

MINUTES OF THE HOUSE
NATURAL RESOURCES, AGRICULTURE, & ENVIRONMENT
STANDING COMMITTEE
Room C445, State Capitol
February 28, 2013

Members Present: Rep. Mike Noel, Chair
Rep. Doug Sagers, Vice Chair
Rep. Roger Barrus
Rep. Kay Christofferson
Rep. Jack Draxler
Rep. Susan Duckworth
Rep. Becky Edwards
Rep. Steve Handy
Rep. Ken Ivory
Rep. John Mathis
Rep. Mike McKell
Rep. Merrill Nelson
Rep. Ryan Wilcox
Rep. Larry Wiley

Members Excused: Rep. Joel Briscoe
Rep. Mel Brown

Staff Present: Mr. J Brian Allred, Policy Analyst
Ms. An Bradshaw, Committee Secretary

Note: A list of visitors and handouts are filed with committee minutes

Chair Noel called the meeting to order at 8:06 a.m.

MOTION: Rep. Christofferson moved to approve the minutes of the February 22, 2013 and February 26, 2013 meetings. The motion passed unanimously with Rep. Duckworth, Rep. Edwards, Rep. Mathis, and Rep. Wilcox absent for the vote.

Chair Noel relinquished the chair to Vice Chair Sagers.

H.B. 155 Federal Law Enforcement Amendments (Rep. M. Noel)

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

1. *Page 2, Line 30:*

- 30 • the offense is a violation of an enacted federal law that is not an assimilation of a state law and that is also consistent with the federal

2. *Page 2, Line 32:*

- 32 • there is an emergency, and state or local officers are not reasonably available , and the employee is acting under constitutional federal law that is not an assimilation of state law ;

3. *Page 2, Lines 37 through 38:*

- 37 ▶ provides that ~~{state and}~~ local law enforcement agencies may enter into agreements
38 with federal agencies, but with limited, rather than concurrent, authority , and provides that state authorities may enter into agreements with the consent of the local county sheriff ; and

4. *Page 6, Line 167:*

- 167 Utah Administrative Rules, or county or municipal ordinances as a basis to stop, detain, arrest , or cite

5. *Page 6, Line 175:*

- 175 as a basis to stop, detain, arrest , or cite persons for prosecution in the federal criminal justice system, is not

6. *Page 6, Lines 180 through 181:*

- 180 (b) (i) the offense is an emergency ~~{or}~~ and poses an immediate risk of bodily injury or
181 damage to property; ~~{and}~~

7. *Page 7, Line 183:*

183 take action **; and**
(iii)(A) the action is within the scope of the employee's or official's law enforcement power under a federal law that is enacted and that is not an assimilation of a state law or ordinance; and
(B) the authorizing federal law is consistent with the Constitution of the United States .

8. *Page 7, Line 188:*

188 [~~(7)~~] (8) ~~{State and local}~~ **(a) Local** law enforcement agencies may enter into agreements with

9. *Page 7, Line 192:*

(b) State law enforcement agencies may, with the consent of the local county sheriff, enter into agreements as described in Subsection (8)(a), provided that the agreements may not exceed a duration of two years.

192 [~~(8)~~] (9) ~~{(a)}~~ County sheriffs shall regularly review the duties and activities of federal

10. *Page 7, Lines 196 through 197:*

196 ~~{(b) County sheriffs shall annually report to the county attorney or district attorney of~~
197 ~~their jurisdiction the results of all reviews conducted under this Subsection [(8) (9).}~~

The motion to amend passed unanimously with Rep. Duckworth and Rep. Wilcox absent for the vote.

Rep. Noel introduced the bill to the committee with the assistance of Mr. Mark Ward, Utah Association of Counties; Mr. Lamont Smith, Sheriff, Kane County; Mr. Rick Eldredge, Sheriff, San Juan County; Mr. James Perkins, Sheriff, Garfield County; and Mr. Reed Richards, Deputy County Attorney, Weber County.

Spoke in favor of the bill: Mr. Don Peay, Sportsmen for Fish and Wildlife

MOTION: Rep. Ivory moved to pass the bill out favorably as amended. The motion passed with Rep. McKell, Rep. Nelson, and Rep. Wiley voting in opposition and Rep. Duckworth and Rep. Wilcox absent for the vote.

H.B. 150 Animal Shelter Amendments (*Rep. A. Romero*)

Rep. Romero introduced the bill to the committee with the assistance of Dr. Drew Allen, Utah Veterinary Medical Association and Mr. Russ Wall, Director of Public Works and Regional Development, Salt Lake County. A handout was provided.

Spoke in favor of the bill: Ms. Jamie Usry, Humane Society of Utah

Spoke in opposition to the bill: Mr. Mike Morgan, South Utah Valley Animal Shelter

MOTION: Rep. Noel moved to pass the bill out favorably. The motion passed with Rep. Barrus, Rep. Christofferson, and Rep. Draxler voting in opposition and Rep. McKell absent for the vote.

Rep. Noel assumed the chair.

H.B. 360 Water and Irrigation Revisions (*Rep. R. Wilcox*)

Rep. Wilcox introduced the bill to the committee. A handout was provided.

MOTION: Rep. Handy moved to pass the bill out favorably. The motion passed unanimously with Rep. Mathis and Rep. McKell absent for the vote.

MOTION: Rep. Handy moved to place HB360 on the Consent Calendar. The motion failed with Rep. Nelson voting in opposition and Rep. Mathis and Rep. McKell absent for the vote.

Chair Noel relinquished the chair to Vice Chair Sagers.

H.B. 358 Instream Flow Amendments (*Rep. M. Noel*)

Rep. Noel introduced the bill to the committee with the assistance of Mr. Tim Hawkes, Trout Unlimited. A handout was provided.

Spoke in favor of the bill: Mr. Sterling Brown, Utah Farm Bureau

MOTION: Rep. Wiley moved to pass the bill out favorably. The motion passed unanimously.

MOTION: Rep. Wiley moved to place HB358 on the Consent Calendar. The motion passed unanimously.

H.B. 342 Wild Turkey Management (Rep. R. Menlove)

Rep. Menlove requested HB342 be replaced with 1st Sub. HB342.

MOTION: Rep. Edwards moved to replace HB342 with 1st Sub. HB342. The motion passed unanimously.

1st Sub. H.B. 342 Wild Turkey Management (Rep. R. Menlove)

Rep. Menlove introduced the bill to the committee with the assistance of Rep. Froerer; Mr. Kyle Potter, citizen; Mr. Sterling Brown, Utah Farm Bureau; and Mr. Greg Sheehan, Director, Utah Division of Wildlife Resources.

MOTION: Rep. Noel moved to pass 1st Sub HB342 out favorably.

SUBSTITUTE MOTION: Rep. McKell moved to place 1st. Sub. HB342 on the interim calendar for further study. A voice vote was taken and Vice Chair Sagers declared the motion failed.

A vote was taken on the original motion to pass 1st Sub. HB342 out favorably and the motion passed with Rep. Edwards and Rep. McKell voting in opposition and Rep. Barrus absent for the vote.

MOTION: Rep. Noel moved to adjourn the meeting. The motion passed unanimously with Rep. Barrus absent for the vote.

Vice Chair Sagers adjourned the meeting at 9:59 a.m..

Rep. Mike Noel, Chair