

**1st Sub. H.B. 216**  
**INCORPORATION OF A TOWN AMENDMENTS**

HOUSE FLOOR AMENDMENTS

AMENDMENT 5

JANUARY 29, 2010 11:42 AM

Representative **Gage Froerer** proposes the following amendments:

1. *Page 1, Lines 12 through 13*

*House Committee Amendments*

*1-26-2010:*

12            {→ ~~requires that a county legislative body commission a financial feasibility study after~~  
13 ~~a petition to incorporate is certified;~~}

2. *Page 7, Lines 192 through 198*

*House Committee Amendments*

*1-26-2010:*

192            (8) (a) (i) The legislative body of a county with which a petition is filed under  
193 Subsection (4) {+} may, at its option and {+} {~~shall;~~} upon the petition being certified under  
Subsection

194 (6), commission and pay for a financial feasibility study.

195            (ii) {+} If the {+} {~~A~~} county legislative body {+} chooses to commission {+} {~~-~~  
that commissions}

196 financial feasibility study {+} , the county legislative body {+} {~~described in Subsection~~  
(8)(a)(i)} shall:

197            (A) within 20 days after the incorporation petition is certified, select and engage a

198 feasibility consultant; and

3. *Page 7, Line 202*

*House Committee Amendments*

*1-26-2010:*

202            (b) {~~The~~} If the county legislative body has commissioned a financial feasibility study under  
Subsection (8)(a)(i), the county legislative body shall approve a petition proposing the incorporation of

4. *Page 7, Line 210*

*House Committee Amendments*

*1-26-2010:*

210 than ~~10%~~ {~~25%~~} 15% {+} ; or {+}

5. Page 7, Lines 210a through 210d

House Committee Amendments

1-26-2010:

210a (B) the results of the financial feasibility study  
210b described in Subsection (8)(a)(i) show that the average annual amount of costs described in  
210c Subsection (1)(b)(ii) does not exceed the average annual amount of revenues described in  
210d Subsection (1)(b)(i) by more than {25%} 15% ←H .

6. Page 8, Lines 216 through 218a

House Committee Amendments

1-26-2010:

216 H→ [F] exceeds [F] ~~does not exceed~~ ←H the average annual amount of costs described in  
216a Subsection  
217 (1)(b)(ii) by more than H→ [10%] {25%} 15% ←H , the county legislative body  
{+} may {+} {shall} :  
218 (A) deny the petition, ~~subject to~~ in accordance with Subsection (8)(c) H→ [(ii) (iii)] [F] ,  
218a if the

7. Page 8, Lines 219 through 224

House Committee Amendments

1-26-2010:

219 results of the financial feasibility study show that the average annual amount of revenues  
220 described in Subsection (1)(b)(i) exceeds the average annual amount of costs described in  
221 Subsection (1)(b)(ii) by more than {25%} 15% [or more] [F] ←H ; or  
222 ~~[(B) approve the petition and hold an election for town officers, as provided in~~  
223 ~~Subsection (9); or]~~  
224 ~~[(C) (B) (I) with the consent of the petition sponsors:~~

8. Page 8, Lines 226 through 228

House Committee Amendments

1-26-2010:

226 ~~feasibility study] prevent the average annual amount of~~ H→ ~~[costs] revenues~~ ←H described in  
226a Subsection (1)(b) H→ [(ii) (i) ←H  
227 from exceeding the average annual amount of H→ ~~[revenues] costs~~ ←H described in Subsection  
227a (1)(b) H→ [(ii) (ii) ←H by  
228 more than H→ [10] {25} 15 ←H %; or

9. Page 8, Lines 231 through 232a

*House Committee Amendments*

1-26-2010:

231 described in Subsection (1)(b) ~~H~~→ [f] (i) [f] [~~(ii)~~] ~~H~~ ← from exceeding the average annual  
231a amount of ~~H~~→ [f] costs [f]  
232 [~~revenues~~] ~~H~~ ← described in Subsection (1)(b) ~~H~~→ [f] (ii) [f] [~~(i) by more than 10%~~] by  
232a more than {~~25%~~} 15% ~~H~~ ← ; and

10. Page 8, Line 234a through Page 8a, Line 234o

*House Committee Amendments*

1-26-2010:

234a ~~H~~→ (ii) If the results of the financial feasibility study described in Subsection (8)(a)(i) show  
234b that the average annual amount of costs described in Subsection (1)(b)(ii) exceeds the average  
234c annual amount of revenues described in Subsection (1)(b)(i) by more than {~~25%~~} 15% , the county  
234d legislative body shall:  
234e (A) approve the petition {~~(A)~~} (B) deny the petition in accordance  
with Subsection (8)(c)(iii); or  
234f {~~(B)~~} (C) (I) with the consent of the petition sponsors {~~(A)~~} :  
234g (Aa) impose conditions to prevent the average annual amount of costs  
234h described in Subsection (1)(b)(ii) from exceeding the average annual amount of revenues  
234i described in Subsection (1)(b)(i) by more than {~~25%~~} 15% ; or  
234j (Bb) alter the boundaries of the area proposed to be incorporated as a  
234k town to approximate the boundaries necessary to prevent the average annual amount of costs  
234l described in Subsection (1)(b)(ii) from exceeding the average annual amount of revenues  
234m described in Subsection (1)(b)(i) by more than {~~25%~~} 15% ; and  
234n (II) approve the incorporation petition and hold an election for town officers, as  
234o provided in Subsection (9)

11. Page 8a, Line 235a

*House Committee Amendments*

1-26-2010:

235a (8)(c)(i)(A) ~~H~~→ or (8)(c)(ii) {~~(A)~~} (B) ~~H~~ ←

12. Page 8a, Line 239a

*House Committee Amendments*

1-26-2010:

239a (8)(c)(ii) {~~(B)(I)(Aa)~~} (C)(I)(Aa) ~~H~~ ← shall comply