

**MINUTES OF THE
HOUSE GOVERNMENT OPERATIONS STANDING COMMITTEE
ROOM 20, HOUSE OFFICE BUILDING, STATE CAPITOL COMPLEX
February 9, 2010**

MEMBERS PRESENT: Rep. Craig Frank, Chair
 Rep. Keith Grover, Vice Chair
 Rep. Douglas C. Aagard
 Rep. Jim Bird
 Rep. Ben Ferry
 Rep. Neil A. Hansen
 Rep. Neal B. Hendrickson
 Rep. John Mathis
 Rep. Larry B. Wiley

MEMBERS ABSENT: Rep. Ron Bigelow

STAFF PRESENT: Benjamin N. Christensen, Policy Analyst
 Sylvia Newton, Committee Secretary

Note: A list of visitors and copy of handouts are filed with committee minutes.

Rep. Frank called the meeting to order at 8:02 a.m.

MOTION: Rep. Grover moved to approve the minutes of the February 5, 2009 meeting. The motion passed unanimously with Rep. Aagard, Rep. Ferry, Rep. Hendrickson, and Rep. Wiley absent for the vote.

S.B. 22S2 Notary Public Amendments (*Sen. P. Knudson*)

MOTION: Rep. Grover moved to adopt 3rd Substitute S.B. 22. The motion passed unanimously with Rep. Aagard, Rep. Ferry, and Rep. Hendrickson absent for the vote.

Sen. Knudson explained 3rd Substitute S.B. 22 with the assistance of Spencer Hadley, Lieutenant Governor's Office. A handout was provided that clarified the object of the bill.

Spoke in favor of the bill: Joseph Rust, attorney

MOTION: Rep. Wiley moved to pass the bill with a favorable recommendation. The motion passed unanimously with Rep. Hendrickson absent for the vote.

H.B. 269 Solemnizing Marriages Amendment (Rep. D. Aagard)

Rep. Aagard explained the bill to the committee.

MOTION: Rep. Hansen moved to amend the bill as follows:

1. *Page 2, Lines 28 through 44:*

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

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

39 (i) the county clerk of any county in the state, if the clerk chooses to solemnize
40 marriages;

41 (j) ~~{the president}~~ members of the Senate;

42 (k) ~~{the speaker}~~ members of the House of Representatives; or

43 (l) a judge or magistrate who holds office in Utah when retired, under rules set by the
44 Supreme Court.

The motion to amend the bill passed with Rep. Mathis voting in opposition to the motion and Rep. Ferry absent for the vote.

Spoke in favor of the bill: Dave Copeland, Davis County

MOTION: Rep. Aagard moved to pass H.B. 269 as amended with a favorable recommendation. The motion passed unanimously with Rep. Bird and Rep. Ferry absent for the vote.

H.B. 122 Surveyor Amendments (Rep. J. Mathis)

MOTION: Rep. Mathis moved to amend the bill as follows:

1. *Page 1, Lines 9 through 10:*

9 This bill ~~{prohibits, in certain circumstances, the prosecution of a county
surveyor or a~~

10 ~~professional land surveyor for criminal trespass.}~~ provides a defense to criminal
trespass that the person is a professional surveyor or county surveyor.

2. *Page 1, Lines 14 through 15:*

14 ▶ ~~{prohibits, in certain circumstances, the prosecution of a county surveyor~~

or a

15 ~~professional land surveyor for criminal trespass~~ } provides a defense to criminal
trespass that the person is a professional surveyor or county surveyor ; and

3. Page 2, Line 48 through Page 3, Line 62:

48 (4) (a) As used in this Subsection (4):

(i) "Professional land surveying or the practice of land surveying" is as
defined in Section 58-22-102.

(ii) "Professional land surveyor" is as defined in Section 58-22-102.

(iii) "Surveyor" means a professional land surveyor and a county surveyor.

(b) It is a defense to prosecution under this section that:

49 {~~(a)~~} (i)(A) the property was open to the public when the actor entered or
remained; and

50 {~~(b)~~} (B) the actor's conduct did not substantially interfere with the owner's
use of the

51 property {~~.~~} ; or

(ii)(A) the actor:

(I) is a surveyor or a designee of the surveyor engaged in professional
land surveying or the practice of land surveying; or

(II) in the case of a county surveyor or designee of the county surveyor,
is acting under the scope of authority under Title 17, Chapter 23, County Surveyor;
and

(B) the actor's conduct did not substantially interfere with the owner's use
of the property.

52 {~~(5) (a) As used in this Subsection (5):~~

53 ~~(i) "Professional land surveying or the practice of land surveying" is as defined~~
~~in~~

54 ~~Section 58-22-102.~~

55 ~~(ii) "Professional land surveyor" is as defined in Section 58-22-102.~~

56 ~~(iii) "Surveyor" means a professional land surveyor and a county surveyor.~~

57 ~~(b) A surveyor does not commit criminal trespass if when the surveyor enters~~
~~and~~

58 ~~remains on the property, the surveyor~~ ~~(i) (A) is engaged in professional land~~
~~surveying or the practice of land surveying; or~~

60 ~~(B) in the case of a county surveyor or a designee of the county surveyor, is~~
~~acting~~

- 61 under the scope of authority under Title 17, Chapter 23, County Surveyor; and
62 —(ii) is not acting in violation of this section.
-}

The motion to amend the bill passed unanimously with Rep. Bird and Rep. Ferry absent for the vote.

Rep. Mathis explained the bill to the committee with the assistance of James Pitkin, Utah Council of Land Surveyors. A handout was provided to committee members.

Spoke to the bill: Adam Trupp, Utah Association of Counties

Spoke in favor of the bill: Mont Evans, Utah Council of Land Surveyors

MOTION: Rep. Aagard moved to pass H.B. 122 as amended with a favorable recommendation. The motion passed unanimously with Rep. Bird, Rep. Ferry, and Rep. Grover absent for the vote.

H.B. 263 Technical Cross Reference Revisions (Rep. J. Anderson)

Rep. Anderson explained the bill to the committee.

MOTION: Rep. Wiley moved to pass the bill with a favorable recommendation. The motion passed unanimously with Rep. Bird, Rep. Ferry, and Rep. Grover absent for the vote.

MOTION: Rep. Wiley moved to place H.B. 262 on the Consent Calendar. The motion passed unanimously with Rep. Bird, Rep. Ferry, and Rep. Grover absent for the vote.

MOTION: Rep. Aagard moved to saunter for five minutes. The motion passed unanimously with Rep. Bird, Rep. Ferry, and Rep. Grover absent for the vote.

MOTION: Rep. Aagard moved to cease to saunter. The motion passed unanimously with Rep. Bird, Rep. Ferry, and Rep. Grover absent for the vote.

H.J.R. 9S1 Resolution in Support of Veterans' Nursing Home (Rep. C. Oda)

Rep. Oda explained the resolution to the committee.

Spoke in favor of the resolution: Johnnie Janes, Veterans of Foreign Wars

MOTION: Rep. Hansen moved to pass 1st Substitute H.J.R. 9 with a favorable recommendation. The motion passed unanimously with Rep. Bird, Rep. Ferry, and Rep. Grover absent for the vote.

MOTION: Rep. Mathis moved to adjourn. The motion passed unanimously with Rep. Bird, Rep. Ferry, and Rep. Grover absent for the vote.

Rep. Mathis adjourned the meeting at 9:21 a.m.

Rep. Craig A. Frank, Chair