

MUNICIPAL DISINCORPORATION

AMENDMENTS

2009 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Gage Froerer

Senate Sponsor: Dennis E. Stowell

LONG TITLE

General Description:

This bill modifies a provision relating to the disincorporation of a municipality.

Highlighted Provisions:

This bill:

► modifies a provision depriving district courts of jurisdiction to consider or order an election for a disconnection petition when the petition is filed within two years after the incorporation; and

► provides an exception to that provision if the municipality was incorporated ~~H→~~ on or after January 1, 2009 ~~←H~~ without an election to approve the incorporation or the incorporation petition did not contain the signatures of a majority of registered voters within the area proposed for incorporation.

Monies Appropriated in this Bill:

None

Other Special Clauses:

~~H→~~ [None] This bill provides an immediate effective date. ~~←H~~

Utah Code Sections Affected:

AMENDS:

10-2-710, as enacted by Laws of Utah 1981, Chapter 55



H.B. 201

28 *Be it enacted by the Legislature of the state of Utah:*

29 Section 1. Section **10-2-710** is amended to read:

30 **10-2-710. Limitation on jurisdiction of court to consider disincorporation**
31 **petition.**

32 [~~No~~] (1) A district court [~~has~~] does not have jurisdiction to consider a petition seeking
33 disincorporation of a municipality or to order an election based upon the submission of [~~such~~] a
34 petition if:

35 [~~(+)~~] (a) the disincorporation petition is filed with the court less than two years after the
36 official date of incorporation of the municipality which the petition seeks to dissolve, except as
37 provided in Subsection (2); or

38 [~~(2)~~] (b) the disincorporation petition is filed with the court less than two years after the
39 date of an election held to decide the question of dissolution of the municipality which the
40 petition seeks to dissolve.

41 (2) The limitation on the district court's jurisdiction under Subsection (1)(a) does not
42 apply if:

43 (a) the municipality was incorporated ~~H→~~ on or after January 1, 2009 ~~←H~~ without an
43a election to approve the incorporation;

44 or

45 (b) the incorporation petition that was filed to propose the incorporation of the
46 municipality did not contain the signatures of a majority of the registered voters within the area
47 that the incorporation petition proposed to be incorporated.

47a **~~H→~~ Section 2. Effective date.**

47b **If approved by two-thirds of all the members elected to each house, this bill takes effect**
47c **upon approval by the governor, or the day following the constitutional time limit of Utah**
47d **Constitution Article VII, Section 8, without the governor's signature, or in the case of a veto,**
47e **the date of veto override. ~~←H~~**

Legislative Review Note
as of 2-5-09 9:30 AM

Office of Legislative Research and General Counsel

H.B. 201 - Municipal Disincorporation Amendments

Fiscal Note

2009 General Session

State of Utah

State Impact

Enactment of this bill will not require additional appropriations.

Individual, Business and/or Local Impact

Enactment of this bill likely will not result in direct, measurable costs and/or benefits for individuals, businesses, or local governments.
