

**MINUTES OF THE SENATE GOVERNMENT OPERATIONS &
POLITICAL SUBDIVISIONS STANDING COMMITTEE
THURSDAY, FEBRUARY 5, 2009
ROOM 415 STATE CAPITOL**

Members Present: Sen. Peter C. Knudson, Chair
 Sen. John Greiner
 Sen. Scott K. Jenkins
 Sen. Dan Liljenquist
 Sen. Scott D. McCoy
 Sen. Luz Robles

Members Absent: Sen. Greg Bell

Staff Present: Rich North, Policy Analyst
 Jean Butler, Committee Secretary

Public Speakers Present: Michael Cragun, Deputy Chief, Lieutenant Governor Herbert
 Shar Lewis, Commission on Volunteers
 Lynn Pac, Hollday Council
 Jackie Biskupski, Representative
 Brad Slater, Sheriff of Weber County
 Val Shupe, Chief of Police

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

Committee Chair Knudson called the meeting to order at 8:00 a.m.

1. **AB0126 State Personnel Management Act Amendments** (D. Liljenquist)

Sen. Liljenquist asked to move his bill to the Monday calendar.

2. **SB0131 Law Enforcement Service in Local Districts and Interlocal Entities** (S. Jenkins)

MOTION: Senator Jenkins moved to adopt 1S SB0131.

The motion passed 6 - 0 - 1 with Senator Bell absent.

Sen. Jenkins introduced 1S SB0131.

The following individuals from the audience spoke to the bill:

Michael Cragun, Deputy Chief , for Lt. Governor Herbert

Val Shupe, Chief of Police - South Salt Lake
Bill, Applegate, Mayor of Riverton
Lincoln Shirts, League
Jackie Biskupski, Representative

MOTION: Sen. Jenkins moved to adopt the following amendments:

1. Page 1, Line 24:

24 apply to all counties;

► requires interlocal agreements between a county and one or more municipalities for law enforcement service to require the service to be provided by or under the direction of the county sheriff;

2. Page 2, Line 27:

27 the local district board or interlocal entity governing body as provided by agreement;

► prohibits a local district that provides law enforcement service as its primary service from levying a property tax;

3. Page 2, Lines 37 through 38:

37 AMENDS:

= 11-13-220, as renumbered and amended by Laws of Utah 2002, Chapter 286

38 17-22-2, as last amended by Laws of Utah 2008, Chapter 117

4. Page 2, Lines 45 through 46:

45 17B-1-505, as renumbered and amended by Laws of Utah 2007, Chapter 329

= 17B-1-1001, as enacted by Laws of Utah 2007, Chapter 329

46 17B-2a-905, as enacted by Laws of Utah 2007, Chapter 329

5. Page 2, Line 50:

50 Be it enacted by the Legislature of the state of Utah:

= Section 1. Section 11-13-202 is amended to read:

11-13-202. Agreements for joint or cooperative action, for providing or exchanging services, or for law enforcement services -- Effective date of agreement -- Public agencies may restrict their authority or exempt each other regarding permits and fees.

(1) Any two or more public agencies may enter into an agreement with one another under this chapter:

(a) for joint or cooperative action;

(b) to provide services that they are each authorized by statute to provide;

(c) to exchange services that they are each authorized by statute to provide;
(d) for a public agency to provide law enforcement services to one or more other public agencies, if the public agency providing law enforcement services under the interlocal agreement is authorized by law to provide those services, or to provide joint or cooperative law enforcement services between or among public agencies that are each authorized by law to provide those services; or

(e) to do anything else that they are each authorized by statute to do.

(2) An agreement under Subsection (1) does not take effect until it has been approved, as provided in Section 11-13-202.5, by each public agency that is a party to it.

(3) (a) In an agreement under Subsection (1), a public agency that is a party to the agreement may agree:

(i) to restrict its authority to issue permits to or assess fees from another public agency that is a party to the agreement; and

(ii) to exempt another public agency that is a party to the agreement from permit or fee requirements.

(b) A provision in an agreement under Subsection (1) whereby the parties agree as provided in Subsection (3)(a) is subject to all remedies provided by law and in the agreement, including injunction, mandamus, abatement, or other remedy to prevent, enjoin, abate, or enforce the provision.

= (4) An interlocal agreement between a county and one or more municipalities for law enforcement service within an area that includes some or all of the unincorporated area of the county shall require the law enforcement service provided under the agreement to be provided by or under the direction of the county sheriff.

6. Page 12, Line 358:

358 17B-1-512(2)(a).

= Section 10. Section 17B-1-1001 is amended to read:

17B-1-1001. Provisions applicable to property tax levy.

(1) Each local district that levies and collects property taxes shall levy and collect them according to the provisions of Title 59, Chapter 2, Property Tax Act.

= (2)(a) A local district that provides law enforcement service as the primary service it provides may not levy a property tax.

(b) Subsection (2)(a) does not apply to a local district that provides law enforcement service that is ancillary to the primary service provided by the local district.

Renumber remaining sections accordingly.

SUBSTITUTE MOTION: Senator McCoy made a substitution motion to amend

1. *Page 1, Line 24:*

24 apply to all counties;

► requires interlocal agreements between a county and one or more municipalities for law enforcement service to require the service to be provided by or under the direction of the county sheriff;

2. *Page 2, Lines 37 through 38:*

37 AMENDS:

= **11-13-220, as renumbered and amended by Laws of Utah 2002, Chapter 286**
38 17-22-2, as last amended by Laws of Utah 2008, Chapter 117

3. *Page 2, Line 50:*

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(a) for joint or cooperative action;

(b) to provide services that they are each authorized by statute to provide;

(c) to exchange services that they are each authorized by statute to provide;

(d) for a public agency to provide law enforcement services to one or more other public agencies, if the public agency providing law enforcement services under the interlocal agreement is authorized by law to provide those services, or to provide joint or cooperative law enforcement services between or among public agencies that are each authorized by law to provide those services; or

(e) to do anything else that they are each authorized by statute to do.

(2) An agreement under Subsection (1) does not take effect until it has been approved, as provided in Section 11-13-202.5, by each public agency that is a party to it.

(3) (a) In an agreement under Subsection (1), a public agency that is a party to the agreement may agree:

(i) to restrict its authority to issue permits to or assess fees from another public agency that is a party to the agreement; and

(ii) to exempt another public agency that is a party to the agreement from permit or fee requirements.

(b) A provision in an agreement under Subsection (1) whereby the parties agree as provided in Subsection (3)(a) is subject to all remedies provided by law and in the agreement, including injunction, mandamus, abatement, or other remedy to prevent, enjoin, abate, or enforce the provision.

= (4) An interlocal agreement between a county and one or more municipalities for law enforcement service within an area that includes some or all of the unincorporated area of the county shall require the law enforcement service provided under the agreement to be provided by or under the direction of the county sheriff.

The motion passed 5 - 1 - 0 with Sen. Greiner opposing the motion

MOTION: Senator Greiner moved to amend, page 3, line 87, reinstate "first class."

Motion failed 2 - 4 - 1 with Senators Jenkins, Knudson, Robles, and McCoy in opposition.

Brad Slatter, Sheriff of Weber County spoke to the bill.

MOTION: Sen. McCoy moved that 1S SB0131 be passed out favorably with the amendments.

The motion passed 6 - 1 - 1 with Sen. Greiner opposing the bill and Senator Bell absent.

3. **HB0045 Per Dien and Travel Expenses for State Boards and Commissions** (D. Aagard)

Rep. Aagard presented the bill.

MOTION: Sen. McCoy moved to pass the bill out favorable and have it placed on the Consent Calendar.

The motion passed 4 - 0 - 3 with Senators Bell, Jenkins, and Romero absent.

4. **HB0056 Declaration of Candidacy Amendments** (D. Aagard)

Rep. Aagard presented the bill.

Michael Cragun spoke for the bill of behalf of Lt. Governor Herbert.

MOTION: Sen. Liljenquist moved to pass the bill out favorably.

The bill passed 4 - 0 - 3 with Senators Bell, Jenkins, and Romero absent.

5. **HB0232S01 Campaign and Financial Reporting Requirements Revisions** (D. Aagard)

Rep. Aagard presented the bill.

Shar Lewis, Commission of Volunteers and representing Lt. Governor Herbert, spoke for the bill.

MOTION: Sen. McCoy moved the bill be passed out favorably.

The motion passed 6 - 0 - 1 with Senator Bell absent.

6. **HB0231 Utah Commission on Volunteers Amendments** (D. Aagard)

Rep. Aagard presented the bill.

MOTION: Senator McCoy moved to pass the bill out favorably.

The motion passed 6-0-1 with Senator Bell absent.

7. **HB0226 Disaster Recovery and Emergency Management Amendments.** (C. Oda)

Repre. Oda presented the bill.

MOTION: Sen. Liljenquist moved the bill be passed out favorably.

The bill passed 6 - 0 - 1 with Senator Bell absent.

MOTION: Senator McCoy moved that the bill be placed on the Consent Calendar.

The motion passed 6 - 0 - 1 with Senator Bell absent..

MOTION: Sen. Liljenquist moved the meeting to adjourned.

The motion passed 6 - 0 - 1 with Senator Bell absent.

Chair Knudson adjourned the meeting at 9:30 a.m.

Minutes were reported by Jean Butler, Committee Secretary.

Senator Knudson, Committee Chairman