

**MINUTES OF THE
SENATE GOVERNMENT OPERATIONS AND POLITICAL SUBDIVISIONS STANDING COMMITTEE**

Thursday , February 15, 2018 • 8:00 a.m. • 415 State Capitol

Members Present:

Sen. Don L. Ipson, Chair
Sen. J. Stuart Adams
Sen. David P. Hinkins
Sen. Jani Iwamoto
Sen. Peter C. Knudson
Sen. Daniel W. Thatcher

Members Absent:

Sen. Margaret Dayton
Sen. Luz Escamilla

Staff Present:

Ms. Megan L. Bolin, Policy Analyst
Ms. Paula Morgan, Committee Secretary

Note: A copy of related materials and an audio recording of the meeting can be found at www.le.utah.gov.

Chair Ipson called the meeting to order at 8:01 a.m.

MOTION: Sen. Hinkins moved to approve the minutes of the February 13, 2018 meeting. The motion passed with a vote of 3 - 0 - 5 .

Yeas-3

Sen. D. Hinkins
Sen. D. Ipson
Sen. P. Knudson

Nays-0

Absent-5

Sen. J. Adams
Sen. M. Dayton
Sen. L. Escamilla
Sen. J. Iwamoto
Sen. D. Thatcher

1 . S.B. 170 Conservation District Amendments (*Henderson, D.*)

Sen. Deidre Henderson explained the bill.

MOTION: Sen. Hinkins moved to pass S.B. 170 out favorably. The motion passed with a vote of 3 - 0 - 5 .

Yeas-3

Sen. D. Hinkins
Sen. D. Ipson
Sen. P. Knudson

Nays-0

Absent-5

Sen. J. Adams
Sen. M. Dayton
Sen. L. Escamilla
Sen. J. Iwamoto
Sen. D. Thatcher

MOTION: Sen. Hinkins moved to place S.B. 170 on the Consent Calendar. The motion passed with a vote of 3 - 0 - 5 .

Yeas-3

Sen. D. Hinkins
Sen. D. Ipson
Sen. P. Knudson

Nays-0

Absent-5

Sen. J. Adams
Sen. M. Dayton
Sen. L. Escamilla
Sen. J. Iwamoto
Sen. D. Thatcher

2 . S.B. 175 Metro Township Modifications (*Mayne, K.*)

Sen. Karen Mayne explained the bill with the assistance of Paulina Flint, Chair, White City Metro Township, and Paul Ashton, Attorney, White City and Magna Metro Townships.

LeGrand Bitter, Association of Special Districts, spoke in favor of the bill.

MOTION: Sen. Hinkins moved to pass S.B. 175 out favorably. The motion passed with a vote of 4 - 0 - 4 .

Yeas-4

Sen. J. Adams
Sen. D. Hinkins
Sen. D. Ipson
Sen. P. Knudson

Nays-0

Absent-4

Sen. M. Dayton
Sen. L. Escamilla
Sen. J. Iwamoto
Sen. D. Thatcher

3 . S.B. 171 Intervention as a Matter of Right Amendments (Adams, J. S.)

Sen. Adams explained the bill.

MOTION: Sen. Adams moved to amend S.B. 171 with Amendment #2. The motion passed with a vote of 4 - 0 - 4 .

Amendment 2
S.B. 171

1 Page 1, Line 1
1

INTERVENTION {~~AS A MATTER OF RIGHT~~} AMENDMENTS

2 Page 1, Lines 12 through 16
12 This bill:

13 ▶ provides that the Legislature may intervene as a matter of right in litigation under
14 certain circumstances;

▶ addresses federal cases;

15 ▶ requires the attorney general to provide notice to the legislative general counsel; and
16 ▶ makes technical changes.

3 Page 3, Lines 74 through 80

74 (b) The Legislature has an unconditional right to intervene in a state court action {~~when~~} if a
75 party to that court action challenges:

76 (i) the constitutionality of a state statute;

77 (ii) the validity of legislation; or

78 (iii) any action of the Legislature.

(c) For a federal court action that challenges the constitutionality of a state statute, the validity of legislation, or any action of the Legislature, the Legislature may seek permissive intervention in accordance with federal rules of procedure, or the ability to file an amicus brief in accordance with federal rules of procedure.

79 {~~(c)~~} **(d)** The attorney general shall notify the legislative general counsel of a claim {~~described~~
80 **in Subsection (4)(b)**} in accordance with Subsection 67-5-1(24).

4 Page 7, Lines 183 through 185

183 (24) notify the legislative general counsel in writing within three business days after
184 the day on which the attorney general {~~becomes aware~~} **is officially notified** of a claim {~~described in~~
Subsection
185 **36-12-7(4)(b)**}, **regardless of whether the claim is filed in state or federal court, that challenges:**
(i) the constitutionality of a state statute;
(ii) the validity of legislation; or
(iii) any action of the Legislature.

Yeas-4

Sen. J. Adams
Sen. D. Hinkins
Sen. D. Ipson
Sen. P. Knudson

Nays-0

Absent-4

Sen. M. Dayton
Sen. L. Escamilla
Sen. J. Iwamoto
Sen. D. Thatcher

Tyler Green, Solicitor General, Utah Attorney General's Office, spoke to the bill.

Stephen Foxley, Lobbyist, Utah State Bar, spoke to the bill.

Jacey Skinner, Administrative Office of Courts, spoke to the bill.

MOTION: Sen. Adams moved to pass S.B. 171 out favorably. The motion passed with a vote of 5 - 1 - 2 .

Yeas-5

Sen. J. Adams
Sen. D. Hinkins
Sen. D. Ipson
Sen. P. Knudson
Sen. D. Thatcher

Nays-1

Sen. J. Iwamoto

Absent-2

Sen. M. Dayton
Sen. L. Escamilla

4 . H.B. 206 Gifts to the State Amendments (Kwan, K.)

Rep. Kwan explained the bill.

MOTION: Sen. Iwamoto moved to pass H.B. 206 out favorably. The motion passed with a vote of 4 - 0 - 4 .

Yeas-4

Sen. D. Hinkins
Sen. D. Ipson
Sen. J. Iwamoto
Sen. D. Thatcher

Nays-0

Absent-4

Sen. J. Adams
Sen. M. Dayton
Sen. L. Escamilla
Sen. P. Knudson

MOTION: Sen. Thatcher moved to adjourn. The motion passed with a vote of 4 - 0 - 4 .

Yeas-4

Sen. D. Hinkins
Sen. D. Ipson
Sen. J. Iwamoto
Sen. D. Thatcher

Nays-0

Absent-4

Sen. J. Adams
Sen. M. Dayton
Sen. L. Escamilla
Sen. P. Knudson

Chair Ipson adjourned the meeting at 8:30 a.m.