

S.B. 173

SPECIAL DISTRICT AND LOCAL DISTRICT GOVERNING BODY ISSUES

HOUSE FLOOR AMENDMENTS

AMENDMENT 4

FEBRUARY 28, 2000 2:19 PM

Representative **Gladwell** proposes the following amendments:

1. Page 7, Line 199: After line 199 insert:

"(iii) If a change in the number of board members necessitated by Subsection 17B-2-402(1) would cause the district to violate a provision of bonds issued by the district, the number of board members may be modified to the extent necessary to avoid a violation."
2. Page 7, Line 200: After "(c)" insert:

"(i) If a change in the expiration date of the term of a board of trustees member is necessary to comply with the requirements of Subsection 17B-2-403(1), the term of each board member whose term expires on a day other than the first Monday in January shall be extended to the first Monday in January after the normal expiration date next following the special district election date under Section 17A-1-305.
(ii)"
3. Page 7, Line 200: After "If a change in the length" delete "or expiration date"
4. Page 7, Line 202: After "term length" delete "or expiration date"
5. Page 8, Line 228: After "Subsection (3)" delete "and Section 17A-2-327"
6. Page 10, Line 291: After "(B)" insert "(I)"
7. Page 10, Line 292: After "then" insert ", except as provided in Subsection (4)(a)(iii)(B)(II)."
8. Page 10, Line 294: After line 294 insert:

"(II) Application of Subsection (4)(a)(iii)(B)(I) may not cause a municipality to lose its separate representation on the board until

the end of the term of the board member who represents only that municipality."

9. Page 12, Line 356:

After line 356 insert:

"(5) This section is subject to the provisions of Section 17A-2-327."

10. Page 13, Line 388:

After line 388 insert:

"(iii) If a change in the number of board members necessitated by Subsection 17B-2-402(1) would cause the district to violate a provision of bonds issued by the district, the number of board members may be modified to the extent necessary to avoid a violation."

11. Page 13, Line 389:

After "(c)" insert:

"(i) If a change in the expiration date of the term of a board of trustees member is necessary to comply with the requirements of Subsection 17B-2-403(1), the term of each board member whose term expires on a day other than the first Monday in January shall be extended to the first Monday in January after the normal expiration date next following the special district election date under Section 17A-1-305.

(ii)"

12. Page 13, Line 389:

After "If a change in the length" delete "or expiration date"

13. Page 13, Line 391:

After "term length" delete "or expiration date"

14. Page 16, Line 491:

After line 491 insert:

"(iii) If a change in the number of board members necessitated by Subsection 17B-2-402(1) would cause the district to violate a provision of bonds issued by the district, the number of board members may be modified to the extent necessary to avoid a violation."

15. Page 16, Line 492:

After "(c)" insert:

"(i) If a change in the expiration date of the term of a board of trustees member is necessary to comply with the requirements of Subsection 17B-2-403(1), the term of each board member whose term expires on a day other than the first Monday in January shall be extended to the first Monday in January after the normal expiration date next following the special district election date under Section 17A-1-305.

(ii)"

16. Page 16, Line 492:

After "If a change in the length" delete "or expiration date"

17. Page 17, Line 494:

After "term length" delete "or expiration date"

18. Page 17, Line 520:

After line 520 insert:

"(iii) If a change in the number of board members necessitated by Subsection 17B-2-402(1) would cause the district to violate a provision of bonds issued by the district, the number of board members may be modified to the extent necessary to avoid a violation."

19. Page 17, Line 521:

After "(c)" insert:

"(i) If a change in the expiration date of the term of a board of trustees member is necessary to comply with the requirements of Subsection 17B-2-403(1), the term of each board member whose term expires on a day other than the first Monday in January shall be extended to the first Monday in January after the normal expiration date next following the special district election date under Section 17A-1-305.

(ii)"

20. Page 17, Line 521:

After "If a change in the length" delete "or expiration date"

21. Page 17, Line 523:

After "term length" delete "or expiration date"

22. Page 43, Line 1312:

After line 1312 insert:

"(iii) If a change in the number of board members necessitated by Subsection 17B-2-402(1) would cause the district to violate a provision of bonds issued by the district, the number of board

members may be modified to the extent necessary to avoid a violation."

23. Page 43, Line 1313:

After "(c)" insert:

"(i) If a change in the expiration date of the term of a board of trustees member is necessary to comply with the requirements of Subsection 17B-2-403(1), the term of each board member whose term expires on a day other than the first Monday in January shall be extended to the first Monday in January after the normal expiration date next following the special district election date under Section 17A-1-305.

(ii)"

24. Page 43, Line 1313:

After "If a change in the length" delete "or expiration date"

25. Page 43, Line 1315:

After "term length" delete "or expiration date"

26. Page 57, Line 1762:

After line 1762 insert:

"(iii) If a change in the number of board members necessitated by Subsection 17B-2-402(1) would cause the district to violate a provision of bonds issued by the district, the number of board members may be modified to the extent necessary to avoid a violation."

27. Page 57, Line 1763:

After "(c)" insert:

"(i) If a change in the expiration date of the term of a board of trustees member is necessary to comply with the requirements of Subsection 17B-2-403(1), the term of each board member whose term expires on a day other than the first Monday in January shall be extended to the first Monday in January after the normal expiration date next following the special district election date under Section 17A-1-305.

(ii)"

28. Page 57, Line 1763:

After "If a change in the length" delete "or expiration date"

29. Page 58, Line 1765:

After "term length" delete "or expiration date"

30. Page 93, Line 2853: After "are as" bracket "follows:" and insert "provided in Section 17B-2-403."
31. Page 93, Lines 2854-2862: Bracket lines 2854 through 2862
32. Page 94, Line 2880: After line 2880 insert:

"(iii) If a change in the number of board members necessitated by Subsection 17B-2-402(1) would cause the district to violate a provision of bonds issued by the district, the number of board members may be modified to the extent necessary to avoid a violation."
33. Page 94, Line 2881: After "(c)" insert:

"(i) If a change in the expiration date of the term of a board of trustees member is necessary to comply with the requirements of Subsection 17B-2-403(1), the term of each board member whose term expires on a day other than the first Monday in January shall be extended to the first Monday in January after the normal expiration date next following the special district election date under Section 17A-1-305.
(ii)"
34. Page 94, Line 2881: After "If a change in the length" delete "or expiration date"
35. Page 94, Line 2883: After "term length" delete "or expiration date"
36. Page 109, Line 3352: After "(b)" insert:

"(i) If a change in the expiration date of the term of a board of trustees member is necessary to comply with the requirements of Subsection 17B-2-403(1), the term of each board member whose term expires on a day other than the first Monday in January shall be extended to the first Monday in January after the normal expiration date next following the special district election date under Section 17A-1-305.
(ii)"
37. Page 109, Line 3352: After "If a change in the length" delete "or expiration date"

38. Page 109, Line 3354: After "term length" delete "or expiration date"
39. Page 136, Line 4204: After "(b)" insert:

"(i) If a change in the expiration date of the term of a board of trustees member is necessary to comply with the requirements of Subsection 17B-2-403(1), the term of each board member whose term expires on a day other than the first Monday in January shall be extended to the first Monday in January after the normal expiration date next following the special district election date under Section 17A-1-305.
(ii)"
40. Page 136, Line 4204: After "If a change in the length" delete "or expiration date"
41. Page 136, Line 4206: After "term length" delete "or expiration date"
42. Page 158, Line 4883: After line 4883 insert:

"(iii) If a change in the number of board members necessitated by Subsection 17B-2-402(1) would cause the district to violate a provision of bonds issued by the district, the number of board members may be modified to the extent necessary to avoid a violation."
43. Page 158, Line 4884: After "(c)" insert:

"(i) If a change in the expiration date of the term of a board of trustees member is necessary to comply with the requirements of Subsection 17B-2-403(1), the term of each board member whose term expires on a day other than the first Monday in January shall be extended to the first Monday in January after the normal expiration date next following the special district election date under Section 17A-1-305.
(ii)"
44. Page 158, Line 4884: After "If a change in the length" delete "or expiration date"
45. Page 158, Line 4886: After "term length" delete "or expiration date"
46. Page 161, Line 4960: After "(1)" insert "(a)"

47. Page 161, Line 4961: After line 4961 insert:
"(b) All powers of a local district are exercised through the board of trustees."
48. Page 162, Line 4996: After "members of the" insert "initial"
49. Page 162, Lines 5015-5017: Delete lines 5015 through 5017 and insert:
"(b) Each board of trustees member shall serve until a successor is duly elected or appointed and qualified, unless the member earlier is removed from office or resigns or otherwise leaves office."
50. Page 163, Line 5023: After line 5023 insert:
"(5) Except as provided in Subsection (6), each midterm vacancy in a board of trustees position shall be filled as provided in Section 20A-1-512.
(6)(a) For purposes of this Subsection (6):
(i) "Appointed official" means a person who:
(A) is appointed as a member of a local district board of trustees by a county or municipality entitled to appoint a member to the board;
and
(B) holds an elected position with the appointing county or municipality.
(ii) "Appointing authority" means the county or municipality that appointed the appointed official to the board of trustees.
(b) The board of trustees shall declare a midterm vacancy for the board position held by an appointed official if:
(i) during the appointed official's term on the board of trustees, the appointed official ceases to hold the elected position with the appointing authority; and
(ii) the appointing authority submits a written request to the board to declare the vacancy.
(c) Upon the board's declaring a midterm vacancy under Subsection (6)(b), the appointing authority shall appoint another person to fill the remaining unexpired term on the board of trustees."
51. Page 163, Line 5024: At the beginning of line 5024 delete "(5)" and insert "(6)"

52. Page 163, Line 5026:

After "Subsection" delete "(5)" and insert "(6)"

53. Page 164, Line 5061:

After "(b)" delete "A" and insert "(i) Subject to Subsection (1)(b)(ii), a"

54. Page 164, Line 5063:

After line 5063 insert:

"(ii) Except for board action to dispose of real property owned by the local district, board bylaws or rules may not require a vote of more than two-thirds vote of the board to constitute board action."