

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

Room C450, State Capitol, Utah State Capitol Complex
Tuesday, February 26, 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. Hunsaker opened the meeting at 4:30 p.m.

MOTION: Rep. Shurtliff moved to approve the minutes of February 25, 2008. The motion passed unanimously, with Rep. Allen, Rep. Gibson, Rep. Urquhart, and Rep. Froerer absent for the vote.

H.B. 447 Government Entity Changes (Rep. K. Holdaway)

Rep. Holdaway introduced and explained the bill to the Committee, with the help of Brent Gardner, Utah Association of Counties. (handouts)

MOTION: Rep. Gibson moved to recommend H.B. 447 favorably. The motion passed unanimously, with Rep. Seelig, Rep. Urquhart, and Rep. Froerer absent for the vote.

3rd Sub. S.B. 20 Municipal Government Amendments (Sen. C. Walker) (Rep. A. Tilton)

Sen. Walker introduced and explained the bill to the Committee, with the help of Gary Crane, attorney representing Utah League of Cities and Towns. (handout)

MOTION: Rep. Gibson moved to amend 3rd Sub. S.B. 20 as follows:

1. Page 20, Line 606:

606 (i) Subsection 10-3b-303(2)(a), for a municipality operating under the
six-member council

2. Page 20, Line 608:

608 (ii) Subsection 10-3b-403(2)(a), for a municipality operating under the
five-member council

3. Page 48, Line 1480:

1480 (ii) for a city or town ~~and~~ the [city] council of the city or town [~~council~~].

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

MOTION: Rep. Shurliff moved to recommend 3rd Sub. S.B. 20 favorably as amended. The motion passed unanimously, with Rep. Dunnigan, Rep. Urquhart, and Rep. Froerer 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.

MOTION: Rep. Gibson moved to adopt 5th Sub. S.B. 25. The motion passed unanimously, with Rep. Dunnigan and Rep. Urquhart absent for the vote.

MOTION: Rep. Froerer moved to amend 5th Sub. S.B. 25 as follows:

1. Page 2, Line 38:

38 ▶ provides that town incorporation petitions filed before { ~~the effective date of this bill~~ } January 1, 2008

2. Page 2, Lines 40 through 41:

40 ▶ allows petition sponsors under certain petitions filed before { ~~the effective date of this~~

~~bill~~ } January 1, 2008 to choose whether to have the initial town officers appointed or elected.

3. Page 10, Line 297:

297 (13) (a) For each petition filed before ~~{ the effective date of this~~
~~section }~~ January 1, 2008 :

4. Page 10, Lines 302 through 303:

(b) Each petition filed on or after January 1, 2008 is subject to and governed by
this section.

302 ~~{ (b) }~~ (c) (i) As used in this Subsection (13) ~~{ (b) }~~ (c) , "specified
petition" means a petition

303 proposing the incorporation of a town filed before ~~{ the effective date of this~~
~~section }~~ January 1, 2008 that is a

5. Page 11, Line 310:

310 (B) (I) The petition sponsors shall make a choice under Subsection
(3) ~~{ (b) }~~ (c) (ii)(A) by

6. Page 11, Line 317:

317 (13) ~~{ (b) }~~ (c) (ii)(B)(I).

7. Page 13, Line 395 through Page 14, Line 400:

395 the date of veto override.

396 ~~{ Section 6. Revisor instructions:~~

397 ~~It is the intent of the Legislature that the Office of Legislative Research and General~~
398 ~~Counsel, in preparing the Utah Code database for publication, replace the phrase "the~~
~~effective~~

399 ~~date of this section" in Subsection 10-2-125(13) of this bill with the actual effective date~~
~~of this~~

400 ~~bill. }~~

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

Spoke to the bill: Mike Mower, State Planning Coordinator

MOTION: Rep. Shurtliff moved to recommend 5th Sub. S.B. 25 favorably, as amended. The

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

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

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

MOTION: Rep. Gibson moved to amend S.B. 177 as follows:

1. *Page 1, Lines 14 through 17*
Senate Committee Amendments
2-5-2008:

14 ▶ extends from five years to { ~~5~~ → [15] 25 ← ~~5~~ } 15 years the period of time
 that a county or
14a municipality
15 may own surplus real property acquired by exaction in order for the county or
16 municipality to be subject to a requirement that the county or municipality offer to
17 reconvey the property to the original owner.

2. *Page 2, Lines 36 through 39*
Senate Committee Amendments
2-5-2008:

36 (2) (a) If a municipality plans to dispose of surplus real property that was acquired
37 under this section and has been owned by the municipality for less than [five] { ~~5~~ → [15]
 25 ← ~~5~~ } 15 years,
37a the
38 municipality shall first offer to reconvey the property, without receiving additional
39 consideration, to the person who granted the property to the municipality.

3. *Page 2, Lines 54 through 57*
Senate Committee Amendments
2-5-2008:

54 (2) (a) If a county plans to dispose of surplus real property under Section 17-50-312
55 that was acquired under this section and has been owned by the county for less than [five]
 { ~~5~~ → [15]
55a 25 ← ~~5~~ } 15

56 years, the county shall first offer to reconvey the property, without receiving additional
57 consideration, to the person who granted the property to the county.

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

Spoke to the bill: Lincoln Shurtz, Utah League of Cities and Towns

MOTION: Rep. Gibson moved to recommend S.B. 177 favorably as amended. The motion passed unanimously, with Rep. Dunnigan and Rep. Urquhart absent for the vote.

MOTION: Rep. Seelig moved to adjourn the meeting. Rep. Hunsaker called the meeting to a close at 5:40 p.m.

Rep. Fred R Hunsaker, Chair