

**MINUTES OF THE
HOUSE POLITICAL SUBDIVISIONS
STANDING COMMITTEE
Room 450 Utah State Capitol
Monday, February 23, 2009**

MEMBERS PRESENT: Rep. Fred R Hunsaker, Chair
 Rep. R. Curt Webb, Vice Chair
 Rep. Laura Black
 Rep. Rebecca Chavez-Houck
 Rep. Jack R. Draxler
 Rep. James A. Dunnigan
 Rep. Becky Edwards
 Rep. Janice M. Fisher
 Rep. Kerry W. Gibson
 Rep. Richard Greenwood
 Rep. Curtis Oda
 Rep. Marie H. Poulson

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 8:35 a.m.

MOTION: Rep. Black moved to approve the minutes of February 19, 2009. The motion passed unanimously, with Rep. Dunnigan, Rep. Edwards, Rep. Greenwood, Rep. Oda, and Rep. Webb absent for the vote.

H.B. 439 Amendments to City or Town Sales and Use Tax for Botanical, Cultural, Recreational, and Zoological Organizations or Facilities (*Rep. K. Holdaway*)

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

Spoke to the bill: Lincoln Shurtz, Utah League of Cities and Towns.
 Brent Gardner, Utah Association of Counties
 John Hiskey, Sandy City
 Brian Allen, Cottonwood Heights City

MOTION: Rep. Fisher moved to amend H.B. 439 as follows:

1. Page 1, Line 25 through Page 2, Line 29:

25 { → ~~repeals requirements that before a city or town may impose the tax the city or town:~~

26 ~~provide certain written information to the county in which the city or~~
town is
27 located; and
28 ~~receive a written statement or written resolution from the county in which~~
the
29 ~~city or town is located; }~~

2. Page 2, Line 52:

52 (1) (a) (i) **{+}** Subject to Subsection (6), **{+}** [beginning on January 1, 2003,
a] A city or town

3. Page 3, Lines 76 through 77:

76 outlined in Title 11, Chapter 14, Local Government Bonding Act **{+}** , except as provided
in
77 Subsection (6) **{+}** .

4. Page 6, Line 162 through Page 8, Line 214:

162 **{+}** (6) (a) Before a city or town legislative body submits an opinion question
to the
163 residents of the city or town under Subsection (1)(a)(i), the city or town legislative body
shall:]
164 [(i) submit to the county legislative body in which the city or town is located a
written
165 notice of the intent to submit the opinion question to the residents of the city or town;
and]
166 [(ii) receive from the county legislative body:]
167 [(A) a written resolution passed by the county legislative body stating that the
county
168 legislative body is not seeking to impose a tax under Part 7, County Option Funding for
169 Botanical, Cultural, Recreational, and Zoological Organizations or Facilities; or]
170 [(B) a written statement that in accordance with Subsection (6)(b) the results of a
171 county opinion question submitted to the residents of the county under Part 7, County
Option
172 Funding for Botanical, Cultural, Recreational, and Zoological Organizations or
Facilities,

173 permit the city or town legislative body to submit the opinion question to the residents
of the
174 city or town in accordance with this part.]
175 [(b) (i) Within 60 days after the day the county legislative body receives from a city
or
176 town legislative body described in Subsection (6)(a) the notice of the intent to submit an
177 opinion question to the residents of the city or town, the county legislative body shall
provide
178 the city or town legislative body:]
179 [(A) the written resolution described in Subsection (6)(a)(ii)(A); or]
180 [(B) written notice that the county legislative body will submit an opinion question
to
181 the residents of the county under Part 7, County Option Funding for Botanical,
Cultural,
182 Recreational, and Zoological Organizations or Facilities, for the county to impose a tax
under
183 that part.]
184 [(ii) If the county legislative body provides the city or town legislative body the
written
185 notice that the county legislative body will submit an opinion question as provided in
186 Subsection (6)(b)(i)(B), the county legislative body shall submit the opinion question by
no
187 later than, from the date the county legislative body sends the written notice, the later
of:]
188 [(A) a 12-month period;]
189 [(B) the next regular primary election; or]
190 [(C) the next regular general election.]
191 [(iii) Within 30 days of the date of the canvass of the election at which the opinion
192 question under Subsection (6)(b)(ii) is voted on, the county legislative body shall provide
the
193 city or town legislative body described in Subsection (6)(a) written results of the opinion
194 question submitted by the county legislative body under Part 7, County Option Funding
for
195 Botanical, Cultural, Recreational, and Zoological Organizations or Facilities, indicating
that:]

196 **[(A) (I) the city or town legislative body may not impose a tax under this part**
because a
197 **majority of the county's registered voters voted in favor of the county imposing the tax**
and the
198 **county legislative body by a majority vote approved the imposition of the tax; or]**
199 **[(II) for at least 12 months from the date the written results are submitted to the**
city or
200 **town legislative body, the city or town legislative body may not submit to the county**
legislative
201 **body a written notice of the intent to submit an opinion question under this part because**
a
202 **majority of the county's registered voters voted against the county imposing the tax and**
the
203 **majority of the registered voters who are residents of the city or town described in**
Subsection
204 **(6)(a) voted against the imposition of the county tax; or]**
205 **[(B) the city or town legislative body may submit the opinion question to the**
residents
206 **of the city or town in accordance with this part because although a majority of the**
county's
207 **registered voters voted against the county imposing the tax, the majority of the**
registered voters
208 **who are residents of the city or town voted for the imposition of the county tax.]**
209 **[(c) Notwithstanding Subsection (6)(b), at any time a county legislative body may**
210 **provide a city or town legislative body described in Subsection (6)(a) a written resolution**
211 **passed by the county legislative body stating that the county legislative body is not**
seeking to
212 **impose a tax under Part 7, County Option Funding for Botanical, Cultural,**
Recreational, and
213 **Zoological Organizations or Facilities, which permits the city or town legislative body**
to
214 **submit under Subsection (1)(a)(i) an opinion question to the city's or town's**
residents. {+}

The motion passed unanimously, with Rep. Oda absent for the vote.

MOTION: Rep. Fisher moved to recommend H.B. 439 favorably as amended. The motion passed with Rep. Dunnigan, Rep. Greenwood, and Rep. Webb voting in opposition and Rep. Oda absent for the vote.

H.B. 413 County Authority Amendments (*Rep. R. Menlove*)

Rep. Menlove introduced and explained the bill to the Committee, with the help of Brian Shaffer, Box Elder County Commissioner, and Todd Bingham, Utah Farm Bureau.

MOTION: Rep. Gibson moved to hold H.B. 413 until the next meeting. The motion passed, with Rep. Chavez-Houck and Rep. Draxler voting in opposition.

1st Sub. S.B. 135 Local District Taxing Authority (*Sen. C. Bramble*) (Rep. J. Dougall**)**

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

Spoke to the bill: LeGrand Bitter, Utah Association of Special Districts

MOTION: Rep. Dunnigan moved to recommend 1st Substitute S.B. 135 favorably. The motion passed unanimously, with Rep. Fisher and Rep. Gibson absent for the vote.

MOTION: Rep. Dunnigan moved to place 1st Substitute S.B. 135 on the Consent Calendar. The motion passed unanimously, with Rep. Fisher and Rep. Gibson absent for the vote.

MOTION: Rep. Webb moved to adjourn the meeting. The motion passed unanimously, with Rep. Fisher, and Rep. Gibson absent for the vote.

Rep. Hunsaker adjourned the meeting at 9:56 a.m.

Rep. Fred R Hunsaker, Chair