

**MINUTES OF THE  
HOUSE POLITICAL SUBDIVISIONS  
STANDING COMMITTEE  
Room 450 State Capitol  
February 2, 2012**

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

MEMBER ABSENT:      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 2:14 p.m.

**MOTION:**    Rep. Dunnigan moved to approve the minutes of the January 30, 2012 and February 1, 2012 meetings. The motion passed unanimously with Rep. Morley, Rep. Sandstrom and Rep. Wiley absent for the vote.

**H.B. 220      Classification of Counties (Rep. R. Menlove)**

Rep. Menlove introduced the bill to the committee.

Spoke for the bill:      Mr. Paul Larsen, Brigham City

**MOTION:**    Rep. Webb moved to amend the bill as follows:

1.    Page 1, Line 12:

12            { ~~→ classifies counties as urban or rural;~~ }

2.    Page 2, Line 43 through Page 3, Line 78:

43            { ~~(3) The following are rural counties:~~

44            ~~—(a) Beaver County;~~

45 — ~~(b) Box Elder County;~~  
46 — ~~(c) Cache County;~~  
47 — ~~(d) Carbon County;~~  
48 — ~~(e) Daggett County;~~  
49 — ~~(f) Duchesne County;~~  
50 — ~~(g) Emery County;~~  
51 — ~~(h) Garfield County;~~  
52 — ~~(i) Grand County;~~  
53 — ~~(j) Iron County;~~  
54 — ~~(k) Juab County;~~  
55 — ~~(l) Kane County;~~  
56 — ~~(m) Millard County;~~  
57 — ~~(n) Morgan County;~~  
58 — ~~(o) Piute County;~~  
59 — ~~(p) Rich County;~~  
60 — ~~(q) San Juan County;~~  
61 — ~~(r) Sanpete County;~~  
62 — ~~(s) Sevier County;~~  
63 — ~~(t) Summit County;~~  
64 — ~~(u) Tooele County;~~  
65 — ~~(v) Uintah County;~~  
66 — ~~(w) Wasatch County;~~  
67 — ~~(x) Washington County; and~~  
68 — ~~(y) Wayne County;~~  
69 — ~~(4) The following are urban counties:~~  
70 — ~~(a) Davis County;~~  
71 — ~~(b) Salt Lake County;~~  
72 — ~~(c) Utah County; and~~  
73 — ~~(d) Weber County. }~~  
74        ~~{ (5) }~~    (3) The Government Operations and Political Subdivisions Interim  
Committee shall on  
75 or before November 1, 2012 { :  
76 — ~~(a) review the classifications described in Subsections (3) and (4); and~~  
77 — ~~(b) }~~ consider whether to draft legislation on the classification of counties as urban  
or

78 rural.

**SUBSTITUTE**

**MOTION:** Rep. Dunnigan moved to amend the bill as follows:

1. *Page 1, Line 12:*

12           { ~~→ classifies counties as urban or rural;~~ }

2. *Page 2, Line 43 through Page 3, Line 78:*

43           { ~~(3) The following are rural counties:~~

44   ~~—(a) Beaver County;~~

45   ~~—(b) Box Elder County;~~

46   ~~—(c) Cache County;~~

47   ~~—(d) Carbon County;~~

48   ~~—(e) Daggett County;~~

49   ~~—(f) Duchesne County;~~

50   ~~—(g) Emery County;~~

51   ~~—(h) Garfield County;~~

52   ~~—(i) Grand County;~~

53   ~~—(j) Iron County;~~

54   ~~—(k) Juab County;~~

55   ~~—(l) Kane County;~~

56   ~~—(m) Millard County;~~

57   ~~—(n) Morgan County;~~

58   ~~—(o) Piute County;~~

59   ~~—(p) Rich County;~~

60   ~~—(q) San Juan County;~~

61   ~~—(r) Sanpete County;~~

62   ~~—(s) Sevier County;~~

63   ~~—(t) Summit County;~~

64   ~~—(u) Tooele County;~~

65   ~~—(v) Uintah County;~~

66   ~~—(w) Wasatch County;~~

67   ~~—(x) Washington County; and~~

68   ~~—(y) Wayne County.~~

69     ~~— (4) The following are urban counties:~~

70     ~~— (a) Davis County;~~

71     ~~— (b) Salt Lake County;~~

72     ~~— (c) Utah County; and~~

73     ~~— (d) Weber County. }~~

74             ~~{ (5) }~~     (3)     The Government Operations and Political Subdivisions Interim  
Committee shall on

75     or before November 1, 2012:

76             (a) review the classifications described in { ~~Subsections (3) and~~  
(4) } Subsection (1) ; and

77             (b) consider whether to draft legislation on the classification of counties as urban or  
78     rural.

The substitute motion passed unanimously with Rep. Sandstrom and Rep. Wiley absent for the vote.

**MOTION:**     Rep. Dunnigan moved to pass H.B. 220 out favorably as amended. The motion passed unanimously with Rep. Sandstrom and Rep. Wiley absent for the vote.

**MOTION:**     Rep. Dunnigan moved to place H.B. 220 on the Consent Calendar. The motion passed unanimously with Rep. Sandstrom and Rep. Wiley absent for the vote.

**S.B. 89             Municipal Election Amendments (Sen. M. Dayton) (Rep. K. Grover)**

Sen. Dayton introduced the bill to the committee.

**MOTION:**     Rep. Morley moved to pass S.B. 89 out favorably. The motion passed unanimously with Rep. Sandstrom and Rep. Wiley absent for the vote.

**MOTION:**     Rep. Morley moved to place S.B. 89 on the Consent Calendar. The motion passed unanimously with Rep. Sandstrom and Rep. Wiley absent for the vote.

**H.B. 95             Retail Sale of Tobacco Products (Rep. P. Ray)**

Rep. Ray introduced the bill to the committee.

**MOTION:**     Rep. Draxler moved to adopt 1st Substitute H.B. 95. The motion passed unanimously with Rep. Sandstrom and Rep. Wiley absent for the vote.

**MOTION:**     Rep. Draxler moved to amend the bill as follows;

1. Page 4, Lines 99 through 100:

99 (ii) prohibits a municipality from adopting { additional restrictions } more  
restrictive requirements on a tobacco specialty  
100 business than provided for in this section .

2. Page 6, Lines 153 through 155:

153 { ~~municipality~~ } county shall require an entity to be licensed as a retail tobacco  
specialty business to  
154 conduct business as a retail tobacco specialty business in a  
{ ~~municipality~~ } county .

155 (b) A { ~~municipality~~ } county may issue a retail tobacco specialty business  
license to an entity if

3. Page 6, Lines 158 through 160:

158 that conducts a retail tobacco specialty business in a { ~~municipality~~ } county shall  
be licensed by the  
159 { ~~municipality~~ } county as a retail tobacco specialty business.  
160 (5) (a) A { ~~municipality~~ } county may not issue a license to a retail tobacco  
specialty business if it

4. Page 6, Lines 171 through 173:

171 (c) (i) A { ~~municipality~~ } county shall require a criminal background check  
for an owner of a retail  
172 tobacco specialty business.

173 (ii) A { ~~municipality~~ } county may not issue a retail tobacco specialty  
business license to a person

5. Page 6, Line 180:

180 (i) requires a { ~~municipality~~ } county to issue a business license to a retail  
tobacco specialty

6. Page 7, Lines 182 through 184:

182 (ii) prohibits a { ~~municipality~~ } county from adopting { ~~additional~~  
restrictions } more restrictive requirements on a tobacco specialty  
183 business than provided for in this section .

184 (b) A { municipality } county may revoke a business license issued under  
this section:

7. Page 7, Line 192:

192 a business license and is operating lawfully in a { municipality } county on or  
before May 8, 2012, is

The motion to amend passed unanimously, with Rep. Sandstrom and Rep. Wiley absent for the vote.

Spoke for the bill: Mr. Gary Crane, Layton City Attorney  
Mr. David Spatafore, Utah Police Chiefs Association

**MOTION:** Rep. Anderson moved to amend the bill as follows:

1. Page 3, Line 77 through Page 4, Line 95:Delete lines 77 through 95
2. Page 4, Line 108 through Page 5, Line 121:Delete lines 108 through 121
3. Page 6, Lines 160 through 178:Delete lines 160 through 178
4. Page 7, Lines 191 through 204:Delete lines 191 through 204

The motion to amend failed with Rep. Anderson, Rep. Dunnigan, Rep. Morley, Rep. Peterson, and Rep. Webb voting in favor of the motion. Rep. Sandstrom was absent for the vote.

**MOTION:** Rep. Pitcher moved to pass H.B. 95 out favorably as amended.

**SUBSTITUTE**

**MOTION:** Rep. Dunnigan moved to amend the bill as follows and pass H.B. 95 out with a favorable recommendation.

1. Page 1, Lines 20 through 21:

20 { ~~requires a criminal background check for the owner of a retail tobacco~~  
~~specialty~~  
21 ~~business;~~ }

2. Page 4, Lines 88 through 95:

88 { ~~(c) (i) A municipality shall require a criminal background check for an~~  
~~owner of a retail~~  
89 ~~tobacco specialty business.~~

90 ~~—(ii) A municipality may not issue a retail tobacco specialty business license to a~~  
~~person~~  
91 ~~who has been convicted of:~~  
92 ~~—(A) a felony within the last five years;~~  
93 ~~—(B) a class A misdemeanor within the last five years; or~~  
94 ~~—(C) a class B misdemeanor within the last three years, related to the sale of a~~  
~~tobacco~~  
95 ~~product. }~~

3. *Page 6, Lines 171 through 178:*

171 { ~~(c) (i) A municipality shall require a criminal background check for an~~  
~~owner of a retail~~  
172 ~~tobacco specialty business.~~  
173 ~~—(ii) A municipality may not issue a retail tobacco specialty business license to a~~  
~~person~~  
174 ~~who has been convicted of:~~  
175 ~~—(A) a felony within the last five years;~~  
176 ~~—(B) a class A misdemeanor within the last five years; or~~  
177 ~~—(C) a class B misdemeanor within the last three years, related to the sale of a~~  
~~tobacco~~  
178 ~~product. }~~

A committee member requested that the motion be divided.

The motion to amend passed with Rep. Seelig voting in opposition. Rep. Sandstrom was absent for the vote.

The motion to pass H.B. 95 out favorably passed with Rep. Anderson, Rep. Morley, Rep. Peterson, and Rep. Webb voting in opposition. Rep. Sandstrom was absent for the vote.

**MOTION:** Rep. Wiley moved to adjourn the meeting. The motion passed unanimously, with Rep. Sandstrom absent for the vote.

Vice Chair Edwards adjourned the meeting at 3:42 p.m.

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Rep. R. Curt Webb, Chair