

**MINUTES OF THE
HOUSE POLITICAL SUBDIVISIONS
STANDING COMMITTEE**

Room W125, West Office Building, State Capitol Complex
Thursday, February 17, 2005

COMMITTEE MEMBERS: Rep. Brad L. Dee, Chair
Rep. M. Susan Lawrence, Vice Chair
Rep. Ralph Becker
Rep. D. Gregg Buxton
Rep. Julie Fisher
Rep. Kerry W. Gibson
Rep. Ann W. Hardy
Rep. Kory M. Holdaway
Rep. Brad King
Rep. Ronda Rudd Menlove
Rep. LaWanna Lou Shurtliff

STAFF PRESENT: Joseph Wade, Policy Analyst
Doris Donat, Committee Secretary

Note: A list of visitors and a copy of handouts are filed with the committee minutes.

Rep. Dee called the meeting to order at 8:05 a.m.

MOTION: Rep. Holdaway moved to approve the minutes of February 11, and February 15, 2005. The motion passed unanimously, with Rep. Becker, Rep. King, Rep. Menlove, and Rep. Shurtliff absent for the vote.

1st Sub. H.B. 94 Youth Corrections Amendments (Rep. C. Moss)

Rep. Moss with the help of Rep. Lawrence introduced the bill to the committee.

MOTION: Rep. Lawrence moved to amend 1st Sub H.B. 94 as follows:

1. Page 3, Line 84:

84 (j) "Violent offense" means ;
(i) any of the following offenses, or any attempt, solicitation,

2. Page 4, Line 117:

117 (X) bus hijacking under Section 76-10-1504; { ~~and~~ } or

3. Page 5, Lines 119 through 121:

119 (ii) any felony offense against a criminal statute of any other state, the United States,
or
120 any district, possession, or territory of the United States which would constitute a violent
121 offense as defined in { ~~this~~ } Subsection (1)(j) (i) if committed in this state.

The motion passed unanimously, with Rep. Becker, and Rep. Menlove absent for the vote.

Spoke to the bill: Debra Falvo, Executive Director Valley Mental Health

MOTION: Rep. Shurtliff moved to pass 1st Sub H.B. 94 out favorably as amended. The motion passed, with a vote of 8-2-1, with Rep. Fisher, Rep. Hardy, Rep. Holdaway, Rep. King, Rep. Menlove, Rep. Shurtliff, Rep. Lawrence, and Rep. Dee voting yes, with Rep. Buxton and Rep. Gibson voting no, with Rep. Becker absent for the vote.

Rep. Dee relinquished the chair to Rep. Lawrence.

H.B. 256 Local Government Acquisition of Real Property (Rep. A. Hardy)

Rep. Hardy with the help of Tom Hardy, City Manager of Bountiful, introduced the bill and explained it to the committee.

MOTION: Rep. Hardy moved to amend H.B. 256 as follows:

1. Page 5, Lines 127 through 131:

127 (6) (a) Each municipality that intends to acquire real property by eminent domain
under

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

131 with the property owner's rights in an eminent domain proceeding.

(b) For purposes of Subsection (1)(c), water rights that are located outside the municipality and are not appurtenant to an interest in real property do not constitute real property that may be acquired by a municipality by eminent domain.

2. Page 5, Lines 147 through 149:

147 (F) subject to Subsection (1)(c), acquire, by eminent domain, real property, or an
148 undivided, fractional, or other interest in real property, { ~~that is necessary or convenient~~
for the
149 purposes contemplated in the agreement creating } **for the benefit of** the interlocal
entity, regardless of whether the

3. Page 6, Lines 174 through 178:

174 (c) (i) Each interlocal entity that intends to acquire real property by eminent domain
under

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

178 with the property owner's rights in an eminent domain proceeding.

(ii) For purposes of Subsection (1)(a)(i)(F), water rights that are located outside the boundaries of the interlocal entity and are not appurtenant to an interest in real

property do not constitute real property that may be acquired by an interlocal entity by eminent domain.

The motion passed unanimously, with Rep. Becker and Rep. Dee absent for the vote.

Spoke to the bill: M. Dayle Jeffs, property owner, Attorney in Provo
Reed Searle, Intermountain Power Agency
Mark Buchi, General Counsel Intermountain Power Agency
Craig Call, State Property Rights Ombudsman
Ted Lee, STET
Mike Ostermiller, Utah Association of Realtors
Lynn Pace, Salt Lake City, and Salt Lake Public Utilities

MOTION: Rep. Dee moved to pass this bill out favorably as amended.. The motion passed with a 8-2-1 vote, with Rep. Becker, Rep. Fisher, Rep. Hardy, Rep. Holdaway, Rep. King, Rep. Shurtliff, Rep. Lawrence, and Rep. Dee voting yes, with Rep. Gibson, and Rep. Menlove voting no, with Rep. Buxton absent for the vote.

H.B. 333 Density Credit for Land Donated to School District (Rep. D. Cox)

MOTION: Rep. Dee moved to send H.B. 333 back to the Rules Committee and recommend the bill be sent to Interim Study. The motion passed unanimously, with Rep. Buxton absent for the vote.

H.B. 311 Controlled Substance Law Amendments (Rep. B. Dee)

Rep. Dee with the help of Pat Nolan, of the Attorney General's Office, introduced the bill and explained it to the committee.

Spoke to the bill: Stan Burnett, citizen
Reed Richards, Deputy Weber County Attorney
Art Brown, Mother's Against Drunk Drivers, (MADD)

MOTION: Rep. Hardy moved to pass this bill out favorably. The motion passed unanimously, with Rep. Becker, and Rep. Buxton absent for the vote.

MOTION: Rep. King moved that H.B. 311 be placed on the Consent Calendar. The motion passed unanimously, with Rep. Becker, and Rep. Buxton absent for the vote.

H.B. 122 Bail Bond Amendments (Rep. K. Gibson)

Rep. Gibson with the help of Reed Richards, Deputy Weber County Attorney, introduced the bill and explained it to the committee.

MOTION: Rep. Gibson moved to amend H.B. 122 as follows:

1. Page 1, Lines 14 through 19:

14 department {~~;~~
15 ~~—> establishes a fee to be collected at the jail on each bail bond written by a~~
~~bail bond~~
16 ~~surety and directs the disposition of that fee; and~~
17 ~~—> directs a portion of that fee to the Departments of Insurance and Public~~
~~Safety for~~
18 ~~paying the costs of the commission and for investigating and resolving bail bond~~
19 ~~complaints and conducting administrative investigations- } .~~

2. Page 2, Line 30:

30 { ~~31A-2-405, Utah Code Annotated 1953~~ }

3. Page 2, Lines 52 through 55:

52 (1) (a) There is created within the department the Joint Bail Bond Commission
53 comprised of { ~~nine~~ } ten members:
54 (i) { ~~two~~ } three members { ~~appointed~~ } elected by the Utah
Association of Professional Bondsmen and
55 Agents;

4. Page 4, Line 97 through Page 5, Line 131:

97 { ~~(4) recommend to the Legislature appropriate allocation of the fees~~
~~collected in Section~~
98 ~~31A-2-405; }~~
99 { ~~(5)~~ } (4) coordinate the efforts of the organizations represented in
resolving issues affecting
100 bail bond services; and
101 { ~~(6)~~ } (5) perform other duties as provided in this title.
102 { Section 5. Section 31A-2-405 is enacted to read:
103 ~~— 31A-2-405. Bail bond fee -- Disposition:~~
104 ~~— (1) (a) Each bail bond written in this state by a bail bond surety is subject to a~~
~~fee of~~
105 ~~\$10.~~
106 ~~— (b) The fee shall be collected at the jail at the time the bail bond is given to the~~
~~jail.~~
107 ~~— (c) The jail shall monthly:~~
108 ~~— (i) send \$3.25 of each fee to the department as dedicated credits;~~

109 ~~— (ii) send \$1.75 of each fee to the Department of Public Safety as dedicated~~
~~credits; and~~
110 ~~— (iii) retain \$5 of each fee to assist in paying for costs of collecting and~~
~~processing the~~
111 ~~fee and providing bail services in the jail;~~
112 ~~— (2) (a) The department shall use the dedicated credits it receives under~~
~~Subsection (1)~~
113 ~~to:~~
114 ~~— (i) investigate and resolve bail bond complaints;~~
115 ~~— (ii) investigate violations of state law relating to bail bond licensees;~~
116 ~~— (iii) pay the administrative costs of the commission; and~~
117 ~~— (iv) employ investigators to conduct investigations required under this~~
~~Subsection~~
118 ~~(2)(a):~~
119 ~~— (b) The Department of Public Safety shall use the dedicated credits it receives~~
~~under~~
120 ~~Subsection (1) to:~~
121 ~~— (i) investigate and resolve bail bond enforcement agent complaints;~~
122 ~~— (ii) investigate violations of the state law pertaining to bail enforcement agent~~
123 ~~licensees; and~~
124 ~~— (iii) employ investigators to conduct investigations required under this~~
~~Subsection~~
125 ~~(2)(b):~~
126 ~~— Section 6. Legislative intent:~~
127 ~~— It is the intent of the Legislature that:~~
128 ~~— (1) the Utah Insurance Department use the dedicated credit revenues it receives~~
~~under~~
129 ~~Section 31A-2-405 to pay the expenses of the board and to hire investigators; and~~
130 ~~— (2) the Department of Public Safety use the dedicated credit revenues it~~
~~receives under~~
131 ~~Section 31A-2-405 to hire investigators. }~~

The motion passed unanimously, with Rep. Becker and Rep. Buxton absent for the vote.

MOTION: Rep. Dee moved to amend H.B. 122 as follows:

1. Page 2, Lines 31 through 32:

31 { ~~Uncodified Material Affected:~~
32 ~~ENACTS UNCODIFIED MATERIAL~~ }

The motion passed unanimously, with Rep. Becker, Rep. Buxton, and Rep. King absent for the vote.

Spoke to the bill: Rick Schwermer, Utah State Court
Jewel Fuchs, Sgt. Weber County
Tom Pappes, President Utah Bail Bond Association

MOTION: Rep. Holdaway moved to pass the bill out favorably as amended. The motion passed unanimously, with Rep. Becker and Rep. King absent for the vote.

MOTION: Rep. Dee moved to adjourn the meeting. The vote was unanimous. Rep. Lawrence adjourned the meeting at 9:58 a.m.

Rep. Brad L. Dee, Chair