

**MINUTES OF THE SENATE GOVERNMENT OPERATIONS & POLITICAL SUBDIVISIONS  
STANDING COMMITTEE  
FEBRUARY 24, 2004, 4:00 P.M.  
ROOM 403, STATE CAPITOL BUILDING**

Members Present:            Sen. Carlene M. Walker, Chair  
                                  Sen. Patrice Arent  
                                  Sen. Dan Eastman  
                                  Sen. Beverly Evans  
                                  Sen. Karen Hale  
                                  Sen. Bill Hickman  
                                  Sen. Peter Knudson

Staff Present:                Richard North, Policy Analyst  
                                  Saundra Maeser, Secretary

Public Speakers Present:    Ed McConkie, Committee on Criminal and Juvenile Justice  
                                  Tasman Biesinger, Utah Home Builders Association  
                                  Steve Erickson, Utah Housing Coalition  
                                  Bryson Garbett, President, Garbett Homes  
                                  Eileen Moss, Fruit Heights City Council  
                                  Jodi Hoffman, Utah League of Cities and Towns

A list of visitors is filed with the committee minutes.

Committee Chair Walker called the meeting to order at 4:40 p.m.

**1. Approval of Minutes**

**MOTION:** Sen. Eastman moved to approve the minutes of February 19, 2004.

The motion passed unanimously with Sen. Evans, Sen. Hickman, and Sen. Knudson absent at the time of voting.

**2. S.B. 218 Law Enforcement Overtime Fund (*J. Evans*)**

Sen. James Evans introduced the bill.

Ed McConkie, Committee on Criminal and Juvenile Justice, spoke to the bill.

**MOTION:** Sen. Eastman moved to pass S.B. 218 out with a favorable recommendation.

The motion passed unanimously with Sen. Evans and Sen. Knudson absent at the time of voting.

**3. H.B. 111S1 Municipal Government Amendments** (W. Harper)

Rep. Wayne Harper introduced the bill.

**MOTION:** Sen. Hickman moved to adopt 2nd Sub. H.B. 111, Local Government Amendments.

The motion passed unanimously with Sen. Evans absent at the time of voting.

Tasman Biesinger, Utah Home Builders Association; Steve Erickson, Utah Housing Coalition; and Bryson Garbett, President, Garbett Homes, spoke in support of the bill but desired that gross household income equal to or less than 80% be reinstated.

Eileen Moss, Fruit Heights City Council, spoke to the bill.

Jodi Hoffman, League of Cities and Towns spoke in support of the bill but had reservations about Page 14, Line 402.

**MOTION:** Sen. Hale moved to amend 2nd Sub. H.B. 111 as follows:

1. Page 12, Line 349 After "less than" restore the bracketed language "[80% of]"
2. Page 14, Line 414 After "less than" restore the bracketed language "[80% of]"

The motion passed unanimously with Sen. Evans absent at the time of voting.

**MOTION:** Sen. Hickman moved to table 2nd Sub. H.B. 111, as amended.

The motion passed unanimously with Sen. Evans absent at the time of voting.

**4. H.B. 91 Utah Administrative Rulemaking Act Amendments** (W. Harper)

Rep. Harper introduced the bill.

**MOTION:** Sen. Hale moved to amend H.B. 91 as follows:

1. Page 5, Lines 136 through 146

- |     |   |
|-----|---|
| 136 | (b) The proposed rule shall be sent to the sponsor of cited legislation if the legislation: |
| 137 | (i) creates an express, implied, or perceived obligation on the part of any agency to       |

138 draft a rule;  
139 (ii) is cited by the agency as authority for the rule; and  
140 (iii) was enacted no more than two years prior to the date that the rule is submitted to  
141 the division.

(c) The notifications required under Subsections (3) and (8) are intended to assist the sponsoring legislator in reviewing proposed administrative rules.

(4)(a) An agency's lack of compliance with the notification requirements of Subsections (3) and (8) does not constitute grounds for contesting any rule.

(b) Any concerns regarding an administrative rule may be addressed as provided in Sections 63-46a-5, 63-46a-11, 63-46a-12, and 63-46a-12.1.

142 [(3)] [~~(4)~~] (5) (a) Each agency shall file its proposed rule and rule analysis with  
the division.

143 (b) Rule amendments shall be marked with new language underlined and deleted  
144 language struck out.

145 (c) (i) The division shall publish the information required under this Subsection [(3)]

146 [~~(4)~~] (5) on the rule analysis and the text of the proposed rule in the next issue of  
the bulletin.

*renumber remaining subsections accordingly*

The motion passed unanimously with Sen. Evans absent at the time of voting.

**MOTION:** Sen. Hickman moved to table H.B. 91, as amended.

The motion passed unanimously.

**MOTION:** Sen. Evans moved to adjourn.

The motion passed unanimously.

Committee Chair Walker adjourned the meeting at 5:02 p.m.

Minutes reported by Sandra Maeser, Secretary

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Sen. Carlene Walker, Committee Chair

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