

HB0280S01 compared with HB0280

~~text~~ shows text that was in HB0280 but was deleted in HB0280S01.

text shows text that was not in HB0280 but was inserted into HB0280S01.

DISCLAIMER: This document is provided to assist you in your comparison of the two bills. Sometimes this automated comparison will NOT be completely accurate. Therefore, you need to read the actual bills. This automatically generated document could contain inaccuracies caused by: limitations of the compare program; bad input data; or other causes.

Representative Melvin R. Brown proposes the following substitute bill:

COUNTY GOVERNMENT REFORM

2013 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Melvin R. Brown

Senate Sponsor: _____

LONG TITLE

General Description:

This bill modifies county government provisions.

Highlighted Provisions:

This bill:

- ▶ authorizes voters to petition for and then vote on a repeal of a previously adopted optional plan to return the county's form of government to the form the county operated under before the optional plan was adopted; and
- ▶ makes technical ~~changes~~ and conforming amendments.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

HB0280S01 compared with HB0280

Utah Code Sections Affected:

AMENDS:

17-52-203, as last amended by Laws of Utah 2001, Chapter 241

ENACTS:

17-52-405, Utah Code Annotated 1953

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

Section 1. Section **17-52-203** is amended to read:

17-52-203. Registered voter initiation of adoption of optional plan -- Procedure.

(1) Registered voters of a county may initiate the process of adopting an optional plan by filing a petition for the establishment of a study committee as provided in Section 17-52-301.

(2) Each petition under Subsection (1) shall:

(a) be signed by registered voters residing in the county equal in number to at least 10% of the total number of votes cast in the county at the most recent election for governor president of the United States;

(b) designate up to five of the petition signers as sponsors, one of whom shall be designated as the contact sponsor, with the mailing address and telephone number of each; and

(c) be filed in the office of the clerk of the county in which the petition signers reside.

(3) (a) Within 30 days of the filing of a petition under Subsection (1) or an amended or supplemental petition under Subsection ~~[(2)]~~ (3)(b), the county clerk shall:

(i) determine whether the petition or amended or supplemental petition has been signed by the required number of registered voters; and

(ii) (A) if so ~~[(H)]~~, certify the petition or amended or supplemental petition and deliver it to the county legislative body ~~[(H)]~~ and ~~[(H)]~~ notify in writing the contact sponsor of the certification; or

(B) if not, reject the petition or the amended or supplemental petition and notify in writing the county legislative body and the contact sponsor of the rejection and the reasons for the rejection.

(b) If a county clerk rejects a petition or an amended or supplemental petition under Subsection (3)(a)(ii)(B), the petition may be amended or supplemented or an amended or

HB0280S01 compared with HB0280

supplemental petition may be further amended or supplemented with additional signatures and refiled within 20 days of the date of rejection.

(4) With the unanimous approval of petition sponsors, a petition filed under Subsection (1) may be withdrawn at any time within 90 days after petition certification but no later than 45 days before an election under Section 17-52-206 if:

(a) the petition notified signers in conspicuous language that the petition sponsors are authorized to withdraw the petition; and

(b) there are at least three sponsors of the petition.

Section 2. Section **17-52-405** is enacted to read:

17-52-405. Repeal of optional plan.

(1) An optional plan adopted under this chapter may be repealed as provided in this section.

(2) Registered voters of a county that has adopted an optional plan may initiate the process of repealing an optional plan by filing a petition for the repeal of the optional plan.

(3) (a) A petition to repeal an optional plan may not be filed ~~within three~~ sooner than four years after the election of county officers under Section 17-52-207.

(b) (i) If the registered voters file a petition to repeal an optional plan under this section, the petition is certified, and the optional plan is not repealed at an election described in Subsection (8), the voters may not circulate or file a subsequent petition to repeal until at least four years after the certification of the original petition.

(ii) If, after four years, the voters file a subsequent petition as described in Subsection (3)(b)(i), the voters:

(A) may not circulate or file another petition to repeal until at least four years after certification of the subsequent petition; and

(B) shall wait an additional four years after the date of certification of the previous petition for each petition filed thereafter.

(4) Each petition under Subsection (2) shall:

(a) be signed by registered voters residing in the county:

(i) equal in number to at least ~~10%~~ 15% of the total number of votes cast in ~~the county~~ each precinct described in Subsection (4)(a)(ii) at the most recent election for ~~governor~~ president of the United States; and

HB0280S01 compared with HB0280

(ii) who represent at least 85% of the voting precincts located within the county;

(b) designate up to five of the petition signers as sponsors, one of whom shall be designated as the contact sponsor, with the mailing address and telephone number of each; and

(c) be filed in the office of the clerk of the county in which the petition signers reside.

(5) Within 30 days after the filing of a petition under Subsection (2) or an amended ~~for supplemental~~ petition under Subsection (6), the county clerk shall:

(a) determine whether the petition or amended ~~for supplemental~~ petition has been signed by the required number of registered voters; and

(b) (i) if so, certify the petition or amended ~~for supplemental~~ petition and deliver it to the county legislative body, and notify in writing the contact sponsor of the certification; or

(ii) if not, reject the petition or the amended ~~for supplemental~~ petition and notify in writing the county legislative body and the contact sponsor of the rejection and the reasons for the rejection.

(6) If a county clerk rejects a petition or an amended ~~for supplemental~~ petition under Subsection (5)(b)(ii), the petition may be amended or ~~supplemented or~~ an amended ~~or supplemental~~ petition may be further amended ~~for supplemented~~ with additional signatures and refiled within 20 days of the date of rejection.

(7) (a) If a petition under Subsection (2) is certified, the county legislative body shall ~~—~~

~~(i) consider the petition; and~~

~~(ii) } within 60 days after petition certification ~~};~~ adopt a resolution ~~};~~~~

~~(A) rejecting the petition and deciding not to hold an election on the proposal to repeal the optional plan; or~~

~~(B) } granting the petition and deciding to hold an election on the proposal to repeal the optional plan.~~

(b) ~~{If the county legislative body decides to hold an election on the proposal, the}~~ **The** county legislative body shall hold the election at the next regular general election date that is at least two months after the legislative body's decision. ~~;~~

~~(8) (a) If a county legislative body adopts a resolution under Subsection (7)(a)(ii)(A) deciding not to hold an election on the proposal to repeal the optional plan, registered voters in the county may file another petition or a supplemental petition requesting the county legislative body to hold an election to allow voters to vote on the proposed repeal.~~

HB0280S01 compared with HB0280

~~(b) (i) Subsections (4) and (5) apply to the other or supplemental petition, except that the petition may not be certified unless it is signed by registered voters residing in the county equal in number to at least 15% of the total number of votes cast in the county at the most recent election for governor.~~

~~(ii) Signatures on a supplemental petition under Subsection (2) may be used toward the signature requirement of Subsection (8)(b).~~

~~(c) If a petition under Subsection (8)(a) is certified, the county legislative body shall hold an election at the next regular general election date that is at least two months after petition certification.~~

~~(9)8~~ If, at an election held under Subsection (7)(b) ~~or (8)(c)~~, a majority of voters voting on the proposal to repeal the optional plan vote in favor of repealing:

(a) the optional plan is repealed, effective January 1 of the year following the election of county officers under Subsection ~~(9)8~~(c);

(b) upon the effective date of the repeal under Subsection ~~(9)8~~(a), the form of government under which the county operates reverts to the form it had before the optional plan was adopted; and

(c) the county officers under the form of government to which the county reverts, who are different than the county officers under the repealed optional plan, shall be elected at the next regular general election following the election under Subsection (7)(b) ~~or (8)(c)~~.

~~†~~

Legislative Review Note

~~as of 12-4-12 2:22 PM~~

~~Office of Legislative Research and General Counsel~~