

**MINUTES OF THE SENATE GOVERNMENT OPERATIONS & POLITICAL SUBDIVISIONS
STANDING COMMITTEE
FEBRUARY 13, 2004, 2:00 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

Members Excused: Sen. Bill Hickman
 Sen. Peter Knudson

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

Public Speakers Present: Brent Gardner, Utah Association of Counties
 Chris Kyler, Legal Counsel, Utah Association of Realtors
 Sen. Chris Buttars
 Fred Finlinson, Chairman, Utah Water Coalition
 Wes Quinton, Utah Farm Bureau
 Shauna Kerr, Summit County Commissioner
 Mark Shurtleff, Attorney General
 Sherrie Swensen, Salt Lake County Clerk
 Arnold West, Arnell-West Inc.
 Todd Bingham, Associated Builders and Contractors
 Bob Babcock, Attorney, Civil Engineer
 Jodi Hoffman, Utah League of Cities and Towns
 Wendell Wild, City Administrator, West Bountiful City
 Joey Gilbert, Vice President, Association of General Contractors
 Mark Walsh, Utah Association of Counties
 Margaret Bird, School Trust Specialist, Utah Association of Counties
 Bob Morgan, Executive Director, Division of Natural Resources

A list of visitors is filed with the committee minutes.

Committee Chair Walker called the meeting to order at 2:23 p.m.

1. Approval of Minutes

MOTION: Sen. Arent moved to approve the minutes of February 11, 2004.

The motion passed unanimously.

2. S.B. 215 County Powers Amendments (D. Gladwell)

Sen. David Gladwell introduced the bill and distributed 2nd Sub. S.B. 215.

MOTION: Sen. Evans moved to adopt 2nd Sub. S.B. 215.

The motion passed unanimously.

Brent Gardner, Utah Association of Counties, and Shauna Kerr, Summit County Commissioner, spoke in opposition to the bill.

Chris Kyler, Legal Counsel, Utah Association of Realtors; Sen. Chris Butters; Fred Finlinson, Chairman, Utah Water Coalition; and Wes Quinton, Utah Farm Bureau, spoke in support of the bill.

MOTION: Sen. Eastman moved to pass 2nd Sub. S.B. 215 out with a favorable recommendation.

The motion passed unanimously.

3. S.B. 236 Utah Public Officers' and Employees' Ethics Act Amendments (D. C. Butters)

Sen. Chris Butters introduced the bill, assisted by Mark Shurtleff, Attorney General.

MOTION: Sen. Arent moved to pass S.B. 236 out with a favorable recommendation.

The motion passed with Sen. Eastman and Sen. Evans voting in opposition.

Sen. Hale assumed the chair from Sen. Walker

4. S.B. 157 Authorization to Perform Marriages (C. Walker)

Sen. Walker introduced the bill.

MOTION: Sen. Walker moved to amend S.B. 157 as follows:

1. Page 1, Line 24 through Page 2, Line 32

24 **30-1-6. Who may solemnize marriages -- Certificate.**

25 (1) Marriages may be solemnized by the following persons only:

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

- 31 (d) mayors of municipalities or county executives ;
32 (e) a justice, judge, or commissioner of a court of record;

2. Page 3, Lines 63 through 65

- 63 (3) Notwithstanding any other provision in law, no person authorized under
Subsection
64 (1) to solemnize a marriage may delegate or deputize another person to perform the
function of
65 solemnizing a marriage , except that only full-time employees of the office
responsible for the issuance of marriage licenses may be deputized .

The motion passed unanimously.

Brent Gardner, Utah Association of Counties, and Sherrie Swensen, Salt Lake County Clerk, spoke in support of the bill.

MOTION: Sen. Evans moved to pass S.B. 157, as amended, out with a favorable recommendation.

The motion passed with Sen. Arent and Sen. Hale voting in opposition.

Sen. Walker assumed the chair from Sen. Hale

5. **S.B. 183 Local Governments - Authority for Design-build Construction** (H. Stephenson)

Sen. Stephenson introduced the bill.

Sen. Eastman moved to amend S.B. 183 with Amendment 1 as follows:

1. Page 4, Lines 101 through 104

- 101 (b) except as provided in Subsection (3), enter into a contract for the
completion of the
102 building improvement or public works project with:
103 (i) the lowest responsive responsible bidder[-]; or
104 (ii) for a design-build project, a responsible bidder that :
(A) offers design-build services ; and
(B) satisfies the local entity's criteria relating to financial strength, past
performance, integrity, reliability, and other factors that the local entity uses to
assess the ability of a bidder to perform fully and in good faith the contract
requirements for a design-build project .

The motion passed unanimously.

MOTION: Sen. Eastman moved to amend S.B. 183 with Amendment 2, Item 1. as follows:

1. Page 2, Lines 51 through 53
 - 51 (4) "Design-build project" means a building improvement or public works
project costing over \$4,000,000 with
 - 52 respect to which both the design and construction are provided for in a single
contract with a
 - 53 contractor or combination of contractors capable of providing design-build services.

The motion passed with Sen. Arent and Sen. Hale voting in opposition.

Arnold West, Arnell-West Inc; and Todd Bingham, Associated Builders and Contractors, spoke in opposition to the bill.

Bob Babcock, Attorney; and Joey Gilbert, Vice President, Association of General Contractors, spoke in support of the bill.

Jodi Hoffman, Utah League of Cities and Towns; and Wendell Wild, City Administrator, West Bountiful City, spoke in support of the bill, but wanted the \$4,000,000 limit lowered.

MOTION: Sen. Evans moved to hold S.B. 183, as amended.

SUBSTITUTE MOTION: Sen. Hale moved to amend S.B. 183 as follows:

1. Page 2, Line 51 Delete \$4,000,000 and insert \$1,000.000.

The substitute motion passed unanimously.

MOTION: Sen. Hale moved to pass S.B. 183, as amended, out with a favorable recommendation.

The motion passed unanimously.

6. H.B. 206S2 Constitutional Defense Council Amendments (M. Noel)

Rep. Mike Noel introduced the bill.

MOTION: Sen. Evans moved to amend H.B. 206S2 as follows:

1. Page 5, Lines 138 through 143
House Floor Amendments
2-9-2004

138 ~~[[(7) (a) At least ~~11~~ 14 ~~10~~ 11 calendar days before the state submits final~~
138a ~~draft documents~~
139 ~~relating~~
140 ~~to land use plans to any federal land management agency, the governor shall make~~
140a ~~those~~
141 ~~documents available to any member of the Constitutional Defense Council ~~11~~ AND~~
142 ~~ANY COUNTY 11~~
143 ~~who requests them.~~
144 ~~(b) Members may make recommendations to the governor or the governor's~~
145 ~~designee~~
146 ~~about changes to be made to the documents before they are submitted to the federal~~
147 ~~land~~
148 ~~management agency.-]]~~

(7) (a) At least 20 calendar days before the state submits comments on the draft environmental impact statement or environmental assessment for a proposed land management plan of any federal land management agency, the governor shall make those documents available to:

(i) members of the council; and
(ii) any county executive, county council member, or county commissioner of a county that is covered by the management plan and that has established formal cooperating agency status with the relevant federal land management agency regarding the proposed plan.

(b) (i) Council members or local government officials receiving the documents may make recommendations to the governor or the governor's designee concerning changes to the documents before they are submitted to the federal land management agency.

(ii) Council members or local government officials shall submit recommendations to the governor or the governor's designee no later than 10 calendar days after receiving the documents under Section (7) (a).

(c) Documents transmitted or received under this Section (7) are drafts and are protected records pursuant to Subsection 63-2-304(22).

Page 6, Lines 160 through 167
House Floor Amendments
2-9-2004

160 (5) The Legislature may annually appropriate monies from the Constitutional
161 Defense
162 Restricted Account to one or more of the following:
163 (a) the Constitutional Defense Council to carry out its duties in Section 63C-4-102;
164 (b) the Office of the Governor , to be used only for the purpose of asserting,
165 defending, or litigating state
166 and local government rights under R.S. 2477, in accordance with a plan developed and
167 approved as provided in Section 63C-4-104; ~~[[-or -]]~~
168 (c) a county or association of counties to assist counties, consistent with the purposes

167 of the council, in pursuing issues affecting the counties ~~[[-]]~~ or
(d) the Office of the Attorney General, to be used only for public lands counsel
and assistance and litigation to the state or local governments including asserting,
defending, or litigating state and local government rights under R.S. 2477 in
accordance with a plan developed and approved as provided in Section 63c-4-104.

The motion passed unanimously.

Mark Walsh, Utah Association of Counties; Margaret Bird, School Trust Specialist, Utah Association of Counties; and Bob Morgan, Executive Director, DNR, spoke in support of the bill.

MOTION: Sen. Evans moved to pass H.B.206S2, as amended, out with a favorable recommendation.

The motion passed unanimously.

MOTION: Sen. Eastman moved to adjourn.

The motion passed unanimously.

Committee Chair Walker adjourned the meeting at 4:05 p.m.

Minutes reported by Sandra Maeser, Secretary

Sen. Carlene Walker, Committee Chair

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