

**MINUTES OF THE
HOUSE POLITICAL SUBDIVISIONS
STANDING COMMITTEE
Room 450 State Capitol
February 29, 2012**

MEMBERS PRESENT: Rep. R. Curt Webb, Chair
 Rep. Becky Edwards, Vice Chair
 Rep. Johnny Anderson
 Rep. Jack R. Draxler
 Rep. Michael T. Morley
 Rep. Jeremy A. Peterson
 Rep. Dixon M. Pitcher
 Rep. Marie H. Poulson
 Rep. Larry B. Wiley

MEMBERS EXCUSED: Rep. Jennifer M. Seelig

MEMBERS ABSENT: Rep. James A. Dunnigan
 Rep. Stephen E. Sandstrom

STAFF PRESENT: Mr. Joseph Wade, Policy Analyst
 Ms. Karen Mitchell, Committee Secretary

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

Vice Chair Edwards called the meeting to order at 8:14 a.m.

MOTION: Rep. Poulson moved to approve the minutes of the February 27, 2012 meeting. The motion passed unanimously with Rep. Anderson, Rep. Dunnigan, Rep. Morley, Rep. Peterson, Rep. Sandstrom and Rep. Seelig absent for the vote.

H.B. 337 Open Government Amendments (*Rep. J. Dougall*)

Rep. Douglas introduced the bill to the committee.

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

1. *Page 2, Line 37:*

37 63G-2-1004, Utah Code Annotated 1953
 63G-2-1005, Utah Code Annotated 1953

2. *Page 4, Lines 107 through 109:*

107 (5) "Public body" is as defined in Section 52-4-103.

- (6) "Restricted information" means:
- (a) a private, protected, or controlled record;
- (b) private, protected, or controlled information;
- (c) a record or information that is protected from release by state law;
- (d) a record or information that is protected from release by federal law or rule;
- (e) a medical record; or
- (f) medical information;

108 { ~~(6)~~ (7) "Website" means the Utah Public Records Website created under
Section
109 63G-2-1003.

3. *Page 4, Line 116 through Page 5, Line 125:*

116 (3) Except as provided in Subsection (5)(b), (c), or (d), or by rule made under
117 Subsection 63G-2-1004(1)(b), on or after July 1, 2012, a government entity may, and
beginning
118 on July 1, 2013, a government entity shall, post on the website all of the following records
of
119 the government entity:
120 (a) ordinances;
121 (b) rules adopted by the governing body of a government entity , unless the rules
are posted on the website described in Subsection (6)(d) .;
122 (c) policies adopted by the governing body of a government entity;
123 (d) statutorily required reports that do not contain { ~~information that is private,~~
~~protected,~~
124 ~~or controlled~~ } restricted information .;
125 (e) manuals that do not contain { ~~information that is private, protected, or~~
~~controlled~~ } restricted information .;

4. *Page 5, Line 132:*

132 (k) a record described in Subsection 63G-2-301 { ~~(1)(e)~~ (3) that contains
information to

5. *Page 5, Lines 139 through 141:*

139 (a) (i) the records provided contain restricted information { ~~that is private,~~
~~protected, or controlled~~ } ;

140 and
141 (ii) the restricted information{ ~~described in Subsection (4)a(i)~~ is
provided to the requestor,

6. Page 6, Lines 173 through 174:

173 branch; { ~~and~~
(d) the website of the Division of Administrative Rules; and
174 { ~~(d)~~ (e) a page that contains links to:

7. Page 8, Lines 230 through 231:

230 (11) Nothing in this part is intended to require a government entity to post { a
private;
231 protected, or controlled record } restricted information on the website.

8. Page 9, Lines 253 through 256:

253 (3) The division may not make rules that require a government entity to post { a
private;
254 protected, or controlled record } restricted information on the website.
255 (4) The division shall present all proposed rules made under this part to the
256 Administrative Rules Review Committee, created in Section 63G-3-501.

Section 7. Section 63G-2-1005 is enacted to read:
63G-2-1005. Limitations on posting.
Notwithstanding any provision of this part, or rules made under this part, a
government entity is not required to, and may not be required to:
(1) redact restricted information from a record in order to require the record to be,
or make the record eligible to be, posted on the website; or
(2) post a record on the website that contains restricted information.

The motion passed unanimously with Rep. Anderson, Rep. Dunnigan, Rep. Morley, Rep. Peterson, Rep. Sandstrom, and Rep. Seelig absent for the vote

Spoke for the bill: Mr. Tim Fitzpatrick, Utah Media Coalition, Salt Lake Tribune
Mr. Lincoln Shurtz, Utah League of Cities and Towns

Spoke to the bill: Mr. Mark Anderson, Utah Association of Special Districts
Mr. Adam Trupp, Utah Association of Counties
Mr. Ron Mortensen, Citizens for Tax Fairness

Mr. Thomas Vaughn, Associate General Counsel, Office of Legislative Research and General Counsel, answered questions.

MOTION: Rep. Anderson moved to pass H.B. 337 out favorably as amended. The motion passed unanimously with Rep. Dunnigan, Rep. Sandstrom, and Rep. Seelig absent for the vote.

H.B. 464 County Land Use Amendments (Rep. B. Wright)

Rep. Wright introduced the bill to the committee assisted by Mr. Glen Brown and Mr. Mike Crittenden.

Rep. Morley moved to amend the bill as follows:

1. Page 13, Lines 370 through 371:

370 (a) accurately reflect { ~~, describe, and map~~ the existing land uses, densities,
and recorded
371 divisions of land; and

The motion passed unanimously with Rep. Dunnigan, Rep. Sandstrom, and Rep. Seelig absent for the vote.

Spoke against the bill: Ms. Jami Brackin, Deputy Summit County Attorney
Mr. Adam Trupp, Utah Association of Counties
Mr. Bruce Parker, Millard County, Planning and Development Services

MOTION: Rep. Peterson moved to proceed to the next item on the agenda.

SUBSTITUTE

MOTION: Rep. Anderson moved to pass H.B. 464 out favorably as amended. The motion failed with Rep. Anderson, Rep. Morley, Rep. Pitcher, and Rep. Webb voting in favor of the motion. Rep. Dunnigan, Rep. Sandstrom, and Rep. Seelig were absent for the vote.

The original motion passed unanimously with Rep. Dunnigan, Rep. Sandstrom, and Rep. Seelig absent for the vote.

MOTION: Rep. Webb moved to pass 1st Substitute S.B. 165 out favorably. The motion passed unanimously. Rep. Dunnigan, Rep. Poulson, Rep. Sandstrom, and Rep. Seelig were absent for the vote.

MOTION: Rep. Pitcher moved to adjourn the meeting. The motion passed unanimously with Rep. Dunnigan, Rep. Poulson, Rep. Sandstrom, and Rep. Seelig were absent for the vote.

Vice Chair Edwards adjourned the meeting at 9:41 p.m.

Rep. R. Curt Webb, Chair