

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

Room W125, West Office Building, Utah State Capitol Complex  
Monday, January 28, 2008

MEMBERS PRESENT:     Rep. Fred R Hunsaker, Chair  
                              Rep. Gage Froerer, Vice Chair  
                              Rep. Sheryl L. Allen  
                              Rep. Rebecca Chavez-Houck  
                              Rep. James A. Dunnigan  
                              Rep. Kerry W. Gibson  
                              Rep. Richard A. Greenwood  
                              Rep. Jennifer M. Seelig  
                              Rep. LaWanna Lou Shurtliff  
                              Rep. Stephen H. Urquhart  
                              Rep. R. Curt Webb

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. Hunsaker called the meeting to order 8:10 a.m.

**H.B. 145        Additional State Retirement Benefit (Rep. K. Holdaway)**

Rep. Holdaway introduced and explained the bill to the Committee, with the help of Kent Able, Utah Retired School Employee Association.

Rep. Hunsaker relinquished the chair to Rep. Froerer.

Eric Weeks, Associate General Counsel Office of Legislative Research and General Council, answered questions regarding the bill.

MOTION:       Rep. Urquhart moved that the Committee move to the next item on the agenda.

**SUBSTITUTE**

MOTION:       Rep. Hunsaker moved that the Committee recommend H.B. 145 favorably. The motion failed with a vote of 3-6-2. Rep. Greenwood, Rep. Chavez-Houck, and Rep. Hunsaker voting in the affirmative and Rep. Dunnigan, Rep. Gibson, Rep. Seelig, Rep. Urquhart, Rep. Webb, and Rep. Froerer voting in opposition to the motion. Rep. Allen and Rep. Shurtliff were absent for the vote.

Spoke to the bill:     Vik Arnold, Director of Government Relations, representing Utah Education Association

Ruby Hammel, retired teacher, Legislative Chair for Utah Retired School  
Employee Association  
Reed Richards, Weber County Attorney's Office

The Committee voted on the original motion to move to the next item on the agenda. The vote was unanimous, with Rep. Allen and Rep. Shurtliff absent for the vote.

MOTION: Rep. Gibson moved to approve the minutes of January 22, 2008. The motion passed unanimously, with Rep. Allen and Rep. Shurtliff absent for the vote.

**H.B. 107 Emergency Management Administrative Council (Rep. C. Oda)**

Rep. Oda introduced and explained the bill to the Committee with the help of Reed Richards, Weber County Attorney's Office.

Spoke to the bill: Lance Peterson, Director of Homeland Security for Weber County

MOTION: Rep. Urquhart moved to amend H.B. 107 as follows:

1. Page 3, Line 72:

72 (4) The commissioner of Public Safety and the lieutenant governor shall serve as  
{~~the chair~~} co-chairs of the council.

The motion passed unanimously, with Rep. Allen and Rep. Shurtliff absent for the vote.

MOTION: Rep. Gibson moved that the Committee recommend H.B. 107 favorably as amended. The motion passed unanimously, with Rep. Allen and Rep. Shurtliff absent for the vote.

MOTION: At the request of the bill sponsor Rep. Oda, Rep. Greenwood moved that H.B. 107 be placed on the Consent Calendar. The motion passed unanimously, with Rep. Allen and Rep. Shurtliff absent for the vote.

**H.B. 142 Absentee Ballot Amendments (Rep. J. Mathis)**

Rep. Mathis introduced and explained the bill to the Committee.

Spoke to the bill: Julio Garcia, Election Director of Salt Lake County

MOTION: Rep. Dunnigan moved that the Committee recommend H.B. 142 favorably. The motion passed by a vote of 7-3-1, with Rep. Allen, Rep. Dunnigan, Rep. Greenwood, Rep. Urquhart, Rep. Webb, Rep. Froerer, and Rep. Hunsaker voting in the affirmative

and Rep. Chavez-Houck, Rep. Seelig, and Rep. Shurtliff voting in opposition. Rep. Gibson was absent for the vote.

**H.B. 41 Campaign Report Amendments (Rep. S. Allen)**

Rep. Allen introduced and explained the bill to the Committee.

MOTION: Rep. Allen moved to amend H.B. 41 as follows:

1. Page 2, Lines 36 through 37:

36 Other Special Clauses:

37 ~~{None}~~ **This bill coordinates with S.B. 21, Campaign Finance Disclosure Revisions, by providing superceding amendments.**

2. Page 13, Line 399 through Page 14, Line 422:

399 20A-11-105. Amending financial statements -- Fees.

400 (1) **For the purposes of this section, "election cycle" means the two year period commencing on March 1 in a regular general election year and ending on the last day of February in the next regular general election year.**

(2) A person may file an amended financial statement to correct any financial statement filed under the requirements of this chapter, using the form required by the election officer, either:

403 (a) voluntarily; or

404 (b) at the direction of the election officer, as provided for in this chapter.

405 ~~{(2) The}~~ **(3) (a) Subject to the requirements of Subsection (3)(b), the**  
election officer shall assess an administrative fee for each amended financial

406 statement filed, which fee shall equal ~~{the greater of:~~

407 ~~—(a) \$25; or~~

408 ~~—(b)}~~ the total of the following assessments, which shall be assessed for each change made in the amended financial statement:

410 (i) for a change of the name of an individual or source making a contribution or public service assistance, 5% of the contribution or public service assistance;

412 (ii) for a change of the name of a person or entity receiving disbursement of an expenditure, 5% of the amount of the expenditure;

414 (iii) for a change that results in an increase in the reported amount of a contribution or public service assistance, 5% of the difference between the amended financial statement and the previously filed financial statement;

417 (iv) for a change that results in an increase in the reported amount of an expenditure,  
418 5% of the difference between the amended financial statement and the previously filed  
419 financial statement; or  
420 (v) for a newly reported contribution, public service assistance, or expenditure, or a  
421 change in both the name and the amount associated with a contribution, public service  
422 assistance, or expenditure, 5% of the contribution, public service assistance, or expenditure.

**(b) The election officer shall waive the first \$50 of fees that are assessable to a person during an election cycle under Subsection (3)(a), except in no case shall the election officer enforce collection of a fee that is less than \$25.**

3. *Page 24, Lines 739 through 740:*

739 (iii) The lieutenant governor shall report all violations of Subsection [~~(2)~~] (3)(c)(i) to  
740 the attorney general.

**Section 15. Coordinating H.B. 41 with S.B. 21 -- Superseding Amendments.**  
**If this H.B. 41 and S.B. 21, Campaign Finance Disclosure Revisions, both pass, it is the intent of the Legislature that the references to "September 15" in Subsections 20A-11-103(1)(a)(iv) and (1)(b)(iv) in this bill be replaced with "August 31".**

SUBSTITUTE

MOTION: Rep. Dunnigan moved to amend H.B. 41 as follows:

1. *Page 2, Lines 36 through 37:*

36 Other Special Clauses:

37 {~~None~~} **This bill coordinates with S.B. 21, Campaign Finance Disclosure Revisions, by providing superceding amendments.**

2. *Page 13, Line 399 through Page 14, Line 422:*

399 20A-11-105. Amending financial statements -- Fees.

400 (1) **For the purposes of this section, "election cycle" means the two year period commencing on March 1 in a regular general election year and ending on the last day of February in the next regular general election year.**

(2) A person may file an amended financial statement to correct any financial statement  
401 filed under the requirements of this chapter, using the form required by the election officer,  
402 either:

403 (a) voluntarily; or

404 (b) at the direction of the election officer, as provided for in this chapter.

405           ~~{(2) The}~~    **(3) (a) Subject to the requirements of Subsection (3)(b), the**  
406           election officer shall assess an administrative fee for each amended financial  
407           statement filed, which fee shall equal ~~{the greater of:~~  
408           ~~—(a) \$25; or~~  
409           ~~—(b)}~~    the total of the following assessments, which shall be assessed for each change  
410           made in the amended financial statement:  
411           (i) for a substantive change of the name of an individual or source making a  
412           contribution or public  
413           service assistance, 5% of the contribution or public service assistance;  
414           (ii) for a substantive change of the name of a person or entity receiving  
415           disbursement of an  
416           expenditure, 5% of the amount of the expenditure;  
417           (iii) for a change that results in an increase in the reported amount of a contribution or  
418           public service assistance, 5% of the difference between the amended financial statement and  
419           the previously filed financial statement;  
420           (iv) for a change that results in an increase in the reported amount of an expenditure,  
421           5% of the difference between the amended financial statement and the previously filed  
422           financial statement; or  
423           (v) for a newly reported contribution, public service assistance, or expenditure, or a  
424           substantive change in ~~{both}~~ the name and a change in the amount associated  
425           with a contribution, public service  
426           assistance, or expenditure, 5% of the contribution, public service assistance, or expenditure.  
427           **(b) The election officer shall waive the first \$50 of fees that are assessable to a**  
428           **person during an election cycle under Subsection (3)(a), except in no case shall the**  
429           **election officer enforce collection of a fee that is less than \$25.**

3. Page 24, Lines 739 through 740:

739           (iii) The lieutenant governor shall report all violations of Subsection ~~[(2)]~~ (3)(c)(i) to  
740           the attorney general.

**Section 15. Coordinating H.B. 41 with S.B. 21 -- Superseding Amendments.**  
**If this H.B. 41 and S.B. 21, Campaign Finance Disclosure Revisions, both pass, it**  
**is the intent of the Legislature that the references to "September 15" in Subsections**  
**20A-11-103(1)(a)(iv) and (1)(b)(iv) in this bill be replaced with "August 31".**

The motion passed with a vote of 10-1-0, with Rep. Allen, Rep. Chavez-Houck, Rep. Dunnigan, Rep. Gibson, Rep. Greenwood, Rep. Seelig, Rep. Shurtliff, Rep. Webb, Rep. Froerer, and Rep. Hunsaker voting in the affirmative and Rep. Urquhart voting in opposition.

Spoke to the bill: Michael Cragun, Deputy Chief of Staff, Attorney General's Office

MOTION: Rep. Shurtliff moved that the Committee recommend H.B. 41 as amended. The motion passed with a 9-2-0 vote, with Rep. Allen, Rep. Chavez-Houck, Rep. Gibson, Rep. Greenwood, Rep. Seelig, Rep. Shurtliff, Rep. Webb, Rep. Froerer, and Rep. Hunsaker voting in the affirmative, and Rep. Dunnigan and Rep. Urquhart voting in opposition.

**H.B. 291 Off-highway Vehicle Amendments (Rep. M. Noel)**

Rep. Noel introduced and explained the bill to the Committee with the help of Reed Richards, Weber County Attorney's Office.

MOTION: Rep. Greenwood moved to amend H.B. 291 as follows:

1. *Page 2, Lines 44 through 45:*

- 44 (ii) if under 18 years of age, is under the direct supervision of a person who is at  
least 18 years of age if  
45 operating on a public highway that is:

The motion passed unanimously, with all Committee members present.

Spoke to the bill: Ed. Phillips, Retired Law Enforcement, Millard County  
Fred Haze, Utah State Parks

MOTION: Rep. Gibson moved that the Committee recommend H.B. 291 as amended. The motion passed unanimously, with all Committee members present.

MOTION: Rep. Shurtliff moved to adjourn the meeting. The vote was unanimous.

Rep. Froerer adjourned the meeting at 9:48 a.m.

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Rep. Fred R Hunsaker, Chair