

**MINUTES OF THE SENATE GOVERNMENT OPERATIONS & POLITICAL SUBDIVISIONS
STANDING COMMITTEE
JANUARY 28, 2005
ROOM W020, WEST OFFICE BUILDING, CAPITOL BUILDING**

Members Present: Sen. Parley G. Hellewell, Chair
 Sen. Allen M. Christensen
 Sen. Gene Davis
 Sen. Karen Hale
 Sen. Bill Hickman

Staff Present: Phillip Dean, Policy Analyst
 Nedra Duzett, Secretary

Public Speakers Present: Lynn Pace, Deputy City Attorney, Salt Lake City Corp.
 Jodi Hoffman, Utah League of Cities & Towns
 Brent Gardner, Utah Assn. of Counties
 Rick Schwermer, Judicial Council
 Chuck Eddy, Citizens Advocate
 Ralph Okerlund, Pres. County Commissioners Assn.
 Robert Larsen, Citizens Advocate
 Sandy Peck, League of Women Voters
 Rulon Yorgasen, Citizens Advocate

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

Committee Chair called the meeting to order at 8:05 a.m.

MOTION: Sen. Hickman moved to approve the minutes of the Jan. 25, 2005 meeting.

The motion passed unanimously.

1. S.B. 31 Local Government Amendments (D. Thomas)

Sen. Thomas explained the bill with the following amendment:

1. Page 1, Lines 11-15: Delete lines 11 through 15
2. Page 2, Line 32: After "interest;" insert "and"
3. Page 2, Lines 33-34: Delete lines 33 and 34
4. Page 2, Lines 43-44: Delete lines 43 and 44

5. Page 2, Lines 49-50: Delete lines 49 and 50
6. Page 2, Line 56: Delete line 56
7. Page 3, Lines 60-89: Delete lines 60 through 89
8. Page 4, Lines 90-120: Delete lines 90 through 120
9. Page 5, Lines 121-151: Delete lines 121 through 151
10. Page 6, Lines 152-162: Delete lines 152 through 162
11. Page 9, Lines 259-275: Delete lines 259 through 275
12. Page 10, Lines 276-306: Delete lines 276 through 306
13. Page 11, Lines 307-337: Delete lines 307 through 337
14. Page 12, Lines 338-367: Delete lines 338 through 367
15. Page 18, Lines 538-539: After "owner" bracket "at least 14 calendar days" and insert "or the owner's agent"
16. Page 18, Lines 553-554: Delete lines 553 and 554
17. Page 19, Lines 555-585: Delete lines 555 through 585
18. Page 20, Lines 586-616: Delete lines 586 through 616
19. Page 21, Line 617: Delete line 617

Renumber remaining sections accordingly.

MOTION: Sen. Christensen moved to approve the amendment.

The motion passed with Sen. Davis and Sen. Hale absent for the vote.

The following spoke in support of the bill:

Lynn Pace, Deputy City Attorney, Salt Lake City Corp.
Brent Gardner, Utah Assn. of Counties

MOTION: Sen. Hickman moved to pass the bill as amended with a favorable recommendation.

The motion passed with Sen. Davis absent for the vote.

2. S.B. 136 Justice Court Operations Amendments (E. Mayne)

Sen. Mayne explained the bill.

Rick Schwermer, Judicial Council, spoke against the bill.

Jodi Hoffman, Utah League of Cities & Towns, spoke in favor of the bill.

MOTION: Sen. Davis moved to pass the bill with a favorable recommendation.

The motion passed with Sen. Hale voting in opposition to the bill.

3. S.B. 140 Personal Use of Campaign Funds (K. Hale)

This bill be discussed in the Feb. 1, 2005 meeting.

4. S.B. 143 Open and Public Meetings - Recording Requirements (S. Jenkins)

Sen. Jenkins explained the bill.

The following spoke in support of the bill:

Chuck Eddy, Citizens Advocate
Robert Larsen, Citizens Advocate
Sandy Peck, League of Women Voters
Rulon Yorgasen, Citizens Advocate

The following spoke in opposition to the bill:

Ralph Okerlund, President, County Commissioners Assn.
Brent Gardner, Utah Assn. of Counties

MOTION: Sen. Davis moved to amend the bill as follows:

1. Page 2, Line 58:

58 only written minutes [~~shall~~] {may} shall be used as evidence of the official action taken at such

The motion passed with Sen. Christensen voting against the motion.

MOTION: Sen. Hale moved to pass the bill as amended with a favorable recommendation.

The motion passed with Sen. Christensen and Sen. Hellewell voting in opposition.

5. **H.B. 34 Emergency Related Amendments** (S. Allen)

Rep. Allen explained the bill.

MOTION: Sen. Hickman moved to pass the bill with a favorable recommendation.

The motion passed unanimously.

6. **H.B. 51 Electronic Payments to Local Government Entities** (J. Murray)

Rep. Murray explained the following amendment to the bill:

1. *Page 2, Lines 29 through 33:*

29 (a) "Electronic payment" means the payment of money to a municipality by
 electronic
30 means, including by means of a credit card, **charge card,** debit card, **prepaid or**
 stored value card or similar device, or automatic clearinghouse transaction.

31 (b) "Electronic payment fee" means ~~{**an amount of money to defray the**~~
 discount fee;
32 ~~processing fee, or other fee charged by a credit card company or processing agent to~~
 ~~process}~~ **a fee charged to the consumer that is uniform across all types of**
 electronic payments for the convenience of using an
33 electronic payment.

2. *Page 2, Lines 43 through 47:*

43 (a) "Electronic payment" means the payment of money to a county by electronic
 means,
44 including by means of a credit card, **charge card,** debit card, **prepaid or stored**

value card or similar device, or automatic clearinghouse transaction.
45 (b) "Electronic payment fee" means ~~{-an amount of money to defray the~~
~~discount fee,~~
46 ~~processing fee, or other fee charged by a credit card company or processing agent to~~
~~process}~~ a fee charged to the consumer that is uniform across all types of
electronic payments for the convenience of using an
47 electronic payment.

3. *Page 2, Line 56 through Page 3, Line 61:*

56 (a) "Electronic payment" means the payment of money to an independent special
57 district by electronic means, including by means of a credit card, charge card, debit
card, prepaid or stored value card or similar device, or automatic
58 clearinghouse transaction.
59 (b) "Electronic payment fee" means ~~{-an amount of money to defray the~~
~~discount fee,~~
60 ~~processing fee, or other fee charged by a credit card company or processing agent to~~
~~process}~~ a fee charged to the consumer that is uniform across all types of
electronic payments for the convenience of using an
61 electronic payment.

MOTION: Sen. Davis moved to adopt the amendment.

The motion passed unanimously with Sen Christensen absent for the vote.

Shelly Cordon Tuescher, American Express, commented on the bill.

MOTION: Sen. Hale moved to pass the bill with a favorable recommendation.

The motion passed unanimously.

MOTION: Sen. Davis moved to adjourn.

The motion passed unanimously.

Committee Chair Hellewell adjourned the meeting at 9:25 a.m.

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Minutes reported by Nedra Duzett, Secretary

Sen. Parley G. Hellewell, Committee Chair