

**MINUTES OF THE SENATE GOVERNMENT OPERATIONS &
POLITICAL SUBDIVISIONS STANDING COMMITTEE**
ROOM 415 STATE CAPITOL
MARCH 7, 2013

Members Present: Sen. Margaret Dayton, Chair
 Sen. Luz Robles
 Sen. Brian E. Shiozawa
 Sen. Daniel Thatcher
 Sen. Kevin T. Van Tassell

Members Excused: Sen. Lyle W. Hillyard
 Pres. Wayne L. Niederhauser

Staff Present: Mr. Rich North, Policy Analyst
 Ms. Karen C. Allred, Committee Secretary

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

Chair Dayton called the meeting to order at 4:07 a.m.

Approval of Minutes

MOTION: Sen. Van Tassell moved to approve the minutes of the March 5, 2013, and the corrected minutes of the March 4, 2013 meetings. The motion passed unanimously with Sens. Robles and Thatcher absent for the vote.

S.B. 246 Volunteer Workers Amendments (Sen. S. Jenkins)

Sen. Jenkins introduced and explained the bill.

MOTION: Sen. Van Tassell moved to amend S.B. 246 as follows:

1. *Page 1, Line 13:*

13 { ~~addresses liability of certain volunteers;~~ }

2. *Page 2, Lines 44 through 49:*

44 [~~Any~~] (1) A person performing services on a voluntary basis, without compensation,
45 under the general supervision of, and on behalf of any public entity, [~~shall be~~] is immune
 from
46 liability with respect to any decisions or actions, other than in connection with the
 operation of
47 a motor vehicle, taken during the course of those services, unless it is established that
 {+} such

48 decisions or actions were grossly negligent, not made in good faith, or were made
maliciously {+}

49 {~~the volunteer willfully and knowingly caused harm to a person or property~~} .

3. Page 4, Line 119 through Page 5, Line 127:

119 (4) A volunteer facilitator is immune from liability for damages or injuries arising out
120 of or related to the volunteer service of a volunteer provided by the volunteer facilitator to
an

121 agency, unless:

122 (a) an action or omission of the volunteer facilitator {~~willfully and knowingly
caused~~} is grossly negligent, not made in good faith, or made maliciously, and
causes

123 harm to a person or property; or

124 (b) the volunteer facilitator fails to exercise due diligence in determining the fitness
of

125 a volunteer to provide voluntary service to the agency under circumstances that make the

126 volunteer facilitator's failure to exercise due diligence. {~~a willful and knowing
violation of the~~

127 ~~volunteer facilitator's duty~~} grossly negligent, not in good faith, or malicious .

The motion passed unanimously with Sens. Robles and Thatcher absent for the vote.

Spoke in favor of the bill: Ms. Jennifer Dayley, Executive Director, Utah Association for Justice
Mr. Dave Hardman, President/Chief Executive Officer, Ogeden/Weber
Chamber

MOTION: Sen Van Tassell moved to pass S.B. 246 out favorably. The motion passed with Sen.
Dayton voting in opposition and Sens. Robles and Thatcher absent for the vote.

H.B. 330 Financial Reporting Amendments (Rep. S. Eliason) (Sen. C. Bramble)

Rep. Eliason introduced and explained the bill.

Spoke to the bill: Mr. Brent Gardner, Chief Executive Officer, Utah Association of Counties

MOTION: Sen. Van Tassell moved to pass H.B. 330 out favorably. The motion passed unanimously
with Sen. Thatcher absent for the vote.

**1st Sub. H.C.R. 5 Concurrent Resolution on Regional Correctional Facilities and County Jail
Contracting (Rep. M. Noel)**

Rep. Noel introduced and explained the bill.

Spoke in favor of the bill: Mr. Brent Gardner, Chief Executive Officer, Utah Association of Counties

MOTION: Sen. Thatcher moved to pass 1st Sub. H.C.R. 5 out favorably. The motion passed unanimously.

MOTION: Sen. Van Tassell moved to place 1st Sub. H.C.R. 5 on the Consent Calendar. The motion passed unanimously.

H.J.R. 12 Joint Resolution Dissolving Clarkston Justice Court (*Rep. J. Draxler*) (Sen. L. Hillyard)

Sen. Van Tassell introduced and explained the bill.

MOTION: Sen. Van Tassell moved to pass H.J.R. 12 out favorably. The motion passed unanimously.

MOTION: Sen. Van Tassell moved to place H.J.R. 12 on the Consent Calendar. The motion passed unanimously.

H.B. 337 Permanent State Trust Fund Investment Amendments (*Rep. J. Nielson*)

This bill was not heard.

MOTION: Sen. Shiozawa moved to adjourn. The motion passed unanimously.

Chair Dayton adjourned the meeting at 5:01 a.m.

Minutes reported by Karen C. Allred, Secretary.

Sen. Margaret Dayton, Committee Chair