28                    delete
5.    Page 8, Line 224-229               delete

The motion to amend failed with Rep. Buttars, Rep. Dayton, Rep. Gowans, Rep. Ure, Rep. Walker, and Rep. Noel voting in favor. Rep. Wheeler and Rep. Cox were absent for the vote.

The original motion to pass the bill out favorably as amended passed unanimously.

**H.B. 246    Waste Fees Amendments (Rep. S. Urquhart)**

Rep. Urquhart explained the bill with the assistance of Craig Paul, Wasatch Landfill.

MOTION:    Rep. Johnson moved to amend the bill as follows:

1.    *Page 1, Line 12:*  
12    for small municipal waste facilities. This bill allows collection of specified fees at a  
facility's
2.    *Page 1, Lines 16 through 19:*

- 16       ▶     ~~{changes the commercial}~~ applies a nonhazardous solid waste  
disposal fee ~~{from}~~  ~~{\$2.50 to}~~ \$1.50 of \$2.50 to all municipal and  
commercial waste facilities ;
- 17       ▶     changes the construction and demolition waste disposal fee from 50 cents to  
~~{30}~~ 40
- 18   cents ~~{and applies the fee to both commercial and noncommercial~~  
~~facilities}~~ on all commercial facilities that receive only construction and  
demolition waste ;
- 19       ▶     changes the municipal waste disposal fee from 50 cents to ~~{30}~~ 20  
cents and applies the
3. *Page 1, Lines 21 through 22:*
- 21       ▶     allows the state to collect fees ~~{from the operator of a collection or~~  
~~transfer facility}~~ at a facility's collection or transfer point
- 22   within the state ~~{,}~~ from which the waste is sent to an unregulated facility, and states
4. *Page 2, Line 29:*
- 29   tons or more per year are subject to the fee of ~~{30}~~ 20 cents per ton.
5. *Page 2, Line 43:*
- 43   facility or incinerator, or the owner or operator of any commercial facility, except  
for facilities that receive the following
6. *Page 2, Line 51:*
- 51   ton ~~{or fraction of a ton,}~~ on all nonhazardous solid waste that is received at the  
facility or site for
7. *Page 2, Lines 53 through 56:*
- 53       (i) on and after July 1, 1992, through June 30, 1993, a fee of \$1.50 per ton ~~{or~~  
fraction
- 54   ~~of a ton}~~ on all nonhazardous solid waste received at the facility or site for disposal or  
treatment;
- 55       (ii) on and after July 1, 1993, through June 30, 1994, a fee of \$2.00 per ton ~~{or~~  
fraction

56 ~~of a ton~~ } on all nonhazardous solid waste received at the facility or site for disposal or treatment;

8. Page 2, Line 58:

58 (iii) on and after July 1, 1994, a fee of \$2.50 per ton ~~{-or fraction of a ton-}~~ on all

9. Page 3, Lines 60 through 61:

60 (iv) on and after July 1, 2005, a fee of ~~{-\$1.50-}~~ \$2.50 per ton ~~{-or~~  
61 fraction of a ton-} on all

61 nonhazardous solid waste received at ~~{-the facility or site-}~~ any nonhazardous waste disposal facility or incinerator, whether the facility is commercial or noncommercial, for disposal or treatment.

10. Page 3, Line 68:

68 (c) (i) On and after January 1, 2004 through June 30, 2005, an owner or operator of any ~~[commercial]~~

11. Page 3, Line 70:

70 shall pay a fee of ~~{+}~~ 50 ~~{+}~~ ~~{-30-}~~ cents per ton ~~{-, or fraction of a ton,-}~~ on any construction and demolition

12. Page 3, Line 72:

(ii) On and after July 1, 2005, an owner or operator of any nonhazardous solid waste disposal facility that receives only construction and demolition waste shall pay a fee of 40 cents per on any construction and demolition waste received at the facility or site for disposal.

72 ~~{-(ii)-}~~ (iii) An owner or operator of any ~~[commercial]~~ nonhazardous solid waste disposal

13. Page 3, Line 74:

74 ~~[50]~~ ~~{-30-}~~ (20) cents per ton ~~{-, or fraction of a ton,-}~~ on all municipal waste, including municipal

14. Page 3, Lines 76 through 79:

- 76            ~~{(iii)}~~    (iv)    On and after January 1, 2004, through June 30, 2005, the owner  
or operator of any  
77    facility under Subsection 19-6-102(3)~~(a)~~ (b)(iii) shall pay a fee of 50 cents per ton {~~;~~  
or fraction  
78    of a ton,} on all municipal waste received at the facility or site for disposal.  
(v) On and after July 1, 2005, the owner or operator of any facility under  
Subsection 19-6-102(3)(b)(iii) shall pay a fee of 20 cents per ton on all municipal  
waste received at the facility or site for disposal.  
79            (d) {~~Facilities~~}    Wastes subject to the fee under Subsections (1)(c)(i),  
(ii), {~~and~~} (iii) , (iv) and (v) are not subject

15. Page 5, Line 131:

- 131            (i) ~~{\$1.50}~~    \$2.50 per ton ~~{or fraction of a ton}~~ on all nonhazardous  
solid waste sent to an

16. Page 5, Lines 133 through 136:

- 133            (ii) ~~{30}~~    40 cents per ton ~~{or fraction of a ton}~~ on all construction  
and demolition waste sent to  
134    an unregulated facility for disposal; {~~and~~}  
135            (iii) ~~{30}~~    20 cents per ton ~~{or fraction of a ton}~~ on all municipal  
waste, including municipal  
136    incinerator ash, sent to an unregulated facility for disposal ; and  
(iv) wastes subject to fees under Subsection (6)(b)(ii) or (iii) are not subject to fees  
under Subsection (6)(b)(i) .

The motion to amend passed unanimously, with Rep. Biskupski and Rep. Noel absent for the vote.

Spoke to the bill:            Larry Bunkall, Kennecott Utah Copper  
Dennis Downs, Department of Environmental Quality

MOTION:    Rep. Buttars moved to amend the previously adopted amendment as follows:

1. Page 1, Line 16            After "fee" delete "\$1.50"

The motion to amend passed unanimously, with Rep. Biskupski, Rep. Dayton, Rep. Walker, and Rep. Noel absent for the vote.

MOTION: Rep. Wheeler moved to pass the bill out favorably as amended. The motion passed unanimously, with Rep. Biskupski, Rep. Dayton, Rep. Johnson, and Rep. Painter absent for the vote.

MOTION: Rep. Walker moved to adjourn the meeting. The motion passed unanimously, with Rep. Biskupski, Rep. Dayton, Rep. Johnson, and Rep. Painter absent for the vote.

Rep. Barrus adjourned the meeting at 5:36 p.m.

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Rep. Roger E. Barrus, Chair