

23. Page 15, Lines 430 through 431:

430 date of this section" in Subsection 10-2-125 {~~(12)~~ (13) of this bill with the actual
effective date of this
431 bill.

Respectfully,

Fred R Hunsaker
Committee Chair

Voting: 9-0-2

3 hb0164.hc1.wpd 2/21/08 10:22 am jwade/JTW RHR/JTW

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325 [~~(7)~~] {~~(9)~~} (10) Each newly incorporated town shall operate under the
 [six-member]

16. Page 11, Line 327:

327 [~~(8)~~] {~~(10)~~} (11) (a) [~~Each mayor appointed under Subsection (6) shall,~~
 ~~within~~] Within seven

17. Page 11, Line 329:

329 {~~(8)~~} (9) , the mayor-elect of the new town shall file at least three copies of the
 articles of

18. Page 12, Line 337:

337 {~~(11)~~} (12) A new town is incorporated:

19. Page 12, Line 340:

340 Subsection {~~(8)~~} (9) is held on a regular general or municipal general election
 date; or

20. Page 12, Lines 343 through 344:

343 officers under Subsection {~~(8)~~} (9) is held on any other date.
344 {~~(12)~~} (13) For each petition filed before the effective date of this section:

21. Page 13, Line 379:

379 10-2-125 {~~(8)~~} (9) .

22. Page 13, Line 392:

392 10-2-125 {~~(8)~~} (9) , on any date that complies with the requirements of that
 subsection.

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11. Page 10, Lines 298 through 299:

298 provided in Subsection ~~{(8)}~~ (9) .
299 (ii) A county legislative body intending to deny a petition under Subsection
~~{(7)}~~ (8) (c)(i)(A)

12. Page 10, Line 304:

304 ~~{(7)}~~ (8) (c)(i)(C)(I) shall comply with those conditions.

13. Page 11, Lines 308 through 318:

308 ~~{(8)}~~ (9) (a) The legislative body of the county in which the proposed new
town is located
309 shall ~~[appoint a mayor and members of the town council from a list of qualified~~
~~individuals~~
310 ~~approved by the petition sponsors]~~ hold the election for town officers provided for in
311 Subsection ~~{(7)}~~ (8) within:
312 (i) 45 days after the petition is certified, for an election under Subsection
313 ~~{(7)}~~ (8) (b)(i)(B) ~~{(11) or (7)(b)(ii)}~~ ;
314 (ii) 45 days after the feasibility consultant submits the written results of the financial
315 feasibility study, for an election under Subsection
~~{(7)}~~ (8) (b) ~~{(i)(B)(1)}~~ (ii)(A) ; or
316 (iii) 60 days after the feasibility consultant submits the written results of the financial
317 feasibility study, for an election under Subsection ~~{(7)}~~ (8) (c).
318 (b) The officers elected at an election under Subsection ~~{(8)}~~ (9) (a) shall
take office:

14. Page 11, Line 322:

322 incorporation under Subsection ~~{(11)}~~ (12) , if the election of officers is held on
any other date.

15. Page 11, Line 325:

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7. Page 9, Lines 266 through 273:

266 [(ii) H] (b) The county legislative body shall approve a petition proposing the
267 incorporation of a town and hold an election for town officers, as provided in Subsection
 ~~{(8)}~~ (9) .
268 if:
269 ~~{(i) in a county of the first or second class:}~~
270 ~~{(A)}~~ (i) the county clerk has certified the petition under Subsection
 ~~{(5)}~~ (4) ; and
271 ~~{(B)(D)(Aa)}~~ (ii)(A)(I) the county legislative body has commissioned a
 financial feasibility study
272 under Subsection ~~{(7)}~~ (8) (a); and
273 ~~{(Bb)}~~ (II) the results of the financial feasibility ~~[study under Subsection~~
 ~~(5)(a)(i) meet the~~

8. Page 10, Lines 277 through 281:

277 ~~{(H)}~~ (B) the county legislative body chooses not to commission a
 feasibility study ~~{; or~~
278 ~~—(ii) in a county of the third, fourth, fifth, or sixth class, the county clerk has~~
 certified
279 ~~the petition under Subsection (5):}~~ .
280 [(iii) H] (c) (i) If the legislative body ~~{of a county of the first or second class:}~~
281 commissions a financial feasibility study under Subsection ~~{(7)}~~ (8) (a) and the
 results of the

9. Page 10, Line 286:

286 (A) deny the petition, subject to Subsection ~~{(7)}~~ (8) (c)(ii);

10. Page 10, Line 289:

289 Subsection ~~{(8)}~~ (9) ; or

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(ii) within ten calendar days after receiving the clerk's notice under Subsection (5)(a).

(c) The county legislative body shall exclude from the area proposed to be incorporated as a town the property identified in the notice of exclusion under Subsection (5)(b) if exclusion will not leave an unincorporated island within the proposed town.

(d) If the county legislative body excludes property from the area proposed to be incorporated as a town, the county legislative body shall send written notice of the exclusion to the contact sponsor within five days after the exclusion.

229 ~~{(5)}~~ (6) Within 20 days after the filing of a petition under Subsection (4),
the county clerk

4. *Page 9, Line 245:*

245 ~~{(6)}~~ (7) (a) (i) A petition that is rejected under Subsection
~~{(5)}~~ (6) (b)(ii) may be amended to

5. *Page 9, Lines 249 through 251:*

249 under Subsection ~~{(6)}~~ (7) (a)(i) and then refiled with the county clerk.
250 (b) If a petition is amended and refiled under Subsection ~~{(6)}~~ (7) (a)(i) after
having been
251 rejected by the county clerk under Subsection ~~{(5)}~~ (6) (b)(ii):

6. *Page 9, Lines 255 through 260:*

255 ~~{(5)}~~ ~~{(7)}~~ (8) (a) (i) The legislative body of [~~each~~] a county {of the first
or second class} with
256 which a [~~base~~] petition is filed under [~~this section shall~~] Subsection (4) may, at its option
and
257 upon the petition being certified under Subsection ~~{(5)}~~ (6) a commission and pay
for a financial
258 feasibility study [as provided in Section 10-2-103].
259 (ii) If the legislative body {of a county of the first or second class} chooses to
260 commission a financial feasibility study, the county legislative body shall:

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House of Representatives *State of Utah*

UTAH STATE CAPITOL COMPLEX • 350 STATE CAPITOL
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February 21, 2008

Mr. Speaker:

The Political Subdivisions Committee reports a favorable recommendation on **4th Sub.**
H.B. 164, TOWN INCORPORATION PROCESS AMENDMENTS, by Representative M. Brown, with
the following amendments:

1. *Page 2, Lines 26 through 28:*

26 ▶ allows a county legislative body ~~{in a first or second class county}~~ the
option whether
27 to commission a financial feasibility study with respect to a proposed incorporation
28 of a town and provides a process for commissioning a financial feasibility study;

2. *Page 5, Line 136:*

136 certification under Subsection ~~{5}~~ (6) of a petition filed under Subsection (4).

3. *Page 8, Lines 227 through 229:*

227 (i) at any time until the county clerk certifies the petition under Subsection
~~{5}~~ (6) ; and

228 (ii) by filing a signed, written withdrawal or reinstatement with the county clerk.

(5)(a) If a petition is filed under Subsection (4)(a) proposing to incorporate as a town an area located within a county of the first class, the county clerk shall deliver written notice of the proposed incorporation:

(i) to each owner of private real property owning more than 1% of the assessed value of all private real property within the area proposed to be incorporated as a town; and

(ii) within seven calendar days after the date on which the petition is filed.

(b) A private real property owner described in Subsection (5)(a)(i) may exclude all or part of the owner's property from the area proposed to be incorporated as a town by filing a notice of exclusion:

(i) with the county clerk; and

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