

1st Sub. H.B. 88

LOCAL DISTRICT BOARD OF TRUSTEES AMENDMENTS

HOUSE FLOOR AMENDMENTS

AMENDMENT 1

FEBRUARY 11, 2009 9:03 AM

Representative **Brad L. Dee** proposes the following amendments:

1. *Page 1, Line 16:*

16 within the boundary of their respective appointing municipality {~~.~~} ; **and**
▶ provides a process for the appointment of board of trustees members of a newly created local district to serve temporarily until regular members are elected.

2. *Page 1, Lines 22 through 23:*

22 AMENDS:
= **17B-1-208, as renumbered and amended by Laws of Utah 2007, Chapter 329**
23 17B-2a-704, as enacted by Laws of Utah 2007, Chapter 329
ENACTS:
17B-1-306.1, Utah Code Annotated 1953

3. *Page 1, Line 25:*

25 *Be it enacted by the Legislature of the state of Utah:*
= **Section 1. Section 17B-1-208 is amended to read:**
17B-1-208. Additional petition requirements and limitations.
(1) Each petition shall:
(a) be filed with the responsible clerk;
(b) separately group signatures by county and municipality, so that all signatures of the owners of real property located within or of registered voters residing within each county whose unincorporated area includes and each municipality whose boundaries include part of the proposed local district are grouped separately;
{~~and~~}
(c) state the number of members that the board of trustees of the proposed local district will have, consistent with the requirements of Subsection 17B-1-302(2) {~~.~~} ; **and**
(d) designate a person or body to appoint temporary members, as defined in Section 17B-1-306.1, to serve on the board of trustees as provided in that section, if:
(i) it is expected that there will be a membership gas, as defined in Section 17B-1-306.1, in the board of trustees of the local district after its creation; and
(ii) petitioners wish to designate a person or body to appoint temporary members.
(2) (a) A petition may not propose the creation of a local district that includes an area located within the unincorporated part of a county or within a municipality if the legislative body of that county or municipality has adopted a resolution under Subsection 17B-1-212(1) indicating that the county or municipality will provide

to that area the service proposed to be provided by the proposed local district.

(b) Subsection (2)(a) does not apply if the county or municipal legislative body is considered to have declined to provide the requested service under Subsection 17B-1-212(3).

(c) Subsection (2)(a) may not be construed to prevent the filing of a petition that proposes the creation of a local district whose area excludes that part of the unincorporated area of a county or that part of a municipality to which the county or municipality has indicated, in a resolution adopted under Section 17B-1-212, it will provide the requested service.

(3) A petition may not propose the creation of a local district whose area includes:

(a) some or all of an area described in a previously filed petition that, subject to Subsection 17B-1-202(4)(b):

(i) proposes the creation of a local district to provide the same service as proposed by the later filed petition; and

(ii) is still pending at the time the later petition is filed; or

(b) some or all of an area within a political subdivision that provides in that area the same service proposed to be provided by the proposed local district.

(4) A petition may not be filed more than 12 months after a county or municipal legislative body declines to provide the requested service under Subsection 17B-1-212(1) or is considered to have declined to provide the requested service under Subsection 17B-1-212(2) or (3).

4. Page , Line 56:

56 the applicable appointing authority as provided in Section 17B-1-304.

= **Section 3. Section 17B-1-306.1 is enacted to read:**

17B-1-306.1. Appointment of temporary board of trustees members to serve until regular members elected.

(1) As used in this section:

(a) "Elected board" means a board of trustees some or all of whose members are elected.

(b) "Membership gap" means the period of time between the effective date, under Section 17B-1-215, of a local district's creation and the date when elected members of the initial board of trustees are to take office.

(c) "Temporary member" means a board of trustees member who is appointed to serve temporarily as a member of the local district's board of trustees during a membership gap.

(2) A temporary member may be appointed to a local district board of trustees, to serve during a membership gap of over 90 days in length:

(a) by the person or body designated in a petition under Subsection 17B-1-203(1)(a) or (b), if:

(i) the local district was created under a process that was initiated by the filing of a petition; and

(ii) the petition designates a person or body to make the appointment;

(b) collectively by all the legislative bodies that adopted resolutions under Subsection 17B-1-203(1)(c) proposing the creation of the local district, if the local district was created under a process that was initiated by the adoption of one or more resolutions under Subsection 17B-1-203(1)(c);

or

(c) by the local district board of trustees that adopted a resolution under Subsection 17B-1-203(1)(d) proposing the creation of the local district, if the local district with the membership gap was created under a process that was initiated by the adoption of a resolution under Subsection 17B-1-203(1)(d).

Renumber remaining sections accordingly.