

Senator Michael G. Waddoups proposes the following substitute bill:

COUNTY GOVERNMENT REFORM

2007 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Melvin R. Brown

Senate Sponsor: Michael G. Waddoups

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.

Monies Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

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

ENACTS:

17-52-405, Utah Code Annotated 1953



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

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

28 **17-52-203. Registered voter initiation of adoption of optional plan -- Procedure.**

29 (1) Registered voters of a county may initiate the process of adopting an optional plan
30 by filing a petition for the establishment of a study committee as provided in Section
31 17-52-301.

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

33 (a) be signed by registered voters residing in the county equal in number to at least
34 10% of the total number of votes cast in the county at the most recent election for governor;

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

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

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

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

42 (ii) (A) if so:

43 (I) certify the petition or amended or supplemental petition and deliver it to the county
44 legislative body; and

45 (II) notify in writing the contact sponsor of the certification; or

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

49 (b) If a county clerk rejects a petition or an amended or supplemental petition under
50 Subsection (3)(a)(ii)(B), the petition may be amended or supplemented or an amended or
51 supplemental petition may be further amended or supplemented with additional signatures and
52 refiled within 20 days of the date of rejection.

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

56 (a) the petition notified signers in conspicuous language that the petition sponsors are

57 authorized to withdraw the petition; and

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

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

60 **17-52-405. Repeal of optional plan.**

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

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

65 (3) A petition to repeal an optional plan may not be filed within two years after the
66 election of county officers under Section 17-52-207.

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

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

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

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

73 (b) (i) Within 30 days after the filing of a petition under Subsection (2) or an amended
74 or supplemental petition under Subsection (4)(b)(ii), the county clerk shall:

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

77 (B) (I) if so:

78 (Aa) certify the petition or amended or supplemental petition and deliver it to the
79 county legislative body; and

80 (Bb) notify in writing the contact sponsor of the certification; or

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

84 (ii) If a county clerk rejects a petition or an amended or supplemental petition under
85 Subsection (3)(b)(i)(B)(II), the petition may be amended or supplemented or an amended or
86 supplemental petition may be further amended or supplemented with additional signatures and
87 refiled within 20 days of the date of rejection.

88 (5) (a) If a petition under Subsection (2) is certified, the county legislative body shall:

89 (i) consider the petition; and

90 (ii) within 60 days after petition certification, adopt a resolution:

91 (A) rejecting the petition and deciding not hold an election on the proposal to repeal

92 the optional plan; or

93 (B) granting the petition and deciding to hold an election on the proposal to repeal the

94 optional plan.

95 (b) If the county legislative body decides to hold an election on the proposal, the

96 county legislative body shall hold the election at the next regular general election date that is at

97 least two months after the legislative body's decision.

98 (6) (a) If a county legislative body adopts a resolution under Subsection (5)(a)(ii)(A)

99 deciding not to hold an election on the proposal to repeal the optional plan, registered voters in

100 the county may file another petition or a supplemental petition requesting the county legislative

101 body to hold an election to allow voters to vote on the proposed repeal.

102 (b) (i) Subsection (4) applies to the other or supplemental petition, except that the

103 petition may not be certified unless it is signed by registered voters residing in the county equal

104 in number to at least 15% of the total number of votes cast in the county at the most recent

105 election for governor.

106 (ii) Signatures on a supplemental petition under Subsection (2) may be used toward the

107 signature requirement of Subsection (6)(b).

108 (c) If a petition under Subsection (6)(a) is certified, the county legislative body shall

109 hold an election at the next regular general election date that is at least two months after

110 petition certification.

111 (7) If, at an election held under Subsection (5)(b) or (6)(c), a majority of voters voting

112 on the proposal to repeal the optional plan vote in favor of repealing:

113 (a) the optional plan is repealed, effective January 1 of the year following the election

114 of county officers under Subsection (7)(c), and as of that date has no further legal effect;

115 (b) upon the effective date of the repeal under Subsection (7)(a), the form of

116 government under which the county operates reverts to the form it had before the optional plan

117 was adopted, with the officers provided for under that form of government; and

118 (c) the county officers under the form of government to which the county reverts, who

119 are different than the county officers under the repealed optional plan, shall be elected at the
120 next regular general election following the election under Subsection (5)(b) or (6)(c).