

**MINUTES OF THE
HOUSE GOVERNMENT OPERATIONS STANDING COMMITTEE
ROOM 20, HOUSE OFFICE BUILDING, STATE CAPITOL COMPLEX
February 18, 2010**

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

STAFF PRESENT: Benjamin N. Christensen, Policy Analyst
 Karen Mitchell, Committee Secretary

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

Rep. Grover called the meeting to order at 8:31 a.m.

MOTION: Rep. Frank moved to approve the minutes of the February 16, 2010 meeting.
 The motion passed unanimously with Rep. Bigelow, Rep. Ferry, Rep.
 Hendrickson, and Rep. Mathis absent for the vote.

H.B. 315 Utah Public Notice Website Amendments (*Rep. K. Powell*)

Rep. Powell explained the bill to the committee.

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

1. *Page 1, Line 14:*

14 Website to provide a temporary exemption for specified public bodies with an annual budget

2. *Page 3, Line 65:*

65 of a notice to the website, a public body of a municipality under Title 10, Utah Municipal Code, a local district under Title 17B, Limited Purpose Local Government Entities - Local Districts, or a special service district under Title 17D, Chapter 1, Special Service District Act. with an annual budget of less than \$1,000,000 is

The motion to amend the bill passed unanimously with Rep. Bigelow, Rep. Ferry, and Rep.

Hendrickson absent for the vote.

Spoke for the bill: LeGrand Bitter, Utah Association of Special Districts
Joel Campbell, Utah Press Association

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

1. Page 3, Line 64:

64 (7) {~~Notwithstanding~~} Until December 31, 2012 and notwithstanding
any other provision of statute requiring the publishing or posting

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

MOTION: Rep. Hansen to moved to pass H.B. 315 as amended with a favorable recommendation. The motion passed unanimously with Rep. Bigelow, Rep. Ferry, Rep. Hendrickson, and Rep. Mathis absent for the vote.

1st Sub. H.B. 266 Government Records Access and Management Act Revisions (Rep. K. Powell)

Rep. Powell explained the bill to the committee.

MOTION: Rep. Frank moved to return 1st Sub. H.B. 266 to the Rules Committee. The motion passed unanimously with Rep. Bigelow, Rep. Ferry, and Rep. Hendrickson absent for the vote.

H.B. 139 Emergency and Disaster Management Amendments (Rep. C. Oda)

Rep. Oda explained the bill to the committee and provided a handout.

Spoke for the bill: Lana Taylor, Office of the Attorney General
Brian Garrett, Private Sector Emergency

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

1. Page 2, Lines 48 through 49:

48 {~~ENACTS:~~
49 — ~~63K-4-406, Utah Code Annotated 1953~~}

2. Page 17, Line 513 through Page 18, Line 542:

513 {~~(3)(a) Except as provided in Subsection (3)(b) and subject to Subsection~~}

~~(3)(c) and~~
514 ~~Section 63K-4-406, the governor may by executive order suspend the enforcement of~~
~~a statute~~
515 ~~if:~~
516 ~~—(i) the governor declares a state of emergency in accordance with Section~~
~~63K-4-203;~~
517 ~~—(ii) the governor determines that suspending the enforcement of the statute is:~~
518 ~~—(A) directly related to the state of emergency described in Subsection (3)(a)(i);~~
~~and~~
519 ~~—(B) necessary to address the state of emergency described in Subsection (3)(a)(i);~~
~~and~~
520 ~~—(iii) the governor acts in good faith.~~
521 ~~—(b) (i) Except as provided in Subsection (3)(b)(ii), the governor may not suspend~~
~~the~~
522 ~~enforcement of a criminal penalty created in statute.~~
523 ~~—(ii) The governor may suspend the enforcement of a misdemeanor or infraction~~
~~if:~~
524 ~~—(A) the misdemeanor or infraction relates to food, health, or transportation; and~~
525 ~~—(B) the requirements of Subsection (3)(a) are met.~~
526 ~~—(c) A suspension described in this Subsection (3) terminates on the date the~~
~~governor~~
527 ~~terminates the state of emergency in accordance with Section 63K-4-203 to which the~~
528 ~~suspension relates:~~
529 ~~—Section 11. Section 63K-4-406 is enacted to read:~~
530 ~~—63K-4-406. Reporting on the suspension or modification of certain statutes or~~
531 ~~rules:~~
532 ~~—(1) The governor and the Department of Public Safety shall report the following~~
~~to the~~
533 ~~Legislative Management Committee:~~
534 ~~—(a) a suspension or modification of a statute or rule under Subsection~~
~~63K-4-201(1)(j);~~
535 ~~or~~
536 ~~—(b) a suspension of the enforcement of a statute under Subsection 63K-4-401(3);~~
537 ~~—(2) The governor and the Department of Public Safety shall make the report~~
~~required~~
538 ~~by this section on or before the sooner of:~~
539 ~~—(a) the day on which the governor calls the Legislature into session in~~

- accordance with
540 Section 63K-1-302; or
541 —(b) 15 days after the date the governor declares the state of emergency to which
the
542 suspension or modification relates; }

SUBSTITUTE

MOTION: Rep. Aagard moved to proceed to the next item on the agenda. The substitute motion passed with Rep. Wiley voting in opposition. Rep. Hansen was absent for the vote.

H.B. 265 Real Property Amendments (Rep. G. Froerer)

Rep. Froerer explained the bill to the committee.

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

1. Page 2, Lines 48 through 51:

- 48 {(A) agricultural land;}
49 {(B)} (A) a golf course;
50 {(C)} (B) a hunting club; and
51 {(D)} (C) land subject to a conservation easement.

2. Page 2, Line 53:

- 53 (A) subject to Subsection (1)(d)(iii), allows open land to be included within the
zoning district;

3. Page 3, Line 60:

- 60 zoning district.
(iii) Land may not be included in an open space zoning district unless the
owner of the land petitions for the land to be included in the open space zoning
district.

4. Page 3, Lines 85 through 88:

- 85 {(A) agricultural land;}
86 {(B)} (A) a golf course;
87 {(C)} (B) a hunting club; and

