

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

Room C450, State Capitol, Utah State Capitol Complex  
Thursday, February 21, 2008

MEMBERS PRESENT:     Rep. Fred R Hunsaker, Chair  
                              Rep. Gage Froerer, Vice Chair  
                              Rep. Sheryl L. Allen  
                              Rep. Rebecca Chavez-Houck  
                              Rep. James A. Dunnigan  
                              Rep. Kerry W. Gibson  
                              Rep. Richard A. Greenwood  
                              Rep. Jennifer M. Seelig  
                              Rep. LaWanna Lou Shurtliff  
                              Rep. R. Curt Webb

MEMBERS ABSENT:     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. Froerer opened the meeting at 8:08 a.m.

MOTION:     Rep. Dunnigan moved to approve the minutes of February 19, 2008. The motion passed unanimously, with Rep. Allen, Rep. Gibson, Rep. Seelig, Rep. Shurtliff, and Rep. Urquhart absent for the vote.

MOTION:     Rep. Hunsaker moved that HB 418 be returned to Rules as per the sponsor's request. The motion passed unanimously with Rep. Allen, Rep. Gibson, Rep. Seelig, Rep. Shurtliff, and Rep. Urquhart absent for the vote.

**4th Sub. H.B. 164   Town Incorporation Process Amendments (Rep. M. Brown)**

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

MOTION:     Rep. Hunsaker moved to amend the bill as follows:

1.   Page 5, Line 136:

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

2.   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

(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

3. Page 9, Line 245:

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

4. 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):

5. *Page 9, Line 255:*

255        [~~(5)~~] {~~(7)~~} (8) (a) (i) The legislative body of [~~each~~] a county of the first or second class with

6. *Page 9, Line 257:*

257        upon the petition being certified under Subsection {~~(5)~~} (6) , commission and pay for a financial

7. *Page 9, Line 267:*

267        incorporation of a town and hold an election for town officers, as provided in Subsection {~~(8)~~} (9) .

8. *Page 9, Line 270:*

270        (A) the county clerk has certified the petition under Subsection {~~(5)~~} (4) ; and

9. *Page 9, Line 272:*

272        under Subsection {~~(7)~~} (8) (a); and

10. *Page 10, Line 279:*

279        the petition under Subsection {~~(5)~~} (6) .

11. *Page 10, Line 281:*

281        commissions a financial feasibility study under Subsection {~~(7)~~} (8) (a) and the results of the

12. *Page 10, Line 286:*

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

13. *Page 10, Line 289:*

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

14. *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)

15. Page 10, Line 304:

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

16. Page 11, Line 308:

308 ~~{(8)}~~ (9) (a) The legislative body of the county in which the proposed new town is located

17. Page 11, Line 311:

311 Subsection ~~{(7)}~~ (8) within:

18. Page 11, Line 313:

313 ~~{(7)}~~ (8) (b)(i)(B)(II) or ~~{(7)}~~ (8) (b)(ii);

19. Page 11, Line 315:

315 feasibility study, for an election under Subsection ~~{(7)}~~ (8) (b)(i)(B)(I); or

20. Page 11, Lines 317 through 318:

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:

21. Page 11, Line 322:

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

22. Page 11, Line 325:

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

23. Page 11, Line 327:

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

24. Page 11, Line 329:

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

25. Page 12, Line 337:

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

26. Page 12, Line 340:

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

27. 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:

28. Page 13, Line 379:

379     10-2-125 ~~{(8)}~~ (9) .

29. Page 13, Line 392:

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

30. 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.

The motion passed unanimously with Rep. Dunnigan and Rep. Urquhart absent for the vote.

MOTION:     Rep. Hunsaker moved to recommend 4th Sub. H.B. 164 favorably, as amended.

SUBSTITUTE

MOTION:     Rep. Shurtliff moved to amend the bill as follows:

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 9, Lines 255 through 260:*

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

3. *Page 9, Lines 266 through 273:*

266 ~~(ii) If~~ (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),  
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); and  
271 ~~{ (B) (I) (Aa) }~~ (ii) (A) (I) the county legislative body has commissioned a  
financial feasibility study  
272 under Subsection (7)(a); and  
273 ~~{ (Bb) }~~ (II) the results of the financial feasibility ~~[study under Subsection~~  
~~(5)(a)(i) meet the~~

4. *Page 10, Lines 277 through 280:*

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) If~~ (c) (i) If the legislative body of a county ~~{ of the first or second class }~~

5. *Page 11, Lines 312 through 315:*

312 (i) 45 days after the petition is certified, for an election under Subsection  
313 (7)(b) ~~{ (i) }~~ (ii) (B) ~~{ (H) 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)(b) {~~(B)(1)~~} (ii)(A) ; or

The motion passed with Rep. Greenwood voting in opposition, and Rep. Seelig and Rep. Urquhart absent for the vote.

Spoke to the bill: Adam Trupp, Utah Association of Counties  
Jim Haley, citizen  
Steven Clark, citizen  
Carl Fisher, Citizens Committee Representative to Save our Canyons  
Val Draper, Wasatch County Council  
Darla VanZeben, President, Wolf Creek Subdivision #1 Homeowner Association

MOTION: Rep. Shurtliff moved to recommend 4th Sub. H.B. 164 favorably as amended. The vote was unanimous, with Rep. Seelig and Rep. Urquhart absent for the vote.

**3rd Sub. S.B. 25      Municipal Incorporation Amendments (*Sen. D. Stowell*) (Rep. M. Brown)**

Sen. Stowell introduced and explained the bill to the Committee. The Committee asked questions of Robert H. Rees, Office of Legislative Research and General Counsel.

MOTION: Rep. Gibson moved that the Committee move to the next item on the agenda. The motion passed unanimously, with Rep. Seelig and Rep. Urquhart absent for the vote.

**H.B. 422      Political Subdivision Clerk Amendments (*Rep. M. Newbold*)**

Rep. Newbold introduced and explained the bill to the Committee, with the help of Robert Wall, South Jordan City.

MOTION: Rep. Dunnigan moved to adopt 1st Sub. H.B. 422. The motion passed unanimously, with Rep. Gibson, Rep. Seelig, Rep. Shurtliff, and Rep. Urquhart absent for the vote.

MOTION: Rep. Hunsaker moved that the Committee move to the next item on the agenda. The motion passed unanimously, with Rep. Seelig and Rep. Urquhart absent for the vote.

**H.B. 405      Amendments to City or Town Sales and Use Tax to Fund Botanical, Cultural, Recreational, and Zoological Organizations or Facilities (*Rep. S. Sandstrom*)**

Rep. Sandstrom introduced and explained the bill to the Committee, with the help of Greg Stevens, Orem City, and Craig Peterson, Orem City.

Spoke to the bill: Royce Van Tassell, Vice-President, Utah Taxpayers Association

Lincoln Shurtz, Utah League of Cities and Towns

MOTION: Rep. Shurtliff moved to recommend H.B. 405 favorably. The motion passed, with Rep. Dunnigan voting in opposition, and Rep. Seelig and Rep. Urquhart absent for the vote.

**H.B. 418 Physician Education Admissions (Rep. B. Last)**

This bill was returned to the Rules Committee as previously moved.

**H.B. 440 Modifications to Government Law (Rep. L. Fowlke)**

Rep. Fowlke introduced and explained the bill to the Committee, with the help of Steve White, Utah County Commissioner.

MOTION: Rep. Gibson moved to recommend H.B. 440 favorably. The motion passed unanimously, with Rep. Allen, Rep. Seelig and Rep. Urquhart absent for the vote.

MOTION: Rep. Gibson moved to place H.B. 440 on the Consent Calendar. The motion passed unanimously, with Rep. Allen, Rep. Seelig and Rep. Urquhart absent for the vote.

**1st Sub. S.B. 53 Use of Initiative and Referendum for Administrative Land Use and Zoning Matters (Sen. B. Goodfellow) (Rep. K. Garn)**

Sen. Goodfellow introduced and explained the bill to the Committee.

Spoke to the bill: Lincoln Shurtz, Utah League of City and Towns  
Sharon Holmstrom, citizen  
Mike Ostermiller, Utah Realtor Association

MOTION: Rep. Dunnigan moved to recommend 1st Sub. S.B. 53 favorably. The motion passed unanimously, with Rep. Seelig, and Rep. Urquhart absent for the vote.

**1st Sub. S.B. 54 Initiative and Referendum Petition Amendments (Sen. B. Goodfellow) (Rep. K. Garn)**

This bill was not considered.

**2nd Sub. S.B. 20 Municipal Government Amendments (Sen. C. Walker) (Rep. A. Tilton)**

This bill was not considered.



**S.B. 177      Local Government Disposal of Real Property Acquired by Exaction** (*Sen. W. Niederhauser*) (**Rep. M. Morley**)

This bill was not considered.

**MOTION:**      Rep. Hunsaker moved to adjourn the meeting. The motion passed unanimously. Rep. Froerer called the meeting to close at 10:02 a.m.

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Rep. Fred R Hunsaker, Chair