

**MINUTES OF THE
HOUSE POLITICAL SUBDIVISIONS
STANDING COMMITTEE**

Room W125, West Office Building, State Capitol Complex
Monday, February 5, 2007

MEMBERS PRESENT: Rep. Fred R Hunsaker, Chair
 Rep. Scott L Wyatt, Vice Chair
 Rep. Sheryl L. Allen
 Rep. D. Gregg Buxton
 Rep. James A. Dunnigan
 Rep. Gage Froerer
 Rep. Kerry W. Gibson
 Rep. Jennifer M. Seelig
 Rep. LaWanna Lou Shurtliff

MEMBERS ABSENT: Rep. Ralph Becker
 Rep. Stephen H. Urquhart

STAFF PRESENT: Joseph Wade, Policy Analyst
 Doris Donat, Committee Secretary

Note: A list of visitors and a copy of handouts are filed with the committee minutes.

Rep. Hunsaker called the meeting to order at 8:11 a.m.

MOTION: Rep. Froerer moved to approve the minutes of February 1, 2007. The motion passed unanimously, with Rep. Allen, Rep. Becker, Rep. Seelig, Rep. Shurtliff, and Rep. Urquhart absent for the vote.

H.B. 203 Local Option Distribution Formula for the Distribution of the Local Option Sales and Use Tax (Rep. S. Wyatt)

MOTION: Rep. Wyatt moved to amend H.B. 203 as follows:

1. Page 6, Lines 157 through 161:

- 157 (2) Notwithstanding Subsection 59-12-205(2), for a countywide distribution made
on or after May 1, 2008, if the commission designates a
158 qualifying county as an alternate disbursal area:
159 (a) the commission may not make the distributions required by Section 59-12-205
160 directly to a municipality; and
161 (b) shall pay the countywide distribution to the managing qualifying county.

2. Page 6, Lines 162 through 177:

162 (3) (a) For purposes of this Subsection (3), "deciding legislative body" means:
 (i) the legislative body of a qualifying county; or
 (ii) the legislative body of a municipality that is, in whole or in part, within a
 qualifying county.
 (b) A qualifying county shall be designated as an alternate disbursal area by the
163 commission on the first day of the first calendar month after a 90-day period beginning on the
164 day on which the commission receives written notice from the qualifying county that an
165 alternate distribution formula is approved under Subsection (3)(b) (ii) , if:
166 ~~{ (a) }~~ (i) subject to Subsections (4) and (5):
167 ~~{ (i) }~~ (A) for a qualifying county with seven or more municipalities that are, in
 whole or in
168 part, within the qualifying county, { ~~the county legislative body and~~ } a two-thirds
 majority of the
169 { ~~municipalities~~ } deciding legislative bodies . { ~~that are, in whole or in part,~~
 within that qualifying county } agree, in writing, to an
170 alternate distribution formula; or
171 ~~{ (ii) }~~ (B) for a qualifying county with less than seven municipalities that are,
 in whole or in
172 part, within the qualifying county, the county legislative body and each municipality that is,
 in
173 whole or in part, within that qualifying county agree, in writing, to an alternate distribution
174 formula; and
175 ~~{ (b) }~~ (ii) in accordance with Subsection (8), after the agreement described in
 Subsection
176 { ~~(3)(a) }~~ (3)(b)(i) is reached, the alternate distribution formula is approved by a
 majority vote of the legal
177 voters residing in the incorporated and unincorporated areas of the qualifying county.

Rep. Wyatt introduced and explained the amended part of the bill to the Committee.

The motion to amend the bill passed unanimously, with Rep. Allen, Rep. Becker, Rep. Urquhart absent for the vote.

MOTION: Rep. Wyatt moved that the Committee recommend H.B. 203 favorably as amended.

The motion passed unanimously, with Rep. Allen, Rep. Becker, and Rep. Urquhart absent for the vote.

Rep. Hunsaker relinquished the chair to Rep. Wyatt.

H.B. 298 County Trust Fund Amendments (Rep. J. Mathis)

Rep. Mathis introduced and explained the bill to the Committee.

MOTION: Rep. Shurtliff moved to adopt 1st Substitute H.B. 298.

SUBSTITUTE

MOTION: Rep. Dunnigan moved to proceed to the next item on the agenda. The motion passed unanimously, with Rep. Becker and Rep. Urquhart absent for the vote.

H.B. 129 Land Use Application Processing (Rep. M. Morley)

MOTION: Rep. Dunnigan moved to adopt 1st Substitute H.B. 129. The motion passed unanimously, with Rep. Becker and Rep. Urquhart absent for the vote.

Rep. Morley introduced and explained the 1st Substitute H.B. 129 to the Committee, with the help of Rep. Ure.

Spoke to the bill: Jodi Hoffman, Utah League of Cities and Towns

MOTION: Rep. Gibson moved that the Committee recommend 1st Substitute H.B. 129 favorably. The motion passed unanimously, with Rep. Becker and Rep. Urquhart absent for the vote.

MOTION: Rep. Buxton moved that 1st Substitute H.B. 129 be placed on the Consent Calendar. The motion passed unanimously, with Rep. Becker and Rep. Urquhart absent for the vote.

H.B. 367 Global Positioning Reference Network (Rep. K. Holdaway)

Rep. Holdaway introduced and explained the bill to the Committee, with the help of Dennis Goreham, Manager, Automated Geographic Reference Center.

Spoke to the bill: Mont Evans, Utah Council of Land Surveyors

MOTION: Rep. Allen moved that the Committee recommend H.B. 367 favorably. The motion passed unanimously, with Rep. Becker and Rep. Urquhart absent for the vote.

MOTION: Rep. Allen moved that H.B. 367 be placed on the Consent Calendar. The motion passed unanimously, with Rep. Becker and Rep. Urquhart absent for the vote.

H.B. 347 Municipal Election Law Provisions (*Rep. D. Aagard*)

Rep. Aagard introduced and explained the bill to the Committee, with the help of Lincoln Shurtz, Utah League of Cities and Towns.

MOTION: Rep. Gibson moved at amend H.B. 347 as follows:

1. *Page 1, Lines 15 through 18:*

15 ▶ modifies provisions governing the days and hours of poll operation for early voting
16 in local special elections, municipal primary elections ., and municipal general
elections;

17 { ~~provides that use of machines that provide disability access is not required
for early~~

18 ~~voting in municipal primary elections and municipal elections;~~

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2. *Page 15, Lines 433 through 437:*

433 (c) During the early voting period, the election officer:

434 (i) for local special elections, municipal primary elections ., and municipal
general elections:

435 (A) shall conduct early voting on a minimum of four days during each week of the
436 early voting period; and

437 (B) shall conduct early voting on the last day of the early voting period; and

3. *Page 15, Lines 459 through 461:*

459 (c) { ~~for all elections other than municipal primary elections and municipal
general~~

460 ~~elections,~~} at least 10% of the voting devices at a polling place are accessible for
individuals

461 with disabilities in accordance with Public Law 107-252, the Help America Vote Act of 2002;

4. Page 17, Lines 497 through 498:

497 (b) Nothing in this title shall be construed to require the use of electronic voting
498 devices in local special elections, municipal primary elections, or municipal general
elections.

The motion to amend passed unanimously, with Rep. Becker, Rep. Seelig, and Rep. Urquhart absent for the vote.

MOTION: Rep. Dunnigan moved to amend H.B. 347 as amended as follows:

1. Page 1, Lines 22 through 27:

22 primary elections or municipal general elections; and
23 ▶ permits poll workers who are assigned to a voting precinct during a municipal
24 election to reside within the county, rather than within the precinct they are assigned
25 to ~~{;and~~
26 ~~—▶—adjusts the deadline for filing declarations of candidacy and nomination~~
~~petitions for~~
27 ~~municipal elections from August to July~~ .

2. Page 20, Lines 612 through 614:

612 (i) file a declaration of candidacy₂ in person with the city recorder or town clerk₂ during
613 office hours and not later than 5 p.m. between ~~{+}~~ July ~~{+}~~ ~~{June}~~ 15 and
~~{+}~~ August ~~{+}~~ ~~{July}~~ 15 of any
614 odd-numbered year₂; and

3. Page 21, Lines 629 through 635:

629 (c) Any resident of a municipality may nominate a candidate for a municipal office by:
630 (i) filing a nomination petition with the city recorder or town clerk during office hours₂
631 but not later than 5 p.m. between ~~{+}~~ July ~~{+}~~ ~~{June}~~ 15 and
~~{+}~~ August ~~{+}~~ ~~{July}~~ 15 of any odd-numbered
632 year₂; and [pay]
633 (ii) paying the filing fee, if one is required by municipal ordinance.
634 (d) When ~~{+}~~ August ~~{+}~~ ~~{July}~~ 15 is a Saturday [or]₂ Sunday, or
holiday, the filing time shall
635 be extended until 5 p.m. on the following ~~Monday~~ regular business day.

The motion to amend passed unanimously, with Rep. Becker, Rep. Seelig, Rep. Urquhart, and Rep. Hunsaker absent for the vote.

MOTION: Rep. Shurtliff moved that the Committee recommend H.B. 347 favorably as amended. The motion passed unanimously, with Rep. Becker, Rep. Urquhart, and Rep. Hunsaker absent for the vote.

H.B. 362 Annexation Amendments (Rep. G. Hughes)

Rep. Hughes introduced and explained the bill to the Committee, with the help of Pat Cassidy, Sandy City Attorney's Office.

Spoke to the bill: Richard Maughn, Davis County Recorder
Rob Jolley, representing Sandy City

MOTION: Rep. Gibson moved that the Committee recommend H.B. 362 favorably. The motion passed unanimously, with Rep. Becker, Rep. Shurtliff, and Rep. Urquhart absent for the vote.

H.B. 365 Eminent Domain Authority of Community Development and Renewal Agencies (Rep. S. Urquhart)

This bill was not considered.

Rep. Wyatt relinquished the chair to Rep. Hunsaker.

H.B. 262 Search Warrant Amendments (Rep. S. Wyatt)

Rep. Wyatt introduced and explained the bill to the Committee, with the help of Paul Boyden, Executive Director, State Attorney Association.

MOTION: Rep. Dunnigan moved that the Committee recommend H.B. 262 favorably. The motion passed unanimously, with Rep. Becker, Rep. Shurtliff, and Rep. Urquhart absent for the vote.

MOTION: Rep. Wyatt moved that the Committee place H.B. 262 on the Consent Calendar. The motion passed unanimously, with Rep. Becker, Rep. Shurtliff, and Rep. Urquhart absent for the vote.

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MOTION: Rep. Allen moved that the meeting be adjourned. The motion passed unanimously with Rep. Becker, Rep. Shurliff, and Rep. Urquhard absent for the vote.

Rep. Hunsaker adjourned the meeting at 9:33 a.m.

Rep. Fred R Hunsaker, Chair