

**MINUTES OF THE
GOVERNMENT OPERATIONS and POLITICAL SUBDIVISIONS
INTERIM COMMITTEE**

Wednesday, May 19, 2010 – 2:00 p.m. – Room 30 House Building

Members

Sen. Peter C. Knudson, Senate Chair
Rep. Craig A. Frank, House Cochair
Rep. Fred Hunsaker, House Cochair
Sen. Jon J. Greiner
Sen. Benjamin M. McAdams
Sen. Ralph Okerlund
Sen. Jerry W. Stevenson
Rep. Douglas C. Aagard
Rep. Sheryl L. Allen
Rep. Ron Bigelow
Rep. Jim Bird
Rep. Ben C. Ferry
Rep. Janice M. Fisher
Rep. Keith Grover
Rep. Neal B. Hendrickson

Rep. John G. Mathis
Rep. Jennifer M. Seelig
Rep. Curt R. Webb
Rep. Larry B. Wiley

Members Absent:

Rep. Kerry W. Gibson

Staff Present:

Mr. Benjamin N. Christensen, Policy Analyst
Mr. Joseph Wade, Policy Analyst
Ms. Emily R. Brown, Associate General Counsel
Ms. Victoria S. Ashby, Associate General Counsel
Ms. Wendy 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

Chair Knudson called the meeting to order at 2:20 p.m.

MOTION: Rep. Webb moved to approve the minutes of the November 18, 2009 meeting. The motion passed unanimously. Sen. Greiner, Sen. McAdams, Rep. Aagard, Rep. Ferry, Rep. Gibson, and Rep. Grover were absent for the vote.

Summaries of Government Operations and Political Subdivisions related bills passed during the 2010 General Session were previously distributed to the Committee.

2. Discussion of 2010 Interim Study Items

Mr. Christensen reminded the members to submit the legislative survey form, previously distributed to the legislators, to staff. He also referred them to a list of proposed committee study items for the 2010 interim and said the chairs have asked them to give their input by rating their selections for the 2010 interim. He said these are both anonymous surveys to help the Office of Legislative Research and General Counsel serve the Legislature better.

3. Agriculture Sustainability and Water Banking Study Items

Rep. Jack Draxler distributed and reviewed "Why the Political Subdivisions Interim Committee should review the proposed Agriculture Sustainability Fund" and "Utah Agricultural Land Preservation." He explained that the Fund would be in Title 17, Counties, of the Utah Code. He reviewed the need for the water banking bill and clarified reasons for this Committee to consider both of these issues.

Rep. Mathis stated that he feels local government should decide where local taxes are spent. He feels that if any committee studied this issue, it should be Natural Resources, Agriculture, and Environment.

No decision was made or action taken on this issue.

4. Utah Procurement Code Revisions

Mr. Kent Dee Beers, Director of Purchasing, Division of Purchasing and General Services, Department of Administrative Services, explained that his office and the Office of the Attorney General have established a working group to study whether or not to update Utah's Procurement Code. He emphasized the importance of bringing revisions to this Committee for review during the updating process. He stated that it will take about 18 months to complete the update.

Mr. Alan S. Bachman, Assistant Attorney General, Office of the Attorney General, explained that Utah's procurement code does not include penalties for noncompliance with the code and encouraged the Committee to study the issue.

Following committee discussion, Rep. Wiley recommended that the update be completed.

5. Election Code Changes Related to Federal Law Changes

Ms. Emily Brown, Associate General Counsel, gave background on military and overseas voting issues. She explained that in 2009, the United States Congress adopted the MOVE Act, which was designed to increase the number of ballots returned by the military personnel. She stated that many states are working to become compliant with the new federal law. 2010 General Session S.B. 216, "Absentee Voting by Military Personnel Amendments," will help Utah make progress toward compliance.

Mr. Mark J. Thomas, Administrator, Chief Elections Officer, Office of the Lieutenant Governor, distributed and reviewed "Military and Overseas Voter Empowerment Act (MOVE Act)," and "2010 Election Dates/Deadlines." He outlined areas where Utah is in compliance with federal law and areas where Utah needs to make significant changes.

Committee discussion followed and suggestions were made to Mr. Thomas. Chair Knudson directed staff to open a bill file.

6. Municipal Elections With Unopposed Candidates

Ms. Ashby distributed and reviewed "Selected Utah and Other State Provisions Related to Unopposed Candidates and Election Procedures." She addressed Utah provisions related to municipal elections and unopposed candidates. She posed the question of whether a person is elected if he or she is not placed on a ballot and voted for. She noted that Utah may need to better define "elected official." She reviewed options that other states have implemented to address the issue of whether a municipality should be required to hold an election if a candidate is unopposed and the write-in period has expired.

Mr. Thomas distributed "Unopposed Municipal Candidates and Election Procedures." He addressed issues that may need to be studied to determine if Utah law needs to be amended, including current law exempting write-in candidates in towns from prequalifying.

7. Open and Public Meeting Act Training

Mr. Christensen reviewed "Open and Public Meetings Act, 2010 Training, Summary of Key Provisions" previously distributed to the Committee. He gave a slide presentation detailing the key definitions and key provisions of the Open and Public Meetings Act and reviewed the purpose of the Act.

8. Other Items / Adjourn

MOTION: Rep. Hunsaker moved to adjourn the meeting. The motion passed unanimously.

Chair Knudson adjourned the meeting at 3:38 p.m.