

**MINUTES OF THE
POLITICAL SUBDIVISIONS INTERIM COMMITTEE**
Wednesday, November 19, 2008 • 2:00 p.m. • W020 House Building

Members Present:

Sen. Dennis E. Stowell, Senate Chair
Rep. Fred R Hunsaker, House Chair
Sen. Fred J. Fife
Rep. Sheryl L. Allen
Rep. Tim M. Cosgrove
Rep. Bradley M. Daw
Rep. Gage Froerer
Rep. Kerry W. Gibson
Rep. Richard A. Greenwood
Rep. Christopher N. Herrod
Rep. Christine A. Johnson
Rep. Jennifer M. Seelig
Rep. R. Curt Webb
Rep. Carl Wimmer

Members Absent:

Sen. Sheldon Killpack
Sen. Michael G. Waddoups
Rep. Brad King

Staff Present:

Mr. Joseph Wade, Policy Analyst
Mr. Robert H. Rees, Associate General Counsel
Ms. Wendy L. Bangerter, Legislative Secretary

Note: A list of others present, a copy of related materials, and an audio recording of the meeting can be found at www.le.utah.gov.

1. Committee Business

Rep. Hunsaker called the meeting to order at 2:17 p.m.

MOTION: Rep. Gibson moved to approve the minutes of the October 15, 2008 meeting. The motion passed unanimously. Rep. Wimmer was absent for the vote.

2. Follow-up Legislation on Reporting Local Government Boundary Actions

Rep. Holdaway introduced 2009 General Session draft legislation, "Local Government Entity Changes."

Mr. Robert H. Rees, Associate General Counsel, explained that the bill previously reviewed by the Committee was incomplete. He reviewed the changes made since the Committee's last discussion.

Mr. Richard Maughn, President, Utah Association of County Recorders, reviewed some concerns still not addressed in the legislation, but noted the compromise recorders have made in support of the bill.

Action on this bill was deferred until the Committee had a quorum present.

MOTION: Rep. Webb moved to adopt 2009 General Session draft legislation, "Local Government Entity Changes," as a committee bill. The motion passed unanimously. Rep. Wimmer was absent for the vote.

3. Follow-up Legislation on Local Health Department Funding

Sen. Stowell reviewed 2009 General Session draft legislation, "Local Public Health Emergency Funding."

Committee discussion followed.

Sen. Stowell suggested deleting the appropriations section from the bill, knowing that it would be difficult to get the funding appropriated this year.

Dr. David Blodgett, Director of a local health department, spoke in favor of passing the legislation, even though it might not be funded, so the structure is in the statute and could be used if an emergency occurs and funding is available.

Dr. David Sundwall, Executive Director, Department of Health, suggested that the appropriation not be deleted so that the Appropriations Committee would have an amount to consider. He talked about the Executive Emergency Powers Act that gives guidelines and authorization for funneling funds in specific emergency situations.

MOTION: Sen. Stowell moved to amend 2009 General Session draft legislation, "Local Public Health Emergency Funding" as follows:

Page 1,	Delete Lines 16-19
Page 3,	Delete Lines 66-69 (Section 2. Appropriation.)

The motion passed with Rep. Allen and Rep. Cosgrove voting in opposition.

Rep. Wimmer noted that the governor, through executive order, would authorize funds in an emergency situation.

MOTION: Sen. Stowell moved to amend 2009 General Session draft legislation, "Local Public Health Emergency Funding" as follows:

Line 39, after "Legislature,"	Insert " <u>or otherwise available to the program fund.</u> "
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The motion passed unanimously.

MOTION: Rep. Johnson moved to adopt 2009 General Session draft legislation, "Local Public Health Emergency Funding," as amended, as a committee bill. The motion passed with Rep. Wimmer voting in opposition.

Sen. Stowell introduced 2009 General Session draft legislation, "State and Local Health Authorities Amendments," and explained that it modifies responsibilities of the Department of Health and local health departments with respect to their interrelationship.

Committee discussion followed.

Dr. Sundwall explained the Utah Department of Health's perspective on the bill and the benefits of the state and local health departments coordinating with each other through a statewide system, which he said should not be mandated through legislation. He also noted that a governance committee has already been established.

Dr. Blodgett expressed support for the bill and stated that this is a mechanism that will work for the future. He strongly encouraged adoption of the bill.

MOTION: Sen. Stowell moved to adopt 2009 General Session draft legislation, "State and Local Health Authorities Amendments," as a committee bill. The motion passed unanimously. Rep. Gibson and Rep. Wimmer were absent for the vote.

4. Improvement District for Electrical Service

Mr. Craig Smith, attorney with Smith & Hartvigsen, PLLC, on behalf of Garfield County, briefly explained the efforts to provide electrical power to Ticaboo, Utah. He explained that because the area is very remote, the cost is prohibitive. Ticaboo City is asking for the opportunity, through legislation, to create an improvement district.

Mr. Justin Fisher, city planner for Ticaboo, stated Ticaboo's need to go forward on their own since neither major power entity close to the area will accept the request to provide power. Solar and wind have been considered as alternative options for power and solar seems to be the best option at this time. They are asking for the opportunity to create a power district that could own and operate a system to bring power to the citizens of Ticaboo.

Mr. LeGrand Bitter, Utah Association of Special Districts, stated his support for the efforts of Ticaboo citizens to create a district to serve power.

Mr. Carl Allrich, CEO, GarKane Energy, emphasized that Ticaboo is outside the GarKane service area. He spoke in favor of the creation of a district so Ticaboo can establish some onsite generation. He stated that if the legislation is narrow in scope, GarKane would support it.

Mr. Smith stated that with some small changes to the district act, legislation could be available before the General Session.

5. Ground Water Management District

Mr. Dallin Jensen, attorney with Parsons Behle and Latimer, explained the problem of over allocation of ground water in the Enterprise/Beryl area of Utah. He presented concepts of proposed legislation for the Committee's consideration.

Mr. Mike Brown, President, Escalante Valley Water, explained concerns raised by a water aquifer crossing two counties and said that users should have the right to take a percentage.

6. Abandonment of Property Taken Under the Threat of Eminent Domain

Mr. Robert Schow, a farmer in northern Utah County, explained the problem of abandonment of property taken under the threat of eminent domain. He explained he had farm land that was taken under the threat of eminent domain for one purpose but that the original project has been abandoned. He recommended changes to the eminent domain statute.

Mr. Craig Carlisle, attorney with Ray Quinney and Nebeker, explained his efforts to help Mr. Schow by clarifying the intent so that the 'taker' must proceed in a reasonable amount of time and if not, then the project is abandoned and the previous owner should be given the opportunity to purchase back the land.

Committee discussion followed.

Ms. Linda Hull, Utah Department of Transportation (UDOT), explained that UDOT cannot condemn property except for a specific purpose. She expressed concern for the proposal because sometimes revenues prohibit projects from proceeding in the planned time frame. She stated that the proposed language would force them into court much more frequently.

Mr. Lyle McMillan, Right-of-Way Director, UDOT, commented that there is an established surplus property process that requires UDOT to offer the abandoned property back to the previous owner at the original purchase cost.

Mr. Rees clarified the law that states if the state declares surplus property, the property acquired through eminent domain must be offered for sale back to the owner.

Mr. Lincoln Shurtz, Utah League of Cities and Towns, expressed concern for the request because of the chance of changes in the project scope.

Mr. Carlisle clarified that the proposed language makes no changes except to apply the current statute to those who reach out-of-court resolutions.

7. Report from Affordable Housing Ad Hoc Task Force

Ms. Jodi Hoffman, Utah League of Cities and Towns, reported that comprehensive reforms related to affordable housing will not be ready for the 2009 General Session.

Mr. Chris Gamvroulas, Ivory Homes and Coalition for Affordable Housing, reviewed some of the issues that are being diligently worked on regarding affordable housing that will be shared when completed.

8. Other Items / Adjourn

Chair Hunsaker expressed appreciation to staff and committee members.

MOTION: Rep. Webb moved to adjourn the meeting. The motion passed unanimously.
Rep. Allen, Rep. Gibson, Rep. Greenwood, and Rep. Herrod were absent for the vote.

Chair Hunsaker adjourned the meeting at 4:43 p.m.