



# MINUTES

## HOUSE NATURAL RESOURCES, AGRICULTURE, AND ENVIRONMENT STANDING COMMITTEE

Tuesday, February 11, 2020 | 3:40 p.m. | 445 State Capitol

**Members Present:**

Rep. Keven J. Stratton, Chair  
Rep. Logan Wilde, Vice Chair  
Rep. Carl R. Albrecht  
Rep. Joel K. Briscoe  
Rep. Scott H. Chew  
Rep. Susan Duckworth  
Rep. Joel Ferry  
Rep. Timothy D. Hawkes  
Rep. Phil Lyman

Rep. Michael K. McKell  
Rep. Derrin R. Owens  
Rep. Christine F. Watkins

**Members Absent:**

Rep. Douglas V. Sagers

**Staff Present:**

Nathan W. Brady, Policy Analyst  
Linda Service, Committee Secretary

Note: A copy of related materials and an audio recording of the meeting can be found at [www.le.utah.gov](http://www.le.utah.gov).

Chair Wilde called the meeting to order at 4:03 p.m.

**1 . H.B. 66 Wildland Fire Planning and Cost Recovery Amendments (Albrecht, C.)**

Rep. Albrecht explained the bill.

LaDel Laub, General Manager, Dixie Power, spoke in favor of the bill.

Colin Jack, Chief Operating Officer and Engineer, Dixie Power, spoke in favor of the bill.

Jon Cox, Rocky Mountain Power, spoke in favor of the bill.

Brian Cottam, State Forester and Director, Division of Forestry, Fire, and State Lands, spoke in favor of the bill.

Russ Hymus, Utah Association for Justice, spoke against the bill.

**MOTION:** Rep. Owens moved to replace H.B. 66 with 2nd Substitute H.B. 66. The motion passed with a vote of 12 - 0 - 1.

Yeas-12

Rep. C. Albrecht  
Rep. J. Briscoe  
Rep. S. Chew  
Rep. S. Duckworth  
Rep. J. Ferry  
Rep. T. Hawkes  
Rep. P. Lyman  
Rep. M. McKell  
Rep. D. Owens  
Rep. K. Stratton  
Rep. C. Watkins  
Rep. L. Wilde

Nays-0

Absent-1

Rep. D. Sagers

**MOTION:** Rep. Owens moved to pass out 2nd Substitute H.B. 66 with a favorable recommendation. The motion passed with a vote of 11 - 1 - 1.

Yeas-11

Rep. C. Albrecht  
Rep. J. Briscoe  
Rep. S. Chew  
Rep. S. Duckworth  
Rep. J. Ferry  
Rep. T. Hawkes  
Rep. P. Lyman  
Rep. D. Owens  
Rep. K. Stratton  
Rep. C. Watkins  
Rep. L. Wilde

Nays-1

Rep. M. McKell

Absent-1

Rep. D. Sagers

**2 . H.B. 88 School and Child Care Center Water Testing Requirements (*Handy, S.*)**

Rep. Handy explained the bill assisted by Marie Owens, Director, Division of Drinking Water, and distributed handouts

[Utah Lead Coalition](#)

[Lead in Schools](#)

Luke Treutel, Division of Drinking Water, assisted Rep. Handy.

Terry Shoemaker, Executive Director, Utah School Superintendents Association, and represents the Utah School Boards Association, spoke in favor of the bill.

Claudia Fruin, Chair, Utah Lead Coalition, spoke in favor of the bill.

Johnny Anderson, Utah Private Child Care Association, spoke against the bill.

Ben Horsley, Granite School District, spoke in favor of the bill.

Kory Holdaway, Utah Private Child Care Association, spoke to the bill.

Bert Merrill, Outreach Coordinator, Utah Physicians for a Healthy Environment, spoke in favor of the bill.

**MOTION:** Rep. Briscoe moved to amend H.B. 88 with Amendment #1. The motion passed with a vote of 12 - 0 - 1.

Amendment 1  
H.B. 88

1. Page 2, Lines 46 through 53:

46 (2) A school or child care center shall test each consumable tap at the school or child  
47 care center for lead:

48 (a) by no later than { ~~June 1, 2022~~ } December 31, 2023; and

49 (b) every five years after the initial test of the consumable tap under Subsection (2)(a).

50 (3) In conducting a test under Subsection (2), the school or child care center shall:

51 (a) comply with the current state testing guidelines { ~~of the Environmental Protection Agency~~ }

52 for reducing lead in drinking water in schools and child care centers; and

53 (b) submit the samples to a certified laboratory.

Yeas-12

Rep. C. Albrecht  
Rep. J. Briscoe  
Rep. S. Chew  
Rep. S. Duckworth  
Rep. J. Ferry  
Rep. T. Hawkes  
Rep. P. Lyman  
Rep. M. McKell  
Rep. D. Owens  
Rep. K. Stratton  
Rep. C. Watkins  
Rep. L. Wilde

Nays-0

Absent-1

Rep. D. Sagers

**MOTION:** Rep. Briscoe moved to pass H.B. 88 out favorably as amended.

**SUBSTITUTE MOTION:** Rep. Hawkes moved to hold H.B. 88. The substitute motion passed with a vote of 12 - 0 - 1.

Yeas-12

Rep. C. Albrecht  
Rep. J. Briscoe  
Rep. S. Chew  
Rep. S. Duckworth  
Rep. J. Ferry  
Rep. T. Hawkes  
Rep. P. Lyman  
Rep. M. McKell  
Rep. D. Owens  
Rep. K. Stratton  
Rep. C. Watkins  
Rep. L. Wilde

Nays-0

Absent-1

Rep. D. Sagers

**3 . H.B. 96 Water Forfeiture Amendments (Ferry, J.)**

Rep. Ferry explained the bill assisted by Boyd Clayton, Interim State Water Engineer, and distributed a handout.

[HB96 Water Forfeiture Amendments](#)

**MOTION:** Rep. McKell moved to pass H.B. 96 out favorably. The motion passed with a vote of 11 - 1 - 1.

Yeas-11

Rep. C. Albrecht  
Rep. J. Briscoe  
Rep. S. Chew  
Rep. S. Duckworth  
Rep. J. Ferry  
Rep. T. Hawkes  
Rep. P. Lyman  
Rep. M. McKell  
Rep. D. Owens  
Rep. C. Watkins  
Rep. L. Wilde

Nays-1

Rep. K. Stratton

Absent-1

Rep. D. Sagers

**4 . H.B. 105 Water Facilities Amendments (Wilde, L.)**

Rep. Wilde explained the bill.

**MOTION:** Rep. Chew moved to reconsider actions and to rescind amendment 2 that was previously adopted on this bill. The motion passed with a vote of 11 - 0 - 2.

Yeas-11

Rep. C. Albrecht  
Rep. J. Briscoe  
Rep. S. Chew  
Rep. S. Duckworth  
Rep. J. Ferry  
Rep. T. Hawkes  
Rep. P. Lyman  
Rep. D. Owens  
Rep. K. Stratton  
Rep. C. Watkins  
Rep. L. Wilde

Nays-0

Absent-2

Rep. M. McKell  
Rep. D. Sagers

**MOTION:** Rep. Chew moved to amend H.B. 105 with Amendment #3. The motion passed with a vote of 11 - 0 - 2.

Amendment 3  
H.B. 105

1. Page 3, Lines 72 through 73:

72 (b) That the vested rights in the established [~~canals and watercourse~~] {~~right of way~~} water facility shall  
73 be protected against all encroachments.

Yeas-11

Rep. C. Albrecht  
Rep. J. Briscoe  
Rep. S. Chew  
Rep. S. Duckworth  
Rep. J. Ferry  
Rep. T. Hawkes  
Rep. P. Lyman  
Rep. D. Owens  
Rep. K. Stratton  
Rep. C. Watkins  
Rep. L. Wilde

Nays-0

Absent-2

Rep. M. McKell  
Rep. D. Sagers

**MOTION:** Rep. Wilde moved to amend H.B. 105 with Amendment #4. The motion passed with a vote of 11 - 0 - 2.

Amendment 4  
H.B. 105

1. Page 2, Lines 44 through 49:

44 (2) A person is guilty of a crime punishable under Section 73-2-27 if the person:

45 (a) maliciously :

(i) interferes with{~~-~~} a water facility;

(ii) damages{~~-~~} a water facility;

(iii) destroys{~~-~~} a water facility; or

(iv) removes a water facility;

46 (b) intentionally or knowingly makes a temporary or permanent connection to a water  
47 facility without first obtaining the written consent of the owner of the water facility; or

48 (c) unlawfully interferes with an individual authorized to apportion water while in the  
49 discharge of the individual's duties.

Yeas-11

Rep. C. Albrecht  
Rep. J. Briscoe  
Rep. S. Chew  
Rep. S. Duckworth  
Rep. J. Ferry  
Rep. T. Hawkes  
Rep. P. Lyman  
Rep. D. Owens  
Rep. K. Stratton  
Rep. C. Watkins  
Rep. L. Wilde

Nays-0

Absent-2

Rep. M. McKell  
Rep. D. Sagers

**MOTION:** Rep. Hawkes moved to pass H.B. 105 out favorably. The motion passed with a vote of 12 - 0 - 1.

Yeas-12

Rep. C. Albrecht  
Rep. J. Briscoe  
Rep. S. Chew  
Rep. S. Duckworth  
Rep. J. Ferry  
Rep. T. Hawkes  
Rep. P. Lyman  
Rep. M. McKell  
Rep. D. Owens  
Rep. K. Stratton  
Rep. C. Watkins  
Rep. L. Wilde

Nays-0

Absent-1

Rep. D. Sagers

**5 . H.B. 130 Water Use Amendments (Hawkes, T.)**

Rep. Hawkes explained the bill.

Trevor Nelson, General Manager, Bear River Canal Company, spoke against the bill.

Rep. Stratton assumed the chair.

**MOTION:** Rep. Duckworth moved to pass H.B. 130 out favorably.

**SUBSTITUTE MOTION:** Rep. Albrecht moved to hold H.B. 130. The substitute motion passed with a vote of 6 - 5 - 2.

Yeas-6

Rep. C. Albrecht  
Rep. S. Chew  
Rep. P. Lyman  
Rep. D. Owens  
Rep. K. Stratton  
Rep. C. Watkins

Nays-5

Rep. J. Briscoe  
Rep. S. Duckworth  
Rep. J. Ferry  
Rep. T. Hawkes  
Rep. M. McKell

Absent-2

Rep. D. Sagers  
Rep. L. Wilde

**MOTION:** Rep. McKell moved to adjourn. The motion passed with a vote of 11 - 0 - 2.



Yeas-11

Rep. C. Albrecht  
Rep. J. Briscoe  
Rep. S. Chew  
Rep. S. Duckworth  
Rep. J. Ferry  
Rep. T. Hawkes  
Rep. P. Lyman  
Rep. M. McKell  
Rep. D. Owens  
Rep. K. Stratton  
Rep. C. Watkins

Nays-0

Absent-2

Rep. D. Sagers  
Rep. L. Wilde

Chair Stratton adjourned the meeting at 6:28 p.m.