



MINUTES

HOUSE POLITICAL SUBDIVISIONS STANDING COMMITTEE

Tuesday, February 4, 2020 | 4:00 p.m. | 450 State Capitol

Members Present:

Rep. Stephen G. Handy, Chair
Rep. Cheryl K. Acton
Rep. Kim F. Coleman
Rep. James A. Dunnigan
Rep. Val K. Potter
Rep. Marie H. Poulson
Rep. Susan Pulsipher
Rep. Lawanna Shurtliff

Rep. Elizabeth Weight
Rep. Logan Wilde

Members Absent:

Rep. Merrill F. Nelson, Vice Chair

Staff Present:

Samantha D. Brucker, Policy Analyst
An Bradshaw, Committee Secretary

Note: A copy of related materials and an audio recording of the meeting can be found at www.le.utah.gov.

Chair Handy called the meeting to order at 4:07 p.m.

MOTION: Rep. Poulson moved to approve the minutes of the January 31, 2020 meeting. The motion passed with a vote of 9 - 0 - 2.

Yeas-9

Rep. C. Acton
Rep. K. Coleman
Rep. J. Dunnigan
Rep. S. Handy
Rep. V. Potter
Rep. M. Poulson
Rep. S. Pulsipher
Rep. L. Shurtliff
Rep. E. Weight

Nays-0

Absent-2

Rep. M. Nelson
Rep. L. Wilde

1 . H.B. 202 Local Government Nuisance Ordinance Reform (*Moss, J.*)

Rep. Moss presented the bill with the assistance of Molly Davis, Policy Analyst, Libertas Institute. Karson Eilers, Legislative Research Analyst, Utah League of Cities and Towns, was invited by Chair Handy to answer questions from the committee.

MOTION: Rep. Acton moved to amend H.B. 202 with Amendment #1.
Amendment 1
H.B. 202

1. Page 1, Lines 12 through 13:

12 ▸ ~~{ prohibits a municipality or county from imposing a criminal penalty for violation of~~
13 ~~an ordinance unless the violation is a nuisance; and } limits the circumstances under which a municipality or
county may impose a criminal penalty for a violation of an ordinance; and~~

2. Page 2, Lines 33 through 36:

33 (b) Notwithstanding Subsection (1)(a), a municipality may ~~{ impose a criminal penalty~~
34 ~~for a violation pertaining to an individual's use of the individual's residence only if the violation~~
35 ~~of the ordinance is a nuisance, as defined in Subsection 78B-6-1101(1), on the surrounding~~
36 ~~neighbors or adjacent properties of the individual's residence. } not impose a criminal penalty greater than an
infraction for a violation pertaining to an individual's use of the individual's residence unless:
(i) the violation:
(A) is a nuisance as defined in Subsection 78B-6-1101(1); and
(B) threatens the health, safety, or welfare of the individual or an identifiable third party; or~~

(ii) the municipality has imposed a fine on the individual for a violation that involves the same residence on three previous occasions within the previous 12 months.

3. Page 2, Line 50:

50 (ii) an animal control officer described in Section 11-46-102.

(4) For purposes of this section, an ongoing violation constitutes a single violation.

4. Page 4, Line 117 through Page 5, Line 121:

117 (b) Notwithstanding Subsection (2)(a), a county may ~~{impose the criminal penalty for a~~
118 ~~violation pertaining to an individual's residence only if the violation of the ordinance is a~~
119 ~~nuisance, as defined in Subsection 78B-6-1101(1), on the surrounding neighbors or adjacent~~
120 ~~properties of the individual's residence.}~~ not impose a criminal penalty greater than an infraction for a
violation pertaining to an individual's use of the individual's residence unless:

(i) the violation:

(A) is a nuisance as defined in Subsection 78B-6-1101(1); and

(B) threatens the health, safety, or welfare of the individual or an identifiable third party; or

(ii) the county has imposed a fine on the individual for a violation that involves the same residence on three previous occasions within the past 12 months. 121 [(b)] (c) When a penalty for a violation of an ordinance includes any possibility of

5. Page 5, Line 128:

128 on a highway.

(4) For purposes of this section, an ongoing violation constitutes a single violation.

Rep. Acton's motion to amend H.B. 202 with Amendment #1 passed with a vote of 9 - 0 - 2.

Yeas-9

- Rep. C. Acton
- Rep. J. Dunnigan
- Rep. S. Handy
- Rep. V. Potter
- Rep. M. Poulson
- Rep. S. Pulsipher
- Rep. L. Shurtliff
- Rep. E. Weight
- Rep. L. Wilde

Nays-0

Absent-2

- Rep. K. Coleman
- Rep. M. Nelson

Stephanie Ivie, Centerville City Council, spoke for the bill.

MOTION: Rep. Wilde moved to pass H.B. 202 out favorably as amended. The motion passed with a vote of 9 - 1 - 1.

Yeas-9

- Rep. C. Acton
- Rep. K. Coleman
- Rep. J. Dunnigan
- Rep. S. Handy
- Rep. V. Potter
- Rep. S. Pulsipher
- Rep. L. Shurtliff
- Rep. E. Weight
- Rep. L. Wilde

Nays-1

- Rep. M. Poulson

Absent-1

- Rep. M. Nelson

2 . H.B. 61 Amendments to County Form of Government (Wilde, L.)

Rep. Wilde presented the bill with the assistance of Lincoln Shurtz, Director of Government Affairs, Utah Association of Counties.

MOTION: Rep. Shurtliff moved to amend H.B. 61 with Amendment #1.
Amendment 1
H.B. 61

1. Page 24, Line 739 through Page 25, Line 746:

- 739 (1) In anticipation of an election under Section 17-52a-501, the county clerk [may]
- 740 shall prepare a voter information pamphlet to inform the public of the proposed optional plan in accordance
- 741 with the provisions of Title 20A, Chapter 7, Part 7, Voter Information Pamphlet.
- 742 (2) In preparing a voter information pamphlet under this section, the county clerk
- 743 [may] shall:
- 744 (a) allow proponents and opponents of the proposed optional plan to provide written
- 745 statements to be included in the pamphlet; and
- 746 (b) ~~{use as a guideline the provisions of Title 20A, Chapter 7, Part 7, Voter Information~~
- ~~Pamphlet}~~ ensure each written statement described in Subsection (2)(a) is printed in the same font style and
- point size .

Ricky Hatch, Weber County Auditor, answered questions about Amendment #1.

Justin Lee, Director of Elections, Lieutenant Governor's Office, answered questions from the committee.

Rep. Shurtliff's motion to amend H.B. 61 with Amendment #1 passed with a vote of 10 - 0 - 1.

Yeas-10

Nays-0

Absent-1

Rep. C. Acton

Rep. M. Nelson

Rep. K. Coleman

Rep. J. Dunnigan

Rep. S. Handy

Rep. V. Potter

Rep. M. Poulson

Rep. S. Pulsipher

Rep. L. Shurtliff

Rep. E. Weight

Rep. L. Wilde

MOTION: Rep. Potter moved to amend H.B. 61 with Amendment #2.
Amendment 2
H.B. 61

1. Page 11, Lines 316 through 324:

- 316 (b) (i) ~~[To be considered valid, the petition is required to be signed by registered voters~~
- 317 ~~residing in the county equal in number to at least 5% of the total number of votes cast in the~~
- 318 ~~county for all candidates for president of the United States at the most recent election at which~~
- 319 ~~a president of the United States was elected] ~~{The}~~ Except as provided in Subsection (2)(b)(ii), the petition is~~
- 320 valid if the petition contains the
- number of legal signatures required under Subsection 20A-7-501(2).
- (ii) For a county of the fifth or sixth class, the petition is valid if the petition contains at least the number of legal
- signatures equal to 30% of the number of active voters, as defined in Section 20A-7-501, in the county.
- 321 ~~{(ii)}~~ (iii) The county clerk may not count a signature that was collected for the petition
- 322 before the petition sponsors filed a notice of intent under Subsection (1)(a).
- 323 ~~{(iii)}~~ (iv) Notwithstanding any other provision of law, an individual may not sign a petition
- 324 circulated under this section by electronic signature as defined in Section 20A-1-202.

Bill Barrett and Sushiel Keswani, residents of Wayne County, spoke against the amendment.

Justin Lee answered questions about Amendment #2.

Rep. Potter's motion to amend H.B. 61 with Amendment #2 passed with a vote of 8 - 2 - 1.

Yeas-8

Rep. C. Acton
Rep. K. Coleman
Rep. J. Dunnigan
Rep. S. Handy
Rep. V. Potter
Rep. M. Poulson
Rep. S. Pulsipher
Rep. L. Wilde

Nays-2

Rep. L. Shurtliff
Rep. E. Weight

Absent-1

Rep. M. Nelson

Sushiel Keswani, Wayne County resident, requested more information regarding the bill and Rep. Wilde and Lincoln Shurtz responded.

Bill Barrett and Sushiel Keswani, residents of Wayne County, spoke against the bill.

MOTION: Rep. Potter moved to pass H.B. 61 out favorably as amended. The motion passed with a vote of 10 - 0 - 1.

Yeas-10

Rep. C. Acton
Rep. K. Coleman
Rep. J. Dunnigan
Rep. S. Handy
Rep. V. Potter
Rep. M. Poulson
Rep. S. Pulsipher
Rep. L. Shurtliff
Rep. E. Weight
Rep. L. Wilde

Nays-0

Absent-1

Rep. M. Nelson

3 . H.B. 221 Municipal Office and Local Elections (*Hawkins, J.*)

Rep. Hawkins presented the bill with the assistance of Justin Lee.

MOTION: Rep. Pulsipher moved to pass H.B. 221 out favorably. The motion passed with a vote of 8 - 0 - 3.

Yeas-8

Rep. C. Acton
Rep. K. Coleman
Rep. J. Dunnigan
Rep. S. Handy
Rep. S. Pulsipher
Rep. L. Shurtliff
Rep. E. Weight
Rep. L. Wilde

Nays-0

Absent-3

Rep. M. Nelson
Rep. V. Potter
Rep. M. Poulson

MOTION: Rep. Pulsipher moved to adjourn. The motion passed with a vote of 8 - 0 - 3.



Yeas-8

Rep. C. Acton
Rep. K. Coleman
Rep. J. Dunnigan
Rep. S. Handy
Rep. S. Pulsipher
Rep. L. Shurtliff
Rep. E. Weight
Rep. L. Wilde

Nays-0

Absent-3

Rep. M. Nelson
Rep. V. Potter
Rep. M. Poulson

Chair Handy adjourned the meeting at 5:56 p.m.