

**MINUTES OF THE
POLITICAL SUBDIVISIONS INTERIM COMMITTEE**
Wednesday, June 15, 2005 – 9:00 a.m. – W025 House Building

Members Present:

Sen. Carlene M. Walker, Senate Chair
Rep. Brad L. Dee, House Chair
Sen. Fred J. Fife III
Rep. David N. Cox
Rep. Julie Fisher
Rep. Kerry W. Gibson
Rep. Ann W. Hardy
Rep. Brad King
Rep. M. Susan Lawrence
Rep. Karen W. Morgan
Rep. Joseph G. Murray
Rep. Peggy Wallace
Rep. Larry B. Wiley

Members Absent:

Sen. L. Alma Mansell
Sen. John L. Valentine

Staff Present:

Mr. Joseph Wade, Policy Analyst
Mr. Robert H. Rees, Associate General Counsel
Ms. Wendy L. Bangerter, 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, Wendy Bangerter, at 538-1032. A recording of the meeting is available from the committee secretary.

1. Committee Business

Chair Walker called the meeting to order at 9:17 a.m.

MOTION: Rep. Lawrence moved to approve the minutes of the May 18, 2005 meeting. The motion passed unanimously.

2. Local Background Checks

Rep. Brad Dee reviewed issues related to background checks in local government and school districts. He stated his desire to study funding, either by appropriation or legislation.

Mr. Ed McConkie, Chief, BCI (Bureau of Criminal Identification) and Ms. Joyce Carter, BCI, explained BCI and its function. Mr. McConkie distributed a description of the duties and responsibilities of BCI. He explained new technology available to qualifying entities for quicker identification and background checks, which would be especially helpful for school districts. They explained what could be accomplished with additional funding. They recommended that more of the dedicated credit, fees charged for concealed weapon permits, be considered as a potential funding source to operate the BCI program instead of diverting those resources into the General Fund.

Rep. Dee stated he would be studying the issue further, with possible adjustments to current law. He hoped to address the Committee again in a future meeting.

3. Camp Williams Land Use Buffer

Rep. Greg Hughes introduced Col. Craig Morgan, former liaison to the Legislature from Camp Williams, and Col. Scott Olsen, the current liaison. He explained his desire to study the need for a compatible land use buffer around Camp Williams.

Col. Scott Olsen, liaison and training site manager for Camp Williams, gave a brief history of Camp Williams. He explained the changes that take place in weapons and tactics training and how the Camp must change with those needs. He gave an electronic presentation, focusing on the problems of urban encroachment and the reduced number of training facilities around the country. He stated his greatest concerns are trespassers and the dangers they could encounter and the need for developing positive relationships with municipal leaders. He proposed a two-phase approach: 1) establish a task force to assess the impact and future of this area and 2) recognize the interests of the development groups so compatible uses can be established.

Mr. Sean Warnke, Eagle Mountain City, expressed interest in the formation of a task force or ad hoc committee.

Col. Morgan assisted in answering questions from the Committee.

4. Prescriptive Easements

Rep. Greg Hughes introduced the issue of and his desire to study ways to provide notice to property owners of prescriptive easement claims, recording of prescriptive easements, and fair compensation to a property owner for easements.

Ms. Brenda Scharman, public citizen and business owner, explained the problems she had with a prescriptive easement.

Mr. Lynn Pace, Salt Lake City Attorney's Office, spoke in favor of fairness to property owners, but expressed the desire to not impair what has already been in place for so long.

Mr. Mike Ostermiller, Utah Association of Realtors, spoke in favor of trying to define the scope of the problem. He believes there is no reason to create law if the problem is not broad and widespread. He noted that these situations are most often reserved for the courts because they deal with common law and case law.

5. Liability for Faulty Construction

This item was not discussed.

6. Other Items / Adjourn

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

Chair Walker adjourned the meeting at 12:10 p.m.